

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

AGENDA CITY OF PALATKA July 10, 2014

CALL TO ORDER:

- a. **Invocation** – The Reverend Dan Phillips, Pastor, Lemon Heights Baptist Church
- b. **Pledge of Allegiance**
- c. **Roll Call**

APPROVAL OF MINUTES – 06/12/14 Regular Meeting

1. PUBLIC RECOGNITION/PRESENTATIONS:

- a. **CITIZEN RECOGNITION – 2014 4th of July Fireworks Contributors**

2. PUBLIC COMMENTS (Speakers limited to three minutes – no action taken on items)

3. CONSENT AGENDA:

- *a. **Adopt Resolution No. 2014-10-92** authorizing execution of a Supplemental Joint Participation Agreement with FDOT for the design and construction of T-Hangars, drainage, permitting, surveying, testing, project management & administration at the Palatka Municipal Airport, bringing the total project cost to \$650,000 (100% REDI Program Funding)
- *b. **Adopt Resolution No. 2014-10-93** accepting the proposal for cellular phone services from Sprint and authorizing the City Manager to execute all documents facilitating acceptance of said proposal
- *c. **Reappoint Gilbert Evans, Esquire**, to the Palatka Historic Preservation Board as member with legal experience for a three-year term to expire June, 2017 (Incumbent)
- *d. **Approve request items for Special Events Permit No. 14-41** – Palatka Main Street 3rd Friday Street Party- July 18, 2014; August 15, 2014; and September 19, 2014 from 6:00 p.m. until 10:00 p.m.- Palatka Main Street, Inc./Charles Rudd, Applicant
 1. Grant permission to exceed allowable noise levels throughout the duration of the event;
 2. Grant permission for sales and consumption of alcoholic beverages throughout the duration of the event;
 3. Allow the closure of the 200, 300, and 400 block of St. Johns Avenue for the duration of the July 18, August 15, and September 19 events.
- *e. **Approve request items for Special Events Permit No. 14-42** – Palatka Main Street 4th Saturday Cruise-In, July 26, 2014; August 23, 2014; and September 27, 2014 from 6:00 p.m. to 9:00 p.m. – Palatka Main Street, Inc./Charles Rudd, applicant
 1. Grant permission to exceed allowable noise levels throughout the duration of events;
 2. Allow closure of 900 block of St. Johns Avenue for events

AGENDA - CITY OF PALATKA
July 10, 2014
Page 2

PUBLIC HEARINGS:

- * 4. **ORDINANCE** amending the Palatka Municipal Code, Chapter 22, Cemeteries, adding services in addition to lot sales, adding restrictions and adopting maintenance and preservation standards for historic cemeteries – 2nd Reading, Adopt
- * 5. **ORDINANCE** amending the Palatka Code of Ordinances to restate Chapter 2, Article V, Division 1, Code Enforcement Board, Sections 2-281 through 2-291 - 2nd Reading, Adopt
- * 6. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Environment, Article II, Nuisances, Section 30-31 through 30-39 - 2nd Reading, Adopt
- * 7. **ORDINANCE** amending the City of Palatka Code of Ordinances to restate Chapter 30, Article III, Junked Automobiles and Abandoned Property, Sections 30-61 through 30-77 - 2nd Reading, Adopt
- * 8. **ORDINANCE** amending the Code of Ordinances to restate Chapter 30, Environment, Article VI, Minimum Standards for Maintenance, Sections 30-166 through 30-191 - 2nd Reading, Adopt
- * 9. **VOLUNTEER PALATKA WORKFORCE** initial meeting date – Vice Mayor Brown
- 10. **CITY MANAGER & ADMINISTRATIVE REPORTS**
- 11. **COMMISSIONER COMMENTS**
- 12. **ADJOURN**

*Attachment **Separate Cover

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT 329-0100 AT LEAST 24 HOURS IN ADVANCE TO REQUEST ACCOMMODATIONS.

Upcoming Events:

Aug 14 – 16 – FLC Annual Conference (Hollywood)
Aug. 26 – Primary Election Day
Sept. 1 – City offices closed to observe Labor Day
Oct. 3 – Employees' Safety Luncheon
Nov. 4 – General Election Day
Nov. 11 – City Offices closed to observe Veterans Day
Nov. 27 & 28 – City Offices closed to observe Thanksgiving

Board Openings:

Tree Committee – 1 vacancy
Code Enforcement Board – 1 vacancy (Alternate)
Board of Zoning Appeals – 1 vacancy (at-large)



CITY COMMISSION AGENDA ITEM

SUBJECT:

CITIZEN RECOGNITION - Acknowledgement of 4th of July Donors for 2014

SUMMARY:

The City of Palatka would like to acknowledge the donors who responded to our request for assistance for the 4th of July Fireworks. This is a cherished celebration of our country and our great City of Palatka. Being recognized are:

\$2,500.00 Donation: FP&L, Mike Garman

\$500.00 Donations: Palatka Gas Authority; Ayres Associates, David Kemp; Artic Air Conditioning, Mike & Jeff Curtis; Corky Bell's Seafood Restaurant of Palatka, Inc.;

\$250.00 Donations: Sentry Termite & Pest Control;

Other Donations: Rudd Jones, PE; Passero Associates, Andrew Holesko; Dr. Richard Perallon; Papa Johns Pizza, City Shippers; Bates & Hewett, Inc.; The Pink Door; Coenraad J. & Elizabeth Van Rensburg; Betty Willis & Family; Vernon & Linda Myers; Johnson-Overturf Funeral Homes; Carr, Riggs & Ingram, LLC; Clay Electric Cooperative; Robert E. Taylor, AIA, Architect; John "Skip" & Linda Lorenzen; Elsie Bells Antique Mall, Inc.; Masters Funeral Home, LLC; Earl Wallace, II, Surveyor; and William Perry

RECOMMENDED ACTION:

Recognition of 2014 Fireworks Contributors

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|------------------|----------|---------------------|
| City Manager | Czymbor, Michael | Approved | 7/2/2014 - 12:32 PM |
| City Clerk | Driggers, Betsy | Approved | 7/2/2014 - 3:10 PM |
| City Manager | Czymbor, Michael | Approved | 7/2/2014 - 3:16 PM |

Agenda Item

3a



CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-92 authorizing execution of a Supplemental Joint Participation Agreement (SJPA) with the FDOT for the design and construction of T-hangars, drainage, permitting, surveying, testing, project management and administration at the Palatka Municipal Airport, bringing the total project cost to \$650,000 (100% REDI Program funding)

SUMMARY:

The project description is being amended to include the design and construction of T-Hangars, Drainage, Permitting, Surveying, Testing, Project Management and Administration at the Palatka Municipal Airport, REDI project.

This SJPA will increase the total project cost from \$365,000 to \$650,000. 100% of this project is funded under the REDI program.

RECOMMENDED ACTION:

Adopt the resolution authorizing the City Manager and City Clerk to execute and attest a Supplemental Joint Participation Agreement with FDOT for design and construction of T-hangars, drainage, permitting, surveying, testing, project management and administration at the Palatka Municipal Airport, bringing the total project cost to \$650,000 (REDI funding)

ATTACHMENTS:

| Description | Type |
|--|------------|
| D Supplemental Joint Participation Agreement | Cover Memo |
| D Resolution | Resolution |

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|-----------------|----------|---------------------|
| City Manager | Czybor, Michael | Approved | 6/30/2014 - 3:25 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 11:30 AM |
| City Manager | Czybor, Michael | Approved | 7/1/2014 - 11:43 AM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:19 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:52 PM |

RESOLUTION NO. 2014-10-

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST A 'SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT' WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE 'DESIGN AND CONSTRUCTION OF T-HANGARS, DRAINAGE, PERMITTING, SURVEYING, TESTING, PROJECT MANAGEMENT AND ADMINISTRATION AT THE PALATKA MUNICIPAL AIRPORT

WHEREAS, the City of Palatka and the Florida Department of Transportation had previously reached an agreement for and executed a JPA for the Design and Construction for the project identified as the Main Access Road Rehabilitation, drainage, signage, landscaping, sidewalk and construction management at the Palatka Municipal Airport; and

WHEREAS, under the original JPA, the total project cost for the above described project at Palatka Municipal Airport was \$365,000.00 with the Florida Department of Transportation funding 100% or \$365,000.00, which is being funded under the REDI program, and the City of Palatka funding 0%; and

WHEREAS, the total project cost for the above described project at Palatka Municipal Airport is now \$650,000.00 with the Florida Department of Transportation funding 100% or \$650,000.00, which is being funded under the REDI program, and the City of Palatka funding 0% of \$650,000, or \$0.00; and

WHEREAS, it is in the best interest of the City of Palatka to authorize the Supplemental Joint Participation Agreement.

NOW THEREFORE, be it resolved that the City Manager, Michael J. Czymbor, and City Clerk, Betsy J. Driggers, are hereby authorized to execute and attest the Supplemental Joint Participation Agreement on behalf of the City of Palatka for the Design and Construction of the T-Hangars, Drainage, Permitting, Surveying, Testing, Project Management and Administration and amend the contract time to 9/30/2015 at the Palatka Municipal Airport, F.P. Number 42754919411.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign requests for Contract Time Extensions, as well as execute Assurances, Certifications, and all other documents as may be required in support of the project, and agrees to comply with all US Department of Homeland Security employment verification requirements contained within said Supplemental Joint Participation Agreement.

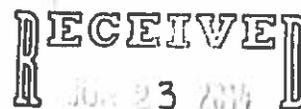
PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 10th day of July, 2014.

CITY OF PALATKA

BY: _____
Its Mayor

ATTEST:

City Clerk



Florida Department of Transportation BY:-----

RICK SCOTT
GOVERNOR

2198 Edison Ave.
Jacksonville, FL 32204-2730

ANANTH PRASAD, P.E.
SECRETARY

June 16, 2014

Mr. Michael J. Czymbor
City Manager, City of Palatka
201 North 2nd Street
Palatka, FL 32177

RE: F.P. 42754919411

Dear Mr. Czymbor:

We are pleased to enclose an original Supplemental Joint Participation Agreement (SJPA) for the above referenced project for your review and signature.

"There has been new language added the SJPA that the agency has to agree with. The language is in paragraph 5.00. It requires state agencies under the direction of the Governor to include in all state contracts a requirement that contractors utilize the E-Verify system to verify the employment eligibility."

Before returning the SJPA to my office please ensure the SJPA is signed and a resolution is enclosed.

If you have any questions concerning this project, please feel free to contact me.

Sincerely,

Gene Lampp
District Aviation Specialist
2198 Edison Ave. M/S 2813
Jacksonville, Fl. 32204
gene.lampp@dot.state.fl.us

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

Number 1

| | | |
|---|--|--|
| Financial Project No.: <u>434748-1-94-15</u> <small>(item-segment-phase-sequence)</small> | Fund: <u>DDR,DPTO</u> Function: <u>637</u> Federal No.: <u>N/A</u> DUNS No.: <u>80-939-7102</u> | FLAIR Approp.: <u>088719</u> FLAIR Obj.: <u>750004</u> Org. Code: Vendor No.: <u>VF596000401002</u> |
| Contract No.: <u>AR893</u> CFDA Number: _____ | CSFA Number: <u>55.004</u> | |

THIS AGREEMENT, made and entered into this _____ day of _____
 by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida,
 hereinafter referred to as the Department, and City of Palatka
4015 Reid Street Palatka, FL 32177
 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 13th day of December, 2013
 entered into a Joint Participation Agreement; and
 WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended
 hereto; and
 WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment
 "A" for a total Department Share of \$ 650,000.00
 NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow
 from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended
 and supplemented as follows:

1.00 Project Description: The project description is amended

Design and Construction of T-Hangars, Drainage, Permitting, Surveying, Testing, Project Management and
 Administration at the Palatka Municipal Airport. REDI Project.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased decreased by \$ 250,000.00
bringing the revised total cost of the project to \$ 650,000.00

Paragraph 4.00 of said Agreement is increased decreased by \$ 250,000.00
bringing the Department's revised total cost of the project to \$ 650,000.00

3.00 Amended Exhibits:

Exhibit(s) B & D of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement 9/31/2015

5.00 E-Verify:

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No. 434748-1-94-15

Contract No. AR893

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated 12/13/2013 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

FDOT

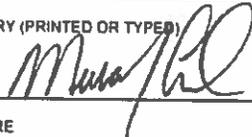
City of Palatka

AGENCY NAME

See attached Encumbrance Form for date of Funding Approval by Comptroller

Michael J. Czymbor

SIGNATORY (PRINTED OR TYPED)



SIGNATURE

City Manager

TITLE

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION
Robert L. Parks, PE

DEPARTMENT OF TRANSPORTATION

Director of Transportation Development

TITLE

Financial Project No. 434748-1-94-15
 Contract No. AR893
 Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and City of Palatka
4015 Reid Street Palatka, FL 32177

dated 12/13/2014

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Adding additional FDOT funding and time.

Original project description remains in effect.

| | | As Approved | As Amended | Net Change |
|---------------------------|--------------|---------------------|---------------------|---------------------|
| I. | Project Cost | \$400,000.00 | \$650,000.00 | \$250,000.00 |
| | | As Approved | As Amended | Net |
| II. | Fund | DDR,DPTO | | DDR,DPTO |
| | Department: | \$400,000.00 | \$650,000.00 | \$250,000.00 |
| | Agency: | \$0.00 | \$0.00 | \$0.00 |
| | Federal: | \$0.00 | \$0.00 | \$0.00 |
| Total Project Cost | | \$400,000.00 | \$650,000.00 | \$250,000.00 |

Comments:

The Department share is 100% of the project cost. Up to and including \$650,000.

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

III. MULTI-YEAR OR PREQUALIFIED PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

| FY | Amount |
|-----------|---------------|
| 2014 | \$400,000.00 |
| 2015 | \$250,000.00 |

Financial Project No. 434748-1-94-14
 Contract No. AR893
 Agreement Date _____

EXHIBIT "D"

FEDERAL and/or STATE resources awarded to the recipient pursuant to this agreement should be listed below. If the resources awarded to the recipient represent more than one Federal or State program, provide the same information for each program and the total resources awarded. Compliance Requirements applicable to each Federal or State program should also be listed below. If the resources awarded to the recipient represent more than one program, list applicable compliance requirements for each program in the same manner as shown here:

- (e.g., What services or purposes the resources must be used for)
- (e.g., Eligibility requirements for recipients of the resources)
- (Etc...)

NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.

FEDERAL RESOURCES

| <u>Federal Agency</u> | <u>Catalog of Federal Domestic Assistance (Number & Title)</u> | <u>Amount</u> |
|--------------------------------|--|---------------|
| | | \$ |
| <u>Compliance Requirements</u> | | |

STATE RESOURCES

| <u>State Agency</u> | <u>Catalog of State Assistance (Number & Title)</u> | <u>Amount</u> |
|--------------------------------------|---|---------------|
| Florida Department of Transportation | 55.004 | \$650,000.00 |
| <u>Compliance Requirements</u> | | |

Activities Allowed:

Airport Planning

Airport Planning Grants are to study options for airport development and operations. The Department funds airport master plans, airport layout plans (ALP), noise and environmental studies, economical impact, services development, and airport promotion. Examples of projects are:

- Master plans and ALPs;
- Master drainage plans;
- Environmental assessments (EA);
- Development of regional impact (DRI);
- Operations and emergency response plans;
- Federal Aviation Regulations (FAR) Part 150 noise studies;
- Environmental impact studies (EIS);
- Wildlife hazard studies;
- Feasibility and site selection studies;
- Business plans;
- Airport management studies and training;
- Air services studies and related promotional materials.

(FDOT Aviation Grant Program Handbook)

Airport Improvement

These grants are to provide capital facilities and equipment for airports. Examples of projects are:

EXHIBIT "D"

- Air-side capital improvement projects (runways, taxiways, aprons, T-hangers, fuel farms, maintenance hangers, lighting, control towers, instrument approach aids, automatic weather observation stations);
 - Land-side capital improvement projects (terminal buildings, parking lots and structures, road and other access projects);
 - Presentation projects (overlays, crack sealing, marking, painting buildings, roofing buildings, and other approved projects);
 - Safety equipment (including AARF fire fighting equipment and lighted Xs);
 - Safety projects (tree clearing, land contouring on overrun areas, and removing, lowering, moving, and marking, lighting hazards);
 - Information technology equipment (used to inventory and plan airport facility needs);
 - Drainage improvements.
- (FDOT Aviation Grant Program Handbook)

Land Acquisition

This grant program protects Florida's citizens from airport noise and protects airport clear zones and runway approach areas from encroachment. Administrative Costs, appraisals, legal fees, surveys, closing costs and preliminary engineering fees are eligible costs. In the event the negotiation for a fair market value is unsuccessful, the court will be petitioned for "an Order of Taking" under the eminent domain laws of Florida. Examples of projects are:

- Land acquisition (for land in an approved master plan or ALP);
- Mitigation land (on or off airport);
- Aviation easements;
- Right of way;
- Approach clear zones.

(FDOT Aviation Grant program Handbook)

Airport Economic Development

This grant program is to encourage airport revenue. Examples of projects are:

- Any airport improvement and land purchase that will enhance economic impact;
- Building for lease;
- Industrial park infrastructure and buildings;
- General aviation terminals that will be 100 percent leased out;
- Industrial park marketing programs.

(FDOT Aviation Grant Program Handbook)

Aviation Land Acquisition Loan Program

The Department provides interest free loans for 75 percent of the cost of airport land purchases for both commercial service and general aviation airports.

This is a general description of project types. A detail list of project types approved for these grant programs can be found in the Aviation Grant Program manual which can be accessed through the internet at www.dot.state.fl.us/Aviation/Public.htm.

Allowable Cost: See part three of compliance supplement

Cash Management: See part three of compliance supplement

Matching Requirements are as follows:

Commercial Service Airports

When no federal funding is available, the Department provides up to 50 percent of the project costs. When federal funding is available, the Department can provide up to 50 percent of the non-federal share.

(FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

General Aviation Airports

When no federal funding is available, the Department provides up to 80 percent of project costs. When federal funding is available, the Department can provide up to 80 percent of the non-federal share.

(FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

EXHIBIT "D"

Economic Development

The Department provides up to 50 percent of airport economic development funds to build on-airport revenue-producing capital improvements. This program is for local match only.
(FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

Airport Loans

The Department provides a 75 percent loan program to fund the Aviation Land Acquisition Loan Program.
(FDOT Aviation Grant Program Handbook and Section 332.007(6) Florida Statutes)

Matching Resources for Federal Programs

| <u>Federal Agency</u> | <u>Catalog of Federal Domestic Assistance (Number & Title)</u> | <u>Amount</u> |
|-----------------------|--|---------------|
| | | \$ |

Compliance Requirements

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in this exhibit be provided to the recipient.

*Agenda
Item*

36



CITY COMMISSION AGENDA ITEM

SUBJECT:

Adopt Resolution No. 2014-10-93 accepting the proposal for cellular phone and data card services from Sprint and authorizing the City Manager to execute all documents facilitating said proposal

SUMMARY:

The City accepted proposals from firms to provide cellular phone and data card services on May 19, 2014.

The City Manager assigned a Selection Committee to review the responses to the RFP. The members of this committee were Finance Director Matt Reynolds, IT Supervisor Chris Cheatham and Police Department Captain Matt Newcomb.

The Selection Committee reviewed the four (4) responses that were received from the following companies: Sprint, Verizon, AT&T and T-Mobile.

The Selection Committee ranked these responses based upon criteria set forth in the RFP document and determined that the highest ranking proposal was Sprint. The committee recommended to the City Manager that the proposal that was received from Sprint be accepted.

RECOMMENDED ACTION:

Adopt the resolution accepting a proposal for cellular phone and data card services from Sprint and authorizing the City Manager to execute all documents in connection with said proposal.

ATTACHMENTS:

| Description | Type |
|-------------------|-----------------|
| D Resolution | Resolution |
| D Sprint Proposal | Backup Material |
| D Score Matrix | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|------------------|----------|--------------------|
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:20 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:54 PM |
| City Manager | Czymbor, Michael | Approved | 7/1/2014 - 4:56 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 4:58 PM |

RESOLUTION No. 2014 - 10 -

**A RESOLUTION OF THE CITY OF PALATKA, FLORIDA,
ACCEPTING A PROPOSAL FOR CELLULAR PHONE AND DATA
CARDS SERVICES FROM SPRINT**

WHEREAS, the City of Palatka advertised and accepted Requests for Proposals (RFP) for cellular service on May 19, 2014; and

WHEREAS, it is the unanimous recommendation of the Selection Committee to accept the proposal from Sprint to provide cellular phone and data card services, and which has been reviewed and approved by the City Manager as sufficient to meet the needs of the City of Palatka; and

WHEREAS, the Palatka City Commission deems it reasonable and in the best interest of the City of Palatka, its citizens and employees to accept the recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Palatka, Florida as follows:

1. Sprint’s Proposal for Cellular Phone and Data Card Services attached hereto as “Exhibit A”, is hereby accepted;
2. The City Manager is hereby authorized to execute any and all documents related to the acceptance and implementation of the proposal for cellular phone and data card services from Sprint.

PASSED AND ADOPTED by the City Commission of the City of Palatka, Florida this 10th day of July, 2014.

CITY OF PALATKA

By: Its MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO FORM
AND CORRECTNESS:**

CITY ATTORNEY



City Of Palatka
Overall ARR Summary
Analysis Months: January - March 2014

Run Date: 04/30/2014
NVP Discount assumed to be 0%.

