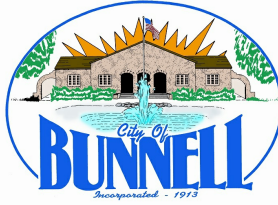


**CATHERINE D. ROBINSON**  
**MAYOR**

**JOHN ROGERS**  
**VICE-MAYOR**

**DAN DAVIS**  
**CITY MANAGER**



*Crossroads of Flagler County*

**COMMISSIONERS:**

**ELBERT TUCKER**

**BILL BAXLEY**

**BONITA ROBINSON**

## **BUNNELL CITY COMMISSION WORKSHOP**

**Selected codes to be reviewed**

**Monday, March 27, 2017**

**6:00 PM**

201 West Moody Boulevard,  
City Commission Chambers - Building 3  
Bunnell, FL 32110

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**A. Call Meeting to Order and Pledge Allegiance to the Flag**

**B. Roll Call**

**C. Presentation**

**C.1.** Section 6-1. Consumption in public places.

**C.2.** Section 10-4. Cruelty

**C.3.** Section 10-13. Dogs prohibited in city parks.

**C.4.** Section 10-211. Required.

**C.5.** Section 26-56. Storing, parking or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance; exception.

**C.6.** Section 26-106. Keeping and storing discarded property prohibited; exceptions.

**C.7.** Section 26-199. Maximum permissible sound levels.

**C.8.** Section 26-200. Specific Prohibitions.

**C.9.** Section 62-37. Manner of parking.

**C.10.**Section 62-41. Parking on private parking lots.

**C.11.**Section 62-44. Overnight parking.

**C.12.**Section 70-1. Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

**D. Call for Adjournment**

**This agenda is subject to change without notice. Please see posted copy at City Hall, and our website [www.BunnellCity.us](http://www.BunnellCity.us).**

**Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the City Clerk at (386) 263-8807.**

**THE CITY OF BUNNELL IS AN EQUAL OPPORTUNITY SERVICE PROVIDER.**

***Posted by City Clerk's office on March 22, 2017***



## City of Bunnell, Florida

### Agenda Item No. C.1.

Document Date: 3/7/2017 Amount: N/A  
Department: City Clerk Account #: N/A  
Subject: Section 6-1. Consumption in public places.  
Agenda Section: Presentation

#### ATTACHMENTS:

| Description     | Type    |
|-----------------|---------|
| Florida Statute | Exhibit |

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### Code of Ordinance Sec. 6-1. - Consumption in public places.

It shall be unlawful for any person to consume and for any person, other than a licensed beverage salesman or agent, to carry in any cup, can or other open or unsealed container any alcoholic beverage in the city recreational area known as the football field or on the streets, sidewalks and alleys within the city. This section does not apply to conduct prohibited by F.S. § 316.1936.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

This code references State statute. Local codes can be more restrictive than State statute, but cannot be less restrictive.

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

***Florida Statute 316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.***

- (1) As used in this section, the term:
  - (a) "Open container" means any container of alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.
  - (b) "Road" means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.
- (2)(a) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while operating a vehicle in the state or while a passenger in or on a vehicle being operated in the state.
  - (b) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while seated in or on a motor vehicle that is parked or stopped within a road as defined in this section. Notwithstanding the prohibition contained in this section, passengers in vehicles designed, maintained, and used primarily for the transportation of persons for compensation and in motor homes are exempt.
- (3) An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked nonpassenger area of the vehicle.
- (4) An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.
- (5) This section shall not apply to:
  - (a) A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver license with a passenger endorsement issued in accordance with the requirements of chapter 322;
  - (b) A passenger of a bus in which the driver holds a valid commercial driver license with a passenger endorsement issued in accordance with the requirements of chapter 322; or
  - (c) A passenger of a self-contained motor home which is in excess of 21 feet in length.
- (6) Any operator of a vehicle who violates this section is guilty of a noncriminal moving traffic violation, punishable as provided in chapter 318. A passenger of a vehicle who violates this section is guilty of a nonmoving traffic violation, punishable as provided in chapter 318.
- (7) A county or municipality may adopt an ordinance which imposes more stringent restrictions on the possession of alcoholic beverages in vehicles than those imposed by this section.
- (8) Nothing in this section prohibits the enforcement of s. 316.302.
- (9) A bottle of wine that has been resealed and is transported pursuant to s. 564.09 is not an open container under the provisions of this section.



