

ORDINANCES 2016

- 16-01 **Amend** sec. 54-36 of the Code of Ordinances re: Commercial Activity on Causeway Beach (2/4/16)
- 16-02 **Rezone** 966 Douglas Ave DEV-S/D-LDO 15-63.00 (3/3/16)
- 16-03 **Amend** Articles II, III, and IV of Chapter 70 of the Code of Ordinances (6/16/16)
- 16-04 **Amend** Sec. 82-35 of the Code of Ordinances (12/15/16)
- 16-05 **Annex** 1670 Curlew Rd AN-LUP-ZO 16-51.00 (5/19/16)
- 16-06 LUP 1670 Curlew Rd AN-LUP-ZO 16-51.00 (5/19/16)
- 16-07 **Zone** 1670 Curlew Rd AN-LUP-ZO 16-51.00 (5/19/16)
- 16-08 **Annex** 1977 Spanish Pines Dr. AN-LUP-ZO 16-52.00 (5/19/16)
- 16-09 LUP 1977 Spanish Pines Dr. AN-LUP-ZO 16-52.00 (5/19/16)
- 16-10 **Zone** 1977 Spanish Pines Dr. AN-LUP-ZO 16-52.00 (5/19/16)
- 16-11 Call for November Election (4/21/16)
- 16-12 **Annex** 1420 Carnation Drive AN-LUP-ZO-SD 16.58.00 (10/20/16)
- 16-13 LUP 1420 Carnation Drive AN-LUP-ZO-SD 16.58.00 (10/20/16)
- 16-14 **Zone** 1420 Carnation Drive AN-LUP-ZO-SD 16.58.00 (10/20/16)
- 16-15 **Amend** Sec. 104-54.1.1 of the Land Development Code (6/2/16)
- 16-16 **Amend** Chapter 58 Pensions and Retirement Article II (5/3/16)
- 16-17 **Annex** 4 Birdie Ln AN-LUP-ZO 16-54.00 (7/28/16)
- 16-18 **Land Use Plan** 4 Birdie Ln AN-LUP-ZO 16-54.00 (7/28/16)

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- 16-19** **Zoning** 4 Birdie Ln AN-LUP-ZO 16-54.00 (7/28/16)
- 16-20** **Amend** Articles IV, V, VII of Chapter 78 of the Code of Ordinances, Utility Rate Changes (6/16/16)
- 16-21** **Repeal** Sec. 78-251, 78-252, 78-253, 78-254, and 78-259; Renumber Sec. 78-255 - 78-258 to 78-251 - 78-254 (12/15/16)
- 16-22** **Amend** Chapter 58 Pensions and Retirement Article II (8/25/16)
- 16-23** **Withdrawn**
- 16-24** **Withdrawn**
- 16-25** Create Sec. 105-24.7 Paid Parking in the Land Development Code (9/22/16)
- 16-26** **Annex** 2801 Alt 19; App# AN-LUP-ZO 16-59.00 (3/2/17)
- 16-27** LUP 2801 Alt 19; App# AN-LUP-ZO 16-59.00 (3/2/17)
- 16-28** **Zoning** 2801 Alt 19; App# AN-LUP-ZO 16-59.00 (3/2/17)

ORDINANCE 16-01

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING SECTION 54-36 OF THE CODE OF ORDINANCES TO CLARIFY LANGUAGE PROVIDING FOR AN EXCEPTION TO THE PROHIBITION OF COMMERCIAL ACTIVITIES ON DUNEDIN CAUSEWAY BEACH; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City periodically receives inquiries concerning its authority to regulate commercial activity along Dunedin Causeway Beach; and

WHEREAS, Dunedin Causeway Beach is located wholly within the jurisdiction of the City and the City retains the authority to regulate activity within its jurisdiction; and

WHEREAS, the City owns some parcels of land along the northern and southern borders of Causeway Boulevard and therein retains the authority to affirmatively permit activity on property it owns; and

WHEREAS, additional parcels of land along the northern and southern borders of Causeway Boulevard are under ownership of other than the City who has the authority to affirmatively permit activity on its property, provided that activity is an allowable use under the City's authority to regulate use within its jurisdiction; and

WHEREAS, the City cannot and does not offer authority to affirmatively permit activity on property which it does not own regardless of whether such activity is an allowable use; and

WHEREAS, City staff has determined an amendment to Section 54-36 of the Code of Ordinances is necessary to clarify the City's authority, and said revision has been found to be appropriate; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Section 54-36 of Article II of Chapter 54 of the Dunedin Code of Ordinances is amended to read as follows:

Sec. 54-36 - Commercial activities on Dunedin Causeway Beach.

All commercial activities on any public lands belonging to the city, the county or the state or any of their agencies within the geographical area known as

the Dunedin Causeway Beach, as is otherwise defined in exhibit A incorporated in this section by reference, are prohibited except for any commercial activities on city-owned property performed under a franchise granted by the city. Such commercial activities shall include, but not be limited to, retail and wholesale of food, beverages, beach apparel or any other products, as well as any vending operations or rental of any products or equipment.

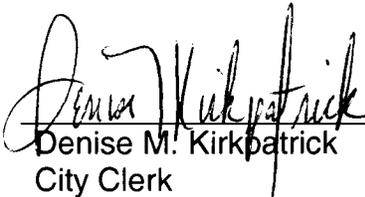
Section 2: This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of February, 2015.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED:

January 7, 2016

READ SECOND TIME AND ADOPTED:

February 4, 2016

ORDINANCE 16-02

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED AT 966 DOUGLAS AVENUE (PARCEL NUMBER 27-28-15-23076-013-0051) FROM DOWNTOWN INDUSTRIAL (DI) TO DOWNTOWN CORE (DC); REPEALING ORDINANCE 08-10; REZONING CERTAIN REAL PROPERTY LOCATED AT 940 DOUGLAS AVENUE (PARCEL NUMBER 27-28-15-23058-018-0010) FROM DOWNTOWN INDUSTRIAL (DI) TO DOWNTOWN CORE (DC); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City staff has requested that the properties described herein be rezoned from Downtown Industrial (DI) to Downtown Core (DC); and

WHEREAS, it was discovered during City staff's review of an application for redevelopment of the subject property, that when Ordinance 08-10 was adopted it inadvertently contained error in the legal description of said real property; and

WHEREAS, in order to proceed with the project it is necessary to repeal Ordinance 08-10 and reconsider the type of zoning which would be proper on said real properties; and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real properties, and has recommended that the zoning request be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Ordinance 08-10 is hereby repealed.

Section 2: That from and after the effective date of within the Ordinance, the following described real property shall hereby be rezoned from Downtown Industrial (DI) to Downtown Core (DC), as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

Section 3: That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 3rd day of March, 2016.



Julie Ward Bujalski
Mayor

ATTEST:

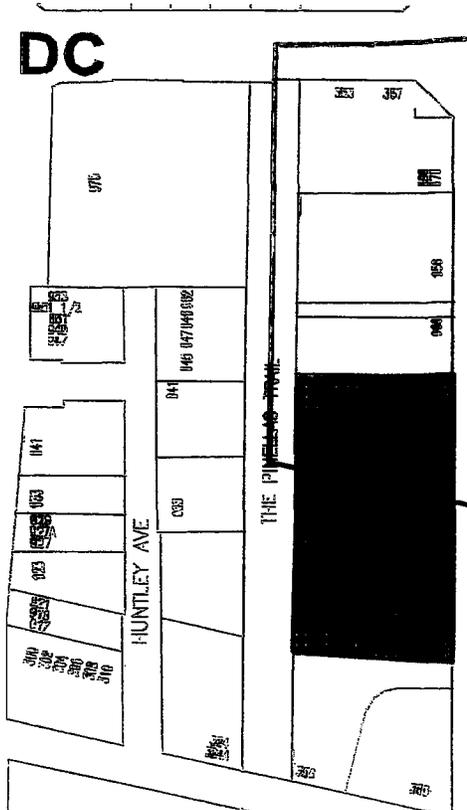


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: February 4, 2016

READ SECOND TIME AND ADOPTED: March 3, 2016

Exhibit "A"



966 DOUGLAS AVENUE (PARCEL NUMBER 27-28-15-23076-013-0051)

940 DOUGLAS AVENUE (PARCEL NUMBER 27-28-15-23058-018-0010)

ORDINANCE 16-03

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA AMENDING ARTICLES II, III AND IV OF CHAPTER 70 OF THE CODE OF ORDINANCES; AMENDING SECTION 70-32 TO CORRECT THE SPELLING OF THE WORDS “LIQUIFIED” AND “TAXIES”; AMENDING THE SENTENCE STRUCTURE OF SECTION 70-33 TO PROVIDE FOR CONSISTENCY WITHIN ARTICLE II; RENAMING ARTICLE III TO “BUSINESS TAX RECEIPT”; AMENDING ARTICLE III BY RENAMING NUMEROUS “OCCUPATIONAL LICENSE TAX” OR “LICENSE TAX” REFERENCES TO “BUSINESS TAX RECEIPT” OR “BTR”; AMENDING ARTICLE III BY RENAMING “LICENSEE” REFERENCES TO “PERSON OR ENTITY” OR “RECIPIENT”; AMENDING SECTION 70-71 TO PROVIDE CLARIFICATION IN THE DEFINITIONS OF “NONPROFIT ORGANIZATIONS” AND “NUMBER OF VEHICLES”; AMENDING SECTION 70-72 TO REVISE THE REFERENCE TO THE COMMUNITY SERVICES DEPARTMENT; AMENDING SECTION 70-73 TO PROVIDE FOR PENALTY OF NON-PAYMENT 150 DAYS AFTER THE BUSINESS COMMENCEMENT OR BTR INVOICE; AMENDING NOTE A OF SECTION 70-80 TO PROVIDE FOR CITY MANAGER APPROVAL; RENAMING SECTION 70-81 TO “STANDARDS FOR REVIEW”; AMENDING SECTION 70-81 TO PROVE FOR THE CITY MANAGER, OR HIS OR HER DESIGNEE TO REVIEW AN APPLICATION; RENAMING “LICENSE TAX” REFERENCES WITHIN ARTICLE IV TO “BTR”; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Dunedin’s Ordinance Review Committee has reviewed Chapter 70 of the Code of Ordinances; and

WHEREAS, the Ordinance Review Committee has recommended various revisions to Chapter 70, providing for minor amendments and clarifications, and providing for the renaming of the Occupational License Tax to the Business Tax Receipt; and

WHEREAS, the recommendations of the Ordinance Review Committee has been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Article II of Chapter 70 of the Code of Ordinances is amended to read as follows:

ARTICLE II. – PUBLIC SERVICE TAX

Sec. 70-31. - Levy of tax.

There is hereby levied by the city on each and every purchase of electricity, metered natural gas, ~~liquified~~ liquefied, petroleum gas (either metered or bottled) or manufactured gas (either metered or bottled), within the corporate limits, a tax in the amount of ten percent of the payments received by the seller of such utilities services or commodities from the purchaser, for the purchase of such utilities services or commodities. Subject to the provisions of section 70-35, such tax shall in every case be paid by the purchaser for the use of the city to the seller of such electricity and gas at the time of paying the charge therefor.

Sec. 70-32. - Duty of seller to collect and pay tax.

It shall be the duty of every seller of electricity, metered natural gas, ~~liquified~~ liquefied petroleum gas (either metered or bottled) and/or manufactured gas (either metered or bottled), to collect from the purchaser for the use of the city, the tax hereby levied, at the time of collecting the selling price charged for each transaction and to report and pay over on or before the 15th day of each calendar month to the city all such ~~taxes~~ taxes levied and collected during the preceding calendar month. It shall be unlawful for any seller to collect the price of any sale of electricity, metered natural gas, ~~liquified~~ liquefied petroleum gas (either metered or bottled) and manufactured gas (either metered or bottled), without, at the same time, collecting the tax hereby levied in respect to such sales unless such seller shall elect to assume and pay such tax without collecting from the purchaser. Any seller failing to collect such tax at the time of collecting the price of any sale where the seller has not elected to assume and pay such tax shall be liable to the city for the amount of such tax in like manner as if the tax had actually been paid to the seller, and the city manager shall cause to be brought all suits and actions and to take all proceedings in the name of the city as may be necessary for the recovery of such tax; provided, however, that the seller shall not be liable for the payment of such tax upon uncollected charges. If any purchaser shall fail, neglect or refuse to pay to the seller, the seller's charge and the tax hereby imposed and as hereby required on account of the sale for which the charge is made, or either, the seller shall have and is hereby vested with the right, power and authority to immediately discontinue further service to such purchaser until the tax and the seller's bill have been paid in full.

Sec. 70-33. - Records; contents; inspection by city.

Each and every seller of electricity, metered natural gas, liquefied petroleum gas (either metered or bottled) and/or manufactured gas (either metered or bottled) ~~and liquified petroloum gas (either metered or bottled)~~, shall keep complete records showing all sales in the city of such commodities or services, which records shall show the price charged upon each sale, the date of the sale and the date of payment, and such records shall be kept open for inspection by the duly authorized agents of the city during business hours on all business days, and the duly

authorized agents of the city shall have the right, power and authority to make such transactions during such times as they may desire.

Sec. 70-34. - Exemption.

- (a) Purchases by the United States Government, this state, and all counties, school districts, and municipalities of the state, and by public bodies exempted by law or court order, are exempt from the tax.
- (b) The purchase of natural gas or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines is exempt from taxation under this article.

Sec. 70-35. - Computation of tax.

In all cases where the seller of electricity, metered or bottled gas (natural or manufactured) collects the price in monthly periods, the tax hereby levied may be computed on the aggregate amount of sales during such period, provided that the amount of tax to be collected shall be to the nearest whole cent to the amount computed. Such service shall be classified as a separate service in case of metered electricity or gas or whenever an individual meter is used for measuring.

Sec. 70-36. - Willful default; penalty.

Any purchaser willfully violating or refusing to pay the tax hereby imposed, where the seller has not elected to assume and pay such tax, and any seller willfully violating the provisions of this article, or any officer, agent, or employee of any seller, willfully violating the provisions of this article, upon conviction, shall be punished as provided in section 1-15 of this Code.

Sec. 70-37. - Applicability to competitive utility services, including certain liquid petroleum products.

- (a) The provisions of section 70-32 shall apply with like effect to all purchases, within the city, of utility services competitive with those utility services enumerated. The purchase of liquid petroleum products, commonly referred to as "kerosene" or "fuel oil," is hereby found and determined to be competitive with other utility services within the city and a tax of \$0.04 per gallon is levied on every purchase of fuel oil within the city. The term "fuel oil" as used in this section shall include fuel oil grades Nos. 1, 2, 3, 4, 5 and 6, kerosene, and coal oil.
- (b) There is excluded from the tax levied and imposed under this section the following: the purchase of not more than five gallons of fuel oil delivered at the seller's place of business into the purchaser's container of not more than five gallons capacity.

Secs. 70-38—70-70. - Reserved.

Section 2. That Article III of Chapter 70 of the Code of Ordinances is amended to read as follows:

ARTICLE III. - ~~Occupational License Tax~~ Business Tax Receipt

Sec. 70-71. - 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:

Business means all kinds of vocations, occupations, professions, trades, enterprises, establishments and all other kinds of activities and matters, together with all devices, machines, private, for profit or not, whether salaried or unsalaried, either directly or indirectly, on any premises in this city or anywhere else within its jurisdiction.

Contractor and *subcontractor* mean any person who shall accept orders or be engaged in the business of accepting orders or contracts on a cost-plus, fixed-fee stated sum, percentage basis or any combination thereof, or for compensation other than wages for doing work on or in any building or structure requiring the use of paint, stone, brick, mortar, cement, wood, structural steel or iron, sheet iron, metallic piping, tin, lead or any other building material or equipment; to do any paving or curbing on sidewalks, on streets, on public or private property using asphalt, brick, stone, cement or wood or any other material or combination of materials; or to excavate for foundations or any other purpose; or to construct sewers, septic tanks, docks; drive piling; construct bridges; construct seawalls and bulkheads of any and all descriptions and who is engaged in the business of building, remodeling, repairing, air conditioning and heating, razing or moving, whether it is by contract, fixed fee or sublet, percentage or any combination thereof, or for compensation other than wages.

Inventory means items and those chattels consisting of items commonly referred to as goods, wares and merchandise (as well as inventory) which are held for sale, rental, or lease to others in the ordinary course of business. Annual inventory shall mean the dollar value of a business's ending inventory as of the end of the most recent completed fiscal year prior to March 31 of the current calendar year, calculated as follows:

- (1) The dollar value, at cost, of inventory on hand as of the beginning of the most recent completed fiscal year prior to March 31 of the current calendar year; plus
- (2) The dollar value, at cost, of inventory purchases made during the same fiscal year; and minus
- (3) The dollar value, at cost, of inventory out during the same fiscal year.

The ending amount will be the dollar value of annual inventory which shall be reported for determination of the ~~Occupational License Tax~~ Business Tax Receipt.

~~License and licensee mean, respectively, the terms "permit" and "permittee" or the holder of any use or period of time of similar privilege wherever relevant to any provision of this article or other law or ordinance.~~

License Business Tax Receipt (BTR) year and year mean the 12-month period beginning on October 1 of each year and ending on September 30 of the following year.

Manufacturer, manufacturing, fabricating, processing and compounding mean businesses engaged in manufacturing, fabricating, processing, compounding or producing articles, merchandise and other items for sale. Under this ~~license~~ BTR, such business is entitled to sell its merchandise so manufactured at wholesale only. An additional ~~license~~ BTR is required for any retail sales, equipment rental, contracting operation, installation or erection. If such company is specially classified, it shall be required to pay the ~~license fee/tax~~ BTR of such special classification. When such manufacturer sells at or from a different place or store other than the

place of manufacture, it shall be considered as a merchant, and the ~~license tax~~ BTR shall be based on the merchant retail/wholesale scale at such other place or store.

Merchandise means any goods, wares, commodities or items more specifically enumerated in this article which are bought, sold, rented or leased in the normal course of business or trade.

Merchant means any person engaged in the business of selling merchandise at retail or wholesale. For the purpose of this article, the term "merchant" shall not include the operators of bulk plants or service stations engaging principally in the sale of gasoline and other petroleum products; those conducting distress sales; installation contractors; operators of manufacturing or processing plants selling only the products manufactured or processed therein; milk and dairy products distributors; sellers of motor vehicles; peddlers of fuel oil, gasoline, L.P. gas, or produce; and operators of restaurants, cafes, cafeterias, caterers or hotels.

Nonprofit organizations. The terms "business," "profession" and "occupation" do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

- (1) *Religious institutions* means churches and ecclesiastical or denominational organizations or established physical places for worship in the state at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.
- (2) *Educational institutions* means state tax supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, the Department of Education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.
- (3) *Charitable institutions* means only nonprofit corporations operating physical facilities in the state at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

Associations organized to represent a group of profit making organizations or persons and who engage at least one worker shall be ~~licensed~~ considered as a business office and shall not be exempt under this definition.

Number of vehicles means, but is not limited to, the cars, trucks, vans, boats, trailers, cargo trailers, house trailers, motorcycles, motorbikes or motor scooters, Segway's, jet skis, bicycles and kayaks utilized in the operation of the business.

Number of workers means (in those instances in this article wherein the ~~license tax~~ BTR is based upon the number of workers) the total number of paychecks issued for all full-time and part-time personnel, inclusive of nonprofessional, principals, and partners that worked for the business, occupation or profession during the previous calendar year. A new business shall be based on the number of workers as of opening day who are entitled to receive paychecks. All principals and partners in the business shall be deemed as workers and be included in the calculation.

~~Occupational License Tax~~ BTR means the method by which the city grants the privilege of engaging in or managing any business, profession or occupation within

its jurisdiction. It shall not mean any fees of licenses paid to any board, commission or officer for permits, registration, examination or inspection which are hereby deemed to be regulatory and in addition to and not in lieu of any ~~Occupational License Tax~~ BTR imposed under the provisions of this article unless otherwise provided by law. This document is to be issued by the city manager or his designee evidencing payment of the ~~Occupational License Tax~~ BTR. It also is referred to as a business permit, exclusive of the nonpermanent business processing fee receipt.

Person means any individual, firm, all domestic and foreign corporations, association, partnerships of every kind, syndicate, joint stock companies, joint ventures, or other group or combination acting as a unit, executor, estate, trust, business trust, administrator, trustee, receiver or other legal entity, fiduciary, and includes the singular as well as the plural, clubs, trusts and societies engaged in any business, occupation or profession subject to the provisions of this article.

Premises means all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business and also any personal property which with is affixed to or is otherwise used in connection with any such business conducted on such premises.

Professional means any person engaged in any business, occupation or profession as listed in section 70-80, but not limited to such list, and any person required to maintain an active and valid state department of business and professional regulation regulatory license, permit or certificate.

Rental unit means apartments, hotels, motels, motor courts, cottages, cabins, rooms, mobile home parks, townhouses, offices or other such units as may be rented or leased by the day, week, month, year or longer and located on one plot or parcel of land.

Sale means the transfer of ownership or title, or possession, transfer, exchange or barter, whether conditional or otherwise, for consideration.

Square feet and *square footage* mean the enclosed area a business occupies. In those instances where the business activity is of a mobile nature, such as, but not limited to, peddlers, mobile snack trucks, ice cream trucks or carts, or T-shirts or similar product vendors, the minimum square footage charge shall be assessed. In those instances where there is no enclosed area such as, but not limited to, outside storage or parking lot, the minimum square footage charge shall be assessed.

Taxpayer means any person liable for taxes imposed under the provisions of this article; any agent required to file and pay any taxes imposed under this article; and the heirs, successors, personal representatives, assignees, and transferees of any such person or agent.

Temporary employee means any person who works for any business, occupation or profession receiving consideration for such work or services from the business, occupation or profession and is not an employee of a temporary employment service or agency, labor pool, job service or agency. Such person shall be included in the number of workers.

Sec. 70-72. - ~~License~~ BTR required; general regulations; penalty.

- (a) *Permanent business location.* No person who maintains a permanent business location or branch office within the city shall engage in or manage any profession, business or occupation named in this article within the city unless a

city ~~Occupational License~~ BTR shall be issued to each person upon receipt of the amount stated in section 70-80. The ~~license~~ BTR shall be signed by the city manager and shall have the city seal affixed or imprinted thereto.

- (b) *Nonpermanent business location.* Any person who does not maintain a permanent business location or branch office within the city, but who transacts any business or engages in any occupation or profession in interstate commerce which such ~~license-tax~~ BTR is not prohibited by Section 8 of Article I of the United States Constitution, shall also be liable for obtaining a ~~Occupational License~~ BTR from the city.
- (c) *Lease department.* Every person operating what is commonly known as a lease department in any store shall ~~pay a license~~ have a BTR for the operation of each department, so leased according to the property classification of the business or occupation as set forth in this article.
- (d) ~~Occupational License~~ BTR *required for tenants in municipally owned or leased facilities.* Persons engaged in any business, occupation or profession on or in municipally owned or leased facilities or property must obtain an ~~Occupational License~~ BTR unless exempted by law, ordinance or statute. Persons conducting sales or concession activities in conjunction with a city-sponsored event on municipally owned or leased facilities or property for the duration of a special event only shall be exempt from obtaining an ~~Occupational License Tax~~ BTR.
- (e) *Evidence of engaging in business.* For the purposes of this article, any person holding himself out to the public at any given location by sign, printed matter, classified section, telephone directory, city directory, by public notice, by obtaining an ~~Occupational License~~ BTR by another agency, building occupancy or activity indicating that a business, profession or occupation or otherwise as being engaged in business or as offering services or property for sale to the public, regardless of whether such person actually transacts any business or practices a profession, shall be considered as engaging in business and shall be liable for an ~~Occupational License Tax~~ BTR therefor. The provisions of this article shall not apply to the sale by a family or an individual of tangible personal property owned by the family or individual and used as a part of the household.
- (f) *Processing fee for nonpermanent business location.* Any person who does not maintain a permanent business location or branch office within the city, but who desires to transact any business or engages in any occupation or profession named in this article within the city, shall register with the city manager or his designee the ~~Occupational License~~ BTR of the municipality or other governmental subdivision in which he does maintain a permanent business location to engage in such business or occupation, unless otherwise provided by this article, and all other required documentation as required by law. Such processing shall be accomplished, prior to the commencement of the business, by showing proof of the ~~license~~ BTR and all other required documentation with the ~~Occupational License~~ BTR section of the city ~~community services~~ Planning and Development department, shall be subject to a processing fee of \$10.00 and shall be valid from the date of issuance to the next succeeding October 1, unless otherwise noted on the receipt that is issued. This processing fee is only for the administrative costs of processing the information in the interest of

the public health, safety and welfare. The receipt which is issued is not an ~~Occupational License BTR~~.

- (g) *Administrative fee on ~~Occupational License BTR~~ application.* Whenever an applicant makes initial application for a city ~~Occupational License BTR~~, whether it is in a residential or commercial zone, an administrative fee will be collected for the processing of the new ~~Occupational License BTR~~ in the amount of \$15.00 for the first ~~license BTR~~ that is nonrefundable. For each subsequent initial ~~license BTR~~ obtained on the same date as the first ~~license BTR~~ and for businesses taking place at the same address as the first ~~license BTR~~, the subsequent administrative fee shall be half the fee for the first ~~license BTR~~.
- (h) *Determination of classification.* The term "classification" means the method by which a business or group of businesses is identified by size or type, or both. In the event of a disagreement between the applicant and the city on the question of proper classification for any business, occupation or profession for ~~Occupational License BTR~~ purposes, the city manager or his designee shall decide the proper classification, with the right of the applicant to appeal from such decision to the city commission, whose decision upon the point shall be final.
- (i) *Display of ~~Occupational License Tax Business Tax Receipt~~.*
- (1) Each person required to have a city ~~Occupational License Tax BTR~~ to engage in a business, occupation or profession, subject to the provisions of this article, where the business, occupation or profession is conducted at or from a fixed place of business, shall, at all times from the issuance of the ~~Occupational License BTR~~ by the city, keep the ~~Occupational License BTR~~ issued therefor posted in a conspicuous place upon the premises at or from which the business, occupation or profession is conducted.
- (2) Each person engaged in a business, occupation or profession subject to the provisions of this article, but not operating from a fixed place of business, shall keep the ~~Occupational License BTR~~ issued therefor upon his person at all times while engaging in the business, occupation or profession for which it is issued. Each person shall be prepared at all times while engaged in a business, occupation or profession to present the ~~Occupational License BTR~~ for inspection by any authorized city employee when requested to do so.
- (j) *Identification on commercial vehicles.* Any person required to have an ~~Occupational License BTR~~ under this article using commercial vehicles for a commercial purpose in this city shall have identification on the vehicle.
- (1) *Definitions.* The following words, terms and phrases, when used in this subsection (j), shall have the meanings ascribed to them in this subsection (j)(1), except where the context clearly indicates a different meaning:

Commercial purpose means a use for animals, commodities, materials, articles of trade, or the performance or tender of services. The term "commercial purpose" does not include otherwise unmarked personal vehicles of supervisory personnel or crew.

Commercial vehicle means any vehicle, commercial in its design and structure, or any other vehicle used for commercial purposes.

- (2) *Identification.* Commercial vehicles, as defined under this article, shall be identified on both the right and left sides of the vehicle. The name of the company or firm operating the vehicle and physical address of the business shall be neatly and permanently painted on the vehicle, or on an attached plate, in contrasting color from the vehicle or plate in letters not less than three inches in height and displayed in a manner that either the painting or nameplate shall be legible at all times.
- (k) *Separate ~~licenses~~ BTRs for each category/classification.* Each applicant shall be required to procure a separate ~~Occupational License~~ BTR for each category/classification which applies to his activities. Any person who shall conduct more than one business, occupation or profession under one name and at one location shall pay the highest fee for any single activity engaged in at the address and one-half of the fee charged for every other activity engaged in at the same address.
- (l) *Duplicate ~~license~~ BTR issuance.* A duplicate BTR may be issued by the city manager or his designee. An administrative fee of \$10.00 will be assessed for each duplicate ~~license~~ BTR issued.
- (m) *Exemptions; certain disabled persons, the aged, and widows with minor dependents; disabled veterans and their unremarried spouses.*
 - (1) Upon application and furnishing of the necessary proof, an exemption from payment of the ~~Occupational License Tax~~ BTR shall be granted to confirmed, certain disabled persons, widows with minor dependents, and persons 65 years of age or older who meet the requirements and qualifications set forth in F.S. § 205.162.
 - (2) Upon application and furnishing of the necessary proof, an exemption from the payment, or a portion of the payment, or certain ~~Occupational License Taxes~~ BTRs shall be granted to specified disabled veterans or their unremarried spouses who meet the requirements and qualifications set forth in F.S. § 205.171.
- (n) *Cumulative effect of article.* Fees paid under this article are not in lieu of other fees and taxes required by other city departments, boards, commissions or officers for permit, registration, examination inspection or other regulatory purposes. The provisions of this article are cumulative and in addition to all other federal, state, county and municipal laws providing for the collection of taxes, license and permit fees and charges.
- (o) *Application ~~for license~~ and payment of ~~license tax~~ BTR by certain persons required; imposition and levy of tax.*
 - (1) *Application ~~for license~~ and payment of ~~license tax~~ BTR.* It is unlawful for any person to carry on or engage in any business, profession or occupation described or designated in this article without having first made application to the city manager or his designee on a form and in a manner to be provided and prescribed by the city manager or his designee, and having paid the ~~license tax~~ BTR as provided in this article and having lawfully in his possession, a valid and unrevoked

~~Occupational License BTR~~ for the current ~~license BTR~~ year or shorter period specified, and having otherwise complied with the terms and provisions of this article.

- (2) *Payment of delinquent ~~license taxes BTRs~~ prior to issuance of new ~~Occupational License BTR~~.* Any person owing delinquent ~~license taxes BTRs~~ shall be required to pay such delinquent ~~license taxes BTRs~~ before being issued a new ~~Occupational License BTR~~.
- (3) *Imposition and levy of tax.* A ~~license tax BTR~~ is hereby imposed and levied upon and shall be collected from every person exercising the privilege of carrying on or engaging in any business, profession or occupation specified or described in this article and who maintains a permanent business location or branch office within this municipality or within this jurisdiction as prescribed in state statutes and any person who transacts any business or engages in any occupation or profession in interstate commerce where such ~~license tax BTR~~ is not prohibited by Section 8, Article I of the United States Constitution. The ~~license tax BTR~~ amount prescribed in section 70-80, or prescribed elsewhere in this article or elsewhere in this Code, is the amount payable as a ~~license tax BTR~~ for exercising the privilege of carrying on or engaging in any such business, profession or occupation, for each ~~license BTR~~ year or such shorter period as may be specified in this Code.

Sec. 70-73. - Dates due and delinquent; penalties; proration.

(a) *Dates set; penalties.*

- (1) All ~~license taxes BTRs~~ imposed by this article shall go on sale beginning August 1 of each year shall be due and payable on September 30 of each year and shall expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Those ~~licenses BTR~~ not renewed by October 1 shall be considered delinquent and shall be subject to a delinquency penalty of ten percent for the month of October plus an additional five percent penalty for each month of delinquency thereafter until paid; provided, however, that the total delinquency penalty shall not exceed 25 percent of the ~~Occupational License Tax BTR~~ for the delinquent establishment. It shall be and it is the duty of the city manager or his designee to make an affidavit for the arrest of any person for failing or refusing to pay the penalty and to cause such person or officer and director of any corporation to be brought before the code enforcement board and/or a court of competent jurisdiction for a hearing or trial.
- (2) The ~~license BTR~~ shall be obtained prior to the commencement of the business or the practice of the profession and, if not, shall be subject to a penalty of 25 percent of the ~~license tax BTR~~ determined to be due as provided in this article.
- (3) No ~~license BTR~~ shall be valid until all fees are so paid. A dishonored bank draft, check or other similar noncash payment shall be in direct contravention of the intent expressed in this section. Any ~~Occupational~~

~~License BTR~~ issued to any applicant whose payment is subsequently dishonored shall be void ab initio.

- (4) Any person who engages in any business, profession or occupation covered by this article, who does not pay the required ~~Occupational License Tax BTR~~ within 150 days after ~~the initial~~ either the commencement of business or the Occupational License BTR invoice notice of tax due, and who does not obtain the required ~~Occupational License BTR~~, shall be required to pay a penalty of \$250.00 per offense and may be subject to civil actions. This penalty is in addition to all other authorized penalties, plus any collection and administrative costs authorized in accordance with F.S. § 205.053(3).
- (b) *Proration of fee.* No ~~license BTR~~ shall be issued for more than one year. For each ~~license BTR~~ obtained between October 1 and March 31, the full tax for one year shall be paid; and for each ~~license BTR~~ obtained between April 1 and September 30, one-half of the full tax shall be paid.
- (c) *Obligation of principal of business, duty of officer or agents of corporations and firms; liability of persons operating business in absence of owner, proprietor, manager or agent.* The burden of securing an ~~Occupational License BTR~~ rests with the principal of a business. It shall be the duty of all officers and agents of a corporation to see that the corporation complies with the provisions of this article and all officers and agents of any corporation required by this article to ~~be licensed~~ have a BTR, which shall carry on or conduct any business without having made the payments otherwise complied with the terms of this article shall be subject to the penalty for violating the provisions of this article, and the members of any firm who neglect to comply with the provisions of this article. In the absence of any owner, proprietor, manager or agent, any person operating or in charge of any business being conducted without the requirements of this article having been complied with, shall be subject to the penalty for violating the provisions of this article.
- (d) *Nonreceipt of bill or notice.* It shall be no defense of nonpayment of any ~~license fee BTR~~ required by this article that the ~~licensee person~~ did not receive any bill or notice that the ~~license BTR~~ was due from the city. Unless the city was in error, there shall be no penalty assessed.
- (e) *Rebate of ~~license tax BTR~~.* No portion of any ~~Occupational License Tax BTR~~ assessed shall be rebated unless it clearly appears that such ~~license tax BTR~~ was collected by mistake or error; and before making such rebates to a ~~licensee person or entity~~, all amounts payable under a proper ~~license BTR~~ shall be paid by such ~~licensee person or entity~~.

Sec. 70-74. - How tax construed as to professions.

The ~~tax provided in the license BTR~~ schedule for architects, auctioneers, auditors or accountants, dentists, draftsmen, civil engineers, lawyers, osteopaths, chiropractors, chiropodists, physicians or surgeons, real estate brokers and salesmen, or other similar professions, shall be construed to mean that each individual shall pay the tax provided in this article, whether practicing by himself, employed by another or in a partnership, corporation or professional association, except where the professional services of a particular employee are wholly utilized by the employer and are not available to the public either privately or in the name of the employer.

Sec. 70-75. - Inventory; enforcement; inspections and audit; right of entry; right of commission; exempt property; regulatory ~~licenses~~ BTR.

- (a) *Consumption of tax based on stock on hand; affidavit.* In all cases where the ~~license tax~~ BTR depends on the inventory as defined in section 70-71, the tax shall be computed according to the method set forth in the definition of the term "inventory" in section 70-71 of the annual inventory. In all such cases, the applicants shall file with the city manager, or his designee, an affidavit, stating as accurately as possible the estimated value of stock of merchandise as set forth in this section.
- (b) *City manager to enforce article; assistance from law enforcement officers.* It shall be the duty of the city manager, and he is directed to enforce each and every provision of this article, except as otherwise expressly provided in this article, and the law enforcement officers shall render such assistance in the enforcement of this article as from time to time may be required by the city manager or his designee. The city manager or his designee is authorized to prescribe such reasonable rules and regulations and make such interpretive rulings as may be necessary to effectuate the provision of this article.
- (c) *Employment of ~~Occupational License~~ BTR personnel and others; help necessary to enforce article.* The city manager is empowered to employ appropriate personnel as shall be necessary to implement and enforce the provisions of this article. The personnel positions shall include supervisory, inspection and clerical. Persons designated as supervisor or inspector shall have the power to initiate enforcement proceedings before the code enforcement board as a code inspector in accordance with chapter 22 of the Code of Ordinances.
- (d) *Report of information by taxpayer to city manager; investigation and inspection by city manager.*
- (1) Each person required to pay a ~~license tax~~ BTR by this article shall report to the city manager or his designee giving all the information necessary for a proper determination therein of the amount of the ~~license tax~~ BTR due.
- (2) The city manager is authorized to propound interrogatories and to furnish forms for the filing of the returns and to require the giving of any information necessary to enable him, or his designee, to determine the proper amount of ~~license tax~~ BTR due. The city manager or his designee is authorized to make such investigation and inspection of the place of business and records of the person required to pay a ~~license tax~~ BTR as he may determine necessary in order to verify and return or determine the proper ~~license~~ BTR amount. If the report is not rendered or is not rendered within the time frame specified, the city manager or his designee may assess the ~~license tax~~ BTR and add a 25 percent penalty for failure to render the report as required.
- (e) *Authority of city manager to audit, examine and verify ~~license taxes~~ BTR based upon average inventory, number of workers, or other variable stipulations.* The city manager or his designee shall have the authority, as may be permitted by law, to audit and examine all books and records, and, where necessary, all equipment of any person engaged in any business, occupation or profession in

the city, the ~~license tax~~ BTR of which is based upon average inventory, number of workers or other variable methods for ~~licensee fee~~ BTR schedules set forth in this article or elsewhere in this Code, for the purpose of ascertaining the amount of the ~~license tax~~ BTR required to be paid by the provisions of this article, and for the purpose of verifying the statement, information or reports furnished in pursuance of the provisions of this article. If such person, after written demand by the city manager or his designee, refuses to make available for audit, examination or verification such books, records or equipment as required, the city manager or his designee, after due consideration of all information within his knowledge concerning the business and activities of the person so refusing, may make an assessment of any taxes estimated to be due. Such amount so assessed, until otherwise verified by audit, shall be deemed to be the amount of the ~~license tax~~ BTR imposed; provided, however, that nothing contained in this section shall be construed as preventing each and every improper refusal from operating as a violation of the provision of this article or from being punishable as provided in this article.

