

ORDINANCE NO. C-17-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO REFLECT UPDATES TO THE ADMINISTRATIVE STRUCTURE OF THE GOVERNMENT OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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WHEREAS, the administrative structure of the government of the City of Fort Lauderdale has been updated,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Subsection 2-42(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Definitions.* In this section the word "official" includes the mayor and every city commissioner, officer, agent, or employee of the city, whether elected, appointed, or employed, with or without compensation and also includes trustees, plan administrators and employees of the city's retirement systems. The word "official" shall also include any individual who, pursuant to hiring or promotional procedures of the city, participates in oral examinations of persons seeking employment or promotion, and it shall not be necessary that such individuals so participating be appointed by the city commission or by the city manager, appointment by the ~~personnel manager~~ director of human resources of the city or by his designated assistant being sufficient to constitute any individual so appointed as an "official" under this section, regardless of whether such individual is an officer, agent or employee of any other city, governmental agency or entity.

SECTION 2. Section 2-81 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

There shall be a city clerk who shall be in the nonclassified service and appointed by the city commission ~~in accordance with civil service rules and regulations.~~

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SECTION 3. Section 2-82 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

**Sec. 2-82. - ~~Deputy~~Assistant city clerk.**

An assistant city clerk ~~or deputy clerk~~ may from time to time be appointed, ~~under the rules and regulations of the civil service department~~ and when serving as such shall have the same powers and authority as the city clerk and shall perform his duties under the supervision of the city clerk.

SECTION 4. Division 3 of Article IV of Chapter 2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is repealed as follows:

~~The community and economic development department is hereby established.~~

SECTION 5. Division 4 of Article IV of Chapter 2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

**DIVISION 4. - OFFICE OF PROFESSIONAL STANDARDS DIVISION**

**Sec. 2-129. - ~~Department~~Division established; duties, generally.**

- (a) The ~~office of professional standards~~ division is hereby established as a ~~new department~~ division of the city manager's office.
- (b) The duties of the ~~office of professional standards~~ division shall include the following:
  - (1) Investigate complaints formerly handled by the office of equal opportunity, which shall include complaints alleging violations of law based on race, gender, or other legally protected characteristics.
  - (2) The investigation and resolution of complaints by employees of unfair or unjust treatment.
  - (3) Create and implement a city-wide code of professional conduct.

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- (4) Review violations of city policy or standards of professional conduct.
- (5) Serve as the central intake point for employee complaints that have not been successfully resolved at lower levels, and determine the appropriate referral for the handling of such complaints. Union-related complaints shall be referred to the employee relations office, while complaints of overlapping jurisdiction shall be handled as agreed by the ~~director of the office of professional standards manager~~, the director of the employee relations office and the city attorney's office.
- (6) Serve as a resource for city supervisors seeking assistance in effectively handling employment matters, including conflict resolution, with the goal of resolving problems as early as possible.
- (7) Offer specialized in-service training as part of the training team coordinated by the organizational training and development manager.
- (8) Handle public record requests associated with employee complaints reviewed by the department.
- (9) Serve as an additional resource for the employee relations office as needed.

**Sec. 2-130. - Duties of the ~~department director~~professional standards manager.**

The ~~director of the office of professional standards~~ manager shall oversee and help carry out the ~~department's~~ division's stated duties. The ~~director~~ professional standards manager shall also supervise the department's employees, ensure the completeness and integrity of the internal investigative process, refer union-related complaints to the employee relations office, and coordinate and respond to all employee concerns that involve departures from professional standards of conduct. The ~~director~~ professional standards manager shall report directly to the city manager and regularly communicate with the city manager on all matters of city concern.

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**Secs. 2-131—2-145. - Reserved.**

SECTION 6. Article VI of Chapter 2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is repealed as follows:

~~The economic development department is hereby established.~~

SECTION 7. The definition of *Emergency alarm system*, contained in Section 4-1 of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended as follows:

*Emergency alarm system* means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire, illegal entry, medical emergency or other activity requiring urgent attention and to which the fire-rescue department or police department is expected to respond, but does not include audible alarms installed in motorized conveyances or city-installed or city-owned emergency alarm systems.

SECTION 8. Subsection 4-2(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Registration procedures; alarm certificate.* Registration forms will be available from the police department and the fire-rescue ~~and building~~ department. The registration form shall require the applicant to provide the following information which includes, but is not limited to:

- (1) The name, address and telephone number of the applicant's property being serviced by the alarm.
- (2) The name, address and telephone number of the applicant, if different from the property being serviced.
- (3) The name, address, and telephone number of the property owner if different from the applicant or alarm user.
- (4) The name, address and telephone number of the alarm user, if different than the applicant. In the event that the applicant or alarm user is a corporation, the president of the corporation shall be listed.

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- (5) The type of alarm (i.e., fire, burglary, medical, etc.).
- (6) The name, address and telephone number of the alarm business maintaining or monitoring the alarm, if any.
- (7) The names, addresses and telephone numbers of no less than two (2) persons or entities (or any combination thereof) which may be contacted by the city in the event of an alarm. Such persons or representatives of such entities shall have access to the premises, the ability to reset the alarm, and shall be generally available to respond, if needed, within thirty (30) minutes of being contacted by the city.

The alarm user shall be issued a certificate upon registration of the alarm.

SECTION 9. Section 4-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to provide as follows:

All companies that monitor alarms installed upon properties within the boundaries of the city shall be required to register with the city. The initial registration fee shall be one hundred dollars (\$100.00). The annual registration renewal fee thereafter shall be one hundred dollars (\$100.00). The registration form shall be available both at the police and fire-rescue ~~and building~~ departments and shall contain the following but is not limited to:

- (1) The name, address and telephone number of the alarm monitoring company.
- (2) The corporate officers or owners of the alarm monitoring company and their title or relationship to the company.
- (3) The type(s) of alarm system(s) it monitors.
- (4) The system or process to be used by the company to verify that alarm activations are legitimate and not set off by the alarm system user, owner, or their agent.

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Upon registration each alarm monitoring company shall be supplied by the city with a direct dial telephone number to use to report alarm activations to the city's police department.

On or before April 1, 2004, each alarm monitoring company shall provide to the City of Fort Lauderdale Police Department, in an electronic form compatible with the police department's information technology equipment, the alarm monitoring company's database of current customer information for monitored premises located within the geographic bounds of the City of Fort Lauderdale. An alarm monitoring company registering for the first time with the City of Fort Lauderdale shall provide such information to the City of Fort Lauderdale Police Department within ninety (90) days following its initial registration with the City of Fort Lauderdale. Between July 1 and July 15, 2004, and twice annually thereafter, between January 2 and January 15 and between July 1 and July 15 of each year, each alarm monitoring company shall provide to the City of Fort Lauderdale Police Department, in an electronic form compatible with the police department's information technology equipment, the alarm monitoring company's database of current customer information for monitored premises located within the geographic bounds of the City of Fort Lauderdale.

All alarm monitoring companies shall be registered annually with the city. The registration shall be effective from January 1 to December 31 of each year.

When any information supplied in any alarm registration changes, the alarm monitoring company shall be responsible for informing the city of such changes within thirty (30) days of the change.

Pursuant to F.S. § 281.301, registration documents and customer information shall be exempt from public disclosure.

SECTION 10. Section 4-5 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Neither the police department nor the fire-rescue-and-building department, nor the city, shall be under any obligation or duty to an alarm user, or to any other person by reason of this chapter. The city specifically disclaims liability for any damages which may be caused by the failure of the city to respond to an

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emergency or any damage caused by a reasonable response to an emergency alarm.

SECTION 11. Section 4-7 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city shall notify alarm users of each alarm response, as well as the property owner where an alarm system is installed if different than the alarm user, which exceed two (2) alarms to which either the police or fire-rescue ~~and building~~ department responded in any twelve-month period. Notice from the city to any alarm user shall be deemed to have been given on the date such notice is deposited in the U.S. mail, first class postage, prepaid, addressed to the address where the city responded.

SECTION 12. Subsection 4-8(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

It is unlawful, and a violation of this chapter, when any of the following has occurred:

- (1) If any person intentionally activates any alarm system for the purpose of summoning the police department or fire-rescue ~~and building~~ department, except for what is reasonably believed to be a robbery, burglary, or other forcible crime on the premises, a fire on the premises, or a medical or other emergency on the premises.
- (2) If any person sells, leases, rents, installs, uses or causes to be installed or used, any telephone device, telephone attachment emergency alarm or other device which automatically transmits or causes to be transmitted a prerecorded or programmed message to report any fire, criminal or medical emergency directly to the police department or fire-rescue ~~and building~~ department.
- (3) If any alarm company performing monitoring services fails to make efforts to verify as legitimate every alarm signal, except a duress, holdup or fire alarm, before requesting a police response to an alarm signal.

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- (4) If an activated emergency alarm has not been silenced by the user or his agent within one (1) hour, if the alarm sounds continuously, or if the alarm sounds intermittently for more than thirty (30) minutes from the time a member of the police or fire-rescue-and-building department has inspected the premises.
- (5) Every audible alarm system, except fire alarm systems, shall have a device to automatically terminate the audible signal within fifteen (15) minutes of activation.
- (6) If any person operates an alarm system without registering it and obtaining a certificate from the city.
- (7) If any alarm monitoring company fails to provide to the City of Fort Lauderdale Police Department customer information as required by section 4-3 of this chapter.

SECTION 13. Subsection 4-9(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (1) When the city's fire-rescue department responds to an alarm at the same premises in excess of one (1) time within any twelve-month period, a residential alarm user shall pay a service fee of two hundred twenty-five dollars (\$225.00) for the second and subsequent alarm responses.
- (2) When the city's fire-rescue department responds to an alarm at the same premises in excess of one (1) time within any twelve-month period, a non-residential alarm user shall pay a service fee of four hundred thirteen dollars (\$413.00) for the second and subsequent alarm responses.

SECTION 14. Subsection 5-3(d)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The individual or organization has submitted a written request to the city parks and recreation department a minimum of sixty (60) days prior to the beginning of the event. The request must contain a detailed description of the special event proposed to be conducted, including all elements set forth in (d)(4) below. The parks and recreation department will coordinate review of the request by the

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police, ~~fire-rescue~~, public works and sustainable development departments and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request if it is determined to be inconsistent with the public interest or have an adverse effect upon public safety, health or welfare.

SECTION 15. Subsection 5-3(d)(3)d. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Provisions for sanitary facilities and for safety inspections as determined to be necessary by the ~~fire-rescue~~ and ~~building and zoning~~sustainable development departments.

SECTION 16. Section 6-50 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The provisions of section 6-49 of this division shall not apply to any structure for which the City of Fort Lauderdale ~~Building~~Sustainable Development Department has issued a building permit prior to the effective date of this division. Said structures shall be governed by the provisions of section 6-51 of this division.