## City of Bunnell, Florida

### Agenda Item No. C.2.

Document Date: 3/10/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 10-4. Cruelty  
Agenda Section: Presentation

#### ATTACHMENTS:

| Description     | Type    |
|-----------------|---------|
| Florida Statute | Exhibit |

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

##### **Code of Ordinance Sec. 10-4. - Cruelty.**

Acts deemed as cruelty to animals, as listed in F.S. §§ 828.12 and 828.13, shall be incorporated in this chapter by reference.

##### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

This code references State statute. Local codes can be more restrictive than State statute, but cannot be less restrictive.

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

#### City Attorney Review:

**Finance Department Review/Recommendation:**

***Florida Statute 828.12 Cruelty to animals.***

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) A person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is not eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

(4) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.

(5) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, "trip" means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and "horse" means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

(a) To control a horse that is posing an immediate threat to other livestock or human beings;

(b) For the purpose of identifying ownership of the horse when its ownership is unknown; or

(c) For the purpose of administering veterinary care to the horse.



***Florida Statute 828.13    Confinement of animals without sufficient food, water, or exercise; abandonment of animals.***

(1) As used in this section:

(a) “Abandon” means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

(b) “Owner” includes any owner, custodian, or other person in charge of an animal.

(2) Whoever:

(a) Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

(b) Keeps any animals in any enclosure without wholesome exercise and change of air, or

(c) Abandons to die any animal that is maimed, sick, infirm, or diseased, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

(3) Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.



## City of Bunnell, Florida

### Agenda Item No. C.3.

Document Date: 3/10/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 10-13. Dogs prohibited in city parks.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **Code of Ordinance Sec. 10-13. - Dogs prohibited in city parks.**

It shall be unlawful to allow or permit dogs in city parks.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$25.00  
Third Offense: \$50.00  
Fourth Offense: \$100.00

If the City moves forward with the creation of a dog park, this code would need to be amended to provide exemptions for dogs in the park which would house the dog park.

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

#### City Attorney Review:

#### Finance Department Review/Recommendation:



## City of Bunnell, Florida

### Agenda Item No. C.4.

Document Date: 3/10/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 10-211. Required.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **ARTICLE V. - DOGS AND CATS**

#### **DIVISION 2. - LICENSE**

#### **Code of Ordinance Sec. 10-211. - Required.**

All dogs and domesticated cats, six weeks and older, kept, harbored or maintained by their owners in the city, should be licensed in accordance with this article.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$25.00  
Third Offense: \$50.00  
Fourth Offense: \$100.00

The use of the word "should" in the ordinance makes this an optional requirement to pet owners.

If the City moves forward with the creation of a dog park, this code may need to be revised to make licensing mandatory for dogs utilizing the park. If revised, this code would serve as means to ensure the dogs utilizing the dog park is current on all vaccinations.

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**



## City of Bunnell, Florida

### Agenda Item No. C.5.

Document Date: 3/13/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 26-56. Storing, parking or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance; exception.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **Sec. 26-56. - Storing, parking or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance; exceptions.**

It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration as long as such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and properly zoned and licensed for such business, shall not hold such property where the general public can view the property from any public street within the city. Off-road vehicles may be stored on residential property as long as they are stored in the rear yard out of public view.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

The following definitions would be used in interpreting this code:

***Code of Ordinance Sec. 26-51. - Definitions.***

*Junked boat* means any boat which does not have lawfully affixed a current identification and registration marking as required by the state or United States government, or the condition of which is wrecked, dismantled, partially dismantled or inoperative.