- (f) *Right of entry to places of business, occupation or profession.* The city manager or his designee shall have the authority, as may be permitted, by law, to enter, free of charge, during business hours, any place of business, occupation or profession in connection with which a ~~license tax~~ BTR is imposed under this article, and to request exhibition of the ~~Occupational License~~ BTR and evidence of the amount and date of the last ~~license tax~~ BTR paid. All persons to whom an ~~Occupational License~~ BTR has been issued under this article shall exhibit the ~~Occupational License~~ BTR in an area of the business open to the public. Any person hindering, impeding or obstructing the city manager or his designee, auditor, inspector or representative, in the reasonable performance of his duty shall be guilty of an offense against the city.
- (g) *Right of commission to change, alter, increase, decrease or revoke ~~licenses~~ BTRs unaffected by adoption of article.* The adoption of this article and schedule of ~~license tax~~ BTR shall not abridge the right of the commission to change, alter, increase, decrease or revoke any of the ~~Occupational License~~ BTRs provided for in this article at any time; or to pass other ordinances providing for excise of ~~license taxes~~ BTRs or other liens or assessments, whether pertaining to any of the subjects contained or provided for in this article or not, and the same shall not affect any of the matters or provisions of this article unless specifically so stated.
- (h) *Article not to exempt property used in ~~licensed~~ BTR business or occupation.* ~~License~~ BTR fees imposed and collected pursuant to this article shall not be construed to exempt from other forms of taxation the property used in the ~~licensed~~ BTR business and occupation.
- (i) *Issuance of ~~Occupational License~~ BTR and payment of tax not to be construed as authorizing conduct of illegal business.* Neither the issuance of an ~~Occupational License~~ BTR issued under the provisions of this article, nor the payment of any ~~license tax~~ BTR required, imposed or levied under this article, shall be construed as authorizing the conduct or continuance of any illegal business, occupation or profession, or of any such business, occupation or profession as may now or hereafter be prohibited by ordinance, or of any legal business, occupation or profession in an illegal manner.

- (j) ~~Regulatory licenses~~ Business Tax Receipts. The ~~Occupational License BTR~~ issued under the authority of this article are certificates of payment of the ~~Occupational License Taxes BTRs~~ levied on the privilege of carrying on or engaging in a business, profession or occupation under the city's taxing power. The ~~Occupational Licenses BTRs~~ are not regulatory ~~licenses BTRs~~ issued under the city's law enforcement power. Provisions of a regulatory nature contained in this article are placed in this article as a matter of convenience only. Although a separate regulatory ~~license BTR~~ certificate is not issued, such provisions are imposed as conditions of an additional regulatory ~~license BTR~~ imposed under the city's law enforcement power to regulate businesses, occupations, professions, trades or callings in order to protect the public health, morals, safety and welfare.

Sec. 70-76. - ~~License A BTR~~ is not to protect persons for doing business not covered in this article; ~~license a BTR~~ obtained by false statements void ab initio.

No ~~license BTR~~ issued under the provisions of this article shall protect any person from prosecution for transacting any business, trade or profession not covered by such ~~license BTR~~, or shall protect any merchant doing business with a greater stock in trade than covered by such ~~license BTR~~, or any hotel keeper or rooming house keeper having a greater number of rooms than is covered by such ~~license BTR~~. Any ~~license BTR~~ issued upon any false statement made under oath shall be considered as void ab initio and shall not protect the holder from prosecution from transacting business without a ~~license BTR~~.

Sec. 70-77. - Exhibiting proof of certificate of competency of having taken examination.

No ~~Occupational License BTR~~ or ~~license BTR~~ registration shall be issued to any person otherwise required by ordinance of the city to have a certificate of competency or to have passed an examination before engaging in a business or profession in the city, until such person shall have exhibited to the city manager or designee proof of having such certificate or of having passed such examination.

Sec. 70-78. - Right to revoke and right to transfer.

(a) *Right to revoke, suspend or deny.*

- (1) Subject to the notice and hearing procedure set out in this section, the city commission may revoke or suspend any ~~license BTR~~ granted pursuant to this article for cause including, but not limited to, the following:
- a. The ~~licensee BTR recipient~~ maintains or allows a nuisance to be maintained at the ~~licensed~~ premises; as used in this subsection, the term "nuisance" shall mean those wrongs that arise from the unreasonable, unwarrantable or unlawful personal conduct working an obstruction of or annoyance, inconvenience, discomfort or hurt to the residents of a neighborhood.
 - b. The ~~licensee BTR recipient~~ engages in or permits disorderly or immoral conduct on the ~~licensed~~ premises.
 - c. The ~~licensee BTR recipient~~ causes or permits the playing of any form of music either by mechanical device or live performance or making excessive noise in such a manner that the sound is determined to be

in violation of the city's noise regulations (section 134-146 et seq.) or constitutes a public nuisance.

- d. The ~~licensee~~ BTR recipient repeatedly violates this Code.
 - e. The ~~licensee~~ BTR recipient has violated any county ordinance, state or federal statute or rule or regulation pertaining to the activity which has been ~~licensed~~ authorized pursuant to this article.
 - f. The ~~licensee~~ BTR recipient fails to comply with the fire prevention ordinances of the city after reasonable notice shall have been given to the ~~licensee~~ BTR recipient to eliminate or correct any condition in violation of such ordinances on the ~~licensed~~ authorized premises.
 - g. Any person holding both a city ~~license~~ BTR and a county ~~license~~ BTR for the same business shall have the city ~~license~~ BTR automatically suspended if the county revokes or suspends the county ~~license~~ BTR issued for such business. Following such automatic suspension, the city commission shall establish a public hearing date, at which time the holder of a city ~~license~~ BTR that has been automatically suspended may appear and be heard as otherwise provided in this section with respect to whether or not such automatic suspension should become a suspension or revocation to exist until such time as the county issues a new ~~license~~ BTR.
 - h. Except as otherwise provided in this section, such city ~~license~~ BTR shall be suspended or revoked only after notice has been given to the ~~licensee~~ BTR recipient, setting forth the grounds for such proposed action and an opportunity for a public hearing at which the ~~licensee~~ BTR recipient and all others concerned shall have the right to:
 1. Offer and examine witnesses and present evidence in support of their case; and
 2. Cross examine witnesses and offer evidence to refute evidence offered in opposition.
- (2) Except as otherwise provided in this section, whenever any city ~~license~~ BTR upon any premises in the city has been revoked pursuant to this section, no subsequent ~~license~~ BTR or certificate of occupancy shall be issued by the city for the premises for a similar occupation or business or profession to that which has been revoked for a period of 90 days subsequent to the effective date of the revocation, unless the violation which cause the ~~license~~ BTR to be revoked has been corrected.
 - (3) Except as otherwise provided in this section, whenever any city ~~license~~ BTR has been revoked or suspended by reason of the suspension or revocation of a county license issued for such business, such suspension or revocation of the city ~~license~~ BTR shall remain in effect until such time as a county license is issued for such business.
 - (4) Except in the case of a city ~~license~~ BTR which has been suspended or revoked because of the suspension or revocation of a county license, any city ~~license~~ BTR, which has been suspended in the manner provided in this section may be reissued following the expiration of the period of suspension, which suspension period may not exceed 60 days.

- (4) It shall be sufficient grounds for the city not to issue an ~~Occupational License~~ BTR if the city finds that:
- a. The applicant, if an individual, or any of the co-owners, if the applicant is not an individual, has been convicted of any felony involving fraud, deceit or offense involving moral turpitude, unless such conviction occurred at least three years prior to the date of the application; or been convicted of any offense involving sexual misconduct with minors, force or violence, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, unless such conviction has occurred at least three years prior to the application for a permit, and the applicant has had no subsequent conviction;
 - b. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the city in conjunction herewith; or
 - c. The applicant has had a permit, ~~or license~~ or BTR, similar to the one being applied for, denied, revoked or suspended for any of the above causes by the city or by any other state or local agency within three years prior to the date of the application. A person denied an ~~Occupational License~~ BTR pursuant to subsections (a)(5)a and (a)(5)b of this section may not apply for a license for a period of one year following the denial.
- (5) The city, upon denying an applicant, shall promptly notify the applicant of the denial and state its reasons in writing, specifying the particular grounds for such denial.
- (6) Any applicant aggrieved by the actions of the city in the denial of an application pursuant to this section shall have the right of appeal to the city manager. Such appeal shall be taken by filing with the city clerk, within ten days after the action complained, a written statement, setting forth fully the grounds for such appeal. The city clerk shall forthwith notify the city manager. The city manager shall respond to the appeal within 30 days after the filing of the appeal.
- (7) The decision and order of the city manager shall be final and conclusive, unless the appellant, within ten days following notification of the decision and order of the city manager, files a written statement, setting forth the grounds of appeal from the decision or order of the city manager with the city clerk. Upon the filing of such written statement, the city clerk shall forthwith notify the city manager who shall schedule a public hearing before the city commission and shall give notice of such hearing to the appellant. At such hearing, the city commission shall be entitled to consider any exhibits and any minutes or a transcript of the hearing held before the city manager in addition to any other matter the appellant may wish to present relating to the grounds of appeal. The decision and order of the city commission on such further appeal shall be final and conclusive.
- (b) *Transfer of ~~licenses~~ BTRs. ~~Licenses~~ BTRs issued by the city may be transferred with the approval of the city manager or his designee with the*

business for which they were taken out, except as otherwise provided by law, when there is a bona fide sale and transfer of the property used and employed in the business of stock in trade, and not otherwise; subject, however, to the following conditions:

- (1) The seller of the business shall present the ~~license~~ BTR to the city manager or his designee within 30 days after such sale, with an endorsement on the reverse side thereof, assigning all right, title and interest to the purchaser.
 - (2) The purchaser shall produce a properly executed instrument showing the transfer of stock of goods and of the lease of deed to the property.
 - (3) The purchaser shall file an application for transfer of a ~~license~~ BTR and shall qualify in all respects as provided by law and by the ordinances of the city as an applicant for a ~~license~~ BTR, as if he had applied for the ~~license~~ BTR in the first instance.
 - (4) Payment of a transfer fee of ten percent of the annual license tax, but not less than \$3.00, nor more than \$25.00, shall be made to the city manager or his designee.
 - (5) If the conditions of subsection (b) of this section are not complied with, then a ~~license~~ BTR fee in the full amount as provided in this section shall be payable.
 - (6) Any ~~license~~ BTR may be transferred from one location to another location within the city within 15 days after the location is changed, and upon written request and presentation of the original ~~Occupational License~~ BTR, and upon payment of a transfer fee of ten percent of the annual ~~license~~ BTR tax, but not less than \$3.00 nor more than \$25.00. Such transfers shall be accomplished only if the new location meets all zoning and other criteria established under this Code, and under state statutes, and only after completion of any necessary building and fire inspections.
 - (7) Where the ~~licensee~~ BTR recipient has been exempted from payment of all or any part of a ~~license~~ BTR tax therefor, any such ~~license~~ BTR shall not be transferrable under this section.
 - (8) Annual renewal of a ~~license~~ BTR is the responsibility of each ~~licensee~~ BTR recipient.
- (c) *Review upon renewal authorized; procedure.* When the ~~licensee~~ BTR recipient has failed to comply with, follow or adhere to any applicable provisions of this article, state law or city ordinance, rule or regulation, the city manager or his designee may require such ~~licensee~~ BTR recipient to apply for a new ~~license~~ BTR under the provisions of this article relative to application for an original ~~license~~ BTR. Nothing in this section shall be construed to mean that the ~~license~~ BTR shall be issued as a matter of right.
- (d) *Authority of city manager.* The city manager may make such rules and regulations, not consistent with this article, as may be necessary or proper for the administration or enforcement of the provisions of this article.

Sec. 70-79. - Penalty for violation of article.

Any person who shall carry on or conduct any business, occupation, or profession for which a ~~license~~ BTR is hereby required, without first obtaining such ~~license~~ BTR, shall, upon conviction, be punished as provided in section 1-15 of this Code, and as also provided by the terms of this article.

Sec. 70-80. - Schedule of fees.

(a) Each person shall be required to procure a separate ~~license~~ BTR for each category which applies to his activities. Except as otherwise provided, each year the ~~license~~ BTR tax, as set forth in the schedule of fees attached to this article and hereby incorporated in this section by reference, shall be assessed and collected in the manner set forth as follows:

(1) ~~Licenses~~ BTRs showing the designation "SF" shall pay a fee based on square footage as shown in this subsection:

Square footage less than 5,000 square feet:..... \$25.00

At least 5,000 square feet but no more than 9,999 square feet: 50.00

Ten thousand square feet and more than 10,000 square feet: 75.00

(2) ~~Licenses~~ BTRs showing the designation "NOW" shall pay a fee based on the number of workers as shown in this subsection:

At least one worker but no more than five workers:..... 20.00

At least six workers but no more than nine workers:..... 30.00

At least ten workers but no more than 49 workers:..... 40.00

At least 50 workers but no more than 99 workers:..... 50.00

At least 100 workers but no more than 199 workers:..... 60.00

Two hundred workers and more than 200 workers:..... 70.00

(3) ~~Licenses~~ BTRs showing the designation "VEH" shall pay a fee based on the number of vehicles as shown in this subsection:

At least one vehicle but no more than five vehicles:..... 20.00

At least six vehicles but no more than nine vehicles:..... 30.00

At least ten vehicles but no more than 49 vehicles:..... 40.00

At least 50 vehicles but no more than 99 vehicles:..... 50.00

At least 100 vehicles but no more than 199 vehicles:..... 60.00

Two hundred vehicles and more than 200 vehicles:..... 70.00

(4) ~~Licenses~~ BTRs showing the designation "SEATS" shall pay a fee based on the number of seats as shown in this subsection:

At least zero seats but no more than ten seats:..... 25.00

At least 11 seats but no more than 25 seats:..... 50.00

At least 26 seats but no more than 50 seats:..... 75.00

At least 51 seats but no more than 100 seats:..... 100.00

At least 101 seats but no more than 200 seats:..... 125.00

Two hundred-one seats and more than 201 seats:..... 150.00

- (5) ~~Licenses~~ BTRs showing the designation "INV" shall pay a fee of \$3.00 per \$1,000.00 of stock, or fraction, over \$1,000.00.
- (6) ~~Licenses~~ BTRs showing more than one designation shall pay all fees shown.
- (7) ~~Licenses~~ BTRs showing flat fees, graduated fees or per unit fees shall pay the explicitly cited fee.
- (b) Except that a minimum ~~license~~ BTR tax of up to \$25.00 is permitted, the ~~Occupational License Tax~~ BTR shall not be increased more than the following: for licenses costing \$150.00 or less, 200 percent; for licenses costing more than \$150.00, but not more than \$500.00, 100 percent; for licenses costing more than \$500.00, but not more than \$2,500.00, 75 percent; for licenses costing more than \$2,500.00, but not more than \$10,000.00, 50 percent; and for licenses costing more than \$10,000.00, ten percent; however, in no case may any license be increased more than \$5,000.00.
- (c) The license tax which may be applied to a business license as a result of imposing a square footage/number of vehicles fee, a square footage/number of workers fee, a square footage/inventory fee or a square footage/seats fee shall in no case, upon initial implementation, exceed the percentage increase defined in subsection (b) of this section utilizing the fee schedule effective on October 1, 1994.
- (d) The city commission may, every other year after adoption, increase by ordinance the rates of local ~~Occupational License Taxes~~ BTRs affected by the caps cited in subsection (b) of this section by not more than five percent, until such time as those ~~licenses~~ BTRs shall be fully converted to those fees cited in subsection (c) of this section. This increase must be enacted by a majority, plus one vote of the city commission.

LISTING OF LICENSING DIVISION AND GROUPINGS

Division A. AGRICULTURAL, FORESTRY AND FISHING.

This division includes establishments primarily engaged in agriculture production, forestry, commercial fishing, hunting, trapping and related fields. This also includes animal specialty services, horticulture, landscaping and other agricultural services:

Major Group 1. Agricultural Production - Crops:

- (01) Nursery, greenhouses, and other plant-growing facilities (Note: Requires separate ~~license~~ BTR for landscaping services) SF, NOW

Major Group 2. Animal Specialty Services:

- (01) Animal grooming SF, NOW
- (02) Animal hospital shelter or kennel and livery stable (See Note D) SF, NOW
- (03) Veterinary (See Note D) SF, NOW

Major Group 3. Landscape and Horticulture Services:

- (01) Landscaping services SF, NOW
- (02) Lawn and garden-care services SF, NOW
- (03) Spraying, lawn, shrub and tree (See Note D) SF, NOW
- (04) Tree surgery, including trimming and removal SF, NOW

Division B. CONSTRUCTION.

This division includes building construction by general contractors or by operative builders, heavy construction, other than building by general contractor and special trade contractors, and construction activity by other special trade contractors:

Major Group 1. Contractors for General Construction:

(See Note D):

- (01) Class A: General contractor SF, NOW
- (02) Class B: Building contractor SF, NOW
- (03) Class C: Residential contractor SF, NOW
- (04) Speculative builder SF, NOW

Major Group 2. Contractors, Subcontractors, Special Trades: (Businesses carried on at a different location shall be ~~licensed~~ issued a separate BTR as as a separate entity. Each business engaging at a single location in more than one of the activities listed shall secure a combination ~~license~~ BTR unless otherwise indicated. Rate for combination license will be the fee which is highest for single activity, plus one-half the fee specified for each trade practiced which is not properly considered an integral part of or normally performed by the particular business covered by a single ~~licensed~~ BTR classification of \$100.00 maximum. Additional ~~license~~ BTR required for any manufacturing or retail sales operation):

- (01) Acoustics SF, NOW
- (02) Air-conditioning (See Heating, Ventilating and Air Conditioning)
- (03) Alarm systems installation (fire, burglary, etc.) (See Note D) SF, NOW
- (04) Aluminum and aluminum specialty (See Note D) SF, NOW
- (05) Asphalt, including seal coating (See Paving Curbs and Gutters)
- (06) Awnings, shades and venetian blinds SF, NOW
- (07) Boiler (See Note D) SF, NOW
- (08) Building inspector SF, NOW
- (09) Carpentry SF, NOW
- (10) Caulking (See Waterproofing)
- (11) Ceiling installation SF, NOW
- (12) Cement finisher SF, NOW
- (13) Communications systems SF, NOW

(14) Concrete (See Masonry)	
(15) Demolition, building (also required, city building department permit for each structure)	SF, NOW
(16) Docks (See Marine Specialty)	SF, NOW
(17) Dredging	SF, NOW
(18) Drywall (See Note D)	SF, NOW
(19) Electrical (See Note D)	SF, NOW
(20) Excavating	SF, NOW
(21) Elevator (See Note D)	SF, NOW
(22) Fencing	SF, NOW
(23) Filling and grading	SF, NOW
(24) Fire extinguisher (See Note D)	SF, NOW
(25) Fire sprinkler systems (See Sprinkler Systems and Note D)	
(26) Floor covering, laying, sanding, finishing and sealing	SF, NOW
(27) Floor, terrazzo	SF, NOW
(28) Frame and trim (See Carpenter)	
(29) Garage door and operator installation	SF, NOW
(30) Gasfitter (See Plumbing and Gasfitting)	
(31) Glazing	SF, NOW
(32) Gunite and sandblasting	SF, NOW
(33) Hauling, trucking, moving and site cleaning	SF, NOW
(34) Heating, ventilating and air conditioning (See Note D)	SF, NOW
(35) House moving (See Note G)	SF, NOW
(36) Installation NOC	SF, NOW
(37) Insulation	SF, NOW
(38) Intercommunication and sound system (See Note D)	SF, NOW
(39) Land clearing	SF, NOW
(40) Lathing, includes plastering	SF, NOW
(41) Life-call emergency alert systems (See Alarm System)	
(42) Marble setting, includes tile	SF, NOW
(43) Marcite (See Note D)	SF, NOW
(44) Marine specialty (See Note D)	SF, NOW
(45) Masonry, flat work specialty (See Note D)	SF, NOW
(46) Masonry specialty (See Note D)	SF, NOW

(47) Mechanical contractor (See Heating, Ventilating and Air Conditioning)	
(48) Ornamental iron work	SF, NOW
(49) Painting, exterior/interior (See Note D)(may do paperhanging, sandblasting, caulking, waterproofing (excluding waterproofing of roofs) and may paint roofs)	SF, NOW
(50) Paperhanging only	SF, NOW
(51) Partitions, movable	SF, NOW
(52) Paving, curbs and gutters: public thoroughfares and parking lots (See Note D)	SF, NOW
(53) Private driveways (See Note D)	SF, NOW
(54) Pilings (See Note D)	SF, NOW
(55) Pipeline (See Note D)	SF, NOW
(56) Plastering, including lathing	SF, NOW
(57) Plumbing and gasfitting (See Note D)	SF, NOW
(58) Painting, masonry (See Waterproofing)	
(59) Pressure cleaning (building or roof)	SF, NOW
(60) Refrigeration, commercial and industrial (See Note D)	SF, NOW
(61) Roofing (See Note D)	SF, NOW
(62) Roof coating and cleaning	SF, NOW
(63) Safe and vault	SF, NOW
(64) Satellite installation	SF, NOW
(65) Screen enclosure (See Aluminum and Aluminum Specialty)	
(66) Seawall (See Marine Specialty)	
(67) Security systems (See Alarm Systems)	
(68) Septic tank (See Note D)	SF, NOW
(69) Sewer, public works (See Note D)	SF, NOW
(70) Sheet metal (See Note D)	SF, NOW
(71) Solar (See Note D)	SF, NOW
(72) Sprinkler system: building/fire (See Note D)	SF, NOW
(73) Sprinkler installation and service	SF, NOW
(74) Steel reinforcing (See Note D)	SF, NOW
(75) Structural steel (See Note D)	SF, NOW
(76) Stuccoing	SF, NOW
(77) Stuccoing and stone	SF, NOW

(78) Swimming pool construction (See Note D) residential/commercial	SF, NOW
(79) Tank, storage (gasoline, oil, etc.) (See Note D)	SF, NOW
(80) Tennis court construction	SF, NOW
(81) Tile setting, includes marble	SF, NOW
(82) Tower erection and maintenance	SF, NOW
(83) Underground utility (See Note D)	SF, NOW
(84) Vinyl siding	SF, NOW
(85) Water conditioner	SF, NOW
(86) Waterproofing, caulking and painting (See Note D)	SF, NOW
(87) Well drilling: shallow and deep wells (See Notes D and G)	SF, NOW
(88) Window screen and jalousie installation	SF, NOW
(89) Wrecking and dismantling (other than building)	SF, NOW
(90) Contractors NOC	SF, NOW

Division C. MANUFACTURING.

This division includes establishments engaged in the mechanical or chemical transformation of materials or substances into new products; they are usually described as plants, factories or mills and usually use power-driven machines and materials handling equipment:

Major Group 1. Manufacturing, Fabricating, Processing, Compounding, etc.:

Unless otherwise specified, all manufacturing firms will be taxed based on the following:

(01) All manufacturing, unless otherwise classified (additional licenses <u>BTRs</u> required for any retail, sales, rental, installation or erection and contracting).	SF, NOW
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Major Group 2. Printing, Publishing and Related Industries:

(01) Newspaper and periodicals	SF, NOW
(02) Engraving, printing, lithographing and binding	SF, NOW
(03) Directory, guidebook and coupon book (See Note A), publishing and distributing	SF, NOW

Major Group 3. Other Manufacturing Not Listed:

(01) Plating or anodizing, metal	SF, NOW
(02) Water bottling	SF, NOW
When combined with distribution	SF, NOW
(03) Other manufacturing NOC	SF, NOW

Division D. TRANSPORTATION, COMMUNICATION, ELECTRIC GAS AND SANITARY SERVICES.

This division includes aspects of transportation and associated services, such as repair, charter, delivery, etc., associated with transport; it also includes services associated with public utilities, such as sanitary services:

Major Group 1. Public Transportation and Related Facilities:

- (01) Charter bus and limo service (See chapter 82 of this Code and Note A)
- (02) Bus terminal operation SF, NOW
- (03) Travel agencies SF, NOW
- (04) Railroad \$187.00
- (05) Other public transportation NOC SF, NOW

Major Group 2. Boat and Related Marine Services (separate license ~~license~~ BTR required for each activity):

- (01) Repair and service SF, NOW
- (02) Charter or rental SF, VEH
- (03) Storage SF, NOW
- (04) Other marine services NOC SF, NOW

Major Group 3. Storage and Warehousing Facilities (not previously classified):

- (01) Cold storage or refrigeration (not operated in connection w/other city-~~licensed~~ BTR-ed business) SF, NOW
- (02) Warehouse, bonds or storage SF, NOW
- (03) Outdoor storage space rental SF, NOW
- (04) Other storage or warehousing NOC SF, NOW

Major Group 4. Motor Freight Transport, Delivery, etc.:

- (01) Express delivery company SF, VEH
- (02) Messenger or package delivery service (not including railway or Western Union) SF, VEH
- (03) Moving and transfer company SF, VEH
- (04) Trailer transport service if independent of city- ~~licensed~~ BTR-ed dealer/manufacturere SF, VEH
- (05) Others NOC SF, VEH

Major Group 5. Public Utility Services:

- (01) Electric power company \$150.00
- (02) Broadcasting, radio and television studios \$150.00
- (03) Refuse collection and disposal \$125.00
- (04) Waterworks \$125.00

- (05) Telephone and telegraph company \$187.00
- (06) Branch office of ~~licensed~~ BTR-ed company except hotel location \$19.00

Major Group 6. Disposal Services:

- (01) Refuse machine, compacting and/or bailing:
 - (a) Owner or lessor \$140.00
 - (b) Operator or lessee, each machine \$70.00

Division E. WHOLESALE AND RETAIL TRADE (Sales, Service and Retail).

Retail industries primarily sell items for personal or household and render services incidental to the sale.

Wholesale industries primarily engage in selling merchandise to retailers or business entities or act as agents or brokers in buying merchandise for or selling such to persons or companies:

Major Group 1. Retail and Wholesale Trade Industries:

- (01) Unless otherwise classified, all retail and wholesale trades will be taxed according to the SF and INV designations, and the procedures set forth in subsections 70-75(a), 70-75(d), 70-75(e), 70-75(f), 70-81(1) and 70-81(5). (~~License BTR~~ only covers service and repair of merchant's own sales. Separate and applicable contractor or subcontractors ~~License BTR~~ required for installation if charge is made for such work. Also applicable ~~License BTR~~ is required for any rental operation or repair).

Major Group 2. Mobile Home Sales:

- (01) Mobile home/trailer sales and rental SF, INV

Major Group 3. Food and Beverage Related Trades:

- (01) Bakery goods (See Note F) SF, INV
- (02) Bottling distributor or wholesaler SF, NOW
- (03) Fruit shipper:
 - (a) Retail SF, INV
 - (b) Wholesale SF, INV
- (04) Road stand/vegetable, fruit, etc. SF, INV
- (05) Water cooler rental and service SF, NOW
 - (a) When combined w/bottling and distribution SF, NOW
- (06) Water (spring/distilled) distributing SF, NOW
- (07) Other food and beverage trades NOC SF, NOW

Major Group 4. Automotive Related Trades:

(01) Automobile agency: sales and servicing of new and used cars and trucks	SF, INV
(02) Automobile dealer: sale and servicing of only used cars and trucks	SF, INV
(03) Boat and cargo trailer sales/service	SF, INV
(04) Boat dealers (new and used)	SF, INV
(05) Gas/service station:	
(a) 1st nozzle	\$25.00
(b) Each additional nozzle	\$6.00
(06) House trailer sales and service	SF, INV
(07) Motorcycle dealer (sales and repair)	SF, INV
(08) Other automotive NOC	SF, INV

Major Group 5. Eating and Drinking Establishments: (Also requires other ~~license~~ BTRs for dancing, merchant, entertainment, etc., unless connected with business requiring merchant's ~~license~~ BTR, the first \$500.00 of merchandise for sale shall be exempt):

(01) Restaurants, cafes, cafeterias, etc., seating capacity (See Note F):	SF, SEATS
(Additional license <u>BTR</u> required for carry out if sales are more than 20 percent of volume (See Carry Out)	
(02) Carry Out	SF, SEATS
(03) Stand-up counter w/o seats	SF, SEATS
(04) Drive-in	SF, SEATS
License <u>BTR</u> for combination of (01), (02) and (03) will be issued for highest fee plus one-half fee for others.	
(05) Refreshment stands, snack bars, soda, fountain sales and dispensing of soda, ice cream, etc.	SF, SEATS
(a) Other location, temporary, maximum seven days	SF, SEATS
(06) Canteen wagon or truck	SF, SEATS
(07) Catering service (See Note F)	SF, SEATS
(08) Tavern (place regularly operated for profit where alcoholic beverages are sold for consumption on premises to patrons; additional license <u>BTR</u> required for other services)	SF, SEATS
(09) Other eating and drinking establishment NOC	SF, SEATS

Major Group 6. Miscellaneous Wholesale/Retail: (See Note A and section 70-81 for special trades listed in subparagraphs (01), (02) and (13) of this table):

(01) Auction shops/stores: owners/ managers of each store	SF, NOW
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(02) Auctioneers: jewelry, personal property and real estate	SF, NOW
(03) Broker of merchandise	SF, NOW
(04) Christmas tree stand, for season	\$25.00
(05) Coin and stamp dealers	SF, INV
(06) Consignment shop (See Major Group 1)	
(07) Florist (live and artificial)	SF, INV
(08) Gravel, sand, dirt, rock and shell dealer, if not city licensed	SF, INV
(09) Reserved	
(10) Hearing aid sales	SF, INV
(11) Ice sales, station or coin-operated machine, each machine	\$25.00
(12) Itinerant, mobile merchant, peddler, etc.; any person not associated with a city licensed <u>issued BTR</u> business and goes door to door or sets up a temporary establishment for the purpose of selling, repairing or demonstrating (See Note B):	
(a) Cosmetic and brush door-to-door salesperson	SF, INV
(b) Peddlers of agricultural products other than the actual producers	SF, INV
(c) Clearinghouses for merchandise orders:	
1. First five days	\$140.00
2. Each additional day	\$30.00
(d) Mobile merchant	SF, INV
(13) Junkyards/wrecking yards or shop	SF, NOW
(14) Mail-order house (not run by merchant)	SF, NOW
(15) Newspaper vending machines:	
Each machine	\$12.00
(16) Other tradeworkers NOC	SF, INV
(17) Pawnshops/pawnbrokers	\$250.00
(18) Pet shop	SF, INV
(19) Petroleum products:	
(a) Bottled gas, gasoline, oil and fuel oil distributor	SF, INV
(b) Wholesale and bulk plant	SF, INV
(20) Secondhand store (See Div. E, MG 1, (01))	
(21) Vacuum cleaner, sales, service and repair	SF, INV
(22) Wood dealer	SF, INV
(23) Other retail/wholesale NOC	SF, INV

Division F. FINANCE, INSURANCE AND REAL ESTATE.

This division includes establishments operating primarily in the fields of finance, insurance and real estate but does not include the construction of buildings:

Major Group 1. Banks, Credit Unions and Other Financial Institutions and Services:

(01)	Automatic teller machines	\$75.00
(02)	Banks, savings and loan	SF, NOW
(03)	Currency exchange	SF, NOW
(04)	Investment agents and counselors (independently employed)	SF, NOW
(05)	Loan, finance, consumer discount (excluding banks, savings and loans and pawnbrokers (See Note D)	SF, NOW
(06)	Mortgage brokerage service (See Note D)	SF, NOW
(07)	Stocks, bonds and other securities: (See Note D)	
(a)	Brokerage firm	SF, NOW
(b)	Individual not employed by city— licensed <u>issued BTR</u> firm	SF, NOW
(08)	Other financial institutions and services NOC	SF, NOW

Major Group 2. Insurance Carriers and Services: (Agents, Brokers, etc.; writes one or more policies for Accident and Health, Burglary, Casualty, Liability, Fidelity and Surety, Fire, Funeral, Life, Marine, Title Guarantees, Workers Compensation, etc.):

(01)	Adjuster	SF, NOW
(02)	Agency, local office acting for one or more insurance companies	SF, NOW
(03)	Agency, out of state	\$50.00
(04)	Agent: placed in city by local agent or travel representative	SF, NOW
(05)	Appraiser, bonding agent	SF, NOW
(06)	Individual not employed by city agency	SF, NOW
(07)	Other insurance carriers and services NOC	SF, NOW

Major Group 3. Apartments, Hotels and General Lodging Facilities:

(01)	Hotels, motels, apartments, roominghouses, boardinghouses and other rental lodging facilities (See Note F), commercial units:	
(a)	Two to five units	\$25.00
(b)	Over five units, plus \$2.00 for each additional unit up to ten	\$25.00
(c)	Ten units, plus \$1.00 for each additional unit up to 20	\$30.00
(d)	Twenty units, plus \$0.75 for each additional unit up to 30	\$45.00

- (e) Thirty units, plus \$0.60 for each additional unit up to 50 \$55.00
- (f) Fifty units, plus \$0.50 for each additional unit \$70.00

Major Group 4. Real Estate Services (buyers, sellers, agents and brokers):

- (01) Apartment operators (See Div. F, MG 3)
- (02) Auctioneers (See Note A and Section 70-81) SF, NOW
- (03) Cemetery (plot sales and operation) SF, NOW
- (04) Land developer SF, NOW
- (05) Real estate appraiser SF, NOW
- (06) Real estate broker/agency: (See Note D) SF, NOW
- (07) Title abstract companies SF, NOW
- (08) Other real estate services NOC SF, NOW

Division G. SERVICES.

