

13



AGENDA ITEM SUMMARY

MEETING DATE: May 6, 2024

AGENDA ITEM NO.: 13

FOR:
 City of Weston Indian Trace Development District Bonaventure Development District

TITLE:
 An Ordinance of the City of Weston, Florida, amending the Code of Ordinances of the City, amending certain sections of Title IV, "Taxes, Fees and Costs;" and Title V, "Public Safety;" to update the City Code; and providing for an effective date.
Public Hearing and First Reading

SUMMARY EXPLANATION & BACKGROUND:
 The City desires to amend certain sections of Title IV, "Taxes, Fees and Costs;" and Title V, "Public Safety;" of the City Code to update the City Code as a part of the comprehensive code review project.

REQUESTED ACTION: Approval

EXHIBITS (LIST): (i) Ordinance, and (ii) Business Impact Estimate

PREPARED BY: Jamie Alan Cole, City Attorney	PETITIONER/REPRESENTATIVE: Not Applicable
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RECOMMENDED FOR CONSIDERATION BY: Donald P. Decker, City Manager/CEO Jamie Alan Cole, City Attorney	FUNDING SOURCE: Not Applicable
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VOTING REQUIRED FOR PASSAGE:
 Majority Majority Plus One Unanimous

COMMISSION ACTION:					
	M	2	Y	N	
					Approved as presented
Commissioner Mead					Approved as amended
Commissioner Eddy					Approved with conditions
Commissioner Molina-Macfie					Continued to
Commissioner Jaffe					Deferred to
Mayor Brown					To deny

**CITY OF WESTON, FLORIDA
ORDINANCE NO. 2024-__**

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY, AMENDING CERTAIN SECTIONS OF TITLE IV, "TAXES, FEES AND COSTS;" AND TITLE V, "PUBLIC SAFETY;" TO UPDATE THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission desires to amend certain sections of Title IV, "Taxes, Fees and Costs;" and Title V, "Public Safety;" of the City Code to update the City Code as a part of the comprehensive code review project; and

WHEREAS, Second, the City Commission finds that it is in the best interest of the City to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

Section 1. The foregoing Whereas clauses are ratified and incorporated as the legislative intent and factual findings underlying this Ordinance.

Section 2. Amendment to Title IV.

Title IV, "Taxes, Fees and Costs," of the Code of Ordinances of the City of Weston is amended to read as follows:

TITLE IV: TAXES, FEES AND COSTS

CHAPTER 40: LOCAL BUSINESS TAX RECEIPTS

§ 40.01 PAYMENT OF LOCAL BUSINESS TAX.

40.01(A) ***Business defined.*** The following definitions apply to the Code provisions of this Chapter 40 only:

40.01(A)(1) Business includes the work, vocation, profession, occupation, commercial enterprise or trade in which a ~~p~~Person is engaged, and all activities and matters together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted, either directly or indirectly, on or from any premises in the City.

40.01(A)(2) Business does not include ~~N~~nonprofit Charitable Institutions, ~~N~~nonprofit Educational Institutions, or ~~N~~nonprofit Religious Institutions.

40.01(A)(3) Business does not include a Person that solely manages personal investments from a residential property.

Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 40.01(B) **Requirement to pay Local Business Tax and obtain Local Business Tax Receipt.** No
2 Person shall engage in any Business that is carried on within the City, and no Local Business Tax
3 Receipt shall be issued, until a Local Business Tax for the current year, for the period starting October
4 1 of that year and continuing to September 30 of the following year and all prior outstanding Local
5 Business Taxes have been paid for such Business and the proper Local Business Tax Receipt obtained.

6 40.01(C) **Applicable time periods for Local Business Taxes.** Local Business Tax Receipts shall be
7 issued based upon the City's Fiscal Year, beginning on October 1 and ending on September 30 of
8 the following year.

9 40.01(~~H~~D) **Starting date of payment responsibility.** For purposes of this Chapter of the Code, the
10 starting date of a Business and the starting date of a Business's responsibility for payment of a Local
11 Business Tax shall be as follows:

12 40.01(~~H~~D)(1) **Commercial locations.** Upon the later of:

13 40.01(~~H~~D)(1)(a) The effective date of the State filing; or, if applicable,

14 40.01(~~H~~D)(1)(b) The issuance of a Certificate of Use; or, if applicable,

15 40.01(~~H~~D)(1)(c) The effective date of a lease for commercial space.

16 40.01(~~H~~D)(2) **Home Occupations** Upon the earlier of:

17 40.01(~~H~~D)(2)(a) The issuance of a Local Business Tax Receipt for a Home Occupation; or

18 40.01(~~H~~D)(2)(b) Upon transacting commerce from a Residential Property .

19 40.01(~~H~~D)(3) **Mailboxes.** Upon the earlier of:

20 40.01(~~H~~D)(3)(a) The effective date of a State or Federal filing indicating the mailbox location
21 within the City; or

22 40.01(~~H~~D)(3)(b) The mailbox lease effective date.

23 40.01(~~H~~E) **Ending date of payment responsibility.** For purposes of this Chapter of the Code, the
24 ending date of a Business and the ending date of a Business's responsibility for payment of a Local
25 Business Tax shall be upon the completion of:

26 40.01(~~H~~E)(1)(a) The filing of the Articles of Dissolution, as provided by the State, with the City; or

27 40.01(~~H~~E)(1)(b) The filing of confirmation with the City, as provided by the State, that the Business
28 has been administratively dissolved; and

29 40.01(~~H~~E)(2) The signing and filing of a sworn affidavit with the City affirming that the Business no
30 longer Transacts Commerce within the City.

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1 For the purposes of this Chapter of the Code, providing proof of an involuntary dissolution is
 2 insufficient evidence of proof of the ending date of a Business.

3 40.01(€F) **Dates due.** All Local Business Tax Receipts shall be ~~sole~~-issued by the City beginning
 4 July 1 of each Year, for the period starting October 1 of that year and continuing to September 30 of
 5 the following year, are due and payable on or before September 30 of each Year, and expire on
 6 September 30 of the ~~succeeding~~ following Year. If September 30 falls on a weekend or holiday, the
 7 Local Business Tax is due and payable on or before the first working day following September 30.

8 40.01(€G) **Partial Year payment.** Applicants for Local Business Tax Receipts ~~that apply~~ whose
 9 first date of responsibility will begin after the beginning of the fiscal year (October 1) but before
 10 April 1 of that fiscal year shall pay the full tax for one year and Applicants ~~that apply~~ whose first
 11 date of responsibility ~~on or after~~ is April 1 of the fiscal year but before September 30 of that fiscal
 12 year shall pay one-half the full tax for one year, except as herein otherwise provided.

13 40.01(€H) **Amount of Local Business Tax.** Each Business shall pay a Local Business Tax in the
 14 amount set forth below:
 15

Category	Tax	
	Full Year	Partial Year
I. Hotels, Motels, Apartments or Timeshares with 250 units or more	\$6,381.40	\$3,190.70
II. Warehouse, Manufacturing Facility or Pharmacy with 50,000 square feet or more	\$4,254.26	\$2,127.13
III. Supermarkets	\$3,342.63	\$1,671.32
IV. Warehouse, Manufacturing Facility or Pharmacy between 20,000 square feet and 49,999 square feet	\$2,552.56	\$1,276.28
V. Warehouse, Manufacturing Facility or Pharmacy between 10,000 square feet and 19,999 square feet; Apartments or Timeshares with 100—249 units; Hotels or Motels with 150—249 rooms Country Clubs and Golf Course(s); Athletic/Fitness Club with Pool	\$1,519.37	\$759.69
VI. Limited Business Home Occupation Business with only a Post Office, Private Mail Box or Registered Office in the City	\$182.31	\$91.16

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Category	Tax	
	Full Year	Partial Year
VII. Individual Professional Entity	\$91d14	\$45d57
VIII. General Business (all other Businesses)	\$2d3.48	\$1d6.74

[Effective 10-1d2019:]

40.01(F) **Separate location.** A separate Local Business Tax Receipt shall be paid and a Local Business Tax Receipt shall be obtained for each location of any Business located within the City.

40.01(G) **Separate Business.**

40.01(G)(1) Each Business entity registered with the State shall constitute a single and separate Business, requiring a Local Business Tax Receipt for each registered Business entity.

40.01(G)(2) A separate Local Business Tax Receipt shall be paid and a Local Business Tax Receipt shall be obtained for each separate Business at the same location.

40.01(G)(3) Each receipt paid for and obtained by a Business shall be issued to cover only the Business licensed taxed thereby at the location and in the category designated in such receipt.

~~40.01(H) **Starting date of payment responsibility.** For purposes of this Chapter of the Code, the starting date of a Business and the starting date of a Business's responsibility for payment of a Business Tax shall be as follows:~~

~~40.01(H)(1) **Commercial locations.** Upon the later of:~~

~~40.01(H)(1)(a) The effective date of the State filing; or, if applicable,~~

~~40.01(H)(1)(b) The issuance of a Certificate of Use; or, if applicable,~~

~~40.01(H)(1)(c) The effective date of a lease for commercial space.~~

~~40.01(H)(2) **Home Occupations** Upon the earlier of:~~

~~40.01(H)(2)(a) The issuance of a Business Tax Receipt for a Home Occupation; or~~

~~40.01(H)(2)(b) Upon transacting commerce from a Residential Property.~~

~~40.01(H)(3) **Mailboxes.** Upon the earlier of:~~

~~40.01(H)(3)(a) The effective date of a State or Federal filing indicating the mailbox location within the City; or~~

~~40.01(H)(3)(b) The mailbox lease effective date.~~

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1 ~~40.01(I) — **Ending date of payment responsibility.** For purposes of this Chapter of the Code, the~~
2 ~~ending date of a Business and the ending date of a Business’s responsibility for payment of a Business~~
3 ~~Tax shall be upon the completion of:~~

4 ~~40.01(I)(1)(a) — The filing of the Articles of Dissolution, as provided by the State, with the City; or~~

5 ~~40.01(I)(1)(b) — The filing of confirmation with the City, as provided by the State, that the Business~~
6 ~~has been administratively dissolved; and~~

7 ~~40.01(I)(2) — The signing and filing of a sworn affidavit with the City affirming that the Business no~~
8 ~~longer Transacts Commerce within the City.~~

9 ~~For the purposes of this Chapter of the Code, providing proof of an involuntary dissolution is~~
10 ~~insufficient evidence of proof of the ending date of a Business.~~

11 ~~40.01(H) **Local Business Tax Receipt display.** Any Person issued a Local Business Tax Receipt~~
12 ~~shall post the Local Business Tax Receipt in a conspicuous ~~place in or about such Person’s place of~~~~
13 ~~Business, location accessible to the public on the Business premises at all times.~~

14 ~~40.01(K) **Refund of fees.** If the City Manager finds that a Local Business Tax was collected~~
15 ~~incorrectly and a refund is warranted, the City may issue a refund up to the difference between the~~
16 ~~amount actually paid to the City and all amounts payable under a proper Local Business Tax Receipt.~~

17 **§ 40.02 LOCAL BUSINESS TAX RECEIPT APPLICATION AND TERM.**

18 40.02(A) **Application.** To obtain a Local Business Tax Receipt, Businesses shall complete a Local
19 Business Tax Receipt form provided by the City and submit the form to the City Manager.

20 40.02(B) **Expiration.** All Local Business Tax Receipts issued under this Chapter shall expire on
21 September 30 of each Year. No Local Business Tax Receipt shall be issued for more than one ~~f~~fiscal
22 ~~y~~Year.

23 **§ 40.03 LOCAL BUSINESS TAX EXEMPTIONS AND CREDITS.**

24 40.03(A) **Exemptions for certain disabled Persons, the aged and widows with minor dependents.**

25 40.03(A)(1) All disabled Persons physically incapable of manual labor, widows with minor
26 dependents, and Persons 65 years of age or older, with not more than one employee or helper, and
27 who use their own capital only, not in excess of \$1,000.00, may engage in any Business without
28 being required to pay a Local Business Tax. The exemption provided by this Section shall be allowed
29 only upon the certificate of the county physician, or other reputable physician, that the Applicant
30 claiming the exemption is disabled, the nature and extent of the disability being specified therein,
31 and in case the exemption is claimed by a widow with minor dependents, or a Person over 65 years
32 of age, proof of the right to the exemption shall be made. Any Person entitled to the exemption
33 provided by this Section shall, upon application and furnishing of the necessary proof as aforesaid,
34 be issued a Local Business Tax Receipt that shall have plainly stamped or written across the face

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1 thereof the fact that it is issued under this Section, and the reason for the exemption shall be written
2 thereon.

3 40.03(A)(2) Neither this nor any other Law exempts any Person from the payment of any amount
4 required by Law for the issuance of a license to sell intoxicating Liquors or malt and vinous beverages.
5 Applicants granted a Local Business Tax Receipt under this Section shall not be exempt from the
6 other provisions of this Chapter or the City Code.

7 40.03(B) **Nonresident temporary or transitory services exemption.** Any Person engaging in a
8 Business regulated by the Department of Business and Professional Regulation who has paid a Local
9 Business Tax for the current year to the county or municipality in the state where the Person's
10 permanent Business location or branch office is maintained, shall be exempt from obtaining a Local
11 Business Tax Receipt from the City, for performing work or services on a temporary or transitory basis
12 in the City.

13 40.03(C) **Charitable organization exemption.**

14 40.03(C)(1) A Local Business Tax Receipt is not required of any charitable, religious, fraternal,
15 youth, civic, service, or other similar organization that makes occasional sales or engages in
16 fundraising projects that are performed exclusively by the members, and the proceeds derived from
17 the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service
18 activities of the organization.