*Junked motor vehicle* means any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded. Off-road vehicles that cannot be licensed by the DMV are exempt from the licensing requirement.

*Motor vehicle* means any vehicle which is self-propelled or capable of being pulled by a self-propelled vehicle and designed to travel along the ground, and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.

**Staff Recommendation:**

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**



## City of Bunnell, Florida

### Agenda Item No. C.6.

Document Date: 3/13/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 26-106. Keeping and storing discarded property prohibited; exceptions.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### Code of Ordinance

#### DIVISION 3. - OTHER PROPERTY

#### Sec. 26-106. - Keeping and storing discarded property prohibited; exceptions.

(a) It shall be unlawful for any person to keep, store, or cause or permit to be kept or stored, on any property within any residential or commercial section of the city, any dismantled, partly dismantled, nonoperative or discarded personal property including, but not by way of limitation, discarded machinery, scrap metal or junk.

(b) This division shall not apply with regard to such machinery, or parts thereof, scrap metal and junk, in an enclosed building, or on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or in an appropriate storage place or depository maintained in a lawful place and manner by the city. This division does not apply to boats, motor vehicles or parts thereof.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**





## City of Bunnell, Florida

### Agenda Item No. C.7.

Document Date: 3/13/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 26-199. Maximum permissible sound levels.  
Agenda Section: Presentation

#### ATTACHMENTS:

| Description | Type    |
|-------------|---------|
| Definitions | Exhibit |

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### ARTICLE IV. - NOISE

##### Sec. 26-199. - Maximum permissible sound levels.

(a) It shall be unlawful for any person to create, operate, or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for the land use category of the property receiving the sound when measured at or within the boundary of the property receiving the sound.

Table 1. Maximum Sound Levels for Receiving Land Uses

| Receiving Land Use | Time      | Sound Level Limit db(A) |
|--------------------|-----------|-------------------------|
| Residential        | Daytime   | 60                      |
|                    | Nighttime | <u>50</u>               |
| Commercial         | Daytime   | 65                      |
|                    | Nighttime | 60                      |

(b) The sound level set forth in Table 1 may not be exceeded in any one single incident if the single incident represents a part of the normal operation of the facility.

(c) The provisions of this section shall not apply to:

- (1) Reserved.
- (2) The unamplified human voice.

- (3) Sound resulting from safety signals, warning devices, and bells and chimes of churches.
- (4) Any sound resulting from activities of a temporary duration for which a permit has been granted by the noise control official to the extent allowed under the permit.
- (5) Any sound coming from the operation of aircraft (not including model aircraft).
- (6) Any sound, the regulation of which is preempted by the federal government, but only to the extent of such federal preemption.
- (7) Sounds resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
- (8) Sounds resulting from emergency work.
- (9) Sounds from the operation of motor vehicles, to the extent they are regulated by state statute.

Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

The definitions in the attachment would be used when interpreting this section of the code.

**Staff Recommendation:**

**City Attorney Review:**

**Finance Department Review/Recommendation:**

**Code of Ordinance Sec. 26-196. - Definitions.**

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

*A-weighted sound level* means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit of measurement is the db(A).

*Daytime* means 7:00 a.m. to 10:00 p.m. the same day.

*Decibel (db)* means the unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Impulsive sound* means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions and the discharge of firearms in violation of F.S. ch. 790.

*Nighttime* means 10:00 p.m. to 7:00 a.m. the following day.

*Noise* means any sound which disturbs reasonable persons of normal sensitivities, or which causes an adverse psychological or physiological effect on reasonable persons of normal sensitivities.

*Noise control official* or *NCO* means the city manager, and any city employees designated by the city manager, shall each be a noise control official (NCO).