This division includes establishments engaged in providing a variety of services for individuals, business and government establishments and other organizations. Personal business, health, repair, legal, professional, educational institutions and other miscellaneous services are included:

Major Group 1. General Lodging Facilities:

- (01) Campgrounds, recreational vehicle and mobile trailer parks (See Note A):
 - (a) Each space \$5.00
 - (b) Minimum fee \$50.00

Major Group 2. Personal Services:

- (01) Laundry, cleaning and garment services:
 - (a) Branch/collection agency, not operated by city-~~licensed~~ issued BTR plant, each SF, NOW
 - (b) Carpet and rug cleaning, on-site SF, NOW
 - (c) Cleaning, pressing, dyeing, steam and dry-cleaning services, plant (See Note C) SF, NOW
 - (d) Clothing or costume rental SF, NOW
 - (e) Diaper service SF, NOW
 - (f) Dressmaking, seamstress, tailor, etc. (does not apply to salaried employee) SF, NOW
 - (g) Hand laundry facility SF, NOW
 - (h) Hat-cleaning and blocking SF, NOW
 - (i) Laundry and linen service SF, NOW
 - (j) Self-service, dry-cleaning:

1. First machine	\$35.00
2. Each additional machine	\$2.00
(k) Self-service, laundry (washer, dryer, etc.):	
1. First ten machines	\$50.00
2. Each additional machine	\$1.00
(02) Hair-grooming and personal hygiene facilities:	
(a) Barbershops and beauty parlors (See Note D):	
1. First chair or station	\$25.00
2. Each additional chair or station	\$6.00
(b) Baths (Turkish, mineral, etc.) (See Note F)	SF, NOW
(c) Bathhouse (See Note F)	SF, NOW
(d) Bootblack stand (not on premises of licensed <u>BTR-ed</u> business):	
1. First chair	\$25.00
2. Each additional chair	\$1.00
(e) Manicurist, nail design, facial specialist (not employed by licensed <u>BTR-ed</u> business)	SF, NOW
(f) Massage service/parlor (See Note F)	SF, NOW
(g) Massage therapist (not employed by licensed <u>BTR-ed</u> business)	SF, NOW
(03) Dating and roommate service	SF, NOW
(04) Funeral parlor, undertaker, embalmer (See Note D)	SF, NOW
(05) Blood pressure and other health machines, except where operated by licensed <u>BTR-ed</u> physician, each machine	\$12.00
(06) Other personal services NOC	SF, NOW

Major Group 3. Business Services:

(01) Advertising:	
(a) Agencies and consultants	SF, NOW
(b) Outdoor advertising business: construction, installation or maintenance, lease or rental, posting/painting of signs/billboards advertising other than the business conducted on the premises	SF, NOW
(c) Mobile advertising: owner/operator of taxi, bus, truck or plane renting space on vehicle exterior to advertise any other article service or business, per vehicle per year:	
1. One space	\$25.00
2. Each additional space	\$1.00

3.	Sound amplifying vehicle, each	\$50.00
4.	Vehicle carrying banners, signs, cartoons, except as part of licensed parade, per day	\$35.00
(d)	Directory, guidebook and coupon book publishing and distributing (See Note A)	SF, NOW
(e)	Handbill and sample distributor	SF, NOW
(f)	Soliciting for publications not in city	SF, NOW
(g)	Other advertising NOC	SF, NOW
(h)	Welcome or greeting service	SF, NOW
(i)	Solicitation or canvassing service	SF, NOW
(02)	Mailing, reproduction, commercial, art and photography, and stenographic services:	
(a)	Addressing and mailing service	SP, NOW
(b)	Artists: commercial art and graphic design	SF, NOW
(c)	Photographers: aerial	SF, NOW
(d)	Photographers: commercial	SF, NOW
(e)	Photostat/blueprint duplicating/ reproduction	SF, NOW
(f)	Secretarial and court reporting service, including office typeset, word processing, etc.	SF, NOW
(g)	Street artist/craftsman, every four months	\$25.00
(03)	Services to dwellings and other buildings:	
(a)	Chimney cleaning	SF, NOW
(b)	Interior decorating, not operated by merchant	SF, NOW
(c)	Janitorial service	SF, NOW
(d)	Pest control and extermination services (See Note D)	SF, NOW
(e)	Swimming pool maintenance/cleaning (See Note D)	SF, NOW
(f)	Window cleaning	SF, NOW
(04)	Equipment rental and leasing services:	
(a)	Construction, industrial, agricultural, tools, machinery and implements	SF, NOW
(b)	Medical equipment and invalid supplies	SF, NOW
(c)	Small tools, machines, sports, electronic computer, household appliances and others NOC	SF, NOW
(d)	Fixed equipment: data processing, tabulating, etc., including portable	SF, NOW

- (e) Vending machines, not including amusement, music, cigarette and stamp machines:
 - 1. Dealer or lessor \$35.00
 - 2. Operator or lessee each machine \$1.00

~~License~~ BTR to be collected from business where machine is located. No ~~license~~ BTR if proceeds from machine are for charity.
- (05) Employment agencies and personnel supply SF, NOW
- (06) Computer-related services (See Retail for Sales):
 - (a) Consultant and programming SF, NOW
 - (b) Data processing service SF, NOW
 - (c) Repair and service SF, NOW
- (07) Security Services:
 - (a) Armored-car service SF, NOW
 - (b) Private detective/company (See Note B) SF, NOW
 - (c) Private or night patrol services SF, NOW
 - (d) Security alarm monitoring, polygraph service and other security services NOC SF, NOW
- (08) Consumer credit reporting and collection:
 - (a) Claim or collection agent/services SF, NOW
 - (b) Credit reporting and mercantile SF, NOW
- (09) Commercial divers SF, NOW
- (10) Recording studios SF, NOW
- (11) Sign: construction, installation or maintenance, lease or rental, posting or painting of signs advertising the business conducted on premises where display is located SF, NOW
- (12) Bottle exchange service SF, NOW
- (13) Trading or discount stamp company SF, NOW
- (14) Yacht brokerage/agency (See Note D) SF, NOW
- (15) Other business services NOC SF, NOW

Major Group 4. Vehicle Repair, Rental Parking and Related Services: (Business carried on at different locations shall each be ~~licensed~~ issued a BTR as a separate entity. Each business engaging in more than one of the classes of activity listed in this group will be that fee which is highest for any single activity, plus one-half the fee):

- (01) Boat and cargo trailer rental SF, VEH
- (02) Body shop and auto body detailing SF, NOW

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| (03) Garage: general repairs and replacements, general and specialized | SF, NOW |
| (04) House trailer rental | SF, VEH |
| (05) Motorcycle service (repair only) | SF, NOW |
| (06) Motorcycle rental (requires separate license <u>BTR</u>) | SF, VEH |
| (07) Parking lot: | |
| (a) One to ten vehicles | \$25.00 |
| (b) Eleven to 50 vehicles | \$35.00 |
| (c) Over 50 vehicles | \$50.00 |
| (08) Rental: combination house, trailer, boat | SF, VEH |
| (09) Rental: combination of cars, trucks, and trailers | SF, VEH |
| (10) Storage for vehicles (capacity): | |
| (a) One to ten vehicles | \$25.00 |
| (b) Eleven to 50 vehicles | \$35.00 |
| (c) Over 50 vehicles | \$50.00 |
| (11) Washing and polishing (unless licensed <u>BTR-ed</u> in classes Div. G, MG 4, (03), (09), or Div. E, MG 4, (01) or (02)) | SF, NOW |
| (12) Other vehicle repair, parking and related services NOC | SF, NOW |

Major Group 5. Repair Services (excluding automobiles, boats and others not associated with sales):

- | | |
|---|---------|
| (01) Locksmith, except city- licensed <u>BTR-ed</u> merchant | SF, NOW |
| (02) Bicycle repair | SF, NOW |
| (03) Piano tuner, self-employed | SF, NOW |
| (04) Furniture: refinish, reupholster, clean and repair | SF, NOW |
| (05) Reserved | |
| (06) Watch and clock repair | SF, NOW |
| (07) Shoe repair | SF, NOW |
| (08) Taxidermist (See Note D) | SF, NOW |
| (09) Repair and service NOC | SF, NOW |
| (10) Itinerant, mobile merchant, peddler: | |
| (a) Knife, scissors and tool sharpeners | SF, NOW |
| (b) Umbrella menders | SF, NOW |
| (11) Other repair services NOC | SF, NOW |

Major Group 6. Amusement and Entertainment Parlors, Devices and Operations:

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|---|--|
| (01) Amusement and music machines, coin-operated (excluding vending machines) (See Note B): | |
|---|--|

(a) Dealer or lessor	\$140.00
(b) Operator or lessee, each machine	\$19.00
Operator license <u>BTR</u> collected from person whose business machine is in operation.	
(02) Amusement park	\$345.00
(03) Amusement rides, not in city— licensed <u>issued BTR</u> park, each ride per day	\$25.00
(04) Amusement parlor:	
(a) First four coin-operated machines	\$85.00
(b) Each additional machine	\$15.00
(05) Carnival/circus (See Note A), per day	\$345.00
(a) Each concession stand, counter or booth, etc., per day	\$35.00
(b) Parade, circus held in city, each	\$70.00
(c) Parade, circus held outside city, each	\$690.00
(06) Exhibition, freaks or curiosity (See Note A), per week	\$140.00
(07) Astronomer: (on-street w/telescope-charging fee)	\$50.00
(08) Clairvoyant, divine healer, fortuneteller, mental healer, phrenologist, palmist	\$250.00
(09) Contest company, promoters and entertainment consultants	SF, NOW
(10) Disc jockey, musician, entertainer	SF, NOW
(11) Home shows	SF, NOW
(12) Theater:	
(a) Per seat (minimum: \$25.00)	\$0.32
(b) Drive-in	\$375.00
(c) Concessions located therein, each	\$25.00
(13) Hall for rent	SF, NOW
(14) Other amusement and entertainment NOC	SF, NOW
Major Group 7. Recreation Schools, Facilities and Operations:	
(01) Archery range	SF, NOW
(02) Billiards, pool, bagatelle or shuffleboard (noncoin-operated tables or courts), each table or court	\$25.00
(03) Bowling, ski ball, tenpin, etc. (additional license <u>BTR</u> required for equipment sales:	
(a) First alley	\$50.00
(b) Each additional alley	\$6.00
(04) Dancehall, cabaret (requires license <u>BTRs</u> for food, beverage)	SF, NOW

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| (05) Golf courses, regulation and par 3
(Persons providing lessons or instructions who are not direct employees or the main facility are required to obtain a separate license <u>BTR</u> as noted in item (07)). | SF, NOW |
| (06) Golf driving range (See Note in item (5)) | SF, NOW |
| (07) Schools, studios and instruction: arts, arts and crafts, auto driving, barber, beautician, bridge, business, dancing, dramatics, golf, model or charm, music, sewing, skiing, tennis, trade, etc. | SF, NOW |
| (08) Reserved | |
| (09) Skating rink | SF, NOW |
| (10) Swimming pool, public | SF, NOW |
| (11) Riding academy | SF, NOW |
| (12) Miniature golf | SF, NOW |
| (13) Health studio, club or spa (See Notes C, D, and G) | SF, NOW |
| (14) Other recreation schools and facilities NOC | SF, NOW |

Major Group 8. Medical and Dental Professional (See Note D):

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|-------------------------------|---------|
| (01) Chiroprapist | SF, NOW |
| (02) Chiropractor | SF, NOW |
| (03) Dentist | SF, NOW |
| (04) Physician/doctor | SF, NOW |
| (05) Christian Science healer | SF, NOW |
| (06) Homeopathic physician | SF, NOW |
| (07) Naprapath | SF, NOW |
| (08) Oculist | SF, NOW |
| (09) Naturopath | SF, NOW |
| (10) Optician, optometrist | SF, NOW |
| (11) Osteopath | SF, NOW |
| (12) Psychologist | SF, NOW |
| (13) Physiotherapist | SF, NOW |
| (14) Others NOC | SF, NOW |

Major Group 9. Residential Care Units, Congregate Living Facility, Group Homes, Halfway Houses and Residential Treatment Facilities as defined in section 134-2 of the Uniform Development Code:

SF, NOW

Major Group 10. Hospitals, Clinics and Medical Offices:

- | | |
|--|---------|
| (01) Nursing and convalescent home hospital (See Note F) | SF, NOW |
|--|---------|

- (02) Home health-care agency SF, NOW
- (03) Private/public hospital SF, NOW
- (04) Other medical facilities NOC SF, NOW

Major Group 11. Educational:

- (01) Lecturer/instructor (Instructs or teaches to class or group which proceeds in any form are received and which proceeds are not devoted solely to bona fide religious, charitable or fraternal purposes) SF, NOW
- (02) Kindergarten or nursery (See Notes C and F) SF, NOW
- (03) Trade institutes (barber, cosmetology, etc.) SF, NOW
- (04) Lending libraries SF, NOW
- (05) Other educational facilities NOC SF, NOW

Major Group 12. Legal, Engineering, Accounting, Research, Management, Administration and Other Related Services: (The following professions are included in this group) (See Note D for (01) through (07)):

- (01) Accountant, CPA SF, NOW
- (02) Administration office: where manufacture and delivery of product and inventory are located out of the city SF, NOW
- (03) Architect SF, NOW
- (04) Attorney/lawyer (civil, patent, etc.) SF, NOW
- (05) Auditor SF, NOW
- (06) Bookkeeper service SF, NOW
- (07) Consulting service SF, NOW
- (08) Drafting firm SF, NOW
- (09) Engineer: chemical, civil, consulting, etc. SF, NOW
- (10) Income tax consultant, not licensed accountant SF, NOW
- (11) Industrial designer SF, NOW
- (12) Laboratory (chemical, medical, dental testing and research) (See Note D) SF, NOW
- (13) Property management/leasing agent SF, NOW
- (14) Public relations counselor SF, NOW
- (15) Surveyor SF, NOW
- (16) Others NOC SF, NOW

Division H. UNCLASSIFIED.

This division includes every business, occupation, profession or exhibition, substantially fixed or temporarily engaged in by any person within the city and for which no ~~license~~ BTR has been obtained and not specifically designated in this division, which shall pay a ~~license~~ BTR tax based on: SF, NOW

NOTES:

- A. Requires approval by the ~~city~~-commission City Manager.

- B. Requires city law enforcement department permit.
- C. Requires city fire department inspection and approval.
- D. As required for the ~~license~~ BTR, the applicant shall be required to present a current certificate of competency issued by either the state, the county, or the county construction licensing board.
- E. When inactive, the maintenance of an annual certificate of good standing, in lieu of ~~license~~ BTR, obviates the necessity for reexamination otherwise required for renewal of ~~license~~ BTR.
- F. Requires inspection, approval or ~~license~~ BTR of state or county authority.
- G. Requires city building permit for each job.
- H. These ~~license~~ BTRs are required in addition to any others applicable to the business.
- I. Requires approval of city clerk and state beverage department.

NOC. Not otherwise classified.

Sec. 70-81. - Standards for ~~city commission~~ City Manager (re Note A, section 70-80) review.

In determining whether or not an application should be approved, the ~~city commission~~ City Manager or his designee shall review such application against the following standards:

- (1) There is adequate provision for water supply and for sanitary sewers and sewerage treatment within the service areas involved, and the proposed use can be accommodated by existing and/or proposed facilities.
- (2) There is adequate provision for traffic movement, both vehicular and pedestrian, both internal to the use and in the areas which will service the use.
- (3) There are adequate provisions for drainage systems to service the use, with particular attention given to the necessity for on-site retention systems to alleviate drainage and pollution problems.
- (4) There are adequate setbacks, buffering and general amenities in controlling adverse effects of noise, lights, dust, fumes and other nuisances.
- (5) The land area for the proposed use is sufficient, appropriate and adequate for the use and its reasonably anticipated operation and expansion.
- (6) The use is compatible with the desired growth and land use patterns reflected in the city land use plan or other planning documents.
- (7) There is an identifiable need (by market study) for such facilities at the site under consideration and on a city-wide basis.
- (8) The proposed use will comply with all appropriate regulations for the district in which it is located and the policies of the comprehensive plan that apply to that district.
- (9) The proposed use will not adversely affect the health and safety of the public and the workers and residents in the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.

(10) The proposed use will comply with all applicable development codes.

Secs. 70-82—70-110. - Reserved.

Section 3. That Article IV of Chapter 70 of the Code of Ordinances is amended to read as follows:

ARTICLE IV. Insurance Premium Tax

DIVISION 1. - GENERALLY

Sec. 70-111. - Penalty for violation of article.

Any person who violates any of the provisions of this article shall be punished by a fine not exceeding \$400.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment, in the discretion of the municipal judge. Each day any violation of this article shall continue, the violation shall constitute a separate offense.

Secs. 70-112—70-130. - Reserved.

DIVISION 2. - CASUALTY INSURANCE

Sec. 70-131. - Tax levied; amount.

In addition to any other lawful license or excise tax now levied by the city, an excise or ~~license tax~~ BTR is assessed and imposed on every insurance company, corporation or other insurer now engaged in or carrying on, or which shall hereafter engage in or carry on, the business of casualty insuring as shown by the records of the state treasurer in his capacity of state insurance commissioner, in the amount of 0.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies covering property within the corporate limits of the city.

Sec. 70-132. - Payment of tax.

The excise ~~of license tax~~ BTR provided for in section 70-131 shall be payable and collected in the manner provided for by F.S. ch. 185.

Sec. 70-133. - Use of proceeds.

All monies received by the city under the provisions of sections 70-131 and 70-132 shall be paid immediately into its pension fund; provided, however, such monies received under this article shall be kept separate and apart from the other monies of the pension fund, and the monies received under this article shall be used solely for the payment of amounts to become due law enforcement officers and their dependents and to no other person under the provisions of law governing pensions within the city.

Secs. 70-134—70-150. - Reserved.

DIVISION 3. - PROPERTY INSURANCE

Sec. 70-151. - Tax levied; amount.

There is assessed and imposed on every insurance company, corporation or other insurer now engaged in or carrying on, or who shall hereafter engage in or carry on, the business of insuring property against loss or damage by fire or tornado, an excise or ~~license tax~~ BTR amounting to 1.85 percent of the gross receipts of

premiums from policyholders on all premiums collected on fire and tornado insurance policies covering property within the corporate limits of the city.

Sec. 70-152. - Tax imposed in addition to other taxes.

The ~~license tax~~ BTR assessed and imposed by section 70-151 shall be in addition to all other taxes now levied by the city.

Sec. 70-153. - Purpose; administration of fund.

All money derived from the taxes imposed by sections 70-151 and 70-152 is hereby appropriated to the firefighter's relief and pension fund of the city which shall be administered in accordance with the provisions of F.S. ch. 175, providing for the creation and administration of a firefighter's relief and pension fund in certain cities and towns.

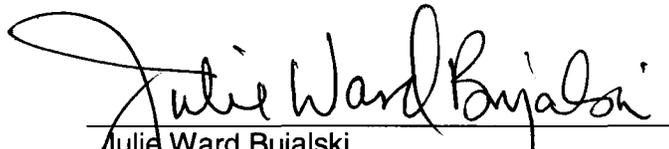
Sec. 70-154. - Manner of collection.

The excise or ~~license tax~~ BTR provided for in section 70-151 shall be payable and collected in the manner provided for by F.S. ch. 175, providing for the creation and administration of a firefighter's relief and pension fund in certain cities and towns.

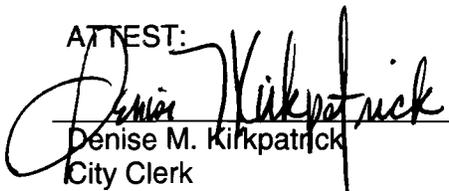
Secs. 70-155—70-169. - Reserved.

Section 4. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 16th day of June, 2016.



Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: June 02, 2016

READ SECOND TIME AND ADOPTED: June 16, 2016

ORDINANCE 16-04

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 82-35 OF THE DUNEDIN CODE OF ORDINANCES REQUIRING TAXICAB OWNERS, OPERATORS, DRIVERS OR CHAUFFEURS TO PROCURE AND FILE A LIABILITY INSURANCE POLICY ISSUED BY AN APPROPRIATELY LICENSED SURETY COMPANY; AMENDING SECTION 82-42 TO CORRECT A TYPOGRAPHICAL ERROR PROVIDING FOR THE DUTY OF THE PLANNING AND DEVELOPMENT DIRECTOR TO NOTIFY THE CITY MANAGER OF ANY ORDINANCE VIOLATION BY TAXICAB OPERATOR OR CHAUFFEUR; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Dunedin's Ordinance Review Committee has reviewed Chapter 82 (Vehicles for Hire) of the Code of Ordinances; and

WHEREAS, the Ordinance Review Committee has recommended that certain revision is necessary to clarify liability insurance policies filed by taxicab owners, operators, drivers or chauffeurs must be issued by an appropriately licensed surety company; and

WHEREAS, the Ordinance Review Committee has recommended that certain revision is necessary to clarify it is the duty of the Planning and Development Director to notify the City Manager of any ordinance violation by taxicab owners, operators, drivers or chauffeurs;

WHEREAS, the recommendations of the Ordinance Review Committee have been found meritorious by the City Commission; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 82-35 of Chapter 82 of the Code of Ordinances is amended to read as follows:

Sec. 82-35. - Liability insurance or surety bond required.

- (a) *Amounts.* It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to

be driven or operated upon the public streets of the city, unless the owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by ~~a good and responsible~~ an appropriately licensed surety company. Such insurance company or surety company must have authority to do business as such in the state, and must be acceptable to and approved by the city commission. The minimum amount of liability insurance or surety bond for each taxicab shall be as follows:

- (1) An amount of not less than \$100,000.00 automobile liability protection for any one person injured by reason of the negligent operation of the taxicab.
 - (2) An amount not less than \$300,000.00 personal injury protection for more than one person injured in any one accident.
 - (3) Not less than \$50,000.00 for all property damage in one accident.
 - (4) Similar coverage for uninsured motorists.
- (b) *Separate or fleet policies permitted.* The policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab or may be in the form of a fleet policy covering all taxicabs operated by such taxicab owner, operator, driver or chauffeur; in which latter event, such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service, as specified in this section. Every taxicab hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact that the provisions of this section have been complied with, the form to be prescribed by the city manager.
- (c) *Cancellation; notice.* No policy of insurance or surety bond as provided in this section shall be canceled until the expiration of five days after the notice of intended cancellation has been given in writing to the city clerk by registered mail or personal delivery of such notice, and a provision therefor shall be embodied in the policy or surety bond.

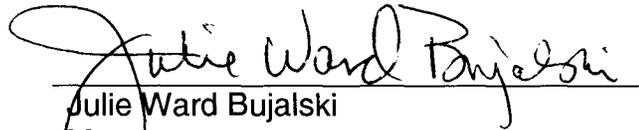
Section 2. That Section 82-42 of Chapter 82 of the Code of Ordinances is amended to read as follows:

Sec. 82-42. - Violations by operators to be reported to city manager.

It shall be the duty of the ~~city manager~~ Planning and Development Director to notify the city manager of any and all violations of any ordinance of the city by any taxicab owners, operators, drivers or chauffeurs.

Section 3. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of December, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: December 01, 2016

READ SECOND TIME AND ADOPTED: December 15, 2016

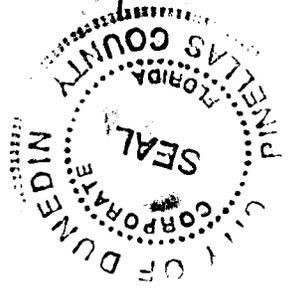
KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2016160568 05/26/2016 at 01:57 PM
OFF REC BK: 19206 PG: 2415-2418
DocType:GOV RECORDING: \$35.50

I DO HEREBY CERTIFY THIS TO BE A TRUE
AND CORRECT COPY
CERTIFIED THIS

DATE 5/24/14
[Signature]
CITY CLERK

ORDINANCE 16-05

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1670 CURLEW ROAD (PARCEL NUMBER 13-28-15-23526-000-0060) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.36 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.



WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

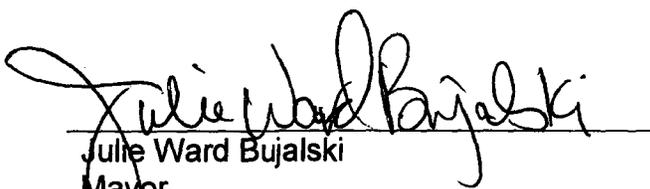
A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016

Kimberly A. Shurtleff, P.A. _____ **Attorney at Law**

1818 Short Branch Drive, Suite 101
Trinity, Florida 34655

Telephone (727) 815-3693
Fax (727) 815-7877

January 13, 2016

City of Dunedin
PO Box 1348
Dunedin, Florida 34698

ATTORNEY'S CERTIFICATION OF TITLE

Re: Annexation of 1670 Curlew Road, Dunedin, Florida 34698

To Whom It May Concern,

I, Kimberly A. Shurtleff, am an attorney licensed to practice law in the State of Florida. I have examined a Ownership and Encumbrances Report from Attorneys' Title Fund Services, LLC, Fund File No. 266516, effective date January 4, 2016 at 11:00 p.m. regarding the following described real property:

Lot 6, DUNEDIN RIDGE SUBDIVISION, according to the map of plat thereof as recorded in Plat Book 28, Page 79, Public Records of Pinellas County, Florida.

Based upon the Attorneys' Title Fund Services, LLC's Ownership and Encumbrance Report, title to the above-mentioned property is vested in CHRISTOPHER J. ROGIER and YIMEI ROGIER by Warranty Deed recorded in O.R. Book 16530, Page 1383, Public Records of Pinellas County, Florida. Said real property is subject to the following encumbrances:

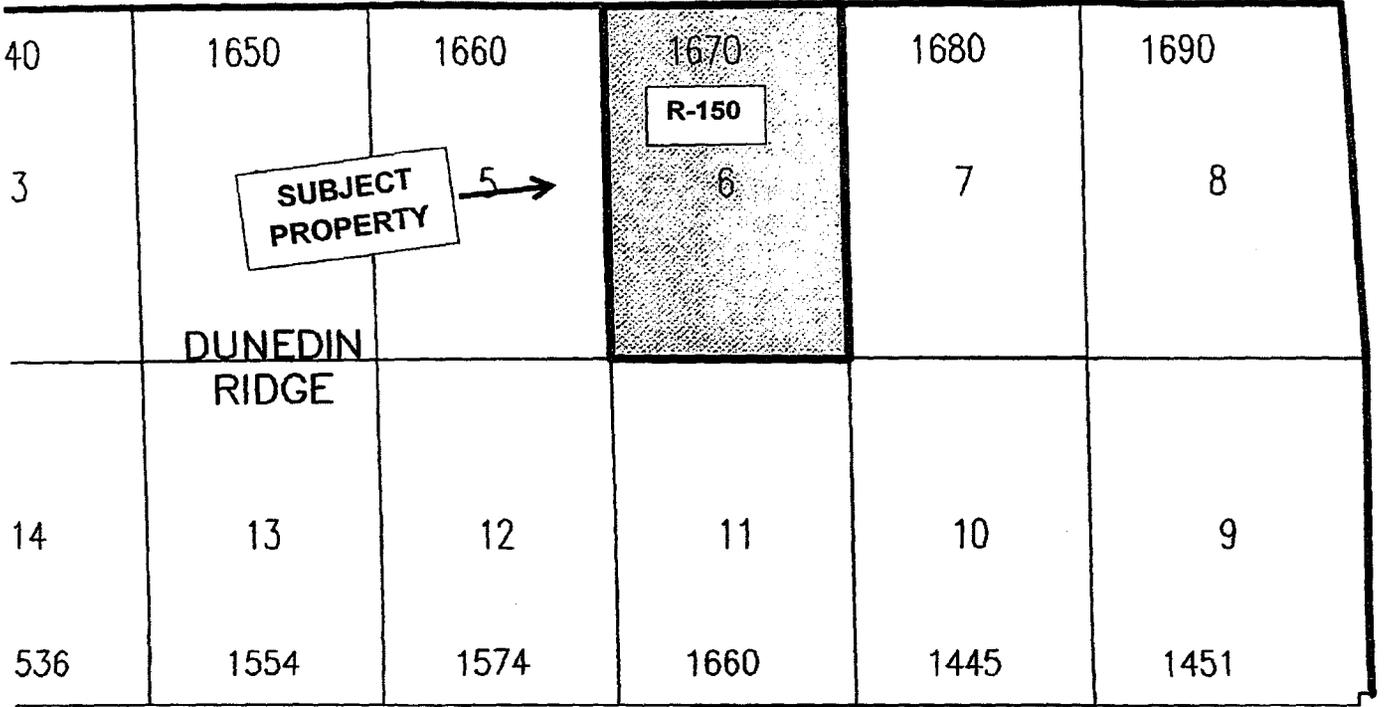
1. Mortgage to Third Federal Savings and Loan Association of Cleveland, mortgagee(s), recorded under O.R. Book 17348, Page 969, Public Records of Pinellas County, Florida.

Sincerely,



Kimberly A. Shurtleff, Esq.
Kimberly A. Shurtleff, P.A.

CURLEW ROAD



SUBJECT
PROPERTY



COUNTY ROAD 1 / KEENE

QUAIL DR

1670 CURLEW ROAD
13-28-15-23526-000-0060
ZONING DESIGNATION TO
SINGLE FAMILY RESIDENTIAL (R-150)

1537 | 1555 | 1575 | 1442 |

ORDINANCE 16-05

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1670 CURLEW ROAD (PARCEL NUMBER 13-28-15-23526-000-0060) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.36 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

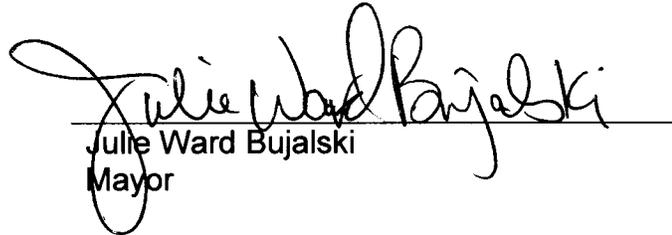
A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

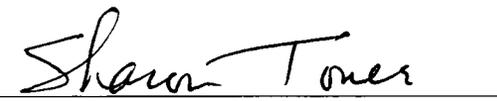
Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016

Kimberly A. Shurtleff, P.A. _____ Attorney at Law

1818 Short Branch Drive, Suite 101
Trinity, Florida 34655

Telephone (727) 815-3693
Fax (727) 815-7877

January 13, 2016

City of Dunedin
PO Box 1348
Dunedin, Florida 34698

ATTORNEY'S CERTIFICATION OF TITLE

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To Whom It May Concern,

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Based upon the Attorneys' Title Fund Services, LLC's Ownership and Encumbrance Report, title to the above-mentioned property is vested in CHRISTOPHER J. ROGIER and YIMEI ROGIER by Warranty Deed recorded in O.R. Book 16530, Page 1383, Public Records of Pinellas County, Florida. Said real property is subject to the following encumbrances:

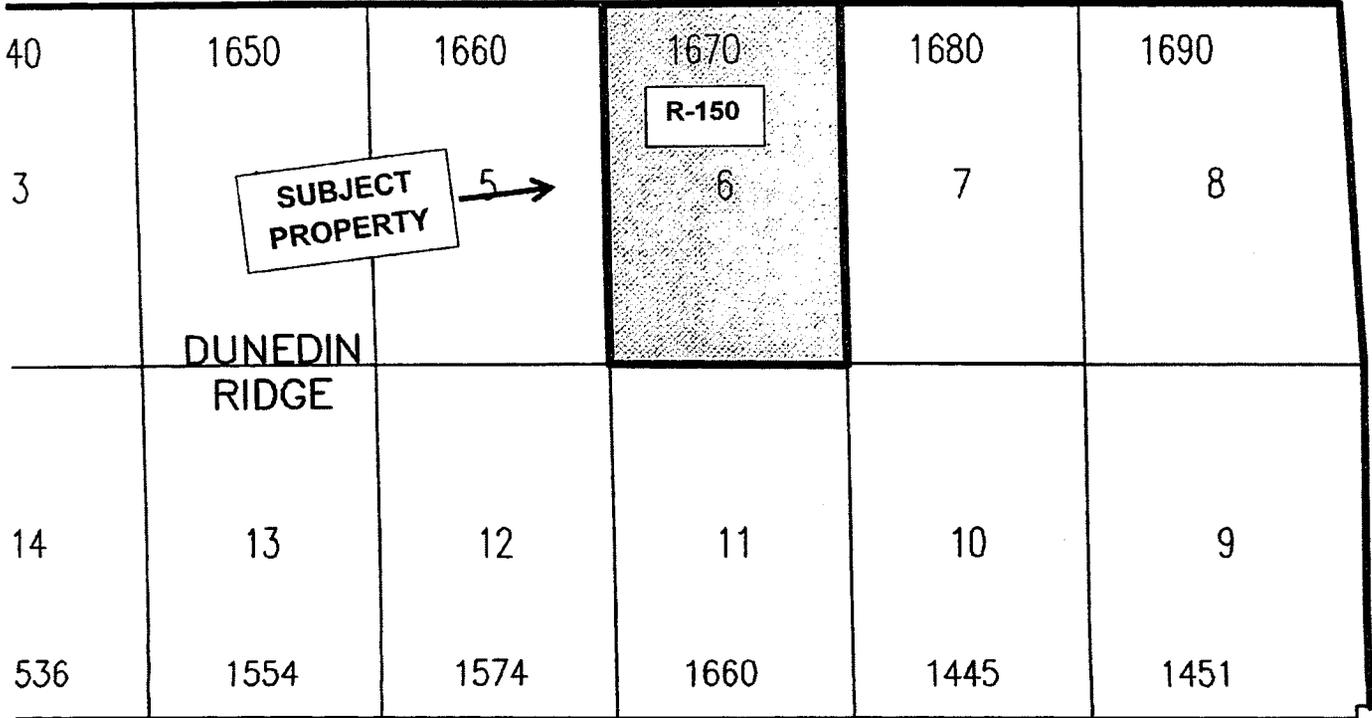
1. Mortgage to Third Federal Savings and Loan Association of Cleveland, mortgagee(s), recorded under O.R. Book 17348, Page 969, Public Records of Pinellas County, Florida.

Sincerely,



Kimberly A. Shurtleff, Esq.
Kimberly A. Shurtleff, P.A.

CURLEW ROAD



COUNTY ROAD 1 / KEENE

QUAIL DR

1670 CURLEW ROAD
13-28-15-23526-000-0060
ZONING DESIGNATION TO
SINGLE FAMILY RESIDENTIAL (R-150)

1537 1555 1575 1447

ORDINANCE 16-06

AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1670 CURLEW ROAD (PARCEL NUMBER 13-28-15-23526-000-0060) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.36 ACRES, ASSIGNING A RESIDENTIAL SUBURBAN (RS) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owners of the property described herein have requested that the said property receive amended land use designation on the Dunedin Land Use Plan following annexation; and

WHEREAS, the owner of the properties described herein have requested that the Dunedin Land Use Plan be changed following annexation to Residential Suburban (RS); and

WHEREAS, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Suburban (RS); and

WHEREAS, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

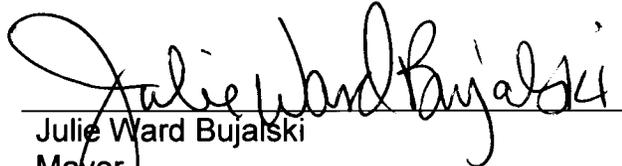
Section 1. That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Suburban (RS), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued

or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.



Julie Ward Bujalski
Mayor

ATTEST:

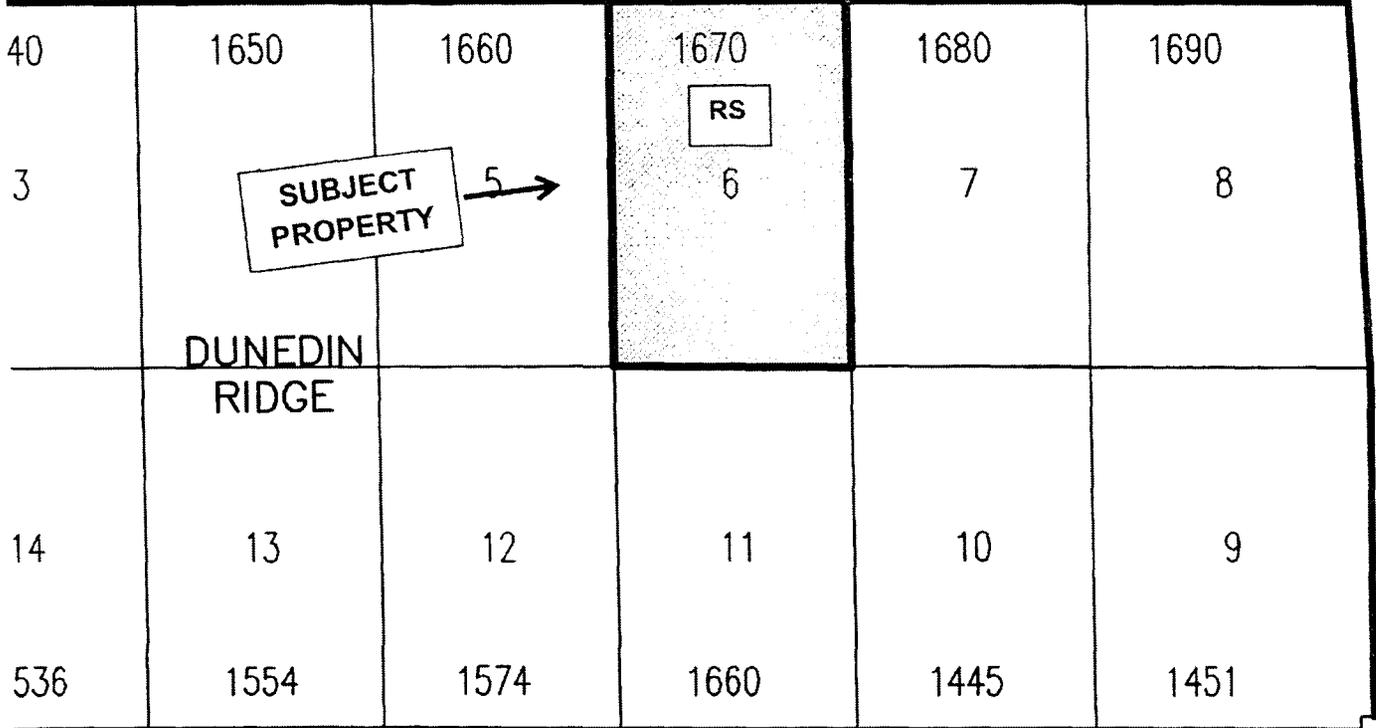


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016

CURLEW ROAD



COUNTY ROAD 1 / KEENE

QUAIL DR

1670 CURLEW ROAD
13-28-15-23526-000-0060
LAND USE DESIGNATION TO
RESIDENTIAL SUBURBAN (RS)

1537

1555

1575

1442

ORDINANCE 16-07

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1670 CURLEW ROAD (PARCEL NUMBER 13-28-15-23526-000-0060) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.36 ACRES, TO SINGLE-FAMILY RESIDENTIAL (R-150); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owners of the property described herein have requested that the said property be zoned following annexation to Single-Family Residential (R-150); and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owners be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Single-Family Residential (R-150), as said zoning classification is more particularly described in Dunedin's Land Development Code:

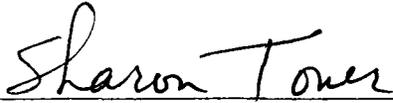
See Exhibit "A" attached hereto and made a part hereof.

Section 2: This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19 day of May, 2016.


Julie Ward Bujalski
Mayor

ATTEST:



Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED:

May 3, 2016

READ SECOND TIME AND ADOPTED:

May 19, 2016

CURLEW ROAD

40	1650	1660	1670	1680	1690
3	SUBJECT PROPERTY → 5		6	7	8
	DUNEDIN RIDGE				
14	13	12	11	10	9
536	1554	1574	1660	1445	1451

COUNTY ROAD 1 / KEENE

QUAIL DR

1537	1555	1575	1670 CURLEW ROAD 13-28-15-23526-000-0060
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KEN BURKE, CLERK OF COURT
 AND COMPTROLLER PINELLAS COUNTY, FL
 INST# 2016160569 05/26/2016 at 01:57 PM
 OFF REC BK: 19206 PG: 2419-2422
 DocType:GOV RECORDING: \$35.50

I DO HEREBY CERTIFY THIS TO BE A TRUE
 AND CORRECT COPY
 CERTIFIED THIS

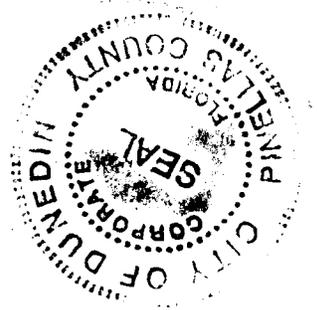
DATE

5/24/16

[Signature]
 CITY CLERK

ORDINANCE 16-08

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA, TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1977 SPANISH PINES DRIVE (PARCEL NUMBER 13-28-15-84576-000-0310) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.25 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.



