



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
WEDNESDAY, June 19, 2019
6:30 P.M.**

Town Hall

Assembly Hall

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF AGENDA

- 5. PUBLIC FORUM: Non-Agenda Items Only NOTE:** A three minute time limit applies to all comments from the public on non-agenda items only. If a person wishes to address the Board of Commissioners, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.

6. REPORTS

Public Safety	Vice Mayor Kornijtschuk
Building/Code	Commissioner Will
Public Works/Parks	Commissioner Steiermann
Finance	Commissioner Dorgan
Mayor	
Town Clerk	
Attorney Daigneault	
Boards & Committees	

7. CONSENT AGENDA

- A. Board Regular Meeting Minutes, June 5, 2019**
- B. Bill List for Day Ending June 14, 2019**

8. OLD BUSINESS

- A. Impervious Surface Ratio**
- B. Friendship Park Renovations**

9. NEW BUSINESS

- A. Board of Adjustment Appointment**
- B. Discussion: Code Revision Chapter 12**



- C. Discussion: Code Revision Chapter 16 & 17
- D. Six Month Review of Financials

10. OTHER BUSINESS

11. ADJOURNMENT

Note: The Town of Redington Beach Board of Commissioners meet the First and Third Wednesday of each month beginning at 6:30 p.m.

The Town of Redington Beach Board of Commissioners may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the Board of Commissioners meeting may be obtained from the Town Clerk's office. The meetings may be recorded. The Minutes are not transcribed verbatim. It is the policy of the Board of Commissioners to make "action minutes" of all meetings

Persons requiring a verbatim transcript of any Town meeting (for purposes of appeal or otherwise) should make arrangements to have a certified Court Reporter, at their own cost and expense, present at the meeting.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. (F.S. 286.0105) **Notice Regarding Special Accommodations: (F.S. 286.26)**



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, June 5, 2019
6:30 p.m.

Having been duly advertised as required by law, the **Regular Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Wednesday, June 5, 2019, 6:30 p.m.**, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach Florida.

Mayor Simons called the **Regular Meeting** to order and led the pledge of allegiance.

Roll Call

	Present	Absent
Commissioner Dorgan	X	
Commissioner Steiermann	X	
Commissioner Will	X	
Vice Mayor Kornijtschuk	X	
Mayor Simons	X	
Town Attorney Daigneault	X	
Town Clerk Clarke	X	

Agenda: A motion by Vice Mayor Kornijtschuk and seconded by Commissioner Will to accept the agenda as presented. Motion passed with all ayes.

Public Forum: None

Public Safety

- Nothing to Report.

Building

- Nothing to Report.

Public Works

- Nothing to Report.

Finance

- Nothing to Report

Mayor

- Nothing to Report.

Town Clerk

- Pinellas County will be holding a Flood Map Community Open House on Tuesday, June 11th at the Lealman exchange. The flood maps will be changing and this open house will address how your home may be affected by insurance rates.

Town Attorney

- Nothing to Report.

Boards and Committees

- Nothing to Report

CONSENT AGENDA

- A. Board Regular Meeting Minutes, May 15, 2019**
- B. Bill list ending for Day ending May 31, 2019**
- C. World Elder Abuse Awareness Month**

A motion by Commissioner Dorgan and seconded by Vice Mayor Kornijtschuk to approve the consent agenda as presented. No public comment. Motion passed with all ayes.

OLD BUSINESS

- A. Impervious Surface Ratio:** Town Planner, Bruce McLaughlin stated that he is working with a resident and Steven Fernandez, GIS research project leader of the School of Public Affairs at USF in developing a methodology of the current Impervious Surface Ratio for the homes in Redington Beach. The data will be completed in a couple of weeks and once it is completed a joint meeting between the planning board and the board of commissioners can take place. Also in attendance will be Lynn Burnett.

A motion by Commissioner Steiermann to leave the ISR for the structure (home) at 40% and add 15% ISR for pool decks, driveways, and sidewalks. The motion died for a lack of a second.

Mr. McLaughlin noted that per Florida Statute 163 an inventory and analysis is required for the comp plan changes. A suggestion was made to remove the percentage from the comp plan, so it could be changed by ordinance only. Commissioner Steiermann was opposed to the suggestion.

NEW BUSINESS

Other Business

With no further business, a motion was made by Commissioner Will and seconded by Vice Mayor Kornijtschuk to adjourn. Regular meeting was adjourned at 6:48 p.m.

Adopted: June 5, 2019

Missy Clarke, CMC, Town Clerk

INVOICE APPROVAL LIST BY FUND REPORT

Town of Redington Beach

Date: 06/14/2019

Time: 12:27 pm

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.230	Group Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	699.89
							699.89
101-512-512.231	Life Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	9.75
							9.75
101-512-512.232	Dental Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	61.35
							61.35
101-512-512.240	Worker's Comp Li FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	353.25
							353.25
101-512-512.260	General Liability FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	1,444.63
							1,444.63
101-512-512.265	Property Insurance FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	1,125.50
							1,125.50
101-512-512.420	Postage ADRIANA NIEVES	2019-06-03	CRS Postage	0	06/03/2019	06/03/2019	10.44
							10.44
101-512-512.440	Utilities- Water/EI DUKE ENERGY	73928-48713	2019-06-03 May 2019	0	06/03/2019	06/03/2019	491.59
	PINELLAS COUNTY UTILITIE	2019-06-12	4/4/19-6/4/19	0	06/12/2019	06/12/2019	169.50
							661.09
101-512-512.510	Office Supplies APEX OFFICE PRODUCTS	1919227-0	Labels, binders	0	06/11/2019	06/11/2019	35.39
	WATER BOY INC	61010574	May 2019 Drinking water	0	05/21/2019	05/21/2019	21.00
							56.39
101-512-512.515	Office Copier/Lea KONICA MINOLTA BUSINESS	259067290	5/1/19-5/31/19	0	05/31/2019	05/31/2019	129.13
							129.13
101-512-512.520	Office Copier/Use KONICA MINOLTA BUSINESS	259067290	5/1/19-5/31/19	0	05/31/2019	05/31/2019	56.95
							56.95
Total Dept. Town Clerk:							4,608.37
Dept: 513 Finance & Admin							
101-513-513.230	Group Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	695.82
							695.82
101-513-513.231	Life Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	9.75
							9.75
101-513-513.232	Dental Insurance FLORIDA MUN INSURANCE	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	30.61
							30.61
101-513-513.240	Worker's Comp Li FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	353.25

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Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							353.25
							Total Dept. Finance & Admin:
							1,089.43
Dept: 514 Legal Counsel							
101-514-514.124	Town Attorney TRASK, DAIGNEAULT, LLP A'	1393	May 2019 - General	0	06/03/2019	06/03/2019	3,267.00
							3,267.00
101-514-514.310	Legislative Coun: TRASK, DAIGNEAULT, LLP A'		May 2019 Code revision	0	06/12/2019	06/12/2019	6,616.50
							6,616.50
							Total Dept. Legal Counsel:
							9,883.50
Dept: 521 Law Enforcement							
101-521-521.340	Law Enforcemeni PINELLAS COUNTY SHERIFF	730914	June 2019 Law Enf.	0	06/03/2019	06/03/2019	21,237.00
							21,237.00
101-521-521.350	Traffic Enforceme PINELLAS COUNTY SHERIFF	2019-07-06	2019-07-06 Beach Party	0	06/11/2019	06/11/2019	180.00
							180.00
							Total Dept. Law Enforcement:
							21,417.00
Dept: 524 Protective Services							
101-524-524.421	Attorney Fees TRASK, DAIGNEAULT, LLP A'	1467	May 2019-Code Enf.-STOLZ	0	06/03/2019	06/03/2019	221.50
							221.50
							Total Dept. Protective Services:
							221.50
Dept: 539 Department of Public V							
101-539-539.230	Group Insurance FLORIDA MUN INSURANCE *	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	1,391.64
							1,391.64
101-539-539.231	Life Insurance - C FLORIDA MUN INSURANCE *	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	19.50
							19.50
101-539-539.232	Dental Insurance FLORIDA MUN INSURANCE *	2019-07-01	7-1-19 to 7-31-19	0	06/12/2019	06/12/2019	130.91
							130.91
101-539-539.233	Vehicle Insurance FLORIDA MUN INSURANCE *	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	334.50
							334.50
101-539-539.240	Workers Comp - FLORIDA MUN INSURANCE *	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	706.50
							706.50
101-539-539.440	P/W Utilities DUKE ENERGY	31525-72269	2019-06-14 June 2019	0	06/14/2019	06/14/2019	140.76
							140.76
							Total Dept. Department of Public Works:
							2,723.81
Dept: 541 Roads & Streets							
101-541-541.467	Maint - Street Lig DUKE ENERGY	73928-48713	2019-06-03 May 2019	0	06/03/2019	06/03/2019	2,295.96
							2,295.96

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Date: 06/14/2019

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Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Dept: 572 Parks and Recreation							
101-572-572.260	General Liability						
	FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	1,444.62
							1,444.62
101-572-572.265	Property Insurance						
	FLORIDA MUN INSURANCE	2019Q4	2019 Q4	0	07/01/2019	07/01/2019	1,125.50
							1,125.50
101-572-572.430	Utilities						
	DUKE ENERGY	73928-48713	2019-06-03 May 2019	0	06/03/2019	06/03/2019	73.21
	DUKE ENERGY	54246-18249	2019-06-14 June 2019	0	06/14/2019	06/14/2019	30.26
	PINELLAS COUNTY UTILITIES		2019-06-12 4/4/19-6/4/19	0	06/12/2019	06/12/2019	588.95
							692.42
101-572-572.461	Maintenance - Building						
	HOME DEPOT CREDIT SERVICE	013752/9092970	Drill, oil, bug spray	0	06/13/2019	06/13/2019	17.48
							17.48
101-572-572.462	Maintenance - Grounds						
	HOME DEPOT CREDIT SERVICE	013752/9092970	Drill, oil, bug spray	0	06/13/2019	06/13/2019	10.45
							10.45
101-572-572.510	Maintenance Equipment						
	CITY OF MADEIRA BEACH	9805142	Tractor repair	0	05/29/2019	05/29/2019	156.22
							156.22
101-572-572.522	Gasoline & Oil						
	HOME DEPOT CREDIT SERVICE	013752/9092970	Drill, oil, bug spray	0	06/13/2019	06/13/2019	20.82
	WEX BANK	174268	Unleaded gasoline	0	01/30/2019	01/30/2019	57.07
	WEX BANK	322107	Unleaded gasoline	0	04/22/2019	04/22/2019	70.81
	WEX BANK	353391	Unleaded gasoline	0	05/10/2019	05/10/2019	49.37
	WEX BANK	385385	Unleaded gasoline	0	05/31/2019	05/31/2019	62.39
	WEX BANK	396432	Unleaded	0	06/07/2019	06/07/2019	76.70
	WEX BANK	401117	Diesel fuel	0	06/10/2019	06/10/2019	40.00
	WEX BANK		2019-06-12 Misc fees and interest to date	0	06/12/2019	06/12/2019	152.18
							529.34
101-572-572.527	Tools & Equipment						
	HOME DEPOT CREDIT SERVICE	013752/9092970	Drill, oil, bug spray	0	06/13/2019	06/13/2019	179.00
							179.00
Total Dept. Parks and Recreation:							4,155.03
Total Fund General Fund:							46,394.60
Fund: 300 Capital Accounts							
Dept: 539 Department of Public Works							
300-539-539.630	Infrastructure						
	CPWG	19053105	Undergrounding Utilities	0	05/31/2019	05/31/2019	96,274.50
							96,274.50
Total Dept. Department of Public Works:							96,274.50
Total Fund Capital Accounts:							96,274.50
Fund: 400 Storm Water							
Dept: 535 Storm Water							
400-535-535.650	Engineering Expenses						
	LTA ENGINEERS, LLC	1755	Eng. Svcs 4/1-5/31/19	0	06/06/2019	06/06/2019	519.17
	LTA ENGINEERS, LLC	1771	Grant Appl. 4/1-5/31/19	0	06/09/2019	06/09/2019	589.58

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Town of Redington Beach

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Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							<u>1,108.75</u>
						Total Dept. Storm Water:	<u>1,108.75</u>
						Total Fund Storm Water:	<u>1,108.75</u>
						Grand Total:	<u>143,777.85</u>

6/5/2019

6599 Payroll
8700 Payroll
8701 Payroll
8702 Payroll

1,759.15
1,309.67
1,197.24
1,251.86

5,517.92

MAYOR SIMONS

VICE MAYOR KORNIJTSCHUK

COMMISSIONER WILL

COMMISSIONER DORGAN

ATTEST:

COMMISSIONER STEIERMANN

Regular Meeting of June 19, 2019

Missy Clarke, CMC, Town Clerk



TOWN OF REDINGTON BEACH, FLORIDA

APPLICATION FOR APPOINTMENT TO TOWN BOARD OR TOWN COMMITTEE

NAME:

KEN SULEWSKI

ADDRESS:

16213 REDINGTON DR

, Redington Beach, FL 33708

HOME PHONE:

727-391-8225

CELL PHONE:

727-510-2367

E-MAIL:

KENATSEA@TAMPABAY.BR.COM

SEEKING APPOINTMENT TO (Check Appropriate Choice):



Board of Adjustment

☐ Planning Board

☐ Park Board

☐ Other (Specify) _____

EDUCATIONAL BACKGROUND:

School:

FAIRLEIGH DICKINSON U.

Location:

TEANEK, NJ

Major:

INT'L BUS.

Degree:

MBA

EMPLOYMENT:

Employer:

RETIRED

Industry:

Address:

City:

State:

Zip:

Position:

How Long:

Employment Reference:

Phone:

Prior Employment:

Employer:

UNIROYAL CHEMICAL

Industry:

CROP PROTECTION

Address:

BROOKLANDS FARM

City:

EVESHAM, ENGLAND

State:

Zip:

Position:

REGIONAL MGR EUROPE/AFRICA

How Long:

MIDDLE EAST 25 YEARS

Employment Reference:

Phone:

Why would you like to be considered as a candidate for service as noted in this Application?

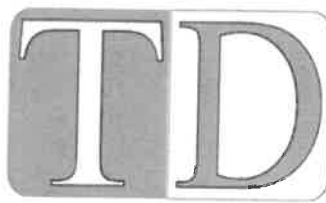
TO SERVE THE TOWN WITH PRACTICAL BUILDING EXPERIENCE
DEVELOPED OVER THE YEARS

Signature

K. Sulewski

Date:

14 May 2019



T R A S K
DAIGNEAULT
—LLP—
ATTORNEYS

THOMAS J. TRASK, B.C.S.*
JAY DAIGNEAULT
RANDY MORA
ERICA F. AUGELLO
DAVID E. PLATTE
PATRICK E. PEREZ
ROBERT M. ESCHENFELDER, B.C.S.*

** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

DATE: June 4, 2019

TO: Mayor James "Nick" Simons
Vice Mayor Tim Kornijtschuk
Commissioner Fred Steiermann
Commissioner Tom Dorgan
Commissioner David Will

FROM: Jay Daigneault, Esq., Town Attorney

RE: Redington Beach Code Revision Project (Chapter 12)

Dear Mayor, Vice Mayor, and Commissioners:

As you will recall, the Town Commission assigned the Town Attorney's Office to conduct a "top to bottom" review of the Town Code (minus the Land Development Code) with the goal of modernizing the Code and ensuring it was up to date.

The Town has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town. The Town Commission regularly adopts ordinances amending the Code. However, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years. Since part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions, it made this review assignment.

As you know, in processing the assignment, I am delivering it to the Commission in segments as this will be easier for both Commissioners and interested citizens to focus on with respect to what changes are being recommended. The first submission covered Chapters 1 through 3 of the Code.

This second submission addresses Chapter 12 of the Code concerning nuisances. I prioritized this chapter for delivery after the Town had received complaints surrounding the placement of unsolicited printed/written materials in various outside areas of residences.

Before reviewing the specific changes to Chapter 12 I am recommending, I wanted to provide the Commission with an overview of the law applicable both to the authority to regulate nuisances in general, and specifically as to distribution of unsolicited printed materials since that conduct has First Amendment implications.

Authority to Prohibit Nuisances

Pursuant to Florida Statutes § 823.01,

All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree, punishable as provided in s. 775.083, except that a violation of s. 823.10 is a felony of the third degree.

In ***Knowles v. Central Allapattae Properties***, 145 Fla. 123, 198 So. 819 (1940), the Florida Supreme Court expressly reaffirmed the principle that although constitutional rights may not be transgressed by the sovereign, the possession and enjoyment of all rights are subject to the paramount police power of the state to do that which is necessary to secure the comfort, health, welfare, safety, and prosperity of the people:

It is a well settled rule that all property is held subject to the right of the State to regulate it under the police power in order to secure safety, public welfare, health, peace, public convenience and general prosperity. The rule is based upon the concept that all property is held on the implied condition or obligation that its use shall not be injurious to the equal rights of others to the use and benefits of their own property. The public interest is paramount to property rights. The right of the State to regulate a business which may become unlawful is a continuing one, and a business lawful today may, in the future, because of changed conditions, the growth of population, or other causes, become a menace to the safety and public welfare, and the continuance thereof must yield to the public good.

***Knowles*, 198 So. at 823.**

Thus, the Legislature has broad discretion to declare a particular activity to be a public nuisance and enact legislation to abate the same in the exercise of its police power. As the Florida Supreme Court has recognized:

A public nuisance violates public rights, subverts public order, decency or morals, or causes inconvenience or damage to the public generally. The Legislature has broad discretion to designate a particular activity to be a public nuisance. In the exercise of its police power the State has authority to prevent or abate nuisances, for police power is the sovereign right of the State to enact laws for the protection of lives, health, morals, comfort and general welfare.

***Thompson v. State*, 392 So.2d 1317, 1318 (Fla. 1981).**

The Florida Supreme Court has recognized the difficulty of writing specificity into nuisance statutes as shown by the following quotation from *Orlando Sports Stadium v. State*, 262 So.2d 881 (Fla. 1972):

It is not possible to define comprehensively “nuisances” as each case must turn upon its facts and be judicially determined.

Id. at 884.

Therefore, a law prohibiting the maintenance of a nuisance is not unconstitutionally vague. *State v. SCM Glidco Organics Corp.*, 592 So.2d 710, 712 (Fla. 1st DCA 1991) (abrogated on other grounds by *Flo-Sun, Inc. v. Kirk*, 783 So.2d 1029 (Fla. 2001). See, *Bal Harbour Village v. Welsh*, 879 So.2d 1265 (Fla. 3rd DCA 2004) (finding ordinance declaring the ownership of more than two dogs per unit to be a nuisance to be a valid exercise of police power).