19 40.03(C)(2) A Person that is a nonprofit "Charitable Institution " as defined in the City Code, and
20 is therefore not a "Business" subject to payment of a Local Business Tax, or a Person that qualifies
21 for the charitable organization exemption in this Section, shall be exempt from payment of a Local
22 Business Tax upon filing a sworn statement to the City Manager, under penalty of perjury and on a
23 form provided by the City, that such Person:

24 40.03(C)(2)(a) Is a nonprofit "Charitable Institution " as defined in the City Code; or

25 40.03(C)(2)(b) Qualifies for the charitable organization exemption in § 40.03(C)(1) of the Code.

26 40.03(D) **Religious exemption.** This Chapter does not require a Local Business Tax Receipt for
27 practicing the religious tenets of any ~~church~~ Religious Institution.

28 40.03(E) **Motor vehicle exemption.** Vehicles used by any Person receipted under this Chapter for
29 the sale and delivery of tangible personal property at wholesale or retail from his or her place of
30 Business on which a Local Business Tax is paid may not be construed to be separate places of
31 Business, and a Local Business Tax shall not be levied on such vehicles or the operators thereof as
32 salespersons or otherwise, any other Law to the contrary notwithstanding.

33 40.03(F) **Veteran's credit.** Any honorably discharged veteran of any branch of the armed forces
34 of the United States who is disabled from performing manual labor and a permanent resident of the
35 State shall receive a credit of \$50.00 on any Local Business Tax Receipt granted under this Chapter.

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1 The unmarried spouse of a deceased disabled veteran of any war in which the United States armed
2 forces participated is entitled to the same exemptions as the disabled veteran.

3 40.03(G) **Real estate broker associate or sales associate exemption.** Any individual licensed and
4 operating as a real estate broker associate or sales associate, under F.S. Chapter 475 is not required
5 to apply for, pay for or obtain a Local Business Tax Receipt.

6 **§ 40.04 EVIDENCE OF ENGAGING IN BUSINESS.**

7 40.04(A) **One act constitutes evidence of engaging in Business.** For purposes of this Chapter, any
8 Person shall be presumed to be engaged in Business in the City and thus responsible for paying a
9 Local Business Tax, when that Person does any of the following:

10 40.04(A)(1) Submits a State and/or Federal filing indicating a Business address located within the
11 City. Such filings include, but are not limited to:

12 40.04(A)(1)(a) Filings with the Secretary of State indicating a principal address located within the
13 City,

14 40.04(A)(1)(b) Filings regarding a Federal Employer Identification Number (FEIN) or Taxpayer
15 Identification Number (TIN), and

16 40.04(A)(1)(c) Filings regarding a sales tax certificate.

17 40.04(A)(2) Transacts Commerce from a Residential Property within the City,

18 40.04(A)(3) Utilizes a Residential Property as a location for an address for Business
19 correspondence,

20 40.04(A)(4) Executes a commercial lease for a location within the City,

21 40.04(A)(5) Holds an active license, permit or Local ~~Business~~ ~~Tax~~ ~~Receipt~~ issued by a
22 governmental agency indicating that Person utilizes a business or mailing address within the City,

23 40.04(A)(6) Holds a Certificate of Use for a Commercial Establishment located within the City, or

24 40.04(A)(7) Submits tangible personal property tax documentation to the County that indicates a
25 business address within the City.

26 40.04(B) **Affidavit rebutting presumption.**

27 40.04(B)(1) A Person that is presumed to be engaged in Business in the City pursuant to § 40.04(A)
28 may rebut the presumption by filing a sworn statement to the City Manager, under penalty of perjury
29 and on a form provided by the City, that such Person is not engaged in Business in the City (i.e. that
30 the Person is not, from or within the City: manufacturing, distributing, repairing, buying, selling, or
31 offering for sale goods; providing, scheduling, selling or offering for sale services; leasing property
32 for nonresidential purposes; or transacting any other commerce).

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1 40.04(B)(2) The sworn statement must be filed with the City Manager for each Fiscal Year in which
2 a Person desires to rebut the presumption of engaging in Business. It shall be the duty of the Person
3 filing the sworn statement to notify the City of any changes that affect the continued accuracy of the
4 sworn statement.

5 40.04(B)(3) A Person may rebut the presumption of engaging in Business for current or prior ~~f~~Fiscal
6 ~~y~~Years; however no refunds will be issued for any ~~f~~Fiscal ~~y~~Year in which a Person fails to file the
7 sworn statement described in (B)(1) above prior to October 1 of the applicable ~~f~~Fiscal ~~y~~Year.

8 40.04(C) **Advertising with address located in City.** Any Person who by use of Signs, circulars,
9 cards, websites, telephone books, electronic communications, newspapers, letterhead, or any other
10 means, advertises, holds out, or represents that the Person engages in Business with an address
11 located within the City, is engaging in Business in the City.

12 **§ 40.05 LOCAL BUSINESS TAX RECEIPT TRANSFERABILITY.**

13 40.05(A) Upon application and presentation of the original Local Business Tax Receipt, any Local
14 Business Tax Receipt may be transferred from one location to another location within the City upon
15 payment of the transfer fee of 10% of the annual Local Business Tax, not to exceed \$25.00.

16 40.05(B) Any Local Business Tax Receipt may be transferred to a new owner when there is a bona
17 fide sale of the Business, upon payment of a transfer fee of 10% of the annual Local Business Tax,
18 not to exceed \$25.00.

19 40.05(C) No Local Business Tax Receipt shall be transferred without submission of a new
20 application in accordance with § 40.02.

21 **§ 40.06 PROOF OF STATE LICENSE OR REGISTRATION REQUIRED FOR STATE REGULATED**
22 **BUSINESSES.**

23 40.06(A) **First-time Applicants.** Any Person applying for a Local Business Tax Receipt for the first
24 time, to engage in any Business regulated by the Department of Business and Professional Regulation,
25 or any board or commission thereof, must exhibit an active State certificate, registration, or license,
26 or proof of copy of the same, before such Local Business Tax Receipt may be issued.

27 40.06(B) **Non-renewal of Local Business Tax Receipt.** If the City is notified by the Department of
28 Business and Professional Regulation that an Applicant is a Person for whom a Local Business Tax
29 Receipt should not be renewed due to the suspension, revocation, or inactivation of such Person's
30 State license, certificate, or registration, the City shall not renew such Local Business Tax Receipt
31 unless such Person can exhibit an active State certificate, registration, or license.

32 40.06(C) **Inapplicability of this Section.** This Section shall not apply to the contractor related
33 businesses regulated under F.S. §§ 489.113, 489.117, 489.119, 489.131, 489.511, 489.513,
34 489.521 or 489.537.

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1 **§ 40.07 PENALTY FOR FAILURE TO PAY LOCAL BUSINESS TAX.**

2 40.07(A) **Penalty.** Any Person who engages in any Business within the City without first obtaining
3 a Local Business Tax Receipt, if hereby required, is subject to a penalty of 25% of the Local Business
4 Tax due, in addition to any other penalty provided by Law or ordinance.

5 40.07(B) **Delinquency.** Local Business Tax Receipts that are not renewed when due and payable
6 are delinquent and subject to a delinquency penalty of 10% for the month of October, plus an
7 additional 5% penalty for each subsequent month of delinquency until paid. Each delinquency
8 penalty shall be applied to the amount equal to the Local Business Tax due plus all previous
9 outstanding delinquency penalties. However, the total delinquency penalty may not exceed 25% of
10 the Local Business Tax for the delinquent establishment. Any money received shall be applied to the
11 oldest delinquent Local Business Tax and penalties first.

12 40.07(C) Except as otherwise provided, any Person who engages in any Business covered by this
13 Chapter who does not pay the required Local Business Tax within 150 days after the initial notice of
14 the tax due and who does not obtain the required Local Business Tax Receipt is subject to civil actions
15 and penalties, including court costs, reasonable attorneys' fees, additional administrative costs
16 incurred as a result of collection efforts, and a penalty equal to the annual amount of the Local
17 Business Tax or \$250.00, whichever is less.

18 40.07(D) **Collection of taxes, penalties and fees due from prior years.** In the event the City
19 determines that a Person has failed to pay the Local Business Tax, the City shall submit a written
20 notice to such Person indicating the Person's failure to pay the Local Business Tax and requesting
21 payment. A Person who receives written notice of failure to pay a Local Business Tax shall be liable
22 for payment of all outstanding taxes, fees and penalties due for the current Fiscal Year Local Business
23 Tax and for payment of all outstanding taxes, fees and penalties due from prior Fiscal Years from the
24 time that the Person first received written notice from the City that the Person was liable for payment
25 of a Local Business Tax.

26 **§ 40.08 COMPLIANCE WITH BUILDING AND ZONING REGULATIONS REQUIRED.**

27 40.08(A) **Duty to comply with City Code.** Each Applicant for a Local Business Tax Receipt shall
28 state and set out the exact location at which such Business shall be operated. It shall be the duty of
29 the Applicant to ensure the Business location complies with the City Code, rules and regulations,
30 including, but not limited to, all building and zoning regulations. The issuance of a Local Business
31 Tax Receipt by the City shall not signify that the Business location is in compliance with any City
32 Code, rule or regulation, other than the payment of the Local Business Tax, nor may it be relied upon
33 by the Applicant or any other Person or entity as evidence of compliance with any code, rule or
34 regulation other than payment of the Local Business Tax.

35 40.08(B) **Certificate of Use.** No Local Business Tax Receipt shall be issued until a certificate of
36 Use has been issued in accordance with the City Code, unless its Business does not require a
37 certificate of Use.

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1 40.08(C) **Affidavit Required.** In order to obtain an annual Local Business Tax Receipt, each
2 Applicant for a Local Business Tax Receipt shall submit to the City an affidavit, on a form approved
3 by the City Manager stating whether any alterations have been made to the physical space since the
4 issuance of the certificate of ~~u~~Use, and if so a description of the alterations, and the Building Permit
5 number for the alterations, if any. It is a violation of this Section and punishable as provided in § 2.99
6 of this Code to falsify the affidavit.

7 **SPECIFIC BUSINESS REQUIREMENTS**

8 **§ 40.10 ASSISTED LIVING FACILITIES.**

9 An assisted living facility operating pursuant to F.S. Chapter ~~400, Part III 429~~, shall not be granted
10 a Local Business Tax Receipt if the State Agency for Health Care Administration has so instructed the
11 City.

12 ~~§ 40.11 CONTRACTORS.~~

13 ~~Contractors will be required to provide proof of insurance and certificate of competency as required~~
14 ~~under Florida Statutes at the time of application for a Business Tax Receipt and/or renewal thereof.~~

15 **§ 40.121 HEALTH STUDIOS; CONSUMER PROTECTION.**

16 No Local Business Tax Receipt for the operation of a health studio pursuant to F.S. §§ 501.012
17 through 501.019, ~~or ballroom dance studio pursuant to F.S. § 501.143~~, shall be issued unless such
18 business exhibits a current license, registration, or letter of exemption from the Department of
19 Agriculture and Consumer Services. Upon presentation of the requisite document from the
20 Department and the required fee, a Local Business Tax Receipt shall be issued by the City.

21 ~~§ 40.13 MOBILE FOOD VENDORS.~~

22 ~~No Business Tax Receipt shall be issued or granted to any Applicant to engage in the business of~~
23 ~~moving vehicles doing business from same as a mobile vendor of food or beverages unless the~~
24 ~~Applicant has in his or her possession and presents to the City Manager written approval from the~~
25 ~~Broward County Health Department for the operation of said business.~~

26 **§ 40.142 PEST CONTROL BUSINESS.**

27 No Local Business Tax Receipt shall be issued to any pest control business regulated under F.S.
28 Chapter 482, unless a current license has been procured from the Department of Agriculture and
29 Consumer Services for each of its business locations in the City. Upon presentation of the requisite
30 licenses from the Department and the required fee, a Local Business Tax Receipt shall be issued by
31 the City.

32 ~~§ 40.153- PHARMACIES AND PHARMACISTS.~~

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1 No Local Busidess Tax Receipt shall be issued to operate a ~~retail~~ pharmacy unless the Applicant
2 produces a current permit issued by the Board of Pharmacy; however, no such Local Business Tax
3 Receipt is required to practice the profession of pharmacist. Upon presentation of the requisite
4 licenses from the Board of Pharmacy and the required fee, a Local Business Tax Receipt shall be
5 issued by the City.

6 **~~§ 40.16 PRIVATE DETECTIVES AND CRIMINAL INVESTIGATORS.~~**

7 ~~40.16(A) All private detectives or criminal investigators maintaining a physical office in the City
8 are required to obtain a Business Tax Receipt.~~

9 ~~40.16(B) In addition to the above requirements, the following prohibitions shall apply to any
10 Person, firm, or corporation licensed by the Secretary of State of this State pursuant to F.S. Chapter
11 493 to operate under a Class "B" or Class "D" license:~~

12 ~~40.16(B)(1) A receipt holder shall not use any designation or trade name which implies or gives
13 an impression that such Person, firm, or corporation is associated with any Police Department,
14 including but not limited to using the word "police" or "Weston police" or "BSO" or "Broward
15 Sheriff's Office" or any official seal or facsimile thereof of the City, county or State on badges, cap
16 shields, patches, automobiles, decals, or advertisements within the City.~~

17 ~~40.16(B)(2) Receipt holders shall not utilize uniforms or badges capable of being associated or
18 confused with or of the same color and with similar insignia to the official uniforms of any Police
19 Department.~~

20 ~~40.16(C) Provisions of this Section shall not apply to any police officer of the City when
21 performing duties approved by his or her superiors.~~

22 ~~40.16(D) Any violations of this Section may be punished up to the maximum penalty provided in
23 this Code.~~

24 **~~§ 40.17 PSYCHOLOGISTS.~~**

25 ~~No Applicant shall be issued a Business Tax Receipt for the practice of psychology in the City
26 without first procuring a current professional certificate under the seal of the Broward County
27 Administrator, in accordance with the provisions of the Broward County Psychological Practice
28 Ordinance. A copy of said certificate shall be attached to each application form.~~

29 **§ 40.184 SELLERS OF TRAVEL; CONSUMER PROTECTION.**

30 No Local Busidess Tax Receipt shall be issued to engage in business as a seller of travel unless such
31 business exhibits a current registration or letter of exemption from the Department of Agriculture and
32 Consumer Services. Upon presentation of the requisite document from the Department and the
33 required fee, a Local Busidess Tax Receipt shall be issued by the City.