WHEREAS, the City of Dunedin has received a written petition for annexation by the property owners of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is located within an area defined as an enclave by Florida Statute 171.031(13), which is, an unincorporated improved or developed area enclosed within and bounded on all sides by a single municipality; and

WHEREAS, Florida Statute 171.046 provides a municipality may annex an enclave involving 10 acres or less by interlocal agreement with the county having jurisdiction of the enclave; and

WHEREAS, Ordinance 14-22 was adopted on September 25, 2014 approving, accepting, adopting and authorizing the execution of an Interlocal Agreement between the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, the City of Tarpon Springs, and Pinellas County pursuant to Part II, Chapter 171, Florida Statutes, entitled the "Interlocal Service Boundary Agreement Act" (the Act); and

WHEREAS, said Interlocal Service Boundary Agreement permits non-contiguous, voluntary annexation of property within an enclave and provides for the terms and conditions thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission hereby declares its intention to annex into the corporate limits of the City Dunedin the following property:

Y 1000 1 001
SEE ATTACHED EXHIBIT "A"

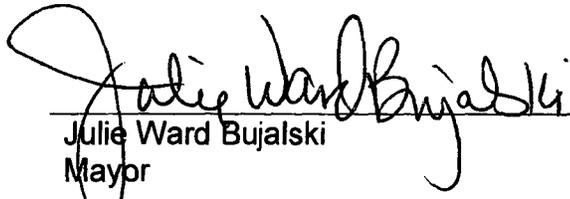
A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016



G. Michael Mackenzie, P.A.

Attorney & Counselor at Law

June 16, 2015

The Mayor and City Commission
City of Dunedin
542 Main St.
Dunedin, FL 34698

RE: Lot 31, SPANISH PINES, according to the map or plat thereof as recorded in Plat Book 75, Page 14, Public Records of Pinellas County, Florida.
1977 Spanish Pines Dr., Dunedin, Florida 34698
Tax Parcel #: 13/28/15/84576/000/0310

To whom it may concern:

I have searched the Public Records of Pinellas County, Florida to determine the ownership of the following described real property:

Lot 31, SPANISH PINES, according to the map or plat thereof as recorded in Plat Book 75, Page 14, Public Records of Pinellas County, Florida.

Title to the real property is vested in Gregory A. Rice and Debra A. Rice, pursuant to a deed recorded in O.R. Book 17226, Page 2120, of the Public Records of Pinellas County, Florida. Said property is encumbered by a mortgage in favor of MERS, as nominee for Van Dyk Mortgage Corporation, Lender, recorded in O.R. Book 17226, Page 2122, Public Records of Pinellas County, Florida. This letter is not a title opinion, but merely reflects the ownership of said property as reflected in the Public Records of this county.

Yours very truly,



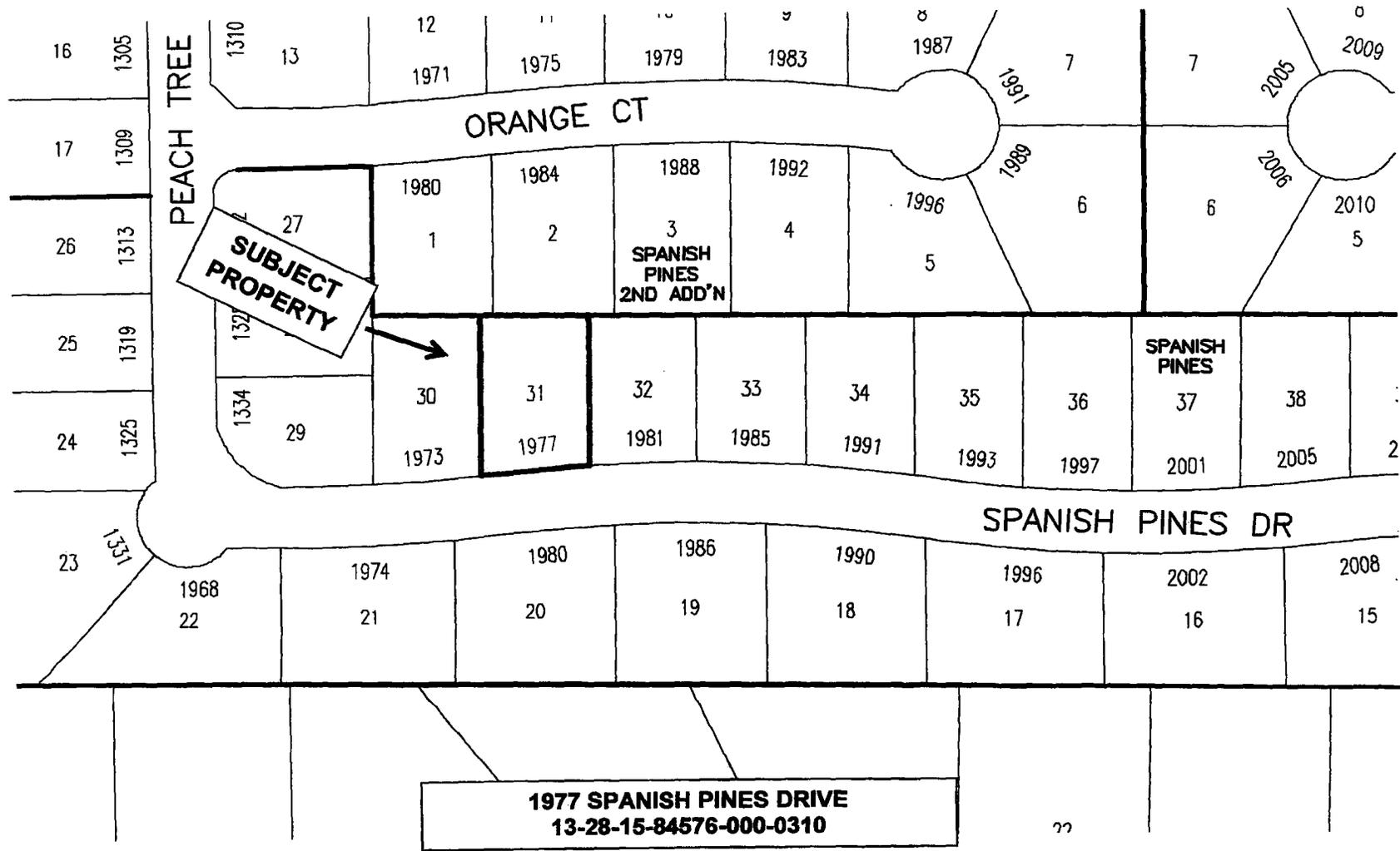
G. MICHAEL MACKENZIE

GMM:hs

2032 Bayshore Blvd., Dunedin, FL 34698
PH: (727) 733-1722 FX: (727) 733-1717
mike@mike-mackenzie.com



Board Certified Real Estate Lawyer
Corporate & Business Law
Estate Planning & Probate



ORDINANCE 16-08

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA, TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1977 SPANISH PINES DRIVE (PARCEL NUMBER 13-28-15-84576-000-0310) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.25 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Dunedin has received a written petition for annexation by the property owners of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is located within an area defined as an enclave by Florida Statute 171.031(13), which is, an unincorporated improved or developed area enclosed within and bounded on all sides by a single municipality; and

WHEREAS, Florida Statute 171.046 provides a municipality may annex an enclave involving 10 acres or less by interlocal agreement with the county having jurisdiction of the enclave; and

WHEREAS, Ordinance 14-22 was adopted on September 25, 2014 approving, accepting, adopting and authorizing the execution of an Interlocal Agreement between the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, the City of Tarpon Springs, and Pinellas County pursuant to Part II, Chapter 171, Florida Statutes, entitled the "Interlocal Service Boundary Agreement Act" (the Act); and

WHEREAS, said Interlocal Service Boundary Agreement permits non-contiguous, voluntary annexation of property within an enclave and provides for the terms and conditions thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission hereby declares its intention to annex into the corporate limits of the City Dunedin the following property:

SEE ATTACHED EXHIBIT "A"

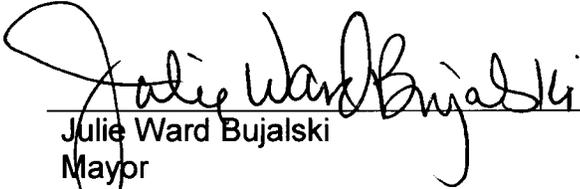
A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016



G. Michael Mackenzie, P.A.

Attorney & Counselor at Law

June 16, 2015

The Mayor and City Commission
City of Dunedin
542 Main St.
Dunedin, FL 34698

RE: Lot 31, SPANISH PINES, according to the map or plat thereof as recorded in Plat Book 75, Page 14, Public Records of Pinellas County, Florida.
1977 Spanish Pines Dr., Dunedin, Florida 34698
Tax Parcel #: 13/28/15/84576/000/0310

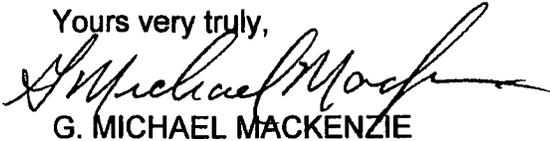
To whom it may concern:

I have searched the Public Records of Pinellas County, Florida to determine the ownership of the following described real property:

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Yours very truly,



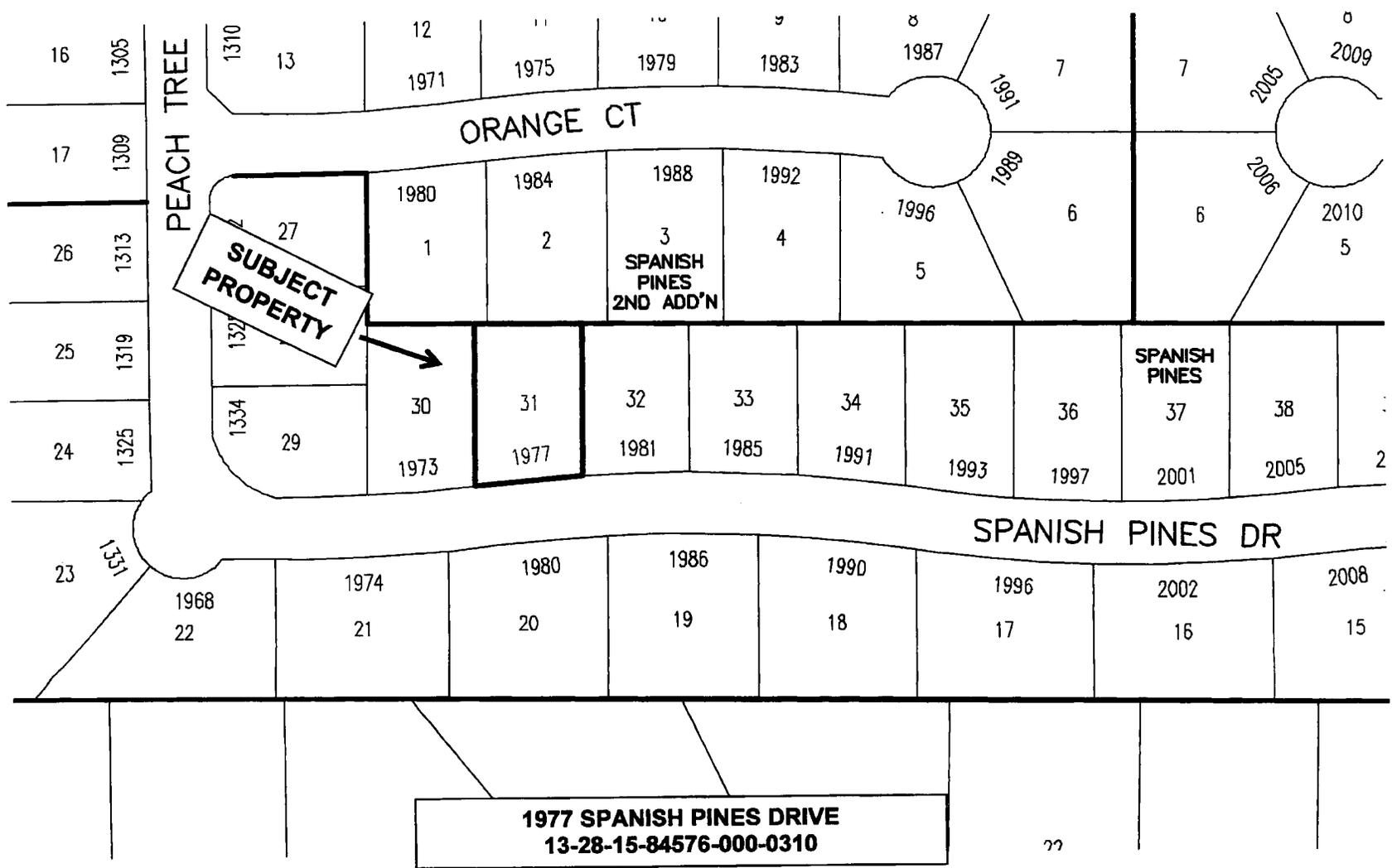
G. MICHAEL MACKENZIE

GMM:hs

2032 Bayshore Blvd., Dunedin, FL 34698
PH: (727) 733-1722 FX: (727) 733-1717
mike@mike-mackenzie.com

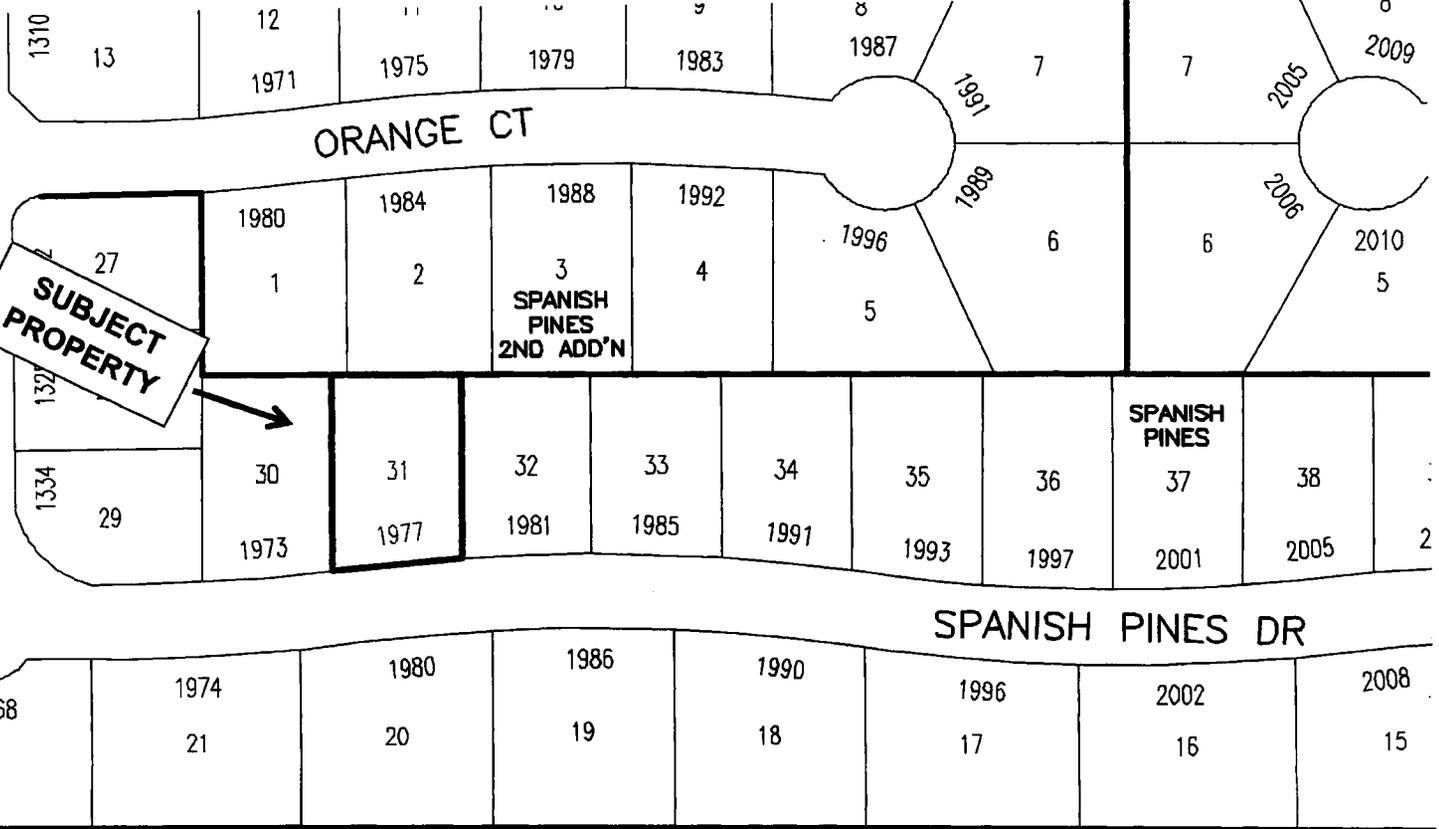


Board Certified Real Estate Lawyer
Corporate & Business Law
Estate Planning & Probate



16 1305
 17 1309
 26 1313
 25 1319
 24 1325
 23 1331

PEACH TREE



1977 SPANISH PINES DRIVE
13-28-15-84576-000-0310

ORDINANCE 16-09

AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1977 SPANISH PINES DRIVE (PARCEL NUMBER 13-28-15-84576-000-0310) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.25 ACRES, ASSIGNING A RESIDENTIAL LOW (RL) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owners of the property described herein have requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

WHEREAS, the owners of the property described herein have requested that the Dunedin Land Use Plan be changed following annexation to Residential Low (RL); and

WHEREAS, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Low (RL); and

WHEREAS, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

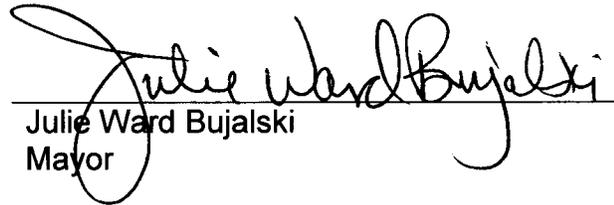
Section 1. That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Low (RL), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

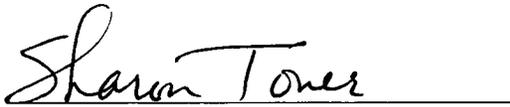
Section 2. The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development

permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.

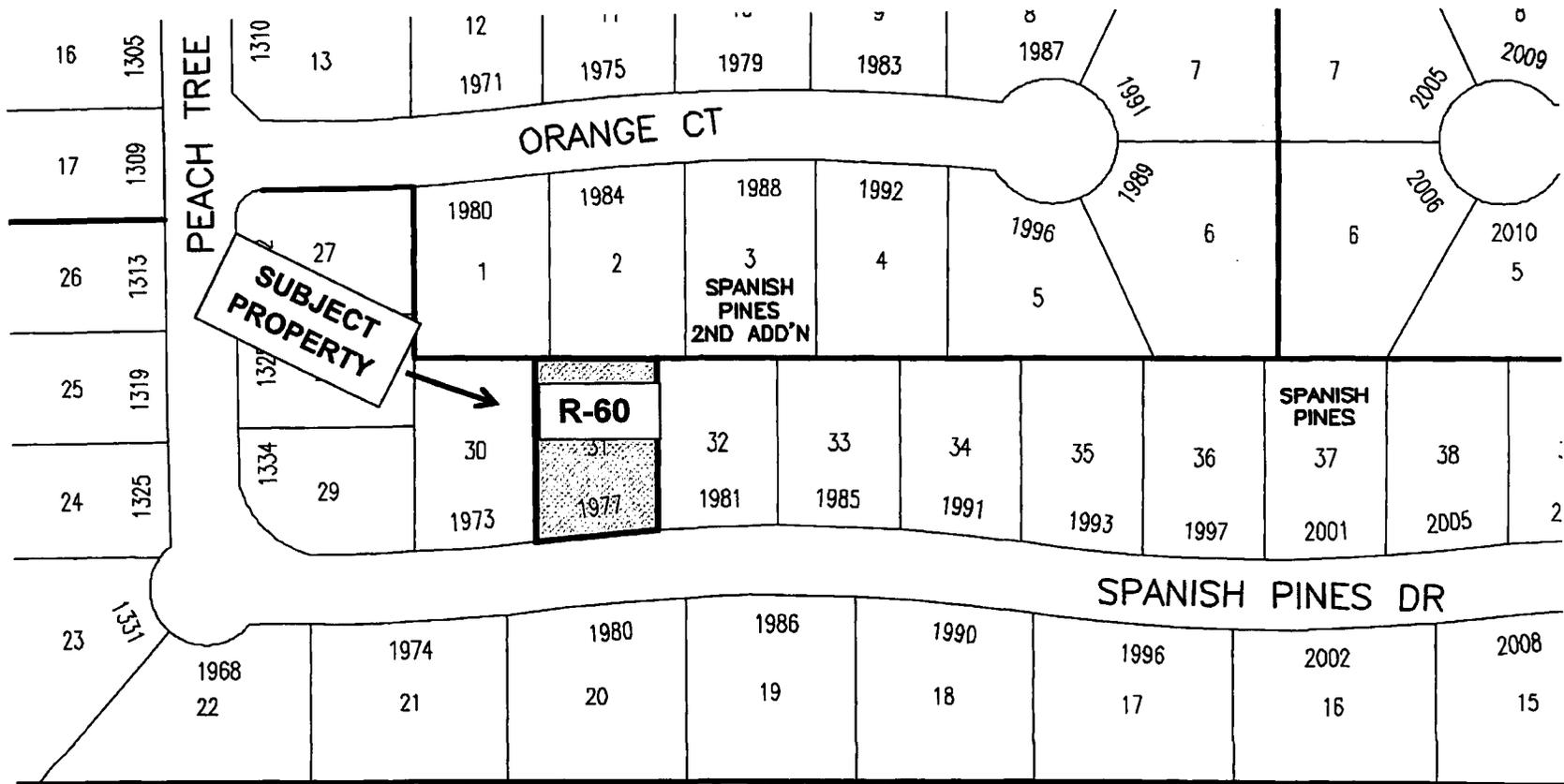

Julie Ward Bujalski
Mayor

ATTEST:


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016



1977 SPANISH PINES DRIVE
13-28-15-84576-000-0310

ZONING DESIGNATION TO
SINGLE-FAMILY RESIDENTIAL (R-60)

ORDINANCE 16-10

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1977 SPANISH PINES DRIVE (PARCEL NUMBER 13-28-15-84576-000-0310) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.25 ACRES, TO SINGLE-FAMILY RESIDENTIAL (R-60); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owners of the property described herein have requested that the said property be zoned following annexation to Single-Family Residential (R-60); and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owners be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

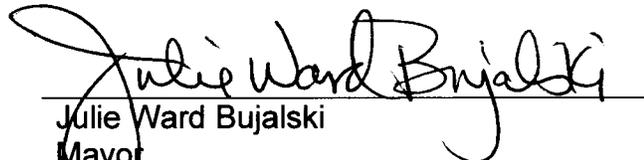
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Single-Family Residential (R-60), as said zoning classification is more particularly described in Dunedin's Land Development Code:

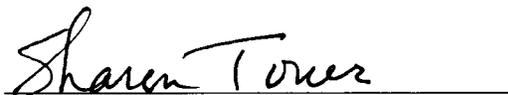
See Exhibit "A" attached hereto and made a part hereof.

Section 2: This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 19th day of May, 2016.

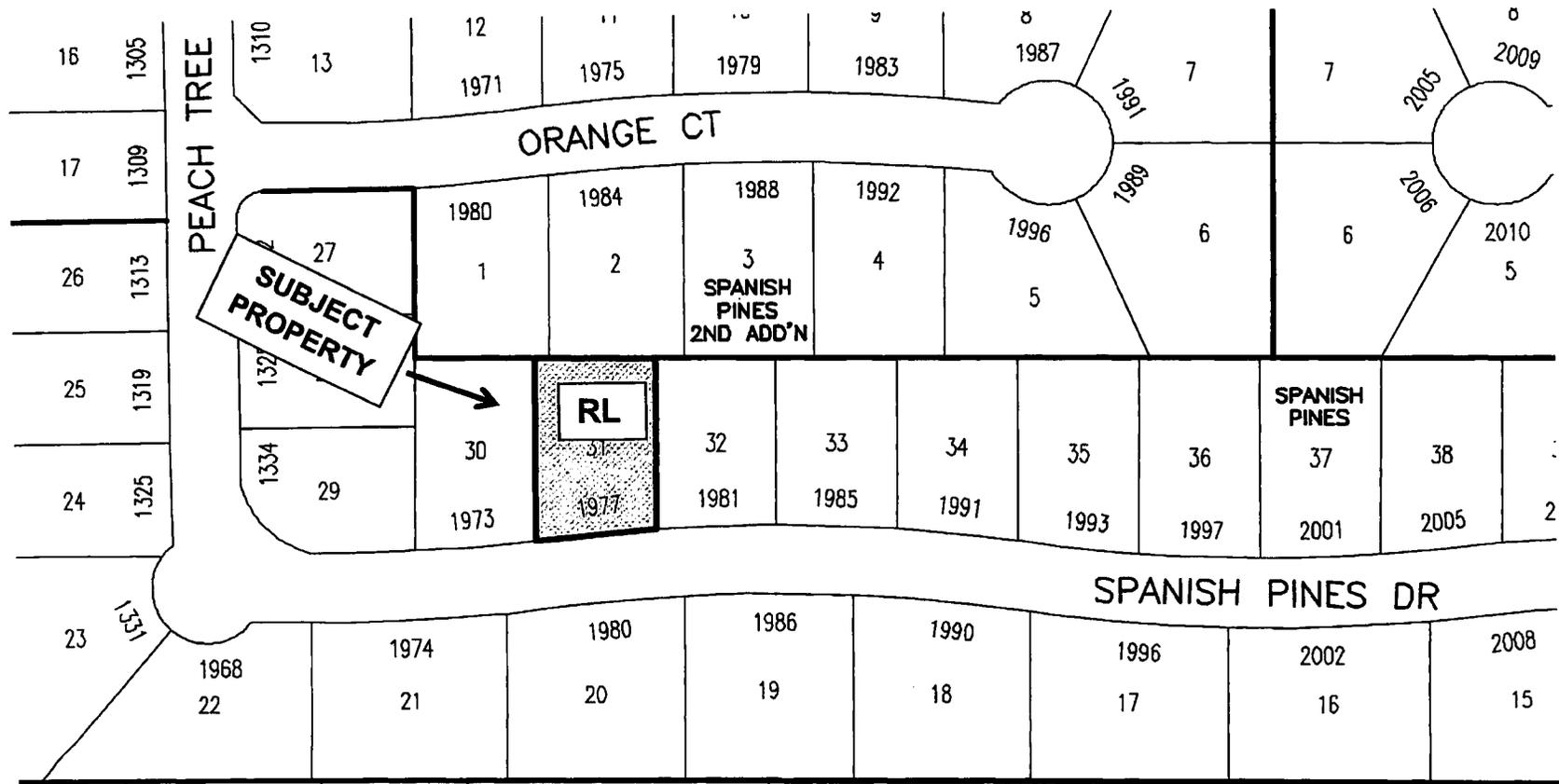

Julie Ward Bujalski
Mayor

ATTEST:


Sharon Toner, CMC
Acting City Clerk

READ FIRST TIME AND PASSED: May 3, 2016

READ SECOND TIME AND ADOPTED: May 19, 2016



**1977 SPANISH PINES DRIVE
13-28-15-84576-000-0310**

**LAND USE DESIGNATION TO
RESIDENTIAL LOW (RL)**

ORDINANCE 16-11

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016, FOR THE PURPOSE OF ELECTING A MAYOR, A COMMISSIONER FOR SEAT ONE AND A COMMISSIONER FOR SEAT THREE; FURTHER SAID ELECTION SHALL ALSO HAVE, IF NECESSARY, CITY INITIATIVE PETITIONS AND/OR PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING GUIDELINES IN ACCORDANCE WITH FLORIDA STATUTES, THE CITY CHARTER AND CHAPTER 26 TITLED "ELECTIONS" OF THE CITY OF DUNEDIN CODE OF ORDINANCES AND AS OUTLINED IN EXHIBIT A TITLED "AGREEMENT FOR CONDUCTING IN CONJUNCTION MUNICIPAL ELECTION"; PROVIDING AUTHORIZATION FOR THE INTERIM CITY MANAGER TO SIGN THE AGREEMENT; PROVIDING FOR PUBLICATION; AUTHORIZING ELECTION EXPENDITURES; BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the City of Dunedin City Charter, Section 5.04 titled "Election Ordinance", the City Commission shall, by City Ordinance define and describe to the voter and candidates qualifications, rules and methods of conducting elections within the City of Dunedin; and

WHEREAS, pursuant to the City Charter, Section 5.03 (Elections):

- On November 8, 2016, the qualified electors shall elect a Mayor and two (2) Commissioners, one for seat one (1) and one for seat three (3) to serve for a term of four (4) years; and
- The candidate receiving the highest number of votes for the numbered seat shall be declared elected, if otherwise qualified.
- The candidates so elected shall assume their offices at a Special City Commission meeting on the second Monday following the election.

WHEREAS, pursuant to Section 26-73 titled "Method of qualifying" item (c)(3): As a condition precedent to qualifying, the candidates shall be required to file with their petition cards a personal affidavit showing that they are residents of the city, having physically resided therein for a period of at least one year

immediately prior to submitting the petition cards and are qualified electors of the city; and

WHEREAS, pursuant to Section 26-74 titled "Time for qualifying": No person may qualify as a candidate prior to the 155th day before the next city election nor later than 12:00 noon, local time, on the 141st day before the said election, except that if the 141st day falls on a day that is a Saturday, Sunday or city holiday, the qualifying period shall be extended to the next city business day; and

WHEREAS, said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 titled "Elections" of the City of Dunedin Code of Ordinances and as outlined in Exhibit A titled "Agreement for Conducting in Conjunction Municipal Election"; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That an election shall be held in the City of Dunedin, Florida on November 8, 2016, for the purpose of electing a Mayor and two (2) Commissioners, one for seat one (1) and one for seat three (3) to serve for a term of four (4) years.

Section 2. That said election shall also have, if necessary, City initiative petitions and/or proposed amendments to the City Charter.

Section 3. That said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 titled "Elections" of the City of Dunedin Code of Ordinances and as outlined in Exhibit A titled "Agreement for Conducting in Conjunction Municipal Election".

Section 4. That the Interim City Manager shall be authorized to sign the Agreement between the Pinellas County Supervisor of Elections and the City of Dunedin.

Section 5. That the City Clerk shall be authorized:

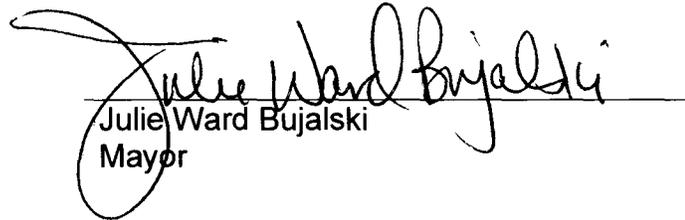
- ◆ To procure such voting equipment, ballots, tally sheets, list of registered voters, certificates and such other similar items as shall be necessary for the conducting and holding of such election.
- ◆ To expend such monies as may be necessary in order to prepare for and conduct said election.
- ◆ To accept Campaign Treasurer's Reports and review such reports to verify information for completeness and allow amendments as provided by law.

Section 6: That the new four-year term for the Mayor and Commissioners will commence on the second Monday following the election, which will be a Special Meeting on November 21, 2016.

Section 7: That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

Section 8: This Ordinance shall become effective immediately upon its final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 21st day of April, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

Passed on First Reading: April 07, 2016

Passed on Second Reading: April 21, 2016

ORDINANCE 16-11

EXHIBIT A

Agreement for Conducting in Conjunction Municipal Election



Pinellas County Supervisor of Elections

13001 Starkey Road, Largo, Florida 33773-1416 • 727 464 6108 • VotePinellas.com

Agreement for Conducting In Conjunction Municipal Election

City of Dunedin

General Election – November 8, 2016

WHEREAS, the City/Town has requested the assistance of the Office of the County Supervisor of Elections (Supervisor) in conducting its General Election; and

WHEREAS, the Supervisor is agreeable to providing such assistance to the City/Town subject to the following conditions, considerations and agreements arrived at between the parties;

IT IS HEREBY AGREED AS FOLLOWS:

GENERAL PROVISIONS

The election is to be conducted under any applicable ordinances of the City/Town and all sections of Chapters 97-106, Florida Statutes (the State Election Code). It is understood that the Supervisor is in charge of the election, and that the County Canvassing Board is responsible for canvassing the election (no cost to the City/Town). The City/Town may have a designated representative in the canvassing board room. This designee may only serve in an “observer” capacity and may not participate in the canvassing of the election. The County Canvassing Board will determine whether a recount is required and advise the City/Town. The County Canvassing Board will certify the election results and will provide a certificate of election and a conduct of election report to the City/Town (ONE certificate of election and conduct of election report will include all elections held on the same day). These documents will be provided to the City/Town after the County Canvassing Board certifies the official election results no sooner than 10 days after the election (F.S. 101.6952 states: “An absentee ballot from an overseas voter in any presidential preference primary or general election which is postmarked or dated no later than the date of the election and is received by the supervisor of elections ... no later than 10 days after the date of the election shall be counted as long as the absentee ballot is otherwise proper.” “An absentee ballot” as indicated in F.S. 101.6952, includes ALL federal, state, multi-county, county and municipal races and questions.

Agreement for Conducting In Conjunction Municipal Election

The Post-Election Audit may not begin until the Canvassing Board has certified the official election results. The City/Town is responsible for the costs associated with conducting an annexation election (mapping annexation areas, reassigning addresses, and mailing new voter registration cards).

The City/Town is responsible for the costs associated with any legal action or contest of election arising from its election. The City/Town, the Supervisor of Elections and the County Canvassing Board agree that the County Attorney's Office will represent the Supervisor of Elections and County Canvassing Board in any legal action concerning the canvass or certification of the election.

It is understood that the provisions of this contract are based on current state law, and if any changes in election law should occur during the period of this agreement, those changes will supersede the terms of this contract where applicable.

The City/Town will provide the Supervisor with the current City/Town definition/boundaries (which includes ALL current annexations) no later than 5:00 p.m., August 23, 2016. It is the responsibility of the City/Town to ensure the Supervisor has the current definition/boundary information so all eligible voters can participate in the City/Town's election. The City/Town agrees that NO changes to the City/Town definition/boundaries will be made effective between 5:00 p.m., August 23, 2016, and Midnight, November 8, 2016.

This contract must be signed by the City/Town and received by the Supervisor no later than the ballot language deadline of 5:00 p.m., August 23, 2016.

The Supervisor will certify to the City/Town the number of registered voters for this election approximately 10 days prior to the election.

Agreement for Conducting In Conjunction Municipal Election

ELECTION INFORMATION

Election Title: General Election
Election Date: November 8, 2016
Voter Registration Deadline: October 11, 2016

SPECIAL PROVISIONS

City/Town Clerk: Denise Kirkpatrick
*Election Day Cell Phone: (727) 423-5316
Alternate Phone: (727) 298-3034
Fax: (727) 298-3505
Mailing Address: P.O. Box 1348, Dunedin, FL 34697-1348

***The City/Town Clerk MUST be available from 6:00 a.m. to 10:00 p.m. on Election Day.**

BALLOT INFORMATION (Wendy Grimes 464-4987):

- Final Ballot Language is due no later than **5:00 p.m., August 23, 2016** and must include all qualified opposed candidates and resolutions and/or ordinances with ballot questions.
- All ballot language must comply with Florida Statutes 101.161(1) and the Uniform Ballot Rule (1S-2.032).
- Using the Ballot Language Submittal Forms – Complete required information. Include information and Candidate Oaths for ONLY qualified opposed candidates in ballot order, and all Charter Amendments/Referendum Questions with SIGNED/APPROVED Ordinances/Resolutions including numbering for ballot order.
- Scan and email ballot language to Wendy Grimes at wgrimes@votepinellas.com by the final ballot language deadline.

BALLOT LAYOUT/PRINTING (Marc Gillette 464-4958)

- The Supervisor is responsible for creating the ballot (ballot layout will comply with Florida Statutes and the Uniform Ballot Rule).
- The City/Town is responsible for approving the City/Town's portion of ballot.

Agreement for Conducting In Conjunction Municipal Election

- Precinct ballots will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card (includes shipping charges) if the City/Town's portion of the ballot creates an additional ballot card.
- Provisional Ballots (minimum of 25 ballots per precinct) will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.
- If the City/Town requires a ballot change after ballots are printed, the City/Town is responsible for additional costs.

CANDIDATE AUDIO RECORDING (Nicole Sokolowski/David Wise 464-4958)

The deadline for candidates to record their names and office titles for the audio ballot is **5:00 p.m., August 31, 2016**. It is the responsibility of the City/Town to notify City/Town candidates of this deadline. Candidates must call (727) 453-3293; a voice message will prompt the candidate to record his/her name as indicated on the Candidate Oath and the office for which the candidate is running.