SECTION 17. Subsection 8-91(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Prior to the commencement of any construction activities, a permit for the erection of docks, slips, boat davits, hoists, mooring piles or similar boat mooring structures shall be obtained from the ~~buildings~~sustainable development department, and if constructed on or in navigable waters, the approval of all governmental authorities regulating the erection of such mooring structure shall be secured. Further, before a permit is issued to any person to construct such mooring structure, the person shall certify that he either owns the land abutting the water upon which the mooring structure will be constructed or produce written consent of the owner, be it a private person or a governmental agency, to construct such mooring structure in the particular waterway.

SECTION 18. Subsection 8-91(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Inspection of all mooring structures, private, municipal and commercial, under the jurisdiction of the city, is the responsibility of the sustainable development director ~~of building~~. In the event any mooring structure shall be found in an unsafe or unsatisfactory condition, the owner shall be notified in writing that he has a period of thirty (30) days to correct the condition.

SECTION 19. Subsection 8-91(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Any portion of a mooring device that is capable of being submerged under a waterway must have a guide pole attached to the end of such device that extends over the waterway. The guide pole shall be a pole no less than one and one-half (1½) inches in diameter and permanently attached to such device. The guide pole shall be vertical and extend at least six (6) feet above the surface of the water at all times and shall display a reflective color over the exposed surface. An alternative to a guide pole may be permitted if it displays a permanently affixed reflective color, and the city's manager of marine facilities director determines that alternate device affords the same or greater level of safety and aid to navigation as the guide pole.

SECTION 20. Subsection 8-144(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

All improvements such as docks, seawalls and the like which are made or placed upon such public property by a private person shall be constructed and all maintenance and repairs shall be performed according to city engineering ~~department~~division standards and in compliance with building permits obtained from the ~~building and zoning~~sustainable development department.

SECTION 21. Subsection 8-146(b)(6)b. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

One (1) side of the floating business must be within thirty (30) feet of an approved driveable surface, thereby providing access for fire-rescue department equipment.

SECTION 22. Subsection 8-174(11)a. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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All fuel containers shall be placed in city fire-rescue department approved containment vessels located above the high water mark to protect the beach environment from fuel spillage. A maximum of twenty-five (25) gallons of fuel may be stored at any one time per concession.

SECTION 23. Section 9-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The construction and use of on-site incinerators at medical treatment facilities shall be permitted upon proper application to the ~~building and zoning~~sustainable development department only if the design and operation of such incinerators meets or exceeds the requirements set forth in chapter 17-2, "Rules of the Department of Environmental Regulation," Florida Administrative Code, and chapter 27, "Pollution Control," of the Broward County Code.

SECTION 24. Subsection 9-28(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The building official, as defined in the Florida Building Code, may require proof that the applicant is the owner of the property upon or in which construction or installation is to take place and nothing in this section is to be construed to invalidate the requirement for applying for and obtaining permits, paying fees, calling for required inspections and complying with all plans, specifications, codes, laws and regulations applicable. The owner must sign the permit application and the owner-builder affidavit form at the ~~building~~sustainable development department and it must be notarized by a ~~building~~sustainable development department notary.

SECTION 25. Subsection 9-46(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Request for refund or credit.* Any person who has paid a fee for a building permit or for an expedited plan review who seeks a refund or credit thereof against such fees to be paid in the future shall submit a written request thereof to the ~~building~~sustainable development department director within the time prescribed by law and in accordance with this section 9-46.

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SECTION 26. Subsection 9-46(c)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

With respect to any request filed hereunder, the ~~buildings~~sustainable development department director shall consult with the city attorney.

SECTION 27. Subsection 9-46(c)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Upon receipt of a request as completed above, the ~~buildings~~sustainable development department director shall ascertain whether the city collected the fee or fees being contested from the party contesting the fee and whether the request for refund or credit has been timely filed.

SECTION 28. Subsection 9-46(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Consideration of request.* Within forty-five (45) days following receipt of a completed request, the ~~buildings~~sustainable development department director, in consultation with the city attorney, shall determine whether all or a portion of the contested fee was excessive, the result of material error on the city's behalf, the result of material error on the part of the person contesting the fee, or the fee was not due the city, in whole or in part and whether the person contesting the fee has a valid claim for refund or credit of the contested fee.

SECTION 29. The first paragraph of Subsection 9-46(e) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Final order; payment of refund or credit.* Upon consideration of the completed request, the ~~buildings~~sustainable development department director shall enter a final order either granting the requested refund or credit, in whole or in part, or denying the requested refund or credit within forty-five (45) days of receipt of the completed request. The final order shall recite all grounds upon which the request for refund or credit is based.

SECTION 30. Subsection 9-46(e)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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In the event the final order grants a credit of the fees against future fees, the director of the ~~buildings~~sustainable development department shall administer the credit against future fees owed by the person.

SECTION 31. Subsection 9-47(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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

SECTION 32. Subsection 9-48(3)(i) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Technology fees. All permits shall be accompanied by payment of a technology fee of five (5) percent of the permit fee. All fees collected pursuant hereto shall be set aside to offset the cost of computer system purchases or technology expenditures within the ~~buildings~~sustainable development department.

SECTION 33. Subsection 9-89(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The sustainable development director ~~of building~~ shall serve as secretary of the contractors' examining and mediation board and shall have no vote. The sustainable development director ~~of building~~ shall be permitted to designate a staff member to serve in his stead.

SECTION 34. Subsection 9-90(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

All examinations and minutes of board meetings shall be public records except those portions which are of a confidential nature, such as credit reports, financial statements, and communications received by the board in respect to the applicants' qualifications. All minutes and records shall be kept in the office of the ~~building and zoning~~sustainable development department.

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SECTION 35. Section 9-91 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

For the purposes of administering this chapter, the contractors' examining and mediation board may call on the ~~building and zoning~~sustainable development department to furnish such employees as may be necessary to carry on or assist the board in performing its duties.

SECTION 36. Subsection 9-93(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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

SECTION 37. Subsection 9-107(b)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Any person required or desiring to be qualified as a contractor or superintendent shall make application on a form prescribed by the contractors' examining and mediation board at the office of the secretary of such board in the ~~building and zoning~~sustainable development department. The application shall be retained by the board, together with all supporting papers.

SECTION 38. Subsection 9-108(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Any person required or desiring to be qualified as a master or journeyman shall make an application on a form prescribed by the contractors' examining and mediation board at the office of the ~~building and zoning~~sustainable development department. The application shall be retained by the board, together with all supporting papers.

SECTION 39. Section 9-152 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Every applicant desiring to move a house within or into the city shall first file a sworn application with the ~~building and zoning~~sustainable development department showing, containing, or being accompanied by the following:

- (1) *Present location.* The present location of the building to be moved, specifying the street number and the legal description of the premises.
- (2) *Affidavit.* An affidavit of the owner of the land upon which located showing:
  - a. That he is the owner or one (1) of the owners of the fee title to the premises. If he is not the sole owner, then all other owners shall give their consent in writing, acknowledged before a notary public, and such written consent shall be submitted.
  - b. That there are no outstanding taxes, liens, mortgages, leases, or other encumbrances outstanding against the property, except as specified in the affidavit.
- (3) *Pictures.* Two (2) pictures (front and rear) of the building intended to be moved shall be furnished.
- (4) *Future location.* The specific location to which the building will be moved, showing lot and block number of subdivision and street address.
- (5) *Sketch of future location—Dimensions.* A sketch or diagram showing the dimensions of the lot or plot to which it is proposed to move the building.
- (6) *Same—Position.* A separate or additional sketch or diagram, drawn to scale, upon which the applicant has clearly and specifically designated where the building will be located thereon.

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- (7) *Owner's consent.* If the applicant is not the owner of such premises, written consent, acknowledged before a notary public, of the record owner or owners must be attached.
- (8) *Application fee.* An application fee of ten dollars (\$10.00) shall accompany each application.

SECTION 40. Section 9-153 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The ~~building and zoning~~sustainable development department shall issue a permit for the moving of a structure into the city, or from location to location in the city, subject to the following conditions and requirements:

- (1) *Fee.* Payment of the permit fee as required.
- (2) *Evidence of compliance.* Evidence that the house-moving contractor has complied with the provisions of sections 9-153, 9-157 and 9-158
- (3) *Information to be filed; route, time; approval.* Filing with the department of the written designation of the route along which the building will be moved and the time when the building is to be moved, approved in writing by the chief of police or captain in charge of traffic, police department.
- (4) *Proposed plans to be filed.* Filing of detailed plans and specifications covering the proposed repairing and reconditioning of the moved building or structure.
- (5) *Bond by mover.* Posting with the department a cash or surety bond, payable to the city, in an amount not less than fifteen hundred dollars (\$1500.00), which bond shall be approved by the building inspector, conditioned that the building or structure to be moved shall be moved to such location and repaired and reconditioned within sixty (60) days after granting of the permit, in accordance with plans and specifications submitted to and approved by the building inspector, and in accordance with this Code.

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- (6) *Bond by owner.* Posting by the owner of the property from which the building is to be moved with the department a cash or surety bond, payable to the city, in an amount not less than five hundred dollars (\$500.00), which bond shall be approved by the building inspector, conditioned that the property from which the building or structure is moved shall be placed in a sanitary, clean and slightly condition within twenty (20) days after the building has been moved and all debris removed from the premises within such twenty-day period.
- (7) *Release of bond.* Upon the house-moving contractor's faithful completion of such moving operations and compliance with the provisions of this Code, the building inspector has authority to release the bond or return the cash bond prescribed under paragraph (5) of this section. Upon the owner's placing the premises from which the building was removed in a sanitary, clean and slightly condition within twenty (20) days after the building has been moved and all debris removed from the premises, the building inspector shall have the authority to release the bond or return the cash bond.

SECTION 41. Subsection 9-154(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Bond by owner; release.* The owner shall post with the ~~building and zoning~~sustainable development department a cash or surety bond, payable to the city, in an amount not less than five hundred dollars (\$500.00), which bond shall be approved by the building inspector, conditioned that the property from which the building or structure is moved shall be placed in a sanitary, clean, and slightly condition within twenty (20) days after the building has been removed from the property and that within such period all debris shall be removed from the premises. Upon the house-moving contractor's faithful completion of such cleaning of the property and the compliance with the provisions of this Code, the building inspector has authority to release the bond or return the cash bond.

SECTION 42. Subsection 9-259(2)b. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Order the building, structure, or portion thereof, to be vacated within five (5) days and not reoccupied until a certificate of occupancy is issued by the ~~building and zoning~~sustainable development department of the city.

SECTION 43. Subsection 9-340(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Department* means the ~~planning and economic~~sustainable development department of the city or such other department as designated by the city manager to administer the program described in this section.

SECTION 44. Section 9-344 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

An application for development permit for a development which has received a preliminary qualification by the department as described in section 9-322 shall be identified for expedited development review processing. Expedited processing may include, but shall not be limited to the following:

- (1) Identify zoning regulations applicable to the proposed development.
- (2) Oversight of the development will be conducted from application to certificate of occupancy.
- (3) Referral to the appropriate Broward County government and Broward County school board affordable housing expeditors who have jurisdiction over proposed developments in the city.
- (4) Assist the applicant with any incomplete portions of the development application.
- (5) Identify resources which may assist the applicant in meeting the requirement for development permit approval.

