

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, REPEALING § 63-12 OF THE TOWN CODE RELATED TO PRIVATE DOCKS AND CREATING NEW § 63-12 AND § 63-12.1 OF THE TOWN CODE RELATED TO DESIGN AND PERIODIC INSPECTIONS OF PRIVATE DOCKS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 63 of the Redington Shores Town Code addresses the subject of Building Codes and Construction Regulations; and

WHEREAS, current § 63-12 of the Town Code, addressing design criteria for private docks, has been in place for many decades; and

WHEREAS, in recent times, the Town has found that as homeowners of single-family homes seek to reconstruct or reconfigure their docks to react to changing conditions of the submerged lands beyond their seawalls, and to accommodate boat sizes which are now common to own, homeowners are finding it difficult to follow the current code; and

WHEREAS, while homeowners may seek variances from the provisions of the current private dock regulations, the Commission believes that if changing conditions have caused the existing code to become out of step with the realities faced by homeowners (including silting, changing boat sizes, and the like), the Code should be changed rather than making a majority of homeowners seek variances; and

WHEREAS, the Commission also determines that it would be in the best interests of the Town, and its residents, to have a formal requirement for period inspection of seawalls, docks, and related structures; and

WHEREAS, the Commission has reviewed various dock regulations of its neighboring communities and has determined that the Town's current code should be replaced by a more comprehensive regulation which better addresses current conditions in the Town with respect to private boat dock construction and maintenance; and

WHEREAS, it is in the best interest of the Town, its residents, and property owners, to approve the provisions 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. Section 63-12 of the Redington Shores Town Code is hereby repealed in its entirety.

Section 2. A new § 63-12 of the Redington Shores Town Code is hereby created to read as follows:

Sec. 63-12. – Specifications for docks.

(a) Generally. Docks shall be constructed in accordance with the following:

- (1) The top of piling shall not be higher than the existing seawall cap and the top of the lift-poles and tie poles shall not be higher than twelve and twelve one-hundredths feet, NAVD.
- (2) Environmentally sustainable building practices shall be utilized unless, in the opinion of the building official, it is impracticable to do so.
- (3) The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.
 - a. All dock facilities except for boatlifts and associated catwalks, and tie poles, shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.
 - b. Boatlifts and associated catwalks, and tie poles may be located no closer than seven and one-half feet from the property lines of the associated property as extended into the water provided that no boat may be tied to the side of a tie pole closer to the property line.
 - c. One dock per single-family property is permitted.
 - d. A maximum of two slips with or without boat lifts are permitted.
 - e. The maximum allowable dock facility shall be within a 30-foot length from the seawall.
 - f. The total amount of decking including dock and catwalks shall be not greater than 500 square feet.
 - g. No portion of the dock facility and/or boat or personal watercraft shall be any closer than the greater of seven and one-half feet to the side property line or the required side setback as extended into the water unless the facilities are a shared property line dock. Two property owners may choose to abut their dock facilities among their common property line.

1. Two property owners sharing a common side property line as extended into the water can may choose to have a common dock in lieu of two individual private docks.
 2. Shared property line docks on a common property line shall be allowed and shall require an agreement between the property owners that includes a provision that the property owners shall be responsible for the removal of the dock should that agreement be terminated. The agreement shall be recorded with the county, with a copy of the recorded agreement provided to the town.
 3. The shared property line dock facility shall conform to all requirements of this section.
 4. Only one shared property line dock is allowed per lot.
- (4) A dock facility which, when constructed, was lawfully constructed either as a matter of right or through the grant of a variance may be repaired or rebuilt by its owners, in the same configuration, height and size as the original dock facility prior to the repair or rebuild.
- (5) A dock facility which when constructed, was lawfully constructed either as a matter of right or through the grant of a variance, shall be allowed to continue to exist and be used and maintained as a lawful non-conforming use should any provision of this code be amended after the construction of the dock facility to provide for different configuration or dimensional requirements for new dock facilities. Notwithstanding the foregoing, all existing dock facilities must still be in compliance with all safety and maintenance requirements related to such facilities which are set forth in this Code or state law.
- (6) There will be a permit fee for all docks subject to inspection as established by the commission from time to time.
- (7) Docks erected serving any lots in the town shall be subject to the following restrictions governing size, shape and location:
- a. No dock shall be erected which will, in the opinion of the building official, deprive owners of adjacent or nearby lots of equal docks and equal access to the docks.
 - b. Except as provided in subsection 63-12(a)(5)d, no dock construction, including all landings and stairs, shall project more than 30 feet from the face of the seawall, or 30 feet from the shoreline, which is defined for the purpose of this section as the mean low water line.
- (b) Maximum height of enclosed docks. No enclosed or covered portion of any pier, dock, walkway, or other similar structure extending beyond the high-water mark of the waters of Boca Ciega Bay on any cove, inlet, or arm thereof from the adjacent lot elevation shall rise

in height more than three feet above the level of the lot elevation. This provision shall not, however, apply to open-work railings, fish-cleaning tables, and flag or signal poles placed thereupon.

(c) Floating docks. No floating dock shall be installed that will exceed the length and width and summation of total dockage square foot area limitations for floating and pile installed docks as provided in this article. Nothing in this section shall prohibit the installation of floating docks so long as they are constructed of completely new components attached to new and separate piling and comply with all other appropriate sections of this article and the seal and signature of the engineer of record shall be affixed to all plans submitted for such docks. Floatation shall be no less than that specified by the county. No floating dock shall be placed or situated in any of the town's waterways so as to impede or restrict in any way the free and safe passage of any other vessels using or entitled to use the waterways of this state.

(d) Disposition of removed dock concrete. Concrete pilings and other concrete remnants of docks being replaced by new docks may be placed on the seabed subject to the following restrictions:

(1) For a non-residential dock the engineer of record, or for a residential dock, the contractor to whom the dock permit is issued, certifies in writing to the town, on a form to be provided by the town, that:

a. There are no contaminants in the concrete that would adversely affect water quality based on the standards established by the county; and

b. There are no seagrasses or other environmentally sensitive features on or within 15 feet of the location where the concrete is to be placed.

(2) There is no exposed metal on or within the concrete;

(3) The concrete:

a. Is placed under the footprint of the new dock; or

b. Is placed at the base of the seawall in a single row in physical contact with the seawall or with previously placed removed concrete; and

c. Is located completely below the mean low water elevation.

(4) The removed concrete may project above the mean low water elevation at the seawall if it is covered by material that meets the following riprap requirements:

a. Materials used for riprap shall consist only of natural rock boulders or clean concrete rubble one to three feet in diameter in average dimensions, broken to resemble natural rock. If clean concrete rubble is used, then such rubble shall be

free of reinforcing rods and other exposed embedded objects and shall be free of attached sediments, paint, stain or other such coatings and free of saturation by any petroleum-based product.

- b. Riprap shall be placed no higher than mean high tide and sloped no steeper than two horizontal to one vertical. However, neither the distance nor the use of the riprap shall interfere with navigation. No submerged grass beds or mangroves shall be filled without documented direction or approval by the appropriate state or county official.
- c. If riprap installation is required by the state or county, then the town permit fee, if any, for its installation shall be waived.
- d. Permitting is required through Pinellas County Water and Navigation and through the Florida Department of Environmental Protection. No work may begin until both permits are obtained.
- e. Installation of riprap may be required by the state or county, but is not required by the town, and its installation shall be considered separate from that of a seawall.

Section 3. A new § 63-12.1 of the Redington Shores Town Code is hereby created to read as follows:

Sec. 63-12.1. – Periodic inspection of seawalls, retaining walls, docks and tie poles; remedying unsafe conditions.

- (a) The town may periodically inspect the condition of all seawalls, retaining walls, docks, tie poles or other structures above or in the water within the town and, should it be found that any structure is hazardous to the public, the building official shall order the removal or repair by sending notice to the owner of the property adjacent to the structure. The owner shall have 30 days in which to comply; failure to do so shall constitute a violation of this section.
- (b) The following items of continuing maintenance shall be required:
 - (1) Docks shall be maintained in a condition that allows safe use as originally designed, constructed and permitted.
 - (2) Pilings shall be maintained in a sound condition capable of resisting the loads imposed upon them.
 - (3) Decking shall be maintained in a sound condition including secure fastening to stringers.

(4) Stringers shall be maintained in a sound condition including secure fastening to piling.

(c) Should the town find any noncompliance for maintenance as required in subsection (b) of this section, the building official is authorized to order the repair or removal by sending notice to the owner of the upland property adjacent to the structure. The owner shall have 30 days from the date of notice within which to notify the town of her or his intent regarding the structure. The owner shall have an additional 60 days to remove the structure or apply for a permit and repair such structure. Failure to do so shall constitute a violation of this section.

(d) This notice is in lieu of the requirements of chapter 70 and the notice required by that subsection shall not be required for the building official to request immediate hearing of the code enforcement board upon a violation of this section.

(e) If the owner fails to comply with the order in the time limit provided in this section, the town may remove or repair the structure and the cost shall be paid by the owner. The cost shall be deemed a lien upon the land to which such structure is appurtenant and the town clerk shall record the appropriate document with the clerk of the court of the county to impose the lien.

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 Board of Commissioners 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 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.

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING CHAPTER 109 (PEACE AND GOOD ORDER) TO REMOVE OUTDATED OR UNENFORCEABLE CODE PROVISIONS AND TO CREATE PROHIBITION ON THE OPERATION OF POWERED PARAGLIDERS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 109 of the Redington Shores Town Code, which was created on March 1st 1977, addresses the subject of Peace and Good Order; and

WHEREAS, § 109-1 creates the right for any person to obtain a permit to create a bonfire or to burn trash or brush; and

WHEREAS, the Town Commission finds that it is not in the best interests of the Town's residents, businesses and visitors to allow such activities to occur within the Town due to the negative safety and environmental effects of such activities; and

WHEREAS, § 109-2 makes it unlawful for any person, between 11 p.m. and dawn, to construct or erect or maintain or use lights or bright signs which tend to annoy or to disturb or to interfere with the sleep or the rest or repose of any person or persons in the vicinity or neighboring adjacent or neighboring property or tending unreasonably to disturb or annoy the neighbors of the town or tending to jeopardize the public safety of vehicles upon any public street, road, highway or other public right-of-way; and

WHEREAS, the Commission finds that the topic of sign illumination is dealt with in a more specific manner in the Town's sign code, and notes that the Town Attorney has advised that, as written, the remainder of § 109-2 may be difficult to enforce as worded; and

WHEREAS, a powered paraglider is a form of ultralight aviation where the pilot wears a back-pack gas-powered, unmuffled motor which provides propulsion during takeoff and flight; and

WHEREAS, powered paragliders usually fly between 15 and 50 MPH, at heights as low as "foot-dragging" up to above 18,000 feet (the limit set by the FAA); and

WHEREAS, due to the paramotor's slow forward speed and the nature of a soft wing, published information on paragliders indicates it is risky to operate them in high winds, turbulence, or intense thermal activity, especially for inexperienced pilots; and

WHEREAS, according to published research, paragliding is slightly safer (per event) than riding motorcycles and more dangerous than riding in cars (Goin, Jeff (15 August 2007) "Paramotor Safety"); the most likely cause of serious injury is body contact with a spinning propeller, with the next most likely cause of injury being flying into something other than the landing zone (Feletti, F; Goin, J (2014). "Accidents and injuries related to powered paragliding: A cross-sectional study"); and

WHEREAS, the paraglider community is represented (in terms of advocacy and flyer education) by entities such as the U.S. Powered Paragliding Association (USPPA), the US Ultralight Association (USUA) and Aero Sports Connections (ASC); and

WHEREAS, the Commission finds that in recent years, the use of motorized gliders have increased within the Town, and residents have petitioned the Commission and individual Commissioners seeking to ban motorized gliders from using the Town's beaches; and

WHEREAS, the Commission heard from numerous local pilots who have flown from Redington Shores who provided detained information on the efforts they personally make to ensure their flights are safe and that they are good neighbors to those they encounter while taking off, flying and landing; and

WHEREAS, these same local pilots confirmed that given the fact that other local communities have already prohibited motorized paragliding from their municipal limits, they have enjoyed being able to use Redington Shores' beaches, although they do have numerous other locations within and proximate to Pinellas County from which to operate; and

WHEREAS, while other communities in Pinellas County and in other portions of the State have adopted ordinances prohibiting these uses, the Town currently has no similar prohibition; and

WHEREAS, the Commission has conducted numerous workshops and Commission meeting discussions regarding the topic, and has heard significant, well-reasoned, and heartfelt arguments both for and against prohibiting motorized glider use within the Town; and

WHEREAS, the concerns of residents have been as to safety, noise, and wildlife preservation; and

WHEREAS, residents have alerted the Commission at seeing and experiencing pilots flying very close to the surface of the sand while beachgoers were present, and having pilots fly too close to their condominium buildings; and

WHEREAS, the Commission finds that the use of motorized gliders can disturb the nesting patterns of seasonal black skimmer birds which nest on the Town's shores, and Town residents have offered their testimony at witnessing motorized gliders "buzzing" close to the beach and disturbing such birds which, according to information provided by residents, can reduce the success rate of black skimmer survival; and

WHEREAS, the Commission is aware that while battery powered motors can be used, evidence is that most if not all of the pilots operating in the Town use petroleum powered small internal combustion engines; and

WHEREAS, according to information the Town could identify from online sources and studies, the noise generated by a motorized paraglider is a combination of the engine noise, and the propeller noise, with "loudness" at full power at the pilot's head being anywhere in the range

of 123 decibels to 112 decibels (<https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww.azppg.com%2FParamotorThrustLevelTesting.doc&wdOrigin=BROWSELINK>); and

WHEREAS, according to an example chart from the Hearing Health Foundation, landscaping equipment (from inside a house) is 75 dB, a hairdryer is 90 dB, and rock concerts and emergency sirens are between 110 and 120 dB (<https://hearinghealthfoundation.org/decibel-levels>); and

WHEREAS, motorized paragliders are categorized as “ultralight vehicles” by the FAA, and lightly regulated in 14 C.F.R. Part 103, with such regulations limited to equipment and pilot behavior at higher altitudes or while operating in certain controlled airspace categories; and

WHEREAS, the Commission has carefully considered the views and arguments of motorized paraglider pilots, residents who support them, and residents who request they be prohibited from operating in the Town; and

WHEREAS, the Commission concludes that the Town will join those other Florida communities which have, over time and due to similar issues, prohibited motorized paragliders and similar flight devices; and

WHEREAS, it is in the best interest of the Town, its residents, its visitors, and its businesses, to approve the provisions 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 109 of the Redington Shores Town Code is hereby amended to read as follows:

Chapter 109 - PEACE AND GOOD ORDER

Sec. 109-1. - Bonfires.

It shall be unlawful for any person to make any bonfire or burn any trash, rubbish, refuse, grass or leaves within the town limits ~~without first obtaining special permit from the mayor-commissioner or other designated authority.~~

Sec. 109-2. Outdoor lightingLights; restrictions on use.

A. No person, business or firm may construct, erect or maintain any outdoor lighting or outdoor lighting fixture which is not fully shielded, or casts light directly upon the property of another person in whole or in part. It shall also be considered to cast light directly on the property of another person if any part of the illumination cone enters the boundary of the property of another.

(1) All new outdoor lighting fixtures approved for installation shall be high-pressure sodium vapor lighting fixtures, or other energy efficient lighting fixtures of equal or greater efficiency that are fully shielded with only a cone of light being visible from the lighting apparatus.

(2) All outdoor, artificial illuminating devices shall be installed in conformance with the provisions of this section and the Florida Building Code.

(3) Fixtures shall be mounted in such a manner that the cone of light is primarily directed towards the earth's surface or otherwise fully shielded, such that lighting is contained onsite and does not cross any property line of the site, nor with any portion of the light bulb or fixture being viewable from above, aside from the cone of light being created by the lighting fixture.

(4) The light source or light fixture shall be completely concealed within an opaque housing and shall not be visible from any street or marine right-of-way, or adjacent properties.

B. The following types of light fixtures shall be exempt from the provisions of this section:

(1) *Low-intensity, or low profile light fixtures:* Any light fixture with a lamp or lamps rated at a total of 1,800 lumens or less, and all flood or spot lights with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot or flood light rated 900 lumens or less is aimed, directed, or focused to cause direct light from the light fixture to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating vehicles on public road or waterways, the light fixture shall be redirected or its light output controlled as necessary to eliminate such conditions.

(2) *Public street light fixtures:* Light fixtures used for public street illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property. Fixture height shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.

(3) *Emergency lighting:* Lighting levels up to 25 percent higher may be allowed by the code enforcement officer subject to the applicant demonstrating that higher lighting levels are necessary to meet objectives for environmental programs such as Crime Prevention Through Environmental Design (CPTED) and Leadership in Energy and Environmental Design (LEED) and will not conflict with excessive illumination standards found elsewhere in this section.

(4) *Nonconforming fixtures:* All outdoor light fixtures installed prior to the adoption of the ordinance and those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise. Any lighting present between the hours of 11:00 p.m. and sunrise shall be the minimum necessary for security.

(5) Low-intensity fixtures: Any outdoor lighting fixture that has a maximum candle power of less than 1,000 candelas is exempt from these provisions, if equipped with an automatic device that shuts off the fixture between the hours of 11:00 p.m. and sunrise. Any lighting present between the hours of 11:00 p.m. and sunrise shall be the minimum necessary for security.

(6) Dock-lighting: Any outdoor lighting fixture permanently affixed to a dock or other apparatus which is attached to shore but projects into a navigable waterway shall utilize lighting fixtures that are fully shielded or consist of low-profile light fixtures only. Open, unshielded light bulbs are prohibited.

(7) Warning lights: When required by state or federal agencies, and exterior lights used exclusively for and associated with outdoor walkways, stairs, hallways, pool areas, and living spaces including balconies, terraces, screened porches, and similar spaces shall be exempt from the requirements of this section.

(8) Holiday decorations: Non-permanent lighting, used exclusively during the holiday period from November 15 to January 15, is also excluded from this prohibition.

~~Between the hours of 11:00 p.m. and dawn, it shall be unlawful for any person within a residential area to construct or erect or maintain or use upon the exterior of any land or premises within the corporate limits bright lights, searchlights, rotating lights, bright signs of intermittent or flashing lights or other exterior illumination which tends to annoy or to disturb or to interfere with the sleep or the rest or repose of any person or persons in the vicinity or neighboring adjacent or neighboring property or tending unreasonably to disturb or annoy the neighbors of the town or tending to jeopardize the public safety of vehicles upon any public street, road, highway or other public right-of way.~~

Sec. 109-3. ~~Powered ultralight vehicles~~Penalties for offenses.

A. No natural person or private legal entity operating, directing or responsible for any powered ultralight vehicle designed for or used for the purpose of carrying or propelling an individual through the air, shall take off from or land within the corporate limits of the town, except when human life is endangered or written authorization is granted by the town commission in conjunction with a special event to be conducted within the town for which permission has been granted by the issuance of a special event permit which must specify the details of any such operations.

B. No natural person or private legal entity operating, directing or responsible for any powered ultralight vehicle designed for or used for the purpose of carrying or propelling an individual through the air, shall operate the powered ultralight vehicle lower than 500 feet within the airspace classified by the FAA as Class G (Uncontrolled Airspace) within the corporate limits of the town, except when human life is endangered or written authorization is granted by the town commission in conjunction with a special event to be

conducted within the town for which permission has been granted by the issuance of a special event permit which must specify the details of any such operations.

C. For purposes of this section, the term powered ultralight vehicle shall include motorized parachutes, motorized paragliders, and any other powered vehicle capable of airflight which is defined as a powered ultralight vehicle by 14 C.F.R. § 103.1.

~~Any person violating the provisions of this chapter shall be punished as set forth in chapter 1, general provisions, article II, of this Code.~~

Sec. 109-4. - Residential amenities rentals prohibited.

- A. The owner or the tenant or authorized agent of an owner of a single-family dwelling, duplex, duplex townhouse, or townhouse (as those terms are defined in ~~§ section~~ 90-92 of this ~~c~~Code) is prohibited from renting or leasing, or listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease.
- B. For purposes of this section, the words "amenity, feature, or accessory building or structure" includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, putting greens, sports courts, gardens, gazebos, or front, rear or side yards.
- C. This section does not apply to hotels, motels, condo-hotels or a dwelling unit, multiple, as those terms are defined in ~~§ section~~ 90-92 of this ~~c~~Code.
- D. Notwithstanding the prohibition in subsection A., an owner may rent or lease the owner's boat slip or boat lift where such rental is for a minimum of 30 consecutive days.

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 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 14th day of June, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 12th day of July, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

Attest:

MaryBeth Henderson, Mayor

Tracy Campbell, Town Clerk

Town Administrator

From: Irlanda, Adelyn M CIV USARMY CESAJ (USA) <Adelyn.M.Irlanda@usace.army.mil>
Sent: Monday, May 15, 2023 9:26 AM
To: Town Administrator
Subject: Application for a Department of the Army Permit
Attachments: ENG Form 4345_Sep 2022.pdf; ENG Form 4345_Sep 2022_print and fill.pdf; Instructions for ENG FORM_4345.pdf; Checklist for ENG FORM_4345.pdf; 20220610 Regulatory AOR Map with email addresses.pdf

Attached is the ENG Form 4345 (Application for a Department of the Army Permit) in two different formats. One is "fillable" and the other requires you print/fill out then scan/return. Attached as well are instructions for the ENG Form 4345 and a checklist to guide you when filling out and submitting the application package. The checklist contains a list of necessary supporting documents (drawing/illustration information and supplemental drawing information).

***If your application is for a project within the Tampa permits section area of responsibility (see enclosed AOR map), please submit your application package to our application inbox (tampareg@usace.army.mil). If the project is taking place outside of the Tampa Permits Section AOR, please refer to the enclosed map for corresponding office contact information.

For additional information please check out our Source Book. The link to that is:
<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>



Adelyn M. Irlanda
Environmental Protection Specialist
U.S. Army Corps of Engineers
Tampa Permits Section
10117 Princess Palm Ave., Suite 120
Tampa, FL 33610
(813) 769-7073



*** Our files are 100% electronic. Please send PERMIT APPLICATIONS to tampareg@usace.army.mil
*** File too large to send through email? Please contact us to obtain a code/link to our Secure Access File Exchange.
*** Send compliance-related documents to SAJ-RD-Enforcement@usace.army.mil

U.S. Army Corps of Engineers (USACE) APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT For use of this form, see 33 CFR 325. The proponent agency is CECW-CO-R.	<i>Form Approved -</i> OMB No. 0710-0003 <i>Expires: 08-31-2023</i>
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The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNSIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Middle - Last - Company - E-mail Address -	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - E-mail Address -
6. APPLICANT'S ADDRESS: Address- City - State - Zip - Country -	9. AGENT'S ADDRESS: Address- City - State - Zip - Country -
7. APPLICANT'S PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax	10. AGENTS PHONE NOs. w/AREA CODE a. Residence b. Business c. Fax

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

_____ _____
 SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable)	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT	Address
Latitude: °N Longitude: °W	City - State- Zip-
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)	
State Tax Parcel ID	Municipality
Section -	Township - Range -

17. DIRECTIONS TO THE SITE

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT DATE _____
SIGNATURE OF AGENT DATE

2023-03-03

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

ENG FORM 4345 CHECKLIST

Additional information may be requested depending on site location and site conditions.

- Provide the name, mailing address, and contact information of the applicant, agent, and/or consultant **(Blocks 5 through 10)**.
- Applicant's signature if agent or consultant is employed. **(Block 11)**
- Please provide name identifying the proposed project, e.g., Landmark Plaza. **(Block 12)**
- Provide the project's location including but not limited to name of waterbody, municipality, section, township, range, address of work, State Tax Parcel ID, latitude and longitude, and driving directions. **(Blocks 13 through 17)**
- Describe the overall activity. Indicate whether discharge of dredged material or fill material is involved. **(Block 18)**
 - For Docks and Piers please provide the following:
 - Construction methodology (i.e. wood, concrete, floating, etc.)
 - Type of vessel and proposed use (recreational use by applicant, rental, commercial use by applicant, etc.)
 - Number of existing slips (show the location of each slip on the project drawings as well)
 - For excavation/dredging activity(ies) provide the following:
 - Description, dimension, and location to be excavated/dredged (open water, existing channel, etc.)
 - Method of excavation/dredging (hydraulic, clamshell, barge-mounted crane, etc.)
 - Description, dimensions, and location of disposal site
 - For Shoreline Stabilization please provide the following:
 - Type of fill material to be used (i.e. concrete, wood, rock, etc.)
 - Construction methodology (type of equipment, from land or by barge, etc.)
 - Volume of backfill, if applicable
- State the purpose and need for the project; describe the intended use of the proposed activity. **(Block 19)**
- For Fill and Excavation Activities provide the following **(Blocks 20 through 22)**:
 - Describe the area to be filled; i.e. wetlands or open water and give dimension in square feet or acres
 - Describe the quantity of fill material to be used in cubic yards
 - Describe the type and composition of the fill material and its source (i.e. rock, sand, clay, concrete, etc.)
 - Describe any temporary construction and access fills that may be required
- Provide a statement to show how the proposed impacts to waters of the U.S. (i.e. wetlands, surface waters, etc.) have been avoided, minimized, and compensated; or a brief description of why you believe mitigation is not required **(Block 23)**
- If work has begun or has been completed please provide a brief description of the completed activities. **(Block 24)**
- Provide the names and mailing addresses of the Adjoining Property Owners, Lessees, etc. whose property adjoins the project site or who may be affected by the proposed activity. **(Block 25)**
- Indicate if you have applied for or received authorization from other federal, state, or local agencies for the project. **(Block 26)**
- Provide the signature of the applicant or authorized party. **(Block 27)**

Drawing and Illustration Information:

- Provide location map indicating site location and boundaries.
- Provide overlay of site conditions (i.e. wetlands and/or surface waters) with the proposed activity
- Provide separate plan view and cross-sectional drawings for existing and proposed site conditions.
- Provide black and white legible plan view drawings on 8 ½" X 11" sized paper to include:
 - North arrow
 - Dimensions of existing and proposed activity(ies)
 - Total plan of development
 - Indicate the location of cross-sectional views
 - Dimensions of site conditions to include the location of waters of the U.S.
- Provide black and white legible cross-sectional drawings on 8 ½" X 11" sized paper to include:
 - Dimensions of proposed work
 - Indicate the mean/ordinary high water line and mean/ordinary low water line for project adjacent to waters of the U.S.

Supplemental Drawing Information:

- For In-Water Activities:
 - Indicate the height above the mean high water line, especially for docks or other in-water structures
 - Indicate the length of shoreline
 - Indicate the location of any vegetation along the shoreline and in-water resources (i.e. seagrasses, oysters, coral)
 - Volume of dredge material noted on the drawing if applicable
 - Existing and proposed water depths if dredging is proposed
 - Distance to any Federal Channel and width of waterway
- For Fill or Excavation Activities:
 - Label area to be filled and/or excavated in acres or square feet
 - Distances of proposed activities to avoided resources.

**Instructions for Preparing a
Department of the Army Permit Application**

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name and the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the latitude and longitude of where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Tax Parcel Identification number of the site, Section, Township, and Range of the site (if known), and / or local Municipality that the site is located in.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Description of Avoidance, Minimization, and Compensation. Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Also provide a brief description of how impacts to waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts.

Block 24. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 25. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 26. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 27. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x11 inch plain white paper (electronic media may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.

NO.	LATITUDE / LONGITUDE	SITE CODE	ADJUSTING CODE	DIRECTION	SYMBOL CODE	SIGN SHAPE	REGULATORY CODE	OTHER SIGN	COMMENTS
	<p>(Required) Provide exact coordinates for location of marker expressed in NAD83 or WGS84. Example: 33° 02' 38.50"N, 117° 27' 57.50"W. DO NOT USE UTM/CRS COORDINATES.</p> <p>(Required) FORMAT IN WGS84 DATUM. Sign Material: For each reference number should be described with an A, B, C, D.</p>	<p>(Required) SITE CODE: 01 - BAY/SOUND 02 - OCEAN/GULF 03 - LAKE/POND 04 - CHANNEL 05 - CANAL/DIKE 06 - PORT/HARBOR 07 - OTHER (Specify)</p>	<p>(Required) ADJUSTING CODE: B - BUILT BF - BRIDGE/FINCH C - CURB D - DOCK DP - DOUBLE PILE SP - SINGLE PILE WB - YELLOW SPEC. PAINT, BUILT WY - YELLOW SPEC. PAINT, BUILT OT - OTHER (Specify in column 9)</p>	<p>(Required) DIRECTION FACING CODE: N - North NE - Northeast E - East SE - Southeast SW - Southwest S - West NW - Northwest</p>	<p>(Required) SYMBOL CODE: C - CIRCLE M - MOUND R - RECTANGLE T - TRIANGLE X - CROSSED DIAMOND Y - YELLOW SPEC. CURB</p>	<p>(Required) SIGN SHAPE: S - SQUARE M - RECTANGULAR R - RECTANGULAR T - TRIANGLE X - CROSSED DIAMOND Y - YELLOW SPEC. CURB</p>	<p>(Required) REGULATORY CODE: SCL - School Safety Zone MTR - Marine Zone DMSL - Information ... (etc., etc.) CONG - Construction Area VEX - Vessel Exclusion Area MOPR - Mooring Area OTHER - (must specify in Comments)</p>	<p>Other Sign Wasting</p>	

From: Murphy, Destiny <Destiny.Murphy@MyFWC.com>
Sent: Monday, May 15, 2023 8:54 AM
To: Town Administrator <townadmin@redshoresfl.com>
Subject: FUWM Permit Application Docs

Hey Jeff,

Per our conversation over the phone, please find a Florida Uniform Waterway Marker (FUWM) permit application checklist attached to this email. This document is designed to make it easier for you to navigate the application process to ensure that you submit a complete application package, pursuant to [68D-23.104 Florida Administrative Code](#). I've also attached a 68D-23 cheat sheet to this email for your reference.=

The FUWM Permit is contingent upon the permit holder receiving authorization from the submerged land owner, the US Army Corps of Engineers (ACOE), and the US Coast Guard (USCG). Please reach out to FDEP and ACOE for authorization, in conjunction with submitting the FUWM Permit application. Authorization from USCG will only be received *after* obtaining the FUWM Permit.

- Obtain consent from the submerged land owner (likely FDEP). You can find the FDEP permitting regional office contact information at this website: <http://www.dep.state.fl.us/secretary/dist/>
- You can find the ACOE permitting regional office contact information at this website: <http://www.saj.usace.army.mil/Missions/Regulatory/Office-Locations>

If you have any questions, please do not hesitate to give me a call at (850) 617-9560.

Thank you!



Destiny Murphy

Planner II
Division of Law Enforcement
Boating and Waterways Section
620 South Meridian Street
Tallahassee, Florida 32399-1600
Phone: (850) 617-9560

Have you considered an inflatable life jacket?

Need help paying for waterway improvement projects? Check out this list of Boating Grant Programs.

Report Damaged Waterway Markers: 866-405-BUOY (2869)

(Click link or call)



FWC Boating and Waterways Waterway Management Unit Marker Specifications & Requirements

Pursuant to 68D-23, Florida Administrative Code

Pilings and Signs:

Permit Number Placement/Ordinance Number Placement

68D-23.106(1)(b)1, F.A.C.

1. On all regulatory markers, the permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, code section number, statute number, regulation or rule number (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

Height

68D-23.108(2), F.A.C.

(2) Buoyed signs and markers must extend not less than 36 inches above the surface of the water. A sign suspended above the water must have a minimum of 25 feet clearance from the mean high water mark to the bottom of the sign.

Lettering Color

68D-23.108(4), F.A.C.

(4) All letters on green or black backgrounds shall be white. All letters and numerals on red or white backgrounds shall be black, except that white retroreflective letters and numerals may be used on a red background. All letters and numerals shall be of block characters of good proportion, spaced in a manner which will provide maximum legibility and of a size proportionate to the size of the marker.

Reflective Materials

68D-23.108(5), F.A.C.

(5) Retroreflective materials must be used for all displays on markers that are required to be international orange and as otherwise required in the United States Coast Guard Aids to Navigation Manual – Technical (COMDTINST M16500.3A). The white background dayboard film material for all information, danger, exclusion, and regulatory signs installed or replaced after July 1, 2006, shall be retroreflective. Retroreflective materials may be used for any other portion of a marker.

2 White Bands of Pile Tape

68D-23.108(6), F.A.C.

(6) Every pile used in waters of this state to support signs for waterway marking purposes must have two bands of white tape placed around it. The bands of tape must be placed separately around each pile for dolphins, clusters, and other structures using multiple piles for support. The tape must be six inches wide and made of self-adhesive (pressure sensitive), diamond-grade, white, retroreflective material. The top of the first band must be placed six inches from the bottom of the sign; the top of the second band must be placed eight inches from the bottom of the first band. The tape must be installed with a minimum overlap of one inch over the entire six-inch width of the band. On wooden piles, the tape



FWC Boating and Waterways Waterway Management Unit Marker Specifications & Requirements

Pursuant to 68D-23, Florida Administrative Code

must be additionally secured using not less than four stainless steel, one inch staples driven through the area of the overlap. If the tape becomes delaminated, cracked, checked, weathered, or abraded so as to have a dull or roughened surface, it must be replaced. Any existing tape must be removed before applying the replacement tape.

Orange Symbols

68D-23.109(1), F.A.C.

(1) All information, danger, and regulatory markers shall be white in color and shall display international orange symbols.

Orange Border/White Background

68D-23.109(3), F.A.C.

(3) When a sign is used for an information, danger, or regulatory marker it must be white with an international orange border.

3'x3' Minimum

68D-23.109(3), F.A.C.

(3) The size of the sign must be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.



FWC Boating and Waterways Waterway Management Unit Marker Specifications & Requirements

Pursuant to 68D-23, Florida Administrative Code

Buoys:

Permit Number Placement/Ordinance Number Placement

68D-23.106(1)(b)1, F.A.C.

1. On all regulatory markers, the permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, code section number, statute number, regulation or rule number (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

Height

68D-23.108(2), F.A.C.

(2) Buoyed signs and markers must extend not less than 36 inches above the surface of the water. A sign suspended above the water must have a minimum of 25 feet clearance from the mean high water mark to the bottom of the sign.

Lettering Color

68D-23.108(4), F.A.C.

(4) All letters on green or black backgrounds shall be white. All letters and numerals on red or white backgrounds shall be black, except that white retroreflective letters and numerals may be used on a red background. All letters and numerals shall be of block characters of good proportion, spaced in a manner which will provide maximum legibility and of a size proportionate to the size of the marker.

Reflective Materials

68D-23.108(5), F.A.C.

(5) Retroreflective materials must be used for all displays on markers that are required to be international orange and as otherwise required in the United States Coast Guard Aids to Navigation Manual – Technical (COMDTINST M16500.3A). The white background dayboard film material for all information, danger, exclusion, and regulatory signs installed or replaced after July 1, 2006, shall be retroreflective. Retroreflective materials may be used for any other portion of a marker.

Orange Symbols

68D-23.109(1), F.A.C.

(1) All information, danger, and regulatory markers shall be white in color and shall display international orange symbols.



**FWC Boating and Waterways
Waterway Management Unit**
Marker Specifications & Requirements
Pursuant to 68D-23, Florida Administrative Code

2 Orange Bands of Tape

68D-23.109(2), F.A.C.

(2) When a buoy is used as an information, danger, or regulatory marker, it shall be white with horizontal bands of international orange placed completely around the circumference of the buoy. One band shall be at the top of the buoy body, the second band shall be placed sufficiently just above the waterline so that both international orange bands are clearly visible to approaching vessels. The international orange bands shall be not less than two inches in width. The display area shall be that portion of the buoy body between the bands and shall be white. Symbols shall be centered between the international orange bands. Only a cylindrical buoy may be used. The buoy shall have a diameter of not less than nine inches.



Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

Directions:

The application checklist is a guide provided by the FWC Waterway Management Unit to aid applicants in completing the Florida Uniform Waterway Marker (FUWM) permit application. *(Items denoted with * are only needed for permits regulating boating-restricted areas, pursuant to 327.46(1)(b) and 327.46(1)(c), Florida Statute.)*

Please complete the form and attach the necessary documents as specified in each section. As the form is fillable, it is encouraged that the applicant utilizes the text boxes to submit the Statement of Purpose (section I) and the Marker and/or Sign Specification(s) (section IV). The [Marker Data Form](#), which contains the marker data, should be submitted using the Excel form provided by the FWC Staff. The Marker Data Form (section II), the sign graphics (section IV), and the scale drawing(s) (section III) should be submitted along with this checklist.

If you have any questions, or need any clarification, please do not hesitate to contact the FWC Waterway Management Unit via phone, (850) 488-5600, or email, Waterway.Management@MyFWC.com.

TABLE OF CONTENTS		
I.	Statement of purpose	
II.	Application Form	<input type="checkbox"/> A
III.	Scale drawings	<input type="checkbox"/> A
IV.	Marker and/or Sign Specifications	<input type="checkbox"/> A
V.	*Regulatory Instrument	<input type="checkbox"/> A

Completed by FWC Staff

Date Received:

FWC Reviewer: Destiny Murphy

Reviewer Phone: (850) 617-9560

Reviewer Email: destiny.murphy@MyFWC.com

Completed by Applicant

Applicant Organization:

Applicant Name:

Phone:

Email:

Name of Waterway:

City:

County:



Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

I. Statement of purpose (cover letter)

- Justification for identifying the area
- Names of the entities who will be responsible for the upkeep and maintenance of the marker(s)
- **Location of the danger, hazard to navigation, or obstruction that is being posted (if applicable)*

Statement of Purpose:

FWC Staff Comments:



Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

II. Application Forms

- Marker Data Form (the Excel [Marker Data Form](#) is the preferred method to collect data on each waterway marker.) **(Attached)**
 - Application

FWC Staff Comments:

FWC Permit No.:	FLORIDA UNIFORM WATERWAY MARKER APPLICATION Boating and Waterways	
1. Date:	2. Action Requested: <input type="checkbox"/> Establish Boating Restricted Area <input type="checkbox"/> Permit to Place & Maintain Uniform Waterway <input type="checkbox"/> Change/Amend FUWM Permit <input type="checkbox"/> Marker(s) Discontinue Request or Repeal Existing Permit <input type="checkbox"/> Transfer of Ownership	5. Intracoastal Waterway: <input type="radio"/> Yes <input type="radio"/> No
3. Name of Affected Waterway(s):	4. Locality: City _____ County (FIPS Code) _____	
6. Type of Regulatory, Special Purpose, or Other Buoy UMW(s) Requested (check all that apply):	<input type="checkbox"/> Slow Speed Minimum Wake <input type="checkbox"/> Idle Speed No Wake <input type="checkbox"/> Resume Normal Safe Operation <input type="checkbox"/> Vessel Exclusion <input type="checkbox"/> Danger <input type="checkbox"/> Mooring Buoy <input type="checkbox"/> Information <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Speed Zone _____MPH <input type="checkbox"/> Special Marine Event <input type="checkbox"/> Aid to Navigation	
7. Registered Consultant (Person applying on behalf of applicant)	8. Applicant (Person Responsible For Placement & Maintenance of UMW (s))	
Consultant Company:	Applicant Organization:	
Contact Person:	Applicant Name:	
County:	Title:	
Address w/zip code:	Address w/zip code:	
E-MAIL ADDRESS:	Phone: _____ Suncom: _____	
	Fax #: _____	
	E-MAIL ADDRESS: _____	
	10. Regulation Establishing Boating Restricted Area: _____	Date _____
9. Hold Harmless Agreement (Nongovernmental applicants only)	11. Jurisdiction (Regulatory only):	
The applicant, to the extent authorized by law, agrees and promises to hold harmless the State of Florida, its employees, agents or successors, from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation, and removal any and all marker signs placed by the applicant pursuant to this permit. Applicant further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by the applicant in the placement, maintenance, operation, or removal of the marker signs.	Provide copies of your correspondence to the Submerged Landowner and USACE at the time you submit your completed application to this office. This can be in email or letter form. Army Corps of Engineers (USCOE) _____ Consent of Submerged Landowner _____ <div style="border: 1px solid black; padding: 5px; background-color: #fff9c4;"> <p>Your application package for the placement of markers must include the information required pursuant to 68D-23 F.A.C. Information is available at http://www.myfwc.com/boating/waterway/markers/</p> </div>	
Authorized Signature: _____	Initial confirming the regulatory zone will be entirely within the jurisdictional boundaries of the City or Municipality that is applying for the FUWM: _____ Initial here: _____	
Print Name: _____		
Title: _____		



Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

III. Scale drawing(s)

- Label markers within scale drawings to correspond with Marker Data Form **(Attached)**
- **Boundary of proposed/current regulatory zone (represented with a polygon)*

Scale Map Drawings using Google Earth

- Open Google Earth
- Find the marker location using the "Search" bar in the top left corner (using the physical address or latitude and longitude).
- Use the "Add Placemark" button (yellow push-pin icon) to identify where each marker or buoy will be located.
- Using the placemark's properties (right-click the placemark under "Places" on the left side of the screen and click "Properties"), change the "Name" section for each marker to correspond with the Marker # and Sign (A, B, C, D) on the application.
 - (Also in properties, marker style & color can be adjusted to illustrate markers and buoys.)
- Once all of the markers are accurately located, go to, File, Save, **Save as Image**. This will save a JPEG file which you will send in the application package.

Attach and submit with Application.

FWC Staff Comments:



Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

IV. Marker and/or Sign Specifications

- Graphics (sign faces, buoys, and anchors) **(Attached)**
 - Type of piling, or other mounting surface
 - Shape, type, size, color, and material
 - Mounting details and hardware
 - Height above mean high water (for signs, measured to bottom edge)

For more marker specifications, [Boating and Waterway: Marker Guidelines](#) (pg. 31-68)

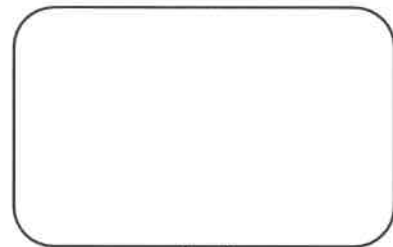
FWC Staff Comments:



FUWM Permit Application MARKER SPECIFICATIONS

Complete this information (and include graphics) to satisfy the Marker Specification section of the FUWM Permit Application. If your application includes signs and buoys, please include the specifications for all markers on this sheet.

Please complete this section if your FUWM Application includes signs.



Sign to water line

1. Sign Panels:

Total number of signs: _____

Sign Size(s): _____

2. Sign Language (include all messages that will be used):

3. Mounting Materials:

Mounting Type (include the # of each):

Pressure treated wood pile(s): _____

Composite wood pile(s): _____

Fiberglass Pile(s): _____

Concrete Pile(s): _____

Aluminum Pole(s): _____

Bridge Fender(s): _____

Existing Structure (describe each):

4. Installation:

Distance between the bottom of the sign and the Mean High Water (minimum of 36"): _____

Please complete this section if your FUWM Application includes buoys.

1. Buoy Type:

Diameter: _____ Height: _____

Can Buoy(s): _____ Nun Buoy(s): _____

2. Buoy Language (include all messages that will be used):

3. Anchoring System(s):

Helical Auger Anchor(s): _____ Deadweight Anchor(s): _____

Heavy Weight Disk Embedment Anchor(s): _____

Jet-Driven Anchor(s):

Other (describe):





Florida Uniform Waterway Marker (FUWM) Application Checklist

Checklist should be used in conjunction with 68D-23 FAC

IV. *Regulatory Instrument (Ordinance, State Rule, Federal Law/Rule, or special act of legislature)

*Copy of the regulatory instrument which imposes the regulation (Attached)

Ordinance No.:

Adoption Date:

FWC Staff Comments:

(Required)
REFERENCE
NUMBER (Local Marker ID):
 Note each piling/buoy equals
 (1) reference number. This
 must match
 number on scale drawing.

(Required)
LATITUDE / LONGITUDE:
 Provide exact coordinates for
 location of marker expressed in
 Degrees and Decimal minutes.
 Example 30 07.980N, 81 27.675W
DO NOT USE LORAN-C COORDINATES

FORMAT IN WGS 84 DATUM REQUIRED
 Sign identifier for each reference number should be
 denoted with an A, B, C or D

(Required)

(Required)
SITE CODE:
 01 - BAY/SOUND
 02 - INLET/PASS
 03 - OCEAN/GULF
 04 - LAKE/POND
 05 - RIVER/CREEK
 07 - CANAL/CUT
 08 - PORT/HARBOR
 09 - MARSH/SWAMP
 99 - OTHER
 (Specify)

(Required)
LOCATION CODE:
 S - shore
 W - water

NO.	SIGN ID	LATTITUDE (N)	LONGITUDE (W)	WATERWAY (Name)	CODE	NAME (Optional)	LOCATION
-----	---------	---------------	---------------	-----------------	------	-----------------	----------

(Required)

MOUNTING CODE:

- B - BUOY
- BF - BRIDGE FENDER
- BR - BRIDGE
- D - DOCK
- DP - DOUBLE PILE
- MB - MOORING BUOY
- SP - SINGLE PILE
- YB - YELLOW SPEC. PURP. BUOY
- YM - YELLOW SPEC. PURP. MRK
- O - OTHER (specify in column "k")

(Required)

DIRECTION FACING CODE:

- B - BUOY
- N - North
- NE - Northeast
- E - East
- SE - Southeast
- S - South
- SW - Southwest
- W - West
- NW - Northwest

(Required)

SYMBOL CODE:

- C - CIRCLE
- D - DIAMOND
- M - MOOR
- R - RECTANGLE
- S - SQUARE
- T - TRIANGE
- X - CROSSED DIAMOND
- Y - YELLOW SPEC. PURPOSE

(Required)

Must be from 001 - 133 and an odd number

US Coast Guard

REGULATIONS

COUNTY (FIPS CODE)

CODE

NAME (Optional)

ATON

REGULATIONS

DIRECTION

SYMBOL

(Required)
SIGN SHAPE:
 D - DIAMOND
 M - MOORING BUOY
 R - RECTANGLE
 S - SQUARE
 T - TRIANGE
 X - CROSSED DIAMOND
 Y - YELLOW SPECIAL PURPOSE

(Required)
REGULATORY CODE:
 BSZ - Boating Safety Zone
 MTZN - Manatee Zone
 INFO - Information
 DNGR - Danger (i.e., rocks, reef, etc.)
 CONST - Construction Area
 VSLX - Vessel Exclusion
 SWIM – Swimming Area
 MOOR - Mooring Area
 OTHER - (must specify in Comments)

(Required)
SIGN WORDING:
 SSMW - Slow Speed Minimum Wake
 ISNW - Idle Speed No Wake
 RNSO - Resume Normal Safe Operation
 SZ - Speed Zone (numeric MPH)
 OTHER - (must specify in column "s")

Other Sign Wording

SIGN SHAPE

REGULATORY CODE

SIGN WORDING

COMMENTS

Town of Redington Shores
17425 Gulf Blvd. Redington Shores, FL 33708
Phone (727) 397-5538 • Fax (727) 392-9470
info@townofredingtonshores.com
Please email, fax, mail or hand deliver application



VOLUNTEER PROGRAM APPLICATION

As a candidate for a volunteer position with the Town of Redington Shores, I am willing to furnish information for use in determining my qualifications. I authorize release of any and all information that you may have concerning me, unless such information is confidential and exempt from disclosure under the Florida Public Records Act.

I understand that for security purposes, and in some cases to comply with the law, a basic background check may be conducted to determine my eligibility to have certain access. I may also be fingerprinted if required by law. More detailed information will be requested only if a volunteer assignment (such as working with children) calls for a full security check.

PLEASE PRINT CLEARLY. IT IS IMPORTANT THAT YOU ANSWER ALL QUESTIONS
ON THIS APPLICATION FULLY AND ACCURATELY.

Name: _____
First Middle Last

Address: _____
City State Zip How Long?

Primary Phone: _____ Email Address: _____

List any languages, other than English, which you speak or write fluently: _____

Provide information below to Town staff only upon further request if required by Florida Statutes Chapter 435 (volunteer screening):

Date of Birth: _____ Place of Birth: _____

Driver's License #: _____ Expiration Date: _____

VOLUNTEER PREFERENCES

Please list the volunteer opportunities that you wish to participate in:

VOLUNTEER EXPERIENCE

Please list any current or previous volunteer activities you have engaged in for governments or non-profits:

Where did you learn of the Town of Redington Shores Volunteer Program?

What type of work do you wish to do or which listed Town volunteer opportunity to you seek (list all that apply)?

What days and hours would you be available?

DATES	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Sun.
TIMES							

Please give the name and phone number of two persons who could speak to your skills or prior volunteer work:

1. _____ Phone: _____

2. _____ Phone: _____

EMERGENCY CONTACT

Name _____ Phone _____

Relationship to Volunteer _____

EMPLOYMENT HISTORY

Present Employer: _____

Employer address and main phone: _____

Dates of work: _____

Job title and duties: _____

Please list any special skills, training, interests or hobbies which may allow the Town to evaluate your suitability for the volunteer opportunities you have expressed interest in:

EDUCATION & MILITARY SERVICE

High School Name _____ Town, State _____ Grade Completed _____ Year _____

College Name _____ Town, State _____ Years Completed _____ Year _____

Degree(s) Earned _____ Major(s) _____ Minor(s) _____

Military Service:

Branch _____ Dates of Service _____

Why do you wish to volunteer with the Town of Redington Shores?

List any misdemeanor arrests or convictions (include dates):

List any felony arrests or convictions (include dates):

I hereby authorize the Town of Redington Shores to investigate my past or current activities and to receive full and complete disclosure of all records relating to me and my past employment, criminal or traffic reports or arrest reports or investigations.

I understand that the Town at times handles sensitive or confidential information, the disclosure of which could adversely affect a criminal investigation and in some instances may be a violation of law. I agree not to disclose any information obtained by me while engaged in my volunteer duties unless specifically authorized in advance by a Town supervisor. I understand that my failure to comply with this paragraph will result in my removal from the volunteer program.

I acknowledge that, while I am not an employee of the Town, I will be expected to perform my volunteer duties in accordance with all applicable Town codes and policies, including all risk management and safety rules and directions, the Town's policy against discrimination, and (if I am appointed to a Town board or committee), that I will follow the Florida Sunshine Law, the Public Records Act, and Code of Ethics for Public Officers, as those laws may apply to my service, and as guided by training from Town staff.

I hereby indemnify and hold the Town harmless from and against, any and all liability, for any injury to