MAIL /ABSENTEE BALLOTS (Martin Munro 464-6788)

- The Supervisor will bill the City/Town 22 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in the initial mailing.
- The Supervisor will bill the City/Town 40 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in daily mailings.
- If placement of the City/Town's municipal races/questions on the ballot causes an additional ballot card to be created, the Supervisor will bill the City/Town for the cost of that additional card and postage for mailing that ballot.
- The deadline for mailing military/overseas mail/absentee ballots is **September 24, 2016** [F.S. 101.62(4)(a)]. Tentative Mailing Schedule for military/overseas ballots: The week of **September 19, 2016**, no later than **September 24, 2016**.
- Domestic ballots must be mailed no earlier than **October 4, 2016** and no later than **October 11, 2016** [F.S. 101.62(4)(b)].

Agreement for Conducting In Conjunction Municipal Election

- After the initial mailings, ballots will be mailed daily up to the fourth day prior to the election. The deadline to request a ballot be mailed is **5:00 p.m., November 2, 2016**, six days prior to the election [F.S. 101.62].
- Duplicate and test ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

LEGAL NOTICES (Jason Latimer 464-4988)

- The Supervisor is responsible for publishing the canvassing board meeting schedule.
- The Supervisor is responsible for creating the Sample Ballot and publishing it in a newspaper of general circulation. The City/Town is responsible for the advertising costs associated with publishing their portion of the sample ballot advertisement. The Supervisor will bill the City/Town for the City/Town's portion of the sample ballot advertisement.
- The Supervisor is responsible for mailing any necessary polling place change notices, one per household, and publishing the list in a newspaper of general circulation.
- If the City/Town is conducting a special election or special referendum election, the City/Town is responsible for any additional notices required by Florida law. The City/Town is responsible for any notices required in its charter or by ordinance.

TESTING BALLOT COUNTING EQUIPMENT (Marc Gillette 464-4958)

The canvassing board will certify test results of the ballot counting equipment and the Supervisor will file the election parameters with the Division of Elections. The Supervisor will publish the canvassing board meeting schedule.

CANVASSING BOARD MEETING SCHEDULE (Jason Latimer 464-4988)

All Canvassing Board Meetings will take place at: Election Service Center, 13001 Starkey Road, Largo
The Supervisor will publish the canvassing board meeting schedule.

Agreement for Conducting In Conjunction Municipal Election

EARLY VOTING (Martin Munro 464-6788)

Early Voting ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

Early Voting will be October 24, 2016 – November 6, 2016 [F.S. 101.657]

Days/Times of Operation

Monday- Sunday: 7:00 a.m. – 7:00 p.m.

Early Voting Locations

- Election Office - County Courthouse, 315 Court Street, Room 117, Clearwater, FL 33756
- Election Service Center, 13001 Starkey Road, Largo, FL 33773
- Election Office – County Building, 501 First Avenue North, St. Petersburg, FL 33701
- Gulfport Neighborhood Center, 1617 49th Street South, Gulfport, FL 33707
- Centre of Palm Harbor, 1500 16th Street, Palm Harbor, FL 34683

MAIL / ABSENTEE BALLOT DROP-OFF LOCATIONS (Jeff Mendes 464-6110)

The Supervisor will provide mail/absentee ballot drop-off locations. Locations, dates and times will be published by the Supervisor of Elections.

POLL WATCHERS (Wendy Grimes 464-4987)

- Early voting poll watcher designations for municipal candidates/committees must be submitted to the City/Town Prior to Noon, October 10, 2016 [F.S. 101.131(2)].
- The City/Town must submit Early Voting poll watcher designations to the Supervisor Prior to 5:00 p.m., October 10, 2016.
- Election Day poll watcher designations for municipal candidates/committees must be submitted to the City/Town Prior to Noon, October 25, 2016 [F.S. 101.131(2)].
- The City/Town must submit Election Day poll watcher designations to the Supervisor Prior to 5:00 p.m, October 25, 2016.

Agreement for Conducting In Conjunction Municipal Election

- The City/Town shall provide to each designated municipal poll watcher, no later than 7 days prior to the beginning of Early Voting and Election Day, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the early voting area or polling room. [F.S. 101.131(5)].

OVER-THE-COUNTER BALLOT PICKUP (Martin Munro 464-6788)

In-office ballot pickup will be available in each of the Supervisor of Elections locations during the following dates and times:

- September 26 – October 23: 8:00 a.m. - 5:00 p.m. (Closed weekends and holidays)
- October 24 – November 6: 7:00 a.m. - 7:00 p.m.
- November 7: 8:00 a.m. – 5:00 p.m.
- November 8: 7:00 a.m. - 7:00 p.m. [Only permitted in cases of emergency, F.S. 101.62(4)(c).5]

VOTING EQUIPMENT AND SUPPLIES (Ken Lanphar 464-6788)

- The Supervisor will contract with a moving company to transport the voting equipment and supplies to and from polling locations.
- Supplies not transported by the moving company will be picked up by the precinct clerks after Clerks' Class at the Election Service Center.

POLL WORKERS (Laurie Fidler 464-6110)

- The Supervisor will recruit, assign, train, and compensate ALL poll workers.
- A Deputy Sheriff will deputize the poll deputies.
- The Supervisor will bill the City/Town for additional poll workers needed to support voters eligible to vote only in City/Town's election.

POLLING PLACES (Linda Cahill – 464-6110)

The Supervisor will select, contract with and compensate polling places [F.S. 101.715].

CANVASSING MAIL / ABSENTEE BALLOTS (Martin Munro 464-6788)

The Supervisor, in the presence of the County Canvassing Board will open and prepare mail/absentee ballots for tabulation at the Election Service Center. Questionable ballots will be presented to the County Canvassing Board for decision. Florida Statute 101.68(2) allows for the

Agreement for Conducting In Conjunction Municipal Election

canvassing of mail/absentee ballots to begin 15 days prior to the election. The Canvassing Board/testing schedule reflects ALL possible meeting days. The Canvassing Board will modify the schedule as needed based on the number of mail/absentee ballots received. Updates to the canvassing board schedule will be posted to the Supervisor's website.

PROVISIONAL BALLOTS (Martin Munro 464-6788)

The Supervisor will research each provisional ballot to determine the voter's eligibility and will present the provisional ballots to the County Canvassing Board for decision. Voters casting a provisional ballot have two days after Election Day to provide written proof of eligibility to the County Canvassing Board. The deadline for this election is **5:00 p.m., November 10, 2016** [F.S. 101.048]. All provisional ballots will be canvassed at the Election Service Center.

ELECTION NIGHT PROCEDURE (Jason Latimer 464-4988)

- The Supervisor will have unofficial election results modemed from the polling places to the Election Service Center.
- The Supervisor will have the precinct scanner memory sticks, voted precinct and provisional ballots, and election supplies transported to the Election Service Center.
- Results will be released throughout the night and posted to the Supervisor's website (VotePinellas.com). The Supervisor will provide unofficial results on election night.
- Campaign Signs – If candidates wish to reuse their campaign signs left at the polls on Election Day, the signs must be collected by campaign staff prior to poll workers removing and disposing of them after the polls close.

AFTER ELECTION DAY (Jason Latimer 464-4988)

- Provisional ballots will be canvassed. All ballots accepted by the County Canvassing Board will be processed and added to the election night results to produce Official Election Results. Provisional ballots cannot be rejected until after the deadline for provisional ballot voters to provide written proof of eligibility [F.S. 101.048].
- The County Canvassing Board will certify the election results and will provide a certificate of election and a conduct of election report to the City/Town (ONE Certificate of Election and

Agreement for Conducting In Conjunction Municipal Election

Conduct of Election report will include all elections held on the same day). These documents will be provided to the City/Town via email after the County Canvassing Board certifies the official election results.

- The County Canvassing Board will conduct a post-election manual audit in accordance with F.S. 101.591 and Division of Elections Administrative Rule 1S-5.026. The Supervisor will post the required post-election audit notices to the Supervisor's website and at each elections office. The Supervisor will provide a copy of the notices via email to the City/Town to post at City/Town Hall (and website, if applicable). The Supervisor will post the final post-election audit report to the Supervisor's website and will provide to the City/Town a copy of the report, via email, to post to the City/Town website, if applicable, after the County Canvassing Board completes the audit.
- Election materials will remain sealed at the Election Service Center for the duration of the public records retention period.
- The Supervisor of Elections in accordance with F.S. 98.0981(2) will report precinct-level results to the Department of State within 30 days following the election.

DATA PROCESSING ORDERS (Nicole Sokolowski 464-4958)

The City/Town is to place data orders directly with an IT staff member by contacting 464-4958 or SOEIT@VotePinellas.com.

VOTER HISTORY (Marc Gillette/David Wise 464-4958)

When voter history is completed, the City/Town will be provided with the names of those who voted. The information will be provided on CD to each municipality.

Agreement for Conducting In Conjunction Municipal Election

ELECTION COSTS (Dawn Ricketts 464-6108)

- There will be a 10-cent election administration fee per registered voter.
- The City/Town will be provided an invoice based on election cost estimates. Payment must be received no later than **5:00 p.m., August 23, 2016**. After the election, based on actual election costs, the Supervisor will reimburse the City/Town for used funds or provide the City/Town with an invoice for additional costs incurred.

By affixing their signatures hereto, the parties acknowledge each to the other that they have full authority to enter into this Contract.

APPROVED:



DEBORAH CLARK
Supervisor of Elections, Pinellas County, Florida
Dated: 5/3/16

APPROVED:



CITY MANAGER
Print name: DOUGLAS HUTHENS
Dated: 4.21.16

APPROVED AS TO FORM:



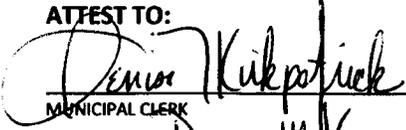
JEWEL WHITE
Chief Assistant County Attorney
Dated: 5.2.16

APPROVED AS TO FORM:



CITY/TOWN ATTORNEY
Print name: _____
Dated: 4/20/16

ATTEST TO:

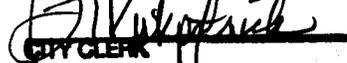


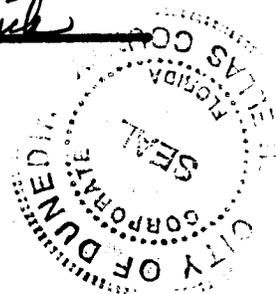
MUNICIPAL CLERK
Print name: DENISE M. CIRKPATRICK
Dated: 4/21/16

KEN BURKE, CLERK OF COURT
 AND COMPTROLLER PINELLAS COUNTY, FL
 INST# 2016323864 10/24/2016 at 03:31 PM
 OFF REC BK: 19386 PG: 1408-1411
 DocType:GOV RECORDING: \$35.50

I DO HEREBY CERTIFY THIS TO BE A TRUE
 AND CORRECT COPY
 CERTIFIED THIS

DATE 10-20-2014


 CITY CLERK



ORDINANCE 16-12

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1420 CARNATION DRIVE (PARCEL NUMBER 26-28-15-00000-140-0700) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.30 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

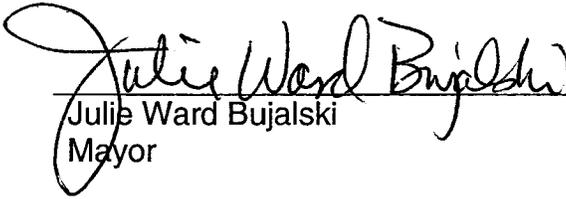
Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the

~~ARTICLE 38 OF THE CITY CHARTER~~

City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within ~~the corporate limits~~ and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of October, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: October 06, 2016

READ SECOND TIME AND ADOPTED: October 20, 2016

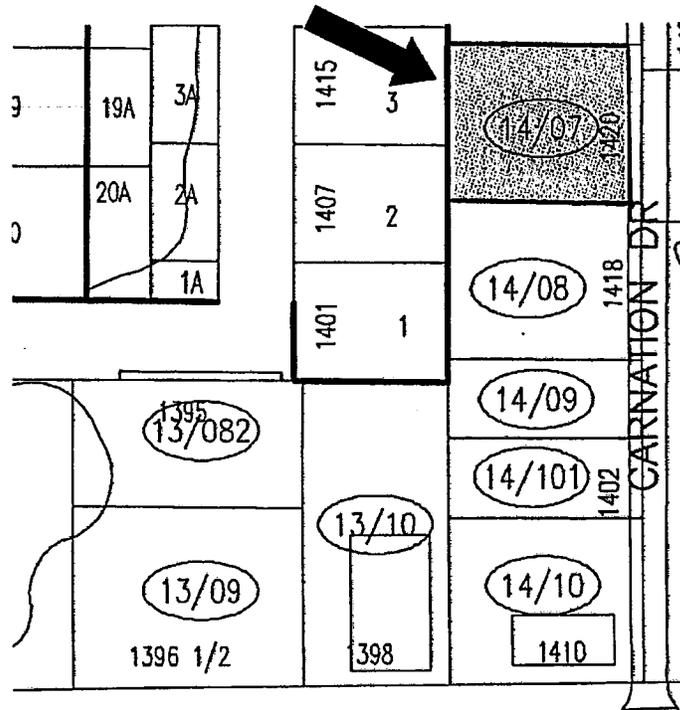
**ORDINANCE 16-12
Annexation
Exhibit A**

**APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700**

Legal Description

From the NW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 28 South, Range 15 East, Run South 863 feet for a Point of Beginning; Then from said Point of Beginning, run South 100 feet; then East 128.75 feet, thence North 100 feet, thence West 128.75 feet to the Point of Beginning, LESS the East 15 feet for road right-of-way.

**ORDINANCE 16-12
Annexation
Exhibit B**



MAIN ST S.R. 580

**APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700**

ORDINANCE 16-12

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 1420 CARNATION DRIVE (PARCEL NUMBER 26-28-15-00000-140-0700) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.30 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

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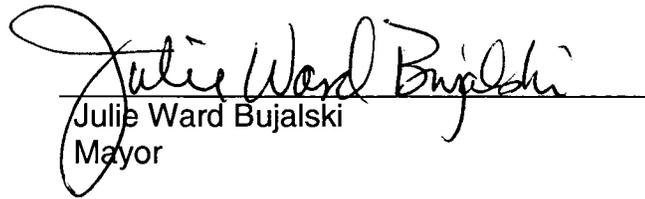
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Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the

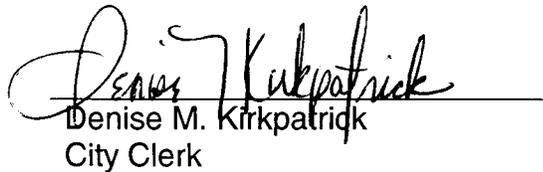
City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of October, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: October 06, 2016

READ SECOND TIME AND ADOPTED: October 20, 2016

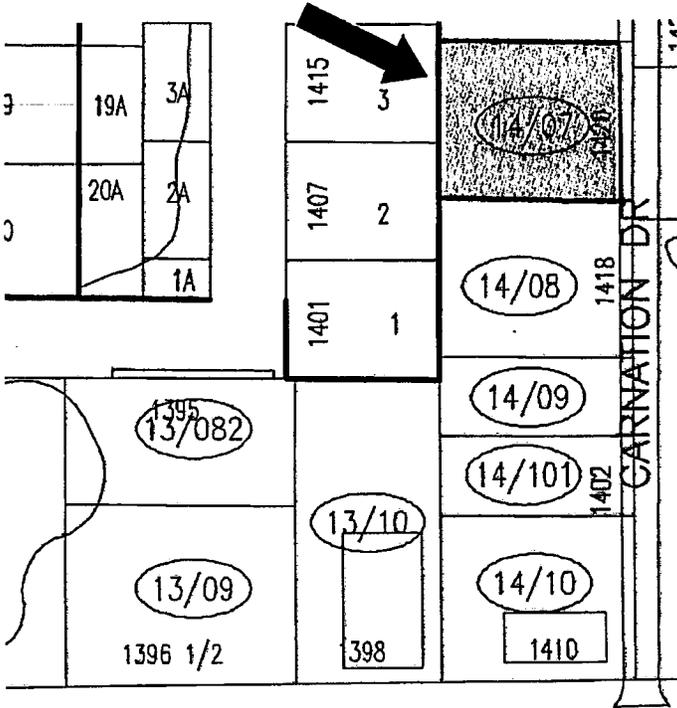
**ORDINANCE 16-12
Annexation
Exhibit A**

**APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700**

Legal Description

From the NW corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 28 South, Range 15 East, Run South 863 feet for a Point of Beginning; Then from said Point of Beginning, run South 100 feet; then East 128.75 feet, thence North 100 feet, thence West 128.75 feet to the Point of Beginning, LESS the East 15 feet for road right-of-way.

**ORDINANCE 16-12
Annexation
Exhibit B**



MAIN ST S.R. 580

**APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700**

ORDINANCE 16-13

AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1420 CARNATION DRIVE (PARCEL NUMBER 26-28-15-00000-140-0700) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.30 ACRES, ASSIGNING A RESIDENTIAL MEDIUM (RM) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

WHEREAS, the owner of the property described herein has requested that the Dunedin Land Use Plan be changed following annexation to Residential Medium (RM); and

WHEREAS, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Medium (RM); and

WHEREAS, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

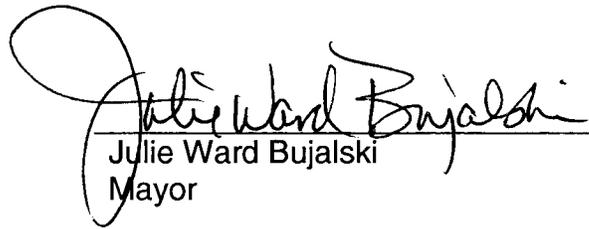
Section 1. That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Medium (RM), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued

or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of October, 2016.


Julie Ward Bujalski
Mayor

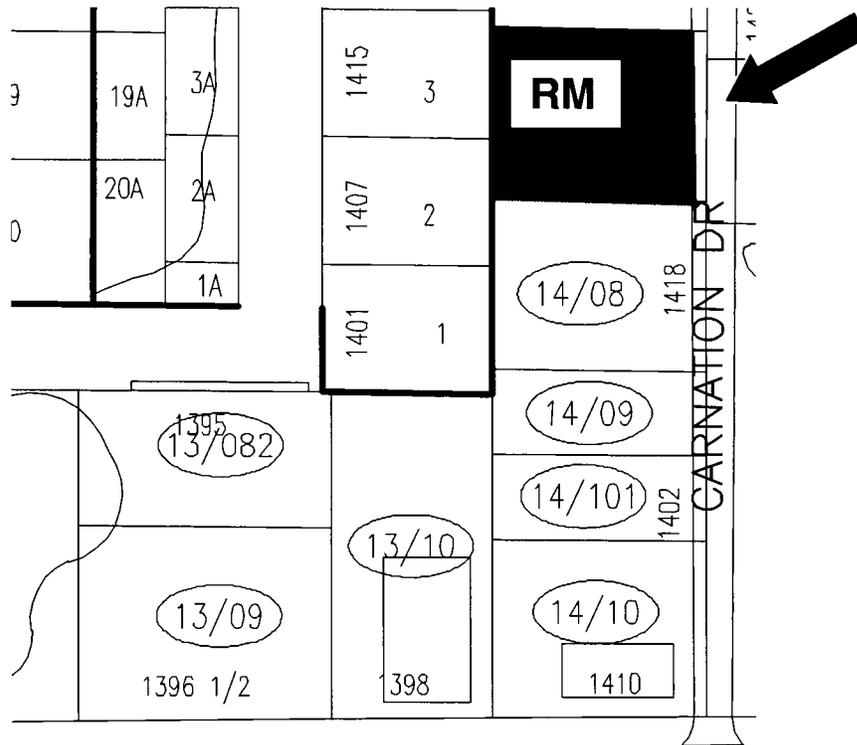
ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: October 06, 2016

READ SECOND TIME AND ADOPTED: October 20, 2016

ORDINANCE 16-13
Land Use Plan Designation
County "RM" to City "RM"



MAIN ST S.R. 580

APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700

ORDINANCE 16-14

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 1420 CARNATION DRIVE (PARCEL NUMBER 26-28-15-00000-140-0700) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.30 ACRES, TO FORM-BASED MEDIUM (FX-M); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property be zoned following annexation to Form-Based Medium (FX-M); and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owners be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

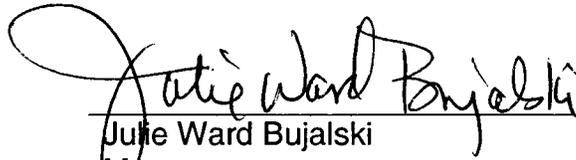
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Form-Based Medium (FX-M), as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of October, 2016.



Julie Ward Bujalski
Mayor

ATTEST:

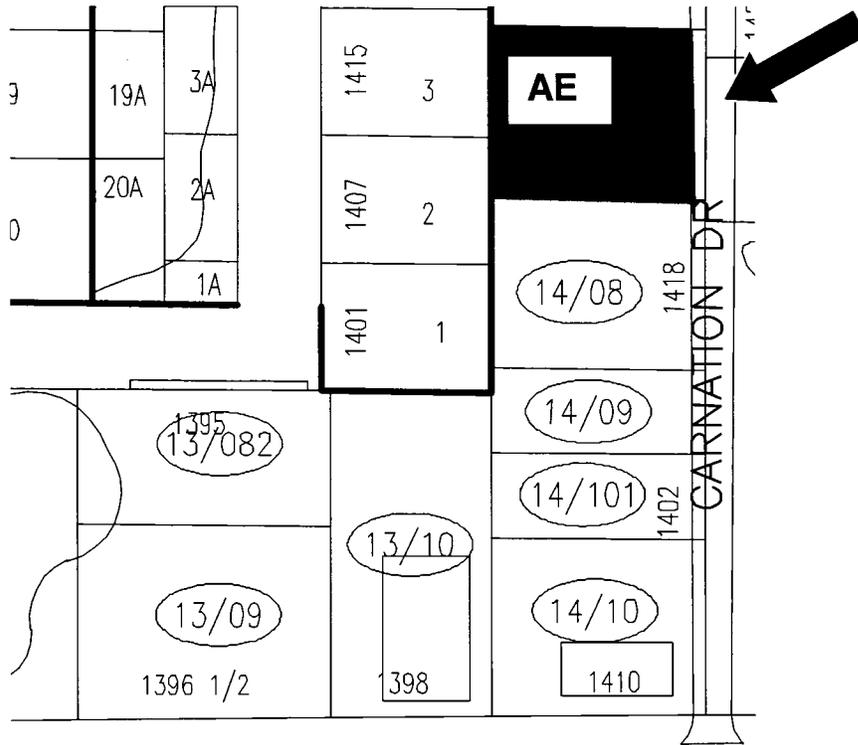


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: October 06, 2016

READ SECOND TIME AND ADOPTED: October 20, 2016

**ORDINANCE 16-14
REZONING
County "AE" to City "FX-M"**



MAIN ST S.R. 580

**APPLICATION AN-SD-ZO 16-58.00
1420 CARNATION DRIVE
Parcel Number 26-28-15-00000-140-0700**

ORDINANCE 16-15

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING SECTION 104-54.1.1 OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR THE EXEMPTION OF FORMAL INFRASTRUCTURE REVIEW OF DEVELOPMENT PROJECTS LESS THAN ONE-HALF ACRE IN SIZE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Commission of the City of Dunedin adopted Ordinance 10-19 in December of 2010, replacing the City of Dunedin Uniform Development Code in its entirety with the City of Dunedin Land Development Code; and

WHEREAS, City staff has determined certain revisions are necessary to improve the development process and simplify the code; and

WHEREAS, the suggested revision to Section 104-54.1.1 of the Land Development Code allows for development projects less than one-half acre in size to be considered exempt from the formal infrastructure review process at the discretion of the City Engineer and/or his/her designee; and

WHEREAS, the Local Planning Agency of the City of Dunedin has considered the revision and has recommended the changes are necessary; and

WHEREAS, the recommendations of City staff and the Local Planning Agency have been found by the City Commission to be meritorious.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 104-54.1.1 of Chapter 104 of the Land Development Code of the City of Dunedin is amended to read as follows:

104-54.1.1 - General

For all development requiring infrastructure/site construction review and approval, the engineer of record shall submit to the Engineering office nine (9) sets of the infrastructure/site construction plans of the development, of which two (2) sets shall be certified by a Florida professional engineer, on standard 24-inch by 36-inch sheets with a standard plan scale of 50 feet or less to one inch (20 feet to the inch is the preferred scale). Subject to the condition cited in § 104-54.8, city staff will review the final engineering/construction plans for compliance with the city Code of Ordinances and standards. Development

projects for any parcel less than one-half (1/2) acre in size may be exempt from formal infrastructure review, at the discretion of the City Engineer and/or his/her designee.

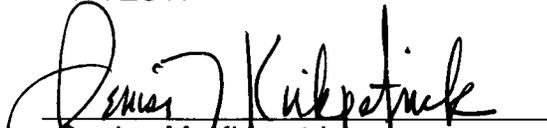
Section 2. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of June, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: May 19, 2016

READ SECOND TIME AND ADOPTED: June 2, 2016

ORDINANCE 16-16

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING CHAPTER 58, PENSIONS AND RETIREMENT, ARTICLE II, RETIREMENT, DIVISION 2, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN; AMENDING SECTION 58-51, DEFINITIONS, BY AMENDING THE DEFINITIONS OF "ACTUARIAL EQUIVALENT", "CREDITED SERVICE", "FIREFIGHTER" AND "SPOUSE"; AMENDING SECTION 58-54, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 58-56, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 58-58, DISABILITY; AMENDING SECTION 58-60, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 58-65, MAXIMUM PENSION; AMENDING SECTION 58-77, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 58-78, PRIOR FIRE SERVICE; AMENDING SECTION 58-80, SHARE PLAN BENEFIT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-51, Definitions, by amending the definitions of *Actuarial Equivalent*, *Credited Service*, *Firefighter*, and *Spouse*, to read as follows:

* * *

Actuarial equivalent means a benefit or amount of equal value, based upon the RP-2000 Unisex Combined Healthy Mortality Table and an interest rate equal to the investment return assumption set forth in the last actuarial valuation report approved by the board.

* * *

Credited service means the total number of years and fractional parts of years of service as a firefighter with member contributions when required, omitting intervening years or fractional parts of years when such member was not employed by the city as a firefighter. A member may voluntarily leave his accumulated contributions in the fund for a period of five years after leaving the employ of the fire department pending the possibility of being reemployed as a firefighter, without losing credit for the time that he was a member of the system. If a vested member leaves the employ of the fire department, his accumulated contributions will be returned only upon his written request. If a member who is not vested is not reemployed as a firefighter with the fire department within five years, his accumulated contributions, if less than \$1,000.00, shall be returned. If a member who is not vested is not reemployed within five years, his accumulated contributions, if \$1,000.00 or more, will be returned only upon the written request of the member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and

terminated. Upon any reemployment, a firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his accumulated contributions from the fund, unless the firefighter repays into the fund the contributions he has withdrawn, with interest, as determined by the board, within 90 days after his reemployment.

The years or fractional parts of years that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a firefighter with the city to perform training or service, shall be added to his years of credited service, provided that:

- (1) The member is entitled to reemployment under the provisions of USERRA.
- (2) The member returns to his employment as a firefighter with the city within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
- (3) The maximum credit for military service pursuant to this subsection shall be five years.
- (4) This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the city or in the plan year in which the member terminates employment.

* * *

Firefighter means an actively employed full-time person employed by the city, including his initial probationary employment period, who is certified as a firefighter as a condition of employment in accordance with the provisions of F.S. § 633.408, and whose duty it is to extinguish fires, to protect life and to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters.

* * *

Spouse means the member's or retiree's spouse under applicable law at the time benefits become payable.

* * *

Section 2: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-54, Finances and Fund Management, subsection (f)(2), to read as follows:

* * *

- (f)(2) All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be subject to the following:
- a. Notwithstanding any limitation provided for in F.S. ch. 175, to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior city ordinances to the contrary, all monies paid into or held in the fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as shall be approved by the board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than twenty-five percent of the assets of the fund at market value be invested in foreign securities.
 - b. The board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the board at least annually.
 - c. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1, IRS Notice 2012-6 and Revenue Ruling 2014-24 or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the code, individual retirement accounts that are exempt under section 408(e) of the code, eligible governmental plans that meet the requirements of section 457(b) of the code, and governmental plans under 401(a)(24) of the code. For this purpose, a trust includes a custodial account or separate tax favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
 1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.

2. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.

* * *

Section 3: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-56, Benefit Amounts and Eligibility, subsections (a), *Normal retirement date*, and subsection (e), *Retirement Subsidy*, to read as follows:

(a) *Normal retirement age and date.* A member's normal retirement age is the earlier of the attainment of age 52 and the completion of 25 years of credited service, the attainment of age 55 and the completion of ten years of credited service or the completion of 20 years of credited service regardless of age. Each member shall become one hundred percent (100%) vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the city after attaining normal retirement age.

* * *

(e) *Retirement subsidy.* In addition to the benefit provided for in subsection (b) above, each retiree who has retired under normal retirement on or after October 1, 2016, or entered DROP on or after October 1, 2014, shall receive a monthly retirement subsidy payment equal to the number of complete years of credited service at the time of retirement multiplied by thirteen dollars (\$13), but not to exceed \$325 per month (amount estimated by the actuary). The retirement subsidy is payable for the life of the retiree and ceases on the last day of the month of death of the retiree. DROP participants are not eligible for the subsidy payment until termination of employment with the city. Each retiree who retired under normal retirement on or after March 21, 2003 but before October 1, 2016, shall continue to receive a monthly retirement subsidy payment equal to the number of complete years of credited service at the time of retirement multiplied by three dollars (\$3), but not to exceed \$75 per month. This benefit shall be paid in lieu of the health subsidy benefit formerly provided for herein.

Section 4: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-58, Disability, subsections (a), *Disability benefits in line of duty* and (c), *Disability benefits not in line of duty*, to read as follows:

(a) *Disability benefits in line of duty.* Any member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability was directly caused by the performance of his duty as a firefighter, shall, upon establishing the same to the satisfaction of the board, be entitled to a monthly pension equal to the greater of 60 percent of the average salary of the member over the five best years of credited service of the member, or the member's accrued benefit as of the date of disability. Terminated persons, either vested or nonvested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed

and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.

* * *

(c) *Disability benefits not in line of duty.* Any member with ten or more years of credited service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a firefighter, which disability is not directly caused by the performance of his duties as a firefighter shall be entitled to a monthly pension equal to the greater of 30 percent of the average salary of the member over the five best years of credited service of the member or the member's accrued benefit as of the date of disability. Terminated persons, either vested or nonvested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within thirty (30) days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above. The city shall make available long-term disability insurance coverage which may be purchased by the member to provide disability benefits during the ten-year waiting period for not in line of duty disability benefits under this system.

* * *

Section 5: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-60, Optional Forms of Benefits, subsection (b), to read as follows:

* * *

(b) The member, upon electing any option of this section, will designate the joint pensioner (subsection (a)(2) of this section) or the beneficiary to receive the benefit, if any, payable under the system in the event of a member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary beneficiaries where applicable. A member may change his beneficiary at any time. If a member has elected an option with a joint pensioner and the member's retirement income benefits have commenced, the member may thereafter change his designated beneficiary at any time, but may only change his joint pensioner twice. Subject to the restriction in the previous sentence, a member may substitute a new joint pensioner for a deceased joint pensioner. In the absence of proof of good health of the joint pensioner being replaced, the actuary will assume that the joint pensioner has deceased for purposes of calculating the new payment.

* * *

Section 6: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-65, Maximum Pension, to read as follows:

Sec. 58-65. Maximum pension.

(a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code Section 415 for a qualified retirement plan. Before January 1, 1995, a plan member may not receive an annual benefit that exceeds the limits specified in Code Section 415(b), subject to the applicable

adjustments in that section. On and after January 1, 1995, a plan member may not receive an annual benefit that exceeds the dollar amount specified in Code Section 415(b)(1)(A) (\$160,000), subject to the applicable adjustments in Code Section 415(b) and subject to any additional limits that may be specified in this System. For purposes of this section, "limitation year" shall be the calendar year.

For purposes of Code Section 415(b), the "annual benefit" means a benefit payable annually in the form of a straight life annuity (with no ancillary benefits) without regard to the benefit attributable to after-tax employee contributions (except pursuant to Code Section 415(n) and to rollover contributions (as defined in Code Section 415(b)(2)(A)). The "benefit attributable" shall be determined in accordance with Treasury Regulations.

(b) *Adjustments to Basic Limitation for Form of Benefit.* If the benefit under the plan is other than the annual benefit described in subsection (a), then the benefit shall be adjusted so that it is the equivalent of the annual benefit, using factors prescribed in Treasury Regulations. If the form of the benefit without regard to any automatic benefit increase feature is not a straight life annuity or a qualified joint and survivor annuity, then the preceding sentence is applied by either reducing the Code Section 415(b) limit applicable at the annuity starting date or adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation Section 1.415(b)-1(c)(2)(ii) that takes into account the additional benefits under the form of benefit as follows:

- (1) For a benefit paid in a form to which section 417(e)(3) of the code does not apply (generally, a monthly benefit), the actuarially equivalent straight life annuity benefit that is the greater of:
 - a. The annual amount of the straight life annuity (if any) payable to the member under the plan commencing at the same annuity starting date as the form of benefit to the member, or
 - b. The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the member, computed using a 5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation Section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Rulings 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or
- (2) For a benefit paid in a form to which section 417(e)(3) of the code applies (generally, a lump sum benefit), the actuarially equivalent straight life annuity benefit that is the greatest of:
 - a. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using the interest rate and mortality table, or tabular factor, specified in the plan for actuarial experience;
 - b. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable, computed using a 5.5 percent interest assumption (or the applicable statutory interest assumption) and (i) for years prior to

January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code); or

- c. The annual amount of the straight life annuity commencing at the annuity starting date that has the same actuarial present value as the particular form of benefit payable (computed using the applicable interest rate for the distribution under Treasury Regulation Section 1.417(e)-1(d)(3) (the 30-year Treasury rate (prior to January 1, 2007, using the rate in effect for the month prior to retirement, and on and after January 1, 2007, using the rate in effect for the first day of the plan year with a one-year stabilization period)) and (i) for years prior to January 1, 2009, the applicable mortality tables for the distribution under Treasury Regulation Section 1.417(e)-1(d)(2) (the mortality table specified in Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the code), divided by 1.05.

- (3) The actuary may adjust the 415(b) limit at the annuity starting date in accordance with subsections (1) and (2) above.

(c) *Benefits not taken into account.* For purposes of this Section, the following benefits shall not be taken into account in applying these limits:

- (1) Any ancillary benefit which is not directly related to retirement income benefits;
- (2) Any other benefit not required under §415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of Code Section 415(b)(1); and
- (3) That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity.

(d) *COLA Effect.* Effective on and after January 1, 2003, for purposes of applying the limits under Code Section 415(b) (the "Limit"), the following will apply:

- (1) A member's applicable limit will be applied to the member's annual benefit in the member's first limitation year of benefit payments without regard to any automatic cost of living adjustments;
- (2) thereafter, in any subsequent limitation year, a member's annual benefit, including any automatic cost of living increases, shall be tested under the then applicable benefit limit including any adjustment to the Code Section 415(b)(1)(A) dollar limit under Code Section 415(d), and the regulations thereunder; but
- (3) in no event shall a member's benefit payable under the system in any limitation year be greater than the limit applicable at the annuity starting date, as increased

in subsequent years pursuant to Code Section 415(d) and the regulations thereunder.

Unless otherwise specified in the system, for purposes of applying the limits under Code Section 415(b), a Member's applicable limit will be applied taking into consideration cost of living increases as required by Section 415(b) of the Internal Revenue Code and applicable Treasury Regulations.

(e) *Other Adjustments in Limitations.*

- (1) In the event the member's retirement benefits become payable before age sixty-two (62), the limit prescribed by this section shall be reduced in accordance with regulations issued by the Secretary of the Treasury pursuant to the provisions of Code Section 415(b) of the Code, so that such limit (as so reduced) equals an annual straight life benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar (\$160,000) annual benefit beginning at age sixty-two (62).
- (2) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire department of the City, the adjustments provided for in (e)(1) above shall not apply.
- (3) The reductions provided for in (e)(1) above shall not be applicable to disability benefits pursuant to Sec. 50-58, or pre-retirement death benefits paid pursuant to Sec. 50-57.
- (4) In the event the member's retirement benefit becomes payable after age sixty-five (65), for purposes of determining whether this benefit meets the limit set forth in subsection (a) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age sixty-five (65). This adjustment shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.

(f) *Less than Ten (10) Years of Participation.* The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of participation shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of participation and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10% of the limit determined without regard to this subsection. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits paid pursuant to Sec. 58-58, or pre-retirement death benefits paid pursuant to Sec. 58-57.

(g) *Participation in Other Defined Benefit Plans.* The limit of this section with respect to any member who at any time has been a member in any other defined benefit plan as defined in Code Section 414(j) maintained by the City shall apply as if the total benefits payable under all City defined benefit plans in which the member has been a member were payable from one (1) plan.

(h) *Ten Thousand Dollar (\$10,000) Limit; Less Than Ten Years of Service.* Notwithstanding anything in this section 58-65, the retirement benefit payable with respect to a member shall be deemed not to exceed the limit set forth in this subsection (h) of section 58-65 if the benefits payable, with respect to such member under this system and under all other qualified defined benefit pension plans to which the City contributes, do not exceed ten thousand dollars (\$10,000) for the applicable limitation year and for any prior limitation year and the City has not any time maintained a qualified defined contribution plan in which the member participated;

provided, however, that if the member has completed less than ten (10) years of credited service with the City, the limit under this subsection (h) of section 58-65 shall be a reduced limit equal to ten thousand dollars (\$10,000) multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10).