The city has identified a position in the ~~planning and economic~~sustainable development department as the economic development expeditor who will have the responsibility for expediting applications in accordance with this section.

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SECTION 45. Section 10-1 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

It shall be unlawful for any person to bury or entomb the dead body of any human being in the city, except in a cemetery, the plat of which has been, before the date of such burial or entombment, submitted to and approved by the commission, showing the size and situation of the cemetery, its subdivisions and the methods used and intended to be used to designate plainly the location of burying lots or graves, entombment crypts, and columbarium niches therein, and which plat shall have been recorded in the public records of the county and a copy thereof furnished to the city Parks and Recreation Director~~cemetery manager~~ or ~~his~~the Parks and Recreation Director's designee. No burials, entombments, interments, or disinterments shall be permitted at Woodlawn Cemetery.

SECTION 46. Section 10-28 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Supervision of the municipal cemetery system shall be under the direction of the Parks and Recreation Director~~cemetery manager~~ or the Parks and Recreation Director's designee, ~~who shall be appointed in accordance with the qualifications as set forth in the civil service classification plan and shall be selected and appointed in accordance with the civil service laws.~~ The duties of the Parks and Recreation Director or the Parks and Recreation Director's designee, ~~with regard to~~manager of the cemetery system ~~or employees under his direction~~ are as follows:

- (1) *Attendance at cemetery.* To be in attendance at the cemetery system administration office during the working day or have one (1) of his employees present in order to discharge his duties without delay.
- (2) *Record of burials, entombments and inurnments.* To keep complete and accurate records at the cemetery system administrative office of the names of the deceased, the subdivision, lot, section and plot in which the burial is made, or the mausoleum wall, row, and crypt in which an entombment is made, or columbarium wall, row and niche in which an inurnment is made, the date of burial, entombments, or

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inurnment, and the name of the funeral director conducting the funeral.

- (3) *Examination of burial permits.* To determine and examine burial permits and to refuse burial or entombment until such permit and papers shall comply with the state law and the restrictions of the city.
- (4) *Exclusive right to dig and fill graves.* To hold the sole and exclusive right in person or through competent employees selected and appointed in accordance with established city procedures or through a contractual agreement, to dig and fill all graves and to reopen and close a grave, a crypt or a niche upon request of a duly authorized and competent party after having received all required permits from the appropriate authorities, and do all other work required in the operation of the cemetery system.
- (5) *Monthly and annual reports.* To make monthly and annual reports to the cemetery system board of trustees, city manager and director of finance showing the total number of interments, entombments and inurnments with other pertinent information, including a statement of the lots, crypts and niches sold and funds received and deposited with the city treasurer.
- (6) *Enforcement of article.* To enforce and abide by the terms of this article or any other article of this chapter.
- (7) *Aid public.* To aid and assist the public in the locating of burial spaces, entombment crypts and inurnment niches or in interpreting the meaning of this article and to take such steps as are necessary for the protection and convenience of all funeral service attendees.
- (8) *Duplicate plat of cemeteries.* To keep a duplicate plat and record of each cemetery in the cemetery system, on which shall be shown all sections, lots or plots and subdivisions with the location, name and date of all burials, mausoleum walls, rows and crypts with the name and date of all entombments and columbarium walls, rows and niches with the location, name and date of all inurnments.

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- (9) *Record of plots, crypts and niches sold.* To keep a plat and plat book of the cemeteries on which shall be shown all plots, crypts and niches which are sold or are for sale and a record made of the date, name of purchaser and the amount received for each sale.
- (10) *Selling lots, plots, crypts and niches.* To sell such lots, plots, crypts and niches in the municipal cemetery system as are authorized by the cemetery system board of trustees under the restrictions imposed by such board and at the price set by the city commission, and to issue a certificate of ownership of burial rights, entombment rights or inurnment rights upon a payment of the whole amount, naming such special restrictions as are not set forth in this article, signed by the proper city officials and stamped with the seal of the city.
- (11) *Record transfers of certificates of ownership.* To record the transfer of certificates of ownership of burial rights, entombment rights or inurnment rights from one (1) owner to another, after a request for transfer has been made and the appropriate fee has been paid.
- (12) *Record in cemetery office certain transactions.* To record in the office of the cemetery manager all owners' declaration of reservation for burial rights, entombment rights and inurnment rights with the signatures of the owners, the names of all proposed interments, entombments or inurnments, the individual's relationship to the owner and a complete legal description of the designated plot, crypt or niche to be used.
- (13) *Collection of moneys.* To collect all money in payment for lots, plots, crypts, niches, perpetual care, interments, entombments, inurnments, merchandise and for all services rendered by the employees of the cemetery system in the performance of their duties, and such moneys so collected, after being checked by the finance department, shall be deposited with the city treasurer who shall give a receipt for the funds received.

SECTION 47. Section 10-29 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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The prices to be charged for plots, crypts, niches, merchandise and services within the municipal cemetery system shall be as established by the Parks and Recreation Director or the Parks and Recreation Director's designee~~cemetery manager~~, subject to review by the cemetery system board of trustees and with the approval by resolution of the city commission.

SECTION 48. Section 10-61 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city commission may designate a portion of a cemetery in the municipal cemetery system to the burial of the poor. Whenever it is made to appear to the ~~cemetery manager~~parks and recreation director by proof submitted that a person who has died does not have an estate sufficient to pay the purchase price of a plot in the designated cemetery, and the nearest relative or representative of such deceased person desires to have the human remains of such deceased interred, the ~~cemetery manager~~parks and recreation director shall grant a burial space for such deceased person, in the designated portion of a cemetery. All strangers without funds or paupers who may die in the city may be accorded the privileges herein granted. In the event the burial space of any deceased person granted this privilege is to be marked with an appropriate marker, either donated or purchased, prior to the marker's installation the city must receive the purchase price of the burial space at the time of interment.

SECTION 49. Section 11-2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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

*Administrative hearing* shall mean a contested violation hearing before the special magistrate for review of the decision of a code inspector that resulted in issuance of a civil violation notice.

*Affidavit of non-compliance* shall mean an affidavit of the code inspector certifying that the violator has failed to correct the violation within the time

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allowed for correction or failed to pay the civil penalty on the citation violation notice within the time allowed.

*Appeal* shall mean a review by a court of competent jurisdiction of final administrative action of the special magistrate or code enforcement board.

*Board* shall mean the City of Fort Lauderdale Code Enforcement Board.

*Clerk or code enforcement clerk* shall mean the administrative staff person in the ~~buildingsustainable development~~ department responsible for the preparation, development and coordination of administrative and case management services necessary for the proper functioning of the board and special magistrate.

*Citation violation notice* shall mean a notice of violation with a civil penalty and fine.

*Code* shall mean the Code of Ordinances of the City of Fort Lauderdale, the Florida Building Code, Broward Edition, the Florida Fire Prevention Code, any ordinance duly enacted by the city commission, together with all rules and regulations adopted by the city commission, and any state, Broward County or uniform law, statute or code that the city is authorized to enforce within its jurisdiction.

*Code inspector* shall mean any employee or other agent of the city designated by law, ordinance, or the city manager, whose duties are to ensure compliance with and enforce the Code.

*Contested violation* shall mean a timely request by a violator for an administrative hearing before a special magistrate to contest a citation violation notice.

*Director of the ~~buildingsustainable development~~ department* shall mean the department head of the ~~buildingsustainable development~~ department or any representative authorized by him or her to serve in his or her absence.

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*Reasonable cause* shall mean that a reasonable belief exists that a code provision has been violated and that the violator committed, or is the person responsible for allowing, the violation.

*Repeat violation* shall mean a code violation by a person or entity who has previously been issued a citation violation notice that was uncontested or has been previously found by the board, special magistrate or any other quasi-judicial or judicial process to have violated the same provision of the Code within five (5) years prior to the violation.

*Uncontested violation* shall mean payment of a civil penalty indicated on a citation violation notice or failure of a violator to file a written request for an administrative hearing within fifteen (15) days after date of the citation violation notice.

*Violator* shall mean the person or legal entity alleged or allegedly deemed responsible for the violation of the Code.

*Written notice* shall mean the mailing of notice by regular mail, certified mail, return receipt requested, hand delivery, overnight courier or by posting as provided for in section 11-16(b)(2), to the person required to be notified for an alleged code violation.

SECTION 50. Subsection 11-11(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

If the code inspector has reason to believe a violation presents a serious threat to the public health, safety or welfare or if the violation is irreparable or irreversible in nature, the code inspector may proceed directly to a hearing upon approval of the director of the buildingsustainable development department, without notifying the alleged violator; provided, however, where possible, the code inspector shall use his/her best efforts to ensure that reasonable notice shall be given to the alleged violator.

SECTION 51. Section 13-1 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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It shall be the duty of the fire chief or any officer or member of the fire-rescue department designated by him to strictly enforce the provisions of this chapter and any relevant or pertinent sections of this Code, to issue legal notices to correct violations, to issue citations for such violations, and to take out warrants for the arrest of violators failing to comply with any order issued pursuant to the authority of this chapter.

SECTION 52. Section 13-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide:

It shall be unlawful for any person, owner or agent of real property who has been issued an order or legal notice as authorized in this chapter by the fire chief or any officer or member of the fire-rescue department to fail to comply with such order or legal notice within the time prescribed therein.

SECTION 53. Subsection 13-4(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Whenever the fire chief or any officer or member of the fire-rescue department shall find any building or other structure which, for want of repairs or by reason of age or dilapidated condition or for any other cause, is especially liable to fire, and which is so situated as to endanger other property and whenever any officer or member shall find in any building or upon any premises or other place combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings, or other highly flammable materials especially liable to fire and which is so situated as to endanger property or shall find obstructions to or on fire escapes, stairs, passageways, doors, windows, etc., liable to interfere with the operations of the fire-rescue department or egress of occupants in case of fire, he shall order same to be removed or remedied and such order shall immediately be complied with by the owner or occupant of such premises or building.

SECTION 54. Subsection 13-4(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

If the fire chief or any officer or member of the fire-rescue department designated by him shall find a hazardous condition which, in his opinion, may endanger life

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or property, he shall be authorized to order the hazard removed or remedied immediately.

SECTION 55. Section 13-5 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The maximum capacity of any assembly room in which seats are not fixed shall be conspicuously posted by the owner or occupant of the building by means of durable, metal signs placed in each assembly room. It shall be unlawful to remove or deface such notice or to permit more than this legal number of persons within such space. The ~~building and zonings~~sustainable development department will designate the capacity of the assembly room.

SECTION 56. Section 13-7 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Prior to the issuance of any building permit for public or commercial building construction, building alterations, etc., a member of the fire-rescue department, delegated by the fire chief, shall review any and all plans submitted to evaluate for fire extinguishers and approve the location of fire-rescue department connections, etc., as listed in the building code.