*Noise disturbance* means any sound which:

- (1) Unreasonably disturbs the quiet, comfort, or repose of a reasonable person of normal sensitivities;
- (2) Causes actual and unreasonable interference with the use and peaceful enjoyment of a residence by disrupting customary daily activities therein, including but not limited to, sleeping, studying, reading, and dining, of reasonable persons of normal sensitivities;
- (3) Causes actual and unreasonable interference with the use of an office, store, or other building used for business, by disrupting customary daily activities therein, including but not limited to, working, of reasonable persons of normal sensitivities;
- (4) Causes an adverse psychological or physiological effect on persons of reasonable and ordinary sensitivities;
- (5) Injures or endangers the safety or health of humans; or
- (6) Exceeds the sound level limits set forth in section 26-199.

*Noise sensitive zone* means those zones that are created from time to time by resolution of the city commission upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.

*Plainly audible* means any sound produced or reproduced by a radio, stereo, tape player, television, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic soundmaking device, that can be clearly heard by a person using his normal hearing faculties at a distance of 200 feet or more from the real property boundary of the source of the sound.

*Real property boundary* means the perimeter of a lot or parcel of real property, and its vertical extension, which separates the real property owned by one person from that owned by another person.

*Reasonable time* means five minutes as to sound produced by a sound amplifier and 15 minutes as to sound produced by any other source.

*Sound* means an 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 characteristics of such sound, including duration, intensity and frequency.

*Sound amplifier* means any radio, stereo, tape player, television, electronic audio equipment, musical instrument, or other mechanical or electronic device, that produces, reproduces, or amplifies sound.

*Sound level* means the weighted sound pressure level as measured in db(A) by a sound level meter and as specified in American National Standards Institute specifications for sound level meters, ANSI A1.4-1971, et seq., (R1976) or its successor. If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument which includes a microphone, an amplifier, an output meter, and frequency weighting networks, used to measure sound levels.

*Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference of 20 micronewtons per square meter. RMS sound pressure means the square root of the time averaged square of the sound pressure.

*Weekday* means any day, Monday through Friday, inclusive.



## City of Bunnell, Florida

### Agenda Item No. C.8.

Document Date: 3/13/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 26-200. Specific Prohibitions.  
Agenda Section: Presentation

#### ATTACHMENTS:

| Description | Type    |
|-------------|---------|
| Definitions | Exhibit |

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### ARTICLE IV. - NOISE

##### Code of Ordinance Sec. 26-200. Specific prohibitions.

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any noise disturbance, or any sound which is plainly audible, in violation of any of the specific prohibitions contained in this section; or otherwise violate any of the specific prohibitions contained in this section.

(1) *Amplified sound produced by electronic audio equipment, musical instruments, and similar devices.* No person shall operate, play, or permit the operation or playing of any radio, stereo, tape player, television, electronic audio equipment, musical instrument, or other sound amplifier in such a manner as:

- To be plainly audible at a distance of 200 feet or more from the real property boundary of the source of the sound;
- To create across a real property boundary a noise disturbance in a residence, office, store, or other building;
- If the source of the sound is in a building containing more than one residential unit, create a noise disturbance in another residential unit through a floor, ceiling, or wall separating residential units; or
- To violate the maximum sound levels contained in [section 26-199](#).

(2) *Animals.* No person shall own, possess or harbor an animal or bird that howls, barks, meows, squawks, or makes other sounds that create across a real property boundary a noise disturbance in a residence during the nighttime.

(3) *Construction.* No person shall operate or cause the operation of any tools or equipment used in

construction, drilling, repair, alteration, or demolition work between the hours of 7:00 p.m. to 7:00 a.m. the following day on weekdays, or between 6:00 p.m. to 10:00 a.m. the following day on weekends or holidays, such that the sound therefrom creates a noise disturbance in a residence across a real property boundary, except for emergency work by public service utilities or for other work approved by the noise control official. This section shall not apply to the use of domestic power tools that are regulated in subsection (a)(4) of this section.

(4) *Domestic power tools.* No person shall operate or permit the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, lawnmower, or similar tool between 10:00 p.m. and 7:00 a.m. the following day on weekdays, or 10:00 p.m. and 8:00 a.m. the following day on weekends and holidays so as to create a noise disturbance in a residence across a real property boundary.