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1 ~~§ 40.19 SOLICITORS AND CANVASSERS.~~

2 ~~For the purposes of this Section, solicitors and canvassers shall be required to fulfill the~~
3 ~~requirements of this Chapter, where applicable, in addition to fulfilling all other requirements of the~~
4 ~~City Code, prior to engaging in business within the City.~~

5 **§ 40.2015 TELEMARKETING BUSINESSES; CONSUMER PROTECTION.**

6 No Local Business Tax Receipt shall be issued for the operation of a telemarketing business under
7 F.S. §§ 501s604 and 501s608, unless such business exhibits a current license or registration from the
8 Department of Agriculture and Consumer Services or a current affidavit of exemption. Upon
9 presentation of the requisite document from the Department and the required fee, a Local Business
10 Tax Receipt shall be issued by the City.

11 **§ 40.16 HOUSEHOLD MOVING SERVICES; CONSUMER PROTECTION.**

12 No Local Business Tax Receipt shall be issued for the operation of a mover or moving broker under
13 Chapter 507 F.S, unless the mover or broker exhibits a current registration from the Department of
14 Agriculture and Consumer Services. Upon presentation of the requisite document from the
15 Department and the required fee, a Local Business Tax Receipt shall be issued by the City.

16 **CHAPTER 41: PUBLIC SERVICE TAX**

17
18 **§ 41.01 PAYMENT OF PUBLIC SERVICE TAX.**

19
20 41s01(A) Any Person using electricity, metered or bottled gas (natural, liquefied petroleum gas or
21 manufactured), and fuel oils, within the corporate limits of the City shall pay a public service tax at a
22 rate of 10% on the payments received by the seller. The tax shall be paid to the seller of such
23 electricity, metered or bottled gas, and fuel oils, at the time payment is due to the seller, but not less
24 than monthly.

25
26 41.01(B) Pursuant to F.S. § 166.231(1)(b), the tax herein imposed shall not be applied against any
27 fuel adjustment charge and such charge shall be separately stated on each bill.

28
29 **§ 41.02 SELLER’S DUTY TO COLLECT TAX.**

30
31 41s02(A) ***Duty to collect tax.*** Every seller of electricity, metered or bottled gas (natural, liquefied
32 petroleum gas or manufactured), and fuel oils shall collect a public service tax from each purchaser,
33 for the use of the City, at the time of collecting the selling price charged for each transaction, and to
34 report and pay over, on or before the 20th day of each month, unto the City, all such taxes levied
35 and collected during the preceding month.

36
37 41s02(B) ***Timing for collection of tax.*** It shall be unlawful for any seller to collect the price of any
38 purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or manufactured),
39 and fuel oils without at the same time collecting the tax hereby levied in respect to such purchase or
40 purchases, unless such seller shall elect to assume and pay such tax without collecting the same from
41 the purchaser.

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1
2 41s02(C) ***Seller liable for failure to collect tax.*** Any seller failing to collect such tax at the time
3 of collecting the price of any purchase, where the seller has not elected to assume and pay such tax,
4 shall be liable to the City for the amount of such tax in like manner as if the same had been actually
5 paid to the seller, and the City Manager may cause to be brought all suits and actions as may be
6 necessary for the recovery of such tax.
7

8 **§ 41.03 RECORDS; INSPECTION; AUDIT.**
9

10 41.03(A) Providers of electricity, metered or bottled gas (natural, liquefied petroleum gas or
11 manufactured) and fuel oils within the corporate limits of the City taxable in accordance with this
12 Chapter shall provide to the City, upon 60 days written notice of intent to audit by the City, access
13 to all applicable records for such services, except an extension of this 60-day period shall be granted
14 if reasonably requested by the provider.
15

16 41.03(B) Any additional extension by the seller or the City shall be granted only upon 30 days
17 written notice prior to the expiration of the existing extension from the requesting party except in
18 cases of bona fide emergency or waiver of the notice requirement by the other party.
19

20 41.03(C) The audit shall be conducted in accordance with Florida Statutes, including the
21 determination of tax due, refund due, and assessment of interest and penalties.
22

23 **§ 41.04 EXEMPTIONS.**
24

25 41.04(A) Purchases by the United States Government, this State, and all counties, school districts,
26 municipalities in Florida, and by public bodies exempted by Law or court order, are exempt from the
27 tax authorized by this Chapter.
28

29 41.04(B) The purchase of electricity, metered or bottled gas (natural, liquefied petroleum gas or
30 manufactured), and fuel oils within the corporate limits of the City by any Religious Institution
31 possessing a consumer certificate of exemption issued under F.S. Chapter 212 is hereby exempt from
32 the public service tax levied by this Chapter.
33

34 **§ 41.05 COMPUTING OF TAX.**
35

36 41.05(A) In all cases where the seller of electricity, metered or bottled gas (natural, liquefied
37 petroleum gas or manufactured), and fuel oils collects the price thereof at monthly periods, the tax
38 hereby levied may be computed on the aggregate amount of purchases during such period provided
39 that the amount of tax to be collected shall be the nearest whole cent to the amount computed.
40

41 41.05(B) When a seller renders a bill to a purchaser to cover purchases made during the particular
42 period of time to which a bill is applicable, the amount of the public service tax shall be stated
43 separately from other governmental charges and taxes and shall not be levied on such taxes and
44 charges.
45

46 **§ 41.06 PENALTY.**
47

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1 41.06(A) Failure to pay any tax when due or failure to file any required return shall result in the
2 assessment of interest at the rate of 1% per month of the delinquent tax from the date the tax was due
3 until paid.

4
5 41.06(B) Failure to pay any tax when due or failure to file any required return shall result in the
6 assessment of a penalty of 5% per month of the delinquent tax, not to exceed a total penalty of 25%.
7 In no event shall the penalty for failure to file a return be less than \$15.00.

8
9 41.06(C) In the case of a fraudulent return or a willful intent to evade payment of the tax, the seller
10 making such fraudulent return or willfully attempting to evade payment of the tax shall be liable for
11 a specific penalty of 100% of the tax.

12 13 **CHAPTER 42: HOMESTEAD EXEMPTION**

14 15 **§ 42.01 ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 AND OLDER.**

16
17 42.01(A) ***Requirements to obtain additional homestead exemption.*** A Person who meets each
18 of the requirements set forth below shall be eligible for an additional homestead exemption in the
19 amount set forth below, in accordance with F.S. § 196.075:

20
21 42.01(A)(1) The Person has legal or equitable title to the subject real estate;

22
23 42.01(A)(2) The Person maintains upon such property the permanent residence of the Owner;

24
25 42.01(A)(3) The Person has attained the age of 65;

26
27 42.01(A)(4) The applicable household income does not exceed \$20,000.00, as adjusted pursuant
28 to (C) below; and

29
30 42.01(A)(5) The taxpayer claiming the above exemption submits annually to the Broward County
31 Property Appraiser, not later than March 1 of each year, a sworn statement of household income on
32 a form prescribed by the Florida Department of Revenue. The filing of this statement must be
33 supported by copies of any federal income tax returns for the prior year, any wage and earnings
34 statements (W-2 forms), and any other documents required by the Florida Department of Revenue
35 for each member of the household, to be submitted by June 1 of each year. The taxpayer's statement
36 shall attest to the accuracy of such copies. The Property Appraiser may not grant the exemption
37 without the required documentation.

38
39 42.01(A)(6) ***Amount of Additional Homestead Exemption.*** If the amount of the assessed value of
40 the property for a Person who has legal or equitable title to the subject real estate has a just value
41 less than \$250,000.00, as determined in the first tax year that the Owner applies and who has
42 maintained thereon the permanent residence of the Owner for at least 25 years, and is eligible for
43 the exemption, the amount of the exemption is equal to the assessed value of the Property, and
44 otherwise the exemption is equal to \$50,000.00.

45
46 42.01(B) ***Application of Homestead Exemption.*** Pursuant to and in accordance with F.S. §
47 196.075, the additional homestead exemption as set forth in this Section shall apply to all ad valorem

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1 property taxes levied by the City, including, dependent special districts and municipal service taxing
2 units.

3
4 42.01(C) **Household income.** For the purposes of subsection 42.01(A)(4) above, ~~beginning~~
5 ~~January 1, 2001,~~ the \$20,000.00 household income limitation shall, as prescribed by F.S. § 196.075,
6 be adjusted annually, on January 1 of each year by the percentage change in the average cost-of-
7 living index in the period January 1 through December 31 of the immediately prior year compared
8 with the same period for the year prior to that. The index is the average of the monthly consumer
9 price index figures for the stated 12-month period, relative to the United States as a whole, issued by
10 the United States Department of Labor.

11
12 42.01(D) **Joint title.** If title is held jointly with right of survivorship, the Person residing on the
13 property and otherwise qualifying may receive the entire amount of the additional homestead
14 exemption.

15 **CHAPTER 43: ADMINISTRATIVE REVIEW AND COST RECOVERY**

16 **§ 43.01 APPLICABILITY OF THE COST RECOVERY PROGRAM.**

17
18 The cost recovery program shall apply to all ~~r~~Review ~~r~~Requests unless specifically exempt pursuant
19 to State or Federal Law.

20 **§ 43.02 FEE IMPOSED.**

21
22 There is hereby imposed an ~~administrative~~ fee for the various costs of the City's administrative,
23 ~~legal and outside fee consultants for processing and review of applications, submissions, or requests~~
24 ~~concerning Development~~ utilization, or improvement of real estate in the City (including, but not
25 limited to, review and processing of plat applications, applications for site data records, proposed on-
26 site and off site water distributions/transmission main and Sewer collection/force main facilities,
27 installation of utility lines and pipes, land use plan proposed amendments, planned or existing Street
28 , pavement, Sidewalk, Street marker Signs, seawall, bridge installation, culvert or Drainage facilities,
29 modifications to site plans, applications for use variances, applications for physical development
30 variances, all Building inspections, applications for and periodic review of development of regional
31 impact orders, document review in Developments involving unified control, a change in zoning,
32 pre and post permit conferences and project reviews (specifically including, but not limited to, the
33 Development) monitoring, and completion of critical path governmental approval reports and all
34 review and monitoring incident to or in any way related to such reports), and certain Building plan
35 and bridge installation plan reviews and inspections (hereafter, "review requests"), Review Requests.
36 Such fee to be in an amount equal in amount to the City's actual costs, in terms of staff and outside
37 fee consultants' time that includes City's administrative and legal costs and actual consultants' time
38 expended in such review and processing, including costs associated with special arrangements
39 necessary to ensure the orderly operations of public hearings.

40 **§ 43.03 INITIAL DEPOSIT.**

41
42 43.03(A) **Deposit Required.** Persons who file ~~any~~ r~~Review~~ r~~Requests~~ ~~that necessitates~~
43 ~~administrative or outside fee consultant review and processing~~ shall pay, prior to or at the time the

44
45
46
47
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1 ~~Review Request~~ is made, an initial preliminary deposit that shall be credited toward the fee charged
2 for such review and processing, and shall pay additional deposits as may be required from time to
3 time.
4

5 43.03(B) **Deposit Amount.** The amount of the initial deposit for the different types of review
6 requests shall be established, and from time to time amended, by resolution of the City Commission.
7 It is the express intent of the City Commission in enacting this cost recovery program that the City's
8 costs ~~of for administrative, legal and consultant and outside fee consultant~~ review and processing of
9 ~~Review Requests~~, as required or necessitated now or in the future by the City's ordinances,
10 resolutions, policies, or procedures, shall be borne by the Person initiating the ~~Review Request~~.
11

12 43.03(C) **Cost Recovery Affidavit.** Any person who pays an initial deposit pursuant to this section
13 shall execute a cost recovery affidavit on a form approved by the City Attorney.
14

15 **§ 43.04 PROJECT ACCOUNTS; SUPPLEMENTAL DEPOSITS.**

16
17 43.04(A) **Project Accounts.** When the Person pays the initial deposit, ~~a financial account for~~
18 ~~said Person's review request (the "project account")~~ the Project Account will be opened and
19 maintained throughout the entire review process until the Person receives a Certificate Of
20 Occupancy, the Building and Zoning Department determines that no further action is necessary for
21 the review and processing of the ~~Review Request~~, ~~the application is abandoned (see Code Section~~
22 ~~125.05(j)),~~ or the Applicant voluntarily withdraws ~~("Closing Event")~~. ~~Upon the occurrence of a~~
23 ~~Closing Event the project account will be closed and the City will make a good faith effort to refund~~
24 ~~any remaining funds therein to the Person depositing same no later than six months after the Closing~~
25 ~~Event. Should the City be unable to refund the remaining funds within the six month period, the City~~
26 ~~shall follow the procedures outlined in Florida Statutes, Chapter 717 for the disposition of unclaimed~~
27 ~~intangible property. At any of these times the Project Account will be closed, and any remaining~~
28 ~~funds therein shall be refunded to the Person depositing same no later than six months after the~~
29 ~~Project Account's closing date. The pProject aAccount will be monitored on a periodic basis.~~
30

31 43.04(B) **Supplemental deposits.** Whenever the account balance is zero or negative, a
32 supplemental deposit will be required before any further review or processing continues. The Person
33 making the initial deposit will be notified when a supplemental deposit will be required. Several
34 supplemental deposits may be necessary depending on the complexity of the review request.
35

36 43.04(C) **Notification.** Except as provided herein, any notification provided in this Section for
37 supplemental deposits from the City to a Person initiating a ~~Review Request~~ shall be deemed
38 sufficient if made by written notification. It shall be the duty of Persons initiating ~~Review Requests~~
39 to provide on the filed review request a continuously updated address where said Persons or their
40 agents can be notified. If an attempt to notify a Person initiating a ~~Review Request~~ or his or her
41 agent is frustrated because such addresses were not correct or up to date when the notification attempt
42 was made, such frustrated attempt shall be deemed sufficient notice for purposes of this Section.
43

44 **§ 43.05 ~~RECORDS OF ADMINISTRATIVE WORK PERFORMED~~ CHARGES AGAINST PROJECT** 45 **ACCOUNTS.**

46
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1 43.05(A) The ~~staff of the various departments of the City and the~~ City's ~~outside~~ fee consultants
2 who are involved in the review and processing of ~~Review~~ ~~Requests~~ shall maintain records of the
3 time expended and tasks conducted regarding each such request.