SECTION 57. Section 13-26 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A fire-rescue department for the city is hereby created and established for the protection of life and property from hazardous situations, for the giving of aid in emergencies and for the suppression and prevention of fire.

SECTION 58. Section 13-27 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide s follows:

The fire-rescue department shall supervise all fires, and its officers shall have the power to prevent any interference with the department or any of its companies, or any members thereof in the performance of their duties in connection with such supervision.

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SECTION 59. Subsection 13-28(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire chief and all fire-rescue department officers who may be placed in charge of a fire shall be in charge of the territory immediately adjacent to the fire. The chief shall direct the members of the department and it shall be his duty to see that the department attends fires promptly and renders efficient service.

SECTION 60. Subsection 13-28(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No building on fire or threatened with fire shall be blown up, pulled down, or otherwise destroyed by the fire-rescue department or any company or member thereof, except by order of the fire chief with the approval of the city manager.

SECTION 61. Subsection 13-28(e) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire chief shall have the authority to establish divisions within the fire-rescue department and rules governing these divisions with the approval of the city manager and pursuant to other sections of laws and ordinances pertaining to fire protection.

SECTION 62. Section 13-30 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

It shall be the duty of the fire chief to inspect, or cause to be inspected by the officers or members of the fire-rescue department, as often as may be necessary, all buildings, premises and public thoroughfares, except the interior of private dwellings (unless invited by the owner or occupant), for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of the provisions or intent of the laws of the city affecting fire hazards.

SECTION 63. Section 13-32 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire chief or any officer or member of the fire-rescue department is hereby given authority to order any gas company to disconnect its service to any

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building or buildings containing gas installations which, in the opinion of the fire chief or any officer or member of the fire-rescue department, is considered to be defective.

SECTION 64. Section 13-33 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire chief or any officer of the fire-rescue department is hereby given authority to order the power company to disconnect its service to any building which, in the opinion of the fire chief or an officer of the fire-rescue department, is considered hazardous to life or property.

SECTION 65. Section 13-56 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

It shall be unlawful for any person to smoke a cigar, pipe or cigarette or to smoke or burn tobacco in any form in any theatre or motion picture house or any place in the city where signs containing the words "No Smoking" have been posted pursuant to an order of the chief of the fire-rescue department or his representatives. The chief of the fire-rescue department or his representatives shall order such signs erected in any place of public assemblage in the city wherein, in his opinion, smoking would constitute a menace to life or property; provided, however, that this section shall not be construed so as to make it unlawful for a performer to smoke on the stage during and as part of any theatrical production or for any person to smoke in smoking areas designated as such which have been approved by the chief of the fire-rescue department or his representatives.

SECTION 66. Section 13-58 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) Every mercantile and industrial establishment, warehouse, school, place of assembly, convalescent home, old age hospital, place of detention, office building, hotel, motel, rooming house, cooperative apartment, multifamily house, townhouse, condominium, industrial building, restaurant, club, and like establishment, public building, service station, garage, and locations where flammable liquids are stored or dispensed, shall be provided with suitable fire extinguishing devices or particular

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appliances as specified by the Florida Building Code, or chief of the fire-rescue department, or any officer or member designated by him. Automatic smoke or heat detectors shall be required by the fire chief or his designated representative when, in his opinion, due to the size, type of construction, special feature, or other hazards not specifically covered in the Florida Building Code, a hazardous condition requires some such safety device to make the building fire safe. Partial or full standpipe, sprinkler and/or fire alarm systems shall be required by the fire chief or his designated representative in occupancies, which have special hazards not covered specifically by the Florida Building Code. Every sprinkler system, standpipe system, fire alarm system and other protective extinguishing system or appliances which have been installed in any building, whether required by the Florida Building Code or not, shall be maintained and regulated in a safe condition. Compliance with the recommendations of the National Fire Protection Association is prima facie evidence of such maintenance and regulation. Any person aggrieved by a decision of the fire chief or his representative shall have ten (10) days within which to appeal to the board of rules and appeals in accordance with section 203 of the Florida Building Code.

- (b) The siamese connection on a building must be kept accessible to the fire-rescue department at all times. If, in the opinion of the fire chief or his designated representative, a building requires more siamese connections than the Florida Building Code specifies, due to unusual size, construction or special hazards, he may require additional connections. If in a parking area, there shall be a space four (4) feet on both sides of the centerline of the siamese that must be kept open at all times, and posted "No Parking, Fire Department Connection." There shall be no obstructions planted or constructed in front of the siamese connection at any time. Any person aggrieved by a decision of the fire chief or his representative shall have ten (10) days within which to appeal to the board of rules and appeals in accordance with section 203 of the Florida Building Code.

SECTION 67. Subsection 13-59(e) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Whenever the fire chief or any officer or member of the fire-rescue department finds existing illuminated exit signs hidden or blocked from view, the fire rescue

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department may require additional illuminated exit signs or the existing signs relocated.

SECTION 68. Subsection 13-59(g) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire chief or any officer or member of the fire-rescue department may require additional illuminated exit signs when, in his opinion, a building of long expanse or other physical peculiarities does not have enough exit signs to guide the occupants out of such building in case of fire and/or when smoky conditions are prevalent.

SECTION 69. Subsection 13-60(d)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Anyone wishing to erect a tent in the city for a commercial or religious use must first secure a permit from the ~~building and zoning~~sustainable development department and furnish a certificate of flameproofing to the ~~building and zoning~~sustainable development department. The tent must have been flameproofed in the last twelve (12) months.

SECTION 70. Subsection 13-60(d)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The fire-rescue department shall be furnished a copy of such permit and certificate of flameproofing by the ~~building and zoning~~sustainable development department and thereupon will make the necessary inspection for fire safety.

SECTION 71. Subsection 13-64(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Each building shall maintain at least one (1) key box. The location and type of key box shall be approved by the City of Fort Lauderdale Fire-Rescue Department.

SECTION 72. Subsection 13-64(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Once approved, the key box shall not be changed in any manner without the prior written approval of the City of Fort Lauderdale Fire-Rescue Department.

SECTION 73. Section 13-79 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) Any person desiring to manufacture, transport, sell, care for, keep, or give away high explosives or flammables or other substances of like nature or any materials, compounds, combinations or things whatsoever which may tend to increase the fire hazard or to conduct any hazardous business or operations or to perform any service of like dangerous character within the corporate limits of the city shall make application for a permit to do so, in writing, to the chief of the fire-rescue department. It shall be illegal to proceed with such manufacture, transportation, or sale of such high explosives, etc., until a permit shall have been issued by the chief of the fire-rescue department. Such a permit will be issued if the public health and safety will not be endangered thereby.
- (b) Permits are required to use nitroglycerine, dynamite or other high explosives in blasting or any other use. These permits must be obtained from the city engineering ~~department~~division.

SECTION 74. Section 13-107 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The chief of the fire-rescue department or his representative may prohibit the use of any type, kind or make of heating or cooking appliance using flammable liquids which, after tested by him or his representative, is considered a hazard to life or property.

SECTION 75. Section 15-40 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

As a prerequisite to paying the business tax, each business entity shall definitely state and set out the exact location at which such business shall be operated. Before initially issuing a business tax receipt it shall be the duty of the business tax division to ascertain through the ~~zoning~~sustainable development

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department that the use proposed is permitted at the location proposed. Failure to maintain such compliance will be cause for withdrawal of the business tax receipt. Where a business tax receipt is issued for general use, and the business entity maintains no place of business, the business entity shall complete affidavit that the business complies with all city ordinances. Notwithstanding the issuance of a business tax receipt, no business shall operate in a premises where building code or ordinance violations exist.

SECTION 76. Subsection 15-49(a)(3) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A written statement from the ~~zoning~~sustainable development department of the city that the site upon which the circus, carnival, outdoor show, or other public gathering, or exhibition is intended to be held is not within prohibited areas defined in the City Code of Ordinances.

SECTION 77. Subsection 15-49(a)(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A written statement of the ~~fire-rescue~~ department of the city that the tents or temporary buildings or structure under which the operations are to be held are of fireproof material and will not constitute a fire hazard.

SECTION 78. Subsection 15-49(a)(5) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A written statement from the ~~zoning~~sustainable development department that:

- a. Inspection and requirements of sections 15-181 through 15-185 of the Code of Ordinances have been met.
- b. Required permits, in accordance with Chapter 9 of the Code of Ordinances, have been obtained.
- c. Inspections, as required by the building code, have been conducted and approved.

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SECTION 79. Subsection 15-183(a)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the city fire-rescue department.

SECTION 80. Section 15-222 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Every applicant for a license to engage in the business of a secondhand dealer shall file with the director of the ~~building and zoningsustainable~~ development department or his designee a written application upon a form prepared and provided by the city, signed by the applicant, and acknowledged before a notary public or other officer authorized to administer oaths. Such application shall state:

- (1) The names and residences of the applicant, if an individual, partnership or firm, or the names of the directors and officers and their residences, if the applicant is an association or corporation.
- (2) The length of time such applicant, if an individual or partnership, or the manager or person in charge, if such applicant is an association or corporation, has resided at his current residence, his place of previous employment, whether he has been convicted of a felony, and if so, what offense, when, and in what court.
- (3) Whether the applicant or officers or manager of the applicant has been employed by a secondhand dealer or has been a secondhand dealer.
- (4) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.
- (5) The premises where such business is to be located or carried on.
- (6) That the applicant accepts the license, if granted, upon the condition that it may be revoked by the city's director of the ~~building and zoningsustainable~~ development department or his designee upon conviction of any violation of this chapter or upon conviction of any

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offense enumerated in section 15-227 and after a hearing as provided in section 15-228. The chief of police shall inform the director of the ~~building and zoningsustainable development~~ department or his designee of such revocation.

- (7) That the applicant accepts the license if granted on the condition that he accepts the right of a city law enforcement officer to inspect his premises in accordance with the terms of section 15-205.

SECTION 81. The definition of “*Director*” contained in Section 15-230 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

*Director* means the director of the sustainable development department of ~~economic development~~.

SECTION 82. Subsection 15-233(7)a.3. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A company receiving an economic incentive award shall submit its requests for payments in the form and detail prescribed by the city's ~~economiesustainable~~ development department.

SECTION 83. Subsection 15-234(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city's ~~economiesustainable~~ development department shall administer the incentive program. Applications should be submitted to the city's sustainable development director of ~~economic development~~. All economic incentive awards shall be approved by the city commission.