Subscriber Summary

| | |
|--|----|
| Total PDA/Smartphones with Voice Plans (Includes Blackberry) | 27 |
| Total Feature Phones with Voice Plans | 22 |
| Total Mobile Broadband Plans | 5 |
| Total Embedded Cards/Module Plans | 1 |

Usage Summary (Peak Month of 1/2014)
Proposed

VOICE

| | |
|--|----------|
| Total Peak Voice Minutes-PDA/Smartphones | 3,758.00 |
| Total Peak Voice Minutes-Standard Feature Phones | 1,422.00 |
| Total Peak Sprint Mobile to Mobile Minutes - PDA/Smartphones | 3,078.00 |
| Total Peak Sprint Mobile to Mobile Minutes - Feature Phones | 1,187.00 |
| Total Peak Any Mobile Anytime Minutes - PDA/Smartphones | 4,320.00 |
| Total Peak Any Mobile Anytime Minutes - Feature Phones | 1,669.00 |
| Total Off-Peak Voice Minutes-PDA/Smartphones | 6,207.00 |
| Total Off-Peak Voice Minutes-Standard Feature Phones | 2,082.00 |

DATA (Cellular and Mobile Broadband)

| | |
|--|---------------|
| Total Domestic Data-PDA/Smartphones | 24,533,217.00 |
| Total Domestic Data-Standard Feature Phones | 1,873.00 |
| Total Domestic Data-Mobile Broadband Devices | 20,734,781.00 |

DATA (Machine to Machine)

Data Pool Estimation:

| | |
|---------------------------|-------|
| Total Domestic Data (MB): | 0.00 |
| Buffer ADDED to POOL: | 0.00% |
| Total POOL SIZE REQUIRED: | 0.00 |

MESSAGING

| | |
|---|----------|
| Domestic Messages-PDA/Smartphones | 7,644.00 |
| Domestic Messages-Standard Feature Phones | 108.00 |
| Picture Mail-PDA/Smartphones | 438.00 |
| Picture Mail-Standard Feature Phones | 18.00 |

SPRINT DIRECT CONNECT

| | |
|---------------------------------|-------|
| Domestic Direct Connect Minutes | 12.00 |
|---------------------------------|-------|

Cost Comparison Summary (3/2014 Invoice)

| | Current Costs | Proposed Costs | Estimated Savings | Estimated % Savings |
|---|-------------------|-------------------|-------------------|---------------------|
| Estimated Monthly Recurring Charges: | | | | |
| Voice Plan MRC | \$1,759.51 | \$819.79 | \$939.72 | 47.72% |
| Mobile Broadband Card MRC | \$189.95 | \$133.89 | \$56.06 | 29.51% |
| Embedded Cards/Modules MRC | \$6.00 | \$4.12 | \$1.88 | 31.33% |
| Data Pack Attachable | \$0.00 | \$556.20 | -\$556.20 | 0.00% |
| Text Message Attachable | \$0.00 | \$2.08 | \$2.08 | 0.00% |
| Other Attachables | \$366.97 | \$369.88 | -\$2.91 | -0.79% |
| Grand Total - Estimated Monthly Recurring Charges: | \$2,322.43 | \$1,865.94 | \$456.49 | 14.49% |
| Estimated Usage Charges (Will vary from Month to Month): | | | | |
| Estimated Overage Charges | \$0.00 | \$23.65 | -\$23.65 | 0.00% |
| Data Usage Charges | \$495.62 | \$0.00 | \$495.62 | 100.00% |
| Domestic Text | \$0.00 | \$2.40 | -\$2.40 | 0.00% |
| Picture Mail Charges | \$0.00 | \$0.40 | -\$0.40 | 0.00% |
| Directory Assistance Charges | \$1.99 | \$1.99 | \$0.00 | 0.00% |
| Grand Total - Estimated Usage Charges: | \$497.61 | \$28.44 | \$469.17 | 94.28% |
| Grand Total (MRC and Usage): | \$2,820.04 | \$2,014.38 | \$805.66 | 28.57% |

Notes:

- Usage Charges will vary from Month to Month.
 - Analysis assumes Current Attachable Discount Structure.
- The ARR is not intended to be a billing report or substitute for the actual invoice. While we strive to be as close to the actual bill as possible, it will not completely match the invoice but will be suitable for the purpose of optimizing the plans and pooling for the customer.

Summary of Proposed Plans

| Plan Name | Total Users | Discounted MRC Per User | Total Discounted MRC | Type |
|-----------------------------------|-------------|-------------------------|----------------------|------------------------------|
| Custom 100 Voice Plan | 16 | \$5.15 | \$82.40 | Primary-Voice Plan |
| Custom 1000 Voice Plan | 6 | \$33.99 | \$203.94 | Primary-Voice Plan |
| Custom 250 Voice Plan | 3 | \$19.57 | \$58.71 | Primary-Voice Plan |
| Custom 300 Voice Plan | 17 | \$22.66 | \$385.22 | Primary-Voice Plan |
| Custom 500 Voice Plan | 6 | \$24.72 | \$148.32 | Primary-Voice Plan |
| Custom Unlimited Voice Plan | 1 | \$41.20 | \$41.20 | Primary-Voice Plan |
| Data Access 1MB Pool | 1 | \$4.12 | \$4.12 | Primary-Embedded Card/Module |
| Custom 3G 1GB MBB | 1 | \$30.89 | \$30.89 | Primary-Connection Card |
| Custom 3G 500MB MBB | 4 | \$25.75 | \$103.00 | Primary-Connection Card |
| 300 Messages | 2 | \$1.03 | \$2.06 | Attachable |
| Equipment Service and Repair Plan | 1 | \$1.03 | \$1.03 | Attachable |
| Premium Data \$10 add-on charge | 27 | \$10.00 | \$270.00 | Attachable |
| Sprint Data PRO Pack | 27 | \$20.60 | \$556.20 | Attachable |
| Sprint Mobile Hotspot 4GB | 4 | \$10.30 | \$41.20 | Attachable |
| TEP -\$8 Ins. premium + \$3 ESRP | 4 | \$11.33 | \$45.32 | Attachable |
| TEP.\$3 Ins premium + \$.99 ESRP | 3 | \$4.11 | \$12.33 | Attachable |

Summary of Current Plans

| Plan Name | Total Users | Discounted MRC Per User | Total Discounted MRC | Type |
|----------------------------------|-------------|-------------------------|----------------------|------------------------------|
| Bus Advantage Mag & Data 200 | 24 | \$44.99 | \$1,079.76 | Primary-Voice Plan |
| Bus Advantage Mag & Data 300 | 2 | \$37.49 | \$74.98 | Primary-Voice Plan |
| Bus Advantage Mag & Data 450 | 2 | \$52.49 | \$104.98 | Primary-Voice Plan |
| Bus Advantage Talk 200 | 20 | \$22.49 | \$449.80 | Primary-Voice Plan |
| Custom 400 Voice and Data | 1 | \$49.99 | \$49.99 | Primary-Voice Plan |
| Custom Data Access 5MB Pooled | 1 | \$6.00 | \$6.00 | Primary-Embedded Card/Module |
| 3G/4G Conn Plan Untd | 1 | \$37.99 | \$37.99 | Primary-Connection Card |
| 3G/4G Connection Plan Untd | 4 | \$37.99 | \$151.96 | Primary-Connection Card |
| 300 Messages | 9 | \$0.00 | \$0.00 | Attachable |
| Equip Service & Repair Program | 1 | \$1.00 | \$1.00 | Attachable |
| Premium Data \$10 add-on charge | 27 | \$10.00 | \$270.00 | Attachable |
| Sprint Mobile Hotspot 4GB | 4 | \$10.00 | \$40.00 | Attachable |
| TEP -\$8 Ins. premium + \$3 ESRP | 4 | \$11.00 | \$44.00 | Attachable |
| TEP.\$3 Ins premium + \$.99 ESRP | 3 | \$3.99 | \$11.97 | Attachable |

City of Palatka, Florida
 Cellular Service RFP Response Matrix
 Attachment Number 3

EXHIBIT A

| | | Sprint | Verizon | AT&T | T-Mobile |
|------------------------|------------|-----------|-----------|-----------|-----------|
| 1 Pricing/Cost | 40 | 35 | 34 | 34 | 36 |
| 2 Service Availability | 40 | 34 | 34 | 35 | 26 |
| 3 Quality of Submittal | 10 | 9 | 9 | 9 | 8 |
| 4 References | 10 | 9 | 9 | 8 | 9 |
| Total | 100 | 87 | 86 | 84 | 79 |

Agenda Item

3c



CITY COMMISSION AGENDA ITEM

SUBJECT:

Reappoint Gilbert Evans, Esquire, as member with legal experience to the Palatka Historic Preservation Board for a three-year terms to expire June, 2017 (incumbent)

SUMMARY:

Gilbert Evans, Esquire, is a member of the Palatka Historic Preservation Board. He is the member with legal experience. His term expired at the end of June.

Mr. Evans has submitted his application for reappointment indicating his desire to be reappointed to this board for another term. Staff supports this reappointments. He is a valuable member in good standing who has met his attendance obligation.

RECOMMENDED ACTION:

Reappoint Gilbert Evans, Jr., Esquire, as Member with Legal Experience to the Palatka Historic Preservation Board for a three-year term to expire June, 2017.

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

**CITY OF PALATKA
BOARD REAPPOINTMENT REQUEST**

I wish to apply for reappointment to the Code Enforcement Board.
I understand that I will continue to serve in a volunteer capacity on this advisory board.

MEMBER: Gilbert L. Evans, Jr. # of years' prior service: 3
 Residence 251 Crystal Cove Dr., Palatka Phone: 329-3936
 (911 Address) 251 Crystal Cove Dr., Palatka Fax:
 Business Name St. Johns River St. College Phone: 312-4127
 & Address 5001 St. Johns Avenue Fax: 312-4178
 (City Residents or business/property owners will be given preference when board member residency is not specified by statute or city ordinance) SJR St. College
 Preferred Mailing Address: 5001 St. Johns Ave, Palatka 32177
 E-mail: gilbertevans@srrstate.edu Daytime Phone: 312-4127

AGREEMENT: By filing this document, I am indicating my desire to be reappointed to the advisory board upon which I currently serve. I also agree and understand that this document becomes a part of the official records of the City of Palatka, and I hereby certify that all the information contained herein is true, to the best of my knowledge. I also understand that, if appointed, the State of Florida may require me to file a financial disclosure with the Putnam Co. Supervisor of Elections each year covering my term of appointment.

1st Gilbert L. Evans 7/2/14
 SIGNATURE OF APPLICANT by [Signature] DATE

Chairman/Director:: Please return this form, together with a copy of this member's attendance record, to Betsy Driggers, City Clerk, 201 N. 2nd Street, Palatka, Florida.

CHAIRMAN/DIRECTOR'S COMMENTS (if any) _____

Chairman's/Director's Signature _____

June 26, 2014

PALATKA HISTORIC PRESERVATION BOARD
Orig. Board Appointed June 23, 1983
3-Year Terms
Meets 1st Thursdays - 4:00 P.M.

| Appt. Date | | TERM |
|--|---|-----------|
| 5/24/07 | Architect Robert C. Goodwin P.O. Box 1863 Palatka, FL 32178 crgarchitects@comcast.net hm698-1522 / wk325-0213 328-1401 fax | June 2016 |
| 10/23/08 | Property Owner - So. Hist. Dist. Roberta Correa 703 Emmett Street Palatka, FL 32177 rm1correa@yahoo.com hm328-9418 / wk860-377-8936 | June 2016 |
| 10/08/09 Code Enforcement Board 06/24/10 Historic Board | Property Owner – No. Hist. Dist. Elizabeth Van Rensburg 310 N. 3 rd St. Wk904-819-0801 Elizabeth@latitudesneflorida.com cell904-377-5044/fx386-328-6890 | June 2016 |
| 6/23/05 | Real Estate Broker Lynda Little Crabill P. O. Box 163 Palatka, FL 32178-0163 lflc61223@qbsso.net hm 326-1537 / cell 546-2400 | June 2017 |
| 8/16/12 | Alternate Laura Schoenberger 214 S. 4 th St. Palatka, FL 32177 theciffhangers@aol.com hm325-6114 wk328-9280 | June 2017 |
| 2/10/11(Remainder of 3 yr.) Additional 3 yr. term | Attorney Gilbert Evans, Jr., Esquire 251 Crystal Cove Dr. Palatka, FL 32177 gilbertevans@sircc.edu hm329-3936 fax329-1938 wk325-1818 fax325-1814 Day#312-4127 | June 2014 |
| 5/22/03 | Member Putnam County Historical Society Larry F. Beaton 627 Crill Avenue Palatka, FL 32177 lbeaton@flcjh.net wk 329-0811 / hm 325-7624 fax 329-0893 | June 2015 |
| 11/15/13 | Meri A. Rees (Contractor Exp) 2509 Fairway Drive Palatka FL 32177 NYGaPeach@gmail.com 386-385-3848 hm/518-248-2034 cell | June 2015 |

Ord. #82-8 adopted 4/23/82 (orig. ord.)

Ord. #83-7 adopted 3/24/83 (established board)

Ord. #83-27 adopted 11/10/83 (changed name of board)

Ord. #87-22 adopted 8/27/87 (added an alternate to board)

Ord. #89-7 adopted 7/13/89 (increased members to eight)

Ord # 02-01 adopted 1/10/02 (decreased members to seven plus one alternate – removed beautification council member)

*Agenda
Item*

3d



CITY COMMISSION AGENDA ITEM

SUBJECT:

Approve Request Items for Special Events Permit No. 14-41-- Palatka Main Street 3rd Friday Street Party- July 18, 2014; August 15, 2014; and September 19, 2014 from 6:00 p.m. until 10:00 p.m.- Palatka Main Street, Inc./Charles Rudd, Applicant

1. Grant permission to exceed allowable noise levels throughout the duration of the event;
2. Grant permission for sales and consumption of alcoholic beverages throughout the duration of the event;
3. Allow the closure of the 200, 300, and 400 block of St. Johns Avenue for the duration of the July 18, August 15, and September 19 events.

SUMMARY:

Charles Rudd, Main Street Manager, has made application for the July, August, and September Downtown Palatka 3rd Friday Downtown Street Party, which is sponsored by Palatka Main Street, Inc. Although Class B special events can be approved by the Special Events Coordinator, this application contains code variance requests that must receive City Commission approval.

RECOMMENDED ACTION:

Grant permission to exceed allowable noise levels and for sales and consumption of alcoholic beverages during the Palatka Main Street 3rd Friday Downtown Street Party on July 18, 2014; August 15, 2014; and September 19, 2014 from 6:00 p.m. to 10:00 p.m.; and the closure of the 200, 300, and 400 blocks of St. Johns Avenue during these events.

ATTACHMENTS:

| | Description | Type |
|---|--|-----------------|
| D | Palatka Main Street Special Events Permit No. 14-41 3rd Friday Downtown Street Party | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|----------------|-----------------|----------|----------------------|
| Special Events | Crowe, Thad | Approved | 6/19/2014 - 3:49 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:40 PM |
| City Manager | Czybor, Michael | Approved | 6/30/2014 - 1:11 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:20 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:54 PM |

(circle one below)

- CLASS A PERMIT – Filing Deadline: 60 days prior to event
- CLASS B PERMIT - Filing Deadline: 60 days prior to event
- CLASS C PERMIT - Filing Deadline: 30 days prior to event

CITY OF PALATKA
APPLICATION FOR USE OF PARKS, RECREATIONAL AREAS,
RIVERFRONT PARK AND OTHER AREAS WITHIN THE CITY LIMITS

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER

- a. Palatka Main Street/CRA
- b. CONTACT PERSON Charles Rudd TELEPHONE (386)329-0100 Ext. 333
- c. _____ FAX # _____

2. NAME AND ADDRESS OF PERSON, CORPORATION OR ASSOCIATION SPONSORING THE ACTIVITY, IF DIFFERENT FROM ABOVE

- a. CONTACT PERSON _____ TELEPHONE _____
- b. _____ FAX # _____

3. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY 3rd Friday Downtown Street Party

4. _____

5. DATE & HOURS OF DESIRED USE: 7/18/14; 8/15/14; 9/19/14 from 6pm-10pm

6. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)

7. ROAD CLOSURES: 200 to 400 Block of St Johns Ave

8. REQUEST FOR NOISE VARIANCE(Dates and Times): 7/18/14; 8/15/14; 9/19/14 from 6pm-10pm

9. REQUEST FOR ALCOHOL VARIANCE(Dates,Times,Location): 7/18/14; 8/15/14; 9/19/14 from 6pm-10pm

10. ESTIMATE OF ANTICIPATED ATTENDANCE 75-100

11. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT _____

12. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

- a. CLASS A: _____ \$300.00- 1,001 to 80,000 in attendance per day
- b. CLASS B: \$100.00 per day Up to 1,000 persons per day
- c. CLASS C: _____ \$50.00 per day (Limited impact on traffic, parking etc.) Events such as Weddings, Fishing tournaments with less than 40 boats. Etc.
- d. Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly. (7% Sales Tax)

13. OTHER COSTS : Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads.

14. Arrangements for police services are **REQUIRED** for fishing tournaments with 70 boats or more. Fishing Tournaments and other large event organizers are required to arrange for auxiliary vehicle/trailer parking per accompanying guidelines.

IMPORTANT INFORMATION

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVERS MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT DOES NOT INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. Organizers are required to contact the City of Palatka Building & Zoning Department office at 386-329-0103 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS.

Acceptance of your application should in no way be construed as final approval or confirmation of your request.

Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

The applicant(s) agrees to hold harmless and indemnify the City of Palatka, its officers, agents and employees against any loss, damage or expense (including all costs and reasonable attorney's fees) suffered by the City of Palatka for:

- 1.) Any breach of the terms of the permit or any inaccuracy in or breach of any representation, warranty or covenant made by the applicant(s) to the City of Palatka as an inducement to the granting of the permit.
- 2.) Any claims, suits, actions, damages or cause of actions for any personal injury, loss of life or damages to personal or real property sustained by reason of, result of, or by presence of the applicant(s) on public property by applicant's agents, employees, invitee and/or any other persons.

ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109: Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.

DATE



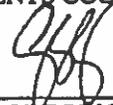
SIGNATURE OF APPLICANT

APPROVED:

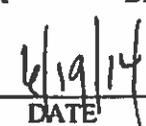


SPECIAL EVENTS COORDINATOR

DATE



CHIEF OF POLICE



DATE

RETURN TO:
THAD CROWE
SPECIAL EVENTS COORDINATOR
205 N. 2nd Street
Palatka, FL 32177

(FOR ADDITIONAL INFORMATION PLEASE CALL THE BUILDING & ZONING OFFICE AT 386-329-0103.)



CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator:

Meeting Date: _____ Special Events Coordinator: _____

- | | | | |
|--------------------------|------------------------------|-----------------------|--------------------------|
| <input type="checkbox"/> | Site Sketch Provided | Event Classification: | |
| <input type="checkbox"/> | Tentative Schedule of Events | Class A | <input type="checkbox"/> |
| | | Class B | <input type="checkbox"/> |
| | | Class C | <input type="checkbox"/> |

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/ Production: 3rd Friday Downtown Street Party

Type of Event: Street Party

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still motion picture production, etc. – attach separate listing if necessary) Automobile Displays, DJ, Live Music (on occasions)

Location of Event: 200 to 400 Block of St Johns Ave

Requested dates and time of events (not including set-up and break down):

| | Date | Day | Begin | End |
|-------------|----------------|---------------|-------------------|--------------------|
| Event Day 1 | <u>7/18/14</u> | <u>Friday</u> | <u>6:00</u> AM/PM | <u>10:00</u> AM/PM |
| Event Day 2 | <u>8/15/14</u> | <u>Friday</u> | <u>6:00</u> AM/PM | <u>10:00</u> AM/PM |
| Event Day 3 | <u>9/19/14</u> | <u>Friday</u> | <u>6:00</u> AM/PM | <u>10:00</u> AM/PM |
| Event Day 4 | _____ | _____ | _____ AM/PM | _____ AM/PM |

Set-up for event will begin on (Date) 7/18/14; 8/15/14; 9/19/14 at (time) 4:00 pm

Break down will be completed by (Date) 7/18/14; 8/15/14; 9/19/14 at (time) 10:00 pm to Midnight

Event Sponsor/Organization _____

Name of Promoter: _____ Tax Exempt No.: _____

Fee Worksheet (to be completed by Special Events Coordinator)

| | | |
|---|--|---|
| <p>“Class A” Event Daily Fees (see fee schedule) Security Fees @ \$23/hr/Officer Green Container Fees @ \$15/container Refundable Deposit \$500.00</p> | <p>“Class B” Event Daily Fees \$100.00/day Security Fees @ \$23/hr/Officer Green Container Fees @ \$15/container Public Works Employees @ \$14.00/hr (no charge during normal working hours)</p> | <p>“Class C” Event Daily Fees \$50/day Security Fees @ \$23/hr/Officer Green Container Fee@\$15/container</p> |
|---|--|---|

Special Events Permit Fees \$ 100.00 Per day X 3 Days \$ 300.00

Law Enforcement (City)
 Police Officer(s) \$ 23.00 Per hour X 6 Officers X 12 Hours \$ 552.00

Fire Personnel \$ 23.00 Per hour X _____ Hours \$ _____

Building Inspector \$ 23.00 Per hour X _____ Hours \$ _____

Public Works Services (only-no charge during regular working hours)

Public Works Personnel # Personnel _____ X _____ Hours @ \$23/hour \$ _____

Electrician Services (only-no charge during regular working hours)

Electrician Personnel \$ 23.00 Per hour X _____ Hours \$ _____

Sanitation Equipment Fee

Green Roll-Out Containers _____ X \$15.00 Per Container \$ _____

Additional Charges (List)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

TOTAL SPECIAL EVENT FEES (Sponsor/Promoter) \$ 852.00

*To be completed and submitted by applicant prior to meeting with city staff.
City staff will amend checklist as necessary.*

APPLICANT INFORMATION:

Name: Charles Rudd
Telephone: (386)329-0100 Ext. 333 Fax: _____ Cellular: (352) 455-1180
Address: _____

Name: _____
Telephone: _____ Fax: _____ Cellular: _____
Address: _____

Other Contacts/ Key Holders:

Name: _____
Telephone: _____ Fax: _____ Cellular: _____

Name: _____
Telephone: _____ Fax: _____ Cellular: _____

Estimated Peak Number of Participants (each day of event):
Day 1 75-100
Day 2 _____ Day 3 _____ Day 4 _____ Day 5 _____

Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used: _____

Number and proposed location of fire protection services: _____

Inspection(s)- Date and time requested: _____

Electrician Services- Date and time requested: _____

Emergency medical services: Ambulance Locations(s) (note on site map): _____

Number of EMS Personnel required: _____

Number and proposed location for portable toilets: (note location on site map) 3rd Street

- Carnival location (if any) (note location on site map) _____
- Number of sanitation roll-out containers required _____
- Location of parking/transportation services, if any: _____

- Type Transport Vehicles (Van, Buses, etc.) _____
- Location of security and emergency vehicle parking on site: _____

- Public street barricades/street closures/detours: (note locations on site map) See Attached Map _____

- Temporary Parking, directional Signage needed: _____

- Main emergency vehicle access to site (location-also note on site map): _____

- Location of proposed temporary structures, fences, grandstands, bandstands, judges stands, Bleachers, hospitality tents, booths, etc.: (note on site map): See Attached Map _____

- Number and proposed location of vendors, concessions and/or Sponsor/Promoter(s) stands (note on site map) See Attached Map _____

- Number and location of static/mobile displays (note on site map): _____

- Location of event staff management (headquarters): _____

- Staff Uniform Identification: _____
- Main sound system location: See Attached Map _____
- Number and location of special activities (launching areas, animal attractions, amusements Car shows, parade routes, competition courses, etc.): _____

- Number and location of temporary signs/banners: _____

- Number and location of promotional visual effects: _____

- Watercraft: _____
- Aircraft: _____
- Types & Location of On-Site Advertising (banners, balloons, posters, flyers, air structures, signs, etc.):

- Date(s) and times of setup/ breakdown: _____

- Name(s) and Type of Musical Bands to Perform (dates & times of performance): Varies each month

- Noise Abatement Requirements: _____

- Adjoining Properties Impacted (Notification needed?): _____

- Location, Dates and Times for Alcohol Ordinance Open Container Waiver: _____

- Alcohol Sale Requirements (Temporary license, commercial establishment license, etc): _____

- Handicapped Accessibility: _____

Items Outstanding:

- Outstanding Fees: \$ _____
- Site Plan Sketch
- 501(C) (3) Certificate of Exemption

- Nonprofit Articles of Incorporation, Charter and Mission Statement
- Consent Letter (event property): property owners on which Special Event location is held (if not held on city property)
- Fire resistive rating certificates (tents, fabrics, etc.)
- Schedule Fire, Building/Electrical Inspections
- Schedule Pre/Post Sanitation Inspections
- Example of Special Event vendor permits provided
- Special Event Certificate of Insurance- City as "Additional Insured" (if carnival, aircraft or watercraft rides are planned, need certificates from those vendors)
List Certificates required, _____

- Alcohol Liability Certificate of Insurance- City as "Additional Insured"
- Required Permits (federal, state, local): _____
- Alcohol License (copy)
- _____
- _____
- _____

PRE-PLANNING MEETING

Name of Special Event: _____ Date _____

Persons Attending Planning Meeting:

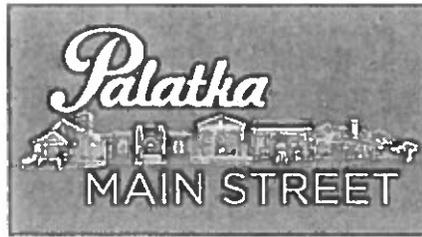
| Name | Representing | Position | Phone # |
|------|--------------|----------|---------|
| | | | |
| | | | |
| | | | |
| | | | |

DIVISION 3. SPECIAL EVENT TERMS AND CONDITIONS

Sec. 50-222. Indemnification/insurance; liquor liability insurance.

- (a) Prior to the issuance of a special event permit the applicant(s) shall execute an indemnification form which provides that the applicant(s) agrees to hold harmless and indemnify the city, its officers, agents and employees against any loss, damage or expense (including all costs and reasonable attorney's fees) suffered by the city for:
 - (1) Any breach of the terms of the permit or any inaccuracy in or breach of any representation, warranty or covenant made by the applicant(s) to the city as an inducement to the granting of the permit.
 - (2) Any claims, suits, actions, damages or cause of actions for any personal injury, loss of life or damages to personal or real property sustained by reason of, result of, or by presence of the applicant on public property by applicant's agents, employees, invitee and/or any other persons.
- (b) At least seven days prior to the first day of any special event, the applicant shall furnish to the special events coordinator proof of liability insurance protection, in an amount of not less than \$1,000,000.00 per person for bodily injury or death, \$2,000,000.00 per occurrence for bodily injury or death and \$500,000.00 per occurrence for property damage, naming the city as "additional insured".
- (c) If alcoholic beverages are to be dispensed, served, sold or distributed at an outdoor event, the applicant(s) shall in addition provide liquor liability insurance in the amount of \$500,000.00 which shall name the city as additional insured.
- (d) Nothing in this section shall be construed to effect in any way the city's rights, privileges and immunities as set forth in F.S. § 768.28.

(Ord. No. 10-34, l(Exh. 1), 12-9-2010)



REVITALIZATION-IT'S OUR NATURE

Dates for Third Friday Downtown Street Parties with alcohol and noise variances:

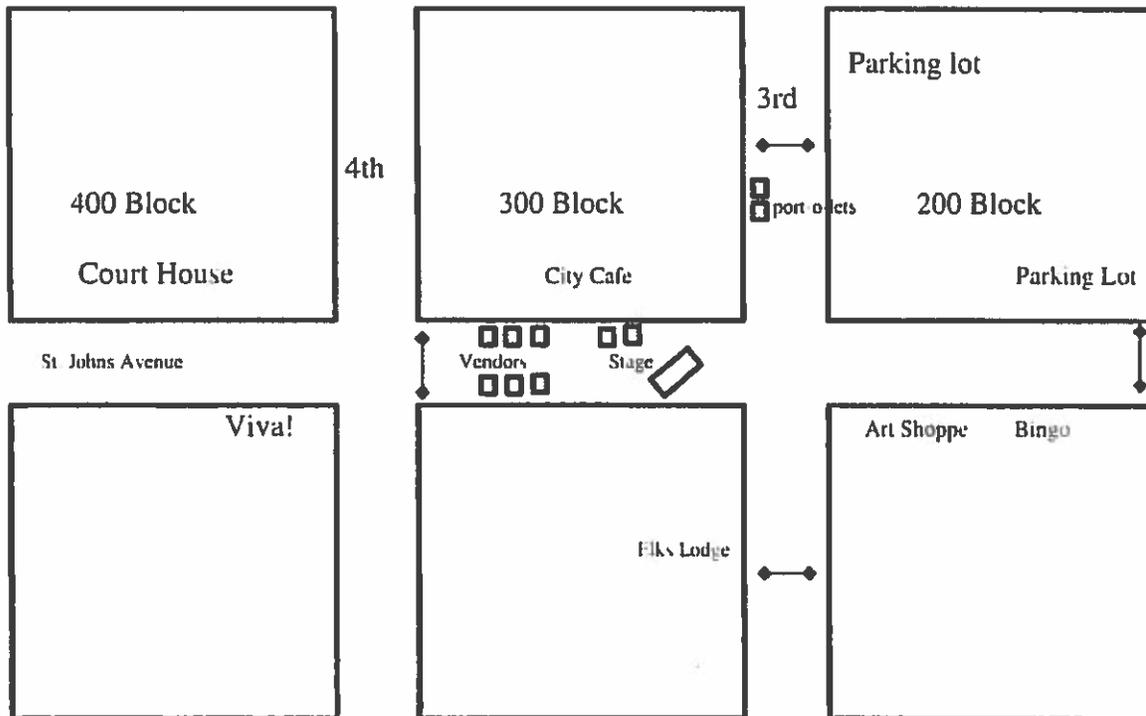
| | | |
|-------------|----------|--------------|
| January 17 | April 18 | July 18 |
| February 21 | May 16 | August 15 |
| March 21 | June 20 | September 19 |

Set up 4-6 pm
 Event time 6-10 pm
 Clean up 10 pm to Midnight

Event Map

Downtown Street Party

Reid/US17



Agenda Item

3e



CITY COMMISSION AGENDA ITEM

SUBJECT:

Approve request items for Special Events Permit No. 14-42-- Palatka Main Street 4th Saturday Cruise - In, July 26, 2014; August 23, 2014; and September 27, 2014 from 6:00 p.m. to 9:00 p.m. - Palatka Main Street, Inc./Charles Rudd, Applicant

1. Grant permission to exceed allowable noise levels throughout the duration of events;
2. Allow closure of the 900 block of St. Johns Avenue for event.

SUMMARY:

Charles Rudd, Main Street Manager, has made application for the July, August, and September Downtown Palatka Cruise-In, which is sponsored by Palatka Main Street, Inc. Although some special events can be approved by the Special Events Coordinator, this application contains a request to exceed allowable noise levels, which must be approved by the Commission.

RECOMMENDED ACTION:

Grant permission to exceed allowable noise levels for Palatka Main 4th Saturday Cruise In on July 18, 2014; August 23, 2014; and September 27, 2014 from 6:00 p.m. until 9:00 p.m.; and to close the 900 block of St. Johns Avenue during these events.

ATTACHMENTS:

| | Description | Type |
|---|--|-----------------|
| D | Palatka Main Street Special Events No. 14-42 4th Saturday Downtown Cruise In | Backup Material |

REVIEWERS:

| Department | Reviewer | Action | Date |
|----------------|------------------|----------|----------------------|
| Special Events | Crowe, Thad | Approved | 6/19/2014 - 3:49 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:41 PM |
| City Manager | Czymbor, Michael | Approved | 6/30/2014 - 1:11 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:20 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:54 PM |

APPLICATION # 14-46

(circle one below)

CLASS A PERMIT - Filing Deadline: 60 days prior to event

CLASS B PERMIT - Filing Deadline: 60 days prior to event

CLASS C PERMIT - Filing Deadline: 30 days prior to event

CITY OF PALATKA
APPLICATION FOR USE OF PARKS, RECREATIONAL AREAS,
RIVERFRONT PARK AND OTHER AREAS WITHIN THE CITY LIMITS

1. NAME AND ADDRESS OF APPLICANT/ORGANIZER

a. Palatka Main Street/CRA

b. CONTACT PERSON Charles Rudd TELEPHONE (386)329-0100 Ext. 333

c. _____ FAX # _____

2. NAME AND ADDRESS OF PERSON, CORPORATION OR ASSOCIATION SPONSORING THE ACTIVITY, IF DIFFERENT FROM ABOVE

a. CONTACT PERSON _____ TELEPHONE _____

b. _____ FAX # _____

3. DESCRIPTION AND/OR NAME OF PROPOSED ACTIVITY Downtown Cruise In 4th Saturday

4. _____

5. DATE & HOURS OF DESIRED USE: 7/26/14; 8/23/14; 9/27/14 from 6pm-9pm

6. PORTION FOR WHICH PERMISSION IS DESIRED (City Dock, Amphitheater, Gazebo, etc.)

7. ROAD CLOSURES: 900 Block of St Johns Ave

8. REQUEST FOR NOISE VARIANCE(Dates and Times): 7/26/14; 8/23/14; 9/27/14 from 6pm-9pm

9. REQUEST FOR ALCOHOL VARIANCE(Dates,Times,Location): _____

10. ESTIMATE OF ANTICIPATED ATTENDANCE 50-100

11. NUMBER AND TYPE OF AUXILIARY VEHICLES/EQUIPMENT _____

12. ARTICLE IV SPECIAL EVENT ORDINANCE: FEES

- a. CLASS A: _____ \$300.00- 1,001 to 80,000 in attendance per day
- b. CLASS B: _____ \$100.00 per day Up to 1,000 persons per day
- c. CLASS C: _____ \$50.00 per day (Limited impact on traffic, parking etc.) Events such as Weddings, Fishing tournaments with less than 40 boats. Etc.
- d. Any private entity/business(es) who are holding a function on private property that impacts neighboring businesses/residents within the City limits and, impacts City services will be assessed a fee amount accordingly. (7% Sales Tax)

13. OTHER COSTS : Fees will be determined at the pre-assessment meeting with the organizers and the City Department Heads.

14. Arrangements for police services are **REQUIRED** for fishing tournaments with 70 boats or more. Fishing Tournaments and other large event organizers are required to arrange for auxiliary vehicle/trailer parking per accompanying guidelines.

IMPORTANT INFORMATION

THIS FORM IS INTENDED FOR RESERVATION PURPOSES ONLY AND DOES NOT CONSTITUTE PERMISSION FOR USES DISALLOWED UNDER PALATKA'S MUNICIPAL CODE. PERMISSION GRANTED FOR USE OF PUBLIC PROPERTY COVERS MUNICIPAL PARK AREAS AND OTHER AREAS WITHIN THE CITY LIMITS. IT DOES NOT INCLUDE PERMISSION TO CLOSE PUBLIC STREETS OR HINDER PRIVATE PROPERTY. Organizers are required to contact the City of Palatka Building & Zoning Department office at 386-329-0103 for pre-planning purposes. ORGANIZERS/APPLICANTS WILL BE NOTIFIED WITHIN 30 DAYS OF ANY COMMENTS THEY MAY HAVE PERTAINING TO THIS EVENT'S ANTICIPATED IMPACT WITHIN THE CITY LIMITS. Acceptance of your application should in no way be construed as final approval or confirmation of your request.

Sec. 50-145. Any person or organization granted permission shall be bound by all park/city rules and regulations and all applicable ordinances as fully as though the same were inserted in this document, except for such rules and regulations as may be waived by such document or the City Commission.

Sec. 50-146. The person or persons to whom permission for use of city property is issued shall be liable for any loss, damage or injury sustained by any person whatsoever by reason of the negligence of the person or persons to whom such permission shall have been issued. Event liability insurance, naming the City of Palatka as an additional insured, is required prior to public events. Event liability insurance naming the City of Palatka as an additional insured is also required if a private event is taking place that will impact the City and the use of City Services.

The applicant(s) agrees to hold harmless and indemnify the City of Palatka, its officers, agents and employees against any loss, damage or expense (including all costs and reasonable attorney's fees) suffered by the City of Palatka for:

- 1.) Any breach of the terms of the permit or any inaccuracy in or breach of any representation, warranty or covenant made by the applicant(s) to the City of Palatka as an inducement to the granting of the permit.
- 2.) Any claims, suits, actions, damages or cause of actions for any personal injury, loss of life or damages to personal or real property sustained by reason of, result of, or by presence of the applicant(s) on public property by applicant's agents, employees, invitee and/or any other persons.

ARTICLE V NOISE CONTROL Sec. 30-101 – 30-109: Permission for use of city property does not grant an automatic exemption to exceed maximum allowable noise levels. Complaints of adverse effects upon the community or surrounding neighborhood may result in revoking permission for use of City property for this activity.

10. CERTIFICATION: I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS UNDER WHICH THE CITY OF PALATKA HAS GRANTED PERMISSION FOR USE OF THE AREA DEFINED ON PAGE ONE OF THIS APPLICATION FOR THE PURPOSE STATED HEREIN, AND AGREE TO BE BOUND BY SAME.

DATE



SIGNATURE OF APPLICANT

APPROVED:



SPECIAL EVENTS COORDINATOR

DATE



CHIEF OF POLICE



DATE

RETURN TO:
THAD CROWE
SPECIAL EVENTS COORDINATOR
205 N. 2nd Street
Palatka, FL 32177

(FOR ADDITIONAL INFORMATION PLEASE CALL THE BUILDING & ZONING OFFICE AT 386-329-0103.)



CITY OF PALATKA PLANNING MEETING PRE-EVENT ASSESSMENT LIST

To be completed by Special Events Coordinator:

Meeting Date: _____ Special Events Coordinator: _____

- | | | |
|---|------------------------------|--------------------------|
| | Event Classification: | |
| <input type="checkbox"/> Site Sketch Provided | Class A | <input type="checkbox"/> |
| <input type="checkbox"/> Tentative Schedule of Events | Class B | <input type="checkbox"/> |
| | Class C | <input type="checkbox"/> |

To be completed by applicant with typewriter or print legibly in dark ink.

Name of Special Event/ Production: Downtown Cruise In 4th Saturday

Type of Event: Cruise In/ Car Show

Type of Event Activities (concerts, street dances, races, contests, competitions, regattas, arts/crafts displays, still motion picture production, etc. – attach separate listing if necessary) Automobile Displays, DJ, Live Music (on occasions)

Location of Event: 900 Block of St Johns Ave

Requested dates and time of events (not including set-up and break down):

| | Date | Day | Begin | End |
|-------------|----------------|-----------------|-------------------|-------------------|
| Event Day 1 | <u>7/26/14</u> | <u>Saturday</u> | <u>6:00</u> AM/PM | <u>9:00</u> AM/PM |
| Event Day 2 | <u>8/23/14</u> | <u>Saturday</u> | <u>6:00</u> AM/PM | <u>9:00</u> AM/PM |
| Event Day 3 | <u>9/27/14</u> | <u>Saturday</u> | <u>6:00</u> AM/PM | <u>9:00</u> AM/PM |
| Event Day 4 | _____ | _____ | _____AM/PM | _____AM/PM |

Set-up for event will begin on (Date) 7/26/14; 8/23/14; 9/27/14 at (time) 5:00 pm

Break down will be completed by (Date) 7/26/14; 8/23/14; 9/27/14 at (time) 10:00 pm

Event Sponsor/Organization _____

Name of Promoter: _____ Tax Exempt No.: _____

Fee Worksheet (to be completed by Special Events Coordinator)

| | | |
|---|--|---|
| <p>“Class A” Event Daily Fees (see fee schedule) Security Fees @ \$23/hr/Officer Green Container Fees @ \$15/container Refundable Deposit \$500.00</p> | <p>“Class B” Event Daily Fees \$100.00/day Security Fees @ \$23/hr/Officer Green Container Fees @ \$15/container Public Works Employees @ \$14.00/hr (no charge during normal working hours)</p> | <p>“Class C” Event Daily Fees \$50/day Security Fees @ \$23/hr/Officer Green Container Fee@\$15/container</p> |
|---|--|---|

Special Events Permit Fees \$ 100.00 Per day X 3 Days \$ 300.00

Law Enforcement (City)
Police Officer(s) \$ 23.00 Per hour X _____ Officers X _____ Hours \$ _____

Fire Personnel \$ 23.00 Per hour X _____ Hours \$ _____

Buildi \$ 23.00 Per hour X _____ Hours \$ _____

Public Works Services (only-no charge during regular working hours)

_____ Works Personnel # Personnel _____ X _____ Hours @ \$23/hour \$ _____

Electrician (only-no charge during regular working hours)

Electrician Personnel \$ 23.00 Per hour X _____ Hours \$ _____

Sanitation Equipment Fee

Green Roll-Out Containers _____ X \$15.00 Per Container \$ _____

Additional Charges (List)

- _____ \$ _____
- _____ \$ _____
- _____ \$ _____
- _____ \$ _____

TOTAL SPECIAL EVENT FEES (Sponsor/Promoter) \$ 300.00

*To be completed and submitted by applicant prior to meeting with city staff.
City staff will amend checklist as necessary.*

APPLICANT INFORMATION:

Name: Charles Rudd
Telephone: (386)329-0100 Ext. 333 Fax: _____ Cellular: (352) 455-1180
Address: _____

Name: _____
Telephone: _____ Fax: _____ Cellular: _____
Address: _____

Other Contacts/ Key Holders:

Name: _____
Telephone: _____ Fax: _____ Cellular: _____

Name: _____
Telephone: _____ Fax: _____ Cellular: _____

Estimated Peak Number of Participants (each day of event): Day 1 50-100
Day 2 _____ Day 3 _____ Day 4 _____ Day 5 _____

Type of special effects to include pyrotechnics, explosives, discharging weapons, hazardous materials and/or incendiary devices to be used: _____

Number and proposed location of fire protection services: _____

Inspection(s)- Date and time requested: _____

Electrician Services- Date and time requested: _____

Emergency medical services: Ambulance Locations(s) (note on site map): _____

Number of EMS Personnel required: _____

Number and proposed location for portable toilets: (note location on site map) _____

- Carnival location (if any) (note location on site map) _____
- Number of sanitation roll-out containers required _____
- Location of parking/transportation services, if any: _____

- Type Transport Vehicles (Van, Buses, etc.) _____
- Location of security and emergency vehicle parking on site: _____

- Public street barricades/street closures/detours: (note locations on site map) See Attached Map _____

- Temporary Parking, directional Signage needed: _____

- Main emergency vehicle access to site (location-also note on site map): _____

- Location of proposed temporary structures, fences, grandstands, bandstands, judges stands, Bleachers, hospitality tents, booths, etc.: (note on site map): See Attached Map _____

- Number and proposed location of vendors, concessions and/or Sponsor/Promoter(s) stands (note on site map) See Attached Map _____

- Number and location of static/mobile displays (note on site map): _____

- Location of event staff management (headquarters): _____

- Staff Uniform Identification: _____
- Main sound system location: See Attached Map _____
- Number and location of special activities (launching areas, animal attractions, amusements Car shows, parade routes, competition courses, etc.): _____

- Number and location of temporary signs/banners: _____

- Number and location of promotional visual effects: _____

- Watercraft: _____
- Aircraft: _____
- Types & Location of On-Site Advertising (banners, balloons, posters, flyers, air structures, signs, etc.):

- Date(s) and times of setup/ breakdown: _____

- Name(s) and Type of Musical Bands to Perform (dates & times of performance): Usually DJ and on
Occasionally bands

- Noise Abatement Requirements: _____

- Adjoining Properties Impacted (Notification needed?): _____

- Location, Dates and Times for Alcohol Ordinance Open Container Waiver: _____

- Alcohol Sale Requirements (Temporary license, commercial establishment license, etc): _____

- Handicapped Accessibility: _____

Items Outstanding:

- Outstanding Fees: \$ _____
- Site Plan Sketch
- 501(C) (3) Certificate of Exemption

- Nonprofit Articles of Incorporation, Charter and Mission Statement
- Consent Letter (event property): property owners on which Special Event location is held (if not held on city property)
- Fire resistive rating certificates (tents, fabrics, etc.)
- Schedule Fire, Building/Electrical Inspections
- Schedule Pre/Post Sanitation Inspections
- Example of Special Event vendor permits provided
- Special Event Certificate of Insurance- City as "Additional Insured" (if carnival, aircraft or watercraft rides are planned, need certificates from those vendors)
List Certificates required, _____

- Alcohol Liability Certificate of Insurance- City as "Additional Insured"
- Required Permits (federal, state, local): _____
- Alcohol License (copy)
- _____
- _____
- _____

PRE-PLANNING MEETING

Name of Special Event: _____ Date _____

Persons Attending Planning Meeting:

| <u>Name</u> | <u>Representing</u> | <u>Position</u> | <u>Phone #</u> |
|-------------|---------------------|-----------------|----------------|
| | | | |
| | | | |
| | | | |
| | | | |

DIVISION 3. SPECIAL EVENT TERMS AND CONDITIONS

Sec. 50-222. Indemnification/insurance; liquor liability insurance.