However, a public nuisance (as opposed to a private nuisance) must cause an annoyance to the community or harm to public health in general. Nuisances are public where they violate public rights, subvert public order, decency, and morals, or cause inconvenience or damage to the public generally. To be a public nuisance, property must cause inconvenience or damage to the public generally. *Flo-Sun, Inc. v. Kirk*, 783 So. 2d 1029 (Fla. 2001); *Jacobs v. City of Jacksonville*, 762 F. Supp. 327 (M.D. Fla. 1991); *Bal Harbour Village v. Welsh*, 879 So. 2d 1265 (Fla. 3rd DCA 2004). What this means is that in order for a governmental entity to pursue an action for public nuisance, the condition or conduct must go beyond something which just annoys or harms, say, a next-door neighbor or other small group. Those persons continue to have the right to pursue a private action to abate a private nuisance, but the Town would not by law be entitled to wade into such disputes under the public nuisance code (though some private nuisances could also constitute a code enforcement violation which could be subject to citation or notice of violation).

Also, in order to pass constitutional muster, all laws or ordinances enacted pursuant to the exercise of such police power must be reasonable and not arbitrary. See *Knowles*, 145 Fla. 123, 198 So. 819, 823 (“The validity of a police regulation therefore depends on whether, under all circumstances, the regulation is reasonable or arbitrary and whether it is reasonably designed to accomplish a purpose falling within the scope of the police regulation.”); *Gates v. Sanford*, 566 So.2d 47, 49 (Fla. 5th DCA 1990) (“Ordinances enacted pursuant to general police powers must not infringe constitutional guarantees by invading personal or property rights unnecessarily or unreasonably or by denying due process or equal protection of laws.”).

Removal of Trees

The Town’s current code regulates the removal of trees, including diseased trees, from both public and private property. In *Bowen v. Winterle*, 159 Fla. 330, So.2d 536 (1947), the Florida Supreme Court held that the right of a municipality to remove shade trees in public streets when necessary for the improvement of said streets, and without liability to an abutting owner, is not open to question, and that municipalities are vested with a broad discretion in matters relating to the public streets and the removal of trees therefrom, then necessary or desirable for the improvement of the street, or to abate a nuisance.

However, with respect to trees on private property, local governments must be careful not to remove or require the removal of trees that are otherwise healthy since doing so could cause a claim for damages as in the case of *Florida Dept. of Agriculture and Consumer Services v. Lopez-Brignoni*, 114 So.3d 1138 (Fla. 3rd DCA 2012), which confirmed that governmental removal of a healthy, non-commercial tree from residential property required full compensation to the owner.

Regulation of Noise

Article IV of Chapter 12 of the Town Code currently regulates noise. However, that code dates to 1980, and contains many outdated provisions, including references to phonographs, “hooting” in the street, and the blowing of steam whistles. Additionally, these regulations make certain distinctions between speakers, which could result in constitutional challenges.

While measuring noise with modern noise-monitoring devices is now considered the primary standard of noise regulation enforcement, some non-mechanical measurement standards are also available. Thus, in the case of *DA Mortg., Inc. v. City of Miami Beach*, 486 F.3d 1254 (11th Cir. 2007), the court ruled that sound ordinances addressing “unnecessary and excessive” noises and prohibiting persons from creating noises in such a manner “as to disturb the peace, quiet and comfort of the neighboring inhabitants” are not unconstitutionally vague or overbroad.

And, focusing on noise from cars, the Florida Supreme Court, in *State v. Catalano*, 104 So.3d 1069 (Fla. 2012), ruled that the “plainly audible” standard when regulating car stereo noise is not unconstitutionally vague. However, following on the content-based comment above, the *Catalano* court also ruled that a ban on amplified sound that can be heard beyond twenty-five feet of a motor vehicle, “unless that sound comes from a business or political vehicle,” was an unconstitutional regulation of the content of speech.

Distribution of Unsolicited Printed Materials

It has long been held that the right of freedom of speech and press embraces the right to distribute literature as well as the right to receive it. *Martin v. Struthers*, 63 S.Ct. 862, 863 (1942) (government may not place a total prohibition on door-to-door solicitation and leafletting). “One-on-one communication is the most effective, fundamental, and perhaps economical avenue of political discourse. And handing out leaflets in the advocacy of a politically controversial viewpoint is the essence of First Amendment expression; no form of speech is entitled to greater constitutional protection.” *McCullen v. Coakley*, 134 S.Ct. 2518, 2536 (2014).

In order for an ordinance to qualify as a reasonable time, place, and manner regulation of speech, it must:

- (1) be content-neutral,
- (2) serve a significant government interest,
- (3) be narrowly tailored to serve that government interest and
- (4) leave open ample alternative channels of communication.

Members of City Council of Los Angeles v. Taxpayers for Vincent, 104 S.Ct. 2118 (1984). A regulation of speech may be considered content-based “on its face” if it “draws distinctions based on the message a speaker conveys.” *Reed v. Town of Gilbert*, 135 S.Ct. 2218, 2227 (2015).

Reducing blight and litter, protecting private property, and supporting individuals' interests in having their private property left alone by those who do not have permission to use it have all been held to be significant governmental interests. *Jobe v. City of Catlettsburg*, 409 F.3d 261, 268 (6th Cir. 2005) (upholding ordinance prohibiting placing unsolicited leaflets on vehicles). And a municipality's interest in protecting its citizens from crime and undue annoyance is well recognized. *Hynes v. Mayor of Oradell* 96 S.Ct. 1755, 1758 (1976).

A regulation of speech is narrowly tailored "so long as the regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." *Ward v. Rock Against Racism*, 109 S.Ct. 2746 (1989). A regulation cannot be invalidated "simply because a court concludes that the government's interest could be served by some less-speech-restrictive alternative." *Id.* at 800. Thus, the fit between a city's means and ends must be a reasonable one, and a city must rely on more than mere "speculation or conjecture" that the ordinance will further its interests. *Prime Media, Inc. v. City of Brentwood*, 398 F.3d 814, 821 (6th Cir. 2005). "...[A] regulation of time, place, or manner of protected speech must be narrowly tailored to serve the government's legitimate, content-neutral interests but...it need not be the least restrictive or least intrusive means of doing so." *Lexington H-L Servs., Inc. v. Lexington-Fayette Urban Cty. Gov't*, 879 F.3d 224, 232 (6th Cir. 2018).

"An alternative channel of communication can be adequate even when the speaker is denied its best or favored means of communication." "The key for purposes of the adequate-alternatives analysis is whether the proffered alternatives allow the speaker to reach its intended audience." *Contributor v. City of Brentwood*, 726 F.3d 861, 865 (6th Cir. 2013).

In the case of *Ad World, Inc. v. Doylestown Tp.*, 672 F.2d 1136 (3rd Cir. 1982), the Town, in reaction to complaints that a local advertising newspaper was being attached to front doors or mailboxes via a plastic bag, adopted an ordinance making it unlawful to "distribute advertising material at a residence by placing the material at the residence, on the property or on the mail box, unless the owner requested or consented. The *Ad World* court found that this ordinance was unconstitutional since it was content-based (calling out only "advertising" material).

However, first amendment rights have never been regarded as absolutes. In *Breard v. Alexandria*, 71 S.Ct. 920, 932 (1950), it was stated:

Freedom of speech or press does not mean that one can talk or distribute where, when and how one chooses. Rights other than those of the advocates are involved. By adjustment of rights, we can have both full liberty of expression and an orderly life.

The *Martin v. Struthers* Court recognized that "the peace, good order and comfort of the community may imperatively require regulation of the time, place and manner of distribution." 63 S.Ct. at 863.

In the recent case of *Lexington H-L Services, Inc. v. Lexington-Fayette Urban County Government*, 329 F.Supp.3d 333 (E.D. Ky. 2018), a free weekly six page publication which mixed advertisements with some community news was being distributed by being thrown onto lawns or driveways in plastic bags. While the publisher maintained a "do not deliver" database for residents to opt out, the county received many complaints that the publisher's distribution

contractor ignored that database and kept delivering the unsolicited publication, including to a council member who had been on the DND list. The police chief testified that uncollected papers in yards were signals to potential burglars, and the county's utilities director expressed concern that these paper and plastic materials were prone to wash into the stormwater system.

Thus, the county adopted an ordinance prohibiting the delivery of "unsolicited written materials" unless they were: (1) left on the front porch; (2) securely attached to the front door; (3) inserted in a mail slot; (4) placed between an exterior and interior front door; (5) placed in a distribution box; or (6) delivered personally to the owner, occupant, or lessee.

While the publisher asserted the ordinance violated the First Amendment, the court found it to be constitutional. The court found the ordinance to be content-neutral, applying to all publications, and agreed that the county's interest in protecting its citizens from crime and undue annoyance, as well as in preventing damage to its stormwater system, were significant government interests.

The court also found that the ordinance was narrowly tailored because:

It is reasonable for the City to believe, based on the millions of unsolicited materials delivered each year and numerous complaints from residents that driveway delivery resulted in these materials accumulating, that restricting that form of delivery would reduce this visual blight. The Lexington Ordinance corrects these problems by restricting delivery to six locations where residents are more likely to collect unsolicited materials. Similarly, limiting the delivery to six locations is also likely to create a more consistent esthetic in the City by preventing haphazard distribution of unsolicited materials.

As to the City's interest in preventing litter, Lexington received complaints that driveway delivery made it more likely that written materials were blown into the street, where they become litter. The Council also considered the memorandum submitted by the City's Director of Division of Water Quality which advised that uncollected materials could wash into the public storm sewer system during heavy rains and end up in the banks of creeks and streams or in streamside vegetation. *Lexington*, at 339.

Finally, the court found the ordinance satisfied the alternative channels test:

The Ordinance leaves open ample alternative channels of communication. The Herald-Leader may still distribute, by any method, written materials that individuals have consented to receiving. Unsolicited and unconsented to written materials may still be delivered so long as they are [delivered in one of the 6 enumerated ways]. While these may not be the Herald-Leader's preferred methods of distribution, they allow *The Community News* to reach its intended audience.

Lexington, at 340.

Based on the foregoing authority, I advise that the Town cannot adopt a total ban on distribution of unsolicited printed materials. However, it can adopt a regulation restricting how such materials can be distributed so long as adequate methods of distribution remain.

Revisions to Chapter Twelve

With that overview of the primary legal areas, the recommended ordinance revising Chapter 12 (including a new regulation on the unsolicited written materials distribution issue) is attached for your review. What follows is a summary and explanation of the changes I am recommending:

- A new Article VII of Chapter 12 of the Code has been created to address delivery of unsolicited printed/written materials. The regulation satisfies the First Amendment requirements in that it applies equally to the delivery of all unsolicited materials without reference to viewpoint, message, or messenger. It also serves the significant governmental interests of the Town in helping to prevent crime, helping to reduce litter, encouraging environmental sustainability, protection of the stormwater system, and the protection of private property rights. The proposed regulation is also narrowly tailored in that it promotes the Town's substantial interests noted above in a way which would be achieved less effectively absent the regulation. Finally, the provision allows for ample alternative channels of communication for persons seeking to speak to the Town's residents. Since the Constitution will require at least some avenues of communication of such materials to be available, I have drafted the ordinance in the manner which I believe is as strict as the Town can go based on current federal caselaw reviewing such ordinances.
- I have drafted an entire revision to the noise regulations in Article IV of Chapter 12 of the Code. Since these regulations were last addressed in 1980, federal and state case law have placed substantial new limitations on how a local government may regulate noise since the act of creating noise can often be linked to the exercise of speech rights. The new article removes reference to the type of speaker and focuses more on the frequency, length, and volume of noise being created, with a focus on whether such noise violates the public's ability to peacefully enjoy their lives and not be unreasonably disturbed. Inasmuch as the Sheriff's Office owns and trains Deputies in the use of noise meters, the ordinance incorporates the latest standards for Deputies to rely upon when measuring certain kinds of noise, such as that from an air conditioning unit. Such specific standards will assist in sustaining violation notices or citations issued in such cases.
- The tree regulations in Article III of Chapter 12 of the Code have been revised in several ways. First, a list of prohibited trees, which tracks trees prohibited by the State of Florida, has been inserted and includes invasive trees which the current Town Code did not expressly prohibit. I have also revised this article to remove a requirement that a person who removes a tree must obtain an occupational license. It is doubtful that this requirement would square with the intent of the occupational license tax law. The new language calls for someone wanting to remove a tree to obtain a permit from the Town upon payment of a fee to be set by the Commission. The decision to grant the permit is governed by a variety of factors in the code so as to ensure the permitting authority cannot be accused of acting arbitrarily and without legislative guidance. Finally, the new language provides greater clarity as to the responsibility of owners to remove dead, diseased, or damaged trees.

- Articles I and II of Chapter 12 address the recognition and abatement of public nuisances. I have revised the sections within these articles to create more clear wording of the nuisances the Town had previously recognized, to remove duplicative language, and to make the section on abatement consistent with the Town's general code enforcement provisions contained in Article III of Chapter 2 of the Code.

The foregoing represents an overview of all the substantive revisions I am recommending for Chapter 12 of the Code. In addition to the foregoing changes, you will see that I am recommending re-numbering various Code sections to places in the Code where the provisions make more logical sense, or to accommodate the removal of surrounding Code sections. These numbering changes will, in my opinion, make the Code easier to understand but do not make any change in the policies within those sections.

As always, please do not hesitate to contact me should you have concerns regarding this matter.

/s/ Jay Daigneault, Esq.
Town Attorney

ORDINANCE NO. 2019 - 06

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 12 OF THE TOWN CODE CONCERNING NUISANCES TO REMOVE OUTDATED, UNENFORCABLE OR PREEMPTED PROVISIONS AND TO INCORPORATE CURRENT STATE AND FEDERAL LAW REQUIREMENTS; CREATING NEW REGULATIONS CONCERNING THE DISTRIBUTION OF WRITTEN OR PRINTED MATERIALS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, in light of the foregoing, the Commission has charged the Town Attorney with the task of conducting a complete review of the Town's Code (excluding the Land Development Code) and to bring forward any recommended revisions to the Code which would alleviate any of the aforementioned potential concerns with the Code's current text; and

WHEREAS, the Town has over time received regular and numerous complaints from residents and owners of residential units associated with the unsolicited distribution of written/printed materials at such locations; and

WHEREAS, in light of the growing frequency of these complaints the Commission has asked the Town Attorney to prioritize revision of Chapter 12 of the Town Code, addressing nuisances, which could address these complaints; and

WHEREAS, Florida Statutes § 823.01 provides that all nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree; and

WHEREAS, the Florida Supreme Court, in *Thompson v. State*, 392 So.2d 1317 (Fla. 1981), confirmed that a public nuisance violates public rights, subverts public order, decency or morals, or causes inconvenience or damage to the public generally, and that legislative bodies have broad discretion to designate a particular activity to be a public nuisance, and that government, in

the exercise of its police power, has authority to prevent or abate nuisances in order to protect the lives, health, morals, comfort and general welfare of its citizens; and

WHEREAS, the Florida Supreme Court, in *Orlando Sports Stadium v. State*, 262 So.2d 881 (Fla. 1972), recognized the difficulty of writing specificity into nuisance statutes since it is not possible to define comprehensively “nuisances” as each case must turn upon its facts and be judicially determined; and

WHEREAS, with respect to the regulation of distribution of written/printed materials, the Commission acknowledges that such regulation must comply with First Amendment standards established by the courts, including the necessity that such regulation be content-neutral, serve a significant government interest, be narrowly tailored to serve that government interest, and leave open ample alternative channels of communication; and

WHEREAS, in *Bowen v. Winterle*, 159 Fla. 330, So.2d 536 (1947), the Florida Supreme Court has held that the right of a municipality to remove shade trees in public streets when necessary for the improvement of said streets, and without liability to an abutting owner, is not open to question, and that municipalities are vested with a broad discretion in matters relating to the public streets and the removal of trees therefrom, then necessary or desirable for the improvement of the street, or to abate a nuisance; and

WHEREAS, the case of *Florida Dept. of Agriculture and Consumer Services v. Lopez-Brignoni*, 114 So.3d 1138 (Fla. 3rd DCA 2012) confirms that governmental removal of a healthy, non-commercial tree from residential property will require full compensation; and

WHEREAS, the case of *DA Mortg., Inc. v. City of Miami Beach*, 486 F.3d 1254 (11th Cir. 2007), ruled that sound ordinances addressing “unnecessary and excessive” noises and prohibiting persons from creating noises in such a manner “as to disturb the peace, quiet and comfort of the neighboring inhabitants” are not unconstitutionally vague or overbroad; and

WHEREAS, the Florida Supreme Court, in *State v. Catalano*, 104 So.3d 1069 (Fla. 2012), ruled that the “plainly audible” standard when regulating car stereo noise is not unconstitutionally vague; and

WHEREAS, the *Catalano* court also ruled that a ban on amplified sound that can be heard beyond twenty-five feet of a motor vehicle, unless that sound comes from a business or political vehicle, was an unconstitutional regulation of the content of speech; and

WHEREAS, the Town Attorney has recommended that the Commission make the revisions to Chapter 12 of the Town Code as are set forth in this Ordinance both to accomplish the overall goals of the Code revision project and to address the issue of unsolicited residential distribution of printed/written materials; and

WHEREAS, the Commission has considered the Town Attorney’s recommendations and finds them to be consistent with the goals of the Commission; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Article I of Chapter 12 of the Redington Beach Town Code is hereby amended to read as follows:

Chapter 12 – NUISANCES

ARTICLE I. - IN GENERAL

Sec. 12-1. — Public nuisance dDefinition.

For purposes of this chapter, the wordphrase "public nuisance" shall mean engaging in conduct, failing to act, is defined as the doing of an unlawful act, or the omitting to perform a duty, or thecreating, suffering or permitting of any condition or thing to be or exist, which conduct, act, failure to act, omission, or creation, suffering or permitting of the condition or thing either:

- (1) Injures or endangers the health or safety of the publicothers;
- (2) Unlawfully iInterferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage facility;
- (3) Cause inconvenience or damage to the public generally, including Unreasonably interferencesnce with the public's comfortable enjoyment of life and property, or tends to depreciateon of the value of the public's the property of others; or
- (4) Violates public rights, subverts public order, decency or moralsIs declared by ordinancee to be a nuisance.

Sec. 12-2. — Public nuisances declaredEnumeration.