(i) *Reduction of Benefits.* Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the member's benefit under any defined benefit plans in which member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be determined by the board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the member participated, such reduction to be made first with respect to the plan in which member most recently accrued benefits and thereafter in such priority as shall be established by the board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the board and the plan administrator of all other plans covering such member.

(j) *Service Credit Purchase Limits.*

- (1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in Sec. 50-76 and Sec. 50-77, then the requirements of this section will be treated as met only if:
- a. the requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b), or
 - b. the requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).

For purposes of applying subparagraph (j)(1)a., the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph, and for purposes of applying subparagraph (j)(1)b. the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Internal Revenue Code solely by reason of this subparagraph.

- (2) For purposes of this subsection the term "permissive service credit" means service credit—
- a. recognized by the system for purposes of calculating a member's benefit under the plan,
 - b. which such member has not received under the plan, and
 - c. which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause (j)(2)b., may include service credited in

order to provide an increased benefit for service credit which a member is receiving under the system.

(k) *Contribution Limits.*

(1) For purposes of applying the Code Section 415(c) limits which are incorporated by reference and for purposes of this subsection (k), only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a limitation year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).

a. However, for limitation years beginning after December 31, 1997, compensation will also include amounts that would otherwise be included in compensation but for an election under Code Sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b). For limitation years beginning after December 31, 2000, compensation will also include any elective amounts that are not includible in the gross income of the employee by reason of Code Section 132(f)(4).

b. For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

1. the payment is regular compensation for services during the employee's regular working hours, or compensation for services outside the employee's regular working hours (such as overtime or shift differential), commissions, bonuses or other similar payments, and, absent a severance from employment, the payments would have been paid to the employee while the employee continued in employment with the employer; or
2. the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.

c. Back pay, within the meaning of Treasury Regulations Section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(2) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the

contribution would exceed the limits provided in Code Section 415 by using the following methods:

- a. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
 - b. If payment pursuant to subparagraph (k)(2)a. will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution.
- (3) If the annual additions for any member for a limitation year exceed the limitation under section 415(c) of the code, the excess annual addition will be corrected as permitted under the Employee Plans Compliance Resolution System (or similar IRS correction program).
- (4) For limitation years beginning on or after January 1, 2009, a member's compensation for purposes of this subsection (k) shall not exceed the annual limit under section 401(a)(17) of the code.
- (l) *Additional limitation on pension benefits.* Notwithstanding anything in this section to the contrary:
- (1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed 100 percent of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
 - (2) No member of the system shall be allowed to receive a retirement benefit or pension which is, in part or in whole, based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.
- (m) *Effect of Direct Rollover on 415(b) Limit.* If the plan accepts a direct rollover of an employee's or former employee's benefit from a defined contribution plan qualified under Code Section 401(a) which is maintained by the employer, any annuity resulting from the rollover amount that is determined using a more favorable actuarial basis than required under Code Section 417(e) shall be included in the annual benefit for purposes of the limit under Code Section 415(b).

Section 7: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-77, Deferred Retirement Option Plan, to read as follows:

Sec. 58-77. Deferred retirement option plan.

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

DROP means the city firefighters' retirement system deferred retirement option plan.

DROP account means the account established for each DROP participant under subsection (c) of this section.

Total return of the assets means For purposes of calculating earnings on a member's DROP account pursuant to subsection (c)(2)b.2., for each fiscal year quarter, the percentage increase (or decrease) in the interest and dividends earned on investments, including realized and unrealized gains (or losses), of the total Plan assets.

(b) *Participation.*

(1) *Eligibility to participate.* In lieu of terminating his employment as a firefighter, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP.

(2) *Election to participate.* A member's election to participate in the DROP must be made in writing in a time and manner determined by the board and shall be effective on the first day of the first calendar month which is at least 15 business days after it is received by the board.

(3) *Period of participation.* A member may participate in the DROP for a period not to exceed the shorter of (1) 60 months beginning at the time of election to participate in the DROP first becomes effective or (2) the end of member's 30th year of employment as a firefighter with the city. An election to participation in the DROP shall constitute an irrevocable election to resign from the service of the city not later than the date provided for in the previous sentence. A member may participate in the DROP only once.

(4) *Termination of participation.*

a. A member's participation in the DROP shall cease at the earlier of:

1. The end of his period of participation in the DROP as determined under subsection (c) of this section; or
2. Termination of his employment as a firefighter.

b. Upon the member's termination of participation in the DROP, pursuant to subsections (b)(4)a.1 of this section, all amounts provided for in subsection (c)(2) of this section, including monthly benefits and investment earnings and losses or interest, shall cease to be transferred from the system to his DROP account. Any amounts remaining in his DROP account shall be paid to him in accordance with the provisions of subsection (d) of this section when he terminates his employment as a firefighter.

c. A member who terminates his participation in the DROP under this subsection (b)(4) shall not be permitted to again become a participant in the DROP.

(5) *Effect of DROP participation on the system.*

- a. A member's credited service and his accrued benefit under the system shall be determined on the date his election to participate in the DROP first becomes effective. The member shall not accrue any additional credited service or any additional benefits under the system (except for any supplemental benefit payable to DROP participants or any additional benefits provided under any cost-of-living adjustment for retirees in the system) while he is a participant in the DROP. After a member commences participation, he shall not be permitted to again contribute to the system nor shall he be eligible for disability or preretirement death benefits.
- b. No amounts shall be paid to a member from the system while the member is a participant in the DROP. Unless otherwise specified in the system, if a member's participation in the DROP is terminated other than by terminating his employment as a firefighter, no amounts shall be paid to him from the system until he terminates his employment as a firefighter. Unless otherwise specified in the system, amounts transferred from the system to the member's DROP account shall be paid directly to the member only on the termination of his employment as a firefighter.

(c) *Funding.*

(1) *Establishment of DROP account.* A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2) of this section, and earnings, gains or losses on those amounts.

(2) *Transfers from retirement system.*

- a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a firefighter and elected to receive monthly benefit payments under the system shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b of this section. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4) of this section, but in no event shall it continue past the date he terminates his employment as a firefighter.
- b. Except as otherwise provided in subsection (b)(4)b of this section, a member's DROP account under this subsection (c)(2) shall be debited or credited with earnings, gains or losses, to be credited or debited to the member's DROP account, determined as of the last business day of each fiscal year quarter and debited or credited as of such date, determined as follows: The average daily balance in a member's DROP account shall be credited or debited at a rate equal to the actual net rate of investment return realized by the system for that quarter. The term "net investment return," for the purpose of this subsection, is the total return of the assets in which the member's DROP account is invested by the board, net of brokerage commissions, transaction costs and management fees. For purposes of calculating earnings on a member's DROP account pursuant to this subsection (c)(2)b.2., brokerage commissions, transaction costs, and management fees shall be determined for each quarter by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these quarterly

contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.

- c. A member's DROP account shall only be credited or debited with earnings, gains or losses and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. If a member is employed by the city fire department after participating in the DROP for the permissible period of DROP participation, then beginning with the member's first month of employment following the last month of the permissible period of DROP participation, the member's DROP account will no longer be credited or debited with earnings or interest, nor will monthly benefits be transferred to the DROP account. All such nontransferred amounts shall be forfeited and continue to be forfeited while the member is employed by the city fire department. A member employed by the city fire department after the permissible period of DROP participation will still not be eligible for preretirement death or disability benefits under the system, nor will he accrue additional credited service.

(d) *Distribution of DROP accounts on termination of employment.*

- (1) *Eligibility for benefits.* A member shall receive the balance in his DROP account in accordance with the provisions of this subsection (d) upon his termination of employment as a firefighter. Except as provided in subsection (d)(5) of this section, no amounts shall be paid to a member from the DROP prior to his termination of employment as a firefighter.

(2) *Form of distribution.*

- a. Unless the member elects otherwise, distribution of his DROP account shall be made in a cash lump sum, subject to the direct rollover provisions set forth in subsection (d)(6) of this section. Elections under this subsection shall be in writing and shall be made in such time or manner as the board shall determine.
- b. If a member dies before his benefit is paid, his DROP account shall be paid to his beneficiary in such optional form as his beneficiary may select. If no beneficiary designation is made, the DROP account shall be distributed to the member's estate.

- (3) *Date of payment of distribution.* Except as otherwise provided in this subsection (d), distribution of a member's DROP account shall be made as soon as administratively practicable following the member's termination of employment. Distribution of the amount in a member's DROP account will not be made unless the member completes a written request for distribution and a written election, on forms designated by the board, to either receive a cash lump sum or a rollover of the lump sum amount.

- (4) *Proof of death and right of beneficiary or other person.* The board may require and rely upon such proof of death and such evidence of the right of any

beneficiary or other person to receive the value of a deceased member's DROP account as the board may deem proper, and its determination of the right of that beneficiary or other person to receive payment shall be conclusive.

- (5) *Distribution limitation.* Notwithstanding any other provision of this subsection (d), all distributions from the DROP shall conform to the "Minimum Distribution Of Benefits" provisions as provided for herein.
- (6) *Direct rollover of certain distributions.* This subsection (d)(6) applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the DROP to the contrary, a distributee may elect to have any portion of an eligible rollover distribution paid in a direct rollover as otherwise provided under the system in section 58-75.
- (e) *Administration of DROP.*
 - (1) *Board administers the DROP.* The general administration of the DROP, the responsibility for carrying out the provisions of the DROP and the responsibility of overseeing the investment of the DROP's assets shall be placed in the board. The members of the board may appoint from their number such subcommittees with such powers as they shall determine; may adopt such administrative procedures and regulations as they deem desirable for the conduct of their affairs; may authorize one or more of their number or any agent to execute or deliver any instrument or make any payment on their behalf; may retain counsel, employ agents and provide for such clerical, accounting, actuarial and consulting services as they may require in carrying out the provisions of the DROP; and may allocate among themselves or delegate to other persons all or such portion of their duties under the DROP, other than those granted to them as trustee under any trust agreement adopted for use in implementing the DROP, as they, in their sole discretion, shall decide. A trustee shall not vote on any question relating exclusively to himself.
 - (2) *Individual accounts, records and reports.* The board shall maintain, or cause to be maintained, records showing the operation and condition of the DROP, including records showing the individual balances in each member's DROP account, and the board shall keep, or cause to be kept, in convenient form such data as may be necessary for the valuation of the assets and liabilities of the DROP. The board shall prepare or cause to be prepared and distributed to members participating in the DROP and other individuals or filed with the appropriate governmental agencies, as the case may be, all necessary descriptions, reports, information returns, and data required to be distributed or filed for the DROP pursuant to the Code and any other applicable laws.
 - (3) *Establishment of rules.* Subject to the limitations of the DROP, the board from time to time shall establish rules for the administration of the DROP and the transaction of its business. The board shall have discretionary authority to construe and interpret the DROP, including, but not limited to, determination of an individual's eligibility for DROP participation, the right and amount of any benefit payable under the DROP and the date on which any individual ceases to be a participant in the DROP. The determination of the board as to the interpretation of the DROP or its determination of any disputed questions shall be conclusive and final to the extent permitted by applicable law. The board shall also oversee the investment of the DROP'S assets.

- (4) *Limitation of liability.* Neither the board nor any trustee of the board shall be responsible for any reports furnished by any expert retained or employed by the board, but they shall be entitled to rely thereon as well as on certificates furnished by an accountant or an actuary, and on all opinions of counsel. The board shall be fully protected with respect to any action taken or suffered by it in good faith in reliance upon such expert, accountant, actuary or counsel, and all actions taken or suffered in such reliance shall be conclusive upon any person with any interest in the DROP.
- (f) *General provisions.*
 - (1) *The DROP is not a separate retirement plan.* Instead, it is a program under which a member who is eligible for normal retirement under the system may elect to accrue future retirement benefits in the manner provided in this section 58-77 for the remainder of his employment, rather than in the normal manner provided under the plan. Upon termination of employment, a member is entitled to a lump sum distribution of his or her DROP account balance or may elect a rollover. The DROP account distribution is in addition to the member's monthly benefit.
 - (2) *Notional account.* The DROP account established for such a member is a notional account, used only for the purpose of calculation of the DROP distribution amount. It is not a separate account in the system. There is no change in the system's assets, and there is no distribution available to the member until the member's termination from the DROP. The member has no control over the investment of the DROP account.
 - (3) *No employer discretion.* The DROP benefit is determined pursuant to a specific formula which does not involve employer discretion.
 - (4) *IRC limit.* The DROP account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).
 - (5) *Amendment of DROP.* The DROP may be amended by an ordinance of the city at any time and from time to time, and retroactively if deemed necessary or appropriate, to amend, in whole or in part, any or all of the provisions of the DROP. However, except as otherwise provided by law, no amendment shall make it possible for any part of the DROP's funds to be used for, or diverted to, purposes other than for the exclusive benefit of persons entitled to benefits under the DROP. No amendment shall be made which has the effect of decreasing the balance of the DROP account of any member.
 - (6) *Facility of payment.* If the board shall find that a member or other person entitled to a benefit under the DROP is unable to care for his affairs because of illness or accident or is a minor, the board may direct that any benefit due him, unless claim shall have been made for the benefit by a duly appointed legal representative, be paid to his spouse, a child, a parent or other blood relative, or to a person with whom he resides. Any payment so made shall be a complete discharge of the liabilities of the DROP for that benefit.
 - (7) *Information.* Each member, beneficiary or other person entitled to a benefit, before any benefit shall be payable to him or on his account under the DROP, shall file with the board the information that it shall require to establish his rights and benefits under the DROP.

- (8) *Prevention of escheat.* If the board cannot ascertain the whereabouts of any person to whom a payment is due under the DROP, the board may, no earlier than three years from the date such payment is due, mail a notice of such due and owing payment to the last known address of such person, as shown on the records of the board or the city. If such person has not made written claim therefor within three months of the date of the mailing, the board may, if it so elects and upon receiving advice from counsel to the DROP, direct that such payment and all remaining payments otherwise due such person be canceled on the records of the DROP. Upon such cancellation, the DROP shall have no further liability therefor except that, in the event such person or his beneficiary later notifies the board of his whereabouts and requests the payment or payments due to him under the DROP, the amount so applied shall be paid to him in accordance with the provisions of the DROP.
- (9) *Written elections; notification.*
- a. Any elections, notifications or designations made by a member pursuant to the provisions of the DROP shall be made in writing and filed with the board in a time and manner determined by the board under rules uniformly applicable to all employees similarly situated. The board reserves the right to change from the time and manner for making notifications, elections or designations by members under the DROP if it determines after due deliberation that such action is justified in that it improves the administration of the DROP. In the event of a conflict between the provisions for making an election, notification or designation set forth in the DROP and such new administrative procedures, those new administrative procedures shall prevail.
 - b. Each member or retiree who has a DROP account shall be responsible for furnishing the board with his current address and any subsequent changes in his address. Any notice required to be given to a member or retiree under this system shall be deemed given if directed to him at the last such address given to the board and mailed by registered or certified United States mail. If any check mailed by registered or certified United States mail to such address is returned, mailing of checks will be suspended until such time as the member or retiree notifies the board of his address.
- (10) *Benefits not guaranteed.* All benefits payable to a member from the DROP shall be paid only from the assets of the member's DROP account, and neither the city nor the board shall have any duty or liability to furnish the DROP with any funds, securities or other assets except to the extent required by any applicable law.
- (11) *Construction.*
- a. The DROP shall be construed, regulated and administered under the laws of the state, except where other applicable law controls.
 - b. The titles and headings of the subsections in this section are for convenience only. In the case of ambiguity or inconsistency, the text rather than the titles or headings shall control.
- (12) *Forfeiture of retirement benefits.* Nothing in this section shall be construed to remove DROP participants from the application of any forfeiture provisions applicable to the system. DROP participants shall be subject to forfeiture of all retirement benefits, including DROP benefits.

- (13) *Effect of DROP participation on employment.* Participation in the DROP is not a guarantee of employment and DROP participants shall be subject to the same employment standards and policies that are applicable to employees who are not DROP participants.

Section 8: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-78, Prior Fire Service, subsection (5), to read as follows:

* * *

- (5) In no event, however, may credited service be purchased pursuant to this section for prior service with any other municipal, county or special district fire department, if such prior service forms or will form the basis of a retirement benefit or pension from a different employer's retirement system or plan as set forth in section 58-65, subsection(i)(2).

* * *

Section 9: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-80, Share plan benefit, sections (b), *Definitions*, and (c) *Share plan contributions*, to read as follows:

Sec. 58-80. - Share plan benefit and use of premium tax revenues.

* * *

- (b)(5) *Share plan* shall mean an established additional defined contribution plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous Sections of this Plan, such benefit to be funded solely and entirely by F.S. Chapter 175, premium tax monies for each plan year which are allocated to this supplemental component as provided for in F.S. §175.351. Amounts allocated to this supplemental component ("Share Plan") shall be further allocated to the individual members and DROP participants in a manner described herein, and in accordance with the applicable provisions of the Internal Revenue Code and related regulations.
- (6) *Share plan account* shall mean an account established for an eligible firefighter to hold contributions made pursuant to this section. Such accounts shall accrue earnings and be administered in a manner similar to the DROP provisions in section 58-77. These accounts will be subject to the limits prescribed by Code § 415(c). For any eligible firefighter that has a DROP account, that account may serve as that firefighter's share plan account.
- (7) *Share plan contribution* shall mean a contribution to the share plan accounts.

- (8) *Year of credited service* shall have the same meaning as elsewhere in the plan except that for purposes of this section, such term refers to a full year of credited service with no rounding and no credit for partial years of service. Additionally, any eligible firefighter with more than 12 years of credited service will be treated as if they had 12 years of credited service for the purposes of this section only.

* * *

- (c)(2) For plan years following the plan year described in subsection (1) above, a share plan contribution shall be made based on the annual insurance premium tax dollars in excess of the frozen annual amount. 75% of the additional premium tax dollars will be distributed to members' share accounts in accordance with past practice as described below and the remaining 25% will be used by the City to offset its required contribution to the Plan. The City shall continue to use the applicable "frozen" amount to offset its required contribution to the Plan.

Section 10: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 11: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

Section 12: That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 3rd day of May, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

Passed on First Reading: April 21, 2016

Passed on Second Reading: May 3, 2016

ksh\dun\fire\03-22-16.ord-cln

Ordinance 16-16

MUTUAL CONSENT AGREEMENT

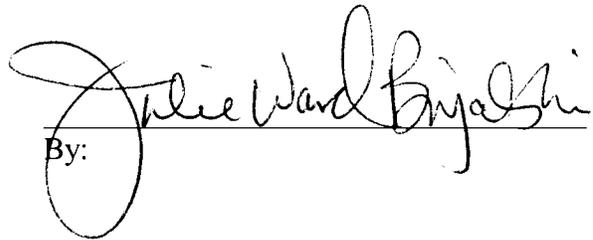
The City of Dunedin and the International Association of Firefighters, Dunedin Local 2327, mutually consent that annual Chapter 175 premium tax revenues will continue to be used in the same manner in the future as they have been under existing past practice, meaning that the City shall continue to use the applicable "frozen" amount to offset its required contribution to the Plan and that, of the excess state monies for reserve, 75% will be distributed to members' share accounts in accordance with past practice and the remaining 25% will be used by the City to offset its required contribution to the Plan.

**INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS DUNEDIN LOCAL 2327**


By: _____

4-20-16
Date

CITY OF DUNEDIN


By: _____

4/20/16
Date

I DO HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY CERTIFIED THIS DATE 8/4/16
Dawn Kirkpatrick
CITY CLERK

ORDINANCE 16-17

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 4 BIRDIE LANE (PARCEL NUMBER 14-28-15-31986-000-0650) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.61 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.



WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

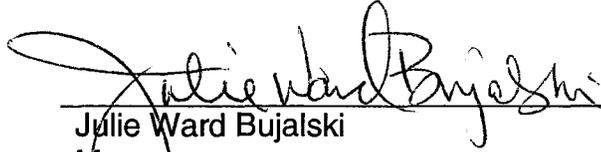
Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST#: 2016241152 08/08/2016 at 02:59 PM
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DocType: GOV RECORDING: \$35.50

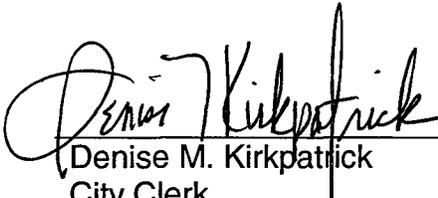
Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 28th day of July, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: July 14, 2016

READ SECOND TIME AND ADOPTED: July 28, 2016

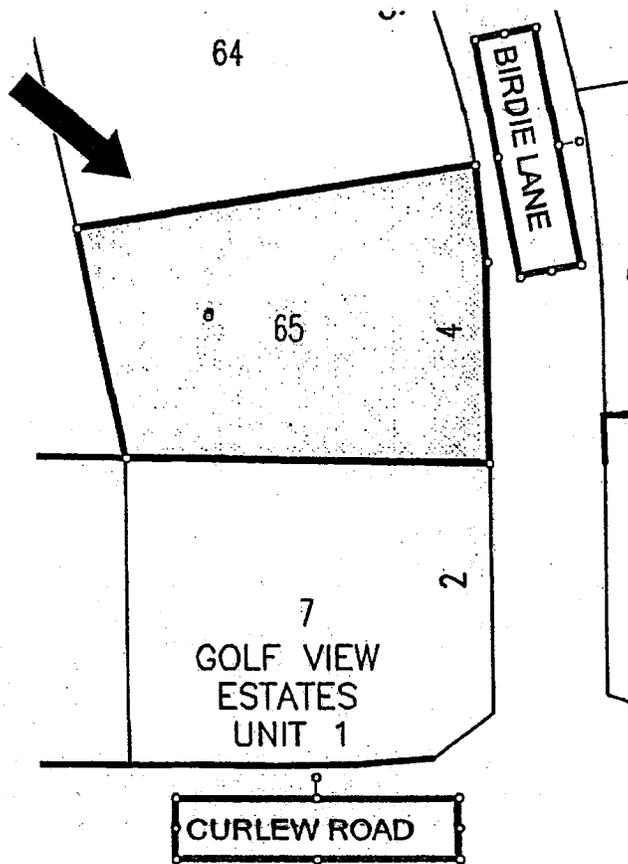
Ordinance 16-17
Exhibit "A"

Lot 65, UNIT 2 GOLF VIEW ESTATES, a subdivision according to the plat thereof recorded at Plat Book 49, Page 10, in the Public Records of Pinellas County, Florida.

Parcel ID Number: 14/28/15/31986/000/0650

Commonly known as 4 Birdie Lane, Dunedin, Florida

APPLICATION AN-LUP-ZO 16-54.00
4 BIRDIE LANE
Parcel Number 14-28-15-31986-000-0650



ORDINANCE 16-17

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 4 BIRDIE LANE (PARCEL NUMBER 14-28-15-31986-000-0650) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.61 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 28th day of July, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: July 14, 2016

READ SECOND TIME AND ADOPTED: July 28, 2016

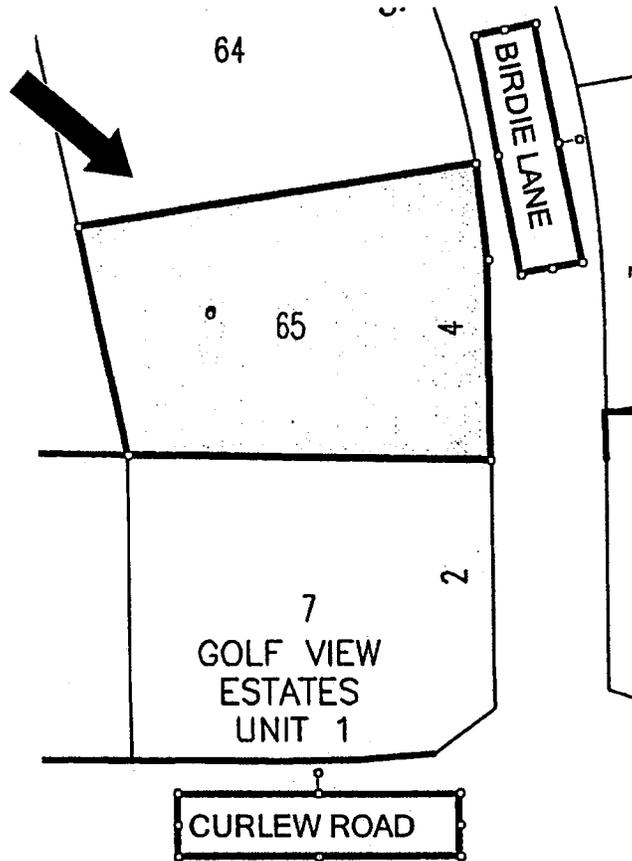
Ordinance 16-17
Exhibit "A"

Lot 65, UNIT 2 GOLF VIEW ESTATES, a subdivision according to the plat thereof recorded at Plat Book 49, Page 10, in the Public Records of Pinellas County, Florida.

Parcel ID Number: 14/28/15/31986/000/0650

Commonly known as 4 Birdie Lane, Dunedin, Florida

APPLICATION AN-LUP-ZO 16-54.00
4 BIRDIE LANE
Parcel Number 14-28-15-31986-000-0650



ORDINANCE 16-18

AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED 4 BIRDIE LANE (PARCEL NUMBER 14-28-15-31986-000-0650) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.61 ACRES, ASSIGNING A RESIDENTIAL SUBURBAN (RS) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property receive amended land use designation on the Dunedin Land Use Plan following annexation; and

WHEREAS, the owner of the property described herein has requested that the Dunedin Land Use Plan be changed following annexation to Residential Suburban (RS); and

WHEREAS, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Suburban (RS); and

WHEREAS, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

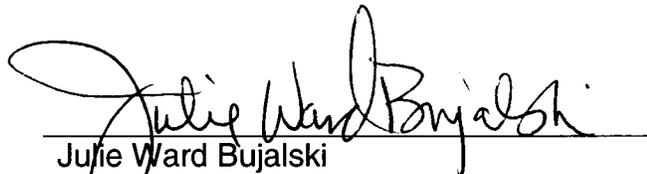
Section 1. That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Suburban (RS), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is

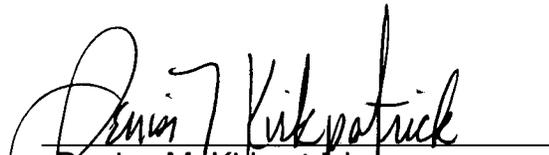
issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 28th day of July, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

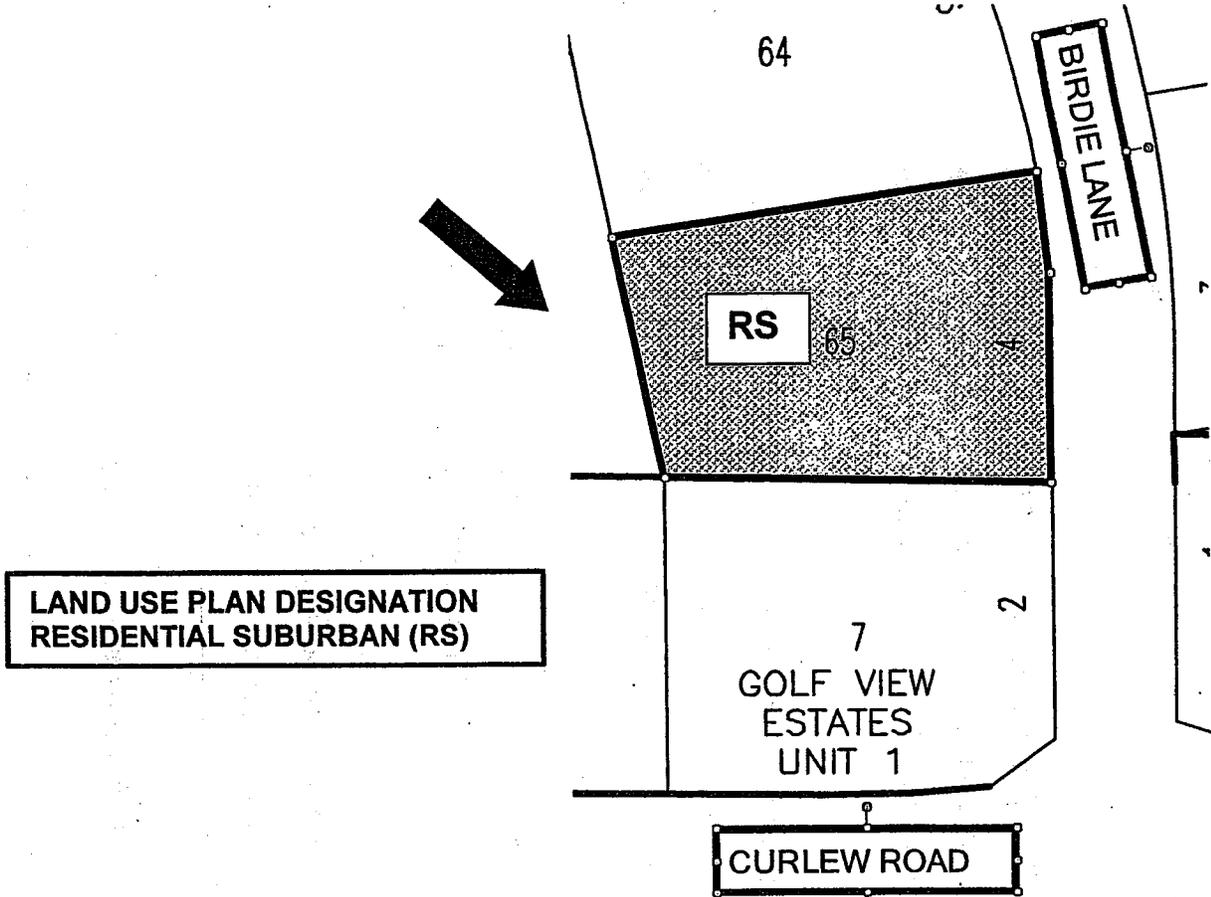
READ FIRST TIME AND PASSED: July 14, 2016

READ SECOND TIME AND ADOPTED: July 28, 2016

Lot 65, UNIT 2 GOLF VIEW ESTATES, a subdivision according to the plat thereof recorded at Plat Book 49, Page 10, in the Public Records of Pinellas County, Florida.

Parcel ID Number: 14/28/15/31986/000/0650

Commonly known as 4 Birdie Lane, Dunedin, Florida



APPLICATION AN-LUP-ZO 16-54.00
4 BIRDIE LANE
Parcel Number 14-28-15-31986-000-0650

ORDINANCE 16-19

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 4 BIRDIE LANE (PARCEL NUMBER 14-28-15-31986-000-0650) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.61 ACRES, TO SINGLE-FAMILY RESIDENTIAL (R-200); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property be zoned following annexation to Single-Family Residential (R-200); and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owners be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

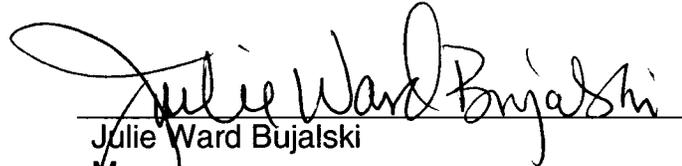
BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Single-Family Residential (R-200), as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY
OF DUNEDIN, FLORIDA, THIS 28th day of July, 2016.**



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

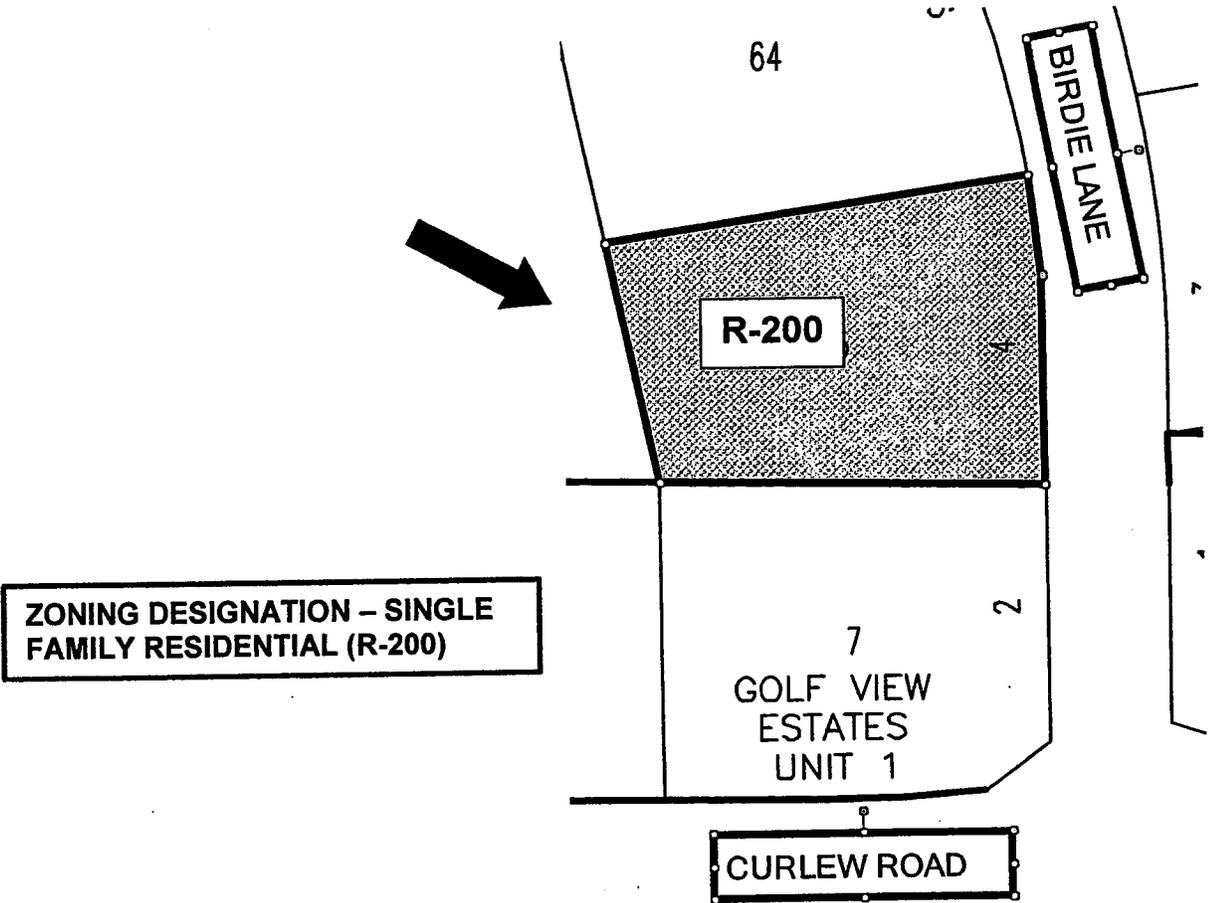
READ FIRST TIME AND PASSED: July 14, 2016

READ SECOND TIME AND ADOPTED: July 28, 2016

Lot 65, UNIT 2 GOLF VIEW ESTATES, a subdivision according to the plat thereof recorded at Plat Book 49, Page 10, in the Public Records of Pinellas County, Florida.

Parcel ID Number: 14/28/15/31986/000/0650

Commonly known as 4 Birdie Lane, Dunedin, Florida



APPLICATION AN-LUP-ZO 16-54.00
4 BIRDIE LANE
Parcel Number 14-28-15-31986-000-0650

ORDINANCE 16-20

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA AMENDING ARTICLES IV, V, AND VIII OF CHAPTER 78 OF THE CODE OF ORDINANCES; AMENDING SECTION 78-172 TO REVISE THE DEFINITION OF “NONRESIDENTIAL PROPERTY”; AMENDING SECTION 78-174 TO PROVIDE FOR AN INDEXED STORMWATER MANAGEMENT UTILITY FEE TABLE AS SET FORTH IN ORDINANCE 14-14; AMENDING SECTION 78-214 TO CLARIFY RESIDENTIAL AND NONRESIDENTIAL CONSUMPTION RATES AND PROVIDE FOR A 25 PERCENT SURCHARGE ON FEES AND CHARGES OF ALL ACCOUNTS OUTSIDE THE CITY LIMITS; AMENDING SECTION 78-211 TO DELETE THE DEFINITION OF “ROOMING UNIT”, TO REVISE THE DEFINITION OF “COMMERCIAL ACCOUNT” AND “UNIT”, AND TO CREATE THE DEFINITION OF “EQUIVALENT RESIDENTIAL UNIT (ERU)” AND “NEW CONSTRUCTION ACCOUNT”; AMENDING SECTION 78-215 AND SECTION 78-216 TO ESTABLISH A SEPARATE WATER AND SEWER UNIT CHARGE, ESTABLISH A 4 YEAR WATER, SEWER AND UNIT CHARGE RATE INCREASE BEGINNING OCTOBER 1, 2017, TO PROVIDE FOR A SINGLE ERU CHARGE FOR NON-POTABLE WATER USES, AND TO PROVIDE FOR A 25 PERCENT SURCHARGE ON FEES AND CHARGES OF ALL ACCOUNTS OUTSIDE THE CITY LIMITS; AMENDING SECTION 78-217 TO AMEND THE TENANT DEPOSIT; AMENDING SECTION 78-423 TO REVISE THE WATER AND SEWER DEVELOPMENT (IMPACT) FEE CALCULATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City has conducted a study of the City’s Water and Sewer System Financial Management Plan; and

WHEREAS, the Board of Finance considered and unanimously recommended acceptance of the rate study; and

WHEREAS, the City Commission considered the study and directed the implementation of the recommended rate changes for water and sewer rates; and

WHEREAS, City staff has reviewed the provisions regulating stormwater, water, sewer and impact fees and recommended revisions address the rate change and provide for consistency; and

WHEREAS, the City Commission has found it necessary to separate the existing unit charge fee into two separate charges: a water unit charge and a sewer unit charge fee, and to implement a four year water, sewer and unit charge rate increase beginning October 1, 2017; and

WHEREAS, the City Commission has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That the definition of “nonresidential property” within Section 78-172 of Article IV of Chapter 78 of the Code of Ordinances is amended to read as follows:

Nonresidential property means developed property which is not classified as residential property and shall be deemed to include, but not be limited to, dormitories, hospitals, nursing homes, sanitariums, recreational vehicle spaces, hotels and motels. Any property that contains both residential and ~~commercial~~ nonresidential facilities may be treated as either residential or nonresidential whichever method of computation results in the larger number of equivalent residential units (ERUs).