(5) *Emergency devices.*

a. No person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm, siren or whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as follows:

1. Testing of a stationary emergency signaling device shall not occur between 7:00 p.m. and 7:00 a.m. the following day.

2. Testing of a stationary emergency signaling device shall use only the minimum cycle test time, in no case to exceed 60 seconds.

3. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall only occur on weekdays and not during the nighttime, and shall be exempt from the time limit specified in subsection (a)(5)a.2 of this section.

b. No person shall permit the sounding of any exterior burglar or fire alarm unless such alarm is automatically terminated within 15 minutes of activation.

(6) *Reserved.*

(7) *Loudspeakers.*

a. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any commercial purpose:

1. Which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance or be plainly audible across a real property boundary; or

2. During the nighttime on a public right-of-way or public space.

b. No person shall operate, or permit the operation of, any loudspeaker, public address system or similar device, for any noncommercial purpose, during the nighttime in such a manner as to create a noise disturbance in a residence or be plainly audible across a real property boundary.

(b) Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

Penalties per Citation Schedule:

First Offense: Warning

Second Offense: \$50.00

Third Offense: \$100.00

Fourth Offense: \$200.00

The attached definitions would be used to interpret this code and potential code violations.

### **Staff Recommendation:**

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

**Code of Ordinance Sec. 26-196. - Definitions.**

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

*A-weighted sound level* means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The unit of measurement is the db(A).

*Daytime* means 7:00 a.m. to 10:00 p.m. the same day.

*Decibel (db)* means the unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

*Impulsive sound* means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions and the discharge of firearms in violation of F.S. ch. 790.

*Nighttime* means 10:00 p.m. to 7:00 a.m. the following day.

*Noise* means any sound which disturbs reasonable persons of normal sensitivities, or which causes an adverse psychological or physiological effect on reasonable persons of normal sensitivities.

*Noise control official* or *NCO* means the city manager, and any city employees designated by the city manager, shall each be a noise control official (NCO).

*Noise disturbance* means any sound which:

- (1) Unreasonably disturbs the quiet, comfort, or repose of a reasonable person of normal sensitivities;
- (2) Causes actual and unreasonable interference with the use and peaceful enjoyment of a residence by disrupting customary daily activities therein, including but not limited to, sleeping, studying, reading, and dining, of reasonable persons of normal sensitivities;
- (3) Causes actual and unreasonable interference with the use of an office, store, or other building used for business, by disrupting customary daily activities therein, including but not limited to, working, of reasonable persons of normal sensitivities;
- (4) Causes an adverse psychological or physiological effect on persons of reasonable and ordinary sensitivities;
- (5) Injures or endangers the safety or health of humans; or
- (6) Exceeds the sound level limits set forth in section 26-199.



*Noise sensitive zone* means those zones that are created from time to time by resolution of the city commission upon a finding that the subject area contains a land use which is sensitive to or subject to adverse reactions from noise.

*Plainly audible* means any sound produced or reproduced by a radio, stereo, tape player, television, electronic audio equipment, musical instrument, sound amplifier or other mechanical or electronic soundmaking device, that can be clearly heard by a person using his normal hearing faculties at a distance of 200 feet or more from the real property boundary of the source of the sound.

*Real property boundary* means the perimeter of a lot or parcel of real property, and its vertical extension, which separates the real property owned by one person from that owned by another person.

*Reasonable time* means five minutes as to sound produced by a sound amplifier and 15 minutes as to sound produced by any other source.

*Sound* means an 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 characteristics of such sound, including duration, intensity and frequency.

*Sound amplifier* means any radio, stereo, tape player, television, electronic audio equipment, musical instrument, or other mechanical or electronic device, that produces, reproduces, or amplifies sound.