The following conduct or conditions are declared to be public nuisances:It shall be unlawful for any person to do, perform, have, allow, suffer or permit any of the acts, occurrences or conditions enumerated in this section within the limits of the town. All of such acts, occurrences and conditions are deemed to be nuisances, and may be abated pursuant to article II of this chapter. The enumeration is merely indicative of the nature and type of acts, occurrences or conditions sought to be prohibited under this section, and shall not be deemed to be exclusive.

- (1) To allow, suffer or permit palmetto scrub, wWeeds, vines, bushes, grass, thistles or other plant material rank or noxious vegetable growth to grow or otherwise accumulate upon any occupied or vacant residential or commercial landpremises within the town, including adjacent or upon any rights-of-way in a manner, which create foul odors, substantially obscures the view from the road of the primary structure on the land, includes nuisance exotic plants prohibited by law, create a fire hazard, impedes use of sidewalks, prevents

- access to water, gas or electric meters, harbor or allow for the propagation of rodents or mosquitos, creates a substantial visual obstruction for persons operating vehicles or bicycles on roads or bicycle lanes or, which allows grass or other ground cover to grow higher than six inches tall adjacent to such property, regardless of whether such premises are occupied or unoccupied.
- (2) ~~B~~To allow, suffer or permit any buildings or structures which are left in a by act of God, fire, decay or other cause may become structurally dangerous, unsafe, dilapidated or unsanitary to remain in such dangerous, unsafe, dilapidated or unsanitary condition and for which reconstruction, renovation, restoration or demolition has not been performed without forthwith doing and performing all things necessary to cause such building or structure to be reconstructed, restored, torn down or removed, in conformity with applicable laws ~~or~~and regulations of the town which may be applicable in respect thereto.
- (3) ~~Standing~~ or To allow, suffer or permit any stagnant water, including sewage and stormwater, which has to accumulated ~~or stand upon~~ the surface of the ground or upon or within any receptacle or structure existing deposited or erected either above or below the ground, which creates noxious odors visually obscures pedestrian or vehicular traffic, or allows without exercising necessary precautions to prevent the propagation of mosquitoes therein.
- (4) Privately-owned To neglect or fail to keep in a state of good repair any sidewalks, footways, or foot~~other~~ pavedment areas commonly used or expected to be used by members of the public including invitees, emergency responders, mail and parcel delivery personnel, utility workers, or other persons with a lawful right to traverse same, where same are not in a state of good repair such that a safety hazard exists, situated upon any public lands lying immediately adjacent to the abutting private property by the party owning, occupying or having the custody of such abutting premises.
- (5) To allow or permit or fail to remove anything which might be considered unsanitary, by keeping, maintaining, allowing to exist or permitting anything whereby the life or health of any person may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome.
- (6) ~~Motor v~~To allow the owner or occupant or family member of any residential or commercial area of the chicles (including motorcycles) town to parked, kept or stored or keep upon his premises, in the open or in the street, right-of-way, or on private land, or area adjacent thereto, any vehicle which is not in mechanical operating condition for immediate locomotion under its own power, or any derelict or junk vehicle, or to create or permit the use of any part of his premises to be used for the storage or parking or the presence thereon of any motor vehicle which are not currently licensed and registered as required by state law.
- (6) ~~or not mechanically capable of immediate operation under its own automotive power, or to permit the storage upon the property of rubbish, old cars or old unlicensed b~~Boats, or parts of boats or old trailers, or parts thereof or parts of trailers, parked, kept or stored in the street, right-of-way, or on private land which are not in seaworthy or otherwise in safe

operating order, or which are not currently licensed and registered as required by state law or any other materials thereof.

- (7) Building materials, construction debris, carpets, furniture, household appliances, lawn furniture, garbage or rubbish which has accumulated on any private land, including any adjoining right-of-way or street, other than those materials lawfully placed at designated locations to be retrieved and removed by waste or recycle services for proper disposal. To permit or to have on one's property or the adjoining public right-of-way or easement any trees, bushes and shrubbery which will impair the view of oncoming traffic at a street intersection and which constitute a hazard to traffic.
- (8) ~~To allow, suffer or permit any accumulation of branches, cuttings, leaves, palm fronds, and grass or weeds with an overall height in excess of 12 inches, litter or combustible or flammable waste, rubbish or debris of any kind in any courtyard, vacant lot or open space. If such materials are not removed by the town's regular authorized trash pickup service, removal shall be the responsibility of the property owner.~~
- (9) ~~To allow, suffer or permit any wornout, scrapped, partially dismantled, nonoperative, unusable or discarded materials or objects such as automobiles or parts thereof, building materials, carpets, furniture, household appliances, lawn furniture, lumber, machinery, metal, wastepaper or vehicles, boats or parts thereof in any court, yard, vacant lot or open space. If such materials are not removed by the town's regular authorized trash pickup service, removal shall be the responsibility of the property owner.~~

Sec. 12-3. - Littering.

It shall be an unlawful public nuisance for any person to deposit any trash, rubbish or unsightly matter whatsoever on any of the streets, sidewalks or public easements of the town or on the public squares and parks or other public property of the town, or in the Gulf of Mexico or waters of Boca Ciega Bay within the town limits, or upon the residential or commercial premises or property of any other person or entity.

Sec. 12-4. - Burning or burving of garbage.

It shall be an unlawful public nuisance for any person to cause or permit garbage (including landscape or construction debris) to be burned upon any residential or commercial property premises within the town, or to bury such garbage on any residential or commercial property within the town except on such property as the town may, from time to time, designate for such purposes in compliance with rules established by the town and state and federal environmental regulations.

Sec. 12-5. - Burying garbage.

~~It shall be unlawful for any person to bury garbage or other material which has become or is reasonably likely to become a nuisance or menace or threat to health within the town, except in~~

~~such areas or confines of the town as may, from time to time, be set aside and designated for the burial or disposal of garbage, and in compliance with rules prescribed by the board of commissioners.~~

Sec. 12-65. - Transport of garbage over streets.

Unless a person or entity shall have been specifically authorized and licensed by resolution of the board of commissioners to do so, it shall be an unlawful public nuisance for any person or entity to transport garbage over the public streets or alleys of the town, except where such transportation is for the purpose of delivering having the garbage to a location designated by a pick up site, or except when the person or entity is passing through the town and is transporting garbage under the authorization of another governmental entity, or except when a person or entity is hauling personally owned/generated waste to an authorized landfill and dispose of the garbage. This section shall be liberally construed to protect the public health, safety and general welfare.

Section 2. Article II of Chapter 12 of the Redington Beach Town Code is hereby amended to read as follows:

ARTICLE II. - ABATEMENT OF PUBLIC NUISANCES PROCEDURE

Sec. 12-31. - Procedure Abatement.

~~In addition Any of the acts, occurrences or conditions prohibited in this chapter that have happened or exist shall be abated to being addressed through the code enforcement procedures set forth in article III of pursuant to chapter 2, article II [III] of this Code.~~ the town's law enforcement agency is authorized to seek prosecution as a second degree misdemeanor of any public nuisance as authorized by Florida Statutes § 823.01. The board of commissioners may also authorize the town attorney to file a civil action for an order enjoining and requiring abatement of a public nuisance.

Section 3. Article III of Chapter 12 of the Redington Beach Town Code is hereby amended to read as follows:

ARTICLE III. - TREES, AND VEGETATION

Sec. 12-57. - Definitions.

Canopy. Leafy portion of trees.

Park trees. Trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the town or to which the public has free access as a park.

Street trees. Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the town.

Trees. Any self-supporting, woody plant including royal palms and cabbage palms of a species which normally grow at maturity to an overall height of a minimum of 12 feet.

Vegetation. Plant growth other than trees including but not limited to sod, ground cover, vines, hedges and shrubs.

Sec. 12-58. -- Tree removalPermitting.

(a) In furtherance of the protection of public safety and the avoidance of property damage, and so as to ensure the landscaping requirements in this code are complied with, no person or entity shall remove A removal permit for the removal of any trees measuring more than 12 feet above existing grade without first obtaining a tree removal permit from the town, except for trees the town removes from town parks. The fee for such permit will be established by the board of commissioners from time to time.

will be required, except for removing Australian Pine, Brazilian Pepper and Punk Trees as these are prohibited from being planted (see section 12-60) or park trees within the town, without first applying for and procuring an business tax receipt. The receipt fee shall be \$30.00 annually in advance, provided, however, that no receipt shall be required of a public service company or its agents and homeowners. Before any receipt shall be issued, each applicant shall first file evidence of liability insurance in the minimum amount of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the town. Applications for permits and receipts for removal of trees may be acquired in the town hall. The business tax payer is responsible for the removal and cleaning up of all trunks, limbs and debris there from.

(b) After an application is filed to remove a tree and all applicable requirements are complied with, a permit shall be issued if one or more of the following criteria is met:

1. The tree presents a safety hazard to public or private property due to proximity to an existing structure. The applicant may provide a written report bearing the signature of a licensed engineer to support the application; or
2. The tree is diseased, injured, or in declining condition with no reasonable assurance of regaining vigor, and the applicant provides a written report bearing the signature of a certified arborist; or
3. The tree is located in an area where a structure or improvement will be placed, or which serves as an access point to a site, according to an approved plan and the applicant provides a written report bearing the signature of a licensed architect, licensed landscape architect, or licensed engineer providing a determination that

the proposed structure, improvement, or access point cannot be reasonably redesigned to preserve the Grand tree; or

4. The tree is within a site which has the minimum number of trees required by the town code and removal of the tree will allow the site to be used in a manner which is consistent and compatible with properties of the same use and similar size in the abutting blocks of the same zoning district; or

5. The removal of the tree is reasonably necessary to allow solar access for the efficient operation of solar-dependent technologies including solar collection and solar hot water systems. The applicant shall provide supporting documentation from a solar collection and solar hot water system installer, or other credible source, such as a government agency with expertise in solar dependent technologies or licensed architect, licensed landscape architect or licensed engineer, confirming there is no reasonable alternative location for the equipment or reasonable option to trim the trees.

(c) Decisions of the building code administrator to grant or deny a tree removal permit shall be appealable to the board of commissioners, which shall render a final decision on any such appeal.

Sec. 12-59. — Prohibited tree planting.

(a) No trees may be planted within six feet of a municipal sewer line.

(b) It is unlawful to plant or cause to be planted, or to sell or offer for sale, within the town limits the following prohibited exotic and nuisance plant species. Any development or redevelopment which is required to obtain a landscaping permit or file a landscape plan shall remove all prohibited trees on the property and abutting right-of-way and shall include a plan to prevent re-growth prior to approval of a certificate of occupancy. Planting of hedges shall be governed by chapter 6, article X of this Code.

PROHIBITED TREES

<u>Common</u>	<u>Scientific</u>
<u>Acacia, earleaf</u>	<u>Acacia auriculiformis</u>
<u>Australian pines, all</u>	<u>Casuarina spp.</u>
<u>Brazilian pepper</u>	<u>Schnius terebinthifolius</u>
<u>Carrotwood</u>	<u>Cupaniopsis anacardioides</u>

<u>Chinaberry</u>	<u>Melia azederach</u>
<u>Chinese tallow</u>	<u>Triadica sebifera</u>
<u>Lead tree</u>	<u>Leucaena leucocephala</u>
<u>Punk</u>	<u>Melaleuca quinquenervia</u>
<u>Strangler fig</u>	<u>Ficus aurea</u>

- (c) Any new growth at the location of an already removed prohibited tree must be eradicated by the property owner at the owner's expense within thirty (30) days of the growth becoming known

Sec. 12-60. — ~~Landscape waste~~Cutting or clearing — Authority.

~~Tree trunks and limbs, trunks and fronds of palms, and tree roots and root balls produced as a result of tree maintenance or removal on private property will not be removed by the town's refuse collection company.~~ Therefore, tree and vegetation removal of such material shall be is the responsibility and obligation of the property owner. An owner cannot satisfy this obligation by placing such materials into an adjoining right-of-way but must instead arrange for the transportation of such material to a designated brush site or landfill capable of receipt of such materials. ~~It is also prohibited to transport plantings and debris from private property to the town for removal by the town's refuse collection company.~~

~~The building code administrator and code enforcement shall have the authority to make inquiry into the necessity and need for clearing, cleaning or cutting grass, weeds or wild growth upon any property within the town. If, upon inquiry, it is determined that it is necessary for the protection of the health and public safety of the town and its residents that such clearing, cleaning or cutting of grass, weeds or wild growth be done, the nuisance shall be abated pursuant to chapter 2 of the Code. A 14 day notice will be given to the homeowner by certified mail or hand delivered to owner for signature. If the violation is not rectified, the town will correct the violation and the homeowner shall be liable for the cost.~~

Sec. 12-61. — ~~Prohibited trees.~~

~~Due to the prolific nature, toxicity to native vegetation, imminent threat to natural communities and the propensity for causing aggravation to people from noxious plant species, it shall be the intent of this article to eradicate from all areas of the town, the following plant species:~~

~~Brazilian Pepper, Punk and Australian Pine trees. Any new growth of these species must be removed at the owners expense or penalties will apply within one year after growth begins.~~

Sec. 12-631. - Tree care on public right-of-ways and town property.

- (a) *Street trees.* Street tree species to be planted may be those selected from "Urban Trees of Florida" distributed by the Florida Department of Agriculture. No species other than those included in this publication shall be planted and in keeping with Article XII "Habitat Management of Landscaping" Ordinance of Pinellas County. Setbacks must be six feet from municipal sewer line.
- (b) *Public tree care.* The town shall have the right to plant, prune, maintain and remove trees and other vegetation within the ~~lines~~ right-of-way boundaries of all streets, alleys, avenues, lanes, squares, cul-de-sacs, causeways and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The town may, under the guidance of a certified arborist with the cost thereof to be charged to the town's budget, remove or cause to be removed under the guidance of a certified arborist with the cost thereof to be charged to the town's budget, any tree or other vegetation which is in an unsafe condition or which by its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvement or is infected with any injurious fungus, insects or other pests.
- (c) *Tree topping.* It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property except where authorized by the town. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter with the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Palm trees shall be trimmed under the guidelines as published by the Pinellas County Cooperative Extension Service.
- (d) *Pruning corner clearance.* Every owner of any tree or other vegetation overhanging any street or right-of-way within the town shall prune the branches so the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection so that there shall be clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or hazardous trees; and broken or decayed limbs which constitute a menace to the safety of the public or property. The town shall have the right to prune any tree or other vegetation on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

Sec. 12-642. - Dead, diseased and hazardous trees ~~removal~~ on private property.

In the event the town code enforcement officer (with the assistance as necessary of a certified arborist or county extension agent) finds that a tree situated on private property is dead, diseased, infected, harboring invasive or destructive insects or a disease which have the realistic potential to spread to or to threaten other trees within or proximate to the town, or which, due to its condition presents a present hazard to life or property, such tree shall be deemed to be a public nuisance and the owner thereof shall remove said tree at owner's expense within 30 days after the written notice of the violation has been served on the owner. If, in the judgment of the code enforcement officer, the tree's condition is the result of a tropical storm, the owner may be given up to 60 days to

accomplish the removal. In the event of failure of the owner to comply with the requirement to remove the tree, the nuisance shall be abated pursuant to § 12-31 of this code. The town shall have the right to cause the removal of any dead, diseased or hazardous trees on private property within the town when such trees constitute a hazard to life and property or harbor infections or disease which are a potential threat to other trees in the town. Removal shall be done by the owner of said trees at their expense within 30 days after the written notice of the violation has been served on the owner. However, the removal period will be extended after a very severe storm up to 60 days. In the event of failure of the owner to comply with such notice of violation, the nuisance shall be abated pursuant to chapter 2 of the Code of Ordinances and cost of the removal will be the responsibility of the owner.

Section 4. Article IV of Chapter 12 of the Redington Beach Town Code, addressing *Noise*, inclusive of § 12-81 through and including § 12-96, is hereby repealed in its entirety.

Section 5. A new Article IV of Chapter 12 of the Redington Beach Town Code, addressing *Noise*, inclusive of § 12-80 through and including § 12-83, is hereby created to read:

ARTICLE IV. – NOISE

Sec. 12-80. - Definitions.

All words or phrases used in this article which are not defined below and are of a technical nature shall be defined according to applicable publications of the American National Standards Institute (ANSI) or the American Society for Testing and Materials (ASTM) or their successor bodies, where same have been defined.

Adjacent: Shall mean to have property lines, or portions thereof, in common or facing each other across a street, or right-of-way.

A-weighted sound level (dBA): The sound pressure level in decibels as measured using A-weighting network on a sound level meter that meets the standards set forth in ANSI Standard S1.4-1983 (or more recent version). The level so read is designated "dBA."

Ambient sound: The surrounding or steady background sound in a particular location as distinct from the specific noise being measured.

C-weighted sound level (dBC): The sound pressure level in decibels measured using the C-weighting network on a sound level meter that meets the standards set forth in ANSI Standard S1.4-1983 (or more recent version). The level so read is designated "dBC."

Construction activity: Any site preparation, assembly, erection, substantial repair, alteration, or improvement of realty, whether publicly or privately owned, and whether above ground or below ground.

Continuous sound: A sound which remains essentially constant in level during a period of observation.

Decibel (dB): The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty [20] micropascals); abbreviated "dB."

Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma to human beings or living creatures or property damage which necessitates immediate attention.

Emergency work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, including work necessary to restore property to a safe condition following an emergency.

Impulsive sound: Any sound or vibration that has an abrupt increase immediately followed by an abrupt decay.

Leq: The average sound level.

Noise: Any sound which annoys or disturbs a reasonable person of ordinary sensibilities or causes or tends to cause an adverse physical or psychological effect on humans. "Noise" includes, but is not limited to, low frequency sounds that can induce vibration in structures or human beings.

Noise disturbance: Any sound or vibration which:

- (a) May disturb, annoy, or be harmful or injurious to the health or welfare of a reasonable person of ordinary sensibilities; or
- (b) Exceeds the maximum allowable limits set forth in this article.

Person: A natural person, any corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

Public right-of-way: Any street, avenue, boulevard, highway, sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public space: Any real property or structure thereon normally accessible to the public which is owned or controlled by a governmental entity.

Real property line:

- (a) The imaginary line along the ground surface, including its vertical extension that separates one parcel of real property from another; or
- (b) The vertical and horizontal boundaries of a dwelling unit that is one unit in a multi-dwelling-unit building.

Receiving land: The property which receives the transmission of sound.

Residential area: Any area within the town that is designated for residential use pursuant to the town's land development code.