Section 2. That Section 78-174 of Article IV of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-174. - Schedule of rates.

~~(a) The ERU rate shall be established by ordinance of the city commission for each ERU.~~

~~(b) Stormwater management utility fee.~~

~~(1) For each equivalent residential unit (ERU) the stormwater management utility fee is \$0.72 per month.~~

~~(2) The city shall charge itself 25 percent of the equivalent residential unit (ERU) stormwater management utility fee.~~

~~(3) The stormwater management utility fee shall be reviewed annually to determine any change in the ERU.~~

(a) The monthly stormwater equivalent residential unit (ERU) rate is identified in the indexed rate chart below. The annual increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account. The rate established on October 1, 2024 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Stormwater ERU</u>
<u>October 1, 2014</u>	<u>\$9.72</u>
<u>October 1, 2015</u>	<u>\$10.16</u>
<u>October 1, 2016</u>	<u>\$10.62</u>
<u>October 1, 2017</u>	<u>\$11.10</u>
<u>October 1, 2018</u>	<u>\$11.49</u>
<u>October 1, 2019</u>	<u>\$11.89</u>
<u>October 1, 2020</u>	<u>\$12.07</u>
<u>October 1, 2021</u>	<u>\$12.25</u>
<u>October 1, 2022</u>	<u>\$12.43</u>
<u>October 1, 2023</u>	<u>\$12.62</u>
<u>October 1, 2024</u>	<u>\$12.81</u>

- (b) The city shall charge itself, for services at city-owned facilities, 25 percent of the equivalent residential unit (ERU) stormwater management utility fee.
- (c) The stormwater management utility fee shall be calculated for each developed property as follows:
- (1) The fee for residential property is the rate of one ERU multiplied by the number of dwelling units existing on the property; that is, Fee = ERU rate x number of dwelling units.
 - (2) The fee for nonresidential property is the rate of one ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total impervious area in square feet of the nonresidential property by 1,708 square feet. The resulting calculation is, Fee = ERU rate x impervious area expressed in square feet/1,708 square feet, but not less than the rate for one ERU.
- (d) The minimum fee for developed property, whether residential or nonresidential, within the city is equal to the rate for one ERU subject to reduction as set forth in subsection (e) of this section.
- (e) On-site stormwater quality management facilities fee credit shall be allowed and calculated as follows:
- (1) In order to encourage the improvement of the quality of stormwater runoff, a reduction in the stormwater management utility fee is authorized for those developed properties which are served by a private stormwater quality management facility designed and constructed for the purpose of stormwater collection, storage, treatment, conveyance and stormwater pollution reduction.

- (2) A reduction in the fee is allowed for any developed property only if the stormwater runoff from the property is retained, treated and conveyed by a stormwater quality management facility that has been designed, constructed and is maintained properly for the purpose of stormwater retention and pollution reduction. If it is determined by the director that the stormwater quality management facility has not been, nor is currently being, properly maintained as designed, the director may disallow the on-site stormwater quality management facility credit.
- (3) For applicable properties meeting the standards set forth in this section, the fee shall be reduced up to 100 percent of the fee. All properties which have designed, built and maintained retention basins with no outflow or outlet, as permitted by the city engineer, and which have been designed and maintained to retain and treat stormwater runoff in excess of existing or predevelopment release rates and having sufficient storage capacity constructed on the property to retain and treat stormwater based on the 100-year storm recurrence interval and a rainfall of 24-hour duration which is equal to 10.35 inches may qualify for up to a 100 percent credit of the fee. The amount of reduction of the fee shall be equal to the percentage of on-site retention and treatment for which the stormwater quality management facility has been designed and continuously maintained by the property owner. Such calculations shall be submitted to the city by a properly qualified professional engineer and shall be confirmed by the city. The reduced fee will thereafter be calculated as the fee determined, multiplied by the factor of the percentage of allowable reduction.

Section 3. That the definition of “rooming unit” within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances is hereby deleted.

Section 4. That the definitions of “commercial account” and “unit” within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances are amended to read as follows:

Commercial Nonresidential account means an account for business enterprise of any type which is required to possess a city occupational license. This shall include multifamily residences, motels, hotels, mobile home parks, and apartments.

Unit means any facility that is connected to the utility system, either water or sewer. The facility may be any of the following: A single-family residence; each facility of a multifamily residence; each rooming unit whether located in a roominghouse, ~~hospital, nursing home, rest home, dormitory,~~ hotel, bed and breakfast facility, apartment, condominium, townhome or motel; and each prepared park site within a mobile home park.

Section 5. That a definition for “equivalent residential unit (ERU)” and “new construction account” is created within Section 78-211 of Article V of Chapter 78 of the Code of Ordinances to read as follows:

Equivalent residential unit (ERU) means each residential unit served by the city through a single sewer connection and/or water main.

New construction account means an account utilized for water unit and service charges during either new construction or existing building demolition where no stormwater, sewer or trash service is provided, charged at the rate of either residential or non-residential water unit charges and ERU rates set forth within this article. Upon the issuance of a Certificate of Occupancy, the account will no longer be categorized as a new construction account.

Section 6. That Section 78-214 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Section 78-214. – Water rates, generally; utility deposit required.

- (a) ~~The r~~Residential (single-family and multi-family units) rates accounts for water furnished by the city to premises located within the city limits shall pay a monthly fee pursuant to section 78-216 at the consumption rate set forth as follows:

Residential Monthly Consumption Charges (per 1,000 gallons)

First Block	Second Block	Third Block
\$3.84	\$5.76	\$8.66
0—5,000 gal.	5,001—20,000 gal.	Over 20,000 gal.

~~The residential monthly consumption charges as of October 1, 2010, as reflected above, shall be in effect. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

- (b) Water consumption of multiple residential units served by one meter shall be billed based on the average of all units connected to the meter and shall be billed as individual residential units regardless of the definition of residential accounts and ~~commercial~~ non-residential accounts in section 78-211.

- (bc) ~~The n~~Nonresidential (all uses other than single-family and multifamily uses) rates accounts for water furnished by the city to premises located within the city limits shall pay a monthly fee pursuant to section 78-216 at the consumption rates set forth as follows:

Non-residential Monthly Consumption Charges (per 1,000 gallons)

Meter Size	First Block	Second Block	Third Block
5/8-inch	\$3.84	\$5.76	\$8.66
	0—5,000 gal.	5,001—20,000 gal.	Over 20,000 gal.

1-inch	\$3.84	\$5.76	\$8.66
	0—13,000 gal.	13,001—50,000 gal.	Over 50,000 gal.
1½-inch	\$3.84	\$5.76	\$8.66
	0—25,000 gal.	25,001—100,000 gal.	Over 100,000 gal.
2-inch	\$3.84	\$5.76	\$8.66
	0—40,000 gal.	40,001—160,000 gal.	Over 160,000 gal.
3-inch	\$3.84	\$5.76	\$8.66
	0—75,000 gal.	75,001—300,000 gal.	Over 300,000 gal.
4-inch	\$3.84	\$5.76	\$8.66
	0—125,000 gal.	125,001—500,000 gal.	Over 500,000 gal.
6-inch	\$3.84	\$5.76	\$8.66
	0—250,000 gal.	250,001—1,000,000 gal.	Over 1,000,000 gal.
8-inch	\$3.84	\$5.76	\$8.66
	0—400,000 gal.	400,001—1,600,000 gal.	Over 1,600,000 gal.

~~The non-residential monthly consumption charges as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for services at city-owned facilities, 25 percent of the non-residential monthly consumption charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

- (ed) The city shall require a minimum deposit as set forth in this subsection (c) for all water, sewer and sanitation service accounts that are hereafter opened or transferred to another name. Upon discontinuance of service, and rendering of final bill, the deposit shall be returned, less any amount remaining unpaid:
- (1) Residential account (per unit) (subject to increase pursuant to section 78-220)\$100.00
 - (2) Nonresidential account (estimate) by the city manager based on the average monthly utility bill, but not less per unit than100.00

Interest on deposits held by the city shall accrue beginning as of October 1, 1993. The interest rate shall be established as of October 1 of each year and shall remain in effect through the next September 30. The interest rate shall be the average of the six months rate on interest earned on savings accounts on a national bank doing business in the city for the period January through June immediately preceding the October 1 adjustment date, but not more than the average interest rate earned on deposits in the state board of administration local government investment pool for the same period. The interest rate shall be adjusted annually on October 1. Annual payment will occur as a credit posted to the customer's account commencing with the first bill rendered on or after October 1. A customer who terminates service, whose service is

terminated or whose deposit is returned, will receive a prorated interest credit to the termination date on the final bill or the refund date. Upon application therefore, any customer who has received a cash refund of a deposit after October 1, 1993, shall be entitled to receive a credit on a utility bill or a refund if such person is not a present customer of the city. For all property, the existing deposit may be returned on the request of the person making the deposit after the expiration of a period of two years with no delinquency notice late fee issued to the property. This subsection shall apply to all existing deposits and the qualification period for all existing deposit returns shall commence January 1, 1986. The city manager may waive a single delinquency if paid within five days of the date of delinquency.

- (de) The rates, fees and charges of all accounts outside the city limits shall be the same as set forth in Section 78-216 subsection (c) of this section, plus 25 percent. Charges for service outside the city limits, in proper instances, may be established by ordinance under the provisions of F.S. § 180.191(b).

Section 7. That Section 78-215 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-215216. – Water rates, sewer rates, Unit charge and advanced metering device fee.

- (a) The monthly water, sewer, and unit charge rates are identified in the indexed rate charts below. The effective rates established on October 1, 2019 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Oct. 1, 2016</u>	<u>Oct. 1, 2017</u>	<u>Oct. 1, 2018</u>	<u>Oct. 1, 2019</u>
<u>Water Usage Charge: First Block (per 1,000 gallons)</u>	<u>\$ 3.84</u>	<u>\$ 4.02</u>	<u>\$ 4.21</u>	<u>\$ 4.41</u>
<u>Water Usage Charge: Second Block (per 1,000 gallons)</u>	<u>\$ 5.76</u>	<u>\$ 6.03</u>	<u>\$ 6.32</u>	<u>\$ 6.62</u>
<u>Water Usage Charge: Third Block (per 1,000 gallons)</u>	<u>\$ 8.66</u>	<u>\$ 9.07</u>	<u>\$ 9.50</u>	<u>\$ 9.95</u>
<u>Sewer Usage Charge (per 1,000 gallons)</u>	<u>\$ 5.51</u>	<u>\$ 5.77</u>	<u>\$ 6.04</u>	<u>\$ 6.33</u>

- (b) The city shall charge itself, for services at city-owned facilities, 25 percent of the non-residential monthly consumption charge for water usage and 25 percent of the non-residential monthly consumption charge for sewer usage.
- (ac) A unit charge per month shall be applied to each facility connected to either the water or the sewer system of the city. The unit charge shall be computed based on an equivalent residential unit (ERU). ~~The ERU rate shall be \$13.08 per month for each ERU.~~

(d) The monthly water and sewer unit charges are identified in the indexed rate chart below. The effective rates established on October 1, 2019 shall continue until subsequently amended by ordinance adopted by the City Commission.

	<u>Oct. 1, 2016</u>	<u>Oct. 1, 2017</u>	<u>Oct. 1, 2018</u>	<u>Oct. 1, 2019</u>
<u>Water Unit Charge</u>	<u>\$ 6.50</u>	<u>\$ 6.81</u>	<u>\$ 7.13</u>	<u>\$ 7.47</u>
<u>Sewer Unit Charge</u>	<u>\$ 9.00</u>	<u>\$ 9.43</u>	<u>\$ 9.88</u>	<u>\$ 10.35</u>

~~(e) The unit charge as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for services at city-owned facilities, 25 percent of the unit charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~

(bf) The unit charge shall be calculated for each developed property as follows:

(1) The fee for residential ~~property~~ accounts is the rate of one ERU multiplied by the number of dwelling units existing on the property, that is, fee = ERU x number of dwelling units. This charge is not related to actual usage of either water or sewer service and shall continue even though utility service may have been turned off on a temporary basis. This charge shall apply to every facility either upon issuance of a certificate of occupancy or upon enactment of this article for facilities already connected to the utility system. The charge shall be discontinued only upon permanent discontinuance of utility service to a facility. ~~A separate unit charge shall be applied to sprinkling meter accounts.~~

(2) The fee for nonresidential ~~property~~ accounts is the rate of one ERU multiplied by the numerical factor. The numerical factor is obtained by dividing the total water consumption in the nonresidential property by 5,000 gallons. The resulting calculation is Fee = ERU rate x consumption expressed in 5,000 gallon units, but not less than the rate of one ERU.

(3) For either residential or nonresidential accounts, a single ERU shall be applied to each additional meter connected to the potable water system for non-potable uses. This includes but is not limited to: irrigation, fire sprinkling and fire backflow assemblies.

(g) An advanced metering device fee of \$3.00 per month, per meter shall be charged on accounts that utilize cellular meters.

Section 8. That Section 78-216 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-216215. - Sewer rate generally; gGreenbriar service area.

(a) The rates for sewer service furnished by the city to premises located within the city ~~shall be \$5.51~~ are set forth in Section 78-216 per 1,000

gallons of water used by the premises up to a maximum of ~~\$55.10~~ 10,000 gallons monthly for residential accounts.

- (b) Sewer charges shall not be made against special accounts wherein the water delivered through city water meters is not disposed of through the sanitary sewer system.
- (c) A residential account not served by water by the city shall be charged as provided in subsection (a) of this section unless such residential account is not supplied water through a water meter, and, in such instances, such accounts shall be charged ~~at the rate of \$55.10 monthly~~ a rate equal to 10,000 gallons.
- (d) A nonresidential account not being served by water by the city shall be charged a the rate of \$5.51 set forth in Section 78-216 per 1,000 gallons for the gallonage of water which is estimated by the city manager to be disposed of through the sanitary sewer system by the account holder, but not less than ~~\$55.10~~ 10,000 gallons monthly.
- (e) Sewer charges shall not be applied against water delivered through ~~sprinkler meters installed and connected to the city water system prior to April 21, 1975. Additionally, sewer charges shall not be applied against water delivered through sprinkler meters allowed to be installed in accordance with the exception set forth in section 78-32(a) for non-potable uses; such as irrigation, fire sprinkling or fire backflow assemblies.~~
- ~~(f) The sewer charge as of October 1, 2010, as reflected above, shall be in effect. The city shall charge itself, for city-owned facilities, 25 percent of the sewer charge. Commission shall review charges annually during the budget process and adopt changes accordingly.~~
- (gf) The rates, fees and charges for all accounts outside the city limits shall be the same as set forth in Section 78-216~~this section~~, plus 25 percent. Charges for service outside the city limits, in proper instances, may be established by ordinance under the provisions of F.S. § 180.191(b).

Section 9. That Section 78-217 of Article V of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-217. - Water and sewer fees chargeable to property owner; additional tenant deposit; lien procedures.

- (a) Water and sewer services are held to be furnished to the property, and the fees therefor are chargeable to the property owner, unless the property is tenant-occupied. Each city utility account will have a separate contract relative to responsibility for payment of the account. If the property is tenant-occupied, a ~~\$50.00~~ \$100.00 deposit, in addition to the deposit called for in section 78-214(ed), shall be collected.
- (b) Any payment remaining unpaid on owner-occupied property for a period of 30 days that is chargeable to the property shall constitute a lien in

favor of the city against the property serviced, and the proper city officials are authorized and directed to record such lien in the county public records. Such lien shall be superior to any encumbrances on the property, except for tax liens, and may be foreclosed by the city attorney as is provided by law.

Section 10. That Section 78-423 of Article VIII of Chapter 78 of the Code of Ordinances is amended to read as follows:

Sec. 78-423. - Development fee imposed.

There is hereby imposed a development fee, based on the equitable portion of the cost of financing the extension of the city's sewer and water systems, on the equivalent single-family residential unit responsible for creating the need for additional system financing. The obligation for payment of the such fee shall occur at the time the first of the water permit, sewer permit or building permit is issued. The development fee shall be as follows:

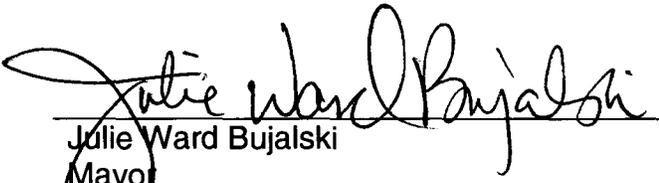
- (1) Equivalent single-family residential unit (ERU) water and sewer development fees shall be established by resolution following a public hearing.
- (2) Each nonresidential, commercial and industrial account will, for the purpose of establishing the development fee, be considered to comprise multiple single-family residential units based on the use of the future unit count as defined in the most recent plumbing fixture value table published by the American Water Works Association or a fixture count acceptable to the building official, based on sufficient and acceptable data furnished him in accordance with the following: ~~every 25 fixture units, or its part, equal one equivalent single-family residential unit~~ 25 fixture units, or part thereof, shall be equal to one equivalent single-family residential unit, or part thereof, according to the number of equivalent residential units for each structure so connecting or so expanding into the respective utility system.
- (3) Each additional equivalent single-family residential unit occasioned by changes in property usage subsequent to the effective date of this section shall be subject to a development fee computed in accordance with whichever of the foregoing criteria is applicable.
- (4) The development fee established shall increase or decrease annually on October 1 as determined by the percentage by which the Construction Cost Index published by Engineering News-Record (commonly referred to as the ENR-CCI) has increased or decreased.

If a building permit is issued for an existing nonresidential commercial or industrial connection which will increase water or sewer demand, or if a building changes from residential to nonresidential occupancy, the total number of equivalent single-family residential units for the old and new parts of the facility shall be computed as outlined in subsection (2) of this section. The number of new equivalent single-family residential units shall be

determined by subtracting the number of old equivalent single-family residential units in the entire facility. The development fee will be assessed on the number of new equivalent single-family residential units, or part thereof.

Section 11. That this Ordinance shall become effective October 1, 2016.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 16th day of June, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: June 02, 2016

READ SECOND TIME AND ADOPTED: June 16, 2016

ORDINANCE 16-21

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, REPEALING SECTIONS 78-251, 78-252, 78-253, 78-254 AND 78-259 OF THE CODE OF ORDINANCES TO CONFORM WITH STATE LAW THAT PREEMPTS THE CITY FROM IMPOSING ADDITIONAL OR DUPLICATIVE REQUIREMENTS OR FEES IN THE PERMITTING OF THE LOCATION, ABANDONMENT, BORING OR OTHER ASSOCIATED ACTIVITIES RELATING TO THE INSTALLATION OR ABANDONMENT OF GROUNDWATER WELLS; THAT SECTIONS 78-255 THROUGH 78-258 SHALL BE RENUMBERED 78-251 THROUGH 78-254; AMENDING RENUMBERED SECTION 78-253 TO REMOVE THE REFERENCE TO INSPECTION AND APPROVAL OF WELLS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, in 2013 the Florida Legislature passed House Bill 999 which provided for authorization by the Department of Environmental Protection to the Southwest Florida Water Management District as the solely responsible entity to issue well permits within its permitting jurisdiction; and

WHEREAS, certain provisions within the Dunedin Code of Ordinances require City-issued permits to drill wells, provide for the City's regulation of groundwater wells, the monitoring of water quality and require the City be notified of certain activities relating to the installation of wells; and

WHEREAS, City staff has reviewed its code as it relates to HB 999's restrictions that prevent other unauthorized local governments from imposing additional or duplicative requirements or fees and establishing programs for permitting the location, abandonment, boring or other associated activities relating to the installation or abandonment of groundwater wells, and has determined Sections 78-251, 78-252, 78-253, 78-254 and 78-259 of the Code of Ordinances cannot be legally enforced; and

WHEREAS, the Dunedin City Commission has found certain revisions to the Code of Ordinances are necessary and meritorious in order to comply with the statutory requirements of F.S. 373.308(1).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Sections 78-251 through 78-254 of the Code of Ordinances are hereby repealed.

Section 2. That Sections 78-255 through 78-258 of the Code of Ordinances shall be renumbered 78-251 through 78-254.

Section 3. That Section 78-259 of the Code of Ordinances is hereby repealed.

Section 4. That the renumbered Section 78-253 of the Code of Ordinances shall be amended to read as follows:

Sec. 78-253. - Inspection; approval required.

All ~~wells and~~ sprinkler systems shall be inspected and approved by the city development services department before initial operation.

Section 5. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of December, 2016.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: December 01, 2016

READ SECOND TIME AND ADOPTED: December 15, 2016

ORDINANCE 16-22

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING CHAPTER 58, PENSIONS AND RETIREMENT, ARTICLE II, RETIREMENT, DIVISION 2, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN; AMENDING SECTION 58-77, DEFERRED RETIREMENT OPTION PLAN, BY AMENDING THE FUNDING DESCRIPTION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That Chapter 58, Pensions and Retirement, Article II, Retirement, Division 2, Firefighters' Retirement System, of the City of Dunedin Code of Ordinances, is hereby amended by amending Section 58-77(c), "Funding", to read as follows:

(c) Funding.

- (1) Establishment of DROP account. A DROP account shall be established for each member participating in the DROP. A member's DROP account shall consist of amounts transferred to the DROP under subsection (c)(2) of this section, and earnings, gains or losses on those amounts. The DROP account is a notional account, as all amounts remain commingled within the pension fund without any specific amounts being separated for individual members.
- (2) Transfers from retirement system.
 - a. As of the first day of each month of a member's period of participation in the DROP, the monthly retirement benefit he would have received under the system had he terminated his employment as a firefighter and elected to receive monthly benefit payments under the system shall be transferred to his DROP account, except as otherwise provided for in subsection (b)(4)b of this section. A member's period of participation in the DROP shall be determined in accordance with the provisions of subsections (b)(3) and (b)(4) of this section, but in no event shall it continue past the date he terminates his employment as a firefighter.
 - b. Except as otherwise provided in subsection (b)(4)b of this section, a member's DROP account under this subsection (c)(2) shall be debited or credited after each fiscal year quarter with earnings, gains or losses, determined as follows: The average daily balance in a member's DROP

account shall be credited or debited at a rate equal to the actual net rate of investment return realized by the system for that quarter.

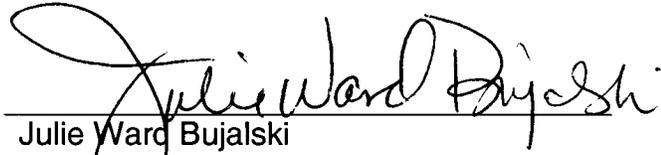
1. The term "net investment return," for the purpose of this subsection, is the total return of the assets in which the member's DROP account is invested by the board, net of brokerage commissions, transaction costs and management fees, which expenses are allocated proportionately in relation to the total assets in the Plan. Net investment return is reflected on statements that are generated for members.
 2. Total return of assets is all realized and unrealized gains and losses, dividends, capital gain distributions, coupon payments from bonds, and income distributions from the real estate investment.
- c. A member's DROP account shall only be credited or debited with earnings, gains or losses and monthly benefits while the member is a participant in the DROP. A member's final DROP account value for distribution to the member upon termination of participation in the DROP shall be the value of the account at the end of the quarter immediately preceding termination of participation plus any monthly periodic additions made to the DROP account subsequent to the end of the previous quarter and prior to distribution. If a member is employed by the city fire department after participating in the DROP for the permissible period of DROP participation, then beginning with the member's first month of employment following the last month of the permissible period of DROP participation, the member's DROP account will no longer be credited or debited with earnings or interest, nor will monthly benefits be transferred to the DROP account. All such nontransferred amounts shall be forfeited and continue to be forfeited while the member is employed by the city fire department. A member employed by the city fire department after the permissible period of DROP participation will still not be eligible for preretirement death or disability benefits under the system, nor will he accrue additional credited service.

Section 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

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

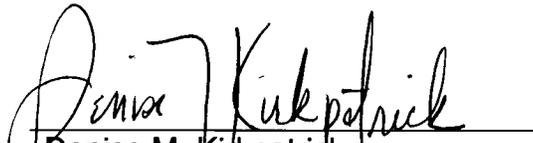
Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DUNEDIN, FLORIDA, THIS 25th day of August, 2016.**



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: July 14, 2016

READ SECOND TIME AND ADOPTED: August 25, 2016

ORDINANCE 16-25

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CREATING SECTION 105-24.7 PAID PARKING IN THE LAND DEVELOPMENT CODE OF THE DUNEDIN CODE OF ORDINANCES; ESTABLISHING A DOWNTOWN PARKING PLAN WITHIN THE COMMUNITY REDEVELOPMENT AREA (CRA); PROVIDING FOR ON-STREET AND OFF-STREET PAID PARKING; PROVIDING FOR PARKING ENFORCEMENT, PROHIBITION, RESTRICTIONS AND RESIDENTIAL PARKING PERMIT AREAS; PROVIDING FOR DEFINITIONS; REPEALING SECTIONS 74-72 AND 74-73 OF THE CODE OF ORDINANCES AND RENUMBERING SECTION 74-44 AS 74-42; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Dunedin City Commission has received public input at several City Commission workshops and City Commission meetings regarding downtown parking, and has received recommendations from City staff, the Adhoc Downtown Parking Committee and the Community Redevelopment Agency Advisory Committee to implement a pilot parking management system within the Community Redevelopment Area (CRA); and

WHEREAS, the City has retained Walker Parking Consultants to study the issues and make recommendations for implementing a hybrid Parking Management System within the CRA; and

WHEREAS, City staff has worked with Walker Parking to review and analyze a Parking Management System that includes complimentary (free) and paid parking areas; and

WHEREAS, the City Commission has determined that revenue from the paid parking stations will be utilized to fund costs associated with the management of the overall parking system, parking leases, and a future parking garage; and

WHEREAS, amendments to the Land Development Code are necessary to implement regulations of the Downtown Parking Plan; and

WHEREAS, the Local Planning Agency of the City of Dunedin has considered the revisions to the text of the Land Development Code and has recommended the amendments be adopted; and

WHEREAS, the recommendations of the consultant, City staff and the Local Planning Agency have been found by the City Commission to be meritorious.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 105-24.7 of Chapter 105 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

SECTION 105-24.7 PAID PARKING

105-24.7.1 – GENERALLY

105-24.7.1.1 – Applicability.

(A) This section shall apply to every street, alley, sidewalk, driveway, parking area, park area and every other way in the City's Community Redevelopment Area (CRA).

105-24.7.1.2 - Compliance with Section.

It shall be unlawful and an offense for any person to do any act forbidden or fail to perform any act required in this section.

State Law reference— *Similar provisions, F.S. § 316.072(2).*

105-24.7.1.3 - Violations Generally.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the committing of any act declared in this section to be in violation of the ordinances of this city, whether individually or in connection with one (1) or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, willfully induces, causes, coerces, requires, or directs another to violate any provision of this section is likewise guilty of such offense.

105-24.7.1.4 - Offenses by Persons Owning or Controlling Vehicles.

Neither the owner or any person employing or otherwise directing the driver of any vehicle shall require or knowingly permit the operation of such vehicle upon a street of this city in any manner contrary to law.

105-24.7.1.5 - Presumption in Reference to Illegal Parking, Operating, Stopping, Etc.

In any prosecution charging a violation of any ordinance governing the stopping, standing, parking, or operating of a vehicle, proof that the particular vehicle described in the complaint was parked or operated in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking or operating the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the

registered owner of such vehicle was the person who stopped, stood, parked, or operated such vehicle at the point where and for the time during which such violation occurred.

The foregoing presumption shall apply only when the procedure as prescribed in section 105-24.7.4.8 has been followed.

State Law reference— *Liability for payment of parking ticket violation, F.S. § 316.1967.*

105-24.7.2 – DOWNTOWN PARKING PLAN

105-24.7.2.1 - Authority to Install, Operate and Maintain Parking Pay Stations.

- (A) The Economic Development Department is hereby authorized to install or have installed sufficient parking pay stations or multi-space parking pay stations in such parking pay station zones as now exist or may from time to time be created. Such parking pay stations or multi-space parking pay stations shall be placed upon the curb alongside of or next to individual parking places to be designated as provided in this section.
- (B) The Economic Development Department shall provide for the installation, regulation, control, operation, and use of the parking pay stations or multi-space parking pay stations provided for in this section and shall see to it that such pay stations are maintained in good workable condition.
- (C) The Economic Development Department is hereby authorized to designate and determine such additional parking pay station zones upon the streets, boulevards, avenues, drives and courts of the CRA and may remove the same as may be required from time to time. Parking pay stations for such additional parking pay station zones shall be installed, as provided in this section, after purchase by authority of the City Commission.

105-24.7.2.2 – Parking System Description.

The operational pay-station type is "Pay-by-Plate" which requires the patron to enter their license plate number before paying for parking. This option associates the payment with the vehicle license plate and allows improved integration with enforcement and options for permit or discount based on a specific vehicle using the license plate as the credential for payment.

105-24.7.2.3 - Multi-Space Pay Stations.

- (A) Each multi-space pay station shall contain a legend showing the type of payments, the parking time allowed for payment and the hours during which payment must be made.

(B) The operator using such parking space shall immediately make payment upon parking in the designated area. In case of violation, it shall be the duty of enforcement personnel to issue a citation.

(C) Under authority of law, the city has acquired or leased certain municipal on and off-street parking lots, garages, and areas, and the revenue derived therefrom shall be used to pay the cost of maintenance and supervision, a future parking garage and/or to retire the principal and interest of municipal parking revenue bonds, in accordance with the provisions of the resolution authorizing same. All such parking lots, garages, and areas owned or operated by the city, except as otherwise provided in this section, shall be operated subject to the rates and hours of operation listed below:

1. The rates are to be charged by tier. The tier rates shall be established by resolution of the City Commission.
2. For on-street paid parking spaces, the Marina parking lot, the Historical Museum parking lots and certain paid lots off Main Street the rate shall be at a Tier 2 rate.
3. For off-street paid parking spaces the rate shall be at a Tier 1 rate.
4. Paid parking locations shall be enforced during the times established by resolution of the City Commission.

(D) Parking locations, payment type in paid parking areas and complimentary (free) parking areas shall be established by resolution of the City Commission.**105-24.7.2.4 – Methods of Payment.**

- (A) Coin
- (B) Credit/Debit Cards
- (C) Phone App

105-24.7.2.5 – City of Dunedin Resident Discount Program.

- (A) The public is eligible to park in lots designated as complimentary (free).
- (B) Residents of the City can receive a discount on their parking fees. The amount of the discount and the process required to obtain the discount will be established by resolution of the City Commission.

105-24.7.2.6 – Downtown Employee Pass Program.

- (A) Employees of businesses located in the CRA, may purchase longer term parking passes for the Tier 1 lots and garages with proof of employment in the CRA. The cost of the pass will be established by resolution of the City Commission.

- (B) These passes authorize the employee to use the Tier 1 parking lots and garages for a maximum of 40 hours per week.

105-24.7.2.7 Overnight Parking Permit.

If any parking customer is impaired and does not want to drive home, Dunedin's pay stations will be programmed to allow customers to pre-pay for the next day's parking. Beginning nightly at 7:00pm customers can pre-pay parking for the next day. The fee for the Overnight Parking Permit is \$5.00. The fee covers the next day's parking from 10:00 am to 1:00 pm in any paid location.

105-24.7.2.8 – Golf Carts.

- (A) Any golf cart or other slow speed vehicle (street legal golf carts) that occupies a paid parking space will be required to pay for parking using the nearest pay station.
 1. To access the pay station, low speed vehicles (street legal golf carts) will enter the required Florida license plate.
 2. For golf carts that are not street legal, but that are allowed downtown, the Dunedin registration number will be used at the pay station.

105-24.7.3 - PROHIBITIONS AND RESTRICTIONS

105-24.7.3.1 - Moving Vehicle into Prohibited Area.

No person shall move a vehicle not owned by or in charge of such person into any such prohibited area or away from a curb such distance as is unlawful.

105-24.7.3.2 - Parking Not to Obstruct Traffic.

No person shall stop, stand, or park a vehicle on any portion of a street lane, or lane of traffic in a lot or garage open to the public for purposes of vehicular traffic and designated for the exclusive use of vehicular movement, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer.

105-24.7.3.3 - Unattended Motor Vehicle.

- (A) Whenever any enforcement personnel shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of this section, such enforcement personnel are authorized to remove such key from such vehicle and to post a notice in such vehicle stating where the key may be recovered.
- (B) The registered owner of a vehicle found in violation of this section shall be held prima facie responsible for any such violation.

105-24.7.3.4 - Prohibited in Specified Places.

- (A) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. It shall be unlawful for any person to park in or upon any private alley, drive, driveway, parking area or other privately owned property without the consent of the owner of the property or person in charge thereof, whether such property is used exclusively by the owner or for the use and convenience of customers or guests.
 2. On the street side of any vehicle stopped or parked at the edge or curb of a street.
 3. On a sidewalk.
 4. Within an intersection.
 5. On a crosswalk.
 6. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length.
 7. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 8. On a bicycle path.
 9. At any place where traffic control devices prohibit stopping.
 10. At any Electric Charging Station, unless connected and charging an electric vehicle. The time allowed to park in the space is determined by the pay station maximum allowed in that specific location or designated by posted sign.
- (B) No person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, and except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in any of the following places:
1. In front of a public or private driveway.
 2. Within fifteen (15) feet of a fire hydrant.
 3. Within twenty (20) feet of a crosswalk at an intersection.
 4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a street.

5. Within twenty (20) feet of the driveway entrance to any fire station and, when posted, on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance.
6. On an exclusive bicycle lane.
7. At any place where official traffic control devices prohibit standing.

105-24.7.3.5 - Occupation of more than One Space by One Vehicle.

- (A) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to occupy more than one (1) parking space. When more than one (1) pay stationed parallel parking space is occupied by a vehicle or any portion thereof the vehicle operator must make payment to the parking pay stations alongside of, next to, or in front of the spaces so occupied.
- (B) No person shall stop, stand or park a vehicle in a manner that causes the vehicle or any portion thereof to extend over the white line marking which designates the rear of a compact vehicle parking space in municipal parking areas or lots owned or operated by the city. A compact vehicle parking space is one which is eight (8) feet in width and sixteen (16) feet in length.

105-24.7.3.6 - House Trailers, Buses, Recreational Vehicles and Truck Tractors.

- (A) Prohibition. No person shall park any house trailer, bus, recreational vehicle unit or truck tractor with or without a trailer attached, within any zone (paid or complimentary [free]) within the parking lots, garages, spaces and the areas within the CRA.
- (B) Exemption. The provisions of this section shall not apply to official vehicles and vehicles that are authorized by the city to be engaged in television or film production or City authorized Special Events.
- (C) Penalty. Any violation of this section shall result in a fine of \$30.00.

105-24.7.3.7 - Stopping, Standing or Parking In Alleys.

- (A) No person shall stop, stand, or park a vehicle within an alley, except for the expeditious loading or unloading of materials, and in no event for a period of more than twenty (20) minutes, and no person shall stop, stand, or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- (B) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

105-24.7.3.8 - Parking for Certain Purposes Prohibited.

- (A) No person shall park a vehicle upon any street, pay stationed parking space, parking lot, or garage, for the principal purpose of:
1. Displaying such vehicle for sale.
 2. Washing, greasing, or repairing such vehicle, except repairs necessitated by emergency.
 3. Displaying advertising.
 4. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the ordinances of this city.
 5. Storage or as junkage or dead storage for more than twenty-four (24) hours.

105-24.7.3.9 - One-Way Roadways.

- (A) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a two-way street unless the right-hand wheels of such vehicle are parallel to and within twelve (12) inches of the right-hand curb or edge of the street.
- (B) Except where angle parking is permitted, no person shall stop, stand, or park a vehicle upon a one-way street unless such vehicle is parked, stood, or stopped parallel to the curb or edge of the street, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the street, or its left wheels are within twelve (12) inches of the left-hand curb or edge of the street.

105-24.7.3.10 - Passenger Curb Loading Zones.

No person shall stop, stand, or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

105-24.7.3.11 - Restricted Parking Zones.

No person shall stop, stand, or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any

vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

105-24.7.3.12 - Buses and Taxicabs.

The operator of a bus or taxicab shall not stop, stand, or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

105-24.7.3.13 - Restricted Use of Bus and Taxicab Stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

105-24.7.3.14 - Parking in Spaces Provided for Disabled Persons.