SECTION 84. Subsection 15-252(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Application for a permit to operate a pain management clinic shall be made to the ~~buildingsustainable development~~ department on a form provided by the ~~buildingsustainable development~~ director. The application for a pain management clinic permit shall, at a minimum, include the following information:

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- (1) Florida Department of Health registration number.
- (2) The professional license numbers of the medical director including the Drug Enforcement Agency (DEA) number.
- (3) An accurate legal description of the property on which the pain management clinic is located and street address, and unit number or letter, if any.
- (4) Indicate whether the pain management clinic dispenses controlled substance medication on the pain management clinic location.
- (5) An affidavit by the medical director, attesting to the fact that a background check was performed, evaluated and acted upon to assure that no employees, full-time, part-time, contract, independent or volunteers have been convicted of or who have pled guilty or nolo contendere at any time to an offense constituting a felony in this state or in any other state involving the prescribing, dispensing, supplying, selling or possession of any controlled substance within a five-year period prior to the date of the application.
- (6) A list of all persons associated with the medical and administrative management or operation of the pain management clinic whether paid or unpaid, part time or full time, contract labor or independent contractor and shall include the following information:
  - a. Name and title;
  - b. Current home address, telephone numbers and date of birth;
  - c. Current Florida driver's license or picture identification;
  - d. All drug-related criminal convictions.

This list shall be required to be updated within ten (10) days of any new person becoming associated with the pain management clinic.

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- (7) A certified survey from a land surveyor registered in the State of Florida, indicating the distance in linear feet between the pain management clinics and pharmacies as measured from the nearest point of the property line of the pain management clinic to the nearest point of the property line to the other pain management clinic and pharmacies in a straight line.
- (8) All information required for a conditional use permit as provided in section 47-24.3 of the ULDR.

SECTION 85. Subsection 15-252(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The application for a permit shall be notarized, typewritten, signed and sworn to by the applicant(s) and shall include the post office and physical address of the applicant(s) and the legal property owner(s). The application shall be signed by all applicants. Additionally, the legal property owner(s) on which the pain management clinic is located shall execute a form as provided by the buildingsustainable development department acknowledging that the application has been read and agreed to by the legal property owner(s).

SECTION 86. Subsection 15-252(e) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Pain management clinic permits shall be renewed annually on or before the thirtieth (30th) day of September. A pain management clinic shall update any change in ownership of the pain management clinic or change in medical director of the pain management clinic within ten (10) days to the buildingsustainable development department. The buildingsustainable development department shall review the submitted change information and determine if a new application should be completed based upon the information provided. Any change in location of a pain management clinic shall require a new application be submitted and approved as provided in this article, section 15-253.

SECTION 87. Section 15-253 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The application for a permit shall be submitted to the buildingsustainable development department to determine if the application is complete and in

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compliance with Article IX of the Code. The ~~buildingsustainable development~~ department will ~~forward the application to the planning and zoning department for~~ review the application to determine if the application is complete and in compliance with the ULDR. The ~~planning and zoningsustainable development~~ department shall process the application in accordance with the conditional use provisions and procedures of the ULDR. If the pain management clinic is approved as a conditional use and the ~~buildingsustainable development~~ department finds that the application complies with the provisions of this Article IX, a permit shall be issued to the applicant(s). Existing pain management clinics are not required to be approved as a conditional use.

SECTION 88. Section 15-257 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The pain management clinic permit application fee shall be the same fee charged by the ~~buildingsustainable development~~ department for permit review plus the same fee charged by the ~~planning and zoningsustainable development~~ department for a conditional use approval. Business tax fees shall be pursuant to Chapter 15, Article II.

SECTION 89. Section 16-2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No person not being entitled thereto shall receive or assist in receiving any radio communication of the police or fire-~~rescue~~ department and thereafter divulge or publish the existence, contents, substances, purport, effect, or meaning thereof, or use such communication (or any information contained therein) for his own benefit, profit, or gain, or to aid, abet, or assist in the commission of a crime, offense or violation of a municipal ordinance.

SECTION 90. The definition of “*Director*” contained in Section 18-3 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

*Director* means the Director of the ~~Buildingsustainable development~~ Department of the City of Fort Lauderdale or a duly authorized designee.

SECTION 91. Subsection 18-8(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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All buildings that must be secured by boarding pursuant to this article shall require a board up permit and subsequent boarding certificate issued by the Buildingsustainable development Department of the City of Fort Lauderdale. The board up permit fee shall be charged pursuant to section 9-48 and the boarding certificate fee shall be sixty-five dollars (\$65.00).

SECTION 92. Subsection 18-8(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for a board up permit and, within thirty (30) days of application, completing all steps necessary for the issuance of a boarding certificate and thereafter having a valid and current boarding certificate therefore from the Buildingsustainable development Department of the City of Fort Lauderdale.

SECTION 93. Subsection 18-8(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The Buildingsustainable development Department of the City of Fort Lauderdale shall issue a boarding certificate required by subsection (a) upon the submission of a written board up permit application by the owner of the property, his/her authorized representative or contractor, or a contractor hired by the city, upon payment of the required board up permit and boarding certificate fees, and upon the confirmation through inspection by a city building inspector that the boarding or other method of securing the building or structure has been done in compliance with this article.

SECTION 94. Subsection 18-8(f) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The renewal boarding certificate may be revoked by the Buildingsustainable development Department of the City of Fort Lauderdale if the owner fails to comply with the plan for such work or fails to adhere to the timeline submitted.

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SECTION 95. Subsection 18-8(g) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A boarding certificate may not be extended beyond the six-month renewal period nor may a new application for the same property be accepted by the Buildingsustainable development ~~D~~department of the City of Fort Lauderdale within one (1) year of the date of expiration of the prior certificate, except upon demonstration that "good cause" for the renewal exists. "Good cause" shall require a showing by the owner that the certificate renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction, rehabilitation, or demolition, or unanticipated damage to the property. In addition, where appropriate, "good cause" shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed repair, rehabilitation or demolition or is attempting to sell the property. In the event that the Buildingsustainable development ~~D~~department of the City of Fort Lauderdale determines that there exists good cause to renew the certificate and that all other conditions in subsection (e) above are met, the certificate may be renewed by the Buildingsustainable development ~~D~~department of the City of Fort Lauderdale for a period of up to, but not more than, an additional six (6) months, subject to all of the same conditions imposed on the original renewal certificate.

SECTION 96. Subsection 18-10(a)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Exterior doors* shall be boarded with one (1) continuous piece of pressure treated or exterior grade plywood of a minimum thickness of five-eighths ( $\frac{5}{8}$ ) inch nominal or its equivalent, fitted to the entry door jamb with maximum one-eighth ( $\frac{1}{8}$ ) inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be secured in place by three (3) two-inch by four-inch wooden horizontal cross-members on the interior and two (2) two-inch by four-inch vertical bracing on the exterior. Cross-members and bracing shall be secured to the plywood by three-eighths ( $\frac{3}{8}$ ) inch plated carriage bolts with fender washers at each end threaded to the correct length to penetrate the exterior bracing, the plywood, and the interior cross-members and shall be installed a minimum of two (2) inches and a maximum of four (4) inches from the side edges of the opening. The bolts must be tightened enough to slightly deflect

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the wood. Bolt heads must fit tightly against the wood. The bolts shall sit flush against the exterior bracing to prevent the use of any tool for prying or removal of the plywood. A minimum of six (6) carriage bolts, three (3) cross-members, and two (2) exterior braces shall be used on each door and, depending on the size of the opening, additional bolts, cross-members or braces may be required. On at least one (1) entry door, the plywood shall be attached to the door entry with three (3) case hardened strap hinges of the types specified by the ~~Buildings~~sustainable development Department. On all other doors the cross-members must extend at least one (1) foot past the door opening in each direction. Where there is no door jamb, a wood frame shall be installed in the opening for purposes of securing the plywood and cross-members. The wood frame shall be constructed with two-inch by four-inch pressure treated lumber and shall be anchored with one-quarter ( $\frac{1}{4}$ ) inch tapcon or woodscrew with a minimum one and one-half ( $1\frac{1}{2}$ ) inch embedment.

SECTION 97. Subsection 18-10(a)(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Alternative methods* of securing a building: Upon application for a board up permit the ~~Buildings~~sustainable development Department of the City of Fort Lauderdale may approve alternative methods of securing a vacant and unoccupied building or structure when the requirements of subsections (1), (2) and (3) can not be met. In making the determination to approve any alternative method, the city shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

SECTION 98. The definition of *Certify*, contained in Subsection 20-28 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

*Certify* shall mean the act of the ~~personnel manager~~director of human resources in supplying a department head with the names of applicants who are eligible for appointment to the class and positions in the classified Service for which certification is requested.

SECTION 99. The definition of *Vacancy*, contained in Subsection 20-28 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

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*Vacancy* shall mean a position existing or newly created, which is not occupied, and for which Funds are available, and for the filling of which a valid requisition has been received by the ~~personnel manager~~director of human resources.

SECTION 100. Subsection 20-61(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

There is hereby established a schedule of salary ranges for certain employees of the City, providing for minimum and maximum salaries ~~and intermediate salary steps~~ in all ranges and a salary Plan in which each existing class of employment is assigned to one (1) of the ranges in the schedule. The rate of pay for each employee shall be adjusted in conformance with the adjustment of the salary range for the class to which his position is allocated; provided that, any employee presently receiving a salary in excess of the maximum rate provided for the class to which his position is allocated shall receive no further increase. ~~For a schedule, consult the office of the personnel manager.~~

SECTION 101. Section 20-62 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The compensation Plan shall include:

- (1) The "Schedule of Salary Ranges" adopted by the City commission, effective September 1, 1955, and the subsequent amendments thereto.
- (2) The salary Plan (consisting of minimum and maximum rates of pay ~~and intermediate steps~~ for each existing class of employment) adopted by the City commission, effective September 1, 1955, and the subsequent amendments thereto.

SECTION 102. Subsection 20-64(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The rate of pay for each employee shall be adjusted, as determined by the City manager on the advice of the ~~personnel director~~director of human resources, to a steppoint in the salary range for the class to which his position is allocated, which is equal to or greater than the current rate of pay, provided that any employee

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receiving a salary in excess of the maximum rate provided for the class to which his position is allocated shall receive no further increase except as provided in section 20-67. Conversely, an incumbent will not receive a deduction in pay from a downward reclassification action concerning his position.

SECTION 103. Section 20-65 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) The salary ranges are intended to furnish administrative flexibility in recognizing individual differences between positions allocated to the same class, in providing employee incentives, in rewarding employees for meritorious Service, and in meeting emergency conditions requiring pay adjustments.
- (b) Salary increases within appropriate ranges in recognition of an employee's performance shall normally be considered at intervals of one (1) year and granted upon the written recommendation of the department head concerned and with the approval of the personnel manager/director of human resources and the City manager.
- (c) Salary increases within appropriate ranges for unusual or meritorious Service may be granted without regard to limitations of time, upon approval by the personnel manager/director of human resources and the City manager.
- (d) Salary reductions may be directed by the City manager after evaluation of an employee's job performance. No salary decrease may be made below the entry pay in an employee's pay range for his classification. The City manager shall file a written memorandum in the personnel file of an employee receiving a pay decrease stating the basis for the personnel transaction. Said memorandum shall be filed on or before the effective date of the pay decrease and a copy shall be furnished to the employee. An employee who receives a pay decrease within his pay range may request re-evaluation of his/her previous pay, or other increase in salary, six (6) months after the pay decrease. If the request does not result in the employee being returned to the previous step or point in the pay range involved, then the request may be made again one (1) year after the pay decrease. The request shall be made to the City manager.