School: This term shall have all of the same meanings as set forth in the town's land development code.

Short duration and non-repetitive: Any sound with a duration of less than thirty (30) seconds.

Sound: A temporal and spatial oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound analyzer: A device for measuring the octave band level of a sound as a function of frequency.

Sound level: The conversion of sound pressure to a logarithmic measure called the decibel.

The criteria required to properly define the sound level limits include the following:

1. The actual sound level limit with the frequency weighting to be used, such as A-weighting or C-weighting (i.e. 55 dBA, 60 dBC, etc.).
2. The acoustical metric to be used, such as real time measurement using fast/slow time constant, an average sound level (L_{eq}), a maximum sound level (L_{max}), etc. or a combination of multiple metrics.
3. The time duration of the measurement (i.e. instantaneous, time average, percentage of time sound level is not to be exceeded, etc.).

Sound level or noise meter: An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels. The output meter reads sound pressure level when properly calibrated, and the instrument is of type 2 or better, as specified in the American National Standards Institute publication S1.4-1983 or its successor publication.

Sound pressure: The instantaneous difference between the actual pressure and the average or barometric pressure at a given location.

Sound pressure level: Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micronewtons per square meter ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is expressed in decibels.

Vibration: A temporal and spatial oscillation of displacement, velocity and acceleration in a solid material.

Sec. 12-81. - Exemptions.

The following activities or sources are exempt from the requirements of this article:

- (1) The emission of sound or noise for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work.
- (2) Operation of equipment or conduct of activities normal to residential or agricultural communities as set forth herein:

Description	Hours of Operations
-------------	---------------------

a.	<u>Lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping and other normal community operations</u>	<u>7:00 a.m. to 10:00 p.m.</u>
b.	<u>Operation of equipment for solid waste and recycling collection in or adjacent to residential uses</u>	<u>6:00 a.m. to 6:00 p.m.</u>
c.	<u>Operation of equipment for solid waste collection in nonresidential locations</u>	<u>4:00 a.m. to 10:00 p.m.</u>

(3) The usual sounds or noises of construction and operation of construction equipment between the hours of 7:00 a.m. to 8:00 p.m.

- (4) Motor vehicles operating on a public right-of-way in compliance with Florida Statutes Chapter 316 and § 403.415. This exception shall not apply to amplified sound produced by the sound system speakers or other electrical or mechanical sound making device or instrument from within the motor vehicle so that the sound is plainly audible from fifty (50) feet from the source vehicle. In determining whether a sound is plainly audible:
- a. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid; and
 - b. The officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he/she can readily identify the offending motor vehicle and the distance involved; and
 - c. The officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound.
- (5) Any residential unit with air-conditioning or pool pump equipment when in reasonable mechanical condition operating with the standard sound and vibration control systems typically provided by the manufacturer in a sound level not to exceed sixty (60) dBA or sixty-five (65) dBC. Air conditioning units are presumed to be in reasonable mechanical condition if the unit meets the sound specifications contained in the Air Conditioning, Heating, and Refrigeration Institute's ("AHRI") Applied Directory of Certified Product Performance Variable Air Volume terminals.
- (6) Any aircraft operating in conformity with, or pursuant to, federal law, federal air regulations and air traffic control instructions used pursuant to and within the duly adopted federal air regulations.
- (7) Between the hours of 7:00 a.m. and 11:00 p.m., the emission of sound or noise from lawful and proper activities on park or school grounds and places primarily used for athletic contests and sporting events.

(8) Fireworks displays, special events, and events for which all required permits have been obtained in compliance with any conditions imposed by a permit that has been issued by the relevant jurisdiction.

(9) Impulsive sound.

Sec. 12-82. - Prohibited acts.

The occurrence of the conditions, acts or omissions as described in subsection (1) or (2) of this section shall constitute a violation of this article. Requirements in any one of the said subsections stand alone. Measurements described in subsection (2) shall constitute *prima facie* evidence of a violation of this article. However, such measurements are not necessary for enforcement of this article, i.e., neither sound measurements and maximum permissible sound levels as provided in subsection (2) nor any other type of sound measurement are necessary to prove a violation of subsection (1) of this section so long as evidence exists sufficient to establish that the sound constitutes a noise disturbance pursuant to the applicable standard of proof.

(1) Noise disturbance. Notwithstanding any other provision of this article, and in addition thereto, it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any noise disturbance, as defined in § 12-80.

a. Standards. The standards to be considered in determining whether a violation of subsection (1) of this section exists must include consideration of one or more of the following factors:

1. The sound level of the noise.
2. The intensity of the noise.
3. Whether the nature of the noise is usual or unusual.
4. The volume and intensity of the ambient sound, if any.
5. The proximity of the noise to residential sleeping facilities.
6. The nature and zoning of the area from which the noise emanates.
7. The nature and zoning of the receiving land.
8. The time of the day or night the noise occurs.
9. The duration of the noise.

b. Persons affected. Persons affected include residents, passersby, or code enforcement officials, law enforcement officials, or others who may be reasonably disturbed by excessive noise in the general conduct of their affairs.

(2) Maximum permissible sound levels.

a. Sound level limits pursuant to this section shall be measured with a sound level meter as a Leq (average sound level) for a minimum thirty (30) second period of time.

- b. *Sound level limits.* No person shall generate or cause to be generated from any source, sound which, when measured in accordance with the requirements of subsection (d) of this section, exceeds:
1. Sixty (60) dBA or sixty-five (65) dBC during the hours between 7:00 a.m. and 11:00 p.m., Sunday through Thursday. Friday, Saturday and the day prior to a federally recognized holiday, the hours shall be from 7:00 a.m. to 12:00 midnight.
 2. Seventy-two (72) dBA or seventy-seven (77) dBC if the receiving land is a residential use adjacent to a commercial use during the hours between 7:00 a.m. and 11:00 p.m., Sunday through Thursday. Friday, Saturday and the day prior to a federally recognized holiday, the hours shall be from 7:00 a.m. to 12:00 midnight.
 3. Fifty-five (55) dBA or sixty (60) dBC during the hours between 11:00 p.m. and 7:00 a.m., Sunday through Thursday. Friday, Saturday and the day prior to a federally recognized holiday, the hours shall be from 12:00 midnight to 7:00 a.m.
- c. *Correction for character of sound.* For any source of sound which emits a continuous sound, the maximum sound level limits set forth in subsection (2)(b) shall be reduced by five (5) dBA. For any source of sound which is of short duration and is nonrepetitive, the maximum sound level limits set forth in subsection (2)(b) shall be increased by five (5) dBA from 7:00 a.m. to 11:00 p.m.
- d. *Correction for ambient sound.* Corrections for ambient sound should be made in accordance with applicable ASTM standards.
- e. *Methods of measurements.*
1. The measurement of sound shall be made with a decibel or a sound level meter operating on the "A" or "C"-weighted scale of any standard design and quality meeting the standards prescribed by the American National Standards Association. The instruments shall be maintained in calibration and good working order. Measurements recorded shall be taken so as to provide a proper representation of the sound source. The microphone used during measurement shall be positioned so as to not to create any unnatural enhancement or diminution of the measured sound. A wind-screen for the microphone should be used when required. Traffic, aircraft, and other background ambient sounds shall not be considered in taking measurements except where such ambient sound interferes with the primary noise being measured.
 2. If the receiving property is an agricultural area the measurement shall be made within thirty (30) feet of a receiving occupied structure or facility approximately five (5) feet above ground.
 3. For all other properties, the measurement shall be made within the boundary of the receiving property as appropriate approximately five (5) feet above ground.
 4. Acoustical measurements should be made in general conformance with ASTM Standard E1503-06 (or most recent) *Standard Test Method for Conducting*

Outdoor Sound Measurements Using a Digital Statistical Sound Analysis System or ANSI Standard S1.13, Measurement of Sound Pressure Levels in Air, with regard to addressing issues such as measurement equipment, equipment interferences, calibration of the equipment, and measurement procedures.

Sec. 12-83. - Enforcement and penalties.

- (1) Enforcement. The provisions of this article shall be enforced throughout the town. The sheriff and his or her deputies are hereby designated as code enforcement officers for purposes of enforcing the provisions of this article within their respective jurisdictions and are fully authorized to enforce the provisions of this article. Enforcement methods may be any of those procedures set forth in article III of chapter 2 of this code.
- (2) Except as set forth in subsection (4) below, when a code enforcement officer or law enforcement officer has reasonable cause to believe that a violation of this article has occurred based upon personal investigation, he or she shall provide notice to the person that the person has committed a violation of this article and shall establish a reasonable time period within which the person must correct the violation. Absent special circumstances, a reasonable time period shall be fifteen (15) minutes. If, upon personal investigation, a code enforcement officer or law enforcement officer finds that the person has not corrected the violation within a reasonable time period, they may engage in any of the enforcement actions set out in section (1).
- (3) A notice issued under any section of this article may be contested by requesting a hearing before the code enforcement special magistrate. However, the pendency of a hearing on the contested notice shall not entitle the person to continue any activity which formed the basis of the alleged violation, unless and until the special magistrate rescinds such notice.
- (4) A code enforcement officer or law enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a citation summons, notice to appear, or prior to making an arrest, and may immediately take such action if a repeat violation within three hundred sixty-five (365) days is found or if the code enforcement officer or law enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, the violator is engaged in violations of an itinerant or transient nature, or if the violation is irreparable or irreversible.

"Repeat violation" is a violation of this article by a person who has been previously found by the code enforcement special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating this article, notwithstanding the violations occur at different locations.

Additionally, payment of a civil citation, failure to pay the civil penalty or failure to contest the citation within the time frame specified on the citation shall be deemed an admission of a violation of this article for the purposes of a repeat violation.

Due to the mobile nature of motor vehicles, violations involving amplified sound produced by a radio, tape player, CD player, or other mechanical soundmaking device or instrument from within motor vehicles are deemed *per se* itinerant or transient in nature.

- (5) A violation of § 12-81(4)(a)—(c) of this article shall be a written warning for a first offense, a one hundred dollar (\$100.00) civil penalty for a second offense committed within three hundred sixty-five (365) days of the written warning, and a two hundred fifty dollar (\$250.00) civil penalty for any third or subsequent offense committed within three hundred sixty-five (365) days of the second violation.

For a violation of any other section of this article:

- a. First violation: A code enforcement officer may issue a citation, in accordance with subsections (2)—(4), with a one hundred dollar (\$100.00) fine or a notice to appear in county court subject to the penalties of a second degree misdemeanor, as provided in Florida Statutes § 775.082. A law enforcement officer may issue a citation, in accordance with subsections (2)—(4), with a one hundred dollar (\$100.00) fine, a summons, or a notice to appear in county court or arrest by a law enforcement officer subject to the penalties of a second degree misdemeanor, as provided in Florida Statutes § 775.082.
 - b. Second violation: Within three hundred sixty-five (365) days of the first violation, a code enforcement officer may issue a citation with a two hundred fifty dollar (\$250.00) fine or a notice to appear in county court subject to the penalties of a second degree misdemeanor, as provided in Florida Statutes § 775.082. A law enforcement officer may issue a citation with a two hundred fifty dollar (\$250.00) fine, a summons, or a notice to appear in county court or arrest by a law enforcement officer subject to the penalties of a second-degree misdemeanor, as provided in Florida Statutes § 775.082.
 - c. Third or subsequent violation: Within three hundred sixty-five (365) days of the second violation, a code enforcement officer may issue a five hundred dollar (\$500.00) fine or a notice to appear in county court subject to the penalties of a second degree misdemeanor, as provided in Florida Statutes § 775.082. A law enforcement officer may issue a citation with a five hundred dollar (\$500.00) fine or effectuate an arrest or issue a citation a summons, or a notice to appear in county court subject to the penalties of a second-degree misdemeanor, as provided in Florida Statutes § 775.082.
- (6) A citation issued under any section of this article shall be contested in county court.
- (7) If the violator elects to contest the citation, he, she or it shall request a hearing through the procedure described on the citation and within the time frame specified on the citation.
- (8) If the violator neither pays the civil penalty nor contests the citation within the time frame specified on the citation, he, she or it shall be deemed to have waived the right to contest the citation and it shall be deemed an admission to the violation. A judgment may be entered against that person for the maximum civil penalty of five hundred dollars (\$500.00) plus applicable fees and costs.

Section 6. A new Article VII of Chapter 12 of the Redington Beach Town Code, addressing *Unsolicited printed/written materials*, inclusive of § 12-140 through and including § 12-141, is hereby created to read:

ARTICLE VII. – UNSOLICITED PRINTED/WRITTEN MATERIALS

Sec. 12-140. – Definitions.

For the purpose of this article, the following definitions shall apply:

Front door. The street-facing entrance(s) to a principal structure. In the event no door faces the street, then any other door of a principal structure nearest the street shall be considered a front door for purposes of this section. The term includes the door of a multi-family dwelling structure which are designed with doors allowing primary apartment/unit entry or exit from within an interior common area.

Porch. An exterior appendage to a principal structure leading to a doorway, including any stairway attached thereto.

Premises. A lot, plot, or parcel of land including any structures, driveways, or other impervious surfaces thereon.

Principal structure. A structure, or combination of structures of primary importance on the premises, and that contains the primary use associated with the premises. The primary use is characterized by identifying the main activity taking place on the premises.

Unsolicited printed/written materials. Any printed or written materials delivered to any premises without the express invitation or permission, in writing or otherwise, by the owner, occupant, or lessee of such premises.

Sec. 12-141. – Unsolicited written/printed materials.

(a) Unsolicited printed/written materials delivered to premises shall be delivered or placed only in the following methods and in the following order:

- (1) By placement in a distribution box or receptacle located on or adjacent to the premises labeled as the designated point of distribution for unsolicited printed/written materials.
- (2) By delivering the materials to an on-duty concierge, security guard, property manager, or other person present on a multi-family premises for subsequent retrieval by residents.
- (3) By causing the materials to be delivered by the United States Postal Service.
- (4) Through a mail slot on the front door or principal structure, if one exists, as permitted by the United States Postal Service Domestic Mail Manual, Section 508 Recipient Services, Subsection 3.1.2.
- (5) By handing the materials personally to the owner, occupant, and/or lessee of the premises.
- (6) Between the exterior front door, if one exists and is unlocked, and the interior front door.
- (7) By complete insertion of the material between the bottom of the front door and the door sill such that the material is not sticking out of the exterior of the door.

(b) No other method of distribution or placement of unsolicited printed/written materials shall be permitted on premises within the town, including, but not limited to, tossing such materials from vehicles, affixing, tying or hanging such materials onto door knobs, door handles, door locks,

security monitoring devices, house or apartment numbers, porch lights, or on windshields of parked vehicles.

(c) Unsolicited written materials placed at a premises create a rebuttable presumption that the materials were placed at the premises by the owner, agent, manager, and/or authorized distributor of the business, product, good, service, message, or idea, which is being advertised, promoted, endorsed, or conveyed in such materials.

(d) Notwithstanding subsection (a) above, an owner, lessee, or other person with property rights in the premises retains all rights to post premises with no-trespassing notices, to cause persons to receive trespass notices, to cause persons subject to trespass notices to be removed and arrested as provided for by law, to maintain secured limited access to common areas of multi-family premises, and to bring private actions against persons or entities for private nuisance.

(e) Notwithstanding subsection (a) above, in the event a person throws or discards unsolicited printed/written material from a motor vehicle in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, or on any private property unless prior consent of the owner has been given, the operator or the owner of the motor vehicle, or both, may be cited or arrested by law enforcement for violation of Florida Statutes § 403.413, the Florida Litter Law.

(f) The provisions of this section do not apply to the United States Postal Service.

(g) This article shall be enforced according to the procedures set forth in article III of chapter 2 of this code. A fine of two hundred dollars (\$200.00) shall result from each violation of this section.

Section 7. For purposes of codification of any existing section of the Redington Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 8. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 9. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 through 6 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 10. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2019, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the _____ day of _____, 2019, by the Board of Commissioners of the Town of Redington Beach, Florida.

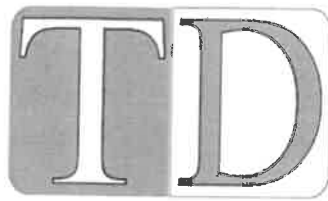
Attest:

James Simons, Mayor

Missy Clarke, CMC, Town Clerk

Approved as to form:

Jay Daigneault, Town Attorney



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** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

DATE: June 11, 2019

TO: Mayor James "Nick" Simons
Vice Mayor David Will
Commissioner Fred Steiermann
Commissioner Tom Dorgan
Commissioner Tim Kornijtschuk

FROM: Jay Daigneault, Esq., Town Attorney

RE: Redington Beach Code Revision Project (Chapters 16 (Sales) and 17 (Signs))

Dear Mayor, Vice Mayor, and Commissioners:

As you will recall, the Town Commission assigned the Town Attorney's Office to conduct a "top to bottom" review of the Town Code (minus the Land Development Code) with the goal of modernizing the Code and ensuring it was up to date.

The Town has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town. The Town Commission regularly adopts ordinances amending the Code. However, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years. Since part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions, it made this review assignment.

As you know, in processing the assignment, I am delivering it to the Commission in segments as this will be easier for both Commissioners and interested citizens to focus on with respect to what changes are being recommended. The first submission covered Chapters 1 through 3 of the Code

This third submission addresses Chapters 16 and 17 of the Code which concern, respectively, sales and signs. I prioritized these two chapters for delivery since certain elements of the current regulations on sales are vulnerable to constitutional challenge, and in light of a Supreme Court ruling on the First Amendment implications of local regulation of signs.

Before reviewing the specific changes to Chapters 16 and 17 I am recommending, I wanted to provide the Commission with an overview of some of the legal constraints associated with the regulation of sales and signs by local governments.

Regulation of Sales

Chapter 16 currently regulates only two types of sales, garage sales and commercial “peddling and soliciting” activities. While various edits were made to the garage sale provisions, a significant legal issue exists with the current code language concerning peddling and soliciting. That language has, since at least 1980, created a total ban on commercial peddling or soliciting on streets, door to door, or on other public property.