4
5 43.05(B) A debit based upon the time expended and the applicable hourly rate for consultants
6 shall be charged against the ~~Project~~ Account.

7
8 ~~43.05(C) For purposes of this program, the applicable hourly rate shall be equal to a staff person's~~
9 ~~actual hourly rate of pay (if such person is paid by the hour) or an approximation of his or her hourly~~
10 ~~compensation (based upon a weekly salary divided by 40 hours, together with an additional factor~~
11 ~~reflecting said person's hourly value of fringe and pension benefits), if said staff person is a person~~
12 ~~who is compensated on a salary basis.~~

13
14 43.05(D) The applicable hourly rate for review and processing by the City's ~~outside~~ fee
15 consultants shall equal their actual hourly charge for such review and processing.

16
17 43.05(E) A debit against the project account shall also be made that shall reflect the costs of
18 administering this program and for the City's legal services. ~~All records of time expended, together~~
19 ~~with the corresponding costs, shall be provided to the City Manager.~~

20
21 **CHAPTER 44: TECHNICAL RESCUE AND HAZARDOUS SUBSTANCES COST RECOVERY**

22
23 **§ 44.01 RECOVERY OF COSTS FOR TECHNICAL RESCUES AND HAZARDOUS SUBSTANCE**
24 **RESPONSES.**

25
26 44.01(A) ***Liability for Costs Incurred.***

27
28 44.01(A)(1) Each Person that discharges, releases or disseminates any hazardous substance within
29 the City and each Person that owns or is in authorized possession of a Structure, Building or property
30 located within the City, to which any City personnel, agents or contractors respond in connection
31 with a Hazardous Substance or Technical Rescue Incident or due to a report of the presence of a
32 Hazardous Substance or a combination of both, whether or not the response is ultimately deemed
33 necessary to effect a rescue or abate a hazard, shall be liable, jointly and severally, to the City for all
34 costs incurred that are associated with such effort, including but not limited to the costs of use of
35 vehicles, equipment, materials and personnel, and shall be deemed to have committed an act
36 punishable as provided in § 2.99 of the Code.

37
38 44.01(A)(2) The provisions of this Section shall only apply to any Person that violates any Law,
39 rule or regulation of any governmental entity, or whose act or omission to act is intentional, negligent,
40 or occurs as a result of the existence of any defective or faulty machinery, mechanism or equipment
41 of any kind.

42
43 44.01(B) ***Invoices.*** All responsible Persons shall pay all costs under this Section within 45 days
44 after the City provides an itemized invoice to the responsible Person.

45
46 44.01(C) ***Liens for unpaid invoice.*** Any invoice that remains unpaid for a period of more than 90
47 days after submission may, at the option of the City, be filed in the Public Records of Broward County

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1 as a lien against the land, which was the subject of the response and enforced by foreclosure
2 proceedings. Such lien shall, subject to the provisions of the Florida Constitution and Florida Law
3 continue for a period of 20 years and be coequal with the lien of all State, county, district and
4 municipal taxes, superior in dignity to all other liens, titles and claims (regardless of when created or
5 recorded, if recorded) until paid.

6 7 **CHAPTER 45: PAYMENTS RECEIVED BY THE CITY**

8 9 **§ 45.01 PROCEDURE UPON RECEIPT OF PAYMENTS.**

10
11 45.01(A) **Partial payments.** Payments submitted to the City in an amount less than the full amount
12 due to the City, which amount may include past due payment obligations, penalties and fees, shall
13 be deemed a “partial payment” and shall be processed in accordance with this Section.

14
15 45.01(B) **Acceptance not deemed satisfaction of debt.** The City’s acceptance of any partial
16 payment shall not constitute satisfaction of any debt or payment.

17
18 45.01(C) **Priority of payment.** Funds received as partial payment of a debt shall be allocated in
19 the following order:

20
21 45.01(C)(1) Past due payment obligations; then

22
23 45.01(C)(2) Penalties and late fees; then

24
25 45.01(C)(3) New payment obligations.

26 27 **§ 45.02 COST RECOVERY FOR VERIFICATION OF PROPER PAYMENT RECEIVED.**

28
29 45.02(A) **Receipts.** If verification of proper payment is necessary, the City may issue a receipt
30 acknowledging delivery of currency, but shall not issue a receipt acknowledging that the proper
31 payment has been received until the City receives confirmation of the proper amount received.

32
33 45.02(B) **Administrative costs.** The City Manager is authorized to charge Persons submitting
34 payments to the City with the actual costs incurred by the City, if any, for currency transportation and
35 for verification that the City has received proper payment from such Person.

36 37 **CHAPTER 46: LIENS**

38 39 **§ 46.01 PRIORITY OF CITY LIENS.**

40
41 46.01(A) **Intent.** This Section is not to be read in conflict with pertinent State law or City or county
42 ordinances pertaining to the placing of liens or levying of assessments by municipalities for any
43 reason, or the enforcement of same through foreclosure proceedings. This Section shall apply to every
44 action filed after the effective date of this Section, without regard to the date on which the cause of
45 action accrued.

46
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1 46.01(B) **Exception for code enforcement liens.** Code enforcement liens are governed by
2 Chapter 31 of this Code and shall not be subject to the provisions of this § 46.01.

3
4 46.01(C) **Placement of lien for charges, special assessments.**

5
6 46.01(C)(1) The City shall have a lien on all lands or premises situated within the City limits for
7 all charges or special assessments levied against that property for improvements made thereto or
8 lienable services rendered thereon, until paid in full. All such unpaid costs and liens shall bear interest
9 at the rate provided for in F.S. § 55.03(1) regarding interest on judgments, and said interest shall
10 accrue until paid in full. These liens shall be superior and prior to all other liens with the exception
11 of State, county, and municipal tax liens when notice of the lien has been filed in the Public Records
12 of Broward County.

13
14 46.01(C)(2) The notice of lien statement shall contain a legal description of the Premises, the
15 expenses and costs incurred, the date of such expenses, notice that the City claims a lien for this
16 amount, and notice that interest on the unpaid charges shall accrue at the rate provided for in F.S. §
17 55.03(1) for interest on judgments. A copy of the notice of lien shall be mailed to the Owner of the
18 property, if the mailing address of the Owner is available.

19
20 46.01(D) **Foreclosure.**

21
22 46.01(D)(1) Any liens placed against real property pursuant to this Section may be foreclosed
23 upon by the City in the manner provided by State law for the foreclosure of mortgages on property,
24 if the lien remains unpaid for 30 days after it has been recorded in the Public Records of Broward
25 County.

26
27 46.01(D)(2) The costs incurred for collection, including legal fees and costs related to a foreclosure
28 action, shall be recovered along with all amounts due to the City under the lien. In any action filed
29 by the City to enforce a City lien, the City shall be entitled to recover reasonable attorneys' fees in
30 addition to all other amounts secured by the lien.

31
32 **Section 3. Amendment to Title V.**

33
34 Title V, "Public Safety," of the Code of Ordinances of the City of Weston is amended to read
35 as follows:

36
37 **TITLE V: PUBLIC SAFETY**

38
39 **CHAPTER 50: FIRE AND SAFETY**

40
41 **§ 50.01 LOCK BOXES.**

42
43 50.01(A) **Installation of lock box.** In all new and existing Buildings, except for Single-Family,
44 Townhouses and Duplexes, and at all gated entrances to communities, condominium complexes,
45 apartment complexes, industrial/commercial complexes, or other facilities providing limited access,
46 there shall be installed a lock box when the Fire Chief determines that access to or within a Structure
47 or an area is unduly difficult because of secured openings, or where immediate access is necessary

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1 for life-saving or firefighting purposes. The lock box shall be a type approved by the Fire Chief, and
2 shall contain:

3
4 50.01(A)(1) ~~Keys~~ Access Devices to locked points of ingress, whether on the interior or exterior
5 of such Buildings, complexes, or facilities.

6
7 50.01(A)(2) ~~Keys~~ Access Devices to locked mechanical equipment rooms.

8
9 50.01(A)(3) ~~Keys~~ Access Devices to locked electrical rooms.

10
11 50.01(A)(4) ~~Keys~~ Access Devices to elevator controls.

12
13 50.01(A)(5) ~~Keys~~ Access Devices to other areas as directed by the Fire Chief.

14
15 50.01(A)(6) Written contact information of the Person to be notified of the access in case of an
16 Emergency.

17
18 50.01(B) ***Change of ~~keys~~ Access Devices***. If at any time the ~~keys~~ Access Devices stored in the
19 lock box change, then the Building Owner or manager is to notify the Fire Department and supply
20 new ~~keys~~ Access Devices to the Fire Chief.

21
22 50.01(C) ***Location determination.*** The Fire Chief shall determine the location of lock boxes.

23
24 ~~50.01(D) ***Exemptions.*** This Section shall not apply to the Construction, improvement, or~~
25 ~~renovation of any Single Family residential Building, with the exception of entrance gates.~~

26 27 **§ 50.02 HAZARDOUS MATERIALS INFORMATION BOXES.**

28
29 50.02(A) ***Contents.*** In addition to the ~~keys~~ Access Structures provided for in § 50.01, all new and
30 existing Buildings where the occupant is required to possess a hazardous materials license issued by
31 Broward County shall be required to install a separate hazardous materials information box. The
32 hazardous materials information box shall be a type approved by the Fire Chief and shall contain:

33
34 50.02(A)(1) A copy of all hazardous materials licenses.

35
36 50.02(A)(2) A copy of all Manufacturer's Safety Data Sheets (MSDS) for materials stored within
37 the Building.

38
39 50.02(A)(3) A copy of the hazardous materials spill incident management plan.

40
41 50.02(B) ***Change of information.*** If at any time the information stored in the lock box changes,
42 then the Building Owner or manager is to notify the Fire Department.

43
44 50.02(C) ***Location determination.*** The Fire Chief shall determine the location of lock boxes.

