

**BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
REGULAR MEETING  
WEDNESDAY, MAY 11<sup>TH</sup> - 6:00 P.M.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**Oath of Office – District Three Commissioner**

**ROLL CALL**

**OPEN REGULAR MEETING**

**Consent Agenda**

1. APPROVAL OF MINUTES – Regular Meeting, April 13, 2022, Workshop Meeting, April 27, 2022
2. RATIFICATION OF BILLS – April/May 2022

**COMMISSION REPORTS**

- (1) Mayor Henderson
- (2) Commissioner Krouk, Commissioner District No 2
- (3) Commissioner Blackburn, District No 1
- (4) Commissioner Krajewski, Commissioner District No 4

**OLD BUSINESS**

1. Second Reading and Advertised Hearing Ordinance 22-02 – Sea Turtle Lighting Regulations.
2. First Reading Ordinance 22-07 – Amending Chapter 127 - Solid Waste Ordinance
3. First Reading Ordinance 22-08 - Right of Way Management
4. Discussion and Approval of Town Administrator Contract Amendment
5. Approve Gulf Beaches Library Contract
6. Committee Appointments
7. Update State & Local Fiscal Recovery Fund Report

**NEW BUSINESS**

**PUBLIC COMMENTS**

**MISCELLANEOUS**

Workshop Meeting – Wednesday, May 25, 2022 - 2:00 p.m.  
Regular Meeting – Wednesday, June 8, 2022 - 6:00 p.m.

**ADJOURNMENT**

“Persons are advised that, if they decide to appeal any decisions made at this meeting, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”

“The Town maintains a tape recorder for all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.”



**BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
REGULAR MEETING  
WEDNESDAY, APRIL 13, 2022 - 6:00 P.M.  
MINUTES**

Present upon roll call: Commissioner Blackburn, Commissioner Krouk, Commissioner Krajewski, Mayor Henderson and Attorney Eschenfelder.

**APPROVAL OF MINUTES – Regular Meeting, March 9, 2022; Special Meeting, March 21, 2022; Special Meeting, March 30, 2022; Workshop Meeting, March 30, 2022**

Commissioner Blackburn moved to approve the minutes, seconded by Commissioner Krajewski. Mayor Henderson asked for any discussion from the Commission or audience, there being none, roll call: all yes.

**RATIFICATION OF BILLS – March/April 2022**

Commissioner Krouk moved to ratify the bills, seconded by Commissioner Blackburn. After several questions and a discussion over concerns, roll call: Commissioner Blackburn, no; Commissioner Krajewski, no; Commissioner Krouk, no; Mayor Henderson, yes.

**COMMISSION REPORTS**

**Mayor Henderson**

Mayor Henderson reported that our new Town Administrator has arrived and is moving in. The Town garage is demolished, and the new building will take approximately one year to build. This weekend is the Garage Sale clean up with dumpsters available. The Hurricane Workshop is scheduled for May 12<sup>th</sup> at 6:30pm here at Town Hall. Building Department update: 101 permits issued, 113 inspections performed, no new builds issued, and total permit fees collected \$18,175.03.

Chief Swan spoke on how they are gearing up for Hurricane Season with meetings set with Emergency Management. Commercial grade portable AC units and generators have been ordered. They have also begun a cereal drive to collect food for Pinellas County Schools. Collection containers are located at Town Hall and at the Indian Shores Police Station. Chief Swann presented a copy of Personnel Order letters and a letter for FEDS training. Fire Chief Burford shared that she had a very busy month with four fire responses, eleven non-emergency EMS and twenty-two emergency responses. They are also gearing up for Emergency Management. Mayor Henderson welcomed Keith Meyer, Circuit Court Judge, who was present at the meeting.

**Vice Mayor Krouk, Commissioner District No 2**

Vice Mayor Krouk requested a moment of silence for the Bert Adams family.

Vice Mayor Krouk gave a follow up from the previous Workshop Meeting regarding getting help from Forward Pinellas implementing a Safety Program for Gulf Blvd. She spoke with Linda Fisher (Forward Pinellas) on 4-14-22 hoping to get help with our 2025-2030 town vision. Linda has offered to meet with Vice Mayor Krouk on June 13<sup>th</sup> to look at Gulf Blvd and walk the community.

**Commissioner Blackburn, District No 1**

Commissioner Blackburn reported that as Spring Break has ended, the trash is getting back to normal. Our Maintenance Team pressure washed Town Hall and replaced light bulbs. The exercise equipment at Del Bello Park will need to be replaced in about a year. The flags at the parks deteriorate quickly and will be looking into other flags to purchase. The pavers at Del Bello Park need to be repaired, quotes are being obtained. The charging station has been repaired.

**Commissioner Krajewski, Commissioner District No 4**

Sewer – the Sewer Lease to Purchase was awarded to USSI. The power to the old maintenance building has been restored so there should be no problems going forward getting the meter installed. A two-year contract has been approved with Miller Pipeline for the sewer point repairs. Sewer Infrastructure repairs - Miller and Shenandoah have started their preparatory work and repairs will start next Monday. The report completed on our Sewer System has been delivered to Pinellas County and meetings will be held. The Lift Station panel box



at 178<sup>th</sup> Ave. West and Gulf Blvd., has been replaced. Previous workshop discussion on sewer cleanouts. Code Sec. 124-12B needs to be amended.

Stormwater – Wind River/Seminole Septic I & I was presented to the Commission last month. One lateral still needs to be repaired. The town has hired Cardno Engineering to conduct the mandated 20-Year Stormwater Needs Analysis. Applied for grant money to cover some of the cost discussed, it has been rejected and an appeal has been made. 43-pont locations need to be repaired as soon as possible, repairs will be made by Miller Pipeline/Shenandoah.

Cardno Engineering are in the process of creating a stormwater master plan for review by the Commission.

Gulf Beaches Library – going to start a children's summer reading program, which will be held at Constitution Park. First one to start after July 4<sup>th</sup>. Staff from the library also plan to attend town events for sign-ups to join the library. The FY 22/23 budget should be completed soon and will be presented at the next commission meeting for approval.

## **OLD BUSINESS**

### **First Reading Ordinance 22-02 - Amending Sea Turtle Regulations**

Commissioner Blackburn asked to move this item to number 1. Attorney Eschenfelder read Ordinance 22-02 by title, Commissioner Blackburn moved to approve on first reading, seconded by Commissioner Krajewski. Commissioners discussed the ordinance making a few minor corrections. Commissioner Blackburn stated residents, Dave and Emily Grimes helped with this ordinance and thanked them. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

### **Second Reading and Advertised Public Hearing – Ordinance 22-03 Amending 90-116 Vacation Rental Ordinance**

Attorney Eschenfelder read Ordinance 22-03 by title. Vice Mayor Krouk moved to accept the recommendations from the Planning and Zoning Board. Vice Mayor Krouk read the recommendations from the board. After discussion, Vice Mayor Krouk moved that Ordinance 22-03 sentence one and two change/restate that all vehicles associated with vacation rentals whether in possession or control of the property owner, responsible party or transit occupant including maintenance, service, and catering provider's shall comply with Chapter 140 and all other town code of ordinances and not to obstruct emergency vehicles, normal movement of traffic, block driveways, beach accesses and mail boxes, seconded by Commissioner Blackburn. Discussion ensued between residents and Commission regarding the ordinance, the changes, and the Planning and Zoning recommendations process. Also, discussed was posting the agenda material on the website. Mayor Henderson directed Deputy Clerk Campbell to start posting the material on the website. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

### **Second Reading Ordinance 22-01 Repealing Chapter 5, Adopting a New Chapter 5 Related to Advisory Boards**

Attorney Eschenfelder read Ordinance 22-01. Vice Mayor Krouk moved to adopt Ordinance 22-01, seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. A resident asked what this ordinance is about. Vice Mayor Krouk stated this ordinance defines the rolls of the committees, tenure, mission, and duties. The committees are now established by resolutions. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

### **Second Reading Ordinance 22-06 – Rental of Residential Amenities**

Attorney read Ordinance 22-06 by title. Commissioner Blackburn moved to table this ordinance to a workshop, seconded by Commissioner Krajewski. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.



Appointment/Reappointment to Various Boards

Financial Advisory Committee – Commissioner Krajewski, moved to appoint Michael Pearl as District Four representative, seconded by Vice Mayor Krouk. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes. Commissioner Blackburn moved to appoint David Grimes as District One representative, seconded by Commissioner Krajewski. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes. Other appointments to the committee were tabled.

Parks and Recreation Committee – Vice Mayor Krouk moved to appoint Michelle Ganio as District Two representative for another term, seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

Beautification Committee – Commissioner Krajewski moved to appoint Robert Francour, seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

The Commission discussed the PPI Committee and if they should have terms. This item was tabled to discuss at a future workshop.

Planning and Zoning Board – Vice Mayor Krouk moved to appoint Cynthia Hoyt for another term, seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes. Mayor Henderson moved to appoint Leslee Coppock as Alternate for another term, seconded by Commissioner Blackburn. A resident addressed the Commission objecting the appointment of Leslee Coppock, stating multiple reasons. Discussion ensued between the commission and audience. After discussion, Mrs. Coppock withdrew from the appointment.

Personnel Committee – Vice Mayor Krouk moved to appoint Rich Perez, seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

Note: Per policy applicants need to be present at the meeting when appointed. Both Michael Pearl and Michelle Ganio participated by phone.

Wind River Contract – Commissioner Krajewski moved that the Commission approve the Seminole Septic Wind River two-year contract seconded by Commissioner Blackburn. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

**NEW BUSINESS**Approval of Intermedia as Email Provider

Mayor Henderson moved item number 9 to the top of new business as our IT Adrian Wylie is here for the discussion. Mr. Wylie gave a brief background on why he recommended the change and the reasoning for moving to Intermedia as our email provider. The commission discussed and asked questions regarding this item. After discussion, Vice Mayor Krouk moved to accept Intermedia as our email provider, seconded by Commissioner Krajewski. Mayor Henderson asked for any more discussion from the Commission or audience. Resident, Kenny Later asked what happens with the old email, Mr. Wylie explained they will be all transferred over to the new system. There being no more discussion, roll call: all yes.

Duties and responsibilities of the Board of Commissioners

Vice Mayor Krouk stated it clearly states in our Charter, Sec C-3, our form of government is a Commissioner Plan. Vice Mayor Krouk also referred to Charter Sections, C-11. A, C-27, and C-15. Vice Mayor Krouk stated the policy manual we have today gives the Mayor Commissioner more power and duties than the charter. Vice



Mayor Krouk moved to rescind sections titled Mayor Commissioner and Commissioners in the policy manual and comply with our charter as written, seconded by Commissioner Blackburn. Mayor Henderson stated the commission adopted an ordinance that transferred the duties and powers to the town administrator. Attorney Eschenfelder stated Ordinance 21-08 did and Attorney Eschenfelder read Ordinance 21-08 in its entirety. Vice Mayor Krouk stated this has nothing to do with her motion and her motion stands. Mayor Henderson asked for any more discussion from the Commission or audience. Resident, Christy Herig addressed the Commission stating the town charter does not allow for a town administrator. Vice Mayor Krouk commented back to Ms. Herig. Discussion ensued amongst the commission and audience regarding the establishment of Ordinance 21-08, town administrator duties and the commission duties. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

#### Review of Contract for Additional Special Magistrate Services

Attorney Eschenfelder explained he had been concerned regarding Attorney Denhardt, being appointed as Special Magistrate and complications, such as asking for recusal during Special Magistrate Hearings. Attorney Eschenfelder suggest having three magistrates under contract. Commissioner Krajewski asked if Attorney Denhardt is still the town's Special Magistrate. Attorney Eschenfelder stated yes. Commissioner Krajewski voiced concerns about Attorney Denhardt being the town's Special Magistrate. Commissioner Krajewski moved to remove the firm of Attorney Denhardt as Special Magistrate, seconded by Commissioner Blackburn. The effective date will be at the conclusion and order from Attorney Denhardt of the variance hearing to be held on April 14, 2022. After discussion, Commissioner Krajewski moved to amend his motion, to remove Attorney Denhardt's firm as Special Magistrate representing Redington Shores effective upon conclusion and order rendered of the meeting to be held on April 14, 2022, and to seek at least three alternates for the town to be represented, seconded by Commissioner Blackburn. After discussion amongst the Commission and audience, Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

#### Appointment of Commissioner Blackburn as Representative to Forward Pinellas Sea Turtle Committee

Vice Mayor Krouk moved to appoint Commissioner Blackburn as representative to the Forward Pinellas Sea Turtle Workgroup as discussed by Whit Blanton at the BIG-C meeting, seconded by Commissioner Krajewski. Mayor Henderson asked for any more discussion from the Commission or audience. There being none, roll call: all yes.

#### Making our Meetings More Accessible to the Community

Commissioner Blackburn moved to go back to video taping the meeting for the citizens via zoom or how we use to do it and to post on the website, seconded by Vice Mayor Krouk. The Commission and audience discussed ADA compliance. Attorney Eschenfelder stated he will provide written research on this subject. Also discussed was using Zoom at the meetings. After discussion, roll call: all yes.

#### Request for Commission to act as Liaison Pertaining to Ethics Complaint/Mayor

Commissioner Blackburn stated she was contacted by a citizen who is requesting the town appoint a representative from the commission to represent them on their complaint to the Commission on Ethics, as was provided for in the past by the Commission. Mayor Henderson stated it was a long letter that the citizen wrote and is now going to read a statement regarding the citizen's letter. An intense discussion ensued amongst the Commission and audience, at times veering off on other subjects. Ms. Muszik asked if the Commission was going to act on her request. Commissioner Blackburn stated you have not come to me with a formal ethics complaint you want to file and when you have that the Commission will decide.

#### Acceptance of Resignation from Vice Mayor Robinson, District Three Commissioner

Attorney Eschenfelder stated acceptance is not necessary.



Process of Appointment to fill Unexpired Term of District Three Commissioner

Mayor Henderson stated he has been advertised on the website, facebook and the boards. Vice Mayor Krouk stated to accept applications until April 29<sup>th</sup>, with the Commission interviewing the candidates individually the week of May 2<sup>nd</sup> and schedule a Special Meeting May 9<sup>th</sup> or 10<sup>th</sup> select the candidate and swear in the candidate at the next regular meeting. Resident Sal Celest addressed the Commission and provided a petition endorsing Ken Smith for the position and read a letter to the Commission regarding the endorsement. Discussion ensued on the reason Michael Robinson resigned. Vice Mayor Krouk stated to accept applications until April 29<sup>th</sup>, with the Commission interviewing the candidates individually the week of May 2<sup>nd</sup> and schedule a Special Meeting May 9<sup>th</sup> or 10<sup>th</sup> select the candidate and swear in the candidate at the next regular meeting, seconded by Commissioner Blackburn. Roll call: all yes.

Appointment of Vice Mayor

During her Commission report, Mayor Henderson appointed Commissioner Krouk as the new Vice Mayor. Commissioner Krouk accepted.

**PUBLIC COMMENTS**

Shaun Pregabon new owner on Lee Ave. introduced himself.

**MISCELLANEOUS**

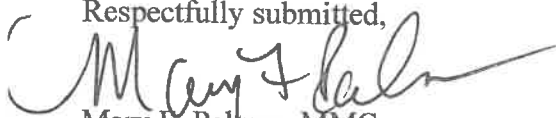
Mayor Henderson announced the following meeting dates:

Workshop Meeting – Wednesday, April 27, 2022 - 2:00 p.m.

Special Meeting - Wednesday, May 4, 2022 – 2:00 p.m. – FY 22/23 Budget Discussion

Regular Meeting – Wednesday, May 11, 2022 - 6:00 p.m.

Respectfully submitted,



Mary F. Palmer, MMC  
Town Clerk



**WORKSHOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
WEDNESDAY, - APRIL 27, 2022 - 2:00 P.M.  
MINUTES**

Present upon roll call: Commissioner Blackburn, Commissioner Krajewski, Vice Mayor Krouk, Mayor Henderson, Attorney Eschenfelder, and Town Administrator Shoobridge.

**OLD BUSINESS**

**Discussion – Proposed Amenity Ordinance**

The Commission discussed the proposed ordinance with Attorney Eschenfelder. After discussion Attorney Eschenfelder will revise the ordinance with the amendments and corrections as discussed.

**Discussion – Proposed Solid Waste Ordinance**

The Commission discussed the proposed ordinance with Attorney Eschenfelder. After discussion Attorney Eschenfelder will revise the ordinance with the amendments and corrections as discussed. A resident asked for an overview and the need for this ordinance. Vice Mayor Krouk explained current language and new wording throughout the document was updated to provide a greater level of clarification and as recommended by the Attorney, updates to reflect current laws, content, and terminology and to include our recycling practices. The main reason was our yard waste ordinance was not clear.

**Discussion – Right of Way Management Ordinance**

Attorney Eschenfelder reviewed the proposed ordinance with the Commission. After review, discussion ensued between the commission, residents, and staff. After discussion, Attorney Eschenfelder will revise the ordinance for first reading.

**Discussion – Chapter 1, General Provisions, Penalties for Offenses**

Vice Mayor Krouk stated this section is referred to in the new trash ordinance and Attorney Eschenfelder is recommending updating this section. Attorney Eschenfelder spoke to the Commission stating this does need to be updated, along with other code sections. Attorney Eschenfelder asked the commission where they stand on the code revision project, they asked him do conduct and if they want him to continue bringing ordinances to them for revision, consensus of the commission is to continue with the revisions. Discussion ensued regarding cars parked on Gulf Blvd and town signs to include code sections and penalties.

**Discussion – Designation of Commissioner Areas of Oversight**

Town Administrator Shoobridge addressed the Commission regarding his position and the fundamental changes. The Commission discussed the oversight areas as listed in the Policy Manual and picked what areas they would like to have oversight. Mayor Henderson suggested to wait for the appointment of the District Three position. The following Leadership/Oversight Areas are as follows: Mayor Henderson, Administration, Social, Police, Fire, BIG-C; Vice Mayor Krouk, Emergency Management, Building, CRS/LMS, PSTA, Forward Pinellas; Commissioner Blackburn, Maintenance, Parks and Recreation/Beautification Committee, Beaches and Shores, Commissioner Krajewski, Library, Sewer, Stormwater, Finance. During the discussion, Commissioner Blackburn asked Attorney Eschenfelder about side bar conversations between commissioners that occur during a discussion and violations of the sunshine law. Attorney Eschenfelder stated he was asked by a commissioner to discuss with the Commission and stated we are in a public meeting, so side conversations should not occur.



## **NEW BUSINESS**

### **Town Administrator Update**

Administrator Shoobridge reported to the Commission that he has met with staff, commissioners, and some business owners during his first week. Administrator Shoobridge discussed with the Commission the difficulties he is facing purchasing a home in Pinellas County. After discussion, the Commission was in consensus to amend Administrator Shoobridge's contract at the next regular meeting to allow a one-hour drive time for residence requirements allowing residency out of Pinellas County.

## **MISCELLANEOUS**

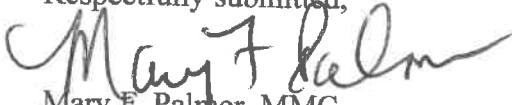
Mayor Henderson announced the following meeting dates:

Special Meeting – Wednesday, May 4, 2022 – 3:00 p.m.

Regular Meeting – Wednesday– May 11, 2022 - 6:00 p.m.

Workshop Meeting – Wednesday, May 25, 2022 – 2:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mary F. Palmer".

Mary F. Palmer, MMC  
Town Clerk



RATIFICATION OF BILLS  
APRIL/MAY 2022

**CIF**

PINELLAS COUNTY BOARD OF	SERVICE	929.40
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**GENERAL**

ALL PEST & TERMITE CONTROL	SERVICE	140.00
ANDREW TESS CPA, LLC	SERVICE	1,750.00
CALVIN, GIORDANO & ASSOC. INC.	SERVICE	2,574.00
CARD SERVICES CENTER	SERVICE	4,255.91
CITY OF CLEARWATER	SERVICE	35.17
DABIRI DESIGNS	SERVICE	206.25
DUKE ENERGY	SERVICE	7,047.54
GARGANESE, WEISS, D'AGRESTA &	SERVICE	201.00
KONICA MINOLTA	SERVICE	195.14
KUHLMAN'S LAWN MAINTENANCE	SERVICE	1,960.00
MAYOR'S COUNCIL OF PIN. CO.	SERVICE	450.00
MD'S IRRIGATION	SERVICE	845.00
MUNICIPAL CODE CORP	SERVICE	5,486.27
PINELLAS COUNTY UTILITIES	SERVICE	38.16
SALT MARSH, CLEVELAND & GUND	SERVICE	9,000.00
SAM'S CLUB	SERVICE	175.50
SHELL	SERVICE	576.96
SPECTRUM	SERVICE	277.96
SPRAY DOCTOR, INC	SERVICE	1,183.85
TAMPA BAY NEWSPAPERS	SERVICE	160.00
TAMPA BAY TIMES	SERVICE	231.50
TRASK DAIGNEAULT, LLP	SERVICE	12,781.25
WASTE CONNECTIONS OF FLORIDA	SERVICE	33,151.33
DENHARDT AND RUBENSTEIN	SERVICE	2,580.00
M R ELECTRICIANS INC.	SERVICE	366.25
PINELLAS COUNTY LEASE MGMT	SERVICE	13,248.47
PINELLAS COUNTY UTILITIES	SERVICE	2,098.00
SMARSH, INC.	SERVICE	3,409.14
WILLIAM J KRAJEWSKI	REIMBURSE/TRAVEL	488.95
DABIRI DESIGNS	SERVICE	305.80
DUKE ENERGY	SERVICE	1,016.83
JEFF SHOBRIDGE	REIMBURSE/MOVING EXP	5,000.00
STAPLES	SERVICE	398.11
TOWN OF INDIAN SHORES	SERVICE	42,936.41
TRASK DAIGNEAULT, LLP	SERVICE	12,471.40
VERIZON	SERVICE	164.11

**SEWER**

DUKE ENERGY	SERVICES	345.49
LIFT STATION SERVICES	SERVICES	500.00
PINELLAS COUNTY UTILITIES	TREATMENT	47,483.29
SHELL	SERVICE	576.97
DUKE ENERGY	SERVICE	61.83
MCKIM&CREED	SERVICE	12,732.50
VERIZON	SERVICE	164.11

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Mayor Henderson

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Vice Mayor Kouk

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Commissioner Krajewski

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Commissioner Blackburn



**ORDINANCE NO. 22-02**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING ARTICLE II OF CHAPTER 56 TO CREATING ADDITIONAL SEA TURTLE LIGHTING REGULATIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on July 10<sup>th</sup> 2007, the Town Commission adopted Ordinance 07-01, which created Chapter 56, Article II (entitled Protection of Sea Turtles); and

**WHEREAS**, the rules created by Ordinance 07-01 set unique lighting standards for any new beachfront construction, and require persons seeking to construct new structures submit a sea turtle protection plan in conjunction with the submission of building permits, and requires that plan to contain certain lighting and turtle protection standards; and

**WHEREAS**, Ordinance 07-01 also created standards to apply to existing beachfront structures, which regulations took effect on July 10<sup>th</sup> 2012; and

**WHEREAS**, § 90-107 of the Town's Land Development Code also provides: "All lights shall be designed, installed and maintained to protect sea turtle nesting patterns"; and

**WHEREAS**, the Town Commission has considered the new regulations provided in this Ordinance and has determined that they are in the best interests of the Town, its residents, businesses and property owners.

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

**Section 1.** A new PART 3 of Chapter 63 (BUILDING CODE AND CONSTRUCTION REGULATIONS) is hereby created and shall be titled SUPPLEMENTAL SEA TURTLE PROTECTION REGULATIONS FOR NEW CONSTRUCTION.

**Section 2.** Sections 56-13 through 56-15 are hereby renumbered as § 63-77, § 63-78, and § 63-79, and these sections shall be relocated to the new PART 3 of Chapter 63 created by Section 1 of this Ordinance.

**Section 3.** Article II (PROTECTION OF SEA TURTLES) OF Chapter 56 (ANIMALS) of the Redington Shores Town Code is hereby amended as follows:

**ARTICLE II. – PROTECTION OF SEA TURTLES**



#### Sec. 56-11. Purpose.

The purpose of this article is to provide for a sea turtle protection plan in compliance with the Federal Endangered Species Act, ~~and to incorporate therein the requirements, recommendations and guidelines of the state department of natural resources for sea turtle protection~~, to minimize the detrimental effect on nesting sea turtle populations, and other listed sensitive wildlife by implementing a system of rules and regulations that reduces the amount of artificial light intentionally or unintentionally visible from beaches, and to provide for regular inspections to ensure compliance with the standards set forth herein.

#### Sec. 56-12. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Artificial light*—The light emanating from any source other than the sun or moon~~man-made device.~~

*Beach*—The zone of unconsolidated material that extends landward from the mean low water line to either the place where there is a marked change in material or physiographic form; the line of permanent vegetation, which is usually the effective limit of storm waves; or constructed bulkheads or other coastal protection structures.

*Beachfront*—All of the area west of Gulf Boulevard and extending to the water line.

*Beachfront lighting*—All light sources mounted or installed on or about the exterior of any living spaces. ~~Light sources emanating from within living spaces are not included in the definition of beachfront lighting.~~

*Certified wildlife lighting*—Lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

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*Coastal construction activities*—Any work or construction in the area defined as the beachfront.

*Coastal construction control line*—That line established by the state department of natural resources westward of which no construction of any kind is permitted.

*County*—Pinellas County in the State of Florida.

*Cumulatively visible*—Light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

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*Directly visible*—Occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.

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*Foot-candle*—The English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

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*Frontal dune*—The first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

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*Full cutoff*—A lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

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*Fully shielded*—A lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

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*Excavations*—The mechanical or manual removal of consolidated or unconsolidated soil material from the beach. It includes, but is not limited to, dredging, draglining, bulldozing, scraping or grading.

*Ground-level barriers*—Fencing, walls, berms, hedges or other vegetative materials sufficient to shield lighting from being directly observed from any position on the beach.

*Hatchling*—Any specimen of sea turtle which has recently hatched from an egg.

*Indirectly visible*—Light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

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*Long wavelength*—A lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

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*Nest*—An area where sea turtle eggs have been naturally deposited or subsequently located.

*Nesting season*—The period from May 1 through October 31 of each year.

*Nighttime*—The time period between sunset and sunrise.

*Non-egress lighting*—Exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g., strobe lights, string lights, etc.), balcony lights, landscape lights, and up-lights.

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*Outdoor area*—Any portion of a property that could have an artificial light source not attached to a permanent structure, including pathway lighting, landscape lighting, and pool lighting.

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*Sea turtle*—Any marine turtle found in the state waters and/or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For the purposes of this article, the term sea turtle is synonymous with marine turtle.

*Sea turtle nesting habitat*—All sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

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~~STPP—Sea turtle protection plan as provided in this article.~~

~~*Temporary lighting*—Any non-permanent light source that may be hand-held or portable, including tiki torches, lanterns, flashlights (including cell phone flashlights), candles, and camera flash mechanisms.~~

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~~*Tinted glass*—Glass modified via tinting, film or other material to reduce the inside to outside light transmittance value.~~

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~~*Turtle permit holder*—Any qualified individual, group or organization possessing a valid permit from the state department of natural resources to conduct activities related to sea turtle protection and conservation.~~

#### Sec. 56-13. – Applicability.

~~The lighting requirements set forth in this article shall apply to all properties between the Gulf of Mexico and 250 feet east of the east-most edge of the paved roadbed of Gulf Boulevard within the town, to all sources of artificial light directly, indirectly, or cumulatively visible from any portion of the public or private beach within the town, and to new and existing artificial lighting visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas.~~

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#### **Sec. 56-146. Standards for existing beachfront exterior lighting.**

~~Within five years of the effective date of this article, existing beachfront lighting shall comply with the following standards:~~

- A. Existing exterior artificial light sources shall, insofar as reasonably possible, be repositioned or modified so that the sources of light are not directly visible from the beach, or do not directly illuminate the beach.
- B. The following measures shall be used to reduce the effects of lighting on nesting females and hatchlings:
  - (1) Install ground-level barriers to reduce the amount of indirect lighting illuminating the beach.
  - (2) Shield exterior lights illuminating beach access points, dune access points, beach walkways, piers, and any structure on or seaward of the beach designated for pedestrian traffic so that the light sources are not directly visible from the beach.
  - (3) All exterior lights on balconies shall be modified as necessary to prevent direct illumination of the beach or viewing of light sources from the beach.
  - (4) High-intensity exterior lighting, such as that emanating from spotlights, floodlights, or fixtures not specifically approved by the building official of the town, shall not be used.



- (5) Beachfront lighting required for safety and security purposes shall be reduced to the minimum number and intensity possible to reasonably perform its functional role(s).

**Sec. 56-15, Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures.**

A. All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.

B. Notwithstanding subsection (A) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach

C. Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.

A.D. Locations including but not limited to stairwells, balconies, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.

B.E. All glass windows, walls, railings, and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

F. Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

**Sec. 56-16, Outdoor areas.**

A. All lighting of outdoor areas visible from the beach shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.

B. Notwithstanding section 56-15 (A) above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.

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C. Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

#### Sec. 56-17. Violations and penalties.

In addition to the penalties provided in the Code, the board of commissioners is hereby authorized to institute any appropriate action or proceeding, including a suit for injunctive relief, in order to prevent or abate violations of this article.

#### Sec. 56-17. Existing exterior lighting.

All owners of property situated within the area covered by this article, including all condominium associations and condominium unit owners, shall, during turtle season, reduce or eliminate the negative effects of existing exterior artificial lighting, including carport lighting fixtures, parking lots, and garages, by implementing the following measures:

- A. Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, and recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low-level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
- B. Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- C. Existing lighting fixtures shall be repositioned, modified or removed so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach.
- D. Fixtures having an exposed light source must be adjusted, modified or replaced with shielded fixtures that direct light down and away from the beach.
- E. Any light source, light bulb or lamp that is not long wavelength (e.g., incandescent, fluorescent, or high intensity lighting) must be replaced with the lowest wattage long wavelength (e.g., LED or low-pressure sodium) light source or lamp available for the specific application.
- F. Pole lamps with low-profile, low-level luminaries must be modified or replaced so that the light source or any reflective surface of the light fixture is not visible from the beach.
- G. Any fixture which cannot be modified or adjusted in order to comply with the above standards must be permanently removed or permanently disabled during turtle season.

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**Sec. 56-18, Motor vehicles and temporary lighting.**

- A. The operation of all motorized vehicles, except emergency, public works and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with Florida Statutes § 379.2431(1), or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season.
- B. Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
- C. All other temporary construction lighting shall be:
- (1) Turned off during nighttime in sea turtle nesting season, or if authorized by the code enforcement officer during sea turtle nesting season, shall only be allowed from 6:00 a.m. to 9:00 p.m., must be restricted to the minimal amount necessary, and shall incorporate all the standards of this section, and
  - (2) Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
  - (3) Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
- D. Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

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**Sec. 56-19, Inspections.**

The town's code enforcement officer shall be asked to conduct nighttime lighting surveys and compliance inspections before and during sea turtle nesting season.

**Sec. 56-20 - Notice of Violation; fines.**

- A. Upon finding any violation of this article, the code enforcement officer shall deliver a written notice of the violation to the property owner and direct said owner to remove or remediate non-compliant lighting condition.
- B. The time allowed for making the repairs shall be stated in the notice and, should the responsible party neglect or refuse to remove or remediate non-compliance within the specified time stated in the notice, the party so offending shall be in violation of this article and subject to a fine of up to \$100 per violation for initial violations and up to \$500 per violation for repeat violations.



**Section 4.** For purposes of codification of any existing section of the Redington Shores Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 5.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 6.** The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 7.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of April, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the 11<sup>th</sup> day of May, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ATTEST:

\_\_\_\_\_  
Marybeth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, MMC, Town Clerk



**ORDINANCE NO. 22-07**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING CHAPTER 127 (SOLID WASTE) OF THE TOWN CODE; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, Chapter 127 of the Code addresses solid waste collection; and

**WHEREAS**, Florida Statutes § 180.06(5) provides that a municipality is authorized to provide for the collection and disposal of garbage; and

**WHEREAS**, Florida Statutes § 403.706(1) provides that municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by or under a contract with a county; and

**WHEREAS**, Florida Statutes § 403.7063 requires that, in providing services or programs for solid waste management, local governments should use the most cost-effective means for the provision of services, and are encouraged to contract with private persons for any or all of such services or programs in order to assure that such services are provided on the most cost-effective basis; and

**WHEREAS**, Florida Statutes § 180.14 provides that a municipality's governing board may grant to a private company or corporation the privilege or franchise of exercising the municipality's corporate powers for such terms of years not longer than 30 years, and upon such conditions and limitations as may be deemed expedient and for the best interest of said municipality for the accomplishment of the collection and disposal of garbage, and that the rates or charges to be made by the private company or corporation to the individual users of the garbage and disposal service operated under said franchise shall be fixed by the municipality's governing board; and

**WHEREAS**, the Town last entered into a solid waste collection franchise agreement effective October 1<sup>st</sup> 2019; and

**WHEREAS**, the Commission has determined that current provisions within the Town's solid waste code are not consistent with recent and current actual practice, and that additional clarification of the requirements related to solid waste collection in the Town is required; and

**WHEREAS**, based on the foregoing, the Town Commission has determined that it is in the best interests of the Town, its residents, businesses and property owners to adopt the code amendments set forth in this Ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Town



of Redington Shores, Florida, that:

Section 1. Chapter 127 of the Redington Shores Town Code is hereby amended as follows:

## **Chapter 127 - SOLID WASTE**

### **ARTICLE I. – COLLECTION AND DISPOSAL**

#### **Sec. 127-1. Definitions.**

For purposes of this article, the following words shall have the meanings indicated unless their context clearly requires otherwise:

*Commercial establishment*—An establishment dealing in exchange of goods or services for money or barter.

*Construction and demolition waste*—Discarded material considered not to be water soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project.

*Debris*—The waste products accumulated from land clearing, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks or parkways, excavating by an owner or contractor or work performed by purchase and hire of labor and materials.

~~*Garbage*—Every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.~~

*Hazardous Waste*—Any solid waste, which, because of its quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed.

*Industrial Process Waste*—Any solid waste generated by construction, land clearing, excavating of structures, roads, streets, sidewalks or parkways, and including, without limitation, waste collected for recycling, and oil, grease and petroleum.

~~*Garbage can*—A galvanized, iron can of the type commonly sold as a garbage can of a capacity not less than ten gallons and not to exceed 32 gallons; and such can shall have two handles upon the sides of the can or a bail by which it may be lifted and shall have a tight-fitting top.~~



~~*Garden trash*—All accumulations of grass or shrubbery, cuttings and other refuse attending the care of lawns, shrubbery and vines; provided, however, that this definition shall not include heavy tree limbs over four feet in length, tree stumps and other types of large trees or palms.~~

*Licensee* – Any person, which includes, without limitation, a corporation, partnership, sole partnership, limited liability corporation or other business entity engaged in the business of removing, transporting or disposing of solid waste or recyclable materials in the town, with a current town issued business tax receipt.

*Multi-family Duplex* – A building occupied or intended to be occupied by 2 families living separately with a kitchen in each unit.

*Multi-family Dwelling* – A building occupied or intended to be occupied more than 2 families living separately, with kitchens in each unit.

*Noncombustible refuse*—Materials that are ~~nonun~~burnable at ordinary incinerator temperatures (800° F. to 1,800° F.); such metals, mineral matter, ~~large quantities of glass or crockery~~, metal furniture, auto bodies or parts and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

*Recycling containers*—A container approved by the Town for the collection of recyclable material by a recycling contractor.

*Recyclable Waste* – Those materials capable of being recycled which would otherwise be processed or disposed of as solid waste. Any recyclable material mixed with solid waste shall be considered solid waste.

*Residential Dwelling* – A building or portion thereof designed or used for single family residential occupancy.

*Trash*—Refuse accumulations of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of meats, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans or other containers, paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature ~~other than garbage~~, which are usual to housekeeping and to the operation of stores, offices and other business places. The term "~~Trash~~" shall not include noncombustible refuse, as defined in this section, but shall include such ~~yard waste~~ ~~garden trash~~ as shall be capable of deposit in the trash container.

~~*Trash container or trash can*~~—A plastic or galvanized iron can of the type commonly sold as a garbage container of a capacity not less than ten gallons and not to exceed 32 gallons; and such can shall have two handles upon the sides of the can or a bail by which it may be lifted and shall have a tight-fitting top not weighing more than 60 lbs when full. A container approved by the



Town, provided to a resident at their request by the Trash contractor at an additional charge~~The same as garbage can, as defined in this section; provided, however, that by a special permit issued by the board of commissioners, a "trash container" may be of different specifications or design.~~

Yard waste—All accumulations of grass or shrubbery, cuttings and other refuse attending the care of lawns, shrubbery and vines; provided, however, that this definition shall not include heavy tree limbs over four feet in length and shall not exceed 40 lbs., tree stumps and other types of large trees or palms.

#### **Sec. 127-2. Containers required.**

All residents or occupants of any single-family dwelling and the owner, manager or occupant of any multiple dwelling or of any place of business or commercial establishment within the ~~t~~Town are hereby required to provide a ~~garbage trash container~~an or ~~containers~~ans and trash can or cans, as defined in ~~§section~~ 127-1~~—hereof~~, of sufficient capacity to hold four days' accumulation of ~~garbage and~~ trash. Up to 2 recycle containers will be provided at no charge, by the trash contractor per single or duplex family dwelling. Recycle trash containers will be provided by the trash contractor at an additional charge to all multifamily dwellings (greater than duplex) or commercial establishments.

#### **Sec. 127-3. Containers to be tightly covered.**

~~T~~Garbage and trash container~~ans~~ shall be kept tightly covered at all times.

#### **Sec. 127-4. Storage of ~~trash containers~~garbage cans; placement of ~~trash containers~~ garbage cans for collection; time of placement for ~~trash~~ garbage collection; terms defined.**

- A. *Storage of ~~trash container~~garbage cans.* When not placed in a location for ~~garbage~~ collection, as designated in subsection B. below, all ~~trash containers~~ garbage cans shall be stored on the owner's property near the side or rear of the principal structure upon the property, in such a manner that they are concealed from the view of motorists or pedestrians traveling on any street within the corporate limits of the town. No ~~trash container~~ garbage can shall be stored on any unimproved property unless a current development permit has been issued for such unimproved property. If such property is vacant, any ~~trash container~~ garbage can stored thereon shall be stored in such a manner that they are not visible, being stored out of sight behind a structure thereon. Any container used for the storage and collection of ~~garbage or~~ trash shall not be kept or stored upon property not owned or occupied by the person who accumulates the ~~garbage or~~ trash.
- B. *Placement of ~~trash container~~garbage cans for collection.* ~~Trash container~~Garbage cans shall be placed for ~~garbage~~ collection at curbside in front of the property in such a manner as not to obstruct pedestrian passage, and no further than two feet away from the curb. ~~Garbage~~Trash, yard waste, or recycle containers~~eans~~ shall be placed on the alley of all places served by an alley for ~~garbage~~ collection, not more than three feet from the alley right-of-way.



- C. *Time of placement for residential ~~trash~~ ~~garbage~~ collection.* Any ~~trash container~~ ~~garbage can~~ or neatly piled yard waste placed near the curb or alley for residential ~~garbage~~ collection shall be placed there no earlier than 6:00 ~~P.M.~~ ~~p.m.~~ of the evening preceding the collection day, and must be removed to an appropriate storage area, as noted above in subsection A., not later than 7:00 ~~P.M.~~ ~~p.m.~~ of the day of collection.
- D. *Time of placement for commercial ~~trash~~ ~~garbage~~ collection.* Containers for the collection of commercial ~~trash~~ ~~garbage~~ shall not be removed from the owner's property and placed for collection any earlier than 6:00 ~~A.M.~~ ~~a.m.~~ on the day of collection, and such containers must be removed to an appropriate storage area, as noted in subsection A. above, not later than three hours after the time of collection. In no event shall such containers remain off ~~of~~ the owner's property later than 7:00 ~~P.M.~~ ~~p.m.~~ on the scheduled day of collection, whether such containers have been emptied or not.
- E. For the purpose of this section, residential collection shall be considered to be only buildings containing no more than two dwelling units, consisting of a kitchen, bath and living area, each unit designed for use by a single individual or family. Commercial collection shall be all other properties or parcels, to include but not be limited to commercial or business uses, motels, hotels, apartments, courts, etc., and any building containing three or more dwelling units, as well as any businesses, restaurants, retailers, or any other facility not designed or designated as a single-family dwelling.

**Sec. 127-5. Burial prohibited.**

No ~~garbage or~~ trash shall be buried upon the premises of the person by whom said ~~garbage or~~ trash is accumulated.

**Sec. 127-6. Burning prohibited.**

No ~~garbage or~~ trash shall be burned on any premises within the town.

**Sec. 127-7. Transportation through streets; license required.**

It shall be unlawful for any ~~non-licensee~~ ~~unlicensed person~~ to transport ~~trash~~ ~~garbage~~ upon the streets or alleys of the town.

**Sec. 127-8. Deposits on premises or in container of another prohibited; exception.**

It shall be unlawful to deposit ~~garbage or~~ trash upon the premises of another or upon any street, alley, park or other public property or in any canal, water, waterway, rock pit or pool ~~or lake~~ within the town or in any ~~garbage or~~ trash container ~~an~~ upon which any other person shall have paid the collection fee as provided by the terms of this article, except that tenants of multiple dwellings or ~~commercial establishments~~ ~~business houses~~ may deposit ~~garbage or~~ trash in ~~trash container~~ ~~eans~~ upon which the owner or manager of said multiple dwelling or ~~commercial~~ ~~business~~ establishment shall have paid the collection fee provided therein and authorized the tenants to use the ~~garbage or~~ trash container ~~an or eans~~.



**Sec. 127-9. Frequency of disposal.**

All ~~garbage and~~ trash containers ~~eans~~ shall be ~~emptied~~ collected and the trash properly disposed of at least twice each week in residential districts and as designated by the town in the business districts ~~and properly disposed of.~~ ~~Trash~~ Yard waste and recycle containers shall be collected at least once each week.

**Sec. 127-10. Fees for removal by town.**

All residents, occupants or owners of premises in the ~~t~~ Town of Redington Shores who have not arranged for private disposal of ~~garbage,~~ trash and garden waste ~~trash~~, as authorized in this article, shall be required to have accumulations of ~~garbage,~~ trash and garden waste ~~trash~~ removed and disposed of by the town and shall be required to pay charges for ~~garbage and rubbish~~ removal of such; and these charges shall be paid to the town in accordance with the current contractual terms as has been approved by the town through resolution following schedule:

~~A. Each residential unit not utilizing dumpster or container service, per month: ....\$14.67.~~

~~B. Commercial establishments utilizing trash eans shall pay a monthly amount based upon the number of eans as follows:~~

~~(1) Up to and including five: ....\$14.67.~~

~~(2) Six to and including ten: ....\$28.87.~~

~~(3) Eleven to and including 15: ....\$43.95.~~

~~(4) Sixteen to and including 20: ....\$57.76.~~

~~C. Business utilizing dumpsters or container service shall pay a monthly fee as follows, based upon the size of the container and the number of pickups per week:~~

Size Dumpster (yards)	Number of Pickups per Week					
	1	2	3	4	5	6
	Price per Month					
2	\$47.48	\$90.17	\$133.22	\$180.44	\$225.56	\$265.26
3	63.19	113.82	152.04	231.23	289.60	361.68
4	78.90	149.90	220.34	299.78	380.60	459.31
6	108.07	206.09	304.09	413.77	506.43	608.17
8	147.73	286.94	572.70	721.76	902.20	1,082.64

~~D. Commercial and multifamily residence establishments utilizing trash compactors shall be charged a fee equivalent to four times the dumpster rate for the dumpster services being provided for such establishments.~~

~~E. In addition to the above rates, the rates for recycling at condominiums shall be \$14.26 per month for each 90-gallon recycling container, and \$4.88 per month for each 20-gallon recycling container.~~

~~F. All residents, occupants or owners of premises in the town shall be required to have accumulations of debris removed and disposed of by the contractor utilizing roll-off~~



~~collection containers as designated by the town, and shall be required to pay charges for such removal and disposal as follows:~~

- ~~(1) Per haul: ....\$135.00~~
- ~~(2) Rental fee, per day: ....\$2.00~~
- ~~(3) Container delivery fee: ....\$50.00~~
- ~~(4) Disposal: ..... at contractor's cost~~

~~G. The above list of categories and rates can be amended from time to time by resolution duly passed by the town commission. Any such resolution shall be deemed to modify and amend the categories and rates as set forth in this section, and such rates amended by resolution shall be included in the published Code of Ordinances.~~

#### **Sec. 127-11. Frequency of billing.**

The fees for disposal, prescribed in §section 127-10 hereof shall be due and payable every 2 monthsbimonthly, and bills for service shall be mailed by the county, with the exception of individually contracted roll-off containerized services which shall be arranged for, due and payable directly bimonthly, and bills for services shall be mailed by to the waste contractor. Fees for recyclable materials for multi-family (greater than duplex) and commercial establishments shall be arranged directly through and billed every 2 months by the waste contractor.

#### **Sec. 127-12. Third party billing and collections.**

The town may perform account management, billing, and collections necessary to administer the provisions of this chapter either directly, or by way of agreement with a public or private sector third-party provider of such services. To the extent the town utilizes such third-party provider, the liability of the customer to pay all required fees remains the same and the town retains the right to directly engage in enforcement efforts to address delinquent accounts.

#### **Sec. 127-13. Liens; penalty for delinquency in payment of fees; payment of collection costs and attorney fees**~~Owner's responsibility for payment; lien; foreclosure.~~

~~The owner of land or premises to which garbage and trash collection service is provided by the town shall have ultimate responsibility for satisfying all town charges therefor, whether such service be presently or previously provided. Accounts for such service opened in the name of individuals, tenants or entities other than the owner of the land or premises shall be presumed at the instance and to the direct benefit of and as agent for such owner. All such charges for town collection of garbage and trash not satisfied within 30 days of billing for such services are considered delinquent and shall constitute grounds for discontinuance of collection and/or water service to the served land and/or premises. All such delinquent charges, pursuant to F.S. Pt. II, Ch. 713, shall constitute a lien on the land and/or premises so served until such charges are fully satisfied, and such lien shall be prior to all other liens on such lands and/or premises except the lien for state, county and municipal taxes. Such liens not fully satisfied within 60 days following notification to the owner thereof of the filing of a certificate of indebtedness to perfect such lien shall, for the collection of such charges, subject the described lot, land and/or premises to foreclosure in the manner provided by law for foreclosure of mortgages on real property.~~



All services charges, fines, and special collections resulting from violations of this chapter, which become due to the town and payable on and after the adoption of this chapter, shall constitute and are hereby imposed as liens against the particular real property involved, and, until fully paid and discharged, shall be imposed as special assessment liens against the subject real property, and shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against said real property. The above-referenced charges shall become delinquent if not fully paid within 15 days after the due date. The maximum rate of interest allowable by law shall accrue to such delinquent accounts. Unpaid and delinquent charges, together with all penalties imposed thereon, shall remain and constitute liens against the real property involved. Such liens shall be enforced by any of the methods provided in Ch. 86, Florida Statutes; or, in the alternative, foreclosure proceedings may be instituted and prosecuted pursuant to Ch. 173, Florida Statutes; or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. In addition, to any other charges imposed by this chapter. The owner shall be responsible for payment of any and all costs, including attorney fees and costs, resulting from collection of said fees/charges.

**Sec. 127-14<sup>3</sup>. Removal of certain waste and noncombustible refuse.**

- A. Food and industrial process waste and other noncombustible refuse, as defined in ~~§section~~ 127-1, must be removed by the owner, occupant, operator or by the contractor performing the work which causes such waste to accumulate, as the case may be.
- ~~A.~~B. Spent oils or greases accumulated at garages, filling stations or similar establishments shall not be removed by the town except such as are removed for the use of the town.
- ~~B.~~C. In addition thereto, the town shall not remove such accumulations of construction and demolition waste consisting of steel, concrete block, bricks and debris from brick or concrete construction, roofing shingles or tile installations; ~~industrial process waste debris-~~accumulating from land clearing, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, parkways or excavations; ~~and s~~Such accumulations shall be removed by the owner of the property on which they are located or the contractor or other persons performing or doing work causing such accumulations.

**Sec. 127-15. Disposal of hazardous waste.**

Notwithstanding any other provisions of this chapter, bio-hazardous and/or hazardous waste shall not be placed in trash containers, recycle containers, dumpsters, yard waste bundles or any other container for routine collection. Substances in this class shall be segregated and disposed of as provided by state and federal law including, without limitation, the procedures set forth on Florida Administrative code chapter 17-7, which prohibits the deposit of this type of waste in a sanitary landfill.

**Sec. 127-16<sup>4</sup>. Illegal accumulations.**

It shall be unlawful and a violation of this article for the owner, manager or occupant of any premises to permit any accumulation of ~~garbage or~~ trash upon the premises for a period of longer than four days without having arranged for disposal of such accumulation by some person qualified



under this article to perform such service or by the department of refuse collection and disposal of the town, and it shall be unlawful for any person, whether owner, manager or occupant of any premises, to fail to provide a sufficient number of ~~garbage-or~~ trash containers upon the premises to amply provide for the ~~garbage-and~~ trash accumulation upon said premises within any four-day period or to suffer, permit or allow any ~~garbage-or~~ trash not deposited in the required ~~garbage-or~~ trash containers, as provided in this article, to accumulate, be or remain upon the premises.

**Sec. 127-17~~5~~. Yard waste~~Garden-trash~~ removal.**

Yard waste must be cut and placed at the front curb by the resident or homeowner. Yard waste includes all yard clippings, grass cuttings, leaves, shrubs, palm fronds, tree limbs and such other small rubbish as ordinarily accumulates about growing vegetation. All grass clippings, leaves and small debris must be placed in a lidded container for pickup. Branches and limbs must be neatly piled and not over four (4) feet in length and no single object over 40 lbs. The price for weekly yard waste and tree trimming debris shall be included in the residential rate. Horticultural/yard waste and tree trimming debris created by a contractor or commercial tree trimmer must be disposed of by said contractor or commercial tree trimmer. It will not be picked up by the town's solid waste contractor. Yard waste, in excess of the standard weekly amount (2 cubic yards per week), shall require a scheduled pickup and will be subject to an additional fee.  
~~Any premises having a garbage-or trash can upon which the proper and required fee has been paid under the terms of this article shall be entitled to periodic collection of tree limbs, palm fronds and other garden trash of such a size or nature as cannot be deposited in a regular trash can but that may be manually loaded by two persons. Such garden trash shall be deposited adjacent to the alley if said property upon which it is accumulated is served by an alley or in such other places as may be prescribed by the town. Residents or occupants of any premises may arrange for private removal and transportation of garden trash to points without the town. It shall be unlawful for any person to deposit any garden trash upon any lot or premises belonging to another, whether vacant or improved, occupied or unoccupied, or upon any street, plaza or park or in any of the waters lying within the town.~~

**Sec. 127-18~~6~~. Occupation or operation of premises to constitute prima facie evidence of production of ~~garbage-or~~ trash; duty of representative.**

Any place of abode or any place of business occupied or in operation shall be prima facie evidence that ~~garbage-or~~ trash is being produced and accumulated on such premises. It shall be the duty of the proper representative of the town to inspect said premises and remove therefrom any and all ~~garbage-or~~ trash found thereon, provided that the required fees have been paid by such resident or occupant, or to notify the proper persons if such removal is not the duty of the town.

**Sec. 127-19~~7~~. Prerequisites to removal by town.**

No removal of ~~garbage-or~~ trash shall be made by the town from any premises unless said ~~garbage-or~~ trash is deposited in the proper receptacles as provided by the terms of this article and upon which said receptacle the proper fee has been paid.

**Sec. 127-20~~18~~. Exclusive contracts permitted.**

The board of commissioners may enter into an exclusive contract with a qualified provider ~~private person~~ for the collection of ~~garbage~~, trash, recycled materials ~~debris~~ and yard waste ~~garden~~



~~trash~~ within the town. Such contract shall set forth all necessary provisions relative to the manner, method and frequency of collections, shall provide the fees to be paid for such collections and shall provide for the posting of a performance bond in an amount to be set forth in the contract, and which shall ensure performance of the required services for a period not less than 180 days~~the amount of \$2,500.00 by the contracting person, which bond shall cover the contractor for 90 days.~~

**Sec. 127-219. Voluntary recyclable material collection**~~Penalties for offenses.~~

The waste contractor will collect voluntary recyclable materials from residential units once per week; provided that (i) such recyclable materials are placed in recycling containers provided by contractor, and (ii) such recycling containers are placed within five (5) feet of the curbside or right of way adjacent to the residential unit no later than 6:00 P.M. on the day before the collection and removed no later than 7:00 P.M. on the day of collection. The contractor shall only be responsible for collecting, hauling, and recycling of recyclable materials placed inside recycling containers. Recyclable materials in excess of the recycling container limits, or placed outside or adjacent to the the recycling container, will not be collected by the contractor. Customers shall comply with any description and or procedures with respect to removal of contaminants or preparation of recyclable materials. If any customer of the town fails to do so, contractor may decline to collect such materials without being in breach of its contract. The recycle contractor shall not be responsible for and has not made any representation regarding the ultimate recycling of such recyclable materials by any third-party facilities. Recycling for multifamily dwellings greater than 2 units and commercial properties shall arrange voluntary recycle directly with the recycle contractor at a cost established by town resolution. The town provides a recycling dumpster on town hall property for the use of all residential or commercial property owners~~Any person, firm, corporation or agent who or which violates any of the provisions of this article or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this Code.~~

**Sec. 127-22. Enforcement of chapter.**

- A. The town's code enforcement officer is authorized to enforce all the provisions of this chapter regulating and governing the accumulation, collection, and disposal of solid waste.
- B. Upon presentation of proper credentials, a code enforcement officer appointed by the town may enter any building, structure, lot or other premises for the purpose of inspection, or to prevent violations of this chapter. Where inspection of owner-occupied residential structures would require an inspection warrant under state law, such warrant must be secured prior to entry.
- C. The existence of solid waste shall be prima facie evidence that the same was created or placed there by the occupant of the dwelling or commercial establishment; or the owner; or the operator or manager. The existence of the same garbage inside the same garbage containers for four consecutive days upon a premises serviced by a private waste contractor shall be prima facie evidence of a violation of this chapter by the contractor. For purposes of this section premises serviced by a private waste contractor shall not include accounts that have been discontinued by the contractor when notice of discontinued service has been



mailed to the owner, occupant, or operator or manager, as well as to the town, prior to the accumulation of the garbage.

- D. Whenever a designated town code enforcement officer observes a violation (or violations) of this chapter regarding solid waste or an accumulation of solid waste that creates a health hazard, environmental hazard, or nuisance, the code enforcement officer shall order the violation(s) to be corrected within a specified period of time by serving a written notice of violation(s) upon the person causing, or responsible for, such violation and/or health hazard, environmental hazard, or nuisance. Such person shall immediately cease or abate the violation(s).
- E. A notice of violation shall be served personally or by certified mail upon the property owner or upon the person(s) in lawful possession of the premises, and/or upon the waste contractor servicing the premises. If the person addressed with such notice cannot be found by the town after making reasonable good faith effort, such notice shall be sent by certified mail to the last known address of such person, and a copy of the notice shall be posted in a conspicuous place on the premises. Such notice shall be deemed the equivalent of personal service.
- F. The notice shall specify any fine(s) that may be due in connection with the violation(s), the time specified by the code enforcement officer to correct the violations, and the procedure for timely payment or appeal of the fine(s).
- G. If the code enforcement officer determines that the conditions constitute an immediate threat to the health, safety or welfare of the public, he/she may order the immediate correction of the violation(s) at the expense of the occupant, owner, or operator or manager and the town shall have the statutory right to recover such expenses.

#### **Sec. 127-23. Penalties for offenses.**

Any person, firm, corporation or agent who or which violates any of the provisions of this chapter or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this code.

#### **Sec. 127-24. Observance of laws.**

All private waste contractors shall keep fully informed of all federal, state and local laws, ordinances, codes, rules, regulations, and all orders and decrees of bodies or tribunals having jurisdiction or authority that in any manner affect the work, or that in any way affect the conduct of their work. Contractors shall at all times observe and comply with all such laws, ordinances, codes, rules, regulations, and orders and decrees. Each private waste contractor shall obtain all required licenses and permits to conduct business pursuant to this chapter.

#### **Sec. 127-25. Indemnification.**



Each private waste contractor shall agree in any franchise agreement to an indemnification clause whereby the contractor covenants to indemnify, hold harmless and defend the town, its officers, agents and employees, against and assumes all liability for any and all claims, suits, actions, damages, liabilities, expenditures or causes of actions of any kind arising from any solid waste collection and/or disposal activities, and/or the use of any public streets for the purposes authorized in this chapter; or resulting or accruing from any negligence, act, omission or error of the contractor, its officers, agents or employees and/or arising from the failure of the contractor, its officers, agents or employees, to comply with each and every covenant of any applicable franchise agreement with the town, or with any other town or county ordinance or state or federal law applicable to its activities and resulting in or relating to bodily injury, loss of life or limb or damage to property sustained by any person. The contractor shall hold the town, its officers, agents, and employees, harmless from and against all judgments, orders, decrees, attorney's fees, costs, expenses and liabilities incurred in and about any such claim, investigation or defense thereof, which may be entered, incurred or assessed as a result of the foregoing. The contractor shall defend, at its sole cost and expense, any legal action, claim or proceeding instituted by any person against the town, its officers, agents and employees, as a result of any claim, suit or cause of action accruing from activities authorized by this chapter.

**Sec. 127-26. Franchise fee authorized.**

The town may, within a negotiated franchise agreement, require a franchise waste contractor to pay to the town a franchise fee consisting of a percentage of the contractor's total monthly gross receipts. The town commission shall have the option of raising the franchise fee once yearly, by resolution, following a duly noticed public hearing with 30 days' prior notice to all franchise waste contractors. Such raises shall not exceed two percent of the contractor's total monthly gross receipts yearly. The term "gross receipts" as used in this section shall mean the entire amount of the fees collected by the contractor (whether wholly or partially collected) for solid waste collection and disposal within the town and including, without limitation, but excluding any taxes, and gross receipts from servicing rolloff and portable containers. Nothing herein requires the assessment of a franchise fee and the town may, in its sole discretion, elect to forego such fee.

**Section 2.** For purposes of codification of any existing section of the Redington Shores Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.



**Section 4.** The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ATTEST:

\_\_\_\_\_  
Marybeth Henderson, Mayor Commissioner

\_\_\_\_\_  
Mary Palmer, MMC, Town Clerk



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**ORDINANCE NO. 22-08**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING CHAPTER 129 OF THE TOWN CODE RELATING TO STREETS AND SIDEWALKS; CREATING RIGHT OF WAY USE REGULATIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 129 of the Town Code provides for certain regulations relating to streets and sidewalks, but has in large part not been revised since 1990; and

**WHEREAS**, the Town owns or holds in public trust certain lands, commonly referred to as right-of-way, for the placement of transportation and utility system infrastructure in, on, under or above such lands; and

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

**WHEREAS**, the Town Code does not currently provide for any regulations related to the use of the Town's right-of-way by private and public utilities; and

**WHEREAS**, Florida Statutes § 362.01 has, since 1927, given telegraph and telephone companies the special powers to install poles, wires and other fixtures on or beside public roads where permission is first obtained from the local government; and

**WHEREAS**, in the decades since the Town adopted its regulations on streets and sidewalks, the telecommunications industry landscape has changed in substantial ways, on the regulatory, business model, and technology fronts; and

**WHEREAS**, the federal Telecommunications Act of 1996, at 47 U.S.C. § 332, prohibits local government regulations which unreasonably discriminate among providers of telecommunication services, have the effect of prohibiting the provision of personal wireless services, and which regulate based on health or environmental effects of radio frequency emissions; and

**WHEREAS**, in 2003, the Florida Legislature adopted Florida Statutes § 364.0361, which prohibits local governments from directly or indirectly regulating the provision of voice-over-internet protocol services; and

**WHEREAS**, in 2003, the Florida Legislature adopted Florida Statutes § 365.172, which places significant constraints on local governments with respect to the permitting and approval process for cellular towers and antennae; and



**WHEREAS**, Florida Statutes § 337.401 provides certain authority, and limitations on authority, for local governments to manage the occupation of their rights-of-way by utilities; and

**WHEREAS**, on March 22<sup>nd</sup> 2018, the Federal Communications Commission approved an order to streamline the national approval process for deploying small cell technology, which is advanced radio hardware required for use of next-generation 5G cellular networks; and

**WHEREAS**, the Florida Legislature has adopted the Advanced Wireless Infrastructure Deployment Act (the “Act”), codified at Florida Statutes § 337.401(7), which as of July 1<sup>st</sup> 2017, places certain limitations on local government authority to regulate small or micro wireless communications facilities within the public right-of-way and requires local governments to expedite review of permit applications for such facilities; and

**WHEREAS**, the Act authorizes local governments to adopt objective design standards that may require wireless facilities in the right-of-way to meet reasonable location context, color, stealth, and concealment requirements, and spacing and location requirements for ground-mounted equipment; and

**WHEREAS**, in 2019 the Florida Legislature enacted amendments to the Act via Chapter Law 2019-131, Laws of Florida, creating additional restrictions on the right of local governments to regulate small or micro wireless communications facilities within the public right-of-way; and

**WHEREAS**, passage of the Act, along with the other legal and technological changes in the wireless industry since the Town last regulated on this topic, necessitates that the Town amend its current right-of-way regulations to ensure they comply with the law and properly address new technologies seeking to occupy its right-of-way; and

**WHEREAS**, the Town has recently experienced poor construction techniques being used by utility service providers installing infrastructure in the Town’s right-of-way but, with no effective regulatory oversight, the Town was not in the best position to fully address the disruption to other utility services and inconvenience to residents which resulted; and

**WHEREAS**, the Town finds that the regulatory revisions adopted hereby will advance the public health, safety, and welfare, and help protect the unique aesthetic qualities of the Town, while complying with all state and federal laws, rules and regulations governing communications facilities; and

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

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

**Section 1.** Chapter 129, currently titled STREETS AND SIDEWALKS, is hereby renamed STREETS AND SIDEWALKS AND PUBLIC RIGHTS OF WAY.



**Section 2.** A new Article I of Chapter 129, to be entitled GENERAL REGULATIONS, is hereby created.

**Section 3.** Current § 129-1 through and including § 129-5 of the Town Code shall be located within the new ARTICLE I of Chapter 129 created in Section 2 of this Ordinance.

**Section 4.** Section 129-4 of the Town Code (entitled Penalties for offenses) is hereby repealed and a new § 129-4 is hereby created to read as follows.

**§ 129-4. – Statutory references.**

Any state statute referenced in or incorporated into this chapter shall be deemed to be the most recent version of that statute notwithstanding any contrary provision of this chapter.

**Section 5.** Articles II through IV of Chapter 129 of the Town Code are hereby created as follows:

**ARTICLE II. - RIGHT-OF-WAY CONSTRUCTION REQUIREMENTS**

**§ 129-10. - Definitions.**

The following definitions shall be applicable to this chapter:

1. Annual General Permit shall mean the permit as issued in accordance with § 129-14 of this chapter.
2. Antenna means any outdoor apparatus designed for telephonic, radio or television communications through the sending or receiving of electromagnetic waves.
3. Cable Service shall have the same definition as that set out in Florida Statutes § 610.103.
4. Camouflage shall mean disguising an object with paint, structural elements or foliage; concealment by means of encasement within or placement upon a different object in a manner which conceals the object so placed.
5. Collocate shall mean to install, mount, maintain, modify, operate, or replace one or more wired or wireless facilities on, under, within, or adjacent to a wired or wireless support structure or utility pole. The term includes installing additional fiberoptic or other lines in existing conduit, but does not include the installation of a new utility pole or wireless support structure in the public right-of-way.
6. Communications Services shall mean the transmission, conveyance or routing of voice, data, audio, video or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave or other medium or method now in existence or hereafter devised and regardless of the protocol used for such transmission or conveyance.



7. Communications Services Provider (CSP) shall mean any person who transmits, conveys, or routes voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. This term does not include any utility holding a valid franchise or registration with the town that provides any of the above-mentioned services for use only by its employees or contractors who construct facilities for that utility in the rights-of-way.
8. Construct or Construction, and any variations thereof, shall mean any repair, alteration, pavement cut, grading, excavation, filling, relocation, replacement, placement of new facilities, or other type of improvement in the rights-of-way.
9. Economically Unreasonable shall mean the cost of performing the activity required by this article would place an unreasonable economic hardship on the utility.
10. Emergency shall mean a situation when a repair is needed to be completed immediately due to danger to property or individuals or interruption in service.
11. Expedited Permit shall mean the permit issued in accordance with § 129-13 of this chapter.
12. Facilities shall mean any device or structure used or to be used for transmission of telecommunications, electricity, gas, television broadcasts, including but not limited to cables, wires, conduits, ducts, pipes, antennas, converters, splice boxes, cabinets, handholes, manholes, vaults, drains, surface location markers, or any other facility used or to be used by a utility to deliver utility service to its customers.
13. FCC shall mean the Federal Communications Commission.
14. FDOT shall mean the Florida Department of Transportation.
15. Franchise shall mean an agreement between a utility and the town for use and occupation of the rights-of-way.
16. Pavement shall include, but not limited to, asphalt, concrete, brick, or other like materials laid on the rights-of-way, but does not include gravel, dirt or other loose materials laid on the rights-of-way.
17. Person includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.
18. Place or Maintain or Placement or Maintenance or Placing or Maintaining shall mean to erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A communications service provider that owns or exercises physical control over facilities in the rights-of-way, such as the physical control to maintain and repair, is "placing or maintaining" the facilities. A party providing service only through resale or only through use of a third party's unbundled network elements is not "placing or maintaining" the facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the rights-of-way does not constitute "placement or maintenance" of facilities in the rights-of-way.



19. PSC shall mean the Florida Public Service Commission.
20. Public Land shall mean any property owned by the town that is not considered a right-of-way under Florida law.
21. Registrant shall mean a communications service provider that has registered with the town in accordance with the provisions of article III of this chapter.
22. Rights-of-Way shall mean a right-of-way, easement, highway, street, bridge, tunnel or alley owned by the town or in which the town holds a property interest and exercises rights of management or control, and includes the surface, the air space over the surface and the area below the surface. The term does not include parks, open space and other public lands not designated for utility use. This term includes any privately-owned area within the town which has not yet become a public street, but is a proposed public street on any subdivision map approved by the town. Any portion of driveways located in or on a right-of-way shall be considered a part of that right-of-way.
23. Technically Impossible shall mean that the facility will not function as required if the utility does as required by this article.
24. Town Staff shall mean the town administrator or such other person or firm assigned by the administrator to administer any part of this chapter.
25. Trench shall mean an opening in or along the rights-of-way that is dug for the purpose of placing wires, cables, pipes, or other facilities in the rights-of-way.
26. Utility shall mean any communications service provider, electric utility, gas utility, or other utility provider not owned by the town, and any authorized agent of any of the aforementioned.
27. Utility Pole shall mean a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less.
28. Utility Service shall mean any service provided by a utility to customers within the corporate limits of the town, including, but not limited to, electric service, gas service, cable service, voice communication services, wireless data service, fiber optic service, and internet service.
29. Video Service Provider means any person who provides transmission of video, audio, or other programming service to a purchaser, including any purchaser interaction, if any, required for the selection or use of a programming service, regardless of whether the programming is transmitted over facilities owned or operated by the video service provider or over facilities owned or operated by another dealer of communications services, and including point-to-point and point-to-multipoint distribution services through which programming is transmitted or broadcast by microwave or other equipment directly to the purchaser's premises (not including direct-to-home satellite service), and including basic, extended, premium, pay-per-view, digital video, two-way cable, and music services.



30. Wireless Facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications.
31. Wireless Infrastructure Provider means a person who has been certificated to provide telecommunications service in Florida and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.
32. Wireless Services means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.
33. Wireless Support Structure means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole.

**§ 129-11. - Permit required; fees.**

- (a) At least forty-five (45) days prior to construction not considered an emergency and not covered by an annual general permit or an expedited permit, the utility shall proceed with due diligence to obtain all necessary permits and authorizations, including, but not limited to, any joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by federal or state law or agency or by the town.
- (b) With respect to any utility operating under a franchise agreement with the town, within sixty (60) days after acceptance of any franchise, the utility shall proceed with due diligence to obtain all necessary permits and authorizations, including, but not limited to, any joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of that utility. Prior to the issuance of any permits, the utility shall provide to the town a construction plan, including a map and schedule, which shall be incorporated by reference and made part of the franchise.
- (c) Except in an emergency, no person shall begin any construction in the rights-of-way without first obtaining the applicable permit, pursuant to this article. This requirement shall apply to all contractors and/or utilities performing work within the town's rights-of-way. Such permits are in addition to any other approvals that may be required.
- (d) Application fee; exemptions.
  1. Each application for any permit required by this chapter shall be accompanied by a permit application fee, which, if established, shall be set at a reasonable amount by the town commission from time to time, to defray the town's costs of filing, engineering and inspection.
  2. Communications services providers paying the communications services tax pursuant to Florida Statutes Chapter 202 are exempt from this fee.



§ 129-12. - Rights-of-way construction permit, exemption.

(a) If the utility does not hold an annual general permit, if the construction to be performed is not included in the utility's annual general permit, or if the construction does not qualify for an expedited permit, the utility shall obtain a rights-of-way construction permit prior to any construction within the rights-of-way.

(b) Process.

1. The utility shall apply for a permit to the town through the town staff at least forty-five (45) days before construction is scheduled to commence, and shall provide:
  - (i) the addresses of the property located at the termination points of the proposed work area and the location of the work area;
  - (ii) name and address of the party doing the work;
  - (iii) name and business address of the employees, contractors or other agents retained to perform the work;
  - (iv) name and business address of the agent of the utility applying for the permit on the utility's behalf, if the utility is not directly applying for the permit;
  - (v) a site map for the construction detailing the proposed work;
  - (vi) a maintenance of traffic control plan (MOT);
  - (vii) a proposed timetable which contains a detailed description of each phase of construction;
  - (viii) unless operating under an annual general permit, a statement verifying the applicant's status as a utility authorized by this article and Florida law to install and maintain facilities, and to operate in the public's right-of-way;
  - (ix) permit fee, if a fee has been established and is required; and
  - (x) any other information as the town staff shall find reasonably necessary to the determination of whether a permit should be issued hereunder.
2. Any plans submitted shall not unreasonably or unnecessarily conflict with, create access difficulty, or otherwise adversely affect the town's use and construction of any of its utilities.
3. Once a completed application is received by the town, relevant town staff persons will review the application for completeness and if complete then will review it to ensure the requested work will be consistent with all applicable town ordinances, rules or regulations in effect at the time of review of the application.
4. The town shall, not less than fifteen (15) days before construction is scheduled to commence, issue a decision regarding a permit request. For good cause, the town may extend the time period for review, but review should not exceed sixty (60) days. If a permit is still under consideration at the end of this period, the permit shall be considered denied except as provided for in article IV of this chapter.



5. If the permit is not issued, the town shall provide the utility with reasons why the permit was not issued. Except as provided for in article IV of this chapter, the utility shall have three (3) days to cure the defects in the application for a permit, and if the defects are cured and the applied for work is authorized under this chapter and other applicable laws, the town shall approve the application.
6. If the utility does not cure the defects in its application for a permit, the town shall deny the issuance of the permit. The utility may reapply for a permit any time after a final denial.
7. If issued a permit, a utility shall contact the town staff at least twenty-four (24) hours prior to commencement of construction.
8. Right-of-way permits are issued to permit utilities to occupy and work in town right-of-way, and for no other purpose. Therefore, every permit application must clearly identify the utility for which the work is to be performed, and shall contain a statement under penalty of perjury that the person completing and filing the application is an authorized agent of the utility with the authority to submit the application on the utility's behalf. Town staff are prohibited from processing permit applications which do not contain the foregoing content.
9. Pursuant to Florida Statutes § 337.401(3)(g), the Town may not require any permit for the maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles or for aerial wireline facilities between existing wireline communications facility attachments on utility poles by a communications services provider. However, it may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration to existing facilities. A permit application required by the Town under this subsection for placement of communications facilities must be processed and acted upon consistent with the permit review process set forth in § 129-49 of this code. As used in this subsection, the term "extension of existing facilities" includes those extensions from the rights of way into a customer's private property for purposes of placing a service drop or those extensions from the rights of way into a utility easement to provide service to a discrete identifiable customer or group of customers.

#### **§ 129-13. - Expedited permit.**

- (a) A utility that is required by the PSC to provide new customer service or guarantees service to new customers within a specified time period that is less than forty-five (45) days shall apply to town staff for an expedited permit if it is necessary to cross the paved area of the rights-of-way. The utility must apply for the permit as soon as reasonably possible.
- (b) The following are required to be included in the application for an expedited permit:
  1. the name and address of the utility;
  2. the name and address of the contractor performing the work, if applicable;
  3. an MOT;



4. the type of facilities to be installed;
  5. the proposed location of the facilities;
  6. a description of the pavement to be crossed;
  7. estimated length of time necessary to complete construction;
  8. if the utility does not hold an annual general permit, a statement verifying the applicant's status as a utility authorized by this chapter and Florida law to install and maintain facilities, and to operate in the public's right-of-way;
  9. if PSC required, the number of the regulation requiring the expedited installation;
  10. if customer service driven, documentation written to the customer stating the date upon which service was promised;
  11. permit fee, if a fee is required and if not exempt; and
  12. any other information the town staff shall find reasonably necessary to the determination of whether a permit should be granted hereunder.
- (c) If all of subsection (b) is included in the application and is acceptable, the town staff shall approve the expedited permit as soon as possible, in order for the utility to meet its service deadline.
- (d) A utility constructing under an expedited permit shall notify town staff at least sixty (60) minutes after arrival at the site that construction has commenced.
- (e) If requested by town staff, within a reasonable time, the utility shall provide a map of the proposed areas of construction in the rights-of-way within the town detailing the work performed or to be performed.
- (f) Unless deemed an emergency, a utility engaging in construction within the rights-of-way under an expedited permit is subject to every section of this article, with the exception of § 129-17 (j) and (l).

#### **§ 129-14. - Annual general permit.**

- (a) A utility shall apply to the town staff for an annual general permit no later than November 1 of each year, and the effective dates of that permit shall be from January 1 until December 31 of the subsequent year. Any utility seeking to obtain an annual general permit for the current year shall apply as soon as possible, and the effective dates of that permit shall be from the date of issuance of the permit until December 31 of that year. An annual general permit may be issued only to utilities with existing facilities in the rights-of-way. The annual general permit allows the following activities:
1. Communications services providers new customer service:
    - (i) installation of service drops no longer than 500 feet from serving location;
    - (ii) installation of a new buried distribution cable no longer than 500 feet that does not cross or begin in the pavement;



- (iii) extension of a buried distribution cable up to 500 feet, so long as it does not cross or begin in the pavement;
- (iv) extension of two-way four-inch conduit system up to 500 feet, so long as it does not cross or begin in the pavement;
- (v) adding a new terminal to existing cable;
- (vi) pulling in new underground feeder cables in an existing permitted conduit or manhole and conduit system;
- (vii) digging of a splice hole to splice a new cable or adding a terminal;
- (viii) digging of a splice hole for cable acceptance testing for quality;
- (ix) digging of a splice hole to change the count of a cable leg for new service;
- (x) extension of existing aerial distribution cable up to 500 feet from existing poles, providing other aerial utility service still exists and providing it does not cross the pavement.

2. Communications services providers maintenance of existing facilities:

- (i) replacement of existing service drops up to 500 feet in length;
- (ii) replacement/repair of existing terminals;
- (iii) replacement up to 500 feet in length or repair of existing aerial cable providing other aerial utility service exists;
- (iv) replacement up to 500 feet in length or repair of existing underground feeder cable in an existing permitted manhole and conduit system, so long as it does not cross the pavement;
- (v) pumping water out of a manhole to maintain underground cables in conduit system;
- (vi) digging of a splice hole to change the count of a cable;
- (vii) digging of a splice hole to locate and repair air leaks in cables;
- (viii) digging of a splice hole to add a side leg off feeder cable;
- (ix) digging of a hole to repair broken conduits;
- (x) digging of a splice hole for cable acceptance testing for quality;
- (xi) digging of a splice hole to repair wet or damaged cable;
- (xii) digging of a hole to verify the location of buried facilities;
- (xiii) removal of facilities no longer needed for services;
- (xiv) adjust aerial facilities to meet National Electric Safety Code;
- (xv) trim trees, so long as the utility complies with § 129-20 of this article;
- (xvi) Any facility relocations required for town improvements.

3. Natural gas providers:



- (i) extend and/or replace existing facilities up to 500 feet parallel to the rights-of-way, provided it does not cross pavement;
- (ii) install 5/8" and up to 1-1/4" service and connect to existing main, so long as it does not extend more than 500 feet or cross the pavement;
- (iii) maintain anodes, rectifiers, and telemetering stations;
- (iv) repair existing facilities, providing they do not cross the pavement;
- (v) retire services and mains;
- (vi) install and maintain valves, regulator stations, and insulators;
- (vii) install test stations, gas markers and vents;
- (viii) perform field inspections for conditions and location of gas facilities;
- (ix) perform miscellaneous minor maintenance related work;
- (x) install gas facilities in existing casing/pipe;
- (xi) any facility relocations required for town improvements.

4. Cable service providers and electric utilities:

- (i) routine maintenance of equipment, including, but not limited to, poles, overhead/underground transformers, streetlights, and brackets, wire and cable (underground or aerial, provided other aerial facilities exist), pedestals, switches, arresters, risers, fuses, and all associated hardware;
  - (ii) installation of equipment in order to provide new customer service within 500 feet, providing it does not cross the pavement;
  - (iii) extend or replace existing underground facilities up to 500 feet parallel to the rights-of-way, provided it does not cross the pavement;
  - (iv) extend or replace existing aerial facilities up to 500 feet parallel to the rights-of-way, provided other aerial facilities exist and it does not cross the pavement;
  - (v) repair existing facilities, provided it does not cross the pavement;
  - (vi) replace or upgrade existing facilities, up to 500 feet, provided it does not cross the pavement;
  - (vii) perform field inspections for conditions and locations of electric facilities;
  - (viii) perform miscellaneous minor maintenance related work;
  - (ix) install electric facilities in existing casing/pipe or conduit system;
  - (x) remove facilities no longer needed for service;
  - (xi) adjust aerial facilities to meet National Electric Safety Code;
  - (xii) trim trees, so long as the utility complies with § 129-20 of this article;
  - (xiii) any facility relocations required for town improvements.
- (b) A utility shall submit the following in order to obtain an annual general permit:



1. name and address of the utility;
  2. general MOT for various types of construction that may occur in the right-of-way;
  3. either proof of a valid franchise or valid registration with the town, or a letter from town staff stating that the utility is expressly permitted by the town to operate within the rights-of-way without a franchise or registration;
  4. permit fee, if a fee has been established and if the utility is not exempt; and
  5. any other information as the town staff shall find reasonably necessary to the determination of whether a permit should be issued hereunder.
- (c) A utility operating under an annual general permit shall provide town staff with weekly locations and a schedule of construction in the rights-of-way or shall notify town staff within sixty (60) minutes of any construction in the rights-of-way, if no map is provided or if construction is required to facilities not on the weekly map and schedule.
- (d) If a utility is operating under an annual general permit and the construction is not on the provided weekly map and schedule, the utility must notify town staff within twenty-four (24) hours of completion of construction in the rights-of-way pursuant to this section.
- (e) Unless deemed an emergency, a utility engaging in construction in the rights-of-way under an annual general permit is subject to every section of this article, with the exception of § 129-17(e), (m), (j) and (l).

#### **§ 129-15. - Appeals process for denial of permits.**

The utility may submit a notice of appeal to the town clerk no later than 30 days after the denial of the permit by the town staff. Failure to file an appeal in a timely manner shall render the decision final and shall foreclose further review of the matter. The appeal must state with specificity each fact relevant to the appeal, and each provision of town code or state or federal law the applicant contends would be violated by the denial. The town commission shall hear the appeal at the next regularly scheduled meeting of the commission. At the hearing, the applicant is entitled to be represented by counsel, to call witnesses and to introduce any evidence it contends is relevant to the appeal. The town commission shall render a decision on the appeal in writing within 10 days after hearing the appeal. The decision of the commission shall be final. Appeals from the commission's decision may be taken in the circuit court by way of a petition for writ of certiorari as provided for by general law and court rules.

#### **§ 129-16. - Emergencies.**

- (a) If an emergency arises, a utility may repair or replace any facilities affected without obtaining the usual necessary permits.
- (b) The following paragraphs or subparagraphs of this article do not apply in the event of an emergency: § 129-11; 129-12; 129-13; 129-14; 129-15; 129-17(c), (e), (f), (g), (j), (l), and (p); and 129-18(d).



- (c) If a utility begins any construction in the rights-of-way due to an emergency, the utility or its designee shall notify the town within sixty (60) minutes of arrival at the site.

**§ 129-17. - Construction specifications.**

- (a) The town staff, in coordination with county staff, may develop a Utility Accommodations Guide that will provide an outline of the procedures and requirements, as provided in this article, that a utility shall follow in order to be considered for approval from the town.
- (b) All construction in the rights-of-way by any utility shall be performed in an orderly and professional manner.
- (c) Prior to the issuance of a permit for construction in the rights-of-way, the utility shall obtain all necessary permits, licenses, or other authorizations from federal, state and local authorities for construction of facilities in the rights-of-way.
- (d) The utility shall construct facilities in a manner consistent with and in full compliance with the rules and regulations promulgated by any federal or state agency having jurisdiction over the utility. If the town's board of commissioners, after holding a public hearing, determines that there are reasonable grounds to believe the utility is not in compliance with the rules and regulations promulgated by the federal and/or state agencies having jurisdiction over the utility, the utility shall have thirty (30) days to come into compliance and verify compliance. If the utility fails to come into compliance and verify compliance within thirty (30) days, the utility may report any violations to the appropriate agency and suspend any permits in connection with the violation.
- (e) All new construction shall be pursuant to the town's Land Development Code.
- (f) Upon the undergrounding of the aerial facilities of the utility owning the poles upon which other utilities are located, all such other utilities shall concurrently place its facilities underground at depths and locations approved by the town staff. All new electrical or communications services facilities placed underground shall be placed in conduits unless the town staff agrees that doing so is technically impossible. Those poles no longer being used by such utilities shall be deemed abandoned and removed from the rights-of-way as soon as possible.
- (g) Commencement of construction shall take place as soon as possible after issuance of a permit by the town, but not later than twenty (20) days after line location, unless the utility notifies town staff and provides a good faith reason for not proceeding with construction.
- (h) The utility shall comply in all respects with the requirements of Florida Statutes Chapter 556, including the Florida One Call System.
- (i) The utility shall comply with all applicable federal, state, and local laws and all applicable federal, state, and local rules and regulations.
- (j) Except as provided for in article III of this chapter, if construction of an approved plan is not commenced within three (3) months after the issuance of a rights-of-way construction permit or a shorter time to be determined by town staff, unless the utility provides a good faith reason



in writing for the delay, it is presumed that the utility failed to proceed expeditiously, and the town staff shall revoke any permits issued to the utility.

- (k) Nothing in this article shall prevent early completion of construction of facilities. Once commenced, construction within the rights-of-way shall not exceed ten (10) working days, unless otherwise provided for in the permit.
- (l) On the final day of scheduled construction, an inspection by town staff shall take place, and if construction is completed, the permit shall expire and any further construction shall be a violation of this article. If construction is not completed on the final day of scheduled construction, the utility shall provide reasons for the delay, and if the town staff determines that there is good cause for the delay, the permit shall be extended for a reasonable amount of time, as determined by town staff. If town staff determines that the delay in completion of construction is unreasonable, it may (1) allow the utility to complete construction, (2) secure the area so as not to cause danger to the public, at the utilities sole expense, and require the utility to obtain a new permit, or (3) may complete the construction at the utility's sole expense. Town staff may deny any further permits to a utility that does not abide by construction schedules, as set forth by town staff, and may fine the utility pursuant to § 129-24 of this article.
- (m) Within three (3) working days after completion of construction in the rights-of-way, the utility shall notify the town staff of completion via email or facsimile. After notification is received, the permit issued is automatically deemed closed.
- (n) All utilities placing facilities in the rights-of-way shall mark their facilities for identification in such a manner as the town staff requests. A key to the identifying marks shall be kept by the town.
- (o) As soon as possible after completion of construction, a utility shall submit in a format acceptable to the town staff as-built plans to the town staff. The as-built plans should identify the size of the facility placed and its exact location within the rights-of-way. Any proprietary information regarding the installation not necessary for purposes of locating the facility should not be included in the as-builts.
- (p) Except as otherwise provided by federal or state law or federal or state agency with jurisdiction over the utility, poles that meet the definition of new facilities shall not be emplaced in the rights-of-way by any utility.
- (q) If any underground facilities are to be placed under pavement, the utility constructing said facilities shall use a boring technique. If boring is economically unreasonable or technically impossible, or if there is an active plan to resurface the pavement within twelve (12) months of commencement of construction, the utility may seek approval from the town staff to cut any pavement or excavate in order to construct facilities. Pavement shall not be cut unless no other reasonable construction alternatives are available and no alternative exists as to the desired route that will avoid cutting the pavement.
- (r) A town inspector may be present at various times during construction of facilities in order to assure compliance with this article and with any permits issued.
- (s) The permit holder is responsible for safety and is required to meet all federal, state and local construction standards.



- (t) The town reserves the right to limit the work of the utility to assure a minimum of inconvenience to the public.
- (u) Unless state or federal law or a state or federal agency with jurisdiction over the utility require otherwise, the town may request that a utility locate its facilities within a specific portion of the rights-of-way, so long as the request is not technically unreasonable or economically impossible.
- (v) At all times, at least one (1) individual on the construction site shall speak English.
- (w) If any terminals, cross connect boxes, pedestals, junction boxes, or other like facilities are to be placed in the rights-of-way, they shall be placed on the property lines as they exist at the time of construction of the facilities or as close to the property lines as possible of adjacent private property. Unless otherwise required by federal or state law or federal or state agency, and unless technically impossible or economically unreasonable, all new construction of terminals, cross-connect boxes, pedestals, junction boxes, or other like facilities shall be placed at or below grade. If federal or state law or federal or state agency require the facilities be placed above ground, the town may, at its option, require the undergrounding of the facility at the town's expense, pursuant to federal or state law or federal or state agency. If the new terminals, cross-connect boxes, pedestals, junction boxes, or other like facilities are placed above grade, the utility shall provide camouflage reasonably related to the size and function of the facility, which shall be adequate to sufficiently conceal the facility in a manner approved by the town during the permitting process. In selecting such devices, utilities shall use the smallest and least obtrusive facilities to perform the desired function unless doing so would be technically impossible or economically unreasonable.
- (x) If the utility restores or reconstructs any part of any paved area of the rights-of-way, the utility shall comply with all federal and state requirements, as well as any applicable provisions of the town's zoning code. Any restoration or reconstruction of the rights-of-way performed by the utility as a consequence of its construction in the rights-of-way shall be at the utility's own expense. The utility shall maintain all such restoration or reconstruction in a condition approved by the town for a period of one year following such restoration or reconstruction or until such time as the right-of-way is damaged or altered by a person or force beyond the utility's control, whichever is shorter. If the utility does not proceed expeditiously to complete the restoration or reconstruction, the town may perform the restoration or reconstruction at the sole expense of the utility.

#### **§ 129-18. - Collocation and cooperation requirement.**

- (a) If not technically impossible or economically unreasonable, all communications services provider, video service provider or wireless infrastructure provider facilities shall be installed parallel with and in the same manner as utilities previously occupying the rights-of-way.
- (b) Multiple cable configurations shall be arranged in parallel and bundled or stacked so as to occupy as little space in the rights-of-way as possible with due respect for engineering considerations.
- (c) A utility shall install its underground equipment and apparatuses simultaneously with other like utilities whenever possible. The town shall notify in writing all other utilities located in



that portion of the rights-of-way for which a utility has applied for and been granted a rights-of-way construction permit. If the town elects not to make such notice, it shall not enforce the foregoing undergrounding requirement as against such other utilities who do not possess knowledge of the approved project.

1. Any utilities wishing to perform construction under an annual general permit in that portion of the rights-of-way in which another utility is planning construction shall notify the town staff at least forty-eight (48) hours prior to the scheduled date for commencement of construction.
  2. Any utility wishing to perform construction under an expedited permit in that portion of the rights-of-way in which another utility is planning construction shall apply for the permit as soon as possible after notification is received from the town, but no later than five (5) business days prior to commencement of construction.
  3. Any utilities wishing to perform joint construction under a rights-of-way construction permit in a portion of the rights-of-way for which another utility is planning construction shall notify the town staff within five (5) business days of receipt of the notification.
  4. The town shall issue a schedule of construction in writing to all utilities wishing to perform joint construction under rights-of-way construction permits at the issuance of the permits.
  5. The town shall amend the schedule as needed to accommodate those utilities that are engaging in construction under the annual general or expedited permits.
- (d) All horizontally-installed utilities of like kind shall occupy one (1) trench, unless technically impossible or economically unreasonable. If a utility cannot occupy an existing trench, that utility shall create a new trench into which all like utilities thereafter installed shall collocate, unless technically impossible or economically unreasonable, or until there is no space remaining for any additional utilities.
- (e) Unless technically impossible, a CSP, video service provider or wireless infrastructure provider shall install its horizontally-installed facilities within an existing conduit, if space is available in an existing conduit and agreeable terms can be reached between the owner of the conduit and the CSP, video service provider or wireless infrastructure provider seeking to enter into the conduit. The owner of the conduit may reserve inner ducts and conduits for future use, and if the only available space is a conduit or inner ducts reserved for future use, it is deemed that there is no space in the existing conduit. If there is no space in an existing conduit, a telecommunications service provider, video service provider or wireless infrastructure provider may construct a new conduit within an existing trench as provided in subsection (e). The CSP, video service provider or wireless infrastructure provider may charge a reasonable rental fee or divide the cost of construction and maintenance pro rata with any new CSPs, video service providers or wireless infrastructure providers required by this section to locate within its conduit, but not both.
- (f) If there is sufficient space within an existing conduit and it is not technically impossible to place the facilities in the conduit and no reasonable arrangement can be made with the owner of the conduit for use of that space, the utility seeking to locate its facilities within that portion of the rights-of-way may apply for a variance to the board of adjustment. A variance may be granted only if the utility owning the conduit refuses to charge a reasonable rental fee or



construction and maintenance fee or if the utility owning the conduit places unreasonable conditions or restrictions upon the utility seeking to enter the rights-of-way. If a utility owning a conduit causes another utility to apply for a variance in violation of any requirements of this chapter, the conduit owner is subject to the penalties listed in section 19-24.

- (g) Any communications services provider, video service provider or wireless infrastructure provider unwilling to collocate its facilities as required in this subsection shall not be issued a permit.

**§ 129-19. - Damage or injury caused by utility constructing in the rights-of-way.**

- (a) In the event that a utility, during construction of facilities under any of the permits issued pursuant to this article or as otherwise authorized by this chapter causes damage to pavement, sidewalks, driveways, facilities owned by the town, facilities owned by other utilities, or other property, public or private, the utility shall notify the town and the owner of the damaged property within twenty-four (24) hours of such damage. Pursuant to Florida Statutes § 337.401(2), the permit-holder which caused the damage or its authorized agent shall, at its own expense and in a manner approved by the town, replace and restore such places to as good or better condition than existed before said work was commenced within a reasonable time and manner acceptable to town staff. If necessary, temporary repairs may be performed according to FDOT standards. If the owner of the damaged property requests that said owner repair the damage caused by the permit holder, and does in fact repair the damage in a reasonable time and in a manner acceptable to town staff, the permit holder shall reimburse the owner for the actual and reasonable cost and labor of repairs resulting from the damage. If the permit holder damages any town streets or sidewalks, the it shall abide by all guidelines provided in the town's land development code. The permit holder shall further maintain all such restoration in the condition approved by the town for a period of one year following such restoration, or until such time as the right-of-way is damaged or altered by a person, utility, or force beyond the control of the utility making the repairs, whichever is shorter.
- (b) Acknowledgment required. At the time a utility submits its application for an annual general permit, or if the utility does not apply for an annual general permit prior to January 1 of each year, that utility shall sign an acknowledgment stating the following: if, during construction of a utility's facilities by the utility, a claim arises against the utility and/or the town as a result of the utility's negligent or intentional acts, the utility will indemnify, hold harmless, and defend the town against all claims.
- (c) In addition to the foregoing, and pursuant to Florida Statutes § 337.402, should any public road be damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road, the owner of the utility shall, at its own expense, restore the road to its original condition before such damage. If the owner fails to make such restoration, the town is authorized to undertake the work and to charge the cost thereof against the owner.
- (d) At the time a utility submits its application for an annual general permit, or if the utility does not apply for an annual general permit, prior to being issued a site-specific permit, that utility shall sign an acknowledgment stating the following:



If, during construction of a utility's facilities by the utility or its agents, a claim arises against the town as a result of the utility's negligent or intentional acts, the utility will indemnify, defend and hold harmless the town against all such claims.

- (e) The town may require a utility to present proof of insurance prior to the commencement of construction in the rights-of-way.
- (f) To ensure that property owners are not required to pursue subcontractors and sub-subcontractors in order to have their damaged property repaired, the utility for which the work is being performed shall be deemed to be a co-permit holder, along with its contractor and any of its contractor's subcontractors. Any property owner who is not afforded the repair work required by this section is authorized to file a civil action in the appropriate court to enforce the terms of this section.

**§ 129-20. – Trimming, maintenance or removal of greenery.**

- (a) Any utility trimming or removal of any tree protected by state or local law trees in or from the right-of-way must do so only in compliance with those laws.
- (b) If any utility finds it necessary to trim trees or other plant life in the rights-of-way in order to avoid contact between wires or cables and branches, the utility shall notify the town staff at least 24 hours prior to the proposed trimming. At the option of the town, the trees or other plant life may be trimmed either by the town at the expense and under the supervision of the utility or by the utility under the supervision of the town. When authorized, trimming shall be limited to the area required for clear cable passage and shall not include major structural branches which materially alter the appearance and natural growth habits of the tree. Any trees or other plant life may not be trimmed in a manner that would adversely affect its natural growth pattern or cause the tree to appear unnatural. The utility shall be responsible for any and all damages to any trees or other plant life as a result of the trimming, to property surrounding any tree or plant life and to persons who may be injured as a result of the trimming.
- (d) If a utility seeks to temporarily remove trees or other plant life from the rights-of-way to construct facilities, the utility shall submit a restoration plan to town staff (which may consult with a qualified arborist) with its application for permit or, if constructing facilities under an annual general permit, at least forty-eight (48) hours prior to construction. The restoration plan shall propose to restore the disturbed area to its previous state, or as close as possible to its previous state. If the plan is unacceptable, town staff shall state the defects in the plan in writing as soon as possible after submission, and, town staff may deny any permits in connection with the restoration plan or may delay construction under an annual general permit until the defects in the restoration plan are corrected.
- (e) To the extent the town requires a utility, as a condition of permitting the installation of utility infrastructure in the right-of-way, to install trees, shrubs or other greenery, the utility shall continue to maintain such greenery to the standards set forth in the permit and the town's landscaping code.



**§ 129-21. - Relocation required if requested.**

- (a) If a utility facility that is placed upon, under, over, or within the right-of-way limits of any town road is found by the town to be unreasonably interfering in any way with the convenient, safe or continuous use, or the maintenance, improvement, extension, or expansion of such road or rights-of-way, the facility owner shall, upon 30 days' written notice to the owner or its agent by the town, initiate the work necessary to alleviate the interference, including by relocating or removing its facilities, at its own expense, except in those circumstances set forth in Florida Statutes § 337.403(a)-(j).
- (b) The town shall notify, by certified mail, return receipt requested, all affected utilities in writing at least ninety (90) days prior to construction. The town shall require all utilities to respond within thirty (30) days of receipt of the notice, stating the amount of time, in days, the utility estimates it will require to remove their facilities and whether the utility can perform work simultaneously with any other utilities. Depending on the scope of the project, the town may grant additional time to the utilities to respond to the notice.
- (c) Pursuant to the information received from the affected utilities, the town shall prepare a removal and relocation plan in writing, and all affected utilities shall remove or relocate their facilities according to that plan. If any facilities are relocated pursuant to this paragraph, the utility shall comply with this article in its entirety, except that the utility shall not need to apply for a permit.
- (d) If a utility fails to comply with an order of the town to relocate its facilities or otherwise to alleviate the interference as required by this section, and the town must undertake the work at its own expense, the town shall first provide the utility owner's chief executive officer or other agent designated by the utility notice that the town will perform the work. Pursuant to Florida Statutes § 337.404, after the work has been completed at the town's expense, the town shall present an order to the utility requiring the payment of the cost of the work, and affording the utility a reasonable time, which shall be not less than twenty (20) days and not more than thirty (30) days, to appear before the town clerk to contest the reasonableness of the order. A utility which does not make an appearance within this time, the order is deemed final. A final order shall constitute a lien on any property of the utility owner and may be enforced in the manner set forth in Florida Statutes § 337.404(2).

**§ 129-22. - Guarantees.**

- (a) The following guarantees are required prior to the approval of an application for any permit established by this article:

  - 1. Repair guarantee. If the town commission finds that a utility has a demonstrated history of damaging property during right of way work in the town, then, prior to November 1 of every year, the applicant shall provide a repair guarantee for the subsequent year of no less than five thousand dollars (\$5,000) to be submitted to the town guaranteeing that construction performed throughout the year has not damaged any utility owned by the town or other property, public or private. The amount of the guarantee may vary according to the scope of construction at the discretion of the town staff. The guarantee may be in the form of an acceptable irrevocable letter of credit or bond approved by the



town attorney, a cashier's check, or cash deposited with the town. Such guarantee will be written in favor of the town. If any damage to town owned utilities or other property, public or private, is discovered, the repair guarantee shall be used to repair that damage. The town reserves the right to require a utility that has caused damage at a value above the amount of the guarantee herein to pay any amount above the guarantee. If there is no damage to any property caused by the utility found within the town, the repair guarantee may be released to the utility by no later than January 31 or, at the option of the utility, may be utilized by the utility as the repair guarantee for the subsequent year.

(b) The following guarantees may be required in the town's sole discretion to accompany an application for any permit established by this article:

1. Performance guarantee. In cases where the estimated cost of the project exceeds two thousand five hundred dollars (\$2,500.00) and the utility is not currently occupying any portion of the rights-of-way within the town, the town may require a performance guarantee to be filed with the application for a permit hereunder in an amount equal to one hundred percent (100%) of the estimated cost of the project. The guarantee may be in the form of an irrevocable letter of credit or bond approved by the town attorney, cashier's check, or cash deposited with the town. Such guarantees shall be written in favor of the town and shall be conditioned on the completion of the project within the time limit on the face of the permit. The amount of the performance guarantee shall be based on standard construction cost determining methods and approved by town staff. No guarantee shall be released until a final inspection by the town staff determines that the installations are acceptable.
2. Maintenance guarantee. In cases where the estimated cost of the project exceeds ten thousand dollars (\$10,000), the town may require a maintenance guarantee to be submitted to the town guaranteeing the improvement for a period of not less than eighteen (18) months. The guarantee may be in the form of an acceptable irrevocable letter of credit or bond approved by the town attorney, cashier's check, or cash deposited with the town. The applicant shall request an inspection of the guaranteed facilities three (3) months prior to the expiration of the eighteen (18) month guarantee period, and no security shall be released until an acceptable inspection has been conducted by the town staff.

#### § 129-23. - Removal of facilities not in use.

- (a) If any utility does not utilize any facilities or portion thereof placed in the rights-of-way within twelve (12) months of location therein, upon written request, the utility shall provide proof to the town staff that the facilities will be used within three (3) months or a written statement that those facilities are reserved for future use. If the utility does not provide the above, the utility shall remove those facilities not utilized when construction of facilities by another utility takes place in that portion of the rights-of-way where the facilities to be removed are located, or at such other reasonable time as the town shall require in light of the needs of the town to manage its rights-of-way, including risks associated with allowing abandoned facilities to remain therein, as well as the needs of other utilities to deploy or plan to deploy facilities within the same rights-of-way.



(b) If any utility abandons any facilities located within the rights-of-way, the utility shall notify the town clerk within sixty (60) days of the intent to abandon the facilities. When a notice of intent to abandon facilities is received, the utility has the option of leaving those facilities in place and giving the town a bill of sale for such facilities, or removing the facilities. The town shall notify the utility within sixty (60) days whether the town will accept the bill of sale or require the utility to remove the facilities. Failure of such notice shall not obligate the town to purchase the same and the town may renotify the utility of its preferred alternative at a later date. If the town rejects the bill of sale, the facilities shall be removed at the expense of the utility when construction of facilities by another utility takes place in that portion of the rights-of-way where the abandoned facilities are located.

#### **§ 129-24. – Remain underground rule.**

Unless state or federal law prohibits enforcement of this section, once a utility has located its facilities underground, such facilities must not thereafter be relocated above-ground.

#### **§ 129-25. - Penalties.**

Any violation of this chapter shall be punishable by fine or otherwise as provided for in § 70-8 of the code. However, enforcement, including fines, will not be imposed for any violation under appeal pursuant to § 129-15.

In addition, after giving written notice and reasonable time to cure, the town can pursue all other lawful action, including suspending or denying permits issued pursuant to this article, filing a complaint with the Florida PSC advising of a violation of the town's code, filing an injunction in the circuit court to enforce the terms of this article or to enjoin the use of the rights-of-way, filing an action in federal court to enforce payment of just compensation pursuant to the federal Telecommunications Act, pursuing action before the code enforcement board to impose daily fines, and/or denying permits or development orders for other projects or use of the rights-of-way by the utility. These remedies shall be cumulative.

### **ARTICLE III. – USE BY COMMUNICATIONS SERVICES PROVIDERS**

#### **§ 129-30. - Purpose.**

The purpose of this article is:

- (a) To establish a competitively neutral policy for the use of the rights-of-way for the provision of communications services, as defined in Florida Statutes § 202.11.
- (b) To protect the town's investment in the rights-of-way by providing rules and regulations governing communications services providers' access to and use of the rights-of-way by communications service providers to ensure and protect the public health, safety and welfare.
- (c) To regulate the placement of structures and facilities in the rights-of-way pursuant to Florida Statutes § 166.01.



- (d) To prescribe reasonable rules for such uses not inconsistent with Florida Statutes § 337.401 and Florida Statutes § 364.0361, so as to minimize disruption of services in the rights-of-way, regulate the use of the rights-of-way by communications services providers, and regulate the construction, installation, maintenance, repair, removal and replacement of such facilities in the rights-of-way.
- (e) To preserve the public's traditional use of the rights-of-way while allowing access to the rights-of-way to utilities.

**§ 129-31. - Registration for construction, placement, maintenance, or ownership of facilities in rights-of-way.**

- (a) A CSP that desires to place or maintain facilities in the rights-of-way in the town shall first register with the town in accordance with the terms of this article. Subject to the terms and conditions prescribed in this article, a registrant may place or maintain facilities in the rights-of-way.
- (b) Subject to the terms and conditions contained in this division, a registrant may construct, install, maintain, repair, expand, remove, or locate permanent or temporary facilities in, on, over, under, on and across the designated rights-of-way.

**§ 129-32. - Nature of registration.**

A registration shall not convey to the registrant any title, equitable or legal in the rights-of-way. Registration under this article governs only the placement or maintenance of facilities in the rights-of-way. Other ordinances, codes, or regulations may apply to the placement or maintenance in the rights-of-way of facilities that are not facilities as defined herein. Registration does not excuse a CSP from obtaining appropriate access or pole attachment agreements before locating its facilities on the town's or another person's facilities. Registration does not excuse a CSP from complying with all applicable town ordinances, including this article.

**§ 129-33. - Registration; effectiveness.**

1. Registration. Each CSP that desires to place or maintain facilities in rights-of-way shall file a registration with the town, which shall include the following information:
  - (a) Name of the applicant;
  - (b) Name, address and telephone number of applicant's primary contact person in connection with the registration;
  - (c) Evidence of insurance coverage required under this article;
  - (d) The number of the registrant's current certificate of authorization issued by the Florida PSC, the FCC or other federal or state authority, if any; and



- (e) For an applicant that does not provide a Florida PSC certificate of authorization number, if the applicant is a corporation, proof of authority to do business in the State of Florida, including the number of certificate of incorporation.
2. The town shall review the information submitted by the applicant. Such review shall be by the town staff. If the applicant submits information in accordance with § 129-33(1) above, the registration shall be effective and the town shall notify the applicant of the effectiveness of the registration in writing. If the town determines that the information has not been submitted in accordance with § 129-33(1) above, the town shall notify the applicant of the non-effectiveness of registration, and reasons for non-effectiveness, in writing. The town shall so reply to an applicant within thirty (30) days after receipt of registration information from the applicant. Appeals from denials of registration shall be governed by § 129-36.
  3. A registrant may cancel a registration upon sixty (60) days written notice to the town noticing that it will not place or maintain facilities in the right-of-way and will no longer need to obtain permits to perform work in the rights-of-way. A registrant cannot cancel a registration if the registrant continues to place or maintain any facilities in the rights-of-way.
  4. Registration shall not in itself establish any right to place or maintain priority for the placement or maintenance of the rights-of-way within the town, but shall establish a right for the registrant to apply for a permit. Registrations are expressly subject to any future amendment to or replacement of this article and further subject to any additional town ordinances, as well as any state or federal laws that may be enacted.
  5. Pursuant to Florida Statutes § 337.401(3)(a), a registrant shall renew its registration with the town no later than April 1 of every fifth year after the initial year of registration. During periods between renewals, registrants shall notify the town within ninety (90) days of any change in registration information. If no information has changed in the then existing registration, the renewal may state that no information has changed. If the town finds that non-renewal of registration was a good faith error on the part of the CSP, the only penalty for non-registration shall be the non-issuance or revocation of permits to work in the rights-of-way; otherwise § 129-42 shall apply.
  6. In accordance with applicable town codes and ordinances, a permit is required of a CSP that desires to place or maintain facilities in the rights-of-way. An effective registration shall be a condition of obtaining a permit. An effective registration with the town shall not be construed to mean that permit requirements shall not apply or that such requirements have been satisfied by the registrant.
  7. Maintenance of registration documents, registration fee. The town clerk shall provide a registration number to a CSP that has satisfied the requirements in subsections (1) and (2) of this section. The town clerk shall maintain records of registration and renewal for all CSP's placing or maintaining facilities within the rights-of-way. Pursuant to Florida Statutes § 337.401(3)(a), the town is prohibited from requiring a provider to pay any fee, cost or other charge for registration or renewal thereof.

§ 129-34. - Assignment of facilities; effect on registration.



If the registrant transfers, sells or assigns any of its facilities located within the rights-of-way within the town, the transferee, buyer or assignee shall comply with the terms of this article as of the effective date of the transfer or assignment. Written notice of any such sale, transfer or assignment shall be provided by the registrant to the town within 20 days after the effective date of the transfer. If the transferee, buyer or assignee is registered with the town at the time of the transfer, sale or assignment, the transferee, buyer or assignee is not required to re-register. If the transferee, buyer or assignee is not a current registrant. No later than sixty (60) days after the effective date of the transfer, sale or assignment, the transferee, buyer or assignee shall register in its own name in accordance with § 129-33(1) of this article.

#### **§ 129-35. - Suspension of permits.**

After giving reasonable notice and time to cure, the town may suspend or deny any permit for work in the rights-of-way for one or more of the following reasons:

- (a) Violation of permit conditions, including conditions set forth in this chapter or other applicable town codes, ordinances, or regulations governing use of the rights-of-way;
- (b) Misrepresentation or fraud by registrant in a registration or permit application to the town;
- (c) Failure to relocate or remove facilities as may be lawfully required by the town;
- (d) Failure of a CSP to timely renew its registration; or
- (e) Any other unlawful activity that may affect the town or the rights-of-way.

A suspension or denial of a permit may be appealed pursuant to § 129-36.

#### **§ 129-36. - Appeals.**

Final, written decisions of the town staff denying an application for registration, denying an application for renewal of a registration, or suspending or denying permits are subject to appeal. An appeal must be filed with the town clerk within thirty (30) days of the date of the final, written decision to be appealed. Any appeal not timely filed as set forth above shall be waived. The town commission shall hear the appeal and may affirm or reverse the decision of the staff. If the decision is reversed, the town staff shall reevaluate the registration information provided, pursuant to § 129-33(1) of this article, and the town shall reinstate any suspended permits and issue any permits which were denied as a result of violations of this article. The filing of a timely appeal acts as a stay upon any final decision being appealed until such appeal is decided by the commission.

#### **§ 219-37. - Construction in the rights-of-way.**

1. Registrant must obtain applicable permits. Registrant shall not place or maintain its facilities in the rights-of-way until all applicable permits have been issued by the town or other appropriate authority, subject to article II of this chapter. The registrant may place or maintain



the facilities in the rights-of-way specifically identified in permits obtained in accordance with applicable provisions of this chapter or other applicable town codes and regulations. The permission to use and construct in the rights-of-way is only for those areas specifically identified in the permit.

2. *Compliance with town codes and regulations.* Registrant shall comply with all applicable town codes and regulations in placing or maintaining the facilities in the rights-of-way, including, but not limited to, engineering regulations, permit requirements, contractor licensing requirements, landscaping codes, fire codes and zoning codes.
3. *Construction standards.* Registrant shall place or maintain its facilities in the rights-of-way in compliance with all applicable construction standards as established by local, state or federal law and in conformance with the town codes and regulations, including the standards set forth in this chapter. Registrant shall use and exercise due caution, care, skill and expertise in performing work in the rights-of-way and shall take all reasonable steps to safeguard work site areas.
4. *Maintenance.* A registrant shall maintain its facilities in the rights-of-way in a safe condition.

#### **§ 129-38. - Involuntary termination of registration.**

##### **A. The town may terminate a registration if:**

1. A federal or state authority suspends, denies, or revokes a registrant's certification or license to provide communications services;
2. The registrant's placement or maintenance of a communications facility in the rights-of-way presents, in the reasonable judgment of the town, an extraordinary danger to the general public or other users of the rights-of-way and the registrant fails to remedy the danger promptly after receipt of written notice;
3. The registrant ceases to use all of its communications facilities in rights-of-way and has not complied with § 129-23 of this chapter; or
4. The registrant intentionally misrepresented itself on its registration.

- B. Prior to termination, the registrant shall be notified in writing by the town of the proposed termination, setting forth all matters pertinent to the proposed termination action, including which of 1. through 4. above is applicable as the reason therefore, and describing the proposed action of the town with respect thereto. The registrant shall have sixty (60) days after receipt of such notice within which to address or eliminate the reason or within which to present a plan, satisfactory to the town, to accomplish the same. If the plan is rejected, the town shall provide written notice of such rejection to the registrant and shall make a recommendation to the town commission regarding a final decision as to termination of registration. A decision by the town to terminate a registration may only be accomplished by an action of the town commission. A registrant shall be notified by written notice of any decision by the town commission to terminate its registration. Such written notice shall be sent within seven (7) days after the decision.



- C. In the event of termination, the former registrant shall: (a) notify the town of assumption or anticipated assumption by another registrant of ownership of the registrant's communications facilities in rights-of-way; or (b) provide the town with an acceptable plan for disposition of its communications facilities in rights-of-way. If a registrant fails to comply with this subsection, the town may exercise any remedies or rights it has at law or in equity, including but not limited to taking possession of the communications facilities, requiring the registrant's bonding company within 90 days of the termination to remove some or all of the communications facilities from the rights-of-way and restore the rights-of-way to its original condition before the removal, or requiring that some or all of the communications facilities be removed and the rights-of-way restored to as good or better condition as before the removal at the registrant's expense.
- D. In any event, a registrant whose registration is terminated shall take such steps as are necessary to render every portion of the communications facilities remaining in the rights-of-way of the town safe.
- E. In the event of termination of a registration, this provision does not permit the town to cause the removal of any communications facilities that are used to provide another service for which the registrant holds a valid certification or license with the governing federal or state agency, where required, and is properly registered or holds a valid franchise with the town for such certificated or licensed service, where required.

#### § 129-39. - Insurance.

1. A registrant shall provide, pay for, and maintain satisfactory to the town the types of insurance described herein. All insurance shall be from responsible companies, duly authorized to do business in the State of Florida and having a rating in Best Insurance Guide of "A" or better. All liability policies shall provide that the town is an additional insured as to the activities it will engage in under this chapter. The required coverages must be evidenced by properly executed certificates of insurance forms. The certificates must be signed by the authorized representatives of the insurance company and shall be filed and maintained with the town annually. The registrant shall add and maintain the town as an additional insured on its general liability policy. The document shall indicate that the town, a political subdivision of the state, is an additional insured as its interests may appear; and shall also provide that insurance shall not be canceled, limited, or nonrenewed until after 30 days' written notice has been received by the town; however, insurance may be canceled and replaced with a policy that continues to meet the requirements of this division. The insurance requirements may be satisfied by evidence of self-insurance or other types of insurance acceptable to the town.
2. The limits of coverage of insurance required shall be not less than the following:
  - A. Worker's compensation and employer's liability insurance.
    - Worker's Compensation/Florida Statutory Requirements.
    - Employer's Liability - \$500,000 limit each accident.
    - \$500,000 limit per accident.
    - \$500,000 limit per each employee.



B. Comprehensive general liability.

Bodily Injury and Property Damage - \$3,000,000 combined single limit each occurrence.

C. Automobile liability.

Bodily Injury and Property Damage - \$3,000,000 combined single limit each accident.

§ 129-40. - Indemnification.

1. In matters related to any actions or activities of the CSP arising under this article, CSP shall, at its sole cost and expense, fully indemnify, defend and hold harmless the town, its officers, boards, commissions, charter officials, employees, agents, and volunteers against any and all claims, suits, actions, proceedings, liabilities, and judgments for damages (including, but not limited to, expenses for reasonable legal fees and disbursements and liabilities assumed by the town in connection therewith) or equitable relief regardless of whether the act or omission complained of is authorized, allowed or prohibited by this ordinance. The CSP's indemnification of the town shall include, but not be limited to all claims, suits, actions, proceedings, liabilities, and judgments for damages arising out of the following:
  - (a) To persons or property, in any way arising out of or through the acts or omissions of the CSP, its officers, agents, employees, servants, contractors, subcontractors, consultants or volunteers or to which the CSP's negligence shall in any way contribute; and
  - (b) Arising out of any claim of invasion of the right of privacy, for defamation of any person, firm, or corporation, or the violation or infringement of any copyright, trademark, trade name, service name, patent, or of any other right of any person, firm or corporation; and
  - (c) Arising out of the CSP's failure to comply with the provisions of any federal, state or local statute, ordinance or regulation applicable to the CSP in the conduct of its business under this chapter; and
2. The town shall be responsible for its own negligence, including that of its elected officials, charter officials, officers, and/or employees resulting from activities arising from its sole responsibilities under this chapter, but only to the extent provided by the waiver of sovereign immunity in Florida Statutes § 768.28.
3. The CSP shall have the duty to defend the town in any action to which the town is a part which fails to allege specific actions by the town resulting from its activities under this chapter, whether or not the same claims damages for which the town is immune under federal or state law, including, but not limited to Florida Statutes § 768.28.
4. The town shall give the CSP prompt notice of the making of any claim or the commencement of an any action, suit, or other proceeding covered by the provisions of this chapter. Nothing in this chapter shall be deemed to prevent town from cooperating with the CSP in participating in the defense of any litigation by its own counsel at its sole cost and expense.
5. Nothing in this article shall be construed to abrogate any immunity under federal or state law, including, but not limited to, 47 U.S.C. § 555a or Florida Statutes § 768.28.



**§ 129-41. - Notification of leasing and/or subleasing.**

- (1) Any communications services provider registered under § 19-23(1) shall notify the town within thirty days after entering into a lease agreement or sublease agreement with another communications services provider that such agreement has been entered into. Notification shall be sent to the town clerk with a copy being sent to the town attorney.
- (2) The notification shall include:

  - (a) The name of the telecommunications company from which the facilities are leased,
  - (b) The name of the telecommunications company to which the facilities are leased,
  - (c) The address of the company to which the facilities are leased,
  - (d) A contact person of the company to which the facilities are leased,
  - (e) The telephone number where that contact person can be reached, and
  - (f) If not all facilities have been leased or subleased, the location of the facilities leased or subleased to the new telecommunications company.
- (3) The communications services provider leasing the facilities within the town's right-of-way may, at any time, be required to provide financial information necessary to verify the accuracy of the Department of Revenue's calculations in establishing the local share of the Florida communications services tax for the town. Any information provided to the Department of Revenue shall, at the town's request, be provided to the town. The town shall not require any information of the communications provider leasing the facilities within the town's rights-of-way that is more than three years old.

**§ 129-42. - Penalties for violation.**

Any violation of this article shall be punishable by a fine or otherwise, as provided for in § 70-8 of the code. However, enforcement will not be pursued for any violation under appeal, pursuant to § 129-36.

In addition, after giving written notice and reasonable time to cure, the town can pursue all other lawful action, including filing a complaint with the Florida Public Service Commission advising of a violation of this article, filing an injunction in the circuit court to enforce the terms of this article or registration or to enjoin the use of the rights-of-way, filing an action in federal court to enforce payment of just compensation pursuant to the Telecommunications Act, and/or denying or suspending permits or development orders for other projects or use of the rights-of-way by the CSP. These remedies shall be cumulative.

**§ 129-43. - Reservation of rights and remedies.**



1. The town reserves the right to amend this article as it shall find necessary in the lawful exercise of its police powers.
2. This article shall be applicable to all facilities placed or maintained in the rights-of-way on or after the effective date of this article and shall apply to all existing facilities in the rights-of-way prior to the effective date of this article to the full extent permitted by state and federal law.
3. Nothing in this article shall limit the remedies of the town or the registrant available under applicable law.

#### ARTICLE IV. – SMALL AND MICRO CELL SITES IN TOWN RIGHT-OF-WAY

##### § 129-45. – Definitions unique to article.

For purposes of this article, the following terms shall have the following meanings:

*Micro Wireless Facility* – A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

*Small Wireless Facility* – A wireless facility that meets the following qualifications:

A. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

B. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

##### § 129-46. – Preemption of town authority.

(a) Pursuant to Florida Statutes § 337.401(7)(c), (d) and (g), the town may not:

(1) prohibit, regulate, or charge for the collocation of small wireless facilities in the right-of-way or for the installation, maintenance, modification, operation, or replacement of utility poles used for the collocation of small wireless facilities in the public rights-of-way;

(2) require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole;



(3) directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the town, including reserving fiber, conduit, or pole space for the town;

(4) require an applicant to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified in the application;

(5) limit the placement of small wireless facilities by minimum separation distances.

(6) Require a demonstration that collocation of a small wireless facility on an existing structure is not legally or technically possible as a condition for granting a permit for the collocation of a small wireless facility on a new utility pole except as provided for in subsections (b) and (c) below.

(7) Require compliance with the town's regulations regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the Florida department of transportation unless the authority has received a delegation from the department for the location of the small wireless facility or utility pole, or require such compliance as a condition to receive a permit that is ancillary to the permit for collocation of a small wireless facility, including an electrical permit.

(8) Require a meeting before filing an application.

(9) Require direct or indirect public notification or a public meeting for the placement of communication facilities in the right-of-way.

(10) Limit the size or configuration of a small wireless facility or any of its components, if the small wireless facility complies with the size limits in § 129-47 of this code.

(11) Prohibit the installation of a new utility pole used to support the collocation of a small wireless facility if the installation otherwise meets the requirements of Florida Statutes § 337.401(7)(d).

(12) Require that any component of a small wireless facility be placed underground except as provided in subsections (b) and (c) below.

(13) Institute, either expressly or de facto, a moratorium, zoning-in-progress, or other mechanism that would prohibit or delay the filing, receiving, or processing of registrations, applications, or issuing of permits or other approvals for the collocation of small wireless facilities or the installation, modification, or replacement of utility poles used to support the collocation of small wireless facilities.

(b) In an area where the town has required all public utility lines in the rights-of-way to be placed underground, a wireless provider must comply with written, objective, reasonable, and



nondiscriminatory requirements that prohibit new utility poles used to support small wireless facilities if:

(1) The town, at least 90 days prior to the submission of an application, has required all public utility lines to be placed underground;

(2) Structures that the town allows to remain above ground are reasonably available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities; and

(3) A wireless provider may install a new utility pole in the designated area in the right-of-way that otherwise complies with this subsection and it is not reasonably able to provide wireless service by collocating on a remaining utility pole or other structure in the right-of-way.

(c) For small wireless facilities installed before the town adopts requirements that public utility lines be placed underground, the town must:

(1) Allow a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or

(2) Allow the wireless provider to replace the associated pole within 50 feet of the prior location in accordance with subsection (d) below.

(d) The town may require wireless providers to comply with its objective design standards adopted in this code. However, the code may only require:

(1) A new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color;

(2) Reasonable spacing requirements concerning the location of a ground-mounted component of a small wireless facility which does not exceed 15 feet from the associated support structure; or

(3) A small wireless facility to meet reasonable location context, color, camouflage, and concealment requirements, subject to the limitations in Florida Statutes § 337.401(7); and

(4) A new utility pole used to support a small wireless facility to meet reasonable location context, color, and material of the predominant utility pole type at the proposed location of the new utility pole.

Such design standards under this paragraph may be waived by the town upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or utility pole or are technically infeasible or that the design standards impose an excessive expense. The waiver must be granted or denied within 45 days after the date of the request.



**§ 129-47. – Small wireless facility height and design provisions.**

(a) The height of a small wireless facility shall be limited to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. The height for a new utility pole is limited to the tallest existing utility pole located in the same contiguous right-of-way as of July 1<sup>st</sup> 2017, measured from a grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the height of the utility pole shall be no greater than 50 feet, inclusive of the height of the small wireless facility attached thereto.

(b) A new utility pole or similar vertical structure to support a small wireless facility installed in public right-of-way must be designed to afford collocation of at least three antennae, and must be of a design which will limit the added visual blight the installation will cause, and/or which will provide alternative functionality to enhance public safety, such as by incorporation of decorative lighting elements.

**§ 129-48. – Small wireless support facilities right-of-way permit process.**

(a) A permit shall be required prior to the installation in the public right-of-way of a small wireless facility or a utility pole designed to support a small wireless facility. Except as preempted or limited in this part, such permit applications shall be applied for under the same process, and shall be reviewed under the same standards, and shall be subject to the same conditions, as applies to all other utilities seeking right-of-way permits under this article, including but not limited to provisions on insurance coverage, indemnification, performance bonds, security funds, abandonment, landscaping, undergrounding requirements, and town liability. The town staff shall approve a complete application unless it does not meet the town's applicable codes.

(b) In addition to denial for a failure to satisfy the standards and conditions referenced in subsection (a) above, a permit application for the collocation of a small wireless facility or to place a utility pole used to support a small wireless facility in the right-of-way submitted under this part may be denied if the proposed collocation or pole:

(1) Materially interferes with the safe operation of traffic control equipment.

(2) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

(3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

(4) Materially fails to comply with the 2017 edition of the FDOT Utility Accommodation Manual.

(5) Fails to comply with applicable codes.

(6) Fails to comply with objective design standards provided for in this code.



(c) At the applicant's discretion, an applicant seeking to collocate small wireless facilities within the town may file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities.

(d) At the town's discretion, the town may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is completed. For any financial obligation required by the town allowed under this section, the town shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile. A provider of communications services may add the town to any existing bond, insurance policy, or other relevant financial instrument, and the town must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the town is a party. The town may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the town's negligence, gross negligence, or willful conduct.

#### **§ 129-49. – Permit review process.**

(a) Permit applications submitted under this part must, in addition to the permit information required in this article, contain an email address the applicant has designated for use as the official means for the town to communicate with it concerning the application process.

(b) Permit applications for the placement of a utility pole designed to support a small wireless facility must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved.

(c) For permit applications submitted under this section, the town staff must, within 14 days after receiving an application, determine and notify the applicant by electronic mail as to whether the application is complete. If the application is found to be incomplete, the town staff must specifically identify the missing information. An application is deemed complete if the town staff fails to provide notification to the applicant within 14 days.

(d) A complete application must be reviewed, and either approved or denied, within 60 days after receipt of a complete application. Applications not approved or denied within that period shall be deemed to be approved unless the applicant mutually agrees to extend the review period in writing.

(e) The town staff shall notify the applicant of approval or denial by electronic mail. If the application is denied, the town staff must specify in writing the basis for the denial, including the specific code provision(s) on which the denial was based, and send the documentation to the applicant by electronic mail on the day the application is denied. To the extent the application is denied due to deficiencies within the application, the applicant shall have 30 days after the notice of denial is sent to cure the deficiencies identified and to resubmit the application. The town staff



shall, within 30 days after any such resubmission, grant or deny the application. Any denial of a resubmitted application shall be limited to the deficiencies cited in the initial denial. Resubmitted applications not acted on within 30 days shall be deemed approved. If the applicant fails to resubmit the application within the 30 days provided for above, the application shall be deemed to have been withdrawn.

(f) A permit approved under this section shall be effective for 1 year unless extended further by the town.

#### **§ 129-50. – Exemptions from permitting.**

(a) The following actions with respect to small wireless facilities shall not require a permit:

(1) Routine maintenance, the performance of service restoration work on existing facilities, or repair work, including, but not limited to, emergency repairs of existing facilities or extensions of such facilities for providing communications services to customers;

(2) Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size, or

(3) Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting communications services tax under Florida Statutes Chapter 202. The town may require an initial letter from or on behalf of such provider, which is effective upon filing, attesting that the micro wireless facility dimensions comply with the limits of this subsection. The town may not require any additional filing or other information as long as the provider is deploying the same, a substantially similar, or a smaller size micro wireless facility equipment.

(b) Notwithstanding the foregoing, an application for right-of-way work shall be required whenever excavation, closure of a sidewalk, or closure of a vehicle lane or parking lane are required, unless the provider is performing service restoration on an existing facility and the work is done in compliance with the latest edition of the Florida Department of Transportation Utility Accommodation Manual. The town requires notice of such work within 30 days after restoration and may require an after-the-fact permit for work which would otherwise have required a permit.

#### **§ 129-51. – Collocation on town poles.**

(a) Collocation of small or micro wireless facilities on town-owned poles pursuant to agreement between an applicant and the town is authorized.

(b) Such collocations on town poles are subject to the following limitations:



(1) The town may not enter into an exclusive arrangement with any person for the right to attach equipment to its poles.

(2) The rates and fees charged by the town for such collocations on town poles must be nondiscriminatory, regardless of the type of wireless services provided by the collocated facilities.

(c) Should the town receive a request to collocate a small or micro wireless facility on a town pole, the town commission is authorized to enter an agreement to permit such collocation at a rate of \$150 per pole annually. Such agreement shall be in a form approved by the town attorney and shall, at a minimum, provide for indemnification of the town and terms of use and maintenance. The terms of such agreement shall not conflict with the limitations and conditions set forth in Florida Statutes § 337.401(7)(f)(5)a-d.

**Section 6.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 7.** The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Sections 1 through 5 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the 13<sup>th</sup> day of April, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the 11<sup>th</sup> day of May, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.



ATTEST:

\_\_\_\_\_  
Mary Palmer, MMC, Town Clerk

\_\_\_\_\_  
Marybeth Henderson, Mayor



## Town Clerk

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**From:** Town Administrator  
**Sent:** Friday, May 6, 2022 8:17 AM  
**To:** Town Clerk  
**Subject:** FW: amendment with time as the standard  
**Attachments:** Shoobridge Administrator Agreement Amendment drive time version.pdf

*Jeff Shoobridge*

Town Administrator  
17425 Gulf Blvd.  
Redington Shores, FL. 33708  
727.397.5538

**From:** Robert Eschenfelder <Rob@cityattorneys.legal>  
**Sent:** Monday, May 2, 2022 11:17 AM  
**To:** Mayor <mayor@redshoresfl.com>; Commissioner Dist. 1 <comdist1@redshoresfl.com>; Commissioner Dist. 2 <comdist2@redshoresfl.com>; Commissioner Dist. 4 <comdist4@redshoresfl.com>  
**Cc:** Town Administrator <townadmin@redshoresfl.com>; Town Clerk <townclerk@redshoresfl.com>  
**Subject:** amendment with time as the standard

Commissioners,

The Town Clerk informs me that her notes were to the effect that a one-hour drive time was a consensus. Thus, I'm providing this version of an amendment which uses that standard. As I'd noted previously, a time-based provision may prove harder to verify compliance with but it is totally up to the Commission and Administrator as to which standard to use so at least now you all have a version using distance and a version using time and which standard is agreed can be discussed at the next meeting.

Regards,  
Robert M. Eschenfelder, Esquire  
Board Certified in City, County and Local Government Law  
[Rob@cityattorneys.legal](mailto:Rob@cityattorneys.legal)  
TRASK DAIGNEAULT, LLP  
Harbor Oaks Professional Center  
1001 South Fort Harrison Avenue, Suite 201  
Clearwater, FL 33756  
(727) 733-0494 Phone  
(727) 733-2991 Fax





## **FIRST AMENDMENT TO EMPLOYMENT AGREEMENT**

This First Amendment to Employment Agreement is made and entered into this **11<sup>th</sup> day of May, 2022** ("Effective Date"), by and between the **Town of Redington Shores**, a Florida municipal corporation, and **Jeffrey J. Shoobridge**, as follows:

**WHEREAS**, on March 9<sup>th</sup> 2022, the Town of Redington Shores (the Town) entered an Employment Agreement (the Agreement) with Jeffrey J. Shoobridge (the Administrator) for the purposes of employing Administrator as the Town Administrator; and

**WHEREAS**, § VII(B) of the Agreement provided: "The ADMINISTRATOR shall, at all times during the term of this Agreement, be a resident of, and shall actually live within, Pinellas County, Florida"; and

**WHEREAS**, the Administrator has informed the Town Commission that since beginning his search for a residence to purchase for himself and his family within Pinellas County, he has encountered an exceptionally difficult real estate market within Pinellas County which has caused him to be consistently outbid on homes, and which has limited his ability to identify homes offering the same value for money as are available just outside of Pinellas County; and

**WHEREAS**, the Town Commission is sympathetic to the difficult position into which the current Pinellas County real estate market has placed the Administrator and is agreeable to the Administrator's request for greater flexibility in finding a residence outside Pinellas County but within a reasonable distance from Town Hall.

**NOW, THEREFORE**, in consideration of the foregoing exordial clauses, the Parties hereto agree as follows:

1. Section VII (B) of the Agreement is amended to read as follows:

Residency: The ADMINISTRATOR shall, at all times during the term of this Agreement, be either a resident of, and shall actually live within, Pinellas County, Florida, or shall reside and actually live within a one hour drive time of Redington Shores Town Hall.

2. All other terms and conditions of the Agreement shall remain in effect.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be duly executed.

\_\_\_\_\_  
**Jeffrey J. Shoobridge**

\_\_\_\_\_  
**MaryBeth Henderson, Mayor Commissioner**



## Town Clerk

---

**From:** Town Administrator  
**Sent:** Friday, May 6, 2022 8:18 AM  
**To:** Town Clerk  
**Subject:** FW: Draft Administrator Contract Amendment  
**Attachments:** Shoobridge Administrator Agreement Amendment.pdf

*Jeff Shoobridge*

Town Administrator  
17425 Gulf Blvd.  
Redington Shores, FL. 33708  
727.397.5538

**From:** Robert Eschenfelder <Rob@cityattorneys.legal>  
**Sent:** Friday, April 29, 2022 5:42 PM  
**To:** Mayor <mayor@redshoresfl.com>; Commissioner Dist. 1 <comdist1@redshoresfl.com>; Commissioner Dist. 2 <comdist2@redshoresfl.com>; Commissioner Dist. 4 <comdist4@redshoresfl.com>  
**Cc:** Town Clerk <townclerk@redshoresfl.com>; Town Administrator <townadmin@redshoresfl.com>  
**Subject:** Draft Administrator Contract Amendment

Commissioners,

As you recall, at this week's workshop, Administrator Shoobridge asked for the Commission to re-consider the residency requirement set forth in his employment agreement. The consensus from the Commission was that it was amenable to granting this request.

While there were several home locations/miles away/geographic landmarks discussed, there was no specific resolution of that question. So as to help arrive at the necessary specificity for the amendment, I spoke with the Administrator this afternoon and we looked at online maps related to where he and his family are looking and he believes the 50 mile drive time standard would be fine for his search area. Thus, I have used that as the standard to amend the relevant section of the agreement.

The draft amendment is attached and ready for you all to discuss at the next Commission meeting.

Regards,  
Robert M. Eschenfelder, Esquire  
Board Certified in City, County and Local Government Law  
[Rob@cityattorneys.legal](mailto:Rob@cityattorneys.legal)  
TRASK DAIGNEAULT, LLP  
Harbor Oaks Professional Center  
1001 South Fort Harrison Avenue, Suite 201  
Clearwater, FL 33756  
(727) 733-0494 Phone  
(727) 733-2991 Fax



## **FIRST AMENDMENT TO EMPLOYMENT AGREEMENT**

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**WHEREAS**, the Administrator has informed the Town Commission that since beginning his search for a residence to purchase for himself and his family within Pinellas County, he has encountered an exceptionally difficult real estate market within Pinellas County which has caused him to be consistently outbid on homes, and which has limited his ability to identify homes offering the same value for money as are available just outside of Pinellas County; and

**WHEREAS**, the Town Commission is sympathetic to the difficult position into which the current Pinellas County real estate market has placed the Administrator and is agreeable to the Administrator's request for greater flexibility in finding a residence outside Pinellas County but within a reasonable distance from Town Hall.

**NOW, THEREFORE**, in consideration of the foregoing exordial clauses, the Parties hereto agree as follows:

1. Section VII (B) of the Agreement is amended to read as follows:

Residency: The ADMINISTRATOR shall, at all times during the term of this Agreement, be ~~either~~ a resident of, and shall actually live within, Pinellas County, Florida, or shall reside and actually live within fifty (50) driving miles of Redington Shores Town Hall.

2. All other terms and conditions of the Agreement shall remain in effect.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be duly executed.

\_\_\_\_\_  
**Jeffrey J. Shoobridge**

\_\_\_\_\_  
**MaryBeth Henderson, Mayor Commissioner**





RECEIVED  
APR 14 2022

BY: .....

200 Municipal Drive  
Madeira Beach, FL 33708

Tel (727) 391-2828

Fax (727) 399-2840

[gulfbeacheslibrary@icoud.com](mailto:gulfbeacheslibrary@icoud.com)

[www.gulfbeacheslibrary.org](http://www.gulfbeacheslibrary.org)

April 11, 2022

To:

City of Madeira Beach

City of Treasure Island

Town of North Redington Beach

Town of Redington Beach

Town of Redington Shores

At its March meeting, the Gulf Beaches Public Library Board of Trustees approved the fiscal year 2022-2023 budget in the amount of **\$538,631**. The Trustees from the five municipalities voted to locally contribute a total of **\$271,385** that includes a 10% discount. The remaining funds of \$267,246 will come from the Pinellas Public Library Cooperative (PPLC), library operations, and reserves.

I have included the approved budget, population totals and the amount each of the five municipalities will be responsible for paying in the new year.

Please contact me with any questions.

Thank you for your continued support of the Gulf Beaches Public Library.

Sincerely,

A handwritten signature in blue ink that reads 'Vincent Gadrix'. The signature is fluid and cursive, with the first name 'Vincent' being more prominent.

Vincent Gadrix  
Library Director



# Gulf Beaches Public Library

## 2022-2023 Operating Budget Overview

### Local Municipality Expense Sharing

Municipality	Population per Municipality	Allocation Percentage	2021-2022 Contribution	2022-2023 Contribution	2022-2023 Contribution with 10% discount
Madeira Beach	3,886	25%	\$ 76,359	\$ 75,594	\$ 68,034
North Redington Beach	1,493	10%	\$ 26,289	\$ 29,043	\$ 26,139
Redington Beach	1,372	9%	\$ 25,876	\$ 26,689	\$ 24,020
Redington Shores	2,180	14%	\$ 37,476	\$ 42,407	\$ 38,166
Treasure Island	6,570	42%	\$ 118,994	\$ 127,805	\$ 115,025
<b>Totals</b>	<b>15,501</b>	<b>100%</b>	<b>\$ 284,994</b>	<b>\$ 301,539</b>	<b>\$ 271,385</b>

Population totals from Florida Estimates of Population 2021 - Bureau of Economic and Business Research, University of Florida.

### Sources of Revenue 2022-2023

PPLC (Pinellas Public Library Cooperative)	\$ 220,000
Operations	\$ 5,100
Donations	\$ 1,000
E-Rate funding	\$ 10,992
Liquid assets transfer	\$ 30,154
<b>Total</b>	<b>\$ 267,246</b>

### Operating Expenditures 2022-2023

Salaries	\$ 284,265
Other operating	\$ 254,365
<b>Total</b>	<b>\$ 538,631</b>

### Current Net Assets (as of February 28, 2022)

Cash and Cash Equivalents	\$707,822
Prepaid Insurance	\$4,427
Property & Equipment	\$390,876
<b>Total Net Assets</b>	<b>\$1,103,125</b>

### Projected Current Net Assets (by September 31, 2022)

Cash and Cash Equivalents	\$339,022
Prepaid Insurance	\$4,427
Property & Equipment	\$395,303
<b>Total Net Assets</b>	<b>\$738,752</b>

### Capital Expenditures YTD

Signage	\$ 1,817.51
A/C Mechanical	\$ 9,070.79
Technology Phase 1	\$ 35,700.82
Technology Phase 2	\$ 7,647.00
Primlinary Work for Bathroom Remodel	\$ 3,057.20
Front Door	\$ 105,047.56
Interior Doors	\$ 41,328.76
Exterior Lights	\$ 17,537.50
Interior Lights	\$ 31,328.76
Tree Removal and Replacment	\$ 3,350.00
<b>Total</b>	<b>\$ 255,885.90</b>

### Planned Capital Expenditures through September 30, 2022

Bathrooms Renovations	\$ 150,000
New Roof	\$ 185,000
Sealcoat and Striping	\$ 5,800
Parking lot ADA Compliance (Additional cost unknown at this time)	\$ 10,000
Kitchen Renovation	\$ 18,000

**Total \$ 368,800**



## REVENUE - Gulf Beaches Public Library FY 2022-2023 Budget

Local Revenue					
	Service area Population per Municipality	Percentage of Population & Local Revenue per Municipality	2021-2022 Expenses Deficit	Amount of Local Revenue per Municipality	Quarterly Revenue per Municipality
Madeira Beach	3,886	25%	\$ 301,539	\$ 75,594	\$ 18,898
North Redington Beach	1,493	10%	\$ 301,539	\$ 29,043	\$ 7,261
Redington Beach	1,372	9%	\$ 301,539	\$ 26,689	\$ 6,672
Redington Shores	2,180	14%	\$ 301,539	\$ 42,407	\$ 10,602
Treasure Island	6,570	42%	\$ 301,539	\$ 127,805	\$ 31,951
<b>Total Population</b>	<b>15,501</b>	<b>100.00%</b>	<b>Total Local Revenue</b>	<b>\$ 301,539</b>	<b>\$ 75,385</b>
<i>Population totals from Florida Estimates of Population 2020. Bureau of Economic and Business Research, University of Florida</i>					

Other Revenue		
PPLC (Pinellas Public Library Cooperative)	(Projected)	\$ 220,000
Operations	(Projected)	\$ 5,100
Donations	(Projected)	\$ 1,000
E-Rate Funding		\$ 10,992
<b>Total Other</b>	<b>\$</b>	<b>237,092</b>

Total Revenue		
<b>Total</b>	<b>\$</b>	<b>538,631</b>



## EXPENSES - Gulf Beaches Public Library FY 2022-2023 Budget

Code	Expense	Budget 2021- 2022	YTD Budget	YTD October - February	Variance Actual vs Budget \$	March- September Budget	March- September Forecast	Variance Actual vs. Budget	Proposed 2022-2023 Budget	% Change from 2021-2022	2022-2023 Budget Assumptions
1200	Salaries & Wages	\$ 285,496	\$ 118,957	\$ 113,354	\$ (5,604)	\$ 166,539	\$ 279,893	\$ (5,603)	\$ 284,265	(0.4%)	Minimum staffing reached (post-Covid) with cost of living increase
2100	FICA	\$ 21,840	\$ 9,100	\$ 8,597	\$ (504)	\$ 10,920	\$ 19,517	\$ (2,323)	\$ 21,746	(0.4%)	No increase in cost over prior year
2205	SEP - Wells Fargo	\$ 16,278	\$ 6,783	\$ 5,519	\$ (1,265)	\$ 8,139	\$ 13,658	\$ (2,620)	\$ 16,194	(0.5%)	No increase in cost over prior year
2300	Group Insurance	\$ 30,774	\$ 12,823	\$ 11,055	\$ (1,769)	\$ 15,387	\$ 26,442	\$ (4,332)	\$ 31,765	3.2%	Expected increase
2400	Workers Compensation	\$ 900	\$ 375	\$ 610	\$ 234	\$ 450	\$ 1,060	\$ 160	\$ 900	0.0%	No increase in cost over prior year
2500	SUTA	\$ 85	\$ 35	\$ 46	\$ 10	\$ 43	\$ 89	\$ 4	\$ 85	0.0%	No increase in cost over prior year
3100	Professional Services	\$ 1,500	\$ 625	\$ 1,331	\$ 705	\$ 875	\$ 2,206	\$ 706	\$ 2,000	33.3%	May increase depending on Tech Services required
3200	Accounting & Auditing	\$ 10,825	\$ 4,510	\$ 8,075	\$ 3,564	\$ 2,100	\$ 10,175	\$ (650)	\$ 10,825	0.0%	May change with new auditor/bookkeeper
3400	Contractual Services	\$ 3,490	\$ 1,454	\$ 1,839	\$ 384	\$ 1,745	\$ 3,584	\$ 94	\$ 3,490	0.0%	No increase in cost over prior year
3461	Integrated Library System (ILS)	\$ 6,000	\$ 2,500	\$ 0	\$ (2,501)	\$ 0	\$ 0	\$ (6,000)	\$ 0	(100.0%)	PPLC now covers this expense
3462	OCLC - ILL	\$ 600	\$ 250	\$ 529	\$ 278	\$ 0	\$ 529	\$ (71)	\$ 600	0.0%	Expect slight increase next year
4000	Travel & Training	\$ 2,000	\$ 833	\$ 0	\$ (834)	\$ 1,000	\$ 1,000	\$ (1,000)	\$ 2,000	0.0%	Expected to return to pre-Covid expenditures
4100	Telephone & Internet	\$ 16,500	\$ 6,875	\$ 6,836	\$ (40)	\$ 8,250	\$ 15,086	\$ (1,414)	\$ 16,500	0.0%	No increase in cost over prior year
4200	Postage	\$ 460	\$ 192	\$ 13	\$ (180)	\$ 230	\$ 243	\$ (217)	\$ 460	0.0%	No increase in cost over prior year
4300	Utilities	\$ 2,500	\$ 1,042	\$ 2,377	\$ 1,334	\$ 1,250	\$ 3,627	\$ 1,127	\$ 3,000	20.0%	Expected cost increase
4331	Electric	\$ 14,000	\$ 5,833	\$ 4,083	\$ (1,751)	\$ 7,000	\$ 11,083	\$ (2,917)	\$ 12,000	(14.3%)	Expect decrease with LED lighting
4400	Rentals & Leases	\$ 4,500	\$ 1,875	\$ 2,015	\$ 139	\$ 2,250	\$ 4,265	\$ (235)	\$ 4,500	0.0%	Change likely with new copier lease
4500	General Insurance	\$ 24,000	\$ 10,000	\$ 16,438	\$ 6,437	\$ 12,000	\$ 28,438	\$ 4,438	\$ 24,500	2.1%	Slight increase expected



Code	Expense	Budget 2021- 2022	YTD Budget	YTD October - February	Variance Actual vs Budget \$	March- September Budget	March- September Forecast	Variance Actual vs. Budget	Proposed 2022-2023 Budget	% Change from 2021-2022	2022-2023 Budget Assumptions
4610	Building Maintenance	\$ 9,000	\$ 3,750	\$ 626	\$ (3,125)	\$ 4,500	\$ 5,126	\$ (3,874)	\$ 8,500	(5.6%)	Expect increase due to price increases
4640	Other Maintenance	\$ 2,000	\$ 833	\$ 419	\$ (415)	\$ 1,000	\$ 1,419	\$ (581)	\$ 2,000	0.0%	No increase in cost over prior year
4700	Printing and Binding	\$ 200	\$ 83	\$ 0	\$ (84)	\$ 100	\$ 100	\$ (100)	\$ 0	(100.0%)	No new investment required
5100	Office Supplies	\$ 4,000	\$ 1,667	\$ 819	\$ (849)	\$ 2,000	\$ 2,819	\$ (1,181)	\$ 4,000	0.0%	Expect increase due to price increases
5210	Departmental Supplies	\$ 8,000	\$ 3,333	\$ 1,641	\$ (1,693)	\$ 4,000	\$ 5,641	\$ (2,359)	\$ 8,000	0.0%	Expected increase for program expenses
5420	Dues & Subscriptions	\$ 1,500	\$ 625	\$ 850	\$ 224	\$ 750	\$ 1,600	\$ 100	\$ 1,600	6.7%	Slight increase expected
6300	Capital Improvements	\$ 0	\$ 0	\$ 0	\$ (1)	\$ 0	\$ 0	\$ 0	\$ 0	0.0%	No longer include in operating expenses
6400	Capital Equipment	\$ 1,000	\$ 417	\$ 0	\$ (418)	\$ 500	\$ 500	\$ (500)	\$ 0	(100.0%)	No new investment required
6610	Library Books	\$ 45,000	\$ 18,750	\$ 19,418	\$ 667	\$ 22,500	\$ 41,918	\$ (3,082)	\$ 40,000	(11.1%)	Shift in spending to electronic materials
6620	Library Reference Sources	\$ 9,000	\$ 3,750	\$ 8,601	\$ 4,850	\$ 4,500	\$ 13,101	\$ 4,101	\$ 9,000	0.0%	No increase in cost over prior year
6630	Library Audiobooks	\$ 5,500	\$ 2,292	\$ 3,516	\$ 1,223	\$ 2,750	\$ 6,266	\$ 766	\$ 5,500	0.0%	No increase in cost over prior year
6640	Library DVDs	\$ 8,500	\$ 3,542	\$ 4,775	\$ 1,232	\$ 4,250	\$ 9,025	\$ 525	\$ 8,500	0.0%	No increase in cost over prior year
6650	Library Subscriptions	\$ 3,700	\$ 1,542	\$ 4,139	\$ 2,596	\$ 1,850	\$ 5,989	\$ 2,289	\$ 3,700	0.0%	No increase in cost over prior year
6660	eBooks & Electronic Content	\$ 0	\$ 0	\$ 0	\$ (1)	\$ 0	\$ 0	\$ 0	\$ 10,000	100.0%	Increased spending on electronic materials
9900	Contingency	\$ 3,000	\$ 1,250	\$ 0	\$ (1,251)	\$ 1,500	\$ 1,500	\$ (1,500)	\$ 3,000	0.0%	No increase in cost over prior year
Total		\$542,148	\$225,895	\$227,521	\$1,593.00	\$288,378	\$515,899	-\$26,249	\$ 538,631	(0.65%)	



**FINANCIAL ADVISORY COMMITTEE**

David Grimes  
17408 Gulf Blvd, Unit 1504  
727-295-5059  
djgrimesr@gmail.com

DISTRICT NO. 1  
APPOINTED 4/22, EXP 4/24

WILLIAM (BILL) SANDERS  
17745 Gulf Blvd Unit 704  
727-432-4842  
Wnsanders46@gmail.com

DISTRICT NO. 2  
APPOINTED 4/21, EXP 4/23

DISTRICT NO. 3  
APPOINTED 04/21, EXP 4/23

Michael Pearl  
18304 Gulf Blvd., Unit 314  
571-550-0501  
usaparadise@hotmail.com

DISTRICT NO. 4  
REAPPOINTED 4/22, EXP 4/24

**AT LARGE**

Kirby Howell  
17820 Gulf Blvd  
727-483-3876  
kirby@khowell.com

District No. 3  
Appointed 4/20; 4/22

**ALTERNATE**

Paul Herzfeld  
840 182<sup>nd</sup> Ave. E.,  
727-644-4601  
paul@herzfeld.net

DISTRICT NO. 4  
REAPPOINTED 4/20; 4/22

**ALTERNATE**

DISTRICT NO.  
APPOINTED 4/20; 4/22





Town of  
**Redington Shores**

## **BOARD AND COMMITTEE APPLICATION**

I am interested in serving on the following:

- ✓ PLANNING AND ZONING BOARD
- ✓ FINANCIAL ADVISORY COMMITTEE
- ✓ FLOOD MITIGATION & PUBLIC INFORMATION COMMITTEE
- ✓ PARKS & RECREATION COMMITTEE
- PERSONNEL COMMITTEE

NAME: Christy Herig

ADDRESS: 17609 1st St. E.

CONTACT PHONE #: 727-543-1285

EMAIL ADDRESS: cpherig@gmail.com

OCCUPATION: Retired (Chemical Engineer)

EMPLOYER: Prior to retirement I had a consulting business

ARE YOU A RESIDENT OF THE TOWN OF REDINGTON SHORES? Yes IF YES, HOW LONG: 31 years

HAVE YOU EVER SERVED OR DO YOU NOW SERVE ON ANY TOWN BOARD OR COMMISSION? Yes

IF YES, NAME OF BOARD OR COMMITTEE: All of those checked above except PIC

ARE YOU AVAILABILITY FOR: DAYTIME MEETINGS: Yes EVENING MEETINGS: Yes

HAVE YOU EVER QUALIFIED FOR A "PROTECTED ADDRESS" STATUS UNDER FLORIDA STATUTE 119? No

IF YES, QUALIFYING STATUS: \_\_\_\_\_

ADDITIONAL INFORMATION (EDUCATION, SKILLS, INTERESTS, ETC.) IN SUPPORT OF THIS APPLICATION:

Prior Redington Shores Commissioner '94-'96, writing and defending Del Bello Park Grant from State. Also brought Spitzer and Constitution Parks playground equipment up to commercial safety standards. While on Stormwater Mitigation discovered we were the only west coast town that did not have a PIC and would gain another 5% discount with its development. Have consulted with numerous municipalities. Locally: Indian Shores, Nature Preserve and Treasure Island, juried beach sign art. Orlando, Gainesville, Tallahassee, and Sarasota on infrastructure reserve and renewables development. City of Austin, recreation center technical specification development and bid evaluation. Chaired International Energy Agency Task 10 - Urban Scale Photovoltaics for 8 years. Within this Task with membership of 21-24 OECD countries, worked on numerous national and municipal projects in architectural integration, distributed energy, and comprehensive planning.

SIGNATURE: Christy Herig

DATE: 3/23/2021

\*\*\*\*\*ALL APPLICATIONS MUST BE SUBMITTED THE TOWN CLERK'S OFFICE\*\*\*\*\*  
APPLICATIONS WILL BE KEPT ON FILE FOR A PERIOD OF ONE (1) YEAR



4/13/2022

## BEAUTIFICATION COMMITTEE

District 1

District 2

District 3

Rob Francour  
18325 Gulf Bld., Unit 209  
678-314-0011  
rfrancour@gmail.com

District 4  
Appointed 4/13/2022, Exp. 4/2024

**AT LARGE**

**ALTERNATES**





# Town of Redington Shores

## BOARD AND COMMITTEE APPLICATION

I am interested in serving on the following:

☐ PLANNING AND ZONING BOARD ☐ PARKS & RECREATION COMMITTEE  
☐ FINANCIAL ADVISORY COMMITTEE ☐ PERSONNEL COMMITTEE  
☐ FLOOD MITIGATION & PUBLIC INFORMATION COMMITTEE  
☒ BEAUTIFICATION COMMITTEE

NAME: Loretta Fricks

ADDRESS: 235 176th Ave E Redington Shores

CONTACT PHONE #: 614-323-3550 EMAIL ADDRESS: lorettafricks@gmail.com

OCCUPATION: Retired

EMPLOYER: None

ARE YOU A RESIDENT OF THE TOWN OF REDINGTON SHORES? Yes IF YES, HOW LONG: 8 years

HAVE YOU EVER SERVED OR DO YOU NOW SERVE ON ANY TOWN BOARD OR COMMISSION? No

IF YES, NAME OF BOARD OR COMMITTEE: \_\_\_\_\_

ARE YOU AVAILABILITY FOR: DAYTIME MEETINGS: Yes, preferred EVENING MEETINGS: Yes

HAVE YOU EVER QUALIFIED FOR A "PROTECTED ADDRESS" STATUS UNDER FLORIDA STATUTE 119? No

IF YES, QUALIFYING STATUS: \_\_\_\_\_

ADDITIONAL INFORMATION (EDUCATION, SKILLS, INTERESTS, ETC.) IN SUPPORT OF THIS APPLICATION:

I am interested in becoming more involved with my Redington Shores community.

SIGNATURE: Loretta Fricks DATE: 03/11/2022

\*\*\*\*\*ALL APPLICATIONS MUST BE SUBMITTED THE TOWN CLERK'S OFFICE\*\*\*\*\*

APPLICATIONS WILL BE KEPT ON FILE FOR A PERIOD OF ONE (1) YEAR



## PLANNING AND ZONING BOARD

Steve Laird  
PO Box 8184  
Madera Beach FL 33738  
[steve\\_laird57@hotmail.com](mailto:steve_laird57@hotmail.com)  
Ph. 770-883-4464  
148 175th Ave E

District 1  
Appointed 04/21, Exp. 04/23

Cynthia Hoyt  
247 176<sup>th</sup> Terr Dr.  
813-310-8234  
[c.hoyt@focal-naim.com](mailto:c.hoyt@focal-naim.com)

District 2  
Reappointed 04/22, Exp. 04/24

Richard Caby  
17720 Gulf Blvd., Unit 200  
Filling Unexpired Term (DeMarco)  
813-394-4014  
[richardcaby@verizon.net](mailto:richardcaby@verizon.net)

District 3  
Appointed 04/21, Exp. 04/23



Merv Dickerson  
18211 Sunset Blvd.  
813-689-4260  
[cdickers0n@aol.com](mailto:cdickers0n@aol.com)


District 4  
Reappointed 8/16, Exp. 4/2022

### AT LARGE


Lisa Foster (CHAIR)  
845 180<sup>th</sup> Ave E.  
[lddfoster@gmail.com](mailto:lddfoster@gmail.com)

District 4  
Reappointed 04/21, Exp. 4/23

### ALTERNATES



District 3  
Appointed 04/21; Exp: 4/22



District 2  
Appointed 04/20; Exp: 4/22



Town of Redington Shores  
Personnel Committee



Cynthia Cain  
17715 Gulf Blvd. Unit 06  
412-860-4871  
[cynthiacain381@gmail.com](mailto:cynthiacain381@gmail.com)

District One

Rich Perez  
17725 Long Point Dr.  
641-0469  
[riperez2148@gmail.com](mailto:riperez2148@gmail.com)

District Two  
Reappointed 4/13/22

District Three



Jill Weingart  
18304 Gulf Blvd Unit 508  
330-626-9710  
[weingj8@outlook.com](mailto:weingj8@outlook.com)

District Four



John Strakele  
207 180<sup>th</sup> Ave E  
972-898-1126  
[jstrakele@verizon.net](mailto:jstrakele@verizon.net)

At Large

Established by Resolution 03-19, March 13, 2019



Revised 04/13/2022

**PARKS & RECREATION COMMITTEE**

Commissioner Jennie Blackburn, Chair

Diane McCarthy  
17717 Gulf Blvd Unit 301  
240-750-4980  
dmmccarthy@verizon.net


District No. 1  
Appointed 4/21, Exp. 4/23

Michelle Ganio  
17746 Long Point Drive  
727-392-8261  
mrtganio@gmail.com

District No. 2  
Reappointed 4/22, Exp. 4/24

Bonnie Utz  
124/26 Beach Ave.  
727-399-2436  
Utzie09@gmail.com

District No. 3  
Reappointed 4/21, Exp. 4/23

 Emily Schrader  
204 182<sup>nd</sup> Ave E  
580-5128  
Eschrader828@gmail.com

District No. 4  
Reappointed 4/18, Exp. 4/22

**AT LARGE**  
Cathy Sypniewski  
201 180th Ave E  
727-804-1664  
cathysyp@gmail.com

District No.  
Appointed 4/21, Exp. 4/23

 **ALTERNATE**

 **ALTERNATE**