- (a) Prior to the issuance of a special event permit the applicant(s) shall execute an indemnification form which provides that the applicant(s) agrees to hold harmless and indemnify the city, its officers, agents and employees against any loss, damage or expense (including all costs and reasonable attorney's fees) suffered by the city for:
 - (1) Any breach of the terms of the permit or any inaccuracy in or breach of any representation, warranty or covenant made by the applicant(s) to the city as an inducement to the granting of the permit.
 - (2) Any claims, suits, actions, damages or cause of actions for any personal injury, loss of life or damages to personal or real property sustained by reason of, result of, or by presence of the applicant on public property by applicant's agents, employees, invitee and/or any other persons.
- (b) At least seven days prior to the first day of any special event, the applicant shall furnish to the special events coordinator proof of liability insurance protection, in an amount of not less than \$1,000,000.00 per person for bodily injury or death, \$2,000,000.00 per occurrence for bodily injury or death and \$500,000.00 per occurrence for property damage, naming the city as "additional insured".
- (c) If alcoholic beverages are to be dispensed, served, sold or distributed at an outdoor event, the applicant(s) shall in addition provide liquor liability insurance in the amount of \$500,000.00 which shall name the city as additional insured.
- (d) Nothing in this section shall be construed to effect in any way the city's rights, privileges and immunities as set forth in F.S. § 768.28.

(Ord. No. 10-34, l(Exh. 1), 12-9-2010)

**City of Palatka
Planning Meeting
Pre-event Assessment List**

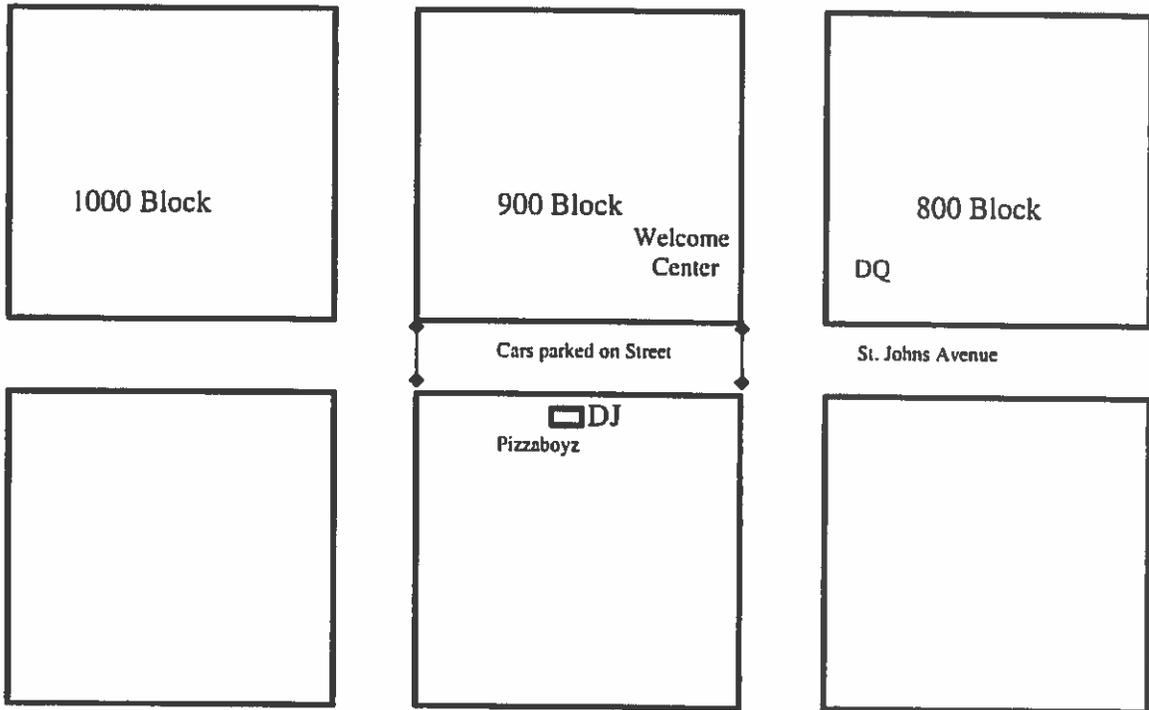
Addendum:

Requested dates and times of events (**not** including set-up and tear down):

| | Date | Day | Begin | End |
|-------------|---------|----------|-------|-----|
| Event Day 1 | 7/26/14 | Saturday | 6pm | 9pm |
| Event Day 2 | 8/23/14 | Saturday | 6pm | 9pm |
| Event Day 3 | 9/27/14 | Saturday | 6pm | 9pm |

**Event Map
Downtown Cruise-in**

Reid/US17



Agenda Item

4



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending the Palatka Municipal Code, Chapter 22, Cemeteries, adding services in addition to lot sales, adding restrictions and adopting maintenance and preservation standards for historic cemeteries - 2nd Reading, Adopt

SUMMARY:

This is the 2nd reading of an ordinance that was passed on 1st reading on June 12, 2014 as amended.

Due to maintenance issues arising from excessive gravesite ornamentation, vandalism in all cemeteries, excessive night time activity, and "bleaching" of historic headstones in West View Cemetery, Staff recommends amending the Section 22- 8 of the Code to add the following for enforcement purposes:

- Nationally recognized standards for cleaning of headstones, together with a permitting process in order to track such activity.
- The opening and closing hours of the Cemetery;
- Certain rules adopted by the Commission on 6/12/03 regarding permitted ornamentation, flowers and vegetation in cemeteries

Additionally, Section 4, Lot Sales, is being amended to include certain services now being provided by the City. Prices for these services were added to Appendix A last September, but the Code itself was not amended to include references to those services.

RECOMMENDED ACTION:

Adopt on 2nd reading the proposed ordinance (as amended on first reading) amending Chapter 22, Cemeteries, of the Code of Ordinances adding services & restrictions and adopting maintenance and preservation standards for historic cemeteries.

ATTACHMENTS:

| Description | Type |
|---|------------|
| <input type="checkbox"/> Ordinance amending Ch 22, Cemeteries | Ordinance |
| <input type="checkbox"/> NCPTT Best Practices for Cleaning Headstones | Attachment |
| <input type="checkbox"/> Current Cemetery Rules | Attachment |

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|------------------|----------|----------------------|
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:08 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:08 PM |
| City Manager | Czymbor, Michael | Approved | 6/30/2014 - 1:10 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:19 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:52 PM |

This instrument prepared by:
Betsy J. Driggers, CMC
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 14 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-4, LOT PRICES, TO ADD SERVICES; AMENDING SECTION 22-8 TO ADD RULES AND RESTRICTIONS FOR GRAVE MARKERS AND GRAVE SITES, ORNAMENTATION AND VEGETATION; HOURS WHEN PUBLIC IS PERMITTED IN CEMETERIES, PERMITTING PROCESSES, AND TO ADOPT STANDARDS FOR PRESERVATION AND CLEANING OF HISTORIC MONUMENTS AND GRAVESITES; AND AMENDING "APPENDIX A - FEE SCHEDULE" TO ADD PROVISIONS FOR THE SALE OF CREMAINS-ONLY LOTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palatka owns and maintains three cemeteries and desires to memorialize and adopt rules and standards for the maintenance and orderly care of those cemeteries, as well as the health, welfare and safety of its citizens and employees; and

WHEREAS, the City of Palatka finds it necessary to adopt standards for maintenance of historic cemeteries and grave sites, including standards for cleaning monuments and headstones, in order to preserve these historic sites and artifacts per nationally accepted standards; and

WHEREAS, Appendix A to Chapter 22 was amended by Ordinance 13-41, adopted September 26, 2013, to add fees for vaults and other services; therefore, corresponding amendments are required to be made to Chapter 22 relative to those fee schedule adjustments; and

WHEREAS, all the necessary procedural steps have been accomplished, and two duly advertised public hearings were held before the City Commission of the City of Palatka on June 12, 2014 and June 26, 2014; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendments and standards are necessary and should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section 1. That Palatka Municipal Code Chapter 22, Section 4, entitled "Lot Prices" shall be amended to read as follows:

Sec. 22-4. ~~Lot prices~~ Prices for lots and services in city cemeteries.

- (a) Adult lots. The price of city cemetery lots per single adult grave space shall be as set out in Appendix A to this Code, as amended from time to time. All lots, except those designated as infant lots and those designated as cremains-only lots, will be considered adult lots.
- (b) Infant and cremains-only lots. The price of cemetery lots per single infant grave space, and per double-urn cremains-only grave space, shall be as set out in Appendix A to this Code, as amended from time to time. Lots 8 through 20, 28 through 40, 48 through 60, and 68 through 80, in Block 118 of Oak Hill East Cemetery, and Sheets 3 and 4, Blocks A and AA of Oak Hill West Cemetery, are hereby designated as infant lots. Cremains-only lots, which are designated and set aside for that purpose, are as shown on the Plat of Oak Hill West Cemetery.
- (c) Vaults. The price of vaults provided for burials by the City of Palatka shall be as set out in appendix A to this Code, as amended from time to time.
- (d) Interments and all other services. The price for interments and all other services associated with interments, to coincide with those permitted times for the scheduling of interments, shall be as set out in appendix A to this Code, as amended from time to time. All interments shall require a forty-eight (48) hour notice provided to the City of Palatka Cemeteries Office during regular business hours.

Section 2. That That Palatka Municipal Code Chapter 22, Section 8, entitled "Restrictions, permits and hours of business operation" shall be amended to read as follows:

Sec. 22-8. Restrictions, permits, preservation standards and hours of business operation.

- (a) West View, Oak Hill East and Oak Hill West Cemeteries will be opened daily to the public during the hours of 7:30 a.m. to dusk. Any person found in a city-owned cemetery between the hours of dusk and 7:30 a.m. shall be deemed to be trespassing and will be prosecuted for trespass and subject to fines and penalties per FS 810.09.
- (~~a~~ b) All vehicles, including vault and monument trucks used for delivery and installation of vaults and monuments within the cemetery, are permitted to drive only on the designated roadways within the cemetery, and are prohibited from driving outside of the designated existing roadways.
- (~~b~~ c) Permits for the installation of markers must be obtained from ~~city hall~~ the City of Palatka Cemeteries Department before a marker can be set.
- (~~e~~ d) Vaults and monuments may only be delivered and installed by licensed monument establishments in the cemetery between during regular business hours, from ~~7:30~~ 8:30 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.
- (~~e~~) With the exception of indigent burial sites, all gravesites shall be marked with a durable weather-resistant marker immediately following the interment service. Such marker shall include the name of the deceased, date of birth, and date of death.
- (~~f~~) The City of Palatka hereby adopts the standards set forth by The National Park Service National Center for Preservation Technology and Training, entitled "Best Practice Recommendations for Cleaning Government issued Headstones," as it's standard for cleaning headstones or any marble, granite or other type of stone grave marking. No bleach or bleach-like products, products containing strong acids or bases, or harsh mechanical devices such as sand blasters or drills equipped with wire brushes are permitted to be used. No pressure washing shall be allowed with a machine in excess of 500 psi, nor at a distance of closer than 12 inches from the surface to be cleaned, and only provided a test patch done on a small, unobtrusive area on the headstone is done prior to pressure washing which shows no adverse affects to the stone.
- (~~g~~) All persons performing any headstone or gravesite marker cleaning service on behalf of the owner of such headstone, or as a goodwill service on any historic, abandoned or non-owned headstone, shall first obtain a permit from the

Palatka Cemeteries Department prior to the performance of any such work.

- (h) No vegetation, tree or shrub shall be allowed to be planted on or around any gravesite by anyone. Any vegetation planted on city-owned right of way at any cemetery shall be done only by permit issued by and in a location approved by the City cemeteries supervisor or designee. Any vegetation, tree or shrub planted on City right-of-way or property located in any cemetery shall become the property of the City of Palatka.
- (i) Permits for the planting of any vegetation, tree or shrub in any cemetery by members of the public must be obtained from the Palatka Cemeteries Department before such planting can occur.
- (j) No non-permanent items shall be allowed to be placed at any gravesite. Flowers may be placed at the headstone in a permanent vase attached to the base of the headstone or otherwise permanently installed on the side of the headstone, or attached by bracket to the top of the headstone. No ornamental items may be hung from or tied to any pole, bracket, tree or shrub. The City of Palatka will not be responsible for the maintenance or care of any unsecured flowers or ornaments placed on or around gravesites. City of Palatka personnel will remove any flowers or ornamental items from gravesites when the presence of such items is deemed a hazard or hindrance to public works, cemetery or maintenance personnel in the performance of his/her job duties.
- ~~(d) Any cemeteries supervisor for the City of Palatka is hereby designated as a code enforcement officer for the enforcement of the provisions of this section.~~
- (e k) A violation of this section shall constitute a class 1 violation as set forth in Section 2-314 of this Code.

Section 3. That Appendix A to Chapter 22 of the the Palatka Municipal Code is hereby amended to read as follows:

1. Sec. 22-4. Prices for lots, vault liners and services in city cemeteries:

- | | |
|--|-------------------|
| (1) Adult lot (5 ft. x 10 ft.) | \$750.00 *** |
| (2) Infant or <u>cremains-only lot</u> (2.5 ft. x 5 ft.) | \$375.00 *** |
| (3) Titan Vault | \$450.00 plus tax |
| (4) Graveliner Vault | \$300.00 plus tax |
| (5) Vault Setting Fee | \$200.00 |

- (6) Interment
 - a. Monday - Saturday 9:00 a.m. – 5:00 p.m.* \$650.00
 - b. Monday – Saturday after 5:00 p.m. \$750.00
 - c. Sundays & City holidays 9:00 a.m. – 4:00 p.m. \$1,000.00
- (7) Cremation Interment ****
 - a. Monday - Saturday (no setup), 9:00a.m.- 5:00 p.m.* \$250.00
 - b. Monday - Saturday, (with setup) 9:00 a.m. – 5:00 p.m.* \$400.00
 - c. After 5:00 p.m., or Sunday w/no set-up \$500.00
 - d. Sunday (with set-up) 9:00 a.m. – 4:00 p.m. \$650.00
- (8) Mausoleum Interment
 - a. Monday- Saturday 9:00 a.m. – 5:00 p.m.* \$450.00
 - b. Monday – Saturday after 5:00 p.m. \$550.00
 - c. Sunday 9:00 a.m. – 4:00 p.m. \$750.00
- (9) Other Interments/Services:
 - a. Disinterment /Reinterment 9:00 a.m. – 5:00 p.m.*/** \$500.00
 - b. Reinterment with set-up 9:00 a.m. – 5:00 p.m.*/** \$650.00
 - c. Indigent interment 9:00 a.m. – 5:00 p.m.*/** \$250.00
 - d. Additional set-ups include (1) one tent and (12) twelve chairs = \$200.00

* Funeral Services should be concluded by 5:00 p.m. at the cemetery. Any funeral not concluded by 5:00 p.m. will be billed at the after 5:00 p.m. rate.
 ** Must be conducted Monday-Friday during normal business hours
 *** Plus applicable doc stamps and recording fees, to be collected at time of lot sale
 **** Cremains may be interred in an adult or infant lot or cremains-only lot, or in an existing adult or infant gravesite at the head or foot of the casket, or in addition to an existing urn in a cremains-only lot.

- Funeral Services may be conducted on City observed holidays; however, all “Other Interments” exclude City-observed legal holidays.
- All funeral arrangements shall be scheduled two business days prior to services

Section 4. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section 5. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section 6. This Ordinance shall become effective immediately upon its final passage by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 26th day of June, 2014.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



Best Practice Recommendations for Cleaning Government Issued Headstones¹

This document was developed as general guidance for the cleaning of government issued headstones based on research undertaken by the National Park Service National Center for Preservation Technology and Training and funded by the Department of Veterans Affairs National Cemetery Administration. Recommendations are intended to be used by cemetery directors, operations staff, foremen, maintenance staff, contractors and headquarters staff. The document focuses on general cleaning and regular maintenance of marble headstones that are soiled from dirt and biological growth. Recommendations do not address cleaning needs from unusual events such as removal of road tar, mower scars, vandalism, or other accidental damage. Cleaning recommendations for other stone types such as granite, sandstone, or limestone are not presented here.

One of the critical components of maintaining the appearance of a national cemetery is the cleaning of headstones. Many of the more than 3 million gravesites in 131 national cemeteries are historic headstones and markers which should be protected and treasured. Also, today's new headstone will be tomorrow's historic grave marker.

Headstone cleaning must take into consideration the operational standards set forth by the National Cemetery Administration. [1] The following standards are among those designated for headstones:

- Headstones, markers, and niche covers are clean, free of debris and objectionable accumulations.
- Headstones, markers, and niche covers are not damaged by cemetery operations (e.g., interment, grounds maintenance, headstone, marker, niche cover, maintenance, and facility maintenance operations).

Maintenance practices must have an eye toward the future. Many cleaning methods may be able to remove soiling from headstones. Some will be more effective than others. But the long-term effects must also be considered. Anyone developing a cleaning method must look at the soiling agent to be removed, the potential threats caused by the soiling, and the possible unintended results of cleaning.

¹ This document, released for distribution on May 23, 2011, is part of a forthcoming report of research undertaken by the National Park Service's National Center for Preservation Technology and Training for the Department of Veterans Affairs National Cemetery Administration.

Soiling Agents or Accumulations

Soiling agents are accumulations on stone that alter the appearance of the stone and may cause additional damage. Different soiling agents may respond better to a particular cleaning method. Soiling agents include:

- **Dirt**, including soil and mud, often arises from transferring the topsoil to headstone surface. Dirt can lead to dark staining on the surface or an overall dingy appearance. Dirt can penetrate into the pores of the stone and be difficult to remove. Minerals containing iron can leach into the marble surface and leave rust colored stains behind. If the headstone has sunk into the ground over time, then is raised and realigned, a distinct line of soiling can be seen. Dirt can retain moisture after rainfall and lead to the growth of mold or mildew on the stone surface.
- **Air pollution**, including particles from vehicle exhaust, can deposit on the surface of marble. Nearby factories or industrial activities can generate pollutants that can change the appearance of the stone or chemically interact with the stone over time. For example, sulfur dioxide produced through manufacturing processes and vehicle exhaust can interact with marble surfaces to cause gypsum crusts. These crusts can capture soil and pollution particles to create rough, gray surfaces.[2]
- **Biological organisms**, such as bacteria, mold, mildew, algae, mosses, or lichen can adhere to the headstone and result in appearance changes. Microorganisms are capable of establishing a biofilm on the surface of the stone. Biofilms include proteins and sugars that are hard to remove through standard cleaning practices and provide food for regrowth of organisms.[3] Bacteria can consume air pollutants and produce acids that can attack the stone. Fungi can penetrate the pore system of stone and carry bacteria further into the stone.[4]
- **Bird droppings** or other animal secretions can stain the stone. Depending on the animal's diet, the stains may be difficult to remove. Urine seeps into porous materials and with time produces yellow stains.
- **Plant or tree sap** is a sticky substance that drips from overhanging trees. The material may contain resins that are not easily dissolved in water. The sugars in the sap may attract insects or provide food for molds and mildews. Shrubs have falling berries that can stain surfaces.

Other threats to headstones

- ***Salt damage*** can cause disintegration of a stone surface. The presence of salts within the stone, in the grounds surrounding the stone, in irrigation water, in some herbicides, and in some cleaners, can migrate through the stone's porous network and cause damage. Salts are dissolved and transported by water. They can recrystallize and exert pressures in the pores that may exceed the strength of the stone.[5, 6] Thus, do not use cleaners that leave behind salts to clean marble headstones.
- ***Freeze thaw cycles*** can increase stone weathering. Water can enter into openings, cracks, and pores of stone. If freezing temperatures exist, the water can freeze and expand. With many freeze thaw cycles, water can damage stone.[7] Since most cleaning efforts require saturating the stone with water or liquids, do not clean headstones during freezing temperatures or when a freeze is expected within 48 hours of the cleaning.
- ***Improper cleaning*** can stain the surface or accelerate stone deterioration. Well-meaning but ill-informed custodians of cemetery headstones do damage through poor selection of cleaning methods. This would include use of power-washing equipment too close to the stone, not rinsing after application of cleaner, and using products in a greater strength than the manufacturer recommends.

Important factors to consider

- ***Use the gentlest, least invasive method***
Select cleaning methods and materials that, to the best of your knowledge, do not affect the headstone. Chemicals and physical treatments should be undertaken using the gentlest means possible to insure the longevity of the headstone and to minimize the need to replace the stone.
- ***Do no harm to the stone***
Do no harm to the headstone during its care or the care of the cemetery. A headstone is placed on a soldier's grave as a marker to identify burial site, but serves other roles as well. It is intended to honor the deceased and thus should be treated with respect. Over time the headstone takes on meaning to the loved ones who visit. By its very nature, it possesses added value and association to the veteran's service.