Such an ordinance, since it is only directed at commercial speech, is analyzed under the Supreme Court’s four-part framework set out in *Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n of N.Y.*, 100 S.Ct. 2343 (1980). That case says that such regulations must pass four tests:

- Whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading.
- Whether the regulation of commercial speech serves a legitimate, substantial interest. To find a ‘substantial interest,’ a court must conclude both that the interest advanced by the state is legitimate in theory, and that that interest is in remedying a problem that exists in fact (or probably would exist, but for the challenged legislation). See, *Sciarrino v. City of Key West*, 83 F.3d 364, 367 (11th Cir.1996). Although a city “may not rely on ‘mere speculation or conjecture’ ” to justify the ordinance, neither must it “present ‘empirical data ... accompanied by a surfeit of background information.’
- Whether the challenged regulation advances the city’s asserted interests in a direct and material way.
- Whether the statute reaches farther than is necessary. This is the critical inquiry. The First Amendment requires a ‘fit’ between the legislature’s ends and the means chosen to accomplish those ends, ... a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one whose scope is in proportion to the interest served, ... that employs not necessarily the least restrictive means but ... a means narrowly tailored to achieve the desired objective. The burden to justify the extent of the restrictions... remains with the would-be regulator. The city may carry its burden if the means reasonably advance the goal and there is no evidence in support of a finding that less restrictive means are available. *Harnish v. Manatee County*, 783 F.2d 1535, 1540 (11th Cir. 1986). If there are numerous and obvious less-burdensome alternatives to the restriction on commercial speech, that is certainly a relevant consideration in determining whether the ‘fit’ between ends and means is reasonable.

The federal courts have made it clear that blanket prohibitions such as the provisions in the Town’s code language will usually fail:

“[b]lanket prohibitions on commercial speech are disfavored.... The mere possibility that isolated abuses or mistakes may occur does not justify a total ban on a certain mode of protected commercial speech.”

Fane v. Edenfield, 945 F.2d 1514, 1517 (11th Cir.1991) aff'd, 113 S.Ct. 1792 (1993).

In light of these federal court rulings, I am recommending removal of the “peddling and soliciting” language in the current code. As the Commission knows, I have recently recommended substantial revisions to Chapter 12 of the Town Code in part to address door-to-door distribution of printed materials. It is not my impression that the Town is experiencing problems with persons attempting to sell items on the streets or public property, so my recommendation is to simply monitor things and, in the future, should such conduct become a problem, our office will work with the Town on developing more narrowly-tailored approaches to address it.

Regulation of Signs

The Town’s sign code, with a few minor exceptions, dates to 1980. The scope and level of detail associated with local government regulation of signs has been the subject of extensive litigation since that time.

The federal courts have long held that when governmental regulations dealing with speech are “content-based” (meaning regulating based on what is said) will face the most strict scrutiny and must be based on a compelling reason. But, until a recent Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law when it came to the regulation of signs.

However, in *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy, and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs. In *Reed*, the Supreme Court held that the Town of Gilbert’s code was content-based regulation and that it was presumptively unconstitutional and required a compelling governmental interest (which the Town could not provide).

The *Reed* court explained that government regulation of sign-based speech is content based if it applies to particular speech because of the topic discussed or the idea or message expressed in the sign. Thus, per *Reed*, even a purely directional message, which merely gives the time and location of a specific event (in that case, directions to a church service), is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral.

Following *Reed*, and the lower court opinions which have flowed from it, many local government sign codes have been declared to be unconstitutional for, among other reasons, making distinctions between Realtor signs, garage sale signs, political signs, and the like. The courts are now clear that sign regulations cannot rely on the words on the sign.

However, in *Reed*, Justice Alito wrote a concurring opinion joined in by Justices Kennedy and Sotomayer which took pains to point out that municipalities still had the power to enact and enforce reasonable sign regulations. Specifically, the concurring opinion provided a list of rules that would not be content-based and thus appropriate ways to regulate:

- (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below;
- (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings;
- (3) rules distinguishing between lighted and unlighted signs;
- (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change;
- (5) rules that distinguish between the placement of signs on private and public property;
- (6) rules distinguishing between the placement of signs on commercial and residential property;
- (7) rules distinguishing between on-premises and off-premises signs;
- (8) rules restricting the total number of signs allowed per mile of roadway; and
- (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed

Justice Alito also noted that, in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech, and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots. Properly understood, *Reed* will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs. It just must do so without reliance on the content of signs.

In light of the foregoing law, I have provided the Town with a complete overhaul of the sign code which, in addition to providing necessary and beneficial detail both as to process and substance, also removes the categorical treatment of signs by content which governments may no longer employ when regulating signs.

Revisions to Chapters Sixteen and Seventeen

With that overview of the primary legal areas, the recommended ordinance revising Chapters 16 and 17 is attached for your review. What follows is a summary and explanation of the changes I am recommending:

- The definition of garage sale was revised to state that it covers the sale of one or more items, as opposed to three or more. Most other jurisdictions use the one or more standard, and it is more defensible in the face of challenges based on the establishment of an arbitrary number. Presumably, the sale of one or two items has no less an impact than the sale of 3 or four, so it is best to use the one or more standard to avoid that argument.

- The frequency of garage sales was changed from two during a calendar year to two during a rolling 12 month period so as to prevent a residence from having four back to back sales as December ends and January begins, which would likely be more of a burden on neighboring homes.
- Sec. 16-32, dealing with garage sale signs, has been deleted since the topic of temporary signs (of which a garage sale sign is one) are now dealt with in the proposed new Chapter 17 covering signs.
- A new § 16-32 is provided which requires that at least one resident 18 or older be present at a permitted garage sale at all times to ensure it is properly supervised.
- Chapter 17 consists of all new text which provides necessary clarity as to various procedural elements including permitting and appeals, inspections, and removal of unsafe signs. It also addresses many more sign types for which the current code is simply silent, but which are either currently in use in the Town or which residents, businesses, developers or other property owners in the Town may in the future wish to deploy when improving their property.

The foregoing represents an overview of all the substantive revisions I am recommending for Chapters 16 and 17 of the Code. In addition to the foregoing changes, you will see that I am recommending a variety of other minor edits, including re-numbering Code sections to allow a more logical flow, or to account for the addition or removal of surrounding Code sections. These numbering changes will, in my opinion, make the Code easier to understand but do not make any change in the policies within those sections. Additionally, various tweaks to the wording of Code sections has been made to allow the provisions to be more clear, concise, and understood.

As always, please do not hesitate to contact me should you have concerns regarding this matter.

/s/ Jay Daigneault, Esq.
Town Attorney

ORDINANCE NO. 2019 - 07

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTERS 16 AND 17 OF THE TOWN CODE CONCERNING SALES AND SIGNS TO REMOVE OUTDATED, PREEMPTED OR UNENFORCABLE PROVISIONS AND TO INCORPORATE CURRENT STATE AND FEDERAL LAW REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, in light of the foregoing, the Commission has charged the Town Attorney with the task of conducting a complete review of the Town's Code (excluding the Land Development Code) and to bring forward any recommended revisions to the Code which would alleviate any of the aforementioned potential concerns with the Code's current text; and

WHEREAS, the court in *Fane v. Edenfield*, 945 F.2d 1514, 1517 (11th Cir.1991) ruled that with respect to the regulation of commercial solicitation and peddling, blanket prohibitions on commercial speech are disfavored, and the mere possibility that isolated abuses or mistakes may occur will not likely justify a total ban on a certain mode of protected commercial speech; and

WHEREAS, with respect to the regulation of signs, the Commission recognizes that until a Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, the Commission recognizes that in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, the Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, in *Reed*, the Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, in *Reed*, the Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, in *Reed*, the Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito's concurring opinion provided a non-comprehensive list of rules that would not be content-based, including: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

WHEREAS, the Commission recognizes that Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, the Town Attorney has submitted his assessment of Chapters 16 and 17 of the Code, and has recommended that the Commission make the revisions to those Chapters as are set forth in this Ordinance; and

WHEREAS, the Commission has considered the Town Attorney's recommendations and finds them to be consistent with the goals of the Commission; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Chapter 16 of the Redington Beach Town Code, entitled *Sales*, is hereby amended to read as follows:

Chapter 16 - SALES

ARTICLE II. - GARAGE SALES

Sec. 16-26. - Definition.

For purposes of this article, the term "garage sale" means any public display sale or offering for sale or free to the public of one~~three~~ or more items of personal property on a residential premises by a person~~s~~ of a family or other household unit residing on the premises on which the sale is conducted, provided~~when~~ the personal property has been acquired, possessed and used by such person~~that family or household~~ for personal household use as and not for~~opposed to~~ business or commercial use, and when such sale is to be or is conducted at the present residence of such family or household and is open to the general public. The term "garage sale" shall include sales commonly referred to as patio sales, driveway sales, yard sales and porch sales, and other such sales. The term "garage sale" shall not include the sale or offering for sale of goods of more than one family or household. The term shall also not include the posting for sale of an item of personal property on any internet or app-based selling platform even if the transaction is completed at the residential premises.

Sec. 16-27. -- Garage sales authorized; frequency limited Permitted sales.

A limited number of garage sales are specifically and provisionally permitted as accessory uses in all zoning districts which permit single or multi-family residential- areas~~dwelling~~ units. Each such dwelling unit shall be limited to in such areas, two garage sales of no more than two consecutive days each during any rolling 12 month period~~at any one residence in any one calendar~~

~~year shall be considered to be permitted accessory uses under this section. A garage sale cannot occur at a residence within 90 days of a prior garage sale at the same residence.~~

Sec. 16-28. ~~Permitting process; fee; revocation.~~

~~(a) A permit must be obtained from the town clerk prior to any garage sale, showing the location, and date(s) and time(s) of the event, and the name and contact telephone number of the resident responsible for compliance with the permit's terms. If an applicant is a resident of a condominium, apartment or other multi-family dwelling location which is governed by an owners association, management company, or other private entity with authority over common rules, the applicant must include with the application written confirmation from such entity that the applicant is authorized to conduct the sale on the premises.~~

~~(b) A copy of the permit which shall be displayed on the premises at all times during the event.~~

~~(c) A fee for a garage sale permit may be adopted by the commission from time to time.~~

~~(d) If the clerk denies a permit application, such denial must be in writing and must set forth the reason(s) for the denial. A denial may only be based on a determination that the garage sale, as proposed, will not be in compliance with one or more provisions of the town code. An applicant may appeal a denial in writing to the Mayor (or such other commissioner as the Mayor may designate in her or his absence), who shall review the denial and the written appeal and shall make a final decision for the town.~~

~~(e) The town reserves the right to revoke any permit issued under this section if, in the judgment of the town's code enforcement officer or a law enforcement officer, the permit holder is violating the terms of the permit, or if a hurricane or other severe weather event is forecast to occur on the date(s) in question. In the event a permit is revoked due to weather, the town will make every effort to authorize an alternative date for the event.~~

Sec. 16-29. - Compliance with applicable regulations.

All garage sales permitted by this article shall be conducted in compliance with all laws, ordinances, rules and regulations not in conflict with this article, but no business tax shall be required for a garage sale ~~otherwise~~ ~~specifically and provisionally permitted under this article~~ ~~section~~.

Sec. 16-30. - ~~Frequency and duration.~~

~~Not more than two garage sales shall be held in any one calendar year at any one residence. Any one garage sale shall be limited to the daylight hours of two consecutive days, and not more than one garage sale shall be held at any one residence in any 90-day period.~~

Sec. 16-31. -- Display of merchandise.

~~P~~No property offered for sale or sold at or in connection with a garage sale may shall be displayed outside the permanent structures of the residence, including on lawns houses, garages and carports. Such property shall be so displayed as to prevent the wind from blowing objects onto adjacent sidewalks, roads or other private property, and shall be arranged so as to allow invitees and code enforcement officers to safely move about the items being displayed. In the event high winds or rain occur, the responsible resident shall ensure that all property displayed outdoors be properly secured so as to prohibit wind-blown projectiles or the potential of items washing into streets or stormwater systems, except such property as might normally be located in the law or yard such as lawn furniture, swing sets and lawn mowers.

Sec. 16-321. -- Supervision and oversight signs.

At least one resident of the premises who shall be at least 18 years of age shall be present at any permitted garage sale at all times to supervise and oversee the event. This individual shall, if asked by any duly-appointed code enforcement or law enforcement officer, produce for inspection the permit issued for the event. One sign of no more than four square feet shall be permitted to be displayed on the property of the residence where a garage sale is being conducted pursuant to this article. Such signs shall be displayed only during the times of the sales. In no case shall the sign be placed on any property other than the property of the residence to which the permit has been issued.

ARTICLE III. -- PEDDLERS AND SOLICITORS

Sec. 16-56. -- Peddling or soliciting on streets and door to door.

It shall be unlawful to sell or attempt to sell or peddle any commercial products whatsoever on the streets, door to door or other public property within the town.

Section 2. Chapter 17 of the Redington Beach Town Code, entitled *Signs*, inclusive of § 17-1 through and including § 17-8, is hereby repealed in its entirety.

Section 3. A new Chapter 17 of the Redington Beach Town Code, entitled *Signs*, is hereby adopted as follows:

Chapter 17 – SIGNS

Sec. 17-1. – Definitions.

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of at least sixty (60) days. The following conditions shall be considered as the failure to operate or maintain a sign:

(1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or

(2) a sign which is blank. This definition includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location or any other sign for any purpose for which the purpose has lapsed. If the sign is a conforming sign in compliance with building codes and all other applicable Town Ordinances, then only the sign face will be considered abandoned.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Artwork means a two-or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions of signs within the district. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner means a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bench/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, produced, offered or furnished at a place other than upon the same lot where such sign is displayed.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building official, means the individual responsible for the administration, interpretation and enforcement of the building codes of the Town.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid Town occupational license and/or occupying distinct and separate physical space and located in a business activity zoning district.

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Canopy sign means a permanent sign which is suspended from, attached to, supported from, printed on, or forms a part of a canopy.

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

(2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also Electronic message sign.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial mascot means humans or animals used as advertising devices for commercial establishments, typically by the holding of a separate sign or wearing of insignia, masks or costumes associated with the commercial establishment. This definition includes sign twirlers, sign clowns, etc.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Copy means the linguistic or graphic content of a sign.

Damaged sign means a sign missing more than ten percent of one or more sides of a sign face.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drive-in establishment means a business establishment wherein patrons are usually served while seated in parked vehicles on the same lot. This definition shall be deemed to include "drive-in restaurants," which are more completely described in this section, as well as drive-in service establishments, including banks and dry cleaners that provide this service, and automobile service stations.

Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-through lane sign means a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Feather sign or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

Flag pole means a pole on which to raise a flag. A flag pole is not a pole sign.

Flashing sign means any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage means that allowable sign area shall be measured according to the following standards:

(1) For single or two business establishment buildings fronting one public right-of-way, measurement shall be taken parallel to that property line abutting the right-of-way with perpendicular witness lines extending to the farthest distant corners of the structure when measuring building frontage or similarly to the farthest distant property corners when measuring lot frontage. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(2) For single and two business establishment buildings fronting on more than one public right-of-way, measurement shall be taken as per subsection (1) of this definition using that right-of-way for which the primary and foremost portion of each business establishment faces. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(3) For business establishments located within a shopping or business center other than an interior business establishment as defined in this section, measurement shall be taken parallel to and equal in length to a line connecting the farthest distant corners of the business establishment's primary and foremost direction of public access. Generally the primary and foremost direction of public access shall face the center's common parking facility or a public right-of-way.

Government sign or statutory sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Ground level means the average grade within a 25-foot radius of the sign base on a parcel of land, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marine docks or floating structures shall be the average grade of the landward portion of the adjoining parcel.

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of

the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Land means "land" including "water", "marsh" or "swamp."

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is located.

Lollipop sign means a sign which is attached to any pole(s) or stake(s) that is designed to be driven into the ground and which is not stabilized into the ground or affixed in place by any device other than the stake to which the sign is attached.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance, in the context of this chapter, means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A Marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Mobile billboard advertising means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Offsite/off-premises commercial advertising means a non-accessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite/off-premises commercial sign means a non-accessory billboard or sign that displays offsite commercial advertising.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Pennant means any pieces or series of pieces of cloth, plastic, paper or other material attached in a row at only one or more edges, or by one or more corners (the remainder hanging loosely) to any wire, cord, string, rope, or similar device. The term includes, but is not limited to, string pennants, streamers, spinners, ribbons and tinsel.

Permanent interior sign means that if located on a window or within a distance equal to the greatest dimension of the window and if able to view from the exterior, it shall be considered an exterior sign for purposes of this chapter, excluding window sign allowance.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this chapter.

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pole sign means a permanent ground sign that is supported by one or more poles more than four feet in height and otherwise separated from the ground by air.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this chapter, a cold air inflatable sign shall be considered to be a portable sign.

Projected light sign means a sign which is generated from a light source which projects a static or changeable image, text, logo or other image onto a building's surface.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. Standard channel set letters on signs do not render a sign a projecting sign.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Roofline means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Sandwich board sign means a portable, freestanding, movable and double-faced sign not exceeding thirty-two (32) inches wide and forty-eight (48) inches high.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Service station means any building, structure or land used for the dispensing, sale or offering for sale at retail, and any automobile fuel, oils, or accessories in connection with which is performed general automotive servicing, such as tire servicing and repair, and including engine and transmission repair, but excluding body work, straightening of frames, painting, or welding. All work must be done inside of an enclosed building.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of this chapter, the term Sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term Sign for purposes of this chapter shall not include the following objects:

1. Decorative or structural architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently embedded or integrated into the structure of a permanent building which is otherwise legal;
3. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' or seller's marks on machinery or equipment visible from a public area;
5. The display or use of fire, fireworks or candles;
6. motor vehicle or vessel license plates or registration insignia;
7. Grave stones and cemetery markers visible from a public area;
8. Newsracks and newsstands;
9. Artwork that does not constitute advertising visible from a public area;
10. Decorations that do not constitute advertising visible from a public area;
11. Vending machines or express mail drop-off boxes visible from a public area.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means area of sign.

Sign structure means any structure which is designed specifically for the purposes of supporting a sign. This definition shall include decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in the LDC, a sign with an intended use for a period of time related to an event or occurrence at a future time shall be deemed a temporary sign. Such events could include, but are not limited to, scheduled community athletic or charity events, contractor notices of construction projects in progress, elections scheduled to occur in the future, or sales or leases of real property, goods or services by retailers, Realtors or individuals where same will be completed by some future date or upon the completion of the lease or sale. A flag shall be deemed a temporary sign. A sign advertising a reduced price or other promotional benefit associated with a product or service sold or offered on a parcel shall not constitute a temporary sign.

Traffic control device sign means any governmental/statutory sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer sign means any sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

Umbrella sign means a sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Wayfinding/directional sign means a non-commercial sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Window means a panel of transparent material surrounded by a framing structure and placed into the construction material comprising a building façade.