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SECTION 104. Section 20-66 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The minimum rate of pay for a class shall be paid any person on his original appointment to a position except when, as determined by the City manager, there has been demonstrated inability to recruit at the minimum rate of pay or the new employee possesses exceptional qualifications warranting employment at a higher rate in the pay range and provided that:

- (1) An employee promoted to a class for which the minimum rate of pay is equal to or less than the present salary rate of the employee may be placed ~~in the salary step~~ at the point in the new range which will afford him a minimum of a five (5) percent salary increase.
- (2) An employee reemployed or reinstated to his former position or to another position in the same class may be paid at the ~~step~~ rate within the range that he was receiving at the time of layoff or other separation not reflecting discredit upon the employee upon recommendation of the ~~personnel manager~~ director of human resources.

SECTION 105. Subsection 20-68(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A flat hourly rate may be established for those employees accepting other City employment outside of normal working hours and duties. Such outside employment shall be limited to those classes recommended by the department head concerned and approved by the ~~personnel manager~~ director of human resources and the City manager. Such approval shall be in writing and for a specified period of time, not to exceed one (1) year at a time, provided that such approval may be extended for additional one-year periods. Such approval may be terminated by the ~~personnel manager~~ director of human resources on thirty (30) days' notice, with the approval of the City manager.

SECTION 106. Section 20-72 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Persons employed as trainees shall be compensated below the minimum pay provided for the class for which they are training as determined by the ~~personnel manager~~director of human resources and the City manager. All persons employed as trainees shall be designated as exempt or nonexempt in accordance with the status of the job classification in the pay Plan. Trainees shall be eligible for within range salary increases in accordance with the provisions of section 20-65.

SECTION 107. Section 20-73 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Work which, in the opinion of the ~~personnel manager~~director of human resources, is hazardous and beyond normal requirements for the job shall be paid for at the rate of one and one-half (1½) times the normal rate. Payment will be made only for those hours in which the actual hazardous work is performed; during overtime hours the hazard rate and overtime rate both shall apply.

SECTION 108. Subsection 20-74(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

An employee who is assigned duties at the discretion of the department head, with the approval of the ~~personnel director~~director of human resources, which duties are substantially beyond those normally required in a particular classification, but which are not of such a magnitude to justify reallocation to a different classification, shall be eligible to receive assignment pay as authorized in the pay plan. Assignment pay shall be paid only during the period that the employee is actually assigned to perform such duties. An assignment may be transferred to another employee, or terminated at the discretion of the department head with the approval of the ~~personnel manager~~director of human resources.

SECTION 109. Section 20-82 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) In the event the City is unable to fill a vacant position after the completion of a thorough recruitment process, at the discretion of the applicable appointing authority with the approval of the ~~personnel director~~director of human resources and City manager or designee, a signing bonus may be

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offered as part of the subsequent recruitment process for the position. Signing bonuses shall be judicious and shall be used only in situations where an extreme need has been demonstrated based upon the operating requirements of the City or affected department.

- (b) Signing bonuses will be structured in a manner that enhances the recruitment of qualified candidates, serves as a performance incentive, and encourages the employee to remain in the City Service. Unless otherwise approved by the ~~personnel~~ director of human resources and City manager or designee, no more than one-half of the signing bonus will be paid at the time of hire with the remaining portions of the bonus paid after the completion of one (1) full year of Service and two (2) full years of Service in the bonus eligible position. The amount of bonus to be paid upon completion of years one (1) and two (2) shall be based upon the employee's performance for the year.
- (c) The total signing bonus, the initial bonus at time of hire plus any subsequent amounts paid at the end of one (1) and two (2) years of Service shall not exceed ten (10) percent of the maximum annual pay for the affected job classification based on the pay range maximum in effect at the time of the employee's hire into the position.
- (d) If the employee voluntarily leaves City employment prior to completion of one (1) year of Service, full repayment of the entire bonus is required. If the employee voluntarily leaves City employment within six (6) months of the payment of either the year one (1) or year two (2) bonus, repayment of that entire portion of the most recently paid bonus is required.

SECTION 110. Subsection 20-110(a.1)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

In order to participate in the DROP, an eligible Member must meet the following conditions:

- a. The eligible Member must have attained his DROP Retirement Date, elect normal Retirement and must elect to defer receipt of his normal monthly Retirement benefit into a DROP Account.

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- b. A written election of DROP participation form, on forms promulgated by the Board, must be filed by the eligible Member with both the Board and the City's ~~Personnel Director~~ Director of human resources at least three (3) months prior to the beginning of the DROP Period, except for those Members qualifying under section 20-110 (a.1)(4)a., who shall be governed by the filing dates indicated therein. An otherwise eligible Member may file an election of DROP participation form three (3) months prior to his DROP Retirement Date.
- c. Upon filing of the election of DROP participation form as required above, the eligible Member shall obtain from the City's ~~Personnel Director~~ Director of human resources an irrevocable resignation and waiver form, on forms promulgated by the City. The resignation and waiver form shall provide for the Member's irrevocable resignation from employment, with the actual date of termination being postponed until the end of the DROP Period. The administration and timing of execution and delivery of the resignation and waiver form shall meet the requirements of the Age Discrimination in Employment Act and the Older Worker's Benefits Protection Act, as same may be amended from time to time. The eligible Member must execute and deliver the resignation and waiver form to both the Board and the City's ~~Personnel Director~~ Director of human resources at least forty-five (45) days prior to the beginning of the DROP Period. An otherwise eligible Member may file the irrevocable resignation and waiver form provided for herein prior to his Normal Retirement Date.

SECTION 111. The definition of *Firefighter* contained in Section 20-127 of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended as follows:

*Firefighter* means any person employed by the City in the ~~Fire-Rescue~~ Rescue Department and who is certified as a Firefighter as a condition of employment in accordance with F.S. § 633.35, and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time Firefighters, part-time Firefighters or auxiliary Firefighters but does not include part-time firefighters or auxiliary firefighters.

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SECTION 112. Subsection 20-129(b.1)(3)b. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Upon filing of the election of DROP participation form as required above, the eligible Member shall obtain from the City's ~~personnel~~ director of human resources an irrevocable resignation and waiver form, on forms promulgated by the City. The resignation and waiver form shall provide for the Member's irrevocable resignation from employment, with the actual date of termination being postponed until the end of the DROP Period. The administration and timing of execution and delivery of the resignation and waiver form shall meet the requirements of the Age Discrimination in Employment Act and the Older Worker's Benefits Protection Act, as same may be amended from time to time. The eligible Member must execute and deliver the resignation and waiver form to both the Board and the City's ~~personnel~~ director of human resources at least forty-five (45) days prior to the beginning of the DROP Period. An otherwise eligible Member may file the irrevocable resignation and waiver form provided for herein prior to his DROP Retirement date.

SECTION 113. Section 23-94 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Vending is prohibited in the city, other than in B-2, B-3, and B-3-C zoning districts. Applicants for a vending license shall provide documentation to the city's ~~planning, zoning and buildings~~ sustainable development department's licensing division demonstrating:

- (1) Permission (affidavit or notarized statement) from the property owner that the vending vehicle may locate on the property;
- (2) Location of vending vehicle as it relates to other structures on the property where it is to be located;
- (3) Public restroom availability if food, beverages or both are being served; and
- (4) On-site parking availability (parking required by the Zoning Code for existing uses will not be used by vendor).

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Mobile vending vehicles that do not set up permanently but that stop only temporarily to make a sale shall be exempt from the limitations and provisions of section 23-94 and section 23-95(3) but shall comply with all other provisions of this article. This exemption shall not apply to non-motorized mobile vending vehicles.

SECTION 114. The definition of *Director*, contained in Section 24-1 of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended as follows:

*Director.* The director of the public ~~services~~works department or a duly authorized designee.

SECTION 115. Subsection 24-26(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Solid waste shall be collected twice weekly or as scheduled by the city at all multifamily accounts of four (4) or more units and at all commercial accounts. Multifamily residential accounts of four (4) or more units and commercial accounts shall receive solid waste collection services from a company or firm licensed by the city to provide those services on the dates of collection as designated by the city unless otherwise approved by the city manager. This shall not apply to dumpster and bulk container accounts. The director of the public ~~services~~works department shall have the authority to determine the type of service, number of receptacles, type or size containers and the number of collections needed, based upon compatibility with existing or available collection and disposal equipment and facilities.

SECTION 116. Subsection 24-32(b)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Container enclosures shall be constructed of materials compatible and consistent with those used for construction of the building, wall or fence to which they are attached if any, and with the area they are servicing, utilizing durable materials and construction techniques approved by the fire-rescue and ~~building~~sustainable development departments.

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SECTION 117. Section 25-1 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The names of all streets in the city shall be as provided and specified on the "Official Map of the City of Fort Lauderdale, Florida" prepared by the city engineering ~~department~~division, and as shown on all maps and plats approved by the city which have not been incorporated in or changed by such "Official Map of the City of Fort Lauderdale, Florida."

SECTION 118. Section 25-2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

All streets, alleys, parks, thoroughfares and other public use properties appearing on the "Official Map of the City of Fort Lauderdale" prepared by the city engineering ~~department~~division are hereby accepted by the city for public property for the use and benefit of the citizens of the city, except such parts as have been vacated and abandoned. By accepting for public use such dedicated property, the city does not assume jurisdiction over unopened or unused streets or alleys, nor hold itself liable for the maintenance and condition thereof, but merely declares hereby an intention to accept the dedication for public use. Such streets, alleys, parkways, etc., will be opened and maintained from time to time as the public demands justify and as the public finances will permit.

SECTION 119. Section 25-17 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The street numbers of all houses and buildings in the city shall be such as may be assigned by the ~~buildings~~sustainable development department of the city. The owners or occupants of all houses, stores, and other premises are required to make application to the building department for the assignment of a correct street number within thirty (30) days after erection of any new building or within thirty (30) days after occupancy of any existing building which is not numbered, and the owner or occupant shall display such number assigned on the particular building or occupied premises. Any owner or occupant failing to comply with the provisions of this section shall, upon conviction, be punished as provided in section 1-6 of this Code.

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SECTION 120. Subsection 25-18(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

All houses and buildings in the city shall be numbered by the ~~buildings~~sustainable development department upon the following plan: Andrews Avenue and Broward Boulevard crossing shall be designated as a base which shall divide the city into four (4) sections, namely, northeast, northwest, southeast and southwest. All numbering shall run north, south, east and west from such base, on a unit basis of one hundred (100) to each block for both sides of the street, placing even numbers on the east and south sides of the streets, and odd numbers on the north and west sides as numbers increase from the base. All parallel streets shall be numbered in a similar manner; provided, however, that the numbers on Nurmi Isles shall begin on east Las Olas Boulevard and run north to the end of the islands.