45
46 ~~50.02(D) ***Exemptions.*** This Section shall not apply to the Construction, improvement, or~~
47 ~~renovation of any Single Family residential Building.~~

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1
2 **§ 50.15 ACCESS SYSTEMS FOR GATED COMMUNITIES AND COMMERCIAL PROPERTIES.**
3

4 50.15(A) **Access system requirement for fire rescue.** All new and existing automatic entry gates
5 to gated single-family, multi-family residential Developments and commercial properties within the
6 City shall install and maintain at the Owner’s expense, a Universal Access System, for fire rescue
7 personnel, at each entry point into the community in compliance with Section F-108.9.3 of the
8 Florida Fire Prevention Code including the Broward County Local Amendments. All existing
9 automatic entry gates shall have the Universal Access System installed and fully operational no later
10 than May 30,2025.
11

12 50.15(B) **Access system requirement for law enforcement, public works and City authorized**
13 **contractors.** In addition to the Universal Access System for fire rescue as defined in §50.15(A), all
14 gated single-family, multi-family residential Developments and commercial properties shall install
15 and maintain at their expense, a remote control access system for the use of law enforcement, public
16 works and authorized contractors working for the City. This remote control access system shall
17 comply with the following system specifications. The remote control system required by this
18 §50.15(B) is the “Linear Access Pro Receiver/Transmitter System,” or any compatible system that
19 meets the following specifications:
20

21 50.15(B)(1) Wireless based systems;
22

23 50.15(B)(2) Gate operators are capable of remote activation from a distance of up to 250 feet by
24 the use of a radio-frequency, programmable transmitter;
25

26 50.15(B)(3) Transmitters are block-coded into the access Pro Receiver, or compatible receiver;
27

28 50.15(B)(4) Transmitters are capable of individual deletion from the system at any time;
29

30 50.15(B)(5) Outputs:
31

32 50.15(B)(5)(a) Relay: two form “C” relays, related at one amp @ two volts AC or DC;
33

34 50.15(B)(5)(b) LED display: three eight-segment displays to provide system activity and
35 programming information;
36

37 50.15(B)(5)(c) LED indicators: front panel indicators are used in conjunction with LED display to
38 provide transmitter and radio activity;
39

40 50.15(B)(6) Inputs:
41

42 50.15(B)(6)(a) RF: integral 318 MHz super regenerative receiver with -94 dBm sensitivity
43 (nominal); receives MegaCode format transmitters;
44

45 50.15(B)(6)(b) Open request terminal: contact closure to ground activates access relay;
46

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1 50.15(B)(6)(c) Open button: pressing activates access relays; also used to clear trouble codes from
2 MGT;

3
4 50.15(B)(6)(d) Keypad: integral 15-key silicone rubber keypad for system programming and
5 interrogation;

6
7 50.15(B)(7) Power: 12 to 24 volts AC or DC, 250 mA maximum.
8

9 50.15(C) **Access for Public Safety Personnel.** Public Safety Personnel shall be authorized to gain
10 access to any gated community within the City to perform the duties of such Public Safety Personnel
11 in accordance with Law.
12

13 50.15(D) **Maintenance.** The maintenance and continuous working order of gate access systems
14 defined in §50.15(A) and §50.15(B) shall be the responsibility of the Owner/Association where they
15 are installed.
16

17 **FIRE PREVENTION CODE**

18 **§ 50.50 FIRE CODES; INSPECTORS.**

19
20
21 50.50(A) The City adopts the Fire Codes as part of the City Code.
22

23 50.50(B) The Fire Chief shall designate, subject to the approval of the City Manager, a fire code
24 official as Fire Marshal. The Fire Marshal shall be responsible for the direct administration and
25 enforcement of the Fire Codes, under the direction and supervision of the Fire Chief. Certified fire
26 safety inspectors may also be designated by the Fire Marshal to enforce the Fire Codes. Any violations
27 of the Fire Codes may be enforced pursuant to the provisions of Chapter 31 of the City Code.
28

29 **§ 50.51 DUTIES OF FIRE MARSHAL.**

30
31 50.51(A) It shall be the duty of the Fire Marshal to enforce all applicable Laws and codes. In
32 addition, the Fire Marshal shall participate in public education in fire and life safety.
33

34 50.51(B) The Fire Marshal shall have such other powers and perform such other duties as are set
35 forth in other sections of this Chapter and as may be conferred and imposed from time to time by
36 Law. The Fire Chief may delegate any powers and duties under this Chapter to the Fire Marshal.
37

38 **§ 50.52 AUTHORITY FOR INSPECTIONS.**

39
40 In addition to required inspections under State Law, the Fire Chief, Fire Marshal or any Inspectors,
41 upon complaint of any Person or whenever deemed necessary, shall inspect all Buildings and
42 Premises within their jurisdiction.
43

44 **§ 50.53 ANNUAL FIRE SAFETY PERMIT/INSPECTION FEES.**

45
46 The City is hereby authorized to include a fire safety permit/Inspection fee in the City's annual fire
47 Assessment against Buildings and Structures within the City to provide funding for the cost of

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1 providing such annual fire safety Inspection services in accordance with State Law. If a Building or
2 Structure does not pass the annual fire safety inspection, all subsequent inspections shall be subject
3 to a fee set by a resolution of the City Commission.
4
5

6 **§ 50.54 FIRE SAFETY PERMITS, LICENSES SERVICE FEES AND PLAN REVIEW FEES.**
7

8 The City is hereby authorized to collect permits, licenses, service and plan review fees to recover
9 costs associated with such services and work. Fire safety service and plan review fees shall be set by
10 a resolution of the City Commission. The City administration shall be authorized to adopt
11 administrative policies regarding the collection of fees which will be based on federal, State, Broward
12 County and City recognized reimbursement for costs for apparatus equipment and actual or average
13 costs for all City personnel, subcontractors and other City departments requested by fire rescue.
14

15
16 **§ 50.55 FIRE DEPARTMENT CONNECTIONS: ANTI-THEFT LOCKDOWN PROCEDURE.**
17

18 All fire department connections on all Structures shall be secured by an anti-theft lockdown
19 procedure that is authorized by the International Fire and Building Codes and authorized by NFPA 1
20 (National Fire Protection Association). The anti-theft lockdown procedure shall be implemented for
21 all fire department connections on all Structures no later than December 31, 2014.
22

23 **CHAPTER 51: AUTOMATIC EXTERNAL DEFIBRILLATORS AND STOP THE BLEED KITS**
24

25 **§ 51.01 INTENT.**
26

27 It is the intent of the City and the purpose of this Chapter:
28

29 51.01(A) To promote the public health, safety, and general welfare by requiring the installation of
30 Automated External Defibrillator Devices and Stop the Bleed Kits within certain Buildings in the
31 City;
32

33 51.01(B) To provide for the inspection of each Automated External Defibrillator Device and to
34 provide for verification of the presence of Stop the Bleed Kits within the City; and
35

36 51.01(C) To provide for the payment of Automated External Defibrillator inspection and Stop the
37 Bleed Kit verification fees.
38

39
40 **§ 51.02 AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES AND STOP THE BLEED KITS**
41 **REQUIRED.**
42

43 Automated External Defibrillator Devices and Regular Stop the Bleed Kits, as described in Section
44 51e03(C)(2), shall be installed in the following Buildings located within the geographical boundaries
45 of the City and Large Stop the Bleed Kits, as described in Section 51e03(C)(3), shall be installed in
46 places of occupancy that hold 500 or more persons:
47

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1 51.02(A) Places of Public Assembly as defined in the Florida Building Code (Large Stop the Bleed
2 Kits required);

3
4 51.02(B) Office Buildings in excess of 20,000 square feet;

5
6 51.02(C) Gymnasiums, fitness centers and indoor recreational centers in excess of 1,500 square
7 feet;

8
9 51.02(D) Restaurants with 100 or more seats including indoor, Outdoor and Bar;

10
11 51.02(E) Commercial and retail spaces in excess of 35,000 square feet; and

12
13 51.02(F) All Hotels and Motels.

14
15
16 **§ 51.03 INSTALLATION AND OPERATION.**

17
18 51.03(A) ***Time of inspections.*** The City shall inspect all Automated External Defibrillator Devices
19 for operation and shall verify the presence of Stop the Bleed Kits prior to being placed in service or
20 available for use, and on an annual basis.

21
22 51.03(B) ***Requirements.*** Automated External Defibrillator Devices and Stop the Bleed Kits shall
23 be:

24
25 51.03(B)(1) Conspicuously located in plain view of the primary public entrance, with
26 unobstructed access;

27
28 51.03(B)(2) Housed in a cabinet with a clear window in the door, an audible alarm signaling the
29 opening of the door, permanently affixed to a wall, and whose top is no ~~less~~ more than 38 inches or
30 more than 48 inches above the floor;

31
32 51.03(B)(3) The Automated External Defibrillator Device shall be located below a Sign having a
33 minimum area of 70 square inches and containing the letters "AED" and the universally recognizable
34 "AED" symbol, which shall be placed no more than 60 inches, on center, above the floor;

35
36 51.03(B)(4) Readily accessible and immediately available when needed for On-Site employees
37 and the general public, including disabled Persons; and

38
39 51.03(B)(5) Placed near the elevator(s) in the first floor lobby, if the Building contains an elevator.

40
41 51.03(B)(6) The Stop the Bleed Kit shall be located below a three-way Sign having a minimum
42 area of 70 square inches with a City supplied Stop the Bleed Kit (SBK) sticker affixed to it. The sticker
43 may also be placed on the cabinet containing the Stop the Bleed Kit.

44
45 51.03(C)(1) ***Content requirement for Automated External Defibrillator Devices.*** Automated
46 External Defibrillator Devices shall contain adult and pediatric pads and bandage scissors.

47
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1 51s03(C)(2) **Content Requirement for Regular Stop the Bleed Kits.** Regular Stop the Bleed Kits,
2 shall minimally contain:

3
4 51s03(C)(2)(a) Two commercially manufactured tourniquets;

5
6 51s03(C)(2)(b) Four gloves;

7
8 51s03(C)(2)(c) One scissor;

9
10 51s03(C)(2)(d) Two three-inch gauze rolls:

11
12 51s03(C)(2)(e) Instructional Booklet on Bleeding Control;

13
14 51s03(C)(2)(f) Two gauze combine pads.

15
16 51s03(C)(2)(g) One marker.

17
18 51s03(C)(3) **Content Requirement for Large Stop the Bleed Kits.** Large Stop the Bleed Kits for
19 places of occupancy that hold 500 or more Persons shall minimally contain:

20
21 51s03(C)(3)(a) Eight commercially manufactured tourniquets;

22
23 51s03(C)(3)(b) Eight gloves;

24
25 51s03(C)(3)(c) Two scissors;

26
27 51.03(C)(3)(d) Eight three-inch gauze rolls:

28
29 51s03(C)(3)(e) Instructional Booklet on Bleeding Control;

30
31 51s03(C)(3)(f) Eight gauze combine pads.

32
33 51s03(C)(3)(g) One marker.

34
35 51s03(D) **Manufacturer's guidelines.** All Automated External Defibrillator Devices and Stop the
36 Bleed Kits shall be used in accordance with manufacturer's guidelines.

37
38 51s03(E) **Owner's responsibilities.** It shall be the responsibility of the Owner of the Building to:

39
40 51.03(E)(1) Install Automated External Defibrillator Devices and Stop the Bleed Kits;

41
42 51.03(E)(2) Provide all necessary training for appropriate use; and

43
44 51s03(E)(3) Maintain Automated External Defibrillator Devices and Stop the Bleed Kits in
45 accordance with the manufacturer's recommended maintenance requirements and as required
46 herein.

47
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1 51.03(E)(4) Verify and properly maintain the contents of the Stop the Bleed Kit.

2
3 51.03(F) **Replacement.** If an Automated External Defibrillator Device or Stop the Bleed Kit is
4 removed for repair, a replacement shall be provided.

5
6 **§ 51.04 VIOLATIONS.**

7
8 51.04(A) **Inoperative.** No Person shall render an Automated External Defibrillator Device
9 inoperative except during such time as the Automated External Defibrillator Device is being serviced,
10 tested, repaired, or recharged, or except pursuant to court order.

11
12 51.04(B) **Obliterate serial number.** No Person shall obliterate the serial number on an Automated
13 External Defibrillator Device for purposes of falsifying service records.

14
15 51.04(C) **Improperly service.** No Person shall improperly service, recharge, repair, test, or
16 inspect an Automated External Defibrillator Device.

17
18 51.04(D) **Improper use of certificate.** No Person shall use the inspection certificate of another
19 Person.

20
21 51.04(E) **Hold inspection certificate.** No Person shall hold an inspection certificate and allow
22 another Person to use said inspection certificate number.

23
24 51.04(F) **Expired Stop the Bleed Kit.** No Person shall maintain an ~~expired~~ Stop the Bleed Kit with
25 any components that are expired.

26
27 ~~**§ 51.05 RESTRICTIONS ON LOCKED STAIRWELLS.**~~

28
29 ~~51.05(A) **Scope.** This Section shall apply only to the following Buildings:~~

30
31 ~~51.05(A)(1) Places of Public Assembly as defined in the Florida Building Code;~~

32
33 ~~51.05(A)(2) Office Buildings in excess of 20,000 square feet;~~

34
35 ~~51.05(A)(3) Gymnasiums, fitness centers and indoor recreational centers in excess of 1,500 square~~
36 ~~feet;~~

37
38 ~~51.05(A)(4) Restaurants with 100 or more seats including indoor, Outdoor and Bar;~~

39
40 ~~51.05(A)(5) Commercial and retail spaces in excess of 35,000 square feet; and~~

41
42 ~~51.05(A)(6) All Hotels and Motels.~~

43
44 ~~51.05(B) **Prohibition.** No Person shall lock and no Building Owner and/or manager shall allow~~
45 ~~to be locked any door to a stairwell during the Building's normal business hours. The normal business~~
46 ~~hours of a Building for each day shall begin upon the earliest opening of a unit within the Building~~
47 ~~for business and shall end with the latest closing of a unit that day.~~

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1
2 ~~51.05(C) **Exemptions.** The prohibition set forth in subsection 51.05(B) shall not apply to:~~

3
4 ~~51.05(C)(1) The restriction of ingress through the locking of a door to a stairwell that opens on the~~
5 ~~outside of the Building; and~~

6
7 ~~51.05(C)(2) The restriction of ingress and egress through the locking of a door or other access~~
8 ~~point to a stairwell that opens to the Roof of the Building.~~

9
10 ~~51.05(D) **Compliance.** Persons receiving a Notice of Violation pursuant to this Section shall have~~
11 ~~five days to correct the violation.~~

12
13 **CHAPTER 52: PROHIBITED ACTS**

14
15 **§ 52.01 ADOPTION OF STATE OFFENSES AND COUNTY ORDINANCES.**

16
17 52.01(A) **State misdemeanors.** It shall be unlawful for any Person to commit, within the corporate
18 limits of the City, any act that is or shall be recognized by the Laws of the State as a misdemeanor.

19
20 52.01(B) **Broward County misdemeanors.** It shall be unlawful for any Person to commit, within
21 the corporate limits of the City, any act that is or shall be recognized as a violation of any Broward
22 County ordinance that is effective within the City.

23
24 52.01(C) **Penalties.** Any Person convicted of violating this Section, regardless of whether
25 adjudication is withheld, shall be punished in accordance with the penalty clause of the State Statute
26 that the Person was convicted of violating.