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Sec. 17-2. – Purpose and scope of chapter.

In order to preserve the Town as a community in which people wish to live, visit, vacation and retire, the Town must maintain a visually aesthetic and safe environment. The regulation of signs

2. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

3. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.

4. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

e. Unsafe signs:

1. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

2. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 17-7. – Administration and enforcement: permits and fees.

a. Generally. Signs subject to this chapter shall be designed, constructed, and maintained in compliance with the Town's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.

b. Permit requirements. Unless exempted by this chapter, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this chapter. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this chapter. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.

c. Fees. Each application for a sign permit shall be accompanied by the applicable fees. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled. Before issuance of a permit, the Building Official shall collect the necessary sign permit fees, which shall be established by the Town Commission from time to time.

d. Signage plan. For any site on which the owner proposes to erect one or more signs requiring a permit the owner, or representative, shall submit to the Building Official or designee two copies of a signage plan containing the following:

within the Town is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, safety and general welfare in the Town through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. This chapter regulates signs which are placed on private property, or on property owned by public agencies including the Town, and over which the Town has zoning authority. These sign regulations are intended to:

- a. Encourage the effective use of signs as a means of communication in the Town;
- b. Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
- c. Improve pedestrian and traffic safety;
- d. Minimize the possible adverse effect of signs on nearby public and private property;
- e. Foster the integration of signage with architectural and landscape designs;
- f. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- g. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- h. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- i. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- j. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- k. Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;
- l. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- m. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- n. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- o. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the Town;

- p. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- q. Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- r. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- s. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of this Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;
- t. Enable the fair and consistent enforcement of these sign regulations;
- u. To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the Town's goals of quality development;
- v. To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of Town, county, state and federal law;
- w. To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- x. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 17-3. – Regulatory interpretations.

It is the Town's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All regulatory interpretations of this chapter are to be exercised in light of the Town's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the Town Code, then the Town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently

of any permit or approval process. The policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this Code, and to all provisions of this Code, notwithstanding any more specific provisions to the contrary. This chapter states the policy decisions regarding display of signs, made by the Town Commission after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the Town of Redington Beach. The Town further makes the following findings:

- a. The Town Commission specifically finds that off-premises advertising signs present more of a traffic hazard than on-premises advertising signs because, among other factors, the content of off-premises advertising signs changes with more frequency than the content of on-premises advertising signs.
- b. The Town Commission finds and intends that noncommercial signs shall be considered to be on-premises signs.
- c. The Town Commission further finds that some signs, particularly large signs such as billboards, detract from the aesthetic beauty of the Town and create a safety hazard by distracting motorists, pedestrians, and others. The Town Commission wishes to preserve the aesthetic beauty and safety of the community.
- d. The Town Commission further finds that when a sign type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the Town Code, then the Town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.
- e. The Town Commission further finds that all rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.
- f. The Town Commission further specifically finds that the policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this chapter, and to all provisions of the Land Development Code, notwithstanding any more specific provisions therein to the contrary. This chapter states the policy decisions regarding display of signs, made by the Town Commission after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the Town of Redington Beach.
- g. The Town Commission finds and intends that the maximum height and size for structures and any setback provisions found in the Land Development Code shall apply to signs in the Town even if the provisions of this sign code cannot apply due to any valid court order.

Sec. 17-4. – Prohibited Signs.

Unless otherwise authorized in this chapter, the following sign types are prohibited within the Town:

- a. Signs that are deemed abandoned under this chapter, or that do not conform with the provisions of this section or any other applicable code, statute or law, shall be removed by the property owner within 30 days after receipt of notification (which will immediately follow the 90-day abandonment period described this chapter or refusal to accept delivery of notification by certified mail, that such removal is required). Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels or durable material off-white white or tan in color and containing no message.
- b. Bench/bus shelter advertising signs.
- c. Billboards.
- d. Wall wrap signs.
- e. Electronic changeable copy/message sign.
- f. Snipe signs.
- g. Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
- h. Flashing signs.
- i. Animated signs.
- j. Revolving or rotating signs.
- k Signs which move, twirl or swing, including multi-prism and tri-vision signs.
- l. Electronic signs other than traffic control devices.
- m. Beacon lights.
- n. Wind signs.
- o. Pennant signs.
- p. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or other government sign, signal, or device.
- q. Offsite/off-premises commercial signs.
- r. Any sign in or over the public right-of-way, other than government signs or warning or safety signs.
- s. Pavement markings, except official traffic control-markings and street addresses applied by government agencies or pursuant to government laws or regulations.
- t. Signs attached to piers, docks, tie poles or seawalls, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.

- u. Signs in or upon any river, bay, lake, or other body of water within the limits of the Town, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
- v. Portable signs.
- w. Roof signs.
- x. Umbrella signs.
- y. Projecting signs.
- z. Any sign which is designed to approximate, mimic or emulate an official government sign, including unofficial "stop" signs posted on or above any street or right-of-way, or within fifty feet thereof.
- aa. Any sign prohibited by state or federal law.
- bb. Signs that emit sound, vapor, smoke, odor, particles, flame or gas with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
- cc. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
- dd. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- ee. Commercial Mascots and Commercial Message signs that are carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.
- ff. Vehicle signs visible from a street or right-of-way within one hundred (100) feet of the vehicle and where the vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of said street or right-of-way.
- gg. Mobile Billboard Advertising and trailer signs.
- hh. Any sign located on real property without the permission of its owner.
- ii. Any feather or flutter sign.
- jj. Obscene signs that meet the definition of obscenity under Florida Statutes § 847.001 et seq., as amended.

kk. Marquee signs.

ll. Projected light signs.

mm. Inflatable or balloon signs.

Sec. 17-5. – Applicability.

This chapter does not regulate:

- a. Signs located entirely inside the premises of a building enclosed space, and that are not visible from the right-of-way or public parking lot
- b. Objects not included in the definition of “sign”.
- c. Any government sign placed by or at the direction of or through the permission of the Town in, on or over any Town or county owned or controlled property or right-of-way, including signs approved by the Town under the authority of a development or concession agreement.

Sec. 17-6. – Administration and enforcement: nonconforming signs

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this chapter are declared nonconforming signs. It is the intent of this chapter to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this chapter that any elimination of nonconforming signs shall be accomplished so as to avoid any unreasonable invasion of established property rights.

a. Legal nonconforming signs:

- 1. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this chapter that does not conform to the regulations as specified in this chapter.
- 2. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this chapter or any amendment thereof.
- 3. A legal nonconforming sign may not be altered in any manner not in conformance with this chapter. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.
- 4. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant’s control, shall be

brought into conformance with the provisions of this chapter, provided that if the nonconforming sign is a type of sign that is prohibited under this chapter, it shall be removed.

5. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:

A. Is not increased in area or height to exceed the limits of the zoning district in which it is located;

B. Remains structurally unchanged except for reasonable repairs or alterations;

C. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and

D. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

b. Signs rendered nonconforming:

1. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the provision that rendered the sign nonconforming, including in the event there is a change in ownership. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.

2. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this chapter. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

3. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this chapter if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

c. Signs for a legal nonconforming use:

1. New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.

2. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

d. Signs discontinued:

1. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

2. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

3. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.

4. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

e. Unsafe signs:

1. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

2. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 17-7. – Administration and enforcement: permits and fees.

a. Generally. Signs subject to this chapter shall be designed, constructed, and maintained in compliance with the Town's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.

b. Permit requirements. Unless exempted by this chapter, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this chapter. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this chapter. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.

c. Fees. Each application for a sign permit shall be accompanied by the applicable fees. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled. Before issuance of a permit, the Building Official shall collect the necessary sign permit fees, which shall be established by the Town Commission from time to time.

d. Signage plan. For any site on which the owner proposes to erect one or more signs requiring a permit the owner, or representative, shall submit to the Building Official or designee two copies of a signage plan containing the following:

1. An accurate plan of the site, at such scale as the Building Official or designee may reasonably require;
 2. Location of buildings, parking lots, driveways, and landscaped areas on such site;
 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the site under this Code;
 4. An accurate indication on the plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
 5. Detailed drawings to show the dimensions, design, structure and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration);
 6. Name of person, firm, corporation or association erecting the sign;
 7. Written consent to the permit application, by the owner, or authorized designee, of the building or lot on which the sign is to be erected. Consent of an authorized agent of an owner, contractor or other agent of the lessee shall be sufficient for purposes of this provision; and
 8. Such other information as the Building Official shall require to show full compliance with this chapter and all other applicable laws and ordinances. As part of the application the applicant or the applicant's authorized representative must certify in a legally sufficient notarized signed statement that all information provided in the application is true and correct.
- e. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.
- f. Permit exceptions. The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:
1. Replacing. The changing of the advertising copy or message on a previously permitted similarly approved sign which is specifically designed for the use of replaceable copy.
 2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

Sec. 17-8. – Inspection; Removal; Safety.

- a. Inspection. Signs for which a permit is required under this chapter may be inspected periodically by the Building Official for compliance with this chapter, other codes of the Town, and all terms upon which the sign permit may have been conditioned.
- b. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition with no fading, cracking or chipping visible. No consideration,

however, shall be given to the content of the sign copy when making the determination that the sign should be removed due to a violation of this subsection.

c. *Removal of sign.* The Building Official, or designee, may order the removal of any sign erected or maintained in violation of this chapter, or that are declared a nuisance either by court order or under the provisions of the Town code. In non-emergency situations where the sign is not an imminent danger to the health and safety of the residents of the Town, he or she shall give 30 days' notice in writing to the owner of such sign, at the address reflected on the Pinellas County Property Appraiser's website. If the sign is not removed within the 30-day notice period, the Town shall cause the sign to be removed at the cost of the owner. Removal shall not moot any other enforcement or collection efforts the Town may engage in as a result of any violation of this chapter.

d. *Unsafe Sign.* Absent an emergency where a sign poses an imminent danger to the health or safety of the public (in which case no notice is needed), if the Building Official determines any sign or sign structure to be in an unsafe condition, he or she shall immediately notify, in writing, the owner or lessee of the property upon which such sign is located, who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, and if the Building Official determines it creates a danger to the public safety, he or she may have the sign removed or have any necessary repairs or maintenance performed at the expense of the owner or lessee of the property upon which the sign is located. If in his or her professional opinion the sign poses an immediate risk to the public, the Town may take all other necessary steps to remedy the condition following a reasonable attempt to notify the owner of the hazardous condition.

e. *Abandoned signs.* Any sign that advertises a business or other activity that is not in operation on the premises shall be deemed an abandoned sign beginning 90 days after the business or other activity ceases operation. The following regulations shall apply to such signs:

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business establishment which it advertises is no longer conducted on the premises or the sign no longer is being used by the owner or lessee of the premises for its intended advertising purposes for a period in excess of 90 days;

2. Instead of removal, if the sign is a conforming sign, the owner or lessee of the premises may:

(a) Paint over the message on the sign that advertises the business or other activity;

(b) Remove the sign face and replace it with a blank sign face; or

(c) Reverse the sign face and not illuminate the sign from the interior;

3. If the owner or lessee fails to remove it, the Building Official, or designee, shall give the owner 30 days' written notice to remove it;

4. Upon failure to comply with this notice, or refusal to accept delivery of notification by certified mail that such removal is required, the Building Official, or designee, may authorize modification, as set forth in this subsection, or removal of the sign at cost to the owner;

5. Where a successor owner or lessee to a defunct business establishment agrees to maintain the conforming sign at issue as provided in this chapter, this removal requirement shall not apply; however, a new owner or lessee of a business establishment shall not be allowed to maintain a nonconforming sign, and upon change of ownership of the business establishment, either by sale, assignment, lease or other means of transfer of rights, all signs shall be brought into compliance with this chapter; and

6. If an existing building or structure is demolished, any existing freestanding sign shall be considered either an abandoned sign or an impermissible off premises sign and shall be removed at the time of demolition unless the sign complies with the requirements of this chapter. In the event destruction of a building or structure is caused by hurricane, collision with a vehicle or similar reason not attributable to the owner, the Building Official is authorized to approve of a reconstruction plan which, if complied with, will not result in the sign being deemed abandoned or an impermissible off premises sign.

Sec. 17-9. – Building official to enforce chapter’s provisions.

The Building Official, or designee, is authorized and directed to enforce all of the provisions of this chapter. However, notwithstanding anything in this chapter to the contrary, no sign or sign structure shall be subject to any limitation based on the content or viewpoint of the message contained on such sign or displayed on such sign structure. In conformance with applicable state and federal laws, and upon presentation of proper credentials, the Building Official, or designee, may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon him or her by this chapter.

Sec. 17-10. – Interpretation of chapter provisions.

Where there is an ambiguity or dispute concerning the interpretation of this chapter, the decision of the Building Official, or designee, shall prevail, subject to appeal process provided in this chapter.

Sec. 17-11. – Right of appeal.

a. Any person aggrieved by any decision or order of the Building Official, or designee, pertaining to signs under this chapter may appeal to the Board of Adjustment (the board) by serving written notice to the city clerk, who in turn shall immediately transmit the notice to the board. If an administrative appeal is filed by the applicant, and the board fails to meet within 45 days, the appeal will be deemed denied and the decision or order of the Building Official, or designee, will be deemed final. Once a decision is appealed to the board, the Building Official, or designee, shall take no further action on the matter pending the board’s decision, except for unsafe signs as provided for in this chapter. With respect to sign appeals, the board shall hear and decide appeals where it is alleged that there is an error in the decision or interpretation of the Building Official,

or designee, in the enforcement of this chapter. Such determination shall be conclusive and no right of appeal to the Town Commission with respect to such action shall exist. Any granting or denial of conditional uses or variances by the board shall be final.

b. Any aggrieved person must file their appeal of any adverse decision or action as provided for above within twenty (20) calendar days of the date the decision was made or the action was taken and in the manner set forth by the Florida Rules of Appellate Procedure for appeals of final quasi-judicial action.

Sec. 17-12. – Variances.

The only variance that may be applied for in connection with signage in the Town of Redington Beach is a variance from required setbacks.

Sec. 17-13. – Inspection.

The Building Official, or designee, may make or require any inspections to ascertain compliance with the provisions of this chapter, the Florida Building Code and other applicable laws. To the extent Florida Statutes § 933.20 et seq. requires it, the Building Official shall ensure a proper inspection warrant is obtained.

Sec. 17-14. – Revocation of sign permit.

If the Building Official finds that work under any sign permit is proceeding in violation of this chapter, Florida Building Code, any other ordinance of the Town, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten days, it shall be the duty of the Building Official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued.

Sec. 17-15. – General standards for all zoning districts.

The following sections establish general signage standards for all zoning districts within the Town.

Sec. 17-16. – Sign illumination.

a. Sign illumination may not create a nuisance to residential areas or for wildlife and shall be compatible with the surrounding neighborhood.

b. Residential Signs. Signs on residential uses in any zone shall not be illuminated.

c. General Rule for All Nonresidential Uses. Other than signs on residential uses, all other signs may be non-illuminated, or illuminated by internal, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) below.

d. Internal Illumination. Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

e. External Indirect Illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign shall not be visible from the adjacent public rights-of-way or residential zoned or used properties.

f. Illumination of Signs Adjacent to Single-Family Uses. No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally or externally illuminated.

g. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.

h. Exposed Neon. Exposed neon tube illumination is not permitted in residential zones, or on residential uses in any zone. It is allowed in all other places, unless otherwise specified.

Sec. 17-17. – Sign construction specifications.

a. Construction and erection of signs shall be in accordance with Florida Building Code.

b. Materials. Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided herein.

c. Construction standards. All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust or wood rot inhibitive material.

Sec. 17-18. – Design requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

a. The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping

of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.

b. All tenant panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, font size and illumination.

c. All freestanding monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g. ornamental trees, shrubs, and ornamental plants) shall meet the requirements for landscaping as prescribed in this chapter.

d. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration. These signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.

Sec. 17-19. – General sign provisions.

a. No sign may be displayed without the consent of the legal owner of the real or personal property on which the sign is mounted or displayed.

b. This chapter does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

c. Any sign installed or placed on public right-of-way or on public property, except in conformance with the requirements of this chapter, is illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. There shall be no property right in such sign; all property rights are forfeit and such signs are abandoned property. Such signs may, at the Town's option, also be treated as litter with persons responsible for the placement of such signs subject to the provisions of Florida Statutes § 403.413.

d. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

e. No sign shall be erected which interferes with any opening required for ventilation.

f. Signs shall maintain a minimum of six feet horizontal and twelve feet vertical clearance from electrical conductors and from all communications equipment or lines.

g. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.

h. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.

i. The Building Official may order the repair of signs declared a nuisance. A sign not kept in good repair and in a neat and clean appearance is a public nuisance.

Sec. 17-20. – Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this chapter to the contrary, any sign erected pursuant to the provisions of this chapter may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this chapter have been satisfied.

Sec. 17-21. – Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this chapter to the contrary, no legal sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 17-22. – Violations and remedies.

Any violation of this chapter or of any condition or requirement adopted pursuant to this chapter may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the Town shall include, but not be limited to, the following:

a. Issuance of a stop-work order;

b. Seek an injunction or other order of restraint or abatement that requires the removal or the correction of the violation;

c. Seek a court order imposing appropriate sanctions from any court of competent jurisdiction;

d. In the case of a violation that poses an imminent danger to the public health or safety, taking such emergency measures as are authorized in this chapter;

e. Seek code enforcement action; and

f. Issuance of citations for each day and each sign not in compliance.

Sec. 17-23. – Temporary sign installation and removal.

a. *General rule concerning temporary signs.* Unless otherwise provided for in this chapter, temporary signs shall not be erected for more than 100 days prior to the event being advertised on the temporary sign begins, and they shall be removed promptly at the event's conclusion. Temporary signs not advertising an event to occur on a specific date but which are related to the occurrence of an expected future event or transaction, including but not limited to temporary real estate for sale signs, shall not be subject to the one hundred (100) day provision of this subsection, but such signs shall also be removed promptly upon the earliest of the occurrence of the event or transaction, or the expiration of the listing or other similar change in facts eliminating the opportunity of the future event or transaction from occurring.

b. *Usage and removal of political campaign advertisements.* Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

1. Withdrawal of his or her candidacy;
2. Having been eliminated as a candidate; or
3. Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Florida Statutes chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons. If political campaign advertisements are not removed within the specified period, the Town shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the Town.