No person shall stop, stand or park a vehicle within any parking space specially designated and marked for the exclusive use of physically disabled persons only, unless such vehicle displays a parking permit issued pursuant to F.S. §§ 316.1958 or 320.0848, or a license plate issued pursuant to F.S. §§ 320.084, 320.0842, 320.0843 or 320.0845, and such vehicle is transporting a person eligible for such parking permit or license plate; provided, however, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit or a special license plate, momentary parking in any such parking space, for the purpose of loading or unloading such disabled person, and no penalty shall be imposed upon the driver for such momentary parking.

- (A) Payment is required for all vehicles in lots and garages. Only drivers of vehicles with specialized equipment such as a ramp, lift, or foot or hand controls, displaying the Florida Toll Exemption Permit, displaying a parking permit issued under Florida Statute 316.1958 or 320.0848, or displaying a license plate for disabled veterans issued under Florida Statutes 320.084, 320.0842 or 320.0845 are exempt from parking fees.

105-24.7.3.15 Head-in Parking

The downtown parking pay stations and phone app utilize a pay-by-plate system that features a license plate recognition camera. Each paid parking space shall require head-in parking. It shall be unlawful to back into any paid parking space.

105-24.7.4 – PARKING ENFORCEMENT

105-24.7.4.1 - Authority to Issue Citations for Nonmoving Violations

The parking manager and his designated representatives are hereby given authority to issue citations for nonmoving violations of this section. Concerning such nonmoving violations, the City Commission shall designate those for which payment may be made by fine and accepted by the Economic Development Department and shall further specify by suitable schedules the amount of such fines for first, second or subsequent offenses, provided such fines are within the limits provided by law.

105-24.7.4.2 - Schedule of Fines

- (A) The schedule of fines for parking violations within the city shall be established by resolution of the City Commission.
- (B) Parking violations are to be paid within thirty (30) calendar days from the date of issuance.
 - 1. Parking violation fines for which full payment is not received within thirty (30) calendar days from the date of issuance will be subject to a fifteen-dollar (\$15.00) penalty in addition to the citation fine for each citation issued.
 - 2. Parking violation fines and penalties for which full payment is not received within forty-five (45) calendar days from the date of issuance will be subject to an additional twenty-dollar (\$20.00) penalty, for a total of thirty-five dollars (\$35.00) penalty in addition to the citation fine for each citation issued.
 - 3. Pursuant to F.S. § 938.35, parking violation fines and penalties for which full payment is not received within ninety (90) calendar days from the date of issuance will also be subject to an additional collection fee if the account is referred to a collection agent. The amount of such collection fee shall not exceed forty (40) percent of the amount owed at the time the account is referred to the attorney or agents for collection, or in the actual amount charged by such private attorney or agents for collection, whichever is less.
 - 4. In the case of overpayment of a parking violation fine and penalty, no refund shall be made if payment of any other delinquent citation is due and owing on any vehicle owned by the same registered owner of the vehicle, and if such citation is not under appeal. The city shall apply such credit balance to the oldest outstanding delinquent citation first.

5. Overpayments. Any overpayments of fines/penalties will only be refunded if specifically requested within 90 days of receipt of the overpayment.
- (C) Overtime Parking Violation fines and penalties paid on the day of the violation, at the parking pay station shall be discounted by fifty percent (50%).
 - (D) The Economic Development Department may dismiss parking citations under certain extenuating circumstances. These circumstances may include, but are not limited to, an improperly displayed permit or pay station receipt when a valid permit or receipt is later produced, disabled vehicle, verified official city business, ambulance transport, police undercover vehicles, utility service providers, or verified pay station malfunction.

105-24.7.4.3 - Overtime Parking

- (A) When any vehicle is parked in any space designated as paid parking, the owner, operator, manager or driver of such vehicle shall, upon entering the parking space, immediately make payment to the multi-space parking pay station. The parking space may then be used by such vehicle during the parking limits provided herein. If the vehicle shall remain parked in such parking space beyond the payment period and in that event such vehicle shall be considered parked overtime, a citation may be issued. A subsequent citation may be issued for each violation of the time limits provided on the legend of multi-space parking pay station. The fact that a citation has been issued for a vehicle parked overtime shall not prevent enforcement personnel from issuing a subsequent citation; for example, a citation may be issued every two (2) hours at a two-hour time limit parking pay station space for a vehicle that remains parked overtime.
- (B) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or under his control to be parked overtime or beyond the lawful periods of time as set forth in this section.
- (C) It shall be the duty of the Economic Development Department to enforce the provisions of this section and to issue citations for all such violations.

105-24.7.4.4 - Presumption of Overtime Parking and Ownership of Vehicle.

- (A) The fact that an enforcement officer using a license plate recognition system in conjunction with a pay by plate multi-space pay station that shows no time remaining shall be presumptive evidence that the person who parked the vehicle then found standing in the parking space in the vicinity of a multi-space pay station failed to make payment as required therein or has permitted his vehicle to remain in such parking space for a period of time greater than that permitted for such payment. The

indication by such multi-space pay station of illegal parking shall be presumptive evidence of overtime parking.

- (B) Any overtime parking violation under this division shall raise the presumption that the vehicle involved was operated by the person in whose name such vehicle was registered.

105-24.7.4.5 - Use of Slugs, etc., in Pay Stations.

It shall be unlawful for any person to deposit or cause to be deposited in any parking pay station any slug, device, or substitute for a coin of the United States of America.

105-24.7.4.6 - Vehicles Parked on Public Property; Towing.

- (A) It shall be unlawful to stop, stand or park an unauthorized vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or official traffic-control device, in any public parking lot or parking area during hours when such parking lot or area is closed to the general public or upon any other public property where parking is restricted or prohibited.
- (B) Law enforcement officers and parking enforcement specialists are hereby authorized to direct the removal of any vehicle stopped, standing or parked in violation of this section if signs have been posted indicating that the parking lot, parking area or public property is a location from which vehicles will be removed if they are parked illegally.
- (C) Removal of vehicles from public property, parking lots or parking areas pursuant to this section shall be accomplished in accordance with the following procedure:
 1. Unless deemed an emergency or a public safety issue, law enforcement officers and parking enforcement specialists shall not have an illegally parked vehicle towed until 72 hours elapses from it being determined to be illegally parked.
 2. The law enforcement officer or parking enforcement specialist shall attempt to locate the owner or operator of the illegally parked vehicle within the immediate vicinity of the vehicle before causing the vehicle to be towed or removed.
 3. Once the vehicle is removed, a description of the vehicle shall be forwarded to the Sheriff which shall, as soon as practicable, attempt to ascertain the identity of the owner of the vehicle. Within twenty-four (24) hours, the city shall attempt to contact the owner of the vehicle to notify him of the removal and location of the vehicle.

4. If the city is unable to contact the owner or operator of the vehicle or if the vehicle remains unclaimed for forty-eight (48) hours, written notice of the towing and location of the vehicle shall be mailed to the registered owner of the vehicle.
5. Upon payment of the costs of towing and storage, a vehicle removed and impounded pursuant to this section will be released to the owner or operator.
6. An owner may secure the release of his vehicle without first paying the costs of towing and storage by posting a bond as provided by law.
7. Should the owner or operator of an illegally parked vehicle contesting the parking citation prevail in an administrative appeal conducted pursuant to section 105-24.7.4.9 or in a court of competent jurisdiction, the costs of removal and storage of the vehicle shall be borne by the city. If such an owner or operator has paid the towing and storage costs to obtain the release of his vehicle prior to prevailing in the administrative appeal or judicial proceeding, the city shall reimburse the owner or operator the full amount of such charges.

105-24.7.4.7 - Withholding of License Tags

The Economic Development Department shall periodically upload to the Department of Highway Safety and Motor Vehicles an electronic file, listing persons who have three (3) or more outstanding parking violations. Any person whose name appears on such a list will not be issued a license plate or revalidation sticker by the Economic Development Department until the outstanding parking violations are paid.

105-24.7.4.8. - Notice on Illegally Parked Vehicle

Whenever any motor vehicle without driver is found parked, stopped, or standing in violation of any of the restrictions imposed by ordinance of this city, the enforcement personnel finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation or notice in writing, on a form provided by the Economic Development Department.

105-24.7.4.9 - Administrative Appeal.

Any person wishing to contest a parking citation may appeal to the Economic Development Department, as follows:

- (A) For defective pay stations: If a person who has received a citation for overtime parking believes the pay station for the parking space is defective or malfunctioning, such person shall notify the city's Economic

Development Department of possible defect or malfunction no later than 10:00 a.m. the following working day via:

1. Telephone call to the city's Economic Development Department to report such pay station defect or malfunction; or
2. Personally appearing at the Economic Development Department office to make such report.

If such a citation is received on a Saturday, Sunday or holiday, during which the office is closed, such report must be made within two (2) hours on the next working day the office is opened. City personnel shall then be dispatched to check the operation of such pay station. The person who received the citation shall be notified by telephone or regular mail of the results of the investigation into the operation of said pay station. If the pay station is found to be defective or malfunctioning, the citation will be excused. If the pay station is found to be functioning properly, the violator will be notified by the office as provided above and the time limits specified in section 105-24.7.4.2 (B) shall then begin to run anew, as if the citation was just issued.

(B) For any other parking violation:

1. Any person wishing to contest a parking citation may appeal and contest such citation by contacting the city's Planning & Development Department, as provided in paragraphs (A)(1) and (A)(2) above, within three (3) working days from the date the citation was issued and requesting an administrative appeals hearing. The city's Planning & Development Department will provide to the appellant an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department within ten (10) working days of the date the citation was issued. The city's Planning & Development Department will then forward the completed appeals hearing request forms, which were received within the time specified above, to the Special Magistrate, within ten (10) working days of receipt.
2. The Special Magistrate shall set the hearing within sixty (60) calendar days from the date the appeals hearing request form was received by the Special Magistrate, and shall provide the person issued the citation at least seven (7) working days' advance notice of the date of the hearing. The notice shall be sent by regular mail to the address of the registered owner of the vehicle or, in the event that the driver of the vehicle is not the owner, to the driver's address if the driver has requested an administrative appeals hearing and provided his or her address to the city's Planning & Development Department when making a request for an administrative appeals hearing.

- (C) The person issued the citation may:
1. Be represented by counsel;
 2. Call and examine witnesses;
 3. Introduce exhibits;
 4. Cross examine opposing witnesses on any relevant matter; and
 5. Impeach any witness.
- (D) All hearings shall be conducted insofar as practical in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code. However, the general nature of the hearing shall be conducted in an informal manner. All irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any interested party or person may make application and upon good cause shown may be allowed by the Special Magistrate officer, in the reasonable exercise of such Special Magistrate's discretion, to intervene in a pending proceeding.
- (E) Any person who receives a parking citation but who does not reside in Pinellas County, Florida, may contest the citation in writing by contacting, as provided in paragraphs (A)(1) and (A)(2) above, city's Planning & Development Department within three (3) days from the date of citation issuance and requesting an appeals hearing request form which is to be completed and returned to the city's Planning & Development Department, accompanied by all evidence upon which the person relies, within twenty (20) working days of the date the citation was issued. The completed appeals hearing request form and accompanying evidence, which were received within the time specified above, will then be sent by the city's Planning & Development Department to the Special Magistrate within ten (10) working days of receipt. The Special Magistrate will hear the case within 60 days of the date the appeals hearing request form and accompanying evidence was received by the Special Magistrate. The evidence presented must include a notarized statement by the person receiving the citation, which statement shall identify the citation at issue by its number and date of issuance, shall set forth the name and current address of the person cited, and may contain argument in defense against the citation. The Special Magistrate will not consider any statement that is not notarized.

The evidence submitted may include notarized statements of witnesses. Such statements must include the name and address of each witness as well as the basis of the witness' knowledge about the facts asserted in the statement. The evidence submitted may also include such documents that are relevant and material to the disposition of the citation. All evidence submitted is subject to the evidentiary rules and procedures set forth in this section.

- (F) Pursuant to Florida law, any person who elects to appear before a Special Magistrate or to contest a citation by mail, shall be deemed to have waived the right to pay the civil penalty amount set forth on the citation. The hearing or consideration of mailed-in admissible evidence will be decided within thirty (30) calendar days after the request for hearing was made or the evidence to be considered was received. After a hearing or consideration of mailed-in admissible evidence, the Special Magistrate shall make a determination based on the greater weight of the evidence as to whether a parking violation has been committed and shall issue an order imposing a civil penalty as set forth in section 105-24.7.4.2, as amended, of this code, in addition to applicable late fees. The Special Magistrate may grant additional time to pay the civil penalty amount and late fees; otherwise such fines are due and payable within ten (10) working days from the date the order of the Special Magistrate was issued. All orders shall be in writing and shall be signed and dated by the Special Magistrate. If, at the conclusion of the hearing or consideration of mailed-in admissible evidence, the Special Magistrate orders a dismissal of the citation because no violation was found, the hearing officer shall so state and issue an order of dismissal in writing, signed and dated by the Special Magistrate which shall contain findings of the facts supporting the order. A copy of such order will be forwarded to the person receiving the citation and to the city's Planning & Development Department.
- (G) An order of the Special Magistrate may be appealed by any party receiving an adverse ruling by filing a Petition for Writ of Certiorari in the Circuit Court of the 6th Judicial Circuit in and for Pinellas County, Florida, within thirty (30) calendar days from the date the order was issued.

105-24.7.5. - RESIDENTIAL PARKING PERMIT PROGRAM (RPPP)

105-24.7.5.1 - Designation of Residential Parking Permit Program Area.

- (A) The City Commission may designate by Resolution certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

- (B) The locations of the Residential Parking Permit Program Areas (RPPP Area) shall be established by resolution of the City Commission.

105-24.7.5.2 - Provisions of Resolution.

The designation Resolution shall describe the area designated as a residential parking permit district, the time limitation and period of the day when non-residential vehicles will be restricted from parking in the area, the cost of the permit, the days of the week when such restriction shall apply and such other information regarding the RPPP program to be established for a specific area.

105-24.7.5.3 - Conditions and Criteria for Designation of Residential Parking Permit Districts.

A residential area may be eligible for designation as a residential parking permit district if, on-street parking is impacted by non-resident vehicles during a certain period of the day.

105-24.7.5.4 - Issuance of residential parking permits.

- (A) Residential parking permits shall be issued by the Planning & Development Department as follows:
 - 1. The owner of property located within a RPPP area shall make application to the Planning & Development Department for a residential parking permit. The application shall contain:
 - a. The name of the owner, tenant of the property or both; and
 - b. Residence and mailing address of owner, tenant or both; and
 - c. A valid Florida License or State of Florida I.D. with photo, and address located within the RPPP area; or
 - d. Such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPP area.
- (B) The Planning & Development Department may issue parking permits to qualified applicants. The number of permits that may be issued per resident shall be as specified in the designation resolution adopted as provided in this division.
- (C) The permit shall display the city's seal, the year of issuance, the RPPP area street name or such information as approved by the parking manager.
- (D) The permit shall be valid for a one-year period unless otherwise provided by the designation Resolution adopted by the City Commission. Such permit shall be displayed in a location determined by the Planning & Development Department.

- (E) The residential parking permit shall be issued to qualified applicants upon payment of the fees approved as provided in the designation Resolution.
- (F) Residential permit parking. A motor vehicle displaying a valid residential parking permit as provided in this section shall be permitted to stop, stand or park on a restricted street within the RPPP Area for which the permit has been issued. A resident motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this section. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated residential parking permit district.
- (G) The residential parking permit must be used by the applicant for:
 - 1. Parking of the resident's vehicles unless otherwise provided in the resolution.
- (H) Guest residential parking permit. Guest residential parking permits ("Guest Permit") as provided in this division shall be distributed in accordance with the provisions of the designation Resolution. The designation resolution shall provide for the number of guest permits, who will distribute to guests of a resident and the period of time a guest permit may be used.

The guest parking permit must be used by the applicant for:

- 1. Parking of visitor's or guest's vehicles as that term is defined herein; and
- 2. Parking of commercial vehicles while the operator of the vehicle is actually involved in the performance of the commercial activity associated with the commercial vehicle.

105-24.7.5.5 – Prohibitions.

- (A) No person shall stop, stand or park a motor vehicle on any restricted street within a RPPP area during the times provided in the designation Resolution, and as the signs posted on such restricted street state that parking is not permitted unless the motor vehicle displays a valid residential parking permit or guest permit as provided by this division.
- (B) No person other than the permittee shall use or display the residential parking permit or guest permit on a motor vehicle other than that for which the permit is issued, and any such use or display by a person other than the permittee or guest on a motor vehicle for which the permit is issued shall constitute a violation of this division by the permittee and by the person who so used or displayed such residential parking permit.

- (C) It shall be a violation of this division for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to the parking manager in order to obtain a residential parking permit.
- (D) The parking manager is authorized to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the parking manager. Failure, when so required, to surrender a residential parking permit so revoked shall constitute a violation of this division. Once a permit is revoked, it will not be re-issued to that applicant for a one-year period and only upon a new application being filed.

105-24.7.5.6 – Penalty.

The penalty for a violation of this section shall be by issuance of a parking citation. The fine shall be thirty-dollars (\$30.00) per violation.

Section 2. That Appendix A-2 of Subpart B – Land Development Code of the Code of Ordinances of the City of Dunedin is hereby created to read as follows:

APPENDIX A-2: PAID PARKING DEFINITIONS

The following words and phrases, when used in Section 105-24.7 - PAID PARKING, LDC, shall have the following meanings, except where the context clearly indicates a different meaning. These definitions supplement F.S. § 316.003.

Bus means any motor vehicle originally designed or used for transporting ten (10) or more passengers, whether or not such transportation is for compensation, which vehicle is not owned and operated by a governmental entity.

Bus stand means a fixed area in the roadway parallel and adjacent to the curb to be occupied exclusively by buses for layover in operating schedules or waiting for passengers.

Center or centerline means a continuous or broken line marked upon the surface of a roadway by paint or otherwise to indicate each portion of the roadway allocated to traffic proceeding in the two (2) opposite directions, and, if the line is not so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway.

Commercial vehicle means every vehicle designed, used or maintained primarily for the transportation of property.

Common carrier means all common carriers of passengers operating between fixed termini, over regular routes and on fixed schedules.

Courier zone means a space reserved for the parking of vehicles during the delivery of documents or small packages.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Designation resolution means a Resolution adopted by the City Commission designating certain residential areas meeting and satisfying the criteria and procedures provided herein as a residential parking permit district in which motor vehicles owned by residents of the residential permit parking district displaying a valid parking permit may park without limitation by parking time restrictions established as provided herein.

Double parking or double standing or double stopping means the parking, standing or stopping of a vehicle upon the roadway side of another vehicle parking, standing or stopping in a legal parking space or upon the roadway side but not legally within an adjacent open parking space.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Guest means a person who is visiting a residence for a period less than twenty-four (24) hours.

Guest permit ("GRP") means a permit issued to residents for guests, visitors or commercial vehicles parked on a street within a RPPP area.

Holidays, in addition to Sundays where posted on certain pay stations, means those entire days declared by the City to be legal holidays which are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

House trailer means any enclosed wheeled device or vehicle designed or constructed and equipped for use as a dwelling place, living abode or sleeping place, either permanently or temporarily, and equipped for use as a conveyance on a roadway.

Non-residential vehicle means a motor vehicle parked on a public right-of-way in a residential area that is registered to a person who is not a resident of such residential area, and who is not displaying a residential parking permit ("RPP") for the particular vehicle as provided in this code.

Official time standard means the standard time or daylight saving time as may be in current use in this city.

Parking means the stopping of a vehicle upon a restricted street otherwise than in obedience to traffic regulations or traffic signs or signals for a period longer than reasonably necessary to load or unload passengers or freight.

Parking pay station means a mechanical/digital timing device authorized by ordinance of this city to be used for the purpose of regulating parking.

Parking pay station zone means a restricted street, boulevard, avenue, drive or court upon which parking pay stations are installed and in operation.

Parking manager means the person authorized to administer the provisions of this section, or his designee.

Payment means payment by use of credit/debit card, Pay By Phone, and/or United States of America coins ~~and/or bills~~.

Passenger curb loading zone means an area adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Public place means any publicly owned way, street, alleyway, avenue, road, boulevard, highway, parking lot, parking space or area, park or any other similar area.

Recreational vehicle unit means any vehicle designed or primarily used for recreational, camping or travel use which either has its own motor power or which is mounted upon or drawn by another vehicle and is used or designed to be used as temporary living or sleeping quarters. The term does not include any vehicle commonly known as a van or any vehicle commonly known as a pickup truck which carries an enclosure in the truck bed, if any such vehicle is not equipped for use as living or sleeping quarters.

Residence means a space, area or portion of a building designed for and to be occupied by one (1) or more persons as a dwelling, with cooking facilities for the exclusive use of such persons.

Resident means a person residing in a residence within the RPPP area.

Residential area means a contiguous or nearly contiguous area containing public streets and highways or parts thereof abutted primarily by property zoned or used for a residential use as defined by the City's Land Development Code.

Residential Parking Permit Program (RPPP) means a permit issued by the parking manager as provided herein for the privilege of parking on a street within a "residential parking permit area."

Residential Parking Permit Program Area means a residential area designated for restricted residential parking by the city commission pursuant to the criteria and procedures established herein.

Restricted street, with regards to a residential parking permit district, means a street located within a residential parking permit district, designated for restricted residential parking by the city commission pursuant to the provisions of this division. A street as used herein shall include the paved area used for vehicular travel and abutting the swale area.

Restricted street means that part of any public street, avenue, road, boulevard, highway or other public place established for the use of vehicles within the city and restricting parking to a limited period only.

Taxi, taxicab means a vehicle conveying passengers for hire at a rate of fare permitted by ordinance and for which vehicle the owner or operator thereof provides a person to direct, drive and operate such vehicle and which is equipped and operated with a pay station as provided by ordinance.

Taxicab stand means a fixed area on the roadway parallel and adjacent to the curb set aside for taxicabs to stand or wait for passengers.

Truck tractor means any motor vehicle designed or primarily used for drawing another vehicle, such as a trailer, and not constructed to carry a load (other than a part of the vehicle and its load, if any, which is drawn), which vehicle is not owned and operated by a governmental entity.

Visitor means a person who is visiting a residence within a RPPP area for a period of more than twenty-four (24) hours.

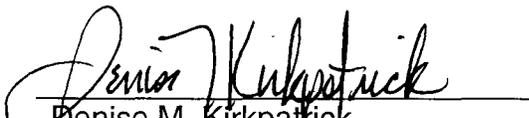
Section 3. That Sections 74-42 and 74-43 of the Code of Ordinances are hereby repealed and Section 74-44 is hereby renumbered as Section 74-42.

Section 4. That this Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 22nd day of September, 2016.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED:	<u>August 25, 2016</u>
READ SECOND TIME AND PASSED:	<u>September 8, 2016</u>
READ THIRD TIME AND ADOPTED:	<u>September 22, 2016</u>

I DO HEREBY CERTIFY THIS TO BE A TRUE
AND CORRECT COPY
CERTIFIED THIS Ordinance 16-26
DATE 2-3-2017
Sharon Turner
CITY CLERK

ORDINANCE 16-26

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 2801 ALTERNATE US HIGHWAY 19 (PARCEL NUMBER 11-28-15-00000-340-0300) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.314 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the

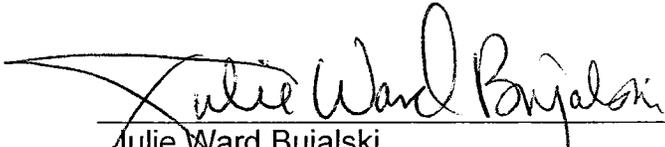
KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2017078726 03/14/2017 AT 09:26 AM
OFF REC BK: 19551 PG: 1632-1635
DocType: GOV RECORDING: \$35.50

FOR A TRUE AND CORRECT COPY OF THIS ORDINANCE

City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be ~~subject to all liabilities~~ as are applicable to the other lands and inhabitants within ~~the corporate limits~~ and subject to all laws and ordinances of the City of Dunedin.

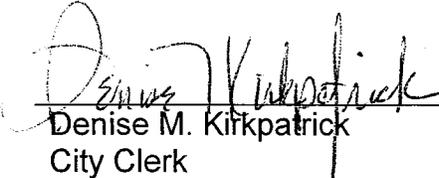
Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of March, 2017.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: January 26, 2017

READ SECOND TIME AND ADOPTED: March 2, 2017

Ordinance 16-26

Exhibit A

Annexation

Ordinance 16-27
**Land Use Plan Designation
Commercial General (CG)**

Ordinance 16-28
**Zoning Designation
Form-Based Medium (FX-M)**

APPLICATION AN-LUP-ZO 16-59.00
2801 U. S. Alternate 19
Parcel Number 11-28-15-00000-340-0300

LEGAL DESCRIPTION

A portion of land in the Southwest $\frac{1}{4}$ of Section 11, Township 28 South, Range 15 East, Public Records of Pinellas County, Florida, described as follows:

From the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 28 South, Range 15 East, run along the North section line of said Section, N.88 degrees 46' 06" W., 352.81 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING continue along the same section line, N.88 degrees 46' 06" W., 150.00 feet to the East right-of-way line of U.S. Alternate 19, thence following the right of way line of U.S. Alternate 19, a chord distance of 110.00 feet, bearing N.41 degrees 51' 25" E., to a point; thence S.88 degrees 46' 06" E., 150.00 feet; thence S.41 degrees 51' 25" W., 110.00 feet to the POINT OF BEGINNING.

AND ALSO;

From the Southeast corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, all in Section 11, Township 28 South, Range 15 East, run along the South section line of said Section, N.88 degrees 46' 06" W., 502.81 feet; thence N.41 degrees 51' 25" E., 110.00 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING, run along the East right-of-way line of Alt. U.S. 19 on a curve to the left, radius 3879.72 feet, chord bearing N.38 degrees 42' 51" E., a distance of 10 feet; thence (S.89 degrees 57' 30" E.,) S.88 degrees 46' 06" E. measured 150.0 feet, thence (S.38 degrees 21' 32" W.,) S.41 degrees 51' 25" W. measured 10.0 feet; thence N.88 degrees 46' 06" W., 150.0 feet to the POINT OF BEGINNING.

ORDINANCE 16-26

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 2801 ALTERNATE US HIGHWAY 19 (PARCEL NUMBER 11-28-15-00000-340-0300) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.314 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owner thereof; and

WHEREAS, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

WHEREAS, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

SEE ATTACHED EXHIBIT "A"

A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.

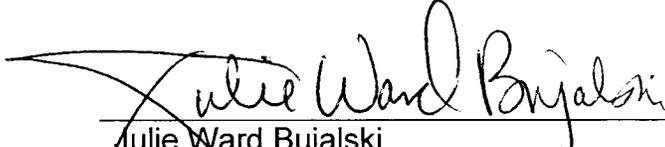
Section 2. Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

Section 3. When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the

City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

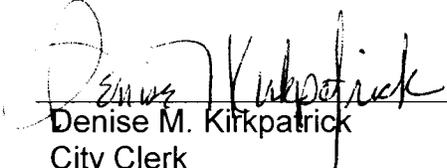
Section 4. That this Ordinance shall become effective immediately upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of March, 2017.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: January 26, 2017

READ SECOND TIME AND ADOPTED: March 2, 2017

Ordinance 16-26

Exhibit A

Annexation

Ordinance 16-27
**Land Use Plan Designation
Commercial General (CG)**

Ordinance 16-28
**Zoning Designation
Form-Based Medium (FX-M)**

APPLICATION AN-LUP-ZO 16-59.00
2801 U. S. Alternate 19
Parcel Number 11-28-15-00000-340-0300

LEGAL DESCRIPTION

A portion of land in the Southwest ¼ of Section 11, Township 28 South, Range 15 East, Public Records of Pinellas County, Florida, described as follows:

From the Northwest corner of the Northeast ¼ of the Northeast ¼ of the Northwest ¼ of Section 14, Township 28 South, Range 15 East, run along the North section line of said Section, N.88 degrees 46' 06" W., 352.81 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING continue along the same section line, N.88 degrees 46' 06" W., 150.00 feet to the East right-of-way line of U.S. Alternate 19, thence following the right of way line of U.S. Alternate 19, a chord distance of 110.00 feet, bearing N.41 degrees 51' 25" E., to a point; thence S.88 degrees 46' 06" E., 150.00 feet; thence S.41 degrees 51' 25" W., 110.00 feet to the POINT OF BEGINNING.

AND ALSO;

From the Southeast corner of the Southwest ¼ of the Southeast ¼ of the Southwest ¼, all in Section 11, Township 28 South, Range 15 East, run along the South section line of said Section, N.88 degrees 46' 06" W., 502.81 feet; thence N.41 degrees 51' 25" E., 110.00 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING, run along the East right-of-way line of Alt. U.S. 19 on a curve to the left, radius 3879.72 feet, chord bearing N.38 degrees 42' 51" E., a distance of 10 feet; thence (S.89 degrees 57' 30" E.,) S.88 degrees 46' 06" E. measured 150.0 feet, thence (S.38 degrees 21' 32" W.,) S.41 degrees 51' 25" W. measured 10.0 feet; thence N.88 degrees 46' 06" W., 150.0 feet to the POINT OF BEGINNING.

Ordinance 16-26

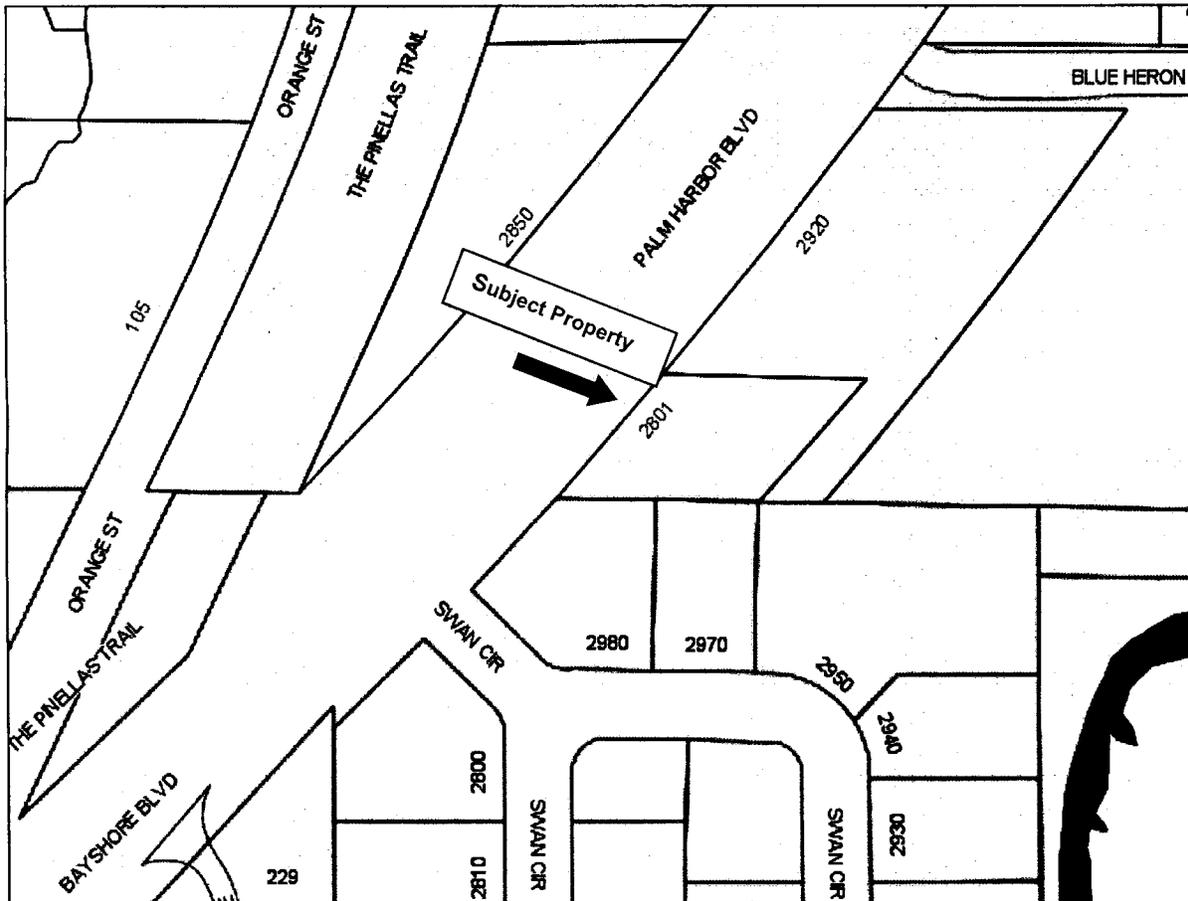
Exhibit B

Ordinance 16-26
Annexation

Ordinance 16-27
**Land Use Plan Designation
Form-Based Medium (FX-M)**

Ordinance 16-28
**Zoning Designation
Commercial General (CG)**

APPLICATION AN-LUP-ZO 16-59.00
2801 U. S. Alternate 19
Parcel Number 11-28-15-00000-340-0300



ORDINANCE 16-27

AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 2801 ALTERNATE US HIGHWAY 19 (PARCEL NUMBER 11-28-15-00000-340-0300) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.314 ACRES, ASSIGNING A COMMERCIAL GENERAL (CG) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

WHEREAS, the owner of the property described herein has requested that the Dunedin Land Use Plan be changed following annexation to Commercial General (CG); and

WHEREAS, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Commercial General (CG); and

WHEREAS, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

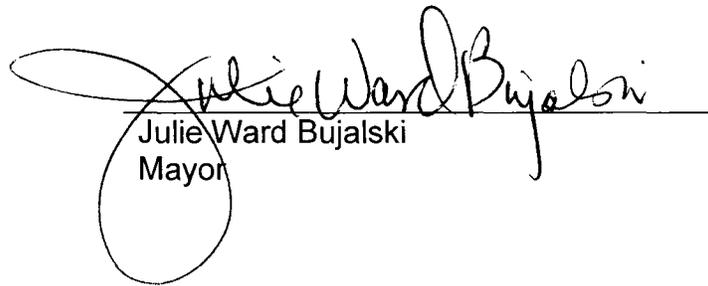
Section 1. That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Commercial General (CG), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of

Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of March, 2017.


Julie Ward Bujalski
Mayor

ATTEST:


Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: January 26, 2017

READ SECOND TIME AND ADOPTED: March 2, 2017

Ordinance 16-27

Exhibit A

Ordinance 16-26
Annexation

Ordinance 16-27
**Land Use Plan Designation
Commercial General (CG)**

Ordinance 16-28
**Zoning Designation
Form-Based Medium (FX-M)**

APPLICATION AN-LUP-ZO 16-59.00
2801 U. S. Alternate 19
Parcel Number 11-28-15-00000-340-0300

LEGAL DESCRIPTION

A portion of land in the Southwest $\frac{1}{4}$ of Section 11, Township 28 South, Range 15 East, Public Records of Pinellas County, Florida, described as follows:

From the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 28 South, Range 15 East, run along the North section line of said Section, N.88 degrees 46' 06" W., 352.81 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING continue along the same section line, N.88 degrees 46' 06" W., 150.00 feet to the East right-of-way line of U.S. Alternate 19, thence following the right of way line of U.S. Alternate 19, a chord distance of 110.00 feet, bearing N.41 degrees 51' 25" E., to a point; thence S.88 degrees 46' 06" E., 150.00 feet; thence S.41 degrees 51' 25" W., 110.00 feet to the POINT OF BEGINNING.

AND ALSO;

From the Southeast corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, all in Section 11, Township 28 South, Range 15 East, run along the South section line of said Section, N.88 degrees 46' 06" W., 502.81 feet; thence N.41 degrees 51' 25" E., 110.00 feet for a POINT OF BEGINNING. From this POINT OF BEGINNING, run along the East right-of-way line of Alt. U.S. 19 on a curve to the left, radius 3879.72 feet, chord bearing N.38 degrees 42' 51" E., a distance of 10 feet; thence (S.89 degrees 57' 30" E.,) S.88 degrees 46' 06" E. measured 150.0 feet, thence (S.38 degrees 21' 32" W.,) S.41 degrees 51' 25" W. measured 10.0 feet; thence N.88 degrees 46' 06" W., 150.0 feet to the POINT OF BEGINNING.

ORDINANCE 16-28

AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 2801 ALTERNATE US HIGHWAY 19 (PARCEL NUMBER 11-28-15-00000-340-0300) WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.314 ACRES, TO FORM-BASED MEDIUM (FX-M); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the owner of the property described herein has requested that the said property be zoned following annexation to Form-Based Medium (FX-M); and

WHEREAS, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

WHEREAS, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious.

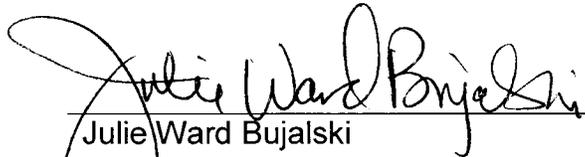
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1: That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned to Form-Based Medium (FX-M), as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

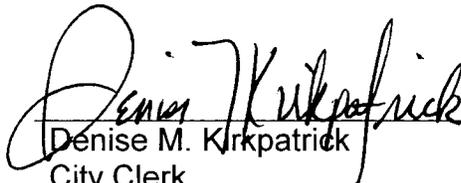
Section 2: This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 2nd day of March, 2017.



Julie Ward Bujalski
Mayor

ATTEST:



Denise M. Kirkpatrick
City Clerk

READ FIRST TIME AND PASSED: January 26, 2017

READ SECOND TIME AND ADOPTED: March 2, 2017

Ordinance 16-28

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AND ALSO;

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