27
28 **§§ 52.02 THROUGH 52.14 RESERVED.**

29
30 **§ 52.15 SWIMMING AND BOATING IN LAKES AND CANALS PROHIBITED.**

31
32 52.15(A) **Swimming.** No Person shall swim, wade or bathe in any lakes or canals within the City.

33
34 52.15 (B) **Boating.** No Person shall bring into or operate any boat, canoe, or other watercraft in
35 any lakes or canals within the City.

36
37 **§ 52.16 OPEN BURNING PROHIBITED.**

38
39 52.16(A) **Outdoor fires.** No Person shall ignite, cause to be ignited, permit to be ignited, allow,
40 burn or maintain any Outdoor fire.

41
42 52.16(B) **Exemptions.** The following activities, uses and devices shall be exempt from the
43 prohibitions contained in subsection 52.16(A), if and only if they are conducted or used in a safe and
44 responsible manner:

45
46 52.16(B)(1) Outdoor, noncommercial preparation of food;

47
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- 52.16(B)(2) Tiki torches;
- 52.16(B)(3) Patio fireplaces;

52.16(B)(4) Prescribed burns conducted by the City Fire Department, or other governmental agencies that have legal authority to do so; and

- 52.16(B)(5) Training exercises conducted by the City Fire Department.

§ 52.17 LOITERING PROHIBITED.

52.17(A) **Prohibition.** It is unlawful for any Person to Loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of Persons or property in the vicinity.

52.17(B) **Circumstances; duty of Law Enforcement Officer.** Among the circumstances that may be considered in determining whether such an alarm or immediate concern is warranted is the fact that the Person takes flight upon appearance of a Law Enforcement Office, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the Person or other circumstances makes it impracticable, a Law Enforcement Officer shall, prior to any arrest for an offense under this Section, afford the Person the opportunity to dispel any alarm or immediate concern that would otherwise be warranted by requesting the Person to identify himself or herself and explain his or her presence and conduct. No Person shall be convicted of an offense under this Section if the Law Enforcement Officer did not comply with this procedure or if it appears at trial that the explanation given by the Person is true and, if believed by the Officer at the time, would have dispelled the alarm or immediate concern.

52.17(C) **Loitering after warning; obstructing free passage.** It shall be unlawful for any Person, after first being warned by a Law Enforcement Officer, or where a “No Loitering” Sign or Signs have been posted, to Loiter, stand, sit or lie in or upon public or ~~quasi-public~~ private Sidewalk, Street, curb, crosswalk, walkway area, mall or that portion of Private Property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon; nor shall any Person block or obstruct or prevent the free access to the entrance to any Building open to the public.

52.17(D) **Signage.** ~~It shall be the responsibility of~~ Persons owning or occupying places of business within the City ~~to~~ may post “No Loitering” Signs at each public entrance to the property. The Sign shall be at least 12 inches by 18 inches, and shall read as follows: “No Loitering- Weston City Code § 52.17.”

§ 52.18 TAKE-OFF AND LANDING OF UNMANNED AERIAL VEHICLES PROHIBITED.

The take-off and landing of Unmanned Aerial Vehicles is prohibited in all Public Places without written authorization by the City Manager.

LITTERING

§ 52.3324 PRIVATE PROPERTY.

Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 52.3324(A) **Occupied Private Property.** No Person shall throw, deposit, or dump Litter on any
2 occupied Private Property within the City, whether owned by such Person or not; except that the
3 Owner or Person in control of Private Property may maintain Authorized Private Receptacles for
4 collection in such a manner that Litter will be prevented from being carried or deposited by the
5 elements upon any Street, Sidewalk, or other Public Place or upon any Private Property.
6

7 52.3324(B) **Vacant Lots.** No Person shall throw, deposit or dump Litter on any open or vacant
8 Private Property within the City, whether owned by such Person or not.
9

10 52.3324(C) **Owner to maintain Premises free of Litter.** The Owner or Person in control of any
11 Private Property shall at all times maintain the Premises free of Litter; provided, however, that this
12 Section shall not prohibit the storage of Litter in Authorized Private Receptacles for collection.
13

14 **§ 52.25 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES.**
15

16 No Person shall throw, deposit or dump Litter in or upon any Street, Sidewalk, or other Public Place
17 within the City except in public receptacles, in Authorized Private Receptacles for collection, or in
18 county or municipal dumps.
19

20 **§ 52.286 MOTOR VEHICLE OCCUPANTS.**
21

22 No Person, while a driver or passenger in a vehicle, shall throw or deposit Litter upon any Street
23 or other Public Place within the City, or upon Private Property, except in public or Private
24 Receptacles.
25

26 **§ 52.297 TRUCKS AND OTHER VEHICLES.**
27

28 No Person shall drive or move any truck or other vehicle within the City unless such vehicle is so
29 constructed or loaded as to prevent any load, contents, or Litter from being blown or deposited upon
30 any Street, alley, or other Public Place or upon Private Property. Nor shall any Person drive or move
31 any vehicles or truck within the City, the wheels or tires of which carry onto or deposit in any Street,
32 alley, or other Public Place Litter or foreign matter of any kind.
33

34 **§ 52.268 RECEPTACLES TO BE SECURE.**
35

36 No Person placing Litter in public receptacles or in Authorized Private Receptacles shall do so in
37 such a manner as to allow it to be carried or deposited by the elements upon any Street, Sidewalk,
38 or other Public Place or upon Private Property.
39

40 **§ 52.279 GUTTERS.**
41

42 No Person shall sweep into or deposit in any gutter, Street, or other Public Place within the City
43 the accumulation of Litter from any Building or Lot or from any public or private Sidewalk or
44 driveway. Persons owning or occupying property shall keep the Sidewalk in front of and surrounding
45 their Premises free of Litter.
46

47 ~~**§ 52.28 MOTOR VEHICLE OCCUPANTS.**~~

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1
2 ~~No Person, while a driver or passenger in a vehicle, shall throw or deposit Litter upon any Street~~
3 ~~or other Public Place within the City, or upon Private Property, except in public or Private~~
4 ~~Receptacles.~~

5
6 ~~§ 52.29 TRUCKS AND OTHER VEHICLES.~~

7
8 ~~No Person shall drive or move any truck or other vehicle within the City unless such vehicle is so~~
9 ~~constructed or loaded as to prevent any load, contents, or Litter from being blown or deposited upon~~
10 ~~any Street, alley, or other Public Place or upon Private Property. Nor shall any Person drive or move~~
11 ~~any vehicles or truck within the City, the wheels or tires of which carry onto or deposit in any Street,~~
12 ~~alley, or other Public Place Litter or foreign matter of any kind.~~

13
14 **§ 52.30 WATER BODIES.**

15
16 No Person shall throw, deposit, or dump Litter in any fountain, pond, lake, stream, bay, canal, or
17 any other body of water within the City.

18
19 **§ 52.31 HANDBILLS.**

20
21 52.31(A) ***Throwing or depositing Commercial and Noncommercial Handbills in Public Places;***
22 ***prohibition.*** No Person shall throw or deposit any Commercial or Noncommercial Handbill in or
23 upon any Sidewalk, Street, or other Public Place within the City. Provided, however, that it shall not
24 be unlawful on any Sidewalk, Street, or other Public Place within the City for any Person to hand
25 out or distribute, without charge to the receiver thereof, any Commercial or Noncommercial Handbill
26 to any Person willing to accept it, except to the extent prohibited by § 71.10.

27
28 52.31(B) ***Placing Commercial and Noncommercial Handbills on vehicles; prohibition.*** No
29 Person shall throw or deposit any Commercial or Noncommercial Handbill in or upon any
30 unoccupied vehicle. Provided, however, that it shall not be unlawful in any Public Place for a Person
31 to hand out or distribute, without charge to the receiver thereof, a Commercial or Noncommercial
32 Handbill to any occupant of a vehicle who is willing to accept it, except to the extent prohibited by
33 § 71.10.

34
35 52.31(C) ***Prohibiting distribution of handbills where properly posted; prohibition.*** No Person
36 shall throw, deposit, or distribute any Commercial or Noncommercial Handbill upon any Private
37 Premises if requested by anyone thereon not to do so, or if there is placed on said Premises in a
38 conspicuous position near the entrance thereof a Sign bearing the words "No Trespassing," "No
39 Solicitors," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any
40 manner that the occupants of said Premises do not desire to be molested or have their right of privacy
41 disturbed, or to have any such handbills left upon such Premises.

42
43 52.31(D) ***Distributing Commercial and Noncommercial Handbills at inhabited Private Premises;***
44 ***prohibition.***

45
46 52.31(D)(1) No Person shall throw, deposit, or distribute any Commercial or Noncommercial
47 Handbill in or upon Private Premises that are inhabited, except by handing or transmitting any such

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1 handbill directly to the Owner, occupant, or other Person then present in or upon such Private
2 Premises. Provided, however, that in case of inhabited Private Premises that are not posted, as
3 provided in this Section, such Person, unless requested by anyone upon such Premises not to do so,
4 may place or deposit any such handbill in or upon such inhabited Private Premises if such handbill
5 is so placed or deposited as to secure or prevent such handbill from being blown or drifted about
6 such Premises or Sidewalks, Streets, or other Public Places, except that mailboxes may not be so used
7 when so prohibited by federal postal Law or regulations.

8
9 52.31(D)(2) The provisions of this subsection 52.31(D) shall not apply to the distribution of mail
10 by the United States Postal Service, nor to newspapers; except that newspapers shall be placed on
11 Private Property in such a manner as to prevent their being carried or deposited by the elements upon
12 any Street, Sidewalk, or other Public Place or upon Private Property.

13
14 **§ 52.32 UTILITY POLES, PUBLIC STRUCTURES, AND PUBLIC BUILDINGS.**

15
16 No Person shall post or affix any notice, poster, or other paper or device calculated to attract the
17 attention of the public to any public Utility Pole, or upon any public Structure or Building, except as
18 may be authorized or required by Law.

19
20 **~~§ 52.33 PRIVATE PROPERTY.~~**

21
22 ~~52.33(A) **Occupied Private Property.** No Person shall throw, deposit, or dump Litter on any~~
23 ~~occupied Private Property within the City, whether owned by such Person or not; except that the~~
24 ~~Owner or Person in control of Private Property may maintain Authorized Private Receptacles for~~
25 ~~collection in such a manner that Litter will be prevented from being carried or deposited by the~~
26 ~~elements upon any Street, Sidewalk, or other Public Place or upon any Private Property.~~

27
28 ~~52.33(B) **Vacant Lots.** No Person shall throw, deposit or dump Litter on any open or vacant~~
29 ~~Private Property within the City, whether owned by such Person or not.~~

30
31 ~~52.33(C) **Owner to maintain Premises free of Litter.** The Owner or Person in control of any~~
32 ~~Private Property shall at all times maintain the Premises free of Litter; provided, however, that this~~
33 ~~Section shall not prohibit the storage of Litter in Authorized Private Receptacles for collection.~~

34
35 **SEXUAL VIOLATORS**

36
37 **§ 52.45 SEXUAL VIOLATOR RESIDENCY PROHIBITION.**

38
39 52.45(A) **Residency restrictions.** It is unlawful for any Sexual Violator, as that term is defined in
40 the Code, to Reside within 2,500 feet of any school, Child Care Facility, Public School bus stop, Park
41 or playground. Any Person violating this provision is subject to the penalties prescribed under §2.99
42 of the Code.

43
44 52.45(B) **Owner and landlord responsibility.** It shall be a violation of the City Code for a landlord
45 or Owner of Residential Property in the City to rent or lease a residence to a Sexual Violator, if the
46 Sexual Violator intends to Reside at the property and if the property is located within 2,500 feet of a
47 school, day care center, Public School bus stop, Park or playground, unless the landlord or Owner

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1 can establish that, prior to entry of a lease, he or she used reasonable due diligence and was unable
2 to determine that the Tenant is a Sexual Violator. Any Person violating this provision is subject to the
3 code enforcement procedures set forth in Chapter 31.

4
5 **52.45(C) Exemptions.**

6
7 52.45(C)(1) The provisions of subsection 52.45(A) of this Section shall not prohibit a Person who
8 is registered with the State of Florida as a Sexual Violator, sexual offender or sexual predator whose
9 FDLE Sexual Violator registration records show an address within the City on July 5, 2005 from
10 continuing to Reside at the address even if it is within 2,500 feet of any school, day care center,
11 Public School bus stop, Park or playground, provided that no other address(es) located outside of the
12 City is registered with the FDLE for more than a combined consecutive 180 days.

13
14 52.45(C)(2) The provisions of subsection 52.45(A) shall not prohibit a Person who is registered
15 with the State of Florida as a Sexual Violator, sexual offender or sexual predator from continuing to
16 Reside at his or her registered address solely because a school, ~~day care center~~ Child Care Facility,
17 Public School bus stop, Park or playground is subsequently built or established within 2,500 feet of
18 his or her registered address, provided that after such school, day care center, Public School bus stop,
19 Park or playground is subsequently built or established no other address(es) located outside of the
20 City is registered with the FDLE for more than a combined consecutive 180 days.