*Sound level* means the weighted sound pressure level as measured in db(A) by a sound level meter and as specified in American National Standards Institute specifications for sound level meters, ANSI A1.4-1971, et seq., (R1976) or its successor. If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* means an instrument which includes a microphone, an amplifier, an output meter, and frequency weighting networks, used to measure sound levels.

*Sound pressure level* means 20 times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference of 20 micronewtons per square meter. RMS sound pressure means the square root of the time averaged square of the sound pressure.

*Weekday* means any day, Monday through Friday, inclusive.



## City of Bunnell, Florida

### Agenda Item No. C.9.

Document Date: 3/13/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 62-37. Manner of parking.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **Code of Ordinance Sec. 62-37. - Manner of parking.**

It shall be unlawful for any person to park a vehicle in a street of the city other than parallel with the edge of the curb or paved roadway headed in the direction of lawful traffic movement, unless otherwise provided, and with the curbside wheels of the vehicle within six inches of the curb or paved edge of the roadway, except as provided in the following:

- (1) Upon those portions of streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs with the right front wheel against the curb or the right front end of the bumper of such vehicle over the curb, or the right front end of the bumper of each vehicle against the curb;
- (2) In places where stopping for the loading or unloading of merchandise or material is permitted in zones so designated for that purpose, vehicles used for transportation of merchandise or materials may back into the curb to take on or discard loads.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**



## City of Bunnell, Florida

### Agenda Item No. C.10.

Document Date: 3/14/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 62-41. Parking on private parking lots.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **Code of Ordinance Sec. 62-41. - Parking on private parking lots.**

It shall be unlawful for any person to park a vehicle in front of any business establishment, or on any public or private parking lot, which has been marked and zoned in such a manner as to prohibit such parking in compliance with the city zoning code and traffic department designations and prohibited areas under this article.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

#### City Attorney Review:

#### Finance Department Review/Recommendation:



## City of Bunnell, Florida

### Agenda Item No. C.11.

Document Date: 3/14/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 62-44. Overnight parking.  
Agenda Section: Presentation

#### ATTACHMENTS:

| Description      | Type    |
|------------------|---------|
| Florida Statutes | Exhibit |

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

##### **Code of Ordinance Sec. 62-44. - Overnight parking.**

- (a) It shall be unlawful for any person to park any semi-trailer, truck tractor, motor home, travel home, mobile trailer, motor vehicle or the like on public rights-of-way of the city overnight. Overnight for residential purposes shall be deemed parking for any three-hour period between the hours of 10:00 p.m. and 7:00 a.m. the following day upon any public road or right-of-way within the city.
- (b) It shall be a violation of the terms of this article for any person to occupy such vehicle for three consecutive hours from 10:00 p.m. to 7:00 a.m. the following day while such vehicle is parked on the public roads or right-of-way of the city.
- (c) It shall further be a violation of the terms of this article for any person to park or permit such motor vehicle to be parked for residential purposes anywhere within the city limits except for recreational vehicles in a hunting camp in agricultural areas or in a licensed mobile home park or licensed campground, and the recreational vehicle complies with F.S. § 193.075 and F.S. § 320.0815.
- (d) Any person occupying such vehicle for a period of three hours during the hours from 10:00 p.m. to 7:00 a.m. the following day shall be deemed to be occupying the vehicle for residential purposes.
- (e) Nothing contained in this article shall allow motor vehicle to be parked or remain upon property in violation of any zoning ordinances or resolutions of the city and where such other ordinances and regulations prohibit the parking of such vehicle, those ordinances shall take over this article.

#### Staff Recommendation:

This is a discussion item. The Commission needs to provide further direction to staff regarding what

language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

***Florida Statute 193.075 Mobile homes and recreational vehicles.***

(1) A mobile home shall be taxed as real property if the owner of the mobile home is also the owner of the land on which the mobile home is permanently affixed. A mobile home shall be considered permanently affixed if it is tied down and connected to the normal and usual utilities. However, this provision does not apply to a mobile home, or any appurtenance thereto, that is being held for display by a licensed mobile home dealer or a licensed mobile home manufacturer and that is not rented or occupied. A mobile home that is taxed as real property shall be issued an “RP” series sticker as provided in s. 320.0815.