Sec. 17-24. – Standards by zones: intent and general provisions.

a. It is the intent of this section to regulate outdoor signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.

b. The sign standards in this section are intended to include every zone in the Town. The zones are defined by the zoning ordinance and official zoning map. Only signs as described in this division and as may be described under temporary signs and exemptions will be permitted in each particular zone.

c. If any zone is omitted from this division, or if a new zone is created after the enactment of this division, only exempt signs as described in this chapter shall be permitted in such zone until this division shall be amended to include that zone.

- d. If any area is annexed into the Town limits, no sign, except exempt signs described in this chapter, shall be permitted therein until the area annexed has been zoned by the Town Commission. Signs in existence as of the time of annexation shall be brought into compliance with this chapter within one year of annexation.
- e. The visual clearance and sight triangle, to assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway or other private roadway and an access way or driveway, shall follow the criteria of the current Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways or its equivalent amended document.
- f. In order to assist public safety and emergency service vehicles to rapidly locate addresses and to assist the traveling public to locate specific addresses, residential and nonresidential structures shall conform to county ordinances.
- g. Signs shall not be located on publicly owned land or easements or inside the street rights-of-way except bus stop informational signs, governmental signs, and safety or warning signs, or as otherwise allowed by license agreement approved by the Town Commission. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law.
- h. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.
- i. All signs shall comply with the applicable building and electrical code requirements. Sign face replacements not requiring a permit shall comply with all applicable building and electrical code requirements, this includes sign face replacements when the permitted sign is not structurally or electronically altered, like materials are used, the sign face is the same size within the frame as the permitted sign, and is installed in the same manner as originally permitted.
- j. Signs of a height greater than six feet and within ten feet of the right-of-way shall require a letter of no objection from the local power company to insure current and future compliance to applicable codes and to protect the safety of the public.
- k. If no height or size restriction is specifically provided regarding any sign located in the Town the height and size restrictions for a structure in the zone in which the sign is located will govern.
- l. Pursuant to Florida Statutes § 553.79(20)(a), all signage advertising the retail price of gasoline shall be clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the station premises and shall meet the height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

Sec. 17-25. – Nonconforming uses.

Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located shall, nevertheless, comply with all provisions of this chapter for the zone in which it is located.

Sec. 17-26. – Sign standards in all districts.

The following general provisions apply to signs and sign types described in this chapter, except where otherwise noted in this division.

- a. Permanent monument signs may be placed on the owner's private property up to the right-of-way line in recognition of this sign type's aesthetic desirability to the Town. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line.
- b. All new freestanding signs must be monument signs.
- c. Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of the Town Code.
- d. No business shall have more than one exterior wall sign on any street it faces; or one sign per window. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes. Wall signs may not project more than twelve (12) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is no closer than nine (9) feet to the ground at the finished grade immediately below the sign.
- e. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows:
 1. Residential uses shall be treated as if they were located in the residential zoning district where that type of use would be allowed as a matter of right.
 2. Nonresidential uses shall be treated as if they were located in a zoning district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit.
- f. Off-site permanent monument neighborhood directional signs, where permitted, shall be located at the corner of the intersection of two streets, one of which is the primary ingress and egress to the neighborhood. The monument sign must be located on private property within the neighborhood associated with the sign. The monument sign shall not exceed twenty-four (24) square feet per sign face and shall not exceed six (6) feet in height. One double-sided sign or two single-sided signs may be placed at each entrance. The monument sign shall be set back a minimum of thirty (30) feet from the intersection of the right-of-way lines and fifteen (15) feet from all front and side right-of-way lines.

Sec. 17-27. – Signs allowed in all districts, no permit required.

The regulations in this section apply in every zoning district in the Town, except where otherwise specified or indicated. Sign permits are not required for signs and sign types described and identified below in this section.

a. *Temporary signs.* Temporary signs shall be allowed on each parcel within the Town as follows:

1. In residential zones, each parcel may display up to four temporary signs which shall not exceed four (4) square feet in sign area, and four (4) feet in height.

2. In all non-residential zones, each parcel may display one temporary sign which shall not exceed twenty-four (24) square feet in sign area and six (6) feet in height. Alternatively, each parcel in a non-residential zone may display up to eight (8) temporary signs, which cumulatively shall not exceed twenty-four (24) square feet in sign area and four (4) feet in height.

3. Temporary signs displayed outdoors shall be constructed of metal, plastic, wood or pressed wood, but not of cardboard or paper, and shall be fastened to a support not exceeding four (4) inches by four (4) inches. Temporary window signs displayed on the inside of a window may be constructed of cardboard or paper, as well as metal, plastic, wood or pressed wood.

4. Temporary signs may be installed on any sign type authorized within the relevant zone. Alternatively, a temporary sign may be installed using an H frame, spider step stake, inverted L frame, banjo-style frame, or T frame. Any such alternative installation option used must be firmly secured to the ground or to a building located on the parcel.

5. Temporary signs not affixed to a permanent sign structure, but using one of the alternative installation options listed above, must be removed and securely stored during any days for which the National Weather Service has issued a tropical storm warning covering the Town.

b. *Flags.*

1. For each detached dwelling unit in a residential district, two flags not greater than fifteen (15) square feet in sign area each may be displayed. One (1) flagpole is allowed for each parcel in the Town zoned for single family residential use not to exceed 25 feet in height.

2. For each parcel in a multi-family residential or non-residential districts three flags not greater than twenty-four (24) square feet in sign area (each) may be displayed. Two (2) flagpoles are allowed for each parcel in the Town that is zones for multi-family residential or non-residential use not to exceed 35 feet in height.

c. *Parking space signs, non-residential.* Onsite parking space number or identification signs, not exceeding one two (2) square foot of sign face per sign, shall be allowed on each parcel of non-residential use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six (6) feet unless otherwise required by applicable law.

d. *Street address signs and residential mailboxes.* For each parcel within the Town, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two (2) square feet in sign area. In addition to street address signs, a residential

mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the Town.

e. *Street address signs, non-residential.* For each parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.

f. *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be four (4) feet unless otherwise required by applicable law.

g. *Waterfront identification signs.* Each lot abutting the waters of any navigable inland waterway, but not the Gulf of Mexico, shall be allowed one attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed four (4) square feet in sign area.

h. *Wayfinding/directional signs.* Non-commercial wayfinding signs when erected as part of a wayfinding system adopted by the Town or county.

i. *Temporary window signs.* For each commercially zoned or commercially used parcel within the Town, one or more temporary window signs may be displayed on the inside of the window. The temporary window sign(s) shall not cover more than 50% of the area of the window, except that if the business displaying such sign(s) is also displaying the one permanent window sign authorized by this chapter, then the total area of the window covered by a combination of these shall not exceed 65% of the area of the window.

Sec. 17-28. – Signs allowed in all districts, permit required.

a. *Pole Banners.* Temporary banners for display on light poles shall not exceed twelve (12) square feet in area or twenty (20) feet in height. A non-commercial ornamental or decorative vertical pole banner may be displayed when the pole is not being used for a permitted vertical pole banner.

b. *Temporary signs at construction sites.* Any land developer or licensed contractor, architect or engineer is authorized, with the consent of the land owner, to install one or more signs at a permitted active construction site, as that term is defined in Florida Statutes § 810.011(13), or on land upon which the Town has given preliminary approval of plans to construct a building or other structure. Such signs shall be subject to the following conditions:

1. The sign is located on a construction site which has a valid building permit displayed on site.
2. The sign area shall not exceed 32 square feet aggregate per street frontage per site.
3. All signs shall be set back a minimum of ten feet from all property lines.
4. All signs shall be removed by no later than the date upon which a temporary or final certificate of occupancy is issued by the permitting authority.

Sec. 17-29. – Residential zoning districts, permit required.

Except for those signs and sign-types allowed in residential and residentially-zoned districts in accordance with this chapter, no additional signs or sign-types shall be permitted in residential or residentially-zoned districts, except for the following sign-types:

- a. On a parcel with an apartment building or condominium complex, one permanent wall, window or monument sign is allowed for each such building or complex not exceed twenty-four (24) square feet in size (area); however, such a monument sign shall not exceed six (6) feet in height.
- b. For permitted land uses other than residential uses in these zones one permanent monument sign shall be allowed on each parcel or lot. This sign shall not exceed sixteen (16) square feet in area and shall not exceed four (4) feet in height.
- c. Onsite directional signs not exceeding four (4) square feet in area.

Sec. 17-30. – Commercial and mixed-use.

Except for those signs and sign-types allowed in commercial or commercially-zoned districts in accordance with this chapter, no additional signs or sign-types shall be permitted on any lot or parcel in commercial or commercially-zoned districts, except the following sign-types shall be allowed for each lot or parcel with a non-residential use:

- a. One monument sign per abutting state, county or Town collector roadway. A maximum of thirty-two (32) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed eight (8) feet in height and must not be a traffic visibility hazard as determined by the Town's traffic engineer consultant.
- b. One or more attached wall signs shall be allowed on the first-floor level. The combined area of all such signs used shall not exceed one hundred fifty (150) square feet, and they shall be no higher than the height of the first-floor. In the event the parcel contains a multi-tenant development, each individual business tenant may have one or more attached wall signs subject to the same size and height limitations.
- c. Each restaurant shall be allowed one attached display sign of no more than three (3) square feet of sign face area, located at the entrance, or service window of a restaurant.
- d. Each restaurant shall be allowed one drive-through lane sign for each drive-through lane constructed on the property. Drive-through lane signs shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through lane sign. The drive-through lane sign shall have a surface area not exceeding forty (40) square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight (8) feet above ground level. If more than one drive-through lane sign is installed, the total square footage for all such signs shall not exceed sixty (60) square feet, with no single sign exceeding forty (40) square feet. If the applicant provides satisfactory proof to the Building Official that its franchisor or parent company mandates a standardized drive-through sign for all of its locations which sign exceeds any of the foregoing limits, the Building Official shall approve a permit application depicting the standardized sign.

e. In any commercial district, a canopy or awing sign may be permitted in lieu of a wall sign at an individual, single-occupant, premises. The canopy or awning and signage square footage combined shall not exceed the total permissible square footage for a wall sign. The height of the canopy or awning shall not exceed sixteen (16) feet (first floor) or twenty-five (25) feet (second floor) or the height of the structure on which it is attached, whichever is less.

f. Wayfinding/directional signs on commercial property provided such signs do not exceed four (4) square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed four (4) feet in height.

g. Temporary banner signs not exceeding thirty-five (35) square feet in area and eight (8) feet in height may be displayed by a business within the commercially-zoned districts set forth in this section in conjunction with a grand opening for a maximum of sixty (60) days from the date the business first opens to customers. The term "grand opening" as used in this subsection shall mean the initial opening of a new business (including businesses marketing goods, services or residential units). The term includes the opening of a new location of a pre-existing business, and the re-opening of a pre-existing business which has been shut down for longer than one month due to renovations, remodeling or repairs. No permit shall be required for such signs.

h. Sandwich board signs shall be allowed, pursuant to the regulations set forth in this chapter.

Sec. 17-31. – Sandwich board signs.

a. The placement of sandwich board signs by the owners or lessees of properties may be allowed on any commercial property.

b. One sandwich board sign shall be allowed on each street frontage per retail or restaurant use.

c. Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided. They shall be removed during inclement weather and high winds.

d. Sandwich board signs shall not exceed an overall height of 42 inches above ground level or an overall width of 30 inches.

e. Sandwich board signs shall be composed of chalkboard-type material capable of being written on with chalk. They shall be taken inside at the end of each business day.

f. Sandwich board signs are prohibited on all public sidewalks or walkways.

g. No sandwich board sign may be lit either internally or externally.

h. Any sandwich board sign which encroaches upon pedestrian or vehicular movement or safety or interferes with the lawful use of the public right-of-way or violates the Florida Building Code or any state or local fire or security code shall be prohibited and removed or relocated.

i. Sandwich board signs shall be readable, properly maintained, and kept in good working condition.

Sec. 17-32. – Rights not transferrable off property.

The rights contained in this chapter, including but not limited to those associated with sign sizes, numbers, types and allowances, as well as rights associated with nonconforming signs and appeal rights may not be transferred in any manner to any other person, nor aggregated with the sign rights of any other person, so as to apply to a property, sign, structure or building other than the property, sign, structure or building associated with the right in question.

Section 3. For purposes of codification of any existing section of the Redington Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2019, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2019, by the Board of Commissioners of the Town of Redington Beach, Florida.

James Simons, Mayor

Attest:

Missy Clarke, CMC, Town Clerk

Approved as to form:

Jay Daigneault, Town Attorney

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 101 - General Fund							
Revenues							
Dept: 000							
311.000 Ad Valorem Taxes	835,156.00	835,156.00	768,765.32	15,178.38	0.00	66,390.68	92.1
312.100 Local Option Gas Tax	21,500.00	21,500.00	5,041.10	1,608.16	0.00	16,458.90	23.4
313.200 City of Clearwater Fran Fee	5,500.00	5,500.00	1,168.94	1,168.94	0.00	4,331.06	21.3
313.900 Utility Propane Tax	600.00	600.00	344.54	77.32	0.00	255.46	57.4
314.100 Progress Energy Utility tax	105,000.00	105,000.00	46,212.24	8,510.40	0.00	58,787.76	44.0
315.000 Communications Services Tax	59,021.00	59,021.00	18,823.21	4,747.72	0.00	40,197.79	31.9
316.000 Business Tax License	1,500.00	1,500.00	1,440.00	30.00	0.00	60.00	96.0
323.100 Electricity Franchise Fee	112,000.00	112,000.00	49,528.63	8,977.39	0.00	62,471.37	44.2
324.210 Impact Fees	0.00	0.00	9,984.00	0.00	0.00	-9,984.00	0.0
327.000 Variances Permits/Licenses	2,000.00	2,000.00	250.00	0.00	0.00	1,750.00	12.5
331.500 Federal Grant	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	0.0
334.300 FDOT Lighting Grant	9,500.00	9,500.00	0.00	0.00	0.00	9,500.00	0.0
335.120 State Revenue Sharing	27,049.00	27,049.00	13,487.82	2,247.97	0.00	13,561.18	49.9
335.180 Half Cent Sales Tax	95,349.00	95,349.00	31,786.05	7,530.16	0.00	63,562.95	33.3
351.200 Court Fines - Traffic	4,000.00	4,000.00	1,883.56	377.20	0.00	2,116.44	47.1
359.900 Other Fine	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
361.200 Interest Savings Accounts	15,000.00	15,000.00	24,506.17	3,739.15	0.00	-9,506.17	163.4
366.000 Contrib. & Dons. (Twin Towers)	1,000.00	1,000.00	500.00	150.00	0.00	500.00	50.0
367.000 Other Licenses/Permits	300.00	300.00	150.00	0.00	0.00	150.00	50.0
369.900 Other Misc Revenues	500.00	500.00	142.00	0.00	0.00	358.00	28.4
Dept: 000	1,306,475.00	1,306,475.00	974,013.58	54,342.79	0.00	332,461.42	74.6
Revenues	1,306,475.00	1,306,475.00	974,013.58	54,342.79	0.00	332,461.42	74.6
Expenditures							
Dept: 000							
999.992 Transfer Out	48,838.00	48,838.00	0.00	0.00	0.00	48,838.00	0.0
Dept: 000	48,838.00	48,838.00	0.00	0.00	0.00	48,838.00	0.0
Dept: 511 Legislative							
511.111 Registration	1,500.00	1,500.00	775.00	0.00	0.00	725.00	51.7
511.120 Salaries and Wages	20,400.00	20,400.00	10,200.00	1,700.00	0.00	10,200.00	50.0
511.400 Travel	100.00	100.00	0.00	0.00	0.00	100.00	0.0
511.410 Boat Parade	800.00	800.00	800.00	0.00	0.00	0.00	100.0
511.820 Donations	500.00	500.00	0.00	0.00	0.00	500.00	0.0
521.210 Fica Match	1,561.00	1,561.00	780.30	130.05	0.00	780.70	50.0
Legislative	24,861.00	24,861.00	12,555.30	1,830.05	0.00	12,305.70	50.5
Dept: 512 Town Clerk							
512.120 Salaries and Wages	67,486.00	67,486.00	33,748.00	5,192.00	0.00	33,738.00	50.0
512.130 Holiday Bonus	500.00	500.00	500.00	0.00	0.00	0.00	100.0
512.220 Pension	6,749.00	6,749.00	3,374.80	519.20	0.00	3,374.20	50.0
512.230 Group Insurance	8,360.00	8,360.00	4,899.23	699.89	0.00	3,460.77	58.6
512.231 Life Insurance	120.00	120.00	68.25	9.75	0.00	51.75	56.9
512.232 Dental Insurance	370.00	370.00	429.45	61.35	0.00	-59.45	116.1
512.240 Worker's Comp Insurance	1,413.00	1,413.00	1,059.75	353.25	0.00	353.25	75.0
512.260 General Liability Insurance	5,779.00	5,779.00	4,544.89	1,444.63	0.00	1,234.11	78.6
512.265 Property Insurance	4,502.00	4,502.00	3,376.50	1,125.50	0.00	1,125.50	75.0
512.269 Flood Insurance	5,500.00	5,500.00	8,832.50	5,973.00	0.00	-3,332.50	160.6
512.315 Temporary Services	100.00	100.00	0.00	0.00	0.00	100.00	0.0
512.400 Travel	1,000.00	1,000.00	804.28	0.00	0.00	195.72	80.4
512.409 Con Education/Registrations	1,500.00	1,500.00	400.00	0.00	0.00	1,100.00	26.7
512.410 Telephone	2,300.00	2,300.00	1,221.83	199.96	0.00	1,078.17	53.1
512.411 Internet Services	1,200.00	1,200.00	687.25	119.97	0.00	512.75	57.3
512.412 Website Services	1,500.00	1,500.00	1,153.00	0.00	0.00	347.00	76.9
512.415 Technical Assistance	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
512.420 Postage	800.00	800.00	391.53	329.20	0.00	408.47	48.9
512.421 Stamps.com	200.00	200.00	115.93	17.99	0.00	84.07	58.0
512.440 Utilities- Water/Electric	5,500.00	5,500.00	2,116.37	225.42	0.00	3,383.63	38.5
512.461 Building Maintenance	1,500.00	1,500.00	91.85	0.00	0.00	1,408.15	6.1