21
22 **NOISE**

23
24 **§ 52.50 LOUD AND RAUCOUS NOISE; EXEMPTIONS.**

25
26 52.50(A) **Violation.** It shall be unlawful for any Person to willfully make, continue, or cause to
27 be made or continued any Loud and Raucous Noise, which term shall mean any sound which,
28 because of its volume level, duration, character, and time of day annoys, disturbs, injures, or
29 endangers the comfort, health, peace, or safety of reasonable Persons of ordinary sensibilities within
30 the limits of the City. The term includes the kind of noises prohibited by the activities enumerated in
31 § 52.52. The term also includes the kinds of noises generated by the activities enumerated in § 52.52.
32 The term shall be limited to Loud and Raucous Noise heard upon the public and private Streets, upon
33 other public lands or waters, in any public or private Park, in any school or public Building or upon
34 the grounds thereof while in use, in any house of worship or hospital or upon the grounds thereof
35 while in use, upon any parking lot open to members of the public as invitees or licensees, or heard
36 in any occupied commercial or residential unit or upon the grounds thereof. The terms "loud or
37 disturbing", "annoyance or inconvenience," "disturb the peace and quiet", and other like terms
38 referring to noise where used in other Sections of this subchapter shall be construed to mean "Loud
39 and Raucous." The terms "inhabitants" and "occupants" and other like terms where used in other
40 sections of this subchapter shall be construed to mean reasonable Persons of ordinary sensibilities.

41
42 52.50(B) **Responsible parties.** Any Person, Owner, agent, or supervisor in charge of operating,
43 ordering, directing, or allowing the operation or maintenance of a device or machine creating Loud
44 and Raucous Noise as prohibited in this subchapter shall be deemed guilty of committing an offense
45 and violating this subchapter and be subject to the penalties provided in § 2.99.

46
Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 52.50(C) **Exemptions.** The term Loud and Raucous Noise does not include noise or sound
2 generated by the following:

3
4 52.50(C)(1) Cries for emergency assistance and warning calls.

5
6 52.50(C)(2) Radios, sirens, horns, and bells on police, fire, and other emergency response
7 vehicles.

8 52.50(C)(3) Activities on or in municipal and school facilities and on or in other publicly owned
9 property and facilities, provided that such activities have been authorized by the Owner of such
10 property or facilities or its agents.

11
12 52.50(C)(4) Religious worship activities, including but not limited to bells and organs.

13
14 52.50(C)(5) Any City services, including but not limited to sanitation and Refuse collection and
15 Utility repairs.

16
17 **§ 52.51 COMPLAINTS.**

18
19 52.51(A) Any citizen wishing to register a complaint of Loud or Raucous Noise in violation of the
20 provisions of this subchapter shall be required to sign a sworn statement in order for a Law
21 Enforcement Officer to investigate and cite an alleged offender.

22
23 52.51(B) This requirement shall not preclude a Law Enforcement Officer from citing any alleged
24 offender based on his or her own observations whether or not a complaint has been made.

25
26 **§ 52.52 PROHIBITED NOISE.**

27
28 The following acts are prohibited:

29
30 52.52(A) **Engines.**

31
32 52.52(A)(1) **Exhaust.** The discharge into the open air of the exhaust of any stationary internal
33 combustion engine except through a muffler or other device that will effectively prevent Loud and
34 Raucous Noises therefrom.

35
36 52.52(A)(2) **Pile drivers; restricted hours.** The operation between the hours of 6:00 p.m. and 8:00
37 a.m. on any day or at any time on Sunday, New Year's Day, Memorial Day, Independence Day,
38 Labor Day, Thanksgiving Day, or Christmas Day of any pile driver, pneumatic hammer, derrick,
39 dredge, electric hoist, or other appliance, the use of which is attended by Loud and Raucous Noise.

40
41 52.52(A)(3) **Blowers.** The operation of any blower or power fan or any internal combustion
42 engine, the operation of which causes Loud and Raucous Noise, unless the noise from such blower
43 or fan is muffled or such engine is equipped with a muffler device sufficient to prevent Loud and
44 Raucous Noise.

45
46 52.52(B) **Horns and signaling devices.** The sounding of any horn, whistle, or other audible
47 signaling device so as to create a Loud and Raucous Noise.

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1
2 52.52(C) **Televisions, radios, amplifiers, and phonographs.** The using or operating of, or
3 permitting to be played, used, or operated, any television, radio, amplifier, musical instrument,
4 phonograph, or other device for the producing or reproducing of sound in such manner as to cause
5 Loud and Raucous Noise.

6
7 52.52(D) **Sound devices ~~for advertising purposes.~~** The operation in the City of any radio,
8 television, or other musical or mechanical instrument or device of any kind whereby the sounds
9 therefrom are cast directly upon public Streets and places and where such devices are maintained
10 and operated ~~for advertising purposes or~~ for the purpose of attracting the passing public and that are
11 so placed in any moving or non-moving wagon, truck, vehicle, or aircraft or in any stationary location
12 whereby announcements or broadcasts are made, or music is played, unless a permit therefor shall
13 have been granted by the City Manager.

14
15 52.52(D)(1) Any Person desiring a permit shall make application to the City Manager for such
16 permit. The application shall be accompanied by an application fee, the amount of which shall be
17 set by resolution of the City Commission. If it shall appear to the City Manager that the issuance of
18 such permit will not adversely affect the peace and quiet of the inhabitants of the City, or will not
19 create a Traffic hazard, or will not be otherwise detrimental to the public safety, such permit shall be
20 issued.

21
22 52.52(D)(2) The City Manager is hereby given the power and authority to designate, if any permit
23 is granted, the conditions of such permit, and such conditions shall be imposed so that the peace and
24 quiet of the inhabitants of the City and public safety shall not be interfered with.

25
26 52.52(D)(3) If any Person should be granted a permit in accordance with this Section and shall
27 violate the terms and conditions thereof, the City Manager is hereby authorized to revoke the permit.

28
29 52.52(E) **Yelling and shouting.** Yelling, shouting, whistling, or singing at any time or place so as
30 to create a Loud and Raucous Noise between the hours of 10:00 p.m. and 7:00 a.m. the following
31 day, on any day.

32
33 52.52(F) **Animals and birds.** The keeping of any Animal, bird, or fowl that causes frequent or
34 continued Loud and Raucous Noise.

35
36 52.52(G) **Defect in vehicle or load.** The use of any Motor Vehicle so out of repair, so loaded, or
37 in such manner as to create loud grating, grinding, rattling, or other Loud and Raucous Noise or that
38 is not equipped with a muffler in good working order and in constant operation so as to prevent Loud
39 and Raucous Noise.

40
41 52.52(H) **Noises to attract attention.** The use of any drum or other instrument or device to create
42 a Loud and Raucous Noise.

43
44 52.52(I) **Vehicle horns.** The sounding of any horn or signal device, including anti-theft alarms,
45 on any automobile, motorcycle, bus, or other vehicle: while not in motion, except as a danger signal
46 if another vehicle is approaching apparently out of control; or while in motion, except as a danger
47 signal after or as brakes are being applied and deceleration of the vehicle is intended. The sounding

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1 of any horn or signal device, including anti-theft alarms, on any vehicle whether or not in motion for
2 an unnecessary and unreasonable period of time is hereby declared to be a Loud and Raucous Noise.

3
4 **52.52(J) Construction or repairing of Buildings or site Development.** The erection (including
5 Excavating), demolition, alteration, or repair of any Building so as to create a Loud and Raucous
6 Noise other than between the hours of 7:00 a.m. and 7:00 p.m. on any weekday or Saturday, except
7 for the Construction or repair of Buildings or site Development within a Hospital Zoning District.
8 Such activity is prohibited on Sunday, New Year's Day, Memorial Day, Independence Day, Labor
9 Day, Thanksgiving Day, or Christmas Day. In case of urgent necessity in the interest of public health
10 and safety, a permit to allow activity prohibited by this Section may be granted by the City Manager
11 for a period not to exceed three working days or less while the emergency continues. Such permit
12 may be renewed for successive periods of three days or less while the emergency continues. If the
13 City Manager should determine that the public health and safety necessitates the issuance of such a
14 permit and will not be unduly impaired by the erection, demolition, alteration, or repair of any
15 Building or the Excavation of Streets and Highways within the hours of 7:00 p.m. and 7:00 a.m. of
16 the following day, or on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day,
17 Thanksgiving Day, or Christmas Day, he or she may grant permission for such work to be done within
18 such hours or within a shorter time period during such hours, upon application being made at the
19 time the permit for the work is issued or during the progress of the work. Notwithstanding any other
20 provisions of the Code, this Section governs.

21
22 **52.52(K) Music.** No Person licensed under the State beverage Law shall allow or permit, between
23 the hours of 11:00 p.m. and 7:00 a.m. the following morning, instrumental music whether live from
24 musicians or from recordings, singing, or other forms of entertainment in any room where beers,
25 wines, Liquors, or other Alcoholic Beverages are sold or offered for sale, indoors or Outdoors, except
26 when such room is soundproofed in order that the sounds therefrom may not disrupt the peace and
27 quiet of the neighborhood. It is intended hereby that in soundproofed rooms music, singing, and
28 other forms of entertainment may be conducted during the hours that Alcoholic Beverages may be
29 sold in accordance with §§ 83.01 et seq.

30
31 **52.52(L) Pool pumps, fans, and air conditioners.** It shall be unlawful to create any excessive and
32 unnecessary Loud and Raucous Noise by the use or operation of any noise-creating air conditioner
33 or compressor unit, the operation of which causes such excessive and unnecessary Loud and Raucous
34 Noise, unless such noise is muffled and deadened by adequate noise suppression and muffling
35 devices to eliminate annoyance and disturbance to Persons within the range of hearing.

36
37 **52.52(M) Loading, unloading, unpacking.** It shall be unlawful for any Person engaged in loading,
38 unloading, packing, unpacking, or opening crates, boxes, or containers, including, without limitation,
39 the loading or unloading of any Motor Vehicles or truck Trailers onto any truck transport to create
40 excessive and unnecessary Loud and Raucous Noises. It shall further be unlawful to leave diesel-
41 powered or other engines idling, thereby creating Loud and Raucous Noises, between the hours of
42 10:00 p.m. and 6:00 a.m. of the following day.

43
44 **52.52(N) Outdoor Amusements.** It shall be unlawful for the Owner of any Outdoor amusement
45 or any Person employed at any such place to operate or conduct such business between the hours of
46 10:00 p.m. and 7:00 a.m. of each day, whereby Loud and Raucous Noise emitting therefrom disturbs
47 the peace and quiet of Persons of any occupied Building.

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1
2 52.52(O) **Fuel Stations.** It shall be unlawful for the Owner of any Fuel Station located within 300
3 feet of any inhabited Dwelling, hospital or Hotel in the City, or any Person employed thereat, to carry
4 on or conduct any business that causes Loud and Raucous Noises between the hours of 11:00 p.m.
5 and 6:00 a.m. of each day.

6
7 52.52(P) **Landscaping.** It shall be unlawful to use an internal combustion engine and/or blower
8 while performing Landscaping services, thereby creating Loud and Raucous Noises, between the
9 hours of 7:00 p.m. and 7:00 a.m., unless authorized by the City Manager.

11 SYNTHETIC SUBSTANCES

13 § 52.60 PROHIBITING THE DISTRIBUTION, SALE, OFFER FOR DISTRIBUTION OR SALE, 14 PURCHASE WITH INTENT TO DISTRIBUTE OR SELL OR PUBLIC DISPLAY FOR DISTRIBUTION 15 OR SALE OF SYNTHETIC CANNABINOID HERBAL INCENSE.

16
17 52.60(A) **Purpose and intent.** The City Commission finds and declares that the products and
18 synthetic substances described hereunder are commonly used as alternatives to marijuana. The
19 Commission further finds that these synthetic substances are particularly appealing to youth, and that
20 these synthetic substances are potentially dangerous to users in the short term and that the long term
21 effects are not yet known. The Commission finds that the products which contain these synthetic
22 substances often use a disclaimer that the product is “not for human consumption” to avoid
23 regulations requiring the manufacturer to list the product's active ingredients. The Commission finds
24 that drug designers and chemists can quickly create new Synthetic Drugs once federal or state law
25 makes a particular Synthetic Drug illegal. As such, the Commission finds there is a need to declare
26 illegal the distribution, sale, offer for distribution or sale, purchase with intent to distribute or sell or
27 public display for distribution or sale of synthetic substances that mimic illegal controlled substances
28 that have not yet themselves been categorized as illegal controlled substances under federal or state
29 law. The Commission further finds that it is proper and necessary for the Commission to exercise its
30 authority to safeguard and protect the public health, safety and welfare by taking this action.

31
32 52.60(B) **Application.** This Section shall be applicable within the City to the fullest extent allowed
33 by law.

34
35 52.60(C) **Conflict.** Any applicable Broward County ordinance governing this subject area that is
36 more stringent than this Section or that declares illegal a substance that is not declared illegal by this
37 Section shall remain enforceable within the City.

38
39 52.60(D) **Distribution, sale, offer for distribution or sale and purchase with intent to distribute**
40 **or sell Synthetic Cannabinoid Herbal Incense prohibited.** It shall be unlawful for any store owner,
41 store manager, store purchasing agent or other Person to distribute, sell, offer for distribution or sale
42 or purchase with intent to distribute or sell any Synthetic Cannabinoid Herbal Incense.

43
44 52.60(E) **Public display for distribution or sale of Synthetic Cannabinoid Herbal Incense**
45 **prohibited.** It shall be unlawful for any store owner, store manager, store purchasing agent or other
46 Person to publicly display for distribution or sale any Synthetic Cannabinoid Herbal Incense.