SECTION 121. Section 25-22 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No person shall construct an awning, as defined in Section 47-35 of the ULDR, over a sidewalk without having first obtained a permit from the ~~building and zoning~~sustainable development department. Awnings constructed over a sidewalk shall only be permitted in accordance with the following:

- (1) An application to construct an awning over a sidewalk shall be made at the ~~building and zoning~~sustainable development department on a form provided by the director.
- (2) The application shall include a description and dimensions of the proposed awning and supports which attach the awning to the building.
- (3) An awning must be made of cloth, canvas, vinyl or similar material.
- (4) The awning may extend across the front of a building and may only project a maximum of two-thirds (2/3) of the width of a sidewalk, or, to within eighteen (18) inches of the face of the curb, whichever is less. There shall be a minimum eight (8) feet of clearance between the lowest rigid point or projection of the awning and a sidewalk or

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public travelway immediately below. Any valance attached to an awning shall not project above the top surface of the awning.

- (5) An awning shall only be permitted in any zoning district as provided in the ULDR.
- (6) An awning shall be removed from the sidewalk area when the permittee's business is closed to the public.
- (7) Prior to the issuance of a permit, the applicant shall furnish the department with a signed statement that the permittee shall hold harmless and indemnify the city, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
- (8) Permittee shall furnish and maintain such public liability and property damage insurance protecting the city from all claims and damage to property or bodily injury, including death, which may arise from the existence of the awning. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury and property damage respectively, per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the city, its officers and employees and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without forty-five (45) days' written notice to the risk management division of the department of finance and the director of buildingsustainable development at the address shown in the permit.
- (9) If found to be necessary by the city for the protection of the health, safety and welfare of the public, awnings shall be immediately removed upon the request of the city and in the event an awning is not removed or due to an emergency the city finds it necessary to act immediately, the city may remove same and shall not be responsible for damage incurred due to such removal.

SECTION 122. Subsection 25-56(c)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

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The engineering ~~department~~division has determined that a drainage problem exists or will be created by such construction;

SECTION 123. The definition of *Department*, contained in Section 25-97 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

*Department* means the public works department of ~~public services~~.

SECTION 124. Subsection 25-185(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

A completed application shall be reviewed by the following departments: public works, ~~building, planning,~~sustainable development, ~~fire-rescue~~, police, finance and such other departments as directed by the city manager in accordance with the standards and criteria for application review provided in this section.

SECTION 125. Subsection 25-188(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Permittee shall furnish and maintain such public liability, food products liability and property damage insurance for the benefit of city insuring and indemnifying city from all claims and damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) for bodily injury and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the city, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the permit period without forty-five (45) days' written notice to the risk management division of the human resources department of ~~finance~~ and the director at the address shown in the permit.

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SECTION 126. The definition of *Director*, contained in Section 25-192 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended as follows:

*Director* shall mean the sustainable development ~~Director of the Building Services Department~~ of the City of Fort Lauderdale, Florida, or his or her designee.

SECTION 127. Section 26-32 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The director ~~of transportation and mobility~~ and his/her designated representatives are hereby given authority to issue citations for nonmoving violations of this chapter. Concerning such nonmoving violations, the city commission, city manager or other appropriate city official shall designate those for which payment may be made by fine and accepted by the transportation and mobility department and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law. Any such prior designations and/or schedules established by the former municipal judge or judges of the city shall continue in full force and effect until modified by the city commission, city manager or other appropriate city official.

SECTION 128. Section 26-49 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed by location. Such reports shall be available for the use and information of the transportation director.
- (b) The police department shall receive and properly file all accident reports made to it under state law or under any ordinance of this city. All such accident reports made by drivers shall be disclosed to the public as prescribed under state law. The police department, transportation and mobility department, the transportation director, the motor vehicle division of the state department of public safety and the state department of transportation shall also have access to these reports. No such reports shall be admissible in any civil or criminal proceeding other than upon

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request of the person making such report or upon request of the court having jurisdiction to prove a compliance with the laws requiring the making of any such report.

SECTION 129. Section 26-71 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No oversized or overweight vehicle or equipment may be driven, occupied or proceed upon any street or roadway except in accordance with a permit issued by the chief of police and approved by the ~~transportation director~~ city manager or his/her designee and such other regulations as are set forth in this chapter which may apply.

SECTION 130. Subsection 26-91(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The ~~city's director of transportation and mobility~~ or his/her designee may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or meter receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, police department undercover vehicles, utility service providers, or verified meter malfunction.

SECTION 131. Section 26-113 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Any person wishing to contest a parking citation may appeal to the director of ~~transportation and mobility of the city~~ or his/her designee, as follows:

- (1) For defective meters: If a person who has received a citation for overtime parking believes the meter for the parking space is defective or malfunctioning, such person shall notify the city's parking customer service office of possible defect or malfunction no later than 10:00 a.m. the following working day via:
  - a. Telephone call to the city's parking customer service office to report such meter defect or malfunction; or

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- b. Personally appearing at such office to make such report.

If such a citation is received on a Saturday, Sunday or holiday, during which the office is closed, such report must be made within two (2) hours on the next working day the office is opened. City personnel shall then be dispatched to check the operation of such meter. The person who received the citation shall be notified by telephone or regular mail of the results of the investigation into the operation of said meter. If the meter is found to be defective or malfunctioning, the citation will be excused. If the meter is found to be functioning properly, the violator will be notified by the office as provided above and the time limits specified in section 26-91(b) shall then begin to run anew, as if the citation was just issued.

- (2) For any other parking violation:

- a. Any person wishing to contest a parking citation may appeal and contest such citation by contacting the city's customer service office, as provided in paragraphs (1)a. and (1)b. above, within three (3) working days from the date the citation was issued and requesting an administrative appeals hearing. The city's parking customer service office will provide to the appellant an appeals hearing request form which is to be completed and returned to the city's parking customer service office within ten (10) working days of the date the citation was issued. The city's parking customer service office will then forward the completed appeals hearing request forms, which were received within the time specified above, to the Clerk of Court of Broward County, Florida, within ten (10) working days of receipt.
- b. The clerk of court shall set the hearing within sixty (60) calendar days from the date the appeals hearing request form was received by the clerk of court, and shall provide the person issued the citation at least seven (7) working days' advance notice of the date of the hearing. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver has requested an

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administrative appeals hearing and provided his or her address to the city's parking customer service office when making a request for an administrative appeals hearing.

- c. The person issued the citation may:
  1. Be represented by counsel;
  2. Call and examine witnesses;
  3. Introduce exhibits;
  4. Examine opposing witnesses on any relevant matter; and
  5. Impeach any witness.
- d. All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the hearing officer, in the reasonable exercise of such officer's discretion, to intervene in a pending proceeding.
- e. Any person who receives a parking citation but who does not reside in Palm Beach, Broward or Miami-Dade County, Florida, may contest the citation in writing by contacting, as provided in

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paragraphs (1)a. and (1)b. above, city's parking customer service office within three (3) days from the date of citation issuance and requesting an appeals hearing request form which is to be completed and returned to the city's parking customer service office, accompanied by all evidence upon which the person relies, within twenty (20) working days of the date the citation was issued. The completed appeals hearing request form and accompanying evidence, which were received within the time specified above, will then be sent by the city's parking customer service office to the clerk of courts within ten (10) working days of receipt. The clerk shall present the case to a hearing officer within sixty (60) calendar days of the date the appeals hearing request form and accompanying evidence was received by the clerk of courts. The evidence presented must include a notarized statement by the person receiving the citation, which statement shall identify the citation at issue by its number and date of issuance, shall set forth the name and current address of the person cited, and may contain argument in defense against the citation. The hearing officer will not consider any statement that is not notarized. The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the citation. All evidence submitted is subject to the evidentiary rules and procedures set forth in this section.

- f. Pursuant to Florida law, any person who elects to appear before a hearing officer or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the hearing officer shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue

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an order imposing a civil penalty as set forth in section 26-91, as amended, of this code, in addition to applicable late fees. The hearing officer may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the hearing officer was issued. All orders shall be in writing and shall be signed and dated by the hearing officer. If, at the conclusion of the hearing or consideration of mailed-in admissible evidence, the hearing officer orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing, signed and dated by the hearing officer which shall contain findings of the facts supporting the order. A copy of such order will be forwarded to the person receiving the citation and to the city's parking customer service office.

- g. An order of the hearing officer may be appealed by any party receiving an adverse ruling by filing a Petition for Writ of Certiorari in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, within thirty (30) calendar days from the date the order was issued.

SECTION 132. Subsection 26-114(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

~~The city's director of transportation and mobility~~ or his/her designee is hereby authorized to attach an immobilization "boot" device, which prevents a vehicle from being moved under its own power, to a motor vehicle under the following conditions:

- (1) The motor vehicle has, on at least three (3) prior occasions, been found stopped, standing or parked on any street, alley, thoroughfare, parking lot or garage within the city in violation of a state law or city ordinance for which parking tickets have been issued and to which the registered owner has failed or refused to respond by requesting an administrative appeals hearing as provided in section 26-113, to contest the parking tickets or by paying the civil penalties indicated

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upon the parking tickets or imposed by a hearing officer or court order; and

- (2) The registered owner of the motor vehicle has been given written notice by mail or otherwise that the provisions of this section will be enforced against the motor vehicle unless, not more than five (5) calendar days from the date of receipt of the notice, the owner shall pay the city's parking customer service office or designee, in cash or by credit card, the civil fines and penalties for all such outstanding parking tickets; and
- (3) The registered owner of the motor vehicle has failed or refused to respond to the notice described in paragraph (a)(2) above by paying such civil fines and penalties.

SECTION 133. Subsection 26-114(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The director ~~of transportation and mobility~~ or his/her designee shall maintain a current list of all motor vehicles to which an immobilizing device may be attached pursuant to this section.

SECTION 134. Subsection 26-114(e) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Except as provided in subsection (f) below, the immobilizing device shall be removed from the motor vehicle only upon payment of the civil fines and penalties assessed under the citations for which the motor vehicle has been immobilized, plus the removal charges, and upon the authorization of the director ~~of transportation and mobility of the city~~ or his/her designee.

SECTION 135. Subsection 26-114(f) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Upon payment of all civil penalties not otherwise appealed by an owner or operator pursuant to section 26-113, the owner or operator of a vehicle which has been immobilized with an immobilizing device shall have the right to request the director ~~of transportation and mobility~~ or his/her designee to conduct an

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administrative hearing for the purpose of determining whether such vehicle was properly immobilized in accordance with the terms of this section. The owner or operator has the option of paying the removal charge to have the immobilizing device removed subject to the administrative hearing being held in accordance with this section. Otherwise, the immobilized vehicle is subject to towing as provided in subsection (h). Any request for an administrative hearing under this section must be made to the city's parking customer service office no later than 10:00 a.m. on the next business day after the vehicle was immobilized. The hearing shall be held prior to the end of the following working day after such request is made. The owner or operator requesting the hearing shall receive notice of the hearing date, time and place at the time the request is made. If, upon the conclusion of the hearing, the director of ~~transportation and mobility~~ determines that the vehicle was properly immobilized in accordance with the terms of this section, all civil penalties and removal charges shall be retained by the city. If the director of ~~transportation and mobility~~ determines that the vehicle was not properly immobilized in accordance with this section, the immobilizing device shall be removed immediately, and the removal charge will be returned to the owner or operator. All civil penalties not otherwise pending appeal under section 26-113 shall be retained by the city.