- ***Consider long-term effects***

Recognize that cleaning efforts are part of a continuum of cleaning that will be applied to the headstone. All efforts to clean headstones affect the surface in ways that are not always obvious. Marble is made up of interlocking grains of carbonate mineral which is bound together in a network that includes varying amounts of pores. When the surfaces are cleaned, some of the grains can be loosened and lost. Sometimes the mineral binder that holds the stone together can be affected. Over time and many cleaning campaigns, the surface can be altered noticeably and result in a sugaring appearance. Some marble is more prone to this type of deterioration than others. For example, Colorado Yule marble is more affected by cleaning than Cherokee White marble from Georgia.

- ***Don't remove the original surface***

The original surface may be polished and smooth. The inscriptions are generally carved into the headstone. If the original surface is altered, the way the headstone subsequently weathers may be changed. As the surface roughens, it will soil more easily. The inscriptions can be eroded away, making the headstone harder to read. Never aggressively scrub the surface, or use wire brushes or mechanical methods such as sanders or grinders to clean the surface. See also –mechanical cleaning: power tools, below.

- ***Minimize cleaning impacts***

Minimize the number of times a headstone is cleaned in its lifetime. While a cyclic maintenance plan is needed to maintain the appearance of the headstone, over-cleaning should be avoided. If possible, historic headstones should not be cleaned more frequently than once a year.

- ***Test cleaner first***

ALWAYS TEST the cleaner for suitability and results before overall cleaning. Conduct the test using the recommended application procedures. Let test area dry thoroughly before inspection. When using a biocidal cleaner, it may take several days before the full cleaning effect is realized. When practical, allow two or more weeks for biological soiling to disappear.

- ***Consider Environmental Conditions***

Environmental conditions may dictate the frequency of cleaning. For example, headstones that are located in shady and damp areas under trees may need to be cleaned more frequently than headstones in sunny areas.

Cleaning techniques known to damage stone

- ***Bleach or bleach-like products***

Household bleach or other oxidizing cleaners, such as Daybreak cleaner or HTH Shock 'N Swim pool treatment may chemically react with the stone surface and leave soluble salts in the pores of the stone which will lead to decay. Check the label of the cleaner or the Materials Safety Data Sheet (MSDS) for active cleaning ingredients. If the products contain sodium hypochlorite (NaClO), sodium perborate, sodium percarbonate, sodium persulfate, tetrasodium pyrophosphate, calcium hypochlorite or urea peroxide, do not use them for cleaning the headstone. For example, Daybreak cleaner contains 14% sodium hypochlorite and is not recommended.

- ***Strong acids or bases***

Strong acids, including muriatic acid, hydrochloric acid, or others are too harsh and will dissolve the stone surface. Because they are corrosive, they can also be hazardous to workers. Strong bases, such as concentrated ammonia, sodium hydroxide, calcium hydroxide, potassium hydroxide, or others may be aggressive on the surface of the stone and may be hazardous to workers.

- ***Mechanical cleaning: Power tools***

Harsh mechanical devices such as sand blasting, or power tools such as sanders or drills equipped with a wire brush remove the original material of the grave marker.

- ***Mechanical cleaning: High-pressure washing***

Pressure washing systems are mechanical sprayers that use water under high pressures to clean surfaces. Commercially available pressure washers operate at pressures between 750 psi and 30,000 psi that will damage marble headstones. This technique can cut into and mar the surface of the stone. The appropriate distance and pressure needed to properly clean an individual headstone is generally about 12 inches with a pressure of 500 psi or less. Some stones may not be able to tolerate these conditions depending on their condition. A test patch in a small unobtrusive area on the headstone is recommended prior to cleaning.

Cleaning methodology

A cleaning regimen for headstones should be based on environmental considerations such as humidity, biological growth rates, tree cover and vegetation, precipitation and other factors that influence the frequency of cleaning necessary to maintain an appropriate appearance.

- ***Choosing the cleaner***

Cleaning should be undertaken with the mildest, least-abrasive method. Improper cleaning can lead to accelerated deterioration or loss of original materials. Always begin by reviewing the Materials Data Safety Sheet (MSDS) for any chemical product to be used. The MSDS may be found by searching online or by contacting the manufacturer or distributor. The MSDS contains important chemical information and necessary safety precautions needed for use of the product.

Make sure to note the manufacturer's application recommendations. The two most important features to note are the dilution ratio and the dwell time. If the manufacturer recommends diluting the cleaner, use the recommended dilution ratio. A small amount of the cleaner should be added to water to create the required ratio. Using the cleaner in a more concentrated form may increase the risk of damage to the headstone. The dwell time is the amount of time that the cleaner is left on the surface of the stone before scrubbing and rinsing the stone. The dwell time varies depending on the cleaner.

Biocidal cleaners are available for use on stones that have biological growth, such as algae, mildew, moss, and lichen. Most biocidal additives also help to keep biological from returning to the stone for an extended period of time. Recommended biocidal cleaners include D/2 Biological Solution manufactured by Sunshine Makers,² Enviro Klean® BioWash®,³ or other cleaners that contain quaternary ammonium compounds. Consult with the product manufacturer to determine if the biocidal cleaner contains buffers that may leave salts behind on the stone. Follow directions as specified by the biocide manufacturer, making sure to rinse thoroughly. It is important to know that marble cleaned with biocides should continue to lighten over the next few days. The advantage of a biocidal cleaner is that it helps remove a wide range of soiling including

² Exclusively distributed by Cathedral Stone® Products, Inc., 7266 Park Circle Drive, Hanover, MD 21076, Telephone: 410-782-9150, Fax: 410-782-9155.

³ Manufactured and distributed by PROSOCO, Inc., 3741 Greenway Circle, Lawrence, KS 66046. Telephone: 800-255-4255; Fax: 785-830-9797. E-mail: CustomerCare@prosoco.com.

biological growth. The disadvantage is that the cleaners are more expensive than other products on the market.

- ***Equipment needed***

- ***Personal Protective Equipment***

- While no special equipment is required under normal use, gloves and eye protection are recommended. Avoid eye contact where splashing of the cleaner may occur, such as during spray applications. Wash hands thoroughly after handling any cleaner and before eating, drinking or smoking.

- ***Brushes***

- Soft bristle brushes are required when cleaning stones. They can have natural or synthetic bristles. Vegetable brushes or soft grooming brushes for large animals are a few that can be found in chain or farm supply stores. All rough or metal edges must be covered with tape to reduce the chance of scratching the stone.

- ***Hand or Backpack Sprayers***

- A variety of hand-pump sprayers can be used for cleaning headstones. Make sure that the sprayer is dedicated to the cleaners to be used and not used for other functions like applying pesticides. Backpack sprayers are useful when cleaning a large number of headstones typical in the national cemeteries. These consist of a holding tank, hose, and wand with adjustable nozzle. The sprayers generally operate in a 15-80 psi pressure range.

- ***Clean Water***

- One of the most important things to locate in the cemetery is the nearest source of water. It takes a lot of water to properly clean stone. If the cemetery does not have clean running water then it is important to bring barreled or bucketed water to the site.

- ***Pre-wetting the stone***

- Soak the stone liberally with water before applying the cleaner with a hand or backpack sprayer. Stone is a very porous material and will absorb the cleaner. By soaking it beforehand, the cleaner will stay on the surface of the stone and minimize penetration of the cleaner in to the stone. This action minimizes potential adverse effects by the cleaner, such as salt crystallization in the pores of the stone. It makes it easier to rinse the cleaner from the stone surface.

- ***Applying the cleaner***
Always keep the stone wet during cleaning and thoroughly rinse afterwards. Do not allow the cleaner to dry on the stone. Apply the cleaner according to the manufacturer's recommendations. Changes to the dilution or dwell time are considered "off-label" and the effectiveness of the cleaning method cannot be guaranteed. Evenly apply the cleaner with a sprayer to saturate the surface.
- ***Agitating the surface***
Agitate the surface gently in a circular motion using a soft bristle brush. Work in small areas, starting from the bottom and moving toward the top of the headstone. Agitation will loosen soiling from the surface of the stone.
- ***Rinsing the stone***
Remember to rinse after cleaning each area and to thoroughly rinse the stone at the end to make sure that no cleaner is left behind.

A typical cleaning regime may include a three-person team. The first person thoroughly wets the stone with clean water using a hose or a portable backpack sprayer. A second person sprays the stone surface with the biocidal cleaner. After the appropriate dwell time, a third person gently agitates the cleaner on the stone surface with a soft bristle brush, then rinses the stone with clean tap water.

Glossary of Terms

Ionic cleaner: A substance that aids in the removal of dirt and serves as an emulsifier by bridging between water and oil. The substance is a long chain chemical that has a charge on one terminal.

Non-ionic cleaner: A substance that is similar to an ionic cleaner, except that it does not have a charge.

Surfactant: A compound that is a surface active agent. It reduces the surface tension between liquids that do not normally mix together. It aids in the cleaning of a surface.

Biocide: A chemical capable of killing living organisms.

Pressure washer: a mechanical sprayer that uses high-pressure water to clean and remove dirt and other accretions from surfaces and objects.

Dilution ratio: reduction of the concentration of a chemical by mixing with water or another solvent by a specific portion. A useful reference chart for specific dilution ratios can be found at http://www.tomorrowchemicals.com/files/Dilution_Ratios_TC.pdf.

Dwell time: The time a cleaner remains on the surface of a stone before agitation or rinsing.

References

1. *National Cemetery Administration, National Shrine Commitment, Operational Standards and Measures*. October 2009, Department of Veterans Affairs: Washington, DC. p. 32.
2. Charola, A.E., *Review of the Literature on the Topic of Acidic Deposition on Stone*. 1998, NCPTT Publication 1998-09: Natchitoches, La. p. 85.
3. Hall-Stoodley, L., J.W. Costerton, and P. Stoodley, *Bacterial biofilms: from the Natural environment to infectious diseases*. *Nat Rev Micro*, 2004. 2(2): p. 95-108.
4. Mitchell, R., *The role of microorganisms in the deterioration of atmospheric pollutants of stone used in historic buildings and monuments*. 1998-1999, NCPTT Grant number MT-2210-8-NC-23: Harvard University. p. 23.
5. Rodriguez-Navarro, C. and E. Doehne, *Salt weathering: influence of evaporation rate, supersaturation and crystallization pattern*. *Earth Surface Processes and Landforms*, 1999. 24(3): p. 191-209.
6. Scherer, G.W., *Controlling Salt Damage*. 2009, NCPTT Grant No. MT-2210-09-NC-03: Princeton University. p. 20.
7. Hall, C. and W.D. Hoff, *Water Transport in Brick, Stone, and Concrete*. 2002, New York: Taylor & Francis.

CITY OF PALATKACEMETERY RULES AND REGULATIONS**1. MONUMENTS, SLABS, COPING, ETC.**

- A.) All corners, coping, monuments, and slabs for gravesites shall be marble or granite, and shall be installed no more than 1" above ground level

Due to ground settling, no slab shall be installed less than 30 days after interment

If monuments sink or become unlevelled for any reason, the monument supplier will be contacted for resetting.

The City of Palatka is not responsible for setting Veterans monuments.

- B.) Marble or granite benches are permitted in all City of Palatka cemeteries, to be placed only on the plot, with the exception of benches in Oak Hill West Cemetery, which shall be set only in place of a headstone, and/or may be placed on a separately purchased plot.
- C.) A permit shall be obtained by the monument supplier prior to the setting of any monument, slab, corner coping, or bench. Monument suppliers shall contact the City of Palatka Cemetery office at (386) 329-0175 to obtain a permit. The cemetery personnel shall clearly mark the allowable area of installation prior to the delivery or markers, etc.
MONUMENT DELIVERY PERSONS ARE TO REPORT TO THE OAKHILL WEST CEMETERY OFFICE BEFORE PLACING A HEADSTONE/SLAB/MONUMENT.
- D.) **Monuments/markers/benches/foot-stones (permanent memorials) are the property of the lot owner. Maintenance, repair, and upkeep are the responsibility of the lot owner. The cemetery assumes NO responsibility or liability for maintenance, repair, upkeep, or damage to permanent memorials installed on a lot.**
- E.) Light materials, including but not limited to, stones, gravel, pebbles, mulch, Cremains, or granite dust, are strictly prohibited for use as gravesite covering.

2. VEHICLES

- A.) All vehicles, including vault and monument trucks, are limited to the roadway only. No vehicles shall be driven over or across gravesites, with the exception of equipment operated by the City of Palatka Cemetery Personnel.

3. TREES, SHRUBS, PLANTS, ETC.

- A.) **No plants, shrubs, trees, gravel, mulch, border grass, brick, landscaping tile, of fencing on or around trees, graves, or family plots.**
- B.) **Planting of trees and shrubs is prohibited.**
- C.) Memorial trees may be planted along roadways or in a location approved by cemetery management with a permit.

4. FUNERAL FLORAL ARRANGEMENTS

- A.) **Floral arrangements and floral wreath stands are permitted for a seven day period after interment, and are not permitted at any other occasion.**
- B.) All post-interment flowers, ornaments, or other decorations shall be placed in the monument area only in a permanent, affixed vase. Nothing shall be hung or placed in any tree or shrub in any cemetery.
- C.) **One arrangement of real or silk flowers is permitted on each grave. Plastic flowers are not permitted. Floral arrangements will be removed when they become unsightly or wilted.**
- D.) Seasonal flowers, i.e. Easter lilies and poinsettias, will be permitted for a period of seven days prior to and fourteen days after the holidays.
- E.) **NO objects such as balloons, toys, personal effects, wind chimes, alcoholic beverage containers, bird feeders, solar lights, statuettes, stepping stones, or any other objects shall be placed on a grave. The cemetery staff will remove any of the above named items and place them at the cemetery office located at Oak Hill West for a period of 30 days prior to disposal.**
- F.) Alcoholic beverages are not permitted on the City of Palatka cemeteries property.

5. FLAGS

- A.) Memorial flags holders intended to honor service to the citizens of the United States of America shall be permitted to be sited at the gravesite, at either end of the headstone. Such flag holders may commemorate the American Flag, service in the military, military organizations, and service to the public at large (police officers, firefighters, etc.). Such flags will be allowed to remain at the gravesite throughout the year, and shall be required to be maintained in good condition by any given organization or person that shall such place a flag in a given holder. Flags should be kept to 12" by 18" in size or small.

***Office hours: 8:30am-4:00pm Monday-Friday (unless otherwise posted). (386) 329-0175. The City of Palatka Cemeteries (Oak Hill East, Oak Hill West, and Westview) are not responsible for any items left near or on the cemetery lots and/or monuments.*

Agenda Item

5



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending the Palatka Code of Ordinances to restate Chapter 2, Article V, Division 1, Code Enforcement Board, Sections 2-281 through 2-291 - 2nd Reading, Adopt

SUMMARY:

This is 2nd reading for adoption of this ordinance, which was passed on first reading on June 12, 2014.

In January 2013, the Palatka Police Department was tasked with transitioning the Code Enforcement function for the City of Palatka to the Palatka Police Department. One of the steps taken during the transition has been the review of applicable City of Palatka ordinances to determine if any changes to the ordinances needed to be made to make code enforcement more effective and efficient. That review took place while considering some changes that are considered necessary to enhance the code enforcement function.

It was determined that law enforcement officers should be utilized to assist with code enforcement. This would increase the number of persons available to respond to and work code enforcement complaints.

The City of Palatka has adopted a Public Nuisance ordinance, Chapter 46, Article IV, Sections 46-251 through 46-258. Per that ordinance, nuisance violations were to be referred to a Nuisance Abatement Board. It had been found that the City of Palatka was never able to fully staff the Nuisance Abatement Board.

With those changes in mind, Chapter 2, Article V, Division 1, Section 2-281 through 2-290 was reviewed. This ordinance focuses on code enforcement in general, the Code Enforcement Board, authority of the Code Enforcement Board, enforcement procedures relative to the Code Enforcement Board and appeals of decisions by the Code Enforcement Board. It was discovered that a change of the definition for Code Enforcement Officer was necessary. The present code referred to the position as Code Inspector and did not include utilizing law enforcement officers. We have researched and found a suitable definition for Code Enforcement Officer to include utilizing law enforcement officers.

Additionally, the Nuisance Abatement Board as defined in current ordinance is to be eliminated and the duties are to be transferred by ordinance to the Code Enforcement Board.

RECOMMENDED ACTION:

Adopt on 2nd reading an ordinance amending the City of Palatka Code of Ordinances to restate Chapter 2, Article V, Division 1, Code Enforcement Board, Sections 2-281 through 2-291.

ATTACHMENTS:

| Description | Type |
|-------------|-----------|
| D Ordinance | Ordinance |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------|----------|--------|------|
|------------|----------|--------|------|

| | | | |
|--------------|------------------|----------|----------------------|
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:12 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:12 PM |
| City Manager | Czymbor, Michael | Approved | 6/30/2014 - 1:10 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:19 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:52 PM |

ORDINANCE NO 14 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 2, ARTICLE V, DIVISION 1, CODE ENFORCEMENT BOARD, BY AMENDING ARTICLE V, SECTION 2-281, DEFINITIONS; SECTION 2-283, JURISDICTION; 2-285, ENFORCEMENT PROCEDURES; SECTION 2-286, CONDUCT OF HEARINGS; SECTION 2-288, FINES; SECTION 2-289 APPEALS AND SECTION 2-290 NOTICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, code violations create conditions which negatively affect the health, safety and welfare of the community as well as the general livability of the community occur at businesses and residences in the City of Palatka; and

WHEREAS, code violations are enforced by the City of Palatka through its' Code Enforcement Officer and the Code Enforcement Board; and

WHEREAS, the City of Palatka wishes to utilize the Code Enforcement Board as its' Nuisance Abatement Board; and

WHEREAS, the City of Palatka incurs costs for the enforcement of code violations to include fines, fees, prosecution costs and abatement costs that need to be paid to the City of Palatka by the party or parties responsible for the code violations; and

WHEREAS, the City of Palatka wishes to levy fines, collect fees and costs of prosecution; and

WHEREAS, this Ordinance amends and replaces Chapter 2, Article V, Division 1 of the Palatka Municipal Code of Ordinances, entitled Code Enforcement Board.

NOW, THEREFORE, BY IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 2, Article V, Code Enforcement Board, Division 1, Generally, Sections 2-281 through 2-290, be and are hereby restated in their entirety as follows:

DIVISION 1. – GENERALLY

Sec. 2-281. - Definitions.

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

~~Code inspector means the city manager or his designee.~~

Code enforcement officer means any designated employee or agent of the city whose duty it is to enforce codes and ordinances enacted by the city, as well as a city law enforcement officer as defined in this section; provided, however, nothing in this definition shall be construed to authorize any person designated as a code enforcement officer, other than a law enforcement officer, to perform any function or duties of a law enforcement officer other than as specified. A code enforcement officer, other than a law enforcement officer, shall not make physical arrests or take any person into custody and shall be exempt from bonding, and the requirements of the criminal justice standards and training commission, as defined and required by general law.

Commission means the governing body of the city.

Enforcement board means the code enforcement board.

Sec. 2-282. - Intent of article.

It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the city by providing an equitable, expeditious, effective and inexpensive method of enforcing the codes of the city described in this article.

Sec. 2-283. - Jurisdiction.

The code enforcement board created by this article pursuant to F.S. Ch. 162 shall exist pursuant to the intent of that statute until and unless the city commission shall determine that such intent is not being implemented. The code enforcement board shall enforce and have jurisdiction of the following provisions of this Code:

- (1) Chapter 3, Adult Entertainment Establishments.
- (2) Chapter 6, Advertising.
- (3) Chapter 14, Animals.

- (4) Chapter 18, Buildings and Building Regulations.
- (5) Chapter 30, article II, Nuisances.
- (6) Chapter 30, article III, Junked Automobiles and Abandoned Property.
- (7) Chapter 30, article VI, Minimum Standards for Maintenance.
- (8) Chapter 46 article IV, Nuisances**
- (9) Chapter 54, article III, Historic Districts.
- (10) Chapter 62, Signs.
- (11) Chapter 70, Streets, Sidewalks, and Other Public Places.
- (12) Chapter 78, article V, Occupational License Tax.
- (13) Chapter 86, Utilities.
- (14) Chapter 94, Zoning.

Sec. 2-284. - Membership, organization and meetings.

- (a) *Number of members; qualifications.* There is hereby created a code enforcement board of the city, which shall consist of seven members to be appointed by the commission, who shall serve without compensation. The commission may also appoint up to two alternate members who may serve on the board in the absence of board members and who shall also serve without compensation. All members of the board as well as the alternate members shall be residents of the city.
- (b) *Composition.* The membership of the enforcement board shall whenever possible include experts in the following fields:
 - (1) Architecture.
 - (2) Business.
 - (3) Engineering.
 - (4) General contracting.
 - (5) Subcontracting.
 - (6) Real estate.
- (c) *Reappointment of members.* Any member may be reappointed for successive terms upon approval by the commission.
- (d) *Term of office of members.* The initial appointments to the enforcement board shall be as follows:
 - (1) Two members shall be appointed for a term of one year.
 - (2) Three members shall be appointed for a term of two years.
 - (3) Two members shall be appointed for a term of three years.
 - (4) The alternate members shall be appointed for an initial term which will expire on the last day of the month of September, 2003. Thereafter, said alternate members or their successors shall be appointed for terms of three years each.
Thereafter, each term shall be for a period of three years.