47
Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 52.60(F) **Affirmative defense.** It shall be an affirmative defense to prosecution of a violation of
2 this Section if the distribution, sale, offer for distribution or sale, public display for distribution or sale
3 or purchase with intent to distribute or sell of Synthetic Cannabinoid Herbal Incense is pursuant to
4 the direction or prescription of a licensed physician or dentist authorized in the State of Florida to
5 direct or prescribe such act.
6

7 52.60(G) **Seizure and destruction of Synthetic Cannabinoid Herbal Incense.** Synthetic
8 Cannabinoid Herbal Incense prohibited herein may be seized by law enforcement officers and may
9 be destroyed in the same manner used to destroy narcotics and contraband substances, after its use
10 for evidentiary purposes in any judicial proceeding is no longer required.
11

12 52.60(H) **Injunctive relief.** The City shall have the authority to seek an injunction against any
13 Person violating the provisions of this Section. In any action seeking an injunction, the City shall be
14 entitled to collect its enforcement expenses, including forensic costs, law enforcement costs and
15 reasonable attorney fees and costs incurred at trial and on appeal.
16

17 52.60(I) **Subsequent federal or state action.** If Congress or a federal agency amends federal law
18 to include a particular substance or otherwise enacts or amends a federal law providing for criminal
19 penalties for the prohibitions of substances set forth in this Section, then upon the effective date of
20 such enactment or amendment, the provisions of this Section addressed by federal law shall no longer
21 be deemed effective. Any violations of this Section committed prior to the Congress or a federal
22 agency enacting a federal law, as described above, may be prosecuted.
23

24 If the Florida Legislature amends the controlled substance schedules in F.S. § 893.01 to include a
25 particular substance or otherwise enacts, or amends a State statute providing for criminal penalties
26 for the prohibitions of substances set forth in this Section, then upon the effective date of such
27 enactment or amendment, the provisions of this Section addressed by the State statute shall no longer
28 be deemed effective.
29

30 If the Florida Attorney General pursuant to the rulemaking authority provided in F.S. Chapter 893
31 adds a particular substance to the controlled substance schedules in F.S. § 893.01, then upon the
32 effective date of such enactment or amendment, the provisions of this Section addressed by the
33 rulemaking action shall no longer be deemed effective.
34

35 Any violations of this Section committed prior to the Florida Legislature enacting such a statute or
36 the Florida Attorney General promulgating rules may be prosecuted.
37

38 52.60(J) **Penalty.** Any store owner, store manager, store purchasing agent or other Person violating
39 any provision of this Section shall be punishable as provided in § 2.99 of the Code.
40

41 **§§ 52.61 THROUGH 52.64 RESERVED.**
42

43 **§ 52.65 PROHIBITING THE DISTRIBUTION, SALE, OFFER FOR DISTRIBUTION OR SALE,**
44 **PURCHASE WITH INTENT TO DISTRIBUTE OR SELL OR PUBLIC DISPLAY FOR DISTRIBUTION**
45 **OR SALE OF SYNTHETIC STIMULANT BATH SALTS, SYNTHETIC CATHINONES, SYNTHETIC**
46 **AMPHETAMINES AND OTHER SYNTHETIC STIMULANTS THAT MIMIC ILLEGAL DRUGS.**
47

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1 52.65(A) **Purpose and intent.** The City Commission finds and declares that the products and
2 synthetic substances described hereunder are commonly used as alternatives to amphetamines,
3 cocaine, ecstasy and other illegal drugs. The City Commission further finds that these synthetic
4 substances are particularly appealing to youth, and that these synthetic substances are potentially
5 dangerous to users in the short term and the long term effects are not yet known. The City
6 Commission finds that the products which contain these synthetic substances often use a disclaimer
7 that the product is “not for human consumption” to avoid regulations that require the manufacturer
8 to list the product’s active ingredients. The City Commission finds that drug designers and chemists
9 can quickly create new Synthetic Drugs once federal or state law makes a particular Synthetic Drug
10 illegal. As such, the City Commission finds that there is a need to declare illegal the distribution, sale,
11 offer for distribution or sale, purchase with intent to distribute or sell or public display for distribution
12 or sale of synthetic substances that mimic illegal controlled substances, even though such synthetic
13 substances have not yet themselves been categorized as illegal controlled substances under federal
14 or state law. The City Commission further finds that it is proper and necessary for the Commission to
15 exercise its authority to safeguard and protect the public health, safety and welfare by taking this
16 action.

17
18 52.65(B) **Application.** This Section shall be applicable within the City to the fullest extent allowed
19 by law.

20
21 52.65(C) **Conflict.** Any applicable Broward County ordinance governing this subject area that is
22 more stringent than this Section or that declares illegal a substance that is not declared illegal by this
23 Section shall remain enforceable within the City.

24
25 52.65(D) **Distribution, sale, offer for distribution or sale and purchase with intent to distribute**
26 **or sell Synthetic Stimulant bath salts and Synthetic Stimulants prohibited.** It shall be unlawful for
27 any store owner, store manager, store purchasing agent or other Person to distribute, sell, offer for
28 distribution or sale or purchase with intent to distribute or sell any Synthetic Stimulant bath salts as
29 defined herein or any Synthetic Stimulants as defined herein.

30
31 52.65(E) **Public display for distribution or sale of Synthetic Stimulant bath salts and Synthetic**
32 **Stimulants prohibited.** It shall be unlawful for any store owner, store manager, store purchasing agent
33 or other Person to publicly display for distribution or sale any Synthetic Stimulant bath salts as defined
34 herein or any Synthetic Stimulants as defined herein.

35
36 52.65(F) **Affirmative defense.** It shall be an affirmative defense to prosecution of a violation of
37 this Section if the distribution, sale, offer for distribution or sale, purchase with intent to distribute or
38 sell or public display for distribution or sale of Synthetic Stimulant bath salts as defined herein or
39 Synthetic Stimulants as defined herein is pursuant to the direction or prescription of a licensed
40 physician or dentist authorized in the State of Florida to direct or prescribe such act.

41
42 52.65(G) **Seizure and destruction of Synthetic Stimulant bath salts and Synthetic Stimulants.**
43 Synthetic Stimulant bath salts and Synthetic Stimulants prohibited herein may be seized by law
44 enforcement officers and may be destroyed in the same manner used to destroy narcotics and
45 contraband substances, after its use for evidentiary purposes in any judicial proceeding is no longer
46 required.

47
Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

1 52.65(H) **Injunctive relief.** The City shall have the authority to seek an injunction against any
2 Person violating the provisions of this Section. In any action seeking an injunction, the City shall be
3 entitled to collect its enforcement expenses, including forensic costs, law enforcement costs and
4 reasonable attorney fees and costs incurred at the trial level and on appeal.
5

6 52.65(I) **Subsequent federal or state action.** If Congress or a federal agency amends federal law
7 to include a particular substance or otherwise enacts or amends a federal law providing for criminal
8 penalties for the prohibitions of substances set forth in this Section, then upon the effective date of
9 such enactment or amendment, the provisions of this Section addressed by federal law shall no longer
10 be deemed effective. Any violations of this Section committed prior to Congress or a federal agency
11 enacting a federal law may be prosecuted.
12

13 If the Florida Legislature amends the controlled substance schedules in F.S. § 893.01 to include a
14 particular substance or otherwise enacts, or amends a State statute providing for criminal penalties
15 for the prohibitions of substances set forth in this Section, then upon the effective date of such
16 enactment or amendment, the provisions of this Section addressed by the State statute shall no longer
17 be deemed effective.
18

19 If the Florida Attorney General pursuant to the rulemaking authority provided in F.S. Chapter 893
20 adds a particular substance to the controlled substance schedules in F.S. § 893.01, then upon the
21 effective date of such enactment or amendment, the provisions of this Section addressed by the
22 rulemaking shall no longer be deemed effective.
23

24 Any violations of this Section committed prior to the Florida Legislature enacting such a statute or
25 the Florida Attorney General promulgating rules may be prosecuted.
26

27 52.65(J) **Penalty.** Any store owner, store manager, store purchasing agent or other Person
28 violating any provision of this Section shall be punishable as provided in § 2.99 of the Code.
29

30 **§ 52.66 RESERVED.**
31

32 **§ 52.67 PROHIBITED USE OF NICOTINE VAPORIZERS.**
33

34 52.67(A) **Enclosed Indoor Workplaces.** A person shall not use a Nicotine Vaporizer in any
35 Enclosed Indoor Workplace within the City, except as otherwise provided in Section 52.67(B).
36

37 52.67(B) **Exceptions.** The use of a Nicotine Vaporizer may be permitted in each of the following
38 places:
39

40 52.67(B)(1) **Private Residence.** A private residence whenever it is not being used commercially to
41 provide child care, adult care, or health care, or any combination thereof. For the purpose of this
42 subsection, “used commercially” means any time during which the owner, lessee, or other person
43 occupying or controlling the use of the private residence is furnishing in the private residence, or
44 causing or allowing to be furnished in the private residence, child care, adult care, or health care, or
45 any combination thereof, and receiving or expecting to receive compensation therefor;
46

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1 52.67(B)(2) **Retail Tobacco Shop and Retail Vaporizer Shop.** A Retail Tobacco Shop or Retail
2 Vaporizer Shop that complies with all applicable provisions of the City Code;

3
4 52.67(B)(3) **Designated Smoking Guest Room.** A Designated Smoking Guest Room At Public
5 Lodging Establishments;

6
7 52.67(B)(4) **Stand-Alone Bar.** A Stand-Alone Bar that complies with all applicable provisions of
8 Chapter 561i, 562, 563, 564, 565, 567, and 568, Florida Statutes; and

9
10 52.67(B)(5) **Smoking Cessation Program, Medical Or Scientific Research.** An Enclosed Indoor
11 Workplace, to the extent that the use of a Nicotine Vaporizer is an integral part of a smoking cessation
12 program approved by the Florida Department of Health, or medical or scientific research conducted
13 therein. The proprietor or other person in charge of an Enclosed Indoor Workplace where a smoking
14 cessation program, medical research, or scientific research is conducted or performed must
15 conspicuously post, or cause to be posted, signs stating that use of Nicotine Vaporizers is permitted
16 for such purposes in designated areas in the Enclosed Indoor Workplace.

17 IRRIGATION SYSTEM

18 § 52.70 UNAUTHORIZED USE OF CITY'S IRRIGATION SYSTEM PROHIBITED.

19
20
21
22 No Person shall tamper with, tap into, or connect in any manner with the City's Irrigation system,
23 without written authorization from the City.

24 TIMESHARE UNITS

25 § 52.75 TIMESHARE UNITS.

26
27
28
29 Timeshare units shall not be used as a permanent residency, and the occupants shall not use the
30 address of the Timeshares as their residential or business address for any purpose.

31 CHAPTER 53: ANIMAL CARE AND REGULATION

32 § 53.01 ADOPTION OF THE BROWARD COUNTY ANIMAL CARE AND ADOPTION 33 ORDINANCE.

34
35
36
37 The City adopts and incorporates the Broward County Animal Care and Adoption Ordinance as
38 part of the City Code.

39 § 53.02 WILD ANIMALS.

40
41
42 The keeping or confinement of Wild Animals shall be prohibited in all zoning districts, except the
43 Agricultural/Estate District (AE), where Wild Animals may be kept provided that all applicable State
44 Laws and regulations are met.
45

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1 **§ 53.03 ANIMAL DISPLAY PROHIBITED.**

2
3 It is unlawful to display Animals for a commercial purpose on Public Property and private non-
4 Residential Property, except within the interior of a retail establishment whose primary purpose is
5 the sale of Animals.
6

7 **§ 53.04 CIVIL ACTION OR PROCEEDING.**

8
9 In addition to the penalties provided in this Chapter and in the Broward County Animal Care and
10 Adoption Ordinance for the violation of the provisions hereof, the City may institute any lawful civil
11 action or proceeding to prevent, restrain or abate any acts or failures to act under this Chapter or the
12 Broward County Animal Care and Adoption Ordinance, which constitute a public nuisance.
13

14 **Section 4. Codification.**

15
16 It is the intention of the City Commission that the provisions of this Ordinance become and
17 be made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered
18 or relettered and the word "ordinance" may be changed to "section" or such other appropriate word
19 or phrase to accomplish such intentions.
20

21
22 **Section 5. Severability.**

23
24 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
25 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity
26 of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.
27

28 **Section 6. Conflict.**

29
30 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
31 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed
32 to the extent of such conflict.
33

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1 **Section 7. Effective Date.**

2 This Ordinance shall become effective on January 1, 2025.

3 PASSED ON FIRST READING _____.

4 PASSED AND ADOPTED ON SECOND READING _____.

5
6
7
8
9
10
11 CITY COMMISSION
12 CITY OF WESTON, FLORIDA

13
14
15 By _____
16 Margaret Brown, Mayor

17 ATTEST:

18
19
20
21 _____
22 Patricia A. Bates, MMC, City Clerk

23 Approved as to form and legality
24 for the use of and reliance by the
25 City of Weston only:

26
27 _____
28 Jamie Alan Cole, City Attorney

29
Roll Call:
Commissioner Mead _____
Commissioner Eddy _____
Commissioner Molina-Macfie _____
Commissioner Jaffe _____
Mayor Brown _____

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BUSINESS IMPACT ESTIMATE¹

Meeting Date: May 6, 2024

Agenda Item No. 13

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

An Ordinance of the City of Weston, Florida, amending the Code of Ordinances of the City, amending certain sections of Title IV, "Taxes, Fees and Costs;" and Title V, "Public Safety;" to update the City Code; and providing for an effective date.

Public Hearing and First Reading

Estimate of Direct Economic Impact on Private/For Profit Businesses

- a. Estimate of Direct Business Compliance Costs:
N/A
- b. New Charges/Fees on Businesses Impacted:
N/A
- c. Estimate of Regulatory Costs:
N/A

Good Faith Estimate of Number of Businesses Likely Impacted:

N/A

Any Additional Information:

N/A

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).