SECTION 136. Subsection 26-157(d) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

It shall be the duty of the director of ~~transportation and mobility~~ or his designated representatives to enforce the provisions of this section and to issue citations for all such violations.

SECTION 137. Subsection 26-161(a)(2)t. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Fort Lauderdale Beach Park Lot located at 700 Seabreeze Boulevard at a rate of one dollar and seventy-five cents (\$1.75) per hour of parking time from 5:00 a.m. to 2:00 a.m. Residents of the city shall not be charged for parking, provided the resident has secured and utilizes a current city resident beach parking permit. The city manager may approve a special single rate for nonresidents and residents of not more than twenty dollars (\$20.00) for days when a special event is scheduled.

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- i. *Permit entry.* Any person or business may purchase a permit from the director ~~of transportation and mobility~~ or his/her designee, subject to availability, by paying a non-refundable annual fee per permit requested, plus a monthly fee payable in advance for each permit. Each permit shall allow the holder to park an automobile in an available space, if any, on a first-come first-served basis during the times the lot is open to the public.
- ii. *Permit rate.* Annual non-refundable fee per permit of one hundred sixty dollars (\$160.00), plus tax, payable at the time of permit purchase. Monthly fee per permit of thirty-five dollars (\$35.00), plus tax, payable in advance for the month to which applicable. City shall have the right to cancel any permit upon thirty (30) days' advance written notice to the holder and the holder shall thereupon be entitled to receive a pro-rated refund of the annual fee for that permit.
- iii. Hours. 5:00 a.m. to 2:00 a.m., daily; provided however, that the closing may be changed at the discretion of the director ~~of transportation and mobility~~.

SECTION 138. Subsection 26-161(a)(4) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Upon the recommendation of the director ~~of transportation and mobility~~, the city manager may approve temporary parking meter rate increases up to an amount not to exceed one dollar (\$1.00) per hour of parking time, for a period not to exceed six (6) months with city commission approval by resolution.

SECTION 139. Subsection 26-161(a)(6) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

Parking is permitted twenty-four (24) hours per day, unless indicated otherwise at parking meters in the parking lot, garage, or area. A closing time may be designated at the discretion of the director ~~of transportation and mobility~~.

SECTION 140. Subsection 26-161(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

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Upon recommendation of the transportation and mobility department, the city manager may authorize the execution by the director ~~of transportation and mobility~~ of contracts by which the city agrees to rent or lease parking spaces within any municipal parking lot, garage, or area. Such contracts shall be for a term of not less than one (1) month nor more than five (5) years. The minimum contract fee shall be not less than ~~seventy-five~~ seventy-three dollars (\$~~75.00~~ 73.00) per parking space per month. The fees shall be paid monthly, in advance.

SECTION 141. Subsection 26-161(e)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The presale of parking spaces for special events is subject to availability and may not infringe upon the public's parking needs. The ~~transportation and mobility~~ director or his/her designee has complete discretion regarding the presale of parking spaces.

SECTION 142. Subsection 26-161(e)(10) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to provide as follows:

The event applicant or sponsor must provide the ~~parking services~~ director or his/her designee proof of insurance at least five (5) business days prior to the event date.

SECTION 143. Subsection 26-170(a)(1) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The owner of property located within a RPPD shall make application to the director or his/her designee for a residential parking permit. The application shall contain:

- a. The name of the owner, tenant of the property or both; and
- b. Residence and mailing address of owner, tenant or both; and
- c. A valid Florida License or State of Florida I.D. with photo, and address located within the RPPD; or

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- d. Such other evidence of identification as deemed acceptable by the director showing residency within the RPPD.

SECTION 144. Subsection 26-170(a)(2) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The director or his/her designee may issue parking permits to qualified applicants upon the payment of the required fee to assist in recovering the costs related to the residential parking permit program. The number of permits that may be issued per resident shall be as specified in the designation resolution adopted as provided in this division.

SECTION 145. Subsection 26-212 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city manager, or his/her designee, is authorized to implement the provisions and requirements of Laws of Florida, Chapter 2010-80, F.S. § 318.0083, as may be amended and may take any action which is necessary for such purpose.

SECTION 146. Subsection 26-225(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Within five (5) business days of receiving a permit application, the division shall determine if the information provided is complete and notify applicant of any deficiencies in the application. Upon submittal of additional information the division will determine if the application is complete and shall notify the applicant if there are deficiencies. If an applicant fails to provide additional information requested by the division within two (2) weeks of notification, the application shall be considered withdrawn by the applicant and a new application will be required. The review of the application shall not commence until the application is determined to be complete by the division. Once the application is determined to be complete, the division shall submit the application to other city departments and divisions with interest in the valet operation for their review and comment, including but not limited to, engineering, sustainable development, police, fire-rescue, and risk management ~~departments~~.

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SECTION 147. Section 28-30 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

This article is hereby made a part of the contract between the city via the wastewater division of the city's ~~utilities~~public works department and every water consumer of or applicant for wastewater collection from such department.

SECTION 148. Subsection 28-32(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida is amended to provide as follows:

Where a city sanitary sewer is not accessible or available, it shall be unlawful to construct a septic tank within the corporate limits of the city without first securing a permit from the city ~~buildings~~sustainable development department. A plot plan of the property with shape, size and description of the septic tank and drain field shall be submitted at the time of the application for such permit. Such plan shall be approved by the county health department.

SECTION 149. Subsection 28-37(c) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Liability for clogged house sewer.* In the event of a clogged house sewer, the customer should obtain the services of a plumber. If the customer requests the ~~utilities~~public works department services to unclog a house sewer line and it is determined that the stoppage is located between the service connection and house plumbing, then the expense of uncovering the service cleanout and/or cleaning the house sewer line shall be borne by the customer. The ~~utilities~~public works department shall not be obliged to clean the house sewer line located on the customer's property. Should it be determined that the stoppage is located between the service connection and the city sanitary collection system, then no charge is made to the customer.

SECTION 150. Subsection 28-76(b)(5)e. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The basis of these determinations are contained in the "Guidelines for the Calculation of Sanitary Sewer Connection Fees" developed by the public works department ~~of public services~~ and adopted by resolution of the city commission.

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SECTION 151. Subsection 28-76(l)(2)c. of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Notify both the city ~~buildings~~sustainable development department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of a structure.

SECTION 152. Section 28-79 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Where water used for lawn sprinkling, gardening or commercial-industrial purposes does not enter the sanitary sewer system, relief from payment of the wastewater commodity charge on the presently metered total water consumption is provided as follows:

- (1) A customer may have installed by the department, as stipulated in section 28-141 and approved by the ~~buildings~~sustainable development department, a separate metered connection with the water mains to measure the water so used.
- (2) A customer may apply for a meter, as stipulated in section 28-141 to have the meter installed at his expense and with the approval of the ~~buildings~~sustainable development department, to measure the water which does not enter the sewer system. The sewerage service charge will be billed on the difference in consumption between the two (2) meters; provided, however, that the credit to be given shall not reduce the total wastewater charge to an amount less than the fixed monthly charge.

SECTION 153. Section 28-136 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The water division furnishing water supply to customers shall be under the control and supervision of the director of the ~~utilities~~public works department. ~~The director of the utilities department reports directly to the city manager.~~

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SECTION 154. Section 28-137 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The rules and regulations as set forth in this article are hereby made a part of the contract between the city via the water utilities division of the city's ~~utilities~~public works department and every consumer of or applicant for water supply from such department.

SECTION 155. Subsection 28-143(f)(2)c of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Notify both the city ~~building~~sustainable development department and the city public works department that all water and sewer facilities have been removed and that the service availability charge should be terminated as to the subject structure or parts of structure.

SECTION 156. Section 28-146 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (a) *Installation and use.* If a property owner, developer or any person is required by the ~~fire-rescue~~ department, ~~building and zoning~~sustainable development department, or both to have a fire hydrant installed on city property, the installation charge shall be estimated and billed upon a basis of actual cost, including materials, labor, equipment and a percentage allowance for administrative and overhead costs. All installation and service charges shall be paid in full before the fire hydrant is installed. All fire hydrants or plugs shall be used for fire protection purposes exclusively. All use of fire hydrants or plugs, sprinkling, sewer flushing, watering, filling of other carts or receptacles, and any use of fire hydrants or plugs other than for strictly fire protection (meaning thereby extinguishment of fires or wetting down surrounding properties during a fire to prevent its spreading) is prohibited unless any such other use is permitted by the appropriate city department and evidenced by a written permit signed by its director or his designee, which permit shall be exhibited to any and all employees of the water division.
- (b) *Flow testing.* Upon application to the ~~utilities~~public works department, a flow test shall be performed on any hydrant in the city water system. The

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original test report and recording chart shall be retained by the city's ~~utilities~~public works department and copies furnished to applicant. The charge for this shall be two hundred dollars (\$200.00) for each hydrant flow test. All service charges shall be paid in full before flow testing is performed.

SECTION 157. Section 28-147 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Permits for the use of water from fire hydrants or plugs for fire protection shall not be granted by the city except in cases where such use is deemed by the ~~utilities~~public works department to be urgent and other means of obtaining water are not available, but all permits so granted shall be revocable at the pleasure or discretion of the ~~utilities~~public works department in every instance and without regard or reference to any terms or provisions in such permits to the contrary notwithstanding.

SECTION 158. Section 28-150 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

No person except the fire chief or his assistants in the discharge of their duties shall open or interfere with fire hydrants, valves, or connections with the street mains or with any curb cock, valve or meter, unless previous permission has been obtained from the city ~~utilities~~public works department. Any person damaging any fire hydrant, valve or connection with the street mains or any curb cock, valve or meter, either accidentally or intentionally, shall pay the cost of such repair or replacement, as determined by the ~~utilities~~public works department, after being notified to do so by the ~~utilities~~public works department and, upon failure to do so, such person shall be liable to prosecution in the circuit court of the county. Any person convicted in the circuit court before the county judge of damaging any equipment or property of the ~~utilities~~public works department and not paying the cost of repair or replacement after being notified, as above set out, shall, upon conviction, be punished as provided in this Code.

SECTION 159. That, at the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in this Ordinance, to the numbering, lettering, and capitalization structure established in the Code of

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Ordinances of the City of Fort Lauderdale, Florida, and to correct non-substantive scrivener’s errors in the codification of this Ordinance.

SECTION 160. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 161. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 162. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor  
JOHN P. “JACK” SEILER

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.