- (e) *Removal of members; vacancies.* Members of the enforcement board may be removed from office by the commission for cause upon written charges and after a public hearing. If any member fails to attend two out of three successive meetings without cause and without prior approval of the chairperson of the enforcement board, the board shall declare the member's office vacant and the commission shall promptly fill such vacancy. Vacancies shall be filled by the commission for the unexpired term affected.
- (f) *Officers.* At the first meeting of the enforcement board, the members of the enforcement board shall elect a chairperson and a vice-chairperson from among the members; the vice-chairperson shall preside in the absence of the chairperson.
- (g) *Quorum.* The presence of four or more members shall constitute a quorum of the enforcement board necessary to take action.
- (h) *Compensation of members.* Board members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the council.
- (i) *Calling of special meetings.* Special meetings of the enforcement board may be convened by the chairperson upon the giving of notice thereof to each member of the enforcement board. Unless waived by a majority of the enforcement board, notice of a special meeting shall be given at least 24 hours prior thereto.
- (j) *Minutes; hearings to be open to public; personnel; legal counsel.* Minutes shall be maintained of all hearings held by the enforcement board, and all hearings shall be open to the public. The commission shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties. The city attorney shall be counsel to the enforcement board.

Sec. 2-285. - Enforcement procedures

- (a) *Initiation of enforcement proceedings.* It shall be the duty of the code enforcement officer ~~inspector~~ to initiate enforcement proceedings of the various codes over which the code enforcement board has jurisdiction pursuant to this ordinance. No board member shall have the power to initiate enforcement proceedings.
- (b) *Notice of violation; request for hearing.* If a violation of the codes is found, the code enforcement officer ~~inspector~~ shall notify the violator, unless subsection (c) of this section applies, and give the violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer ~~inspector~~ shall

notify the enforcement board and request a hearing pursuant to the procedure in section 2-286. Written notice shall be mailed to the violator as provided in this division.

- (c) *Emergencies.* If the code *enforcement officer* ~~inspector~~ has reason to believe a violation presents a serious threat to the public health, safety and ~~or~~ welfare, *and the normal procedure for noticing and citing a violation is not feasible because of the nature of the threat posed by the violation the code inspector may issue a notice to the violator to appear before the Code Enforcement Board at a designated time and place.* ~~proceed directly to the procedure in section 2-286 without notifying the violator by the written notice and citation provided in subsection (b) of this~~

Sec. 2-286. - Conduct of hearings.

- (a) *Calling of hearings.* The chairperson of the enforcement board may call hearings of the enforcement board, and hearings may also be called by written notice signed by at least three members of the enforcement board. The enforcement board at any hearing may set a future hearing date. The enforcement board should attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates.
- (b) *Minutes; hearings to be open to public; personnel.* Minutes shall be kept of all hearings by the enforcement board and all hearings shall be open to the public. The commission shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties.
- (c) *Presentation of cases.* Each case before the enforcement board shall be presented by the *code enforcement officer* ~~inspector~~, ~~or the City Attorney.~~
- (d) *Hearing of cases; testimony.* The enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code *enforcement officer* ~~inspector~~, *any other witnesses and* alleged violator. Formal rules of evidence shall not apply; however, fundamental due process shall be observed and govern the proceedings.
- (e) *Decision; issuance of order; voting.* At the conclusion of the hearing, the enforcement board shall issue findings of fact and conclusions of law and shall issue an order affording the proper relief consistent with powers granted in this division.

The findings shall be by motion approved by a majority of those present and voting, except that at least three members of the enforcement board must vote in favor of the action to be official.

- (f) Once the alleged violator(s) has been properly noticed as to the hearing before the board and if the violator(s) fails to appear, the board may proceed with a hearing on the merits of the alleged violation. Any findings or orders resulting from such hearing are valid and binding upon said violator(s) if a violation is found to exist.**
- (g) Once the owner(s) of the property at which the alleged violation has occurred has been properly notified of the hearing before the board and fails to appear, the board may proceed with a hearing on the merits of the alleged violation and any findings or orders are valid and binding against said owner(s).**
- (h) If a corporation is either the violator or the owner of the property, notice as outlined herein shall be affected upon the designated registered agent. If the corporation is a foreign corporation that has failed to comply with F.S. § 48.091, notice shall be permitted to be served upon any employee at the corporation's place of business or any agent transacting business for it in this state.**

Sec. 2-287. - Powers.

The enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the city's police department.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

Sec. 2-288. – Fines.

- (a) The code enforcement board, upon notification by the code enforcement officer ~~inspector~~ that an order of the code enforcement board has not been complied with by the set time, or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code ~~inspector~~ enforcement officer.

In addition, if the violation is a violation described in F.S. § 162.06(4), the code enforcement board ~~shall notify the city commission, which~~ may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section.

If a finding of a violation or a repeat violation has been made as provided in this division, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.

- (b) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation. In determining the amount of the fine, if any, the enforcement board shall consider the following factors:
- (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.

The enforcement board may reduce a fine imposed pursuant to this section.

- (c) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this division shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the city commission, and the city commission may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the enforcement board may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

- (d) No lien provided under the Local Government Code Enforcement Boards Act (F.S. § 162.01 et seq.) shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Sec. 2-289. – Appeals; other enforcement methods.

- (a) An aggrieved party, including the city, may appeal a final administrative order of the enforcement board to the circuit court of the county. An appeal shall be filed within 30 days of the execution of the order. **Regardless of the outcome of the appeal, each party shall pay their own respective costs and attorney's fees as incurred in prosecuting and/or defending the appeal.**
- (b) Nothing contained in this article shall prohibit the city from enforcing its codes by any other means. It is the intent of this article to provide an additional or supplemental means of obtaining compliance with city codes.

Sec. 2-290. - Notices.

- (a) All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector or other person designated by the city commission; or by leaving **delivery of the notice by anyone authorized to effect hand delivery** at the violator's usual place of residence **with to** any person residing therein who is above 15 years of age and informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a

newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

- (2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the primary municipal government office. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (3) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section. Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

Section 2. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section 3. That this ordinance shall take effect upon its passage as provided by law.

Section 4. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 26th day of June, 2014.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Agenda Item

6



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending the City of Palatka Code of Ordinances to restate Chapter 30, Environment, Article II, Nuisances, Section 30-31 through 30-39 - 2nd Reading, Adopt

SUMMARY:

This is the 2nd reading of this ordinance, which was passed on first reading on June 12, 2014.

In January 2013, the Palatka Police Department was tasked with transitioning the Code Enforcement function for the City of Palatka to the Palatka Police Department. One of the steps taken during the transition has been the review of applicable City of Palatka ordinances to determine if any changes to the ordinances needed to be made to make code enforcement more effective and efficient. That review took place while considering some changes that are considered necessary to enhance the code enforcement function.

The City of Palatka has an ordinance, Chapter 30, Article II, Section 30-31 through 30-39 that deals with nuisances and prohibited conditions. A review of that ordinance revealed that the definitions and descriptions of prohibited conditions and minimum maintenance standards was inadequate in that it was too general in nature and did not specify violations in a professional manner.

Research was conducted and more detailed definitions and descriptions for nuisance conditions and minimum maintenance standards were sought. We were successful in locating alternate language that provided for the detailed definitions and descriptions needed. The minimum maintenance standards from a neighboring community, Palm Coast provided a great deal of the language needed.

RECOMMENDED ACTION:

Adopt on 2nd reading an ordinance restating Chapter 30, Environment, Article 2, Nuisances, Sections 30-31 through 30-39.

ATTACHMENTS:

| Description | Type |
|---------------------------|-----------|
| D Ordinance Amd30-31 - 39 | Ordinance |

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|------------------|----------|----------------------|
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:29 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:29 PM |
| City Manager | Czymbor, Michael | Approved | 6/30/2014 - 1:10 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:19 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:52 PM |

ORDINANCE No. 14 -

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED "NUISANCES" BY RESTATING THE ARTICLE IN ITS ENTIRETY; REVISING PROHIBITED CONDITIONS AND PUBLIC NUISANCES; ENFORCEMENT; PROVISIONS REGARDING NOTICES, APPEALS, COSTS AND RECORDING OF ASSESSMENTS TO ABATE NUISANCES; DELETING SECTION 30-40, FORM OF ASSESSMENT NOTICE IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, code violations create conditions which negatively affect the health, safety and welfare of the community as well as the general livability of the community occur at businesses and residences in the City of Palatka; and

WHEREAS, code violations are enforced by the City of Palatka through its' Code Enforcement Officer and the Code Enforcement Board; and

WHEREAS, the City of Palatka wishes to establish uniform descriptions of prohibited conditions and nuisances that constitute violations of City of Palatka code; and

WHEREAS, the City of Palatka wishes to enforce code violations in a uniform manner;

WHEREAS; the City of Palatka wishes to establish a procedure for the abatement of code violations, notices to abate, appeal of abatement orders, abatement by the City of Palatka and recovery of costs for abatement

WHEREAS, this Ordinance amends and replaces Chapter 30, Article II of the Palatka Municipal Code of Ordinances.

NOW, THEREFORE, BY IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 30, Environment, Article II, entitled Nuisances, shall be and is hereby restated in its entirety as follows:

Sec. 30-31. - Penalty.

Every owner who shall fail, refuse or neglect to comply with the order of the city manager or the city commission or who otherwise violates any of the provisions of this article shall be deemed guilty of a violation of this Code and shall, upon conviction thereof, be subject to punishment as provided in section 1-10.

Sec. 30-32 – Prohibited Conditions and Public Nuisances

(a) Purpose and Intent. The purpose and intent of this section is to prohibit and prevent the following conditions:

- (1) Accumulation of trash, junk, or debris, living and nonliving plant material, hazard tree(s), and stagnant water.**
- (2) Excessive and untended growth of grass, weeds, brush, branches, and other overgrowth.**
- (3) The existence of all other objectionable, unsightly or unsanitary matter, materials, and conditions on improved property.**
- (4) Property being inhabited by, or providing a habitat for rodents, vermin, reptiles, or other wild animals.**
- (5) Property providing a breeding place for mosquitoes.**
- (6) Property being a place, or being reasonably conducive to serving as a place, for illegal or illicit activity.**
- (7) Property threatening or endangering the public health, safety, or welfare of City residents.**
- (8) Property reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.**
- (9) Property adversely affecting and impairing the economic value or enjoyment of surrounding or nearby property.**
- (10) Failure to replace or repair with similar or improved material in a reasonable period, not to exceed 60 days, broken or missing building components, including, but not limited to, doors, windows, roofing material, siding, and drives/walks outside the right-of-way which detract from the aesthetics of the neighborhood, shopping area, industrial area or other commercial area within the service district.**
- (11) Failure to repair, replace, or remove broken fencing, screening or decorative elements on a developed parcel or lot.**

(12) Failure of owner of land to keep any sidewalk abutting thereon and all parkways to the curb line free and clear of all weeds, undergrowth, rubbish, debris and trash.

(b) Definitions. These words, terms and phrases, when used in this Section will mean the following:

Abandoned property includes, but is not limited to, wrecked or derelict property which has been left behind when it appears that the former owner does not intend to come back, pick it up, or use it. Examples may include, but are not limited to, possessions left in a house, possessions left outside a structure, vehicles, vessels, etc., left behind or beside a road for a period of time not to exceed ten days.

Abandoned vehicle means, but is not limited to, any wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include, but is not limited to, a vehicle in a state of disuse, neglect, a vehicle without a license plate, a vehicle with a license plate that is not registered to that vehicle, a vehicle that does not have a registration sticker affixed to the license plate, a vehicle that has a registration sticker affixed to the license plate which has expired. Evidence of disuse, neglect or abandonment may include, but is not limited to, factors such as: Refuse or debris collected underneath or the vehicle being used solely for storage purposes; if it is partially dismantled, having no engine, transmission, or other major and visible parts; having major and visible parts which are dismantled; incapable of functioning as a motor vehicle in its present state; having only nominal salvage value; or being in any physical state rendering it inoperable. A vehicle will be considered abandoned or derelict if it is in an evident state of extended disuse or neglect and which has been left abandoned and unprotected from the elements.

Abate means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such manner and to such an extent as necessary in the interest of the general health, safety and welfare of the community as determined by the City Manager, or his/her designee.

Actual cost means the actual contract amount plus interest, if any, as invoiced by an independent, private contractor for

terminating and abating a violation of this section on a lot, tract, or parcel, plus the cost of serving notice of the remedy, obtaining title information on the property, administrative costs of \$150.00, and all other identifiable costs incurred by the City for the abatement of the public nuisance on the lot, tract, or parcel.

Attractive nuisance means, but is not limited to, leaving a piece of equipment or other condition on property which would be attractive and dangerous to the safety of curious children. This would include, but is not limited to, unguarded swimming pools, open pits, abandoned personal and real property, refrigerators, and buildings which have been boarded up for longer than 60 days.

City means the incorporated municipality of Palatka, with definite boundaries and legal powers as set forth in the State Charter, including any subsequent annexation.

Compost bin means a container designed for the purpose of allowing nonliving plant or vegetative material to decompose for use as fertilizer. For purposes of this division, any such compost bin shall be constructed of wire, wood lattice or other material which allows air to filter through the structure. A compost bin shall not exceed an area of 16 square feet and a height of three feet.

Excessive growth of grass, weeds, or brush and other overgrowth means grass or weeds greater than eighteen inches (18 ") in height or brush, or bushes, or shrubs, or trees, or vines, or flowering plants and other living plant life that is allowed to grow in a wild and unkempt manner not in keeping with the neighborhood.

Hazard tree means, but is not limited to, a tree that is dead, diseased, or dying, or has a structural defect that predisposes it to becoming a hazard that could cause personal injury or property damage and the tree is located near a target, as defined herein.

Imminent public health threat means the condition of a lot, tract, or parcel of land that, because of the accumulation of trash, junk, or debris, which includes but is not limited to, broken glass, rusted metal, automotive and appliance parts, abandoned vehicles or inoperable vehicles, some of which may contain chemicals, such as Freon, oils, fluids or the like, capable of causing injury or disease to humans or animals or contaminate the environment; or the condition

of a lot, tract or parcel that, because of excessive growth of grass, weeds, or brush, hazard tree(s), or stagnant water, can harbor criminal activity, create a habitat for rodents, vermin, reptiles, or other wild animals, become a breeding ground for mosquitoes, or become a place to conduct illegal activity; a place that threatens or endangers the public health, safety or welfare of City residents; a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease.

Improved lot means, but is not limited to, any lot or parcel of land on which the wild or natural state has been changed or altered, or possessing a valid permit for construction of a dwelling house, commercial or industrial building assigned to it.

Inoperable vehicle means any wrecked or partially dismantled vehicle that is parked or stored without having all the wheels mounted, or is in a condition of substantial disrepair, or which is parked or stored without having tires inflated, or cannot be operated legally upon the roadways of Florida, or other similar conditions.

Nonliving plant material means nonliving vegetation such as, but not limited to, leaves, grass cuttings, shrubbery cuttings, tree trimmings and other material incidental to attending to the care of lawns, shrubs, vines and trees.

Nuisance means (i) the excessive growth of grass, weeds, brush, branches, and other overgrowth; (ii) a habitat for rodents, vermin, reptiles, or other wild animals; or (iii) a breeding ground for mosquitoes; (iv) a place conducive to illegal activity as listed in Article IV, Sec. 46-252; (v) a place that threatens or endangers the public health, safety or welfare of City residents; (vi) a place that is reasonably believed to cause currently, or potentially to cause in the future, ailments or disease; or (vii) a condition on the property that adversely affects and impairs the economic value or enjoyment of surrounding or nearby properties; (viii) failure to replace or repair with similar or improved material in a reasonable period, not to exceed 60 days, broken or missing building components, including, but not limited to, doors, windows, roofing material, siding, and drives/walkways outside the right-of-way which detract from the aesthetics of the neighborhood, shopping area, industrial area or other commercial area within the service district; (ix) failure to repair, replace, or remove broken fencing, screening or decorative elements

on a developed parcel or lot, is declared to be a nuisance and menace to the public health, safety, and welfare of the citizens of the City, including, but not limited to abandoned property, abandoned vehicle(s), inoperable vehicles, or any other attractive nuisance.

Property means a lot or tract or parcel of land and the adjacent right-of-way portion, whether such lot or tract or parcel is improved or unimproved.

Stagnant water means, but is not limited to, any swimming pool, pond, cesspool, well, cistern, rain barrel or other receptacle containing water or accumulation of water that is not moving or flowing, may become foul smelling, contain growth of various flora, become coated with scum and in such a condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

Target is an area where personal injury or property damage could occur if a tree or portions of a tree fails. Target includes, but is not limited to, sidewalks, walkways, roads, vehicles, structures, or a place where people gather (for example, a backyard).

Trash, junk, or debris means waste materials including, but not limited to, putrescible and nonputrescible waste, combustible and noncombustible waste, and generally all waste materials including, but not limited to, paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, inoperable vehicle(s), dismantled pieces of motor vehicles or other machinery, abandoned vehicles, tires, rusted metal articles, and abandoned property of any kind.

Unimproved lot means a lot, tract or parcel that is not made use of; is not legally cleared of trees and brush; in the wild or natural state; and does not have certain basic required services necessary to utilize it for other purposes. These services may include, but are not limited to, electricity, telephone, sewer, street access, or water.

(c) Declaration of nuisance

The City of Palatka prohibits the existence of any nuisance as defined herein for the following reasons: The property is dangerous, unhygienic, unhealthy, visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it

depreciates, or potentially can depreciate, the value of neighboring property.

(d) Duties and maintenance requirements of property owners and permissible uses.

(1) It shall be the duty of the owner of property to eliminate on their lot, tract or parcel of land any public nuisance known at common law or in equity jurisprudence or as provided by the Statutes of the State of Florida or the City code and City ordinances including, but not limited to, excessive growth of grass, weeds, brush, hazard tree(s), and other overgrowth on the property, and that portions of the adjoining public right-of-way between the property and the paved or graded street; conditions which endanger human life or substantially and detrimentally affect the utility, livability, safety or security of occupants, nearby occupants or passers-by; conditions which render air, food or drink unwholesome or detrimental to the health of human beings; fire hazards; structurally unsound fences or structures; abandoned buildings when they are unsecured or unsecurable and when by reason of abandonment or neglect they contain hazards, or other unsafe conditions; and any attractive nuisance which may prove detrimental to the health or safety of children or others whether in a building, on the premises of a building or upon an unimproved lot.

(2) Maintenance requirements.

- a. Properties subject to this division shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, abandoned personal items included, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.**
- b. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.**

- c. Front, side, and rear yard landscaping shall be maintained in accordance with the City's codes.
- d. Landscape shall include, but not be limited to, grass, groundcovers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e. Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.
- f. Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or notice of violation/notice of hearing by a City's Code Enforcement Officer. Pursuant to a finding and determination by the City's Code Enforcement Board/Hearing Officer, the City may take the necessary action to ensure compliance with this section unless the City Manager or his/her designee determines that conditions on a property constitute an imminent public health threat.

(3) The following uses are permissible:

- a. Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid-waste collection.
- b. The storage of nonliving plant material in compost bins, except that any property may have no more than two compost bins.
- c. Keeping wood on the property for use as fire or fuel, provided such wood shall be piled, stacked, bundled, or corded and the area surrounding the piles, stack, bundles, or cords shall be free of excessive growth of grass, weeds, brush, branches, and other overgrowth.

(e) Imminent public health threat

Whenever the City Manager or his/her designee determines that conditions on a property constitute an imminent public health threat, and the situation calls for abatement sooner than the abatement

procedures in this Code permit, the City Manager or his/her designee may order and cause the summary abatement of those conditions without the prior notice or hearing requirements prescribed herein. After-the-fact notice will be provided by the City to the owner no later than ten working days after the abatement. After-the-fact notice shall be sent as set forth in subsection (f) below, and the owner shall have: (i) 30 days from the date the invoice is mailed to reimburse the City; or (ii) 15 days to appeal, as set forth in subsection (g) below, the City's determination that an imminent public health threat existed on the property. If the subject property is secured by locks or otherwise, the City shall have the authority to enter said property for purposes of remedying the condition causing the nuisance or violation, and any additional costs incurred by the City in gaining access to the property including, but not limited to, judicial action, or in re-securing the property after cleaning and clearing, shall be considered expenses of remedying the condition.

It shall be unlawful for any owner of any lot, parcel or tract of land within the city to:

- (1) ~~Permit weeds, grass or undergrowth to grow thereon to a height of 18 inches or more from the ground.~~
- (2) ~~Permit rubbish, trash, debris, dead trees or other unsightly or unsanitary matter to remain thereon.~~
- (3) ~~Permit the existence of depressions or excavations or any other condition on such premises wherein water may accumulate and stand in such manner or fashion as to make possible the propagation of mosquitoes therein.~~
- (4) ~~Permit junk, disabled cars and trucks, trash, waste and old lumber to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.~~
- (5) ~~Allow any condition to exist on the premises which, in the opinion of the local health official, is dangerous to the health, safety and welfare of the public.~~
- (6)

~~Store abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.~~

(7)

~~Store junk, debris or any unsightly material in open garports.~~

Sec. 30-33. - Abatement required; ~~duty of abutting property owner to keep sidewalk and parkway clean.~~

~~It shall be the duty of every owner of land lying within the corporate limits of the city to abate any of the conditions set forth in section 30-32. It shall also be the duty of every owner of land to keep any sidewalk butting thereon and all parkways to the curbline free and clear of all weeds, undergrowth, rubbish and debris, and trash.~~

Sec. 30-34. – Enforcement ~~Service of notice to abate~~ .

~~If the owner of any land within the city shall fail to comply with the provisions of section 30-32 or 30-33. **Enforcement shall be carried out as set forth in Section 2-285 through 2-291 of the Palatka Municipal Code. Civil penalties and fees for violations of section 30-32 are set forth in section 2-314, uniform fine schedule.** the city manager shall give notice to such owner, requiring him to comply with such requirements, or such of the requirements as may be necessary and appropriate in the particular case. Such notice may be given by mailing, by certified mail, return receipt requested, a true copy of such notice to the owner of the land at the address as shown on the latest tax rolls. If the notice is returned unclaimed or marked "address unknown," then notice may be served by posting a true copy thereof on the property involved for ten consecutive days.~~

Sec. 30-35. - Contents of n Notice to abate.

The city manager or his her designee shall give notice to such owner, requiring him or her to comply with such requirements, or such of the requirements as may be necessary and appropriate in the particular case. The notice and shall specify the time, not less than 15 days, in which the owner shall abate the nuisance and clear the land. Such notice may be given by mailing, by certified mail, return receipt requested, a true copy of such notice to the owner of the land at the address as shown on the latest

tax rolls. If the notice is returned unclaimed or marked "address unknown," then notice may be served by posting a true copy thereof on the property involved for ten consecutive days.

~~The notice provided for in section 30-34 shall set forth the legal description of the property as set forth on the latest tax rolls, and shall specify the time, not less than 15 days, in which the owner shall abate the nuisance and clear the land. Such notice shall have attached thereto a true copy of this article.~~

Sec. 30-36. - Appeal from notice to abate.

(a) Any owner aggrieved by the findings and order of the city manager or his/her designee as set forth in the notice provided for in sections 30-34 and 30-35 shall have the right to appeal to the ~~city commission~~ **Code Enforcement Board**. Appeal shall be taken within ten days after service of such notice by filing with the city manager or City Clerk a notice of appeal and specifying the grounds thereof. The ~~city manager~~ **Code Enforcement Supervisor shall schedule the appeal for the** at next regular or special meeting of the ~~city commission~~ **Code Enforcement Board**. An appeal shall stay all proceedings in furtherance with the action appealed from until a hearing on the appeal is had by the ~~city commission~~ **Code Enforcement Board**.

(b) ~~The city commission shall forthwith fix a reasonable time for the hearing of the appeal and give not less than five days' notice thereof to the appellant. At the hearing, the appellant may appear in person, by agent or attorney, and shall be given an opportunity to be heard. The commission shall act by formal resolution, which shall set forth the reasons for its action.~~

Sec. 30-37. - Abatement by city authorized.

If an owner fails, refuses or neglects to comply with the order of the city manager or his/her designee pursuant to this article, and fails, refuses or neglects to exercise the right of appeal provided for in section 30-36 within the time prescribed therefore, or fails, refuses or neglects to comply with the order of the ~~city commission upon appeal to the city commission~~ **Code Enforcement Board upon appeal to the Code Enforcement Board**, the city manager or his/her designee shall cause the nuisance to be abated, and the reasonable cost and expense of such abatement by the city is hereby assessed against the

land cleared and cleaned or the land abutting on the sidewalk cleaned or cleared, or the land filled.

Sec. 30-38. - Assessment of costs of abatement.

As soon as feasible after such abatement of a nuisance pursuant to section 30-37, the cost thereof to the city for each parcel or lot shall be calculated and reported by the city manager or his/her designee to the Code Enforcement Board city-commission. Thereupon, the city-commission Code Enforcement Board shall by ~~resolution~~ finding of fact, conclusion of law and order assess such cost against such parcel. The ~~resolution~~ finding of fact, conclusion of law and order shall describe the land, give the name of the owner thereof, and give the cost of the abatement actually incurred by the city in abating such nuisance.

~~(Code 1981, § 21-7)~~

Sec. 30-39. - Recording of ~~resolution~~ assessing costs of abatement.

As soon as possible after the adoption of the ~~resolution~~ finding of fact, conclusion of law and order provided for in section 30-38, the city-clerk Code Enforcement Officer shall record a certified copy of such ~~resolution~~ finding of fact, conclusion of law and order in the office of the clerk of the circuit court in and for the county. The city-clerk Code Enforcement Officer also shall mail a notice to the owner of record of each parcel of land described in the ~~resolution~~ finding of fact, conclusion of law and order, which notice shall be mailed to the last available address of such owner.

~~(Code 1981, § 21-8)~~

~~Sec. 30-40. - Form of assessment notice.~~

~~The form of the assessment notice called for in section 30-39 to be sent by the city clerk shall be substantially as follows:~~

NOTICE

| | |
|--|------|
| | Date |
|--|------|

TO: _____

ADDRESS: _____

PROPERTY: _____

~~You, as the owner of record of the property above described, are hereby advised that on the ;#rule; day of ;daterule;, 10_____, you were notified of a certain nuisance existing on the above described property, such nuisance being described (here describe nuisance briefly)~~

~~You failed to abate such nuisance, whereupon it was abated by the city at a cost of \$;#rule;. Such cost has been by resolution of the City Commission, dated ;daterule;, 10_____, levied against the above described property.~~

~~BY ORDER OF THE CITY COMMISSION:~~

| | |
|---------------------|--|
| _____ City Clerk | |
|---------------------|--|

Section 2. That all sections of Chapter 30, Article II of the Palatka Municipal Code be renumbered accordingly to accommodate the changes described in this Ordinance, if necessary.

Section 3. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section 4. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section 5. That this ordinance shall take effect upon its passage as provided by law.

Section 6. That a copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on second reading this 26th day of June, 2014.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

*Agenda
Item*

7



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending the City of Palatka Code of Ordinances to restate Chapter 30, Article III, Junked Automobiles and Abandoned Property, Sections 30-61 through 30-77 - 2nd Reading, Adopt

SUMMARY:

This ordinance was passed on first reading on June 12 with no amendments. In January 2013, the Palatka Police Department was tasked with transitioning the Code Enforcement function for the City of Palatka to the Palatka Police Department. One of the steps taken during the transition has been the review of applicable City of Palatka ordinances to determine if any changes to the ordinances needed to be made to make code enforcement more effective and efficient. That review took place while considering some changes that are considered necessary to enhance the code enforcement function.

The City of Palatka has an ordinance that relates to junked vehicles and abandoned, wrecked or derelict property, Chapter 30, Article III, Section 30-61 through 30-77. A review of the ordinance found that the Code Enforcement Officer needed to be referenced in the definitions. It was also found that the ordinance specified the City Commission as the governmental body to hear all cases involving junked vehicles and abandoned, wrecked or derelict property.

As stated, the code enforcement officer title was not found in the definitions section of the ordinance. To make this ordinance consistent with other ordinances involving code enforcement the title needed to be included in the definitions.

It was found that utilizing the City Commission to hear cases involving junked vehicles and abandoned, wrecked or derelict property was not consistent with other ordinances already in effect. Junked vehicles and abandoned, wrecked or derelict property fall under the definition of public nuisances and should be addressed by the Code Enforcement Officer and the Code Enforcement Board.

RECOMMENDED ACTION:

Adopt on second reading the ordinance amending the City of Palatka Code of Ordinances to restate Chapter 30, Article III, Junked Automobiles and Abandoned Property, Sections 30-61 through 30-77.

ATTACHMENTS:

| Description | Type |
|------------------------------------|-----------|
| <input type="checkbox"/> Ordinance | Ordinance |

REVIEWERS:

| Department | Reviewer | Action | Date |
|------------|----------|--------|------|
| | | | |

| | | | |
|--------------|------------------|----------|----------------------|
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:31 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:32 PM |
| City Manager | Czymbor, Michael | Approved | 6/30/2014 - 1:10 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:20 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:53 PM |

ORDINANCE No. 14- _____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA TO REVISE CHAPTER 30, ENVIRONMENT, ARTICLE II, ENTITLED "JUNKED AUTOMOBILES AND ABANDONED PROPERTY" BY REVISING DEFINITIONS, PENALTY, SERVICE OF NOTICE TO REMOVE JUNKED VEHICLES AND ABANDONED PROPERTY FROM PUBLIC OR PRIVATE PROPERTY, AND REQUEST FOR, CONDUCT OF AND DECISION OF HEARING; BY DELETING SECTION 30-63, ENFORCEMENT, IMMUNITY OF ENFORCEMENT OFFICERS FROM PROSECUTION FOR TRESPASS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, code violations involving junked vehicles and abandoned, wrecked or derelict property negatively affect the health, safety and welfare of the community as well as the general livability of the community in the City of Palatka; and

WHEREAS, code violations are enforced by the City of Palatka through its' Code Enforcement Officer and the Code Enforcement Board; and

WHEREAS, the City of Palatka wishes to enforce code violations in a uniform manner;

WHEREAS; the City of Palatka wishes to provide for the removal of junked vehicles or abandoned, wrecked and derelict property from public and private properties in the City of Palatka,

WHEREAS; the City of Palatka wishes to provide for the hearings to appeal notices for removal,

WHEREAS; the City of Palatka wishes to collect for the cost of removal and storage of junked vehicles, or abandoned, wrecked and derelict property,

WHEREAS, this Ordinance amends and replaces Chapter 30, Article III of the Palatka Municipal Code of Ordinances.

NOW, THEREFORE, BY IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 30, Environment, Article III, entitled Junked Automobiles and Abandoned Property, shall be and is hereby restated in its entirety as follows:

Sec. 30-61. - Definitions.

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

Abandoned property means wrecked or derelict property having no value other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and shall include wrecked or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left abandoned and unprotected from the elements.

Enforcement officer means the city manager, police chief, police officer, **code enforcement officer**, director of public services, building official, building inspector or compliance officer, or any other officer or employee of the city designated by law or by the Charter, ordinances or resolutions of the city to enforce the provisions of this article.

Junked vehicle means any motor vehicle, as defined by state statutes, which:

- (1) Is inoperative and which does not have lawfully affixed thereto a valid unexpired license tag and which is wrecked, dismantled, partially dismantled or discarded; or
- (2) Remains inoperative for a continuous period of more than 120 days.

Private property means real property located within the city which is not owned or used by a governmental body, but does not include a place licensed and permitted under **chapter 94** (the zoning code) to be used as a junkyard.

Public property means lands and improvements owned by the federal government or its agencies or bureaus, the state or its departments, divisions or districts, the county, and the city or any other municipalities lying within the

county, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

(Code 1981, § 10-1)

Cross reference— *Definitions generally, § 1-2.*

Sec. 30-62. - Penalty.

Any person violating the provisions of this article shall, upon conviction, be subject to punishment, as provided by **Chapter 2, Article II, Division 2, Section 2-314**. Each day that such violation shall continue shall constitute a separate offense.

(Code 1981, § 10-5)

~~**Sec. 30-63. - Enforcement; immunity of enforcement officers from prosecution for trespass.**~~

~~The enforcement officer shall enforce this article, and references in this article to the enforcement officer shall include his authorized assistants. Pursuant to the authority conferred by F.S. § 705.16(7), the enforcement officer or any person authorized by the enforcement officer shall be immune from prosecution, civil or criminal, for reasonable good faith trespass upon real property while in the discharge of duties imposed by this article.~~

(Code 1981, § 10-2)

Sec. 30-63. - Declaration of public nuisance.

The location or presence of any junked vehicle or abandoned, wrecked or derelict property on any lot or tract or parcel of land, or portion thereof, public or private, improved or unimproved, occupied or unoccupied, within the city shall be deemed a public nuisance, and it shall be unlawful for any person in the city to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his vehicle on the property of another, or to suffer, permit or allow such vehicle to be placed, located, maintained or exist upon his own real property; provided that this section shall not apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property.
- (2) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer.

- (3) Unlicensed inoperable vehicles stored on private property; provided, however, that the vehicles and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view from the fronting street or roadway by means of a fence, trees, shrubbery or other appropriate means.

(Code 1981, § 10-3)

Sec. 30-64. - Prohibited acts.

It shall be unlawful and no person shall:

- (1) *Abandoning property.* Place, leave or cause to be placed or left on public or private property any junked vehicles or any abandoned property.
- (2) *Abandoning airtight containers.* Place or leave outside a building or dwelling or on an unenclosed porch, areaway or other portion of a building or dwelling or in a place accessible to children, or permit to remain in a place under his control, an abandoned, unattended or discarded icebox, refrigerator, freezer or other container having an interior capacity of 1.5 cubic feet or capacity of 1.5 cubic feet or more, which has a substantially airtight door or cover designed or intended to be fastened with a snap lock or other mechanical device which, when closed, cannot readily be released for opening from the inside of the icebox, refrigerator, freezer or other container, unless the locking device shall have been removed and the door or cover which it was designed or intended to secure will open freely at all times.
- (3) *Obstructing enforcement officer.* Oppose, obstruct or resist the enforcement officer or any person authorized by the enforcement officer in the discharge of his duties as provided by this article.
- (4) *Removing or defacing notice.* Remove, deface or destroy any notice affixed to abandoned property under this article without the enforcement officer's consent.

(Code 1981, § 10-4)

Sec. 30-65. - Removal of junked vehicles from public property.

Removal of junked vehicles from public property shall be in accordance with F.S. § 705.103.

**Sec. 30-66. - Notice to remove abandoned property from public property—
Posting of notice.**

- (a) Whenever a public nuisance exists in the city in violation of this article and the enforcement officer for the city shall ascertain that an article of abandoned property is present on public property within the limits of the city, he shall prepare a notice of abandoned property, with sufficient copies thereof, and shall cause one copy of the notice to be placed upon such abandoned article in substantially the following form:

**NOTICE OF ABANDONED PROPERTY
NOTICE TO THE OWNER AND ALL
PERSONS INTERESTED IN THE
ATTACHED PROPERTY**

This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and is a public nuisance, and must be abated and removed within ten days or, if the property is a boat, 30 days from date of this notice; otherwise it shall be presumed to be junked, abandoned or derelict property as defined by the Ordinances of the City of Palatka. Upon your failure to remove said property as hereby demanded, it is subject to removal by and may be removed and destroyed by order of the City of Palatka. If the property is a wrecked or partially dismantled motor vehicle or is a boat, you as the owner will be liable for the costs of removal and destruction.

Pre-taking hearing. You are further notified that you may, within the ten-day period, request a pre-taking hearing as to the propriety of this determination and necessity of removal of this article, by contacting the City of Palatka City Manager at the City of Palatka City Hall, 201 N. 2nd Street, Palatka, Florida.

Your failure to request a hearing within the ten-day period will act as a waiver of your right to a hearing and may result in the assessment of the cost of removal against you personally.

Dated this: (setting forth the date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

- (b) Such notice shall be not less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of ten days.

(Code 1981, § 10-6)

Sec. 30-67. - Same—Service of notice.

In addition to posting as provided in section 30-67, the enforcement officer shall make a reasonable effort to ascertain the name and address of the owner. If he can reasonably ascertain the person responsible for placing, leaving or causing the placing or leaving of such abandoned property on public property, he shall serve that person, by mail or delivery, a copy of the notice of abandoned property and so indicate the service thereof on the face of the notice, noting the time, date and type of service and the name of the person so served. If the service is by delivery, the person receiving the notice shall sign the enforcement officer's copy as an acknowledgement that he has received such notice. If the person required by this section to sign a notice of abandoned property willfully fails or refuses to do so, the enforcement officer shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section. If the service is by mail, it shall be sent to the person certified, return receipt requested. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(Code 1981, § 10-7)

Sec. 30-68. - Notice to remove junked vehicle or abandoned property from private property—Posting of notice.

- (a) Whenever a public nuisance exists in the city in violation of this article, and the enforcement officer of the city shall ascertain that a junked vehicle or an article of abandoned property is present on private property within the limits of the city in violation of any zoning ordinance or regulation, anti-litter ordinance or regulation, or other similar ordinance or regulation, he shall prepare a notice of abandoned property, with sufficient copies, to be placed upon such junked vehicle or abandoned article, in substantially the following form:

NOTICE OF ABANDONED PROPERTY
NOTICE TO THE OWNER AND ALL
PERSONS INTERESTED IN THE
ATTACHED PROPERTY

This property, to wit: (setting forth brief description) located at (setting forth brief description or location) is a public nuisance that must be abated, and is improperly stored and is in violation of (setting forth ordinance or regulation violated of the City of Palatka) and must be removed within ten days or, if the property is a boat, 30 days from date of this notice;

otherwise it shall be presumed to be junked, wrecked, abandoned or derelict property as defined by the Ordinances of the City of Palatka. Upon your failure to remove said property as hereby demanded, it is subject to removal by and may be removed and destroyed by order of the City of Palatka. If the property is a motor vehicle or boat, you as the owner will be liable for the costs of removal and destruction.

Pre-taking hearing. You are further notified that you may, within the ten-day period, request a pre-taking hearing as to the propriety of this determination and necessity of removal of this article, by contacting the City of Palatka City Manager at the Palatka City Hall, 201 N. 2nd Street, Palatka, Florida.

Your failure to request a hearing within the ten-day period will act as a waiver of your right to a hearing and may result in the assessment of the cost of removal against you personally.

Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

- (b) Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements for a period of ten days.

(Code 1981, § 10-8)

Sec. 30-69. - Same—Service of notice.

In addition to posting as provided in section 30-69, the enforcement officer shall make a reasonable effort to ascertain the name and address of the owner of the article and of the private property upon which the article was left. If he can reasonably ascertain the person responsible for placing, leaving or causing the placing or leaving such article on private property and the landowner, he shall serve such persons, by mail or delivery, a copy of the notice of abandoned property and so indicate the service thereof on the face of the notice, noting the persons so served. If the service is by delivery, the person receiving the notice shall sign the enforcement officer's copy as an acknowledgement that he has received such notice. If the persons required by this section to sign a notice of abandoned property willfully fail or refuse to do so, the enforcement officer shall note this fact on the face of the notice, which shall constitute prima facie evidence of delivery or service of notice as required by this section. If the service is by mail, it shall be sent to such persons certified, return receipt requested. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(Code 1981, § 10-9)

Sec. 30-70. - Filing of copies of notices.

After the posting and serving of the notices as provided in this article, the enforcement officer shall retain information of the posting for the official record.

(Code 1981, § 10-10)

Sec. 30-71. - Failure to request hearing.

The failure of the interested person or owner of a junked vehicle abandoned on private property or an article abandoned on public or private property, upon which notice has been attached, to contact the city clerk or to otherwise request a pre-taking hearing as to the necessity of removal shall constitute a waiver of the right of such person to the hearing. If an abandoned article was removed from public property and the owner thereof was served with notice, the costs of removal, storage and disposition may be assessed against him personally. If the junked vehicle or abandoned article was removed from private property and the owner of the land was served with notice, such charges may be assessed by the disposal company and filed as a lien against the real estate from which the junked vehicle or abandoned article was removed.

(Code 1981, § 10-11)

Sec. 30-72. - Effect of request for hearing; conduct of hearing; decision.

- (a) If the person who received a notice of abandoned property under this article or his agent timely requests *(within ten days of notice to remove)* a pre-taking hearing on the propriety of this determination and a hearing of the necessity for removal of the abandoned property, a date shall be set ~~not more than ten days after the date of the request,~~ *for the next scheduled meeting of the Code Enforcement Board* for a public hearing prior to the removal of the junked vehicle from private property or abandoned property from public or private property. *The request for hearing shall be filed with the Code Enforcement Office.* The hearing shall be held before the ~~city commission or before an officer of the city as the commission may direct.~~ *Code Enforcement Board.* The timely filing of the request for a hearing shall operate as a stay of further action by the city under this article until the hearing has been completed and a decision rendered.
- (b) The city shall provide a convenient place for the hearing, which may be at the city hall, and shall make provision for a typed recording of the proceedings. A record shall be kept of any evidence presented and of the names and addresses of any witnesses who testify. At the hearing, the

interested person or property owner, his agent or his attorney shall be afforded an opportunity to present, by oral testimony or documentary evidence, his objections to:

- (1) The propriety of the determination of the public nuisance;
 - (2) The designation of the property as a junked vehicle or abandoned property;
 - (3) The necessity for removal of the junked vehicle from private property and the abandoned property from public or private property;
 - (4) His liability for the payment of cost for the removal, storage or disposition of the property, if required; and
 - (5) The proposed allocation of any proceeds realized from the disposition of the property.
- (c) At the conclusion of the hearing, ~~the city commission or the city officer appointed by the commission to hear the matter~~ **Code Enforcement Board** shall promptly render a decision on all issues presented. If the ~~board commission or the city officer:~~
- (1) Finds that no nuisance exists or that the property is not a junked vehicle or abandoned property, it shall direct that the notice of abandoned property previously served on the person, as a result of which the hearing was requested and held, be cancelled and that the removal notice attached to or near the property be removed.
 - (2) Finds that the property is a junked vehicle or abandoned property, it shall direct the removal of the property or its other disposition so that it no longer is abandoned, establish the extent of the liability of the person who requested the hearing for payment of the cost of such removal or other disposition, including storage charges, and direct the disbursement of the proceeds, if any, realized from the disposition of the property.
- (d) The decision so rendered shall be final, and a copy of the decision shall be furnished to the person who filed the request for the hearing, to the enforcement officer and to the city clerk.

(Code 1981, § 10-12)

Sec. 30-73. - Storage of abandoned property removed by city.

The enforcement officer is authorized to take possession of and store abandoned property found on public property whenever the abandoned property apparently is of more than nominal value and may be subject to destruction, damage or loss if it remains where the enforcement officer found it. The storage charges, if any, occasioned by the storage of the abandoned property pursuant to this section shall be and constitute a lien upon the stored abandoned property,

and shall be paid or otherwise satisfied before the abandoned property is returned to the person entitled to possession thereof or when it is disposed of. In no case shall abandoned property be stored under this section for longer than 60 days unless it is the subject of judicial proceedings.

(Code 1981, § 10-13)

Sec. 30-74. - Removal by city authorized; payment of costs.

If no pre-taking hearing has been requested under this article, or if requested, the decision resulting from the hearing upholds the propriety of the actions of the enforcement officer in determining that a public nuisance does thereby exist, actions of the enforcement officer in determining that a public nuisance does thereby exist, the junked vehicle when on private property and abandoned articles shall be promptly removed and disposed of pursuant to the following procedure:

- (1) If, at the end of ten days or, if the property is a boat, 30 days after posting such notice, the owner or any person interested in the abandoned article described in such notice has not removed the article and complied with the ordinance or regulation cited in the notice, the enforcement officer may cause the junked vehicle or articles of abandoned property to be removed and destroyed. The salvage value, if any, of such articles shall be retained by the removal company and/or the city to be applied against the cost of removal and destruction thereof, unless the costs of removal, storage and destruction are paid by the owner as provided in subsection (2) of this section, in which case the salvage value may be deposited in the general fund, or as otherwise determined by the city.
- (2) The owner of any abandoned motor vehicle or boat who, after notice as provided in this section, does not remove the vehicle or boat within the specified period shall be liable for all cost of removal and destruction of such property, less any salvage value received. In the case of an abandoned boat, any person who neglects or refuses to pay such amount shall not be entitled to be issued a certificate of registration for any other boat until such costs have been paid. The enforcement officer shall supply the state department of environmental protection with a list of persons whose boat registration privileges have been revoked under this subsection; and neither the department nor the tax collector or other person acting as agent thereof shall issue a certificate of registration to a person whose boat registration privilege has been

revoked, as provided by this subsection, until such costs have been paid.

(Code 1981, § 10-14)

Sec. 30-75. - Removal with permission of owner or occupant.

If within ten days after receipt of notice from the enforcement officer to remove the junked vehicle or abandoned article or to abate the nuisance, as provided in this article, the owner or occupant of the premises shall give his written permission to the enforcement officer for the removal of the junked vehicle or abandoned article from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

(Code 1981, § 10-15)

Sec. 30-76. - Exceptions.

The provisions of this article shall not prevent the city from effecting the immediate removal of a vehicle left on public property which constitutes an obstruction to traffic, or prevent prompt removal of any junked vehicle or abandoned property under circumstances constituting a public emergency or involving any actual or potential public calamity.

(Code 1981, § 10-16)

Section 2. That all sections Chapter 30, Article III of the Palatka Municipal Code be renumbered accordingly to accommodate the changes described in this Ordinance, if necessary.

Section 3. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section 4. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section 5. That this ordinance shall take effect upon its passage as provided by law.

Section 6. That a copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka second reading this 26th day of June, 2014.

CITY OF PALATKA

By: _____
Its **MAYOR**

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

City Attorney

*Agenda
Item*

8



CITY COMMISSION AGENDA ITEM

SUBJECT:

ORDINANCE amending the Code of Ordinances to restate Chapter 30, Environment, Article VI, Minimum Standards for Maintenance, Sections 30-166 through 30-191 - 2nd Reading, Adopt

SUMMARY:

This ordinance was passed on 1st reading on June 12 with no changes.

In January 2013, the Palatka Police Department was tasked with transitioning the Code Enforcement function for the City of Palatka to the Palatka Police Department. One of the steps taken during the transition has been the review of applicable City of Palatka ordinances to determine if any changes to the ordinances needed to be made to make code enforcement more effective and efficient. That review took place while considering some changes that are considered necessary to enhance the code enforcement function.

The City of Palatka has an ordinance that relates to minimum standards for maintenance, codified as Chapter 30, Article VI, Section 30-166 through 30-191. A

review of the ordinance revealed that minimum maintenance standards only applied to commercial and non-homesteaded residential structures. It was felt that this was probably initially intended to protect homesteaded residential property from governmental foreclosure due to code enforcement liens. But, as written, it served to exempt homesteaded residential property from minimum maintenance standards. This effectively kept code violations from being enforced on the properties. A review of properties with existing code violations revealed numerous homesteaded residential properties in the city limits that could not be corrected through enforcement efforts.

The ordinance also contained a definition for code enforcement officer that was not consistent with the definitions in other ordinances referencing code enforcement.

The ordinance did not list the proper authority responsible for enforcement of violations involving building code. Violations specific to building code such as structural integrity, plumbing and electrical deficiencies needed to be assigned to an official with building code expertise.

Research found that homesteaded residential property was protected from foreclosure and seizure under the State of Florida Constitution, Article X. With that protection, it was felt that the properties could still be subject to minimum maintenance standards without subjecting them to foreclosure. Fines and fees could be levied, liens placed on homesteaded properties with the understanding that the liens could not be foreclosed on.

As stated, the code enforcement officer title was not found in the definitions section of the ordinance. To make this ordinance consistent with other ordinances involving code enforcement the title needed to be included in the definitions.

Violations specific to building code such as structural integrity, plumbing and electrical deficiencies were found to be areas of expertise consistent with the qualifications held by the City of Palatka Chief Building Official or his/her designee such as the Building Inspector, not the Code Enforcement Officer.

RECOMMENDED ACTION:

Adopt on second reading an ordinance restating Chapter 30, Environment, Article IV, Minimum Standards for Maintenance, Sections 30-166 through 30-191.

ATTACHMENTS:

| Description | Type |
|---|-----------|
| Ordinance amending Ch 30 Art IV Sec 166-191 | Ordinance |

REVIEWERS:

| Department | Reviewer | Action | Date |
|--------------|-----------------|----------|----------------------|
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:38 PM |
| City Clerk | Driggers, Betsy | Approved | 6/30/2014 - 12:38 PM |
| City Manager | Czybor, Michael | Approved | 6/30/2014 - 1:10 PM |
| Finance | Reynolds, Matt | Approved | 7/1/2014 - 2:20 PM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 2:53 PM |

ORDINANCE No. 14- _____

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALATKA REVISING CHAPTER 30, ENVIRONMENT, BY RESTATING ARTICLE VI, ENTITLED "MINIMUM STANDARDS FOR MAINTENANCE" IN ITS ENTIRETY; REVISING DEFINITIONS; OTHER REPAIRS; TIME PERIOD OF COMPLIANCE; RECORDING OF VIOLATION NOTICE; NOTICES AND ORDERS BINDING; UNLAWFUL TO FAIL TO COMPLY WITHORDER; ENFORCEMENT; AND PENALTIES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, code violations on properties within the City of Palatka negatively affect the health, safety and welfare of the community as well as the general livability of the community in the City of Palatka; and

WHEREAS, the City of Palatka wishes to enforce code violations in a uniform manner on all properties within the City of Palatka; and

WHEREAS, code violations are enforced by the City of Palatka through its' Code Enforcement Officer and the Code Enforcement Board as well as the Chief Building Official; and

WHEREAS; the City of Palatka wishes to establish time periods for compliance after notice of violation; and

WHEREAS; the City of Palatka wishes to establish procedures for the inspection of property, notice of violation, review of orders and establishment of civil penalties; and

WHEREAS, this Ordinance amends and replaces Chapter 30, Article VI of the Palatka Municipal Code of Ordinances.

NOW, THEREFORE, BY IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 30, Article IV, entitled Minimum Standards for Maintenance, is hereby restated in its entirety as follows:

Sec. 30-166. - Purpose.

The purpose of this article is to promote the public health, safety and welfare by establishing minimum maintenance standards for all properties ~~commercial structures and nonhomestead residential structures~~ within the city. The minimum standards are required to eliminate existing blight and nuisances, preserve the economic value of property in the city, prevent the spread of blight into areas of the city, and promote the general health, safety and welfare of the citizens.

Sec. 30-167. - Applicability.

These standards shall be applicable to all property and structures within the city. ~~except single family homesteaded residences and/or property.~~

Sec. 30-168. - Definitions.

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

Blight, blighting influence or blighting factor means either that which endangers life or property by fire or other causes or that which substantially impairs or arrests the sound growth of the city and is a menace to the public health, safety, morals, or welfare in its present condition and use. This may include, but is not limited to, the following factors:

- (1) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (2) Unsanitary or unsafe conditions;
- (3) Deterioration of site or other improvements;
- (4) Tax or special assessment delinquency exceeding the fair value of land; and
- (5) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.

Building or structure means that which is built or constructed, an edifice of any kind, or any piece of work artificially built or composed of parts joined

together in some form. The term "building" or "structure" shall be construed as if followed by the words "or part thereof." Accessory buildings, canopy, shelving, rack, and each and every type of portable equipment shall be considered buildings or structures within the meaning of the definition.

Chief means Chief Building Official and such employees to whom shared authority has been delegated, and shall be referred to throughout this article as if singular in number and masculine in gender.

City means the City of Palatka, Florida.

Commercial means all structures and/or uses other than homestead residential structures or uses.

Deterioration means the condition or appearance of a building or structure, characterized by holes, breaks, rot, crumbling, crackling, spalling, peeling, rusting, or other evidence of physical decay or neglect, excessive use, or lack of maintenance.

Enforcement officer means the chief building official or his duly authorized representative or designee. The enforcement officer may also be the Code Enforcement Officer as defined in Chapter 2, Article V, Division 2, Section 2-312 for violations of code that are cosmetic or are primarily in reference to appearance and not requiring the expertise of the Chief Building Official for detection. Violations requiring the expertise of the Chief Building Official for detection or authorities granted to the Chief Building Official are denoted in the following code.

Exposed to public view means any premises, or open space, or any part thereof, or any building or structure that may be lawfully viewed by any member of the public from a sidewalk, street, alleyway, or from any adjoining or neighboring premises.

Exterior premises means those portions of a building or structure that are exposed to public view, and the open space of any premises outside of any building or structure erected thereon.

Good state of repair means and be a standard of maintenance that renders a building safe, serviceable, habitable, and possessed of a neat and orderly appearance.

Good working condition means the item is fully operable for the use for which it was intended.

Graffiti means a crude drawing or inscription, painted or inscribed upon any surface; includes any scrawling written or drawn so as to be seen by the public. This definition does not include wall graphic as defined in section 62-1.

Health Department Official means a duly appointed representative of the Putnam County Health Department.

Nuisance means any one or combination of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by statute, administrative rule, or ordinances of the city, including this article;
- (2) Any attractive nuisance which may prove detrimental to health or safety;
- (3) Physical conditions dangerous to human life or property, or detrimental to health, or detrimental to property values, or which tend to degrade the appearance of a neighborhood;
- (4) Conditions relating to private property which impede the free passage of persons on a public or private sidewalk, or which impede ingress or egress to property; or which impede safe passage of vehicles on a public alley or street;
- (5) Fire hazards.

Operator means any person who has charge, care, or control of a building or structure or part thereof.

Owner includes any person having individual or joint or common title to property in any form defined by the laws of the state as an estate or interest, whether legal or equitable and however acquired, in real property.

Person includes an individual, a partnership, a joint venture, a corporation, an association, and any other organization recognized as an entity by the laws of the state.

Premises means building, structure and the grounds thereon situated.

Property means land and whatever is erected or growing upon, placed on, or affixed thereto.

Repair means the replacement or alteration of existing work. The term "repair" shall not apply to any change of construction.

Required means required by some provisions of this Code or another applicable code.

Show window shall include the building face, porches, and entrance area leading to the door, sidelights, transoms, display platform, devices, lighting, and signage designed to be viewed from the public right-of-way.

Sec. 30-169. - Building fronts and sides abutting streets or public areas.

- (a) All deteriorated structural and decorative elements visible from a public right-of-way shall be repaired or replaced.
- (b) Every such part of a structure visible from a public right-of-way or abutting a street shall be made structurally sound. Rotten or weakened portions shall be removed, repaired, or replaced in a manner compatible with the rest of the structure or to match the original materials and construction techniques. All exposed wood shall be stained or painted. Every part shall be clean of graffiti, litter, dirt or other debris. Where surfaces were once painted, or stained, not more than ten percent of the surface may be free of paint or stain.
- (c) Existing miscellaneous nonfunctional elements on the building fronts such as empty electrical conduits, unused sign brackets, etc., shall be removed and building surface repaired or rebuilt as required to match adjacent surfaces and original condition.
- (d) Mildew shall be cleaned from buildings having street visibility, and loose wires (such as TV cable) shall be secured. Not more than ten percent of the buildings having street visibility may have mildew.

Sec. 30-170. - Rear and side walls.

Rear and side walls of all structures shall be repaired and painted to present a neat and fresh appearance. Rear walls should be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even, uniform surface.

Sec. 30-171. - Windows.

- (a) Every broken, cracked or missing window shall be repaired or replaced with glass.
- (b) All windows must fit tightly and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced.

- (c) Window openings in upper floors of that portion of the building having street visibility shall not be filled or boarded up. Window panes shall not be painted.

Sec. 30-172. - Show windows.

- (a) All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. The temporary use of paper or other screening material shall not be allowed for a period any longer than 20 days. Storage of materials, stock or inventory shall be prohibited in window display areas or other areas ordinarily exposed to public view. Drapes, blinds or other permanent covering of the windows shall be used to render the windows opaque to public view. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair. Nothing herein shall be construed to prohibit window displays which are attractive, neat, orderly and in keeping with community standards.
- (b) Show windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be compatible and harmonious with the original scale and character of the structure. All show window elements must be located within their original opening dimension.
- (c) Except for "For Rent" or "For Sale" signs, any temporary sign or other paper advertising taped or otherwise attached to a window or windows, or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within 60 days after erection, whichever shall sooner occur.

Sec. 30-173. - Awnings.

- (a) Soft, flameproof awnings are permitted over the first floor and on upper floors above windows only.
- (b) Awnings that are torn, badly faded, or structurally compromised shall be repaired or replaced.

Sec. 30-174. - Signs.

All signage shall be maintained in accordance with chapter 62.

Sec. 30-175. - Auxiliary structures.

- (a) Structures at the rears of buildings attached or unattached to the principal commercial structure which are structurally deficient shall be repaired to meet the minimum code standards or demolished.

- (b) All fences, lighting devices and supports, retaining walls, nonstructural walls, outdoor service and seating areas, and signs and their supporting elements shall be made structurally sound, kept free of overgrowth, trash, and debris and be repaired and painted to present a neat and fresh appearance.

Sec. 30-176. - Exterior property areas.

- (a) The exterior property areas of structures regulated by this article shall be kept free of all nuisances, any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises, and free of unsanitary conditions as defined by the health department official or chief. Any of the foregoing shall be promptly removed or abated by the owner or operator.
- (b) Where a vacant lot exists or is created through demolition, the owner must maintain the property according to section 30-31 et seq., of the city Code.

Sec. 30-177. - Temporary coverings.

No temporary covering of any part of a structure may remain for more than 15 days after construction has been completed. An example of a temporary covering is a board covering a broken or missing window.

Sec. 30-178. - Green areas.

- (a) All green yard areas shall be kept free of overgrowth, weeds, trash, and debris. All dead tree limbs and dead trees shall be removed.
- (b) All parking areas are to be kept of overgrowth, weeds, trash, and debris. Paving and stripping will be maintained in a neat and clean appearance and in good repair.

Cross reference— Nuisances, § 30-31 et seq.

Sec. 30-179. - Other repairs.

- (a) All other repairs to a building determined necessary to safeguard the health and safety of possible building occupants or passersby shall be made in accordance with applicable sections of the building code.
- (b) *The Chief Building Official or his/her designee shall have authority over violations under this section.*

Sec. 30-180. - Time period of compliance.

- (a) If the total project cost to bring the structure into compliance is \$5,000.00 or less based on contractor estimates approved by the chief building official, then from the date of receipt of written notice of noncompliance ~~from the code enforcement officer~~, the owner or representative must apply for a building permit within 30 days and all the work must be completed within 90 days of permit issuance.
- (b) If the total project cost to bring the structure into compliance will exceed \$5,000.00 based on a contractor estimates approved by the chief building official, the building's owner or representative must submit plans for review by the building department within 90 days. Upon approval by the building department, repairs must be completed within 180 days from permit issuance with extensions as granted by the board of rules and appeals.
- (c) Any structure which is damaged by fire, accident, or act of God must be repaired or demolished. The owner of such a structure shall, within 90 days after damage, present proposed construction plans to the chief building official for review. Damaged structures must be brought into compliance within 180 days.
- (d) This section is enforceable by the Chief Building Official or his/her designee.**

Sec. 30-181. - Review procedures.

- (a) Plans shall be submitted for all proposed work subject to these requirements which shall include drawings, specifications, and sketch elevations indicating the appearance of the structure, height, mass, exterior building material type, location and size and type of all signs, and significations or example showing the color scheme proposed for the exterior of the structure.
- (b) Information on all ordinances and procedures is available at the building and zoning department.
- (c) This section is enforceable by the Chief Building Official or his/her designee.**

Sec. 30-182. - Right of entry.

- (a) The ~~chief~~ **Chief Building Official** is authorized to enter any building, structure or premises at any reasonable time for the purpose of performing his duties under this article. A reasonable time shall be deemed to be between the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday. If any owner, occupant or other person in charge of a building, structure or

premises subject to the provisions of this article refuses, impedes, inhibits, interferes with, restricts or obstructs lawful entry or access to any part of the building, structure or premises where an inspection authorized by this code is sought, the chief **Chief Building Official** may seek an inspection warrant pursuant to state statute.

- (b) At the time of inspection, the chief **Chief Building Official** shall properly identify himself and shall advise the occupant of his right to refuse entry to the nonpublic areas of the building, structure or premises. He shall further advise the occupant that an inspection warranty may be obtained if entry is refused.

Sec. 30-183. - Violation notices.

- (a) Whenever the chief **Chief Building Official** determines that any building, structure or premises fails to meet the requirements set forth in this article or in applicable rules promulgated pursuant to this article, he shall issue a notice setting forth the alleged violations and advising the owner or other responsible party, as appropriate, that such violation must be corrected within a specified reasonable time.

(b) This section is enforceable by the Chief Building Official or his/her designee.

Sec. 30-184. - Form and service of notice.

Notices of violations issued pursuant to this article shall:

- (1) Be in writing.
- (2) Describe the building, structure or premises where the violations are alleged to exist or to have been committed, with sufficient specificity to identify both the place and the violations.
- (3) Set forth the alleged violation of this article or the applicable rules promulgated pursuant to this article.
- (4) Provide a reasonable time, not less than 24 hours, for the correction of any alleged violation.
- (5) Include a statement that the owner and/or other responsible party shall be subject to the penalties provided in this article if the violations are not remedied within the time specified.
- (6) Be served upon the owner, owner's agent, or other responsible party, as appropriate, of the building, structure or premises personally or by certified mail addressed to the last known mailing address of the owner or other responsible party, or of the agent of

the owner or other responsible party, as shown in the public records. Failure to give any notice as required by this article to other persons included within the definition of the term "owner," as defined in section 30-168, shall in no way affect the notice to the owner so notified. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon the unfound person or persons by posting a notice in or about the building, structure or premises described in the notice or by causing such notice to be published in a daily newspaper of general circulation in the city once a week for three successive weeks.

- (7) Be served in such other manner as authorized by law.

Sec. 30-185. - Recording of violation notice.

Whenever the violations specified in a violation notice have not been corrected within the time specified in the notice, ~~the chief may record~~ a copy of such violation notice, or other appropriate instrument, may be recorded in the public records of the county indicating that violations of this article exist upon the property involved. The recording of such violation notice or other appropriate instrument as herein provided shall constitute constructive notice to any subsequent purchasers, transferees, grantees, mortgagees, lessees, lienors and all persons having, claiming or acquiring any interest in the property described herein, or affected thereby.

Sec. 30-186. - Final order.

All notices and orders ~~issued by the chief~~ pursuant to the provisions of this article pertaining to zoning shall be final upon the expiration of 30 days from the day notice thereof is served upon the owner or the owner's agent of the building, structure or premises, or upon the expiration of such lesser time period provided in the notice or order for compliance; unless, prior to the expiration of such period, a written petition for appeal or request for variance to the board of zoning appeals is filed in the office of the chief. Final notices and orders shall not be reviewable by the board of zoning appeals

Sec. 30-187. - Notices and orders binding.

A notice or order issued by the ~~chief~~ Chief Building Official pursuant to the provisions of this article shall not be diminished, canceled or in any way affected by the conveyance of the title to any real property, building or other structure, or of any interest in any real property, building or other structure. A

person who acquires such an interest while a building, structure or premises is subject to a notice or order issued under this code shall comply with that notice or order to the same extent as if he had held his interest at the time the notice or order was issued. Upon request, the chief ***Chief Building Official*** shall provide all persons acquiring such interest with copies of records pertaining to all notices and orders previously served and issued with respect to the real property, building or other structure or premises conveyed at the expense of the person requesting the copies.

Sec. 30-188. - Unlawful to fail to comply with order.

It shall be unlawful for a person to violate a provision of this article or to fail to comply with an order issued by the chief ***Chief Building Official*** or the board of zoning appeals pursuant to the provisions of this article. A separate offense shall be deemed to have been committed for each 15 days that a violation of this article continues.

Sec. 30-189. - Unlawful to refuse or restrict lawful entry.

It shall be unlawful for any person to refuse, impede, inhibit, interfere with, restrict or obstruct lawful entry or access to any part of a building, structure or premises where an inspection authorized by this article is sought.

Sec. 30-190. - Penal Enforcement.

The chief ***Chief Building Official*** is authorized to enforce the provisions of this article by the use of courts, municipal code enforcement boards, special masters and all other means provided by law.

(Ord. No. 98-7, § 1, 3-12-1998)

Sec. 30-191. - Penalties.

~~A Violations of this article ***shall be punishable by civil penalties as established in chapter 2, Article V, Division 2, Section 2-314*** constitute a class I offense against the city. A separate offense shall be deemed to have been committed for each month a violation of this article shall continue.~~

Section 2. That all sections of Chapter 30, Article VI of the Palatka Municipal Code be renumbered accordingly to accommodate the changes described in this Ordinance, if necessary.

Section 3. That all ordinances or parts of ordinances in conflict therewith are hereby repealed to the extent of such conflict.

Section 4. That if any section or portion of a section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section, subsection, or part of this ordinance.

Section 5. That this ordinance shall take effect upon its passage as provided by law.

Section 6. That a copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on second reading this 26th day of June, 2014.

CITY OF PALATKA

By: _____
Its MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

*Agenda
Item*

9



CITY COMMISSION AGENDA ITEM

SUBJECT:

VOLUNTEER PALATKA WORKFORCE initial meeting date - Vice Mayor Brown

SUMMARY:

This is a request to set up an initial meeting date for Volunteer Palatka Workforce.

RECOMMENDED ACTION:

Concur on initial meeting date

REVIEWERS:

| Department | Reviewer | Action | Date |
|-------------------|------------------|---------------|---------------------|
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 9:40 AM |
| City Clerk | Driggers, Betsy | Approved | 7/1/2014 - 9:40 AM |
| City Manager | Czymbor, Michael | Approved | 7/1/2014 - 10:21 AM |
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