(2) A mobile home that is not taxed as real property shall have a current license plate properly affixed as provided in s. 320.08(11). Any such mobile home without a current license plate properly affixed shall be presumed to be tangible personal property.

(3) A recreational vehicle shall be taxed as real property if the owner of the recreational vehicle is also the owner of the land on which the vehicle is permanently affixed. A recreational vehicle shall be considered permanently affixed if it is connected to the normal and usual utilities and if it is tied down or it is attached or affixed in such a way that it cannot be removed without material or substantial damage to the recreational vehicle. Except when the mode of attachment or affixation is such that the recreational vehicle cannot be removed without material or substantial damage to the recreational vehicle or the real property, the intent of the owner to make the recreational vehicle permanently affixed shall be determinative. A recreational vehicle that is taxed as real property must be issued an “RP” series sticker as provided in s. 320.0815.

(4) A recreational vehicle that is not taxed as real property must have a current license plate properly affixed as provided in s. 320.08(9). Any such recreational vehicle without a current license plate properly affixed is presumed to be tangible personal property.

***Florida Statute 320.0815 Mobile homes and recreational vehicle-type units required to have appropriate license plates or stickers.***

(1) Recreational vehicle-type units taxed under s. 320.08(9) and (10) shall be issued appropriate license plates, except as provided in subsection (2).

(2) A mobile home or recreational vehicle-type unit which is permanently affixed to the land shall be issued a mobile home sticker at the fee prescribed in s. 320.08(11) unless the mobile home or recreational vehicle-type unit is qualified and taxed as real property, in which case the mobile home or recreational vehicle-type unit shall be issued an “RP” series sticker. Series “RP” stickers shall be provided by the department to the tax collectors, and such a sticker will be issued by the tax collector to the registered owner of such a mobile home or recreational vehicle-type unit upon the production of a certificate of the respective property appraiser that such mobile home or recreational vehicle-type unit is included in an assessment of the property of such registered owner for ad valorem taxation. An “RP” series sticker shall be issued by the tax collector for an aggregate fee of \$3 each, to be distributed as follows: \$2.50 shall be retained by the tax collector as a service charge; 25 cents shall be remitted to the property appraiser; and 25 cents shall be remitted to the department to defray the cost of manufacture and handling. Mobile home stickers and “RP” series stickers shall be of a size to be determined by the department. A mobile home sticker or “RP” series sticker shall be affixed to the lower left corner of the window closest to the street or road providing access to such residence.



## City of Bunnell, Florida

### Agenda Item No. C.12.

Document Date: 3/14/2017 Amount: N/A  
Department: Community Development Account #: N/A  
Subject: Section 70-1. Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.  
Agenda Section: Presentation

#### Summary/Highlights:

At the December 12, 2016 Commission meeting, Ordinance 2016-24 was adopted which amended the City's citation schedule as listed in Section 2-77 of the Code of Ordinance. At the same time, the Commission asked for a review of the sections listed in the citation schedule to ensure the articles were current, made sense, etc. The Commission was provided information on all sections of the Code listed in the citation schedule on January 23, 2017. If a response was provided to staff, it has been incorporated into this workshop.

#### Background:

The following code was identified as needing further review:

#### **Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.**

It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

#### Penalties per Citation Schedule:

First Offense: Warning  
Second Offense: \$50.00  
Third Offense: \$100.00  
Fourth Offense: \$200.00

This code references State statute. Chapter 162 describes County and Municipal Code Enforcement regulations.

The City's authority to abate a property is described in the section that follows this code:

#### **Sec. 70-2. - Failure to comply with section 70-1; abatement by city; costs; lien; enforcement.**

#### Staff Recommendation:



This is a discussion item. The Commission needs to provide further direction to staff regarding what language changes may be needed.

**City Attorney Review:**

**Finance Department Review/Recommendation:**