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 101 - General Fund							
Expenditures							
Dept: 512 Town Clerk							
512.471 Ordinance Codification	2,500.00	2,500.00	6,943.75	0.00	0.00	-4,443.75	277.8
512.472 Election Expense	2,500.00	2,500.00	3,962.75	0.00	0.00	-1,462.75	158.5
512.473 Newsletter	750.00	750.00	120.00	40.00	0.00	630.00	16.0
512.480 Promotion/Public Relations	1,000.00	1,000.00	2,325.44	407.51	0.00	-1,325.44	232.5
512.490 Advertising	1,500.00	1,500.00	4,560.70	174.00	0.00	-3,060.70	304.0
512.510 Office Supplies	2,500.00	2,500.00	1,201.16	243.08	0.00	1,298.84	48.0
512.515 Office Copier/Lease	1,750.00	1,750.00	654.69	0.00	0.00	1,095.31	37.4
512.520 Office Copier/Usage	1,100.00	1,100.00	355.17	0.00	0.00	744.83	32.3
512.521 Document Retention & Control	100.00	100.00	0.00	0.00	0.00	100.00	0.0
512.542 Dues & Subscriptions	800.00	800.00	1,494.04	110.00	0.00	-694.04	186.8
512.640 Equipment	1,500.00	1,500.00	751.61	0.00	0.00	748.39	50.1
521.210 Fica Match	5,163.00	5,163.00	2,085.34	315.08	0.00	3,077.66	40.4
Town Clerk	138,542.00	138,542.00	92,270.06	17,560.78	0.00	46,271.94	66.6
Dept: 513 Finance & Admin							
513.120 Salaries and Wages	38,985.00	38,985.00	19,788.33	3,035.17	0.00	19,196.67	50.8
513.130 Finance Holiday Bonus	500.00	500.00	500.00	0.00	0.00	0.00	100.0
513.140 Overtime Pay	500.00	500.00	0.00	0.00	0.00	500.00	0.0
513.220 Pension	3,899.00	3,899.00	1,978.84	303.52	0.00	1,920.16	50.8
513.230 Group Insurance	8,360.00	8,360.00	4,870.74	695.82	0.00	3,489.26	58.3
513.231 Life Insurance	120.00	120.00	68.25	9.75	0.00	51.75	56.9
513.232 Dental Insurance	370.00	370.00	214.27	30.61	0.00	155.73	57.9
513.240 Worker's Comp Insurance	1,413.00	1,413.00	1,059.75	353.25	0.00	353.25	75.0
513.310 Professional Fees	0.00	0.00	574.98	0.00	0.00	-574.98	0.0
513.320 Audit Fee	23,000.00	23,000.00	7,000.00	0.00	0.00	16,000.00	30.4
513.415 Fund Balance Support	1,000.00	1,000.00	280.00	280.00	0.00	720.00	28.0
513.493 Bank Service Charges	120.00	120.00	75.00	0.00	0.00	45.00	62.5
513.495 Janitorial Services	2,350.00	2,350.00	855.00	0.00	0.00	1,495.00	36.4
521.210 Fica Match	2,982.00	2,982.00	1,513.80	232.19	0.00	1,468.20	50.8
Finance & Admin	83,599.00	83,599.00	38,778.96	4,940.31	0.00	44,820.04	46.4
Dept: 514 Legal Counsel							
514.121 Litigation	35,000.00	35,000.00	4,174.50	3,052.50	0.00	30,825.50	11.9
514.124 Town Attorney	35,000.00	35,000.00	9,619.50	2,260.50	0.00	25,380.50	27.5
514.310 Legislative Counsel	0.00	0.00	10,494.27	8,452.77	0.00	-10,494.27	0.0
514.421 Special Magistrate	5,000.00	5,000.00	1,620.00	0.00	0.00	3,380.00	32.4
Legal Counsel	75,000.00	75,000.00	25,908.27	13,765.77	0.00	49,091.73	34.5
Dept: 519 Other Gen. Govt Services							
519.310 Gen. Govt Services	25,000.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
Other Gen. Govt Services	25,000.00	25,000.00	0.00	0.00	0.00	25,000.00	0.0
Dept: 521 Law Enforcement							
521.340 Law Enforcement Services-Cont	254,844.00	254,844.00	127,422.00	21,237.00	0.00	127,422.00	50.0
521.350 Traffic Enforcement Officer	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
521.410 Shared Cost - Phone	200.00	200.00	0.00	0.00	0.00	200.00	0.0
Law Enforcement	256,544.00	256,544.00	127,422.00	21,237.00	0.00	129,122.00	49.7
Dept: 522 Fire Control							
522.340 Fire Department Services	57,302.00	57,302.00	28,342.50	0.00	0.00	28,959.50	49.5
522.341 EMS (Seminole)	57,302.00	57,302.00	28,651.00	0.00	0.00	28,651.00	50.0
Fire Control	114,604.00	114,604.00	56,993.50	0.00	0.00	57,610.50	49.7
Dept: 524 Protective Services							
524.310 Code Enforcement Services	24,000.00	24,000.00	7,965.45	1,173.38	0.00	16,034.55	33.2
524.421 Attorney Fees	2,500.00	2,500.00	264.00	0.00	0.00	2,236.00	10.6
524.422 Citation Costs/NRB	250.00	250.00	0.00	0.00	0.00	250.00	0.0
524.510 Code Enforcement Supplies	100.00	100.00	0.00	0.00	0.00	100.00	0.0
Protective Services	26,850.00	26,850.00	8,229.45	1,173.38	0.00	18,620.55	30.6

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 101 - General Fund							
Expenditures							
Dept: 539 Department of Public Works							
521.210 Fica Match	5,809.00	5,809.00	2,816.02	435.44	0.00	2,992.98	48.5
539.120 Salaries & Wages	75,936.00	75,936.00	37,228.06	5,761.60	0.00	38,707.94	49.0
539.129 Overtime - DPW	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
539.130 Holiday Bonus - DPW	1,000.00	1,000.00	1,000.00	0.00	0.00	0.00	100.0
539.200 Temp Help - DPW	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
539.220 Pension Expense - DPW	7,594.00	7,594.00	3,722.80	576.16	0.00	3,871.20	49.0
539.230 Group Insurance - DPW	16,720.00	16,720.00	9,741.48	1,391.64	0.00	6,978.52	58.3
539.231 Life Insurance - DPW	240.00	240.00	136.50	19.50	0.00	103.50	56.9
539.232 Dental Insurance - DPW	740.00	740.00	916.37	130.91	0.00	-176.37	123.8
539.233 Vehicle Insurance	1,338.00	1,338.00	1,003.50	334.50	0.00	334.50	75.0
539.240 Workers Comp - DPW	2,826.00	2,826.00	2,216.50	706.50	0.00	609.50	78.4
539.241 Continuing Education	500.00	500.00	0.00	0.00	0.00	500.00	0.0
539.440 P/W Utilities	1,300.00	1,300.00	437.41	48.98	0.00	862.59	33.6
Department of Public Works	117,003.00	117,003.00	59,218.64	9,405.23	0.00	57,784.36	50.6
Dept: 541 Roads & Streets							
541.465 Maintenance - Streets	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
541.466 Maint - Signs/Signals	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
541.467 Maint - Street Lights	29,500.00	29,500.00	11,482.21	2,297.29	0.00	18,017.79	38.9
541.535 Road Signage	1,500.00	1,500.00	416.10	0.00	0.00	1,083.90	27.7
Roads & Streets	37,000.00	37,000.00	11,898.31	2,297.29	0.00	25,101.69	32.2
Dept: 554 Housing Development							
554.800 Grants and Aids	10,000.00	10,000.00	18,804.59	614.50	0.00	-8,804.59	188.0
Housing Development	10,000.00	10,000.00	18,804.59	614.50	0.00	-8,804.59	188.0
Dept: 571 Libraries							
571.000 Libraries	31,234.00	31,234.00	15,616.84	0.00	0.00	15,617.16	50.0
Libraries	31,234.00	31,234.00	15,616.84	0.00	0.00	15,617.16	50.0
Dept: 572 Parks and Recreation							
572.260 General Liability	5,779.00	5,779.00	4,333.86	1,444.62	0.00	1,445.14	75.0
572.265 Property Insurance	4,502.00	4,502.00	3,376.50	1,125.50	0.00	1,125.50	75.0
572.269 Flood Insurance	9,500.00	9,500.00	23,195.50	16,539.00	0.00	-13,695.50	244.2
572.340 Landscaping Expense	8,000.00	8,000.00	1,642.50	0.00	0.00	6,357.50	20.5
572.430 Utilities	5,500.00	5,500.00	1,921.40	93.45	0.00	3,578.60	34.9
572.460 Maint - Automotive Equipment	1,500.00	1,500.00	649.73	0.00	0.00	850.27	43.3
572.461 Maintenance - Building	1,500.00	1,500.00	197.54	0.00	0.00	1,302.46	13.2
572.462 Maintenance - Grounds	15,000.00	15,000.00	3,722.69	951.85	0.00	11,277.31	24.8
572.463 Maintenance - Trees	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
572.464 Maintenance - Other	500.00	500.00	0.00	0.00	0.00	500.00	0.0
572.467 Equipment Rental	500.00	500.00	0.00	0.00	0.00	500.00	0.0
572.490 Playground Equipment	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
572.510 Maintenance Equipment Repair	500.00	500.00	3,247.17	727.82	0.00	-2,747.17	649.4
572.520 Uniforms	500.00	500.00	0.00	0.00	0.00	500.00	0.0
572.521 Twin Towers Operating Supplies	300.00	300.00	260.00	78.00	0.00	40.00	86.7
572.522 Gasoline & Oil	3,000.00	3,000.00	1,711.77	351.24	0.00	1,288.23	57.1
572.524 Fertilizer & Mulch	2,500.00	2,500.00	2,100.00	0.00	0.00	400.00	84.0
572.527 Tools & Equipment	1,000.00	1,000.00	320.83	0.00	0.00	679.17	32.1
572.535 Signage	2,000.00	2,000.00	1,240.10	1,218.80	0.00	759.90	62.0
572.599 Swim Buoys	3,000.00	3,000.00	2,395.78	2,190.00	0.00	604.22	79.9
Parks and Recreation	71,581.00	71,581.00	50,315.37	24,720.28	0.00	21,265.63	70.3
Dept: 573 Board of Parks & Recreation							
572.439 Holiday Lights	13,000.00	13,000.00	12,515.00	0.00	0.00	485.00	96.3
572.535 Signage	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
573.460 Holiday Lighting Maintenance	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0
573.462 Grounds Maintenance	2,500.00	2,500.00	0.00	0.00	0.00	2,500.00	0.0
573.525 Plants/Trees/Shrubs	1,500.00	1,500.00	0.00	0.00	0.00	1,500.00	0.0

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 101 - General Fund							
Expenditures							
Board of Parks & Recreation	20,000.00	20,000.00	12,515.00	0.00	0.00	7,485.00	62.6
Dept: 600 Replacement Reserve							
600.220 2016 F150 Truck	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	0.0
600.250 Tractor 2016	2,000.00	2,000.00	0.00	0.00	0.00	2,000.00	0.0
600.301 Seawall	6,000.00	6,000.00	0.00	0.00	0.00	6,000.00	0.0
600.401 Bldg Refurbishment - Town Hall	122,346.00	122,346.00	0.00	0.00	0.00	122,346.00	0.0
600.403 Bldg Refurbishment - Pub Works	61,173.00	61,173.00	0.00	0.00	0.00	61,173.00	0.0
600.640 Lawn Mower 2015	1,300.00	1,300.00	0.00	0.00	0.00	1,300.00	0.0
600.820 Park Board Playground Equip	10,000.00	10,000.00	0.00	0.00	0.00	10,000.00	0.0
600.900 Storm Debris Collection	20,000.00	20,000.00	0.00	0.00	0.00	20,000.00	0.0
Replacement Reserve	225,819.00	225,819.00	0.00	0.00	0.00	225,819.00	0.0
Expenditures	1,306,475.00	1,306,475.00	530,526.29	97,544.59	0.00	775,948.71	40.6

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 300 - Capital Accounts							
Revenues							
Dept: 000							
312.600 Sales & Use Tax - One Cent Tax	196,238.00	196,238.00	43,493.05	20,601.91	0.00	152,744.95	22.2
334.390 FDOT Grant (Planning Board)	32,000.00	32,000.00	0.00	0.00	0.00	32,000.00	0.0
335.122 Sales & Use Tax - 8th Cent	9,671.00	9,671.00	4,215.06	702.51	0.00	5,455.94	43.6
337.300 PC Interlocal Agreement Reimb.	1,518,346.00	1,518,346.00	161,601.33	0.00	0.00	1,356,744.67	10.6
361.200 Interest Savings Accounts	7,500.00	7,500.00	9,821.93	1,557.02	0.00	-2,321.93	131.0
399.000 Transfer In	48,838.00	48,838.00	0.00	0.00	0.00	48,838.00	0.0
Dept: 000	1,812,593.00	1,812,593.00	219,131.37	22,861.44	0.00	1,593,461.63	12.1
Revenues	1,812,593.00	1,812,593.00	219,131.37	22,861.44	0.00	1,593,461.63	12.1
Expenditures							
Dept: 539 Department of Public Works							
539.630 Infrastructure	1,550,346.00	1,550,346.00	468,209.14	189,383.66	0.00	1,082,136.86	30.2
Department of Public Works	1,550,346.00	1,550,346.00	468,209.14	189,383.66	0.00	1,082,136.86	30.2
Dept: 600 Replacement Reserve							
600.600 Roads & Streets	262,247.00	262,247.00	0.00	0.00	0.00	262,247.00	0.0
Replacement Reserve	262,247.00	262,247.00	0.00	0.00	0.00	262,247.00	0.0
Expenditures	1,812,593.00	1,812,593.00	468,209.14	189,383.66	0.00	1,344,383.86	25.8

REVENUE/EXPENDITURE REPORT

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Town of Redington Beach

For the Period: 10/1/2018 to 3/31/2019

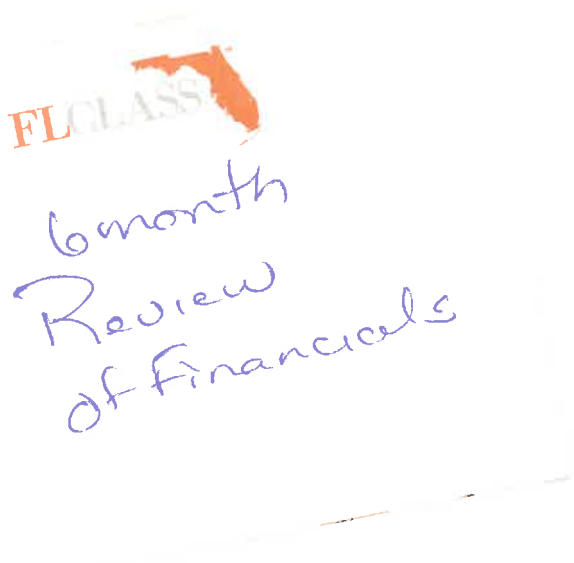
	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 400 - Storm Water							
Revenues							
Dept: 000							
312.000 Stormwater Fee Revenue	94,000.00	94,000.00	33,392.17	13,227.91	0.00	60,607.83	35.5
361.200 Interest Savings Accounts	4,500.00	4,500.00	5,854.97	834.97	0.00	-1,354.97	130.1
Dept: 000	98,500.00	98,500.00	39,247.14	14,062.88	0.00	59,252.86	39.8
Revenues	98,500.00	98,500.00	39,247.14	14,062.88	0.00	59,252.86	39.8
Expenditures							
Dept: 535 Storm Water							
535.340 Street Sweeping	1,500.00	1,500.00	375.00	0.00	0.00	1,125.00	25.0
535.441 Utility Mailing Costs	3,700.00	3,700.00	1,805.88	609.03	0.00	1,894.12	48.8
535.468 Maintenance CDS Units	3,500.00	3,500.00	1,025.00	0.00	0.00	2,475.00	29.3
535.540 Clean Drains & Lines	2,000.00	2,000.00	750.00	0.00	0.00	1,250.00	37.5
535.548 NPDES Drain Cleaning	1,500.00	1,500.00	59.65	0.00	0.00	1,440.35	4.0
535.650 Engineering Expense	8,000.00	8,000.00	7,151.70	6,649.20	0.00	848.30	89.4
Storm Water	20,200.00	20,200.00	11,167.23	7,258.23	0.00	9,032.77	55.3
Dept: 541 Roads & Streets							
541.468 Maintenance - Storm Drains	1,500.00	1,500.00	959.43	0.00	0.00	540.57	64.0
Roads & Streets	1,500.00	1,500.00	959.43	0.00	0.00	540.57	64.0
Dept: 600 Replacement Reserve							
600.500 Stormwater System	76,800.00	76,800.00	0.00	0.00	0.00	76,800.00	0.0
Replacement Reserve	76,800.00	76,800.00	0.00	0.00	0.00	76,800.00	0.0
Expenditures	98,500.00	98,500.00	12,126.66	7,258.23	0.00	86,373.34	12.3
Grand Total Net Effect:	0.00	0.00	221,530.00	-202,919.37	0.00	-221,530.00	

Public Notice
Town of Redington Beach

Ordinance 2019-05: An Ordinance of the Town of Redington Beach, Pinellas County, Florida, adopting the Annual Amendment to the Schedule of Capital Improvements Element of the Town of Redington Beach Comprehensive Plan, Providing for Severability; and Establishing an Effective Date.

The Subject Ordinances were first read at a public meeting of the Board of Commissioners on Wednesday, May 15, 2019. The second reading and adoption of this ordinance is set for 6:30 p.m., Wednesday, June 19, 2019 at Town Hall, 105 164th Avenue, Redington Beach, Florida. Copies are available for the public at Town Hall; interested parties may appear at the meeting to be heard with respect to the proposed ordinances.

Missy Clarke, CMC
Town Clerk



From: Jay Daigneault <Jay@cityattorneys.legal>
Sent: Tuesday, June 4, 2019 8:14 AM
To: townclerk@townofredingtonbeach.com
Subject: Code Revision
Attachments: 2019-06-04 Code Revision Ordinance Chapter 12.pdf; 2019-06-04 Code Revision Memo Ch 12.pdf

Missy:

Attached please find a memo explaining the next segment of the code revision along with a proposed ordinance. Please inquire of the Mayor as to how he wishes to proceed (workshop, discussion item before first reading, first reading, etc.). Thanks.

Jay Daigneault, Esquire



1001 South Fort Harrison Avenue, Suite 201
Clearwater, Florida 33756
Phone: (727) 733-0494, ext. 106
Fax: (727) 733-2991
Email: jay@cityattorneys.legal

Discussion
June 19th
1st Reading
July 3rd

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this message
thank you.
x

FLCLASS

Friendship Park
Renovations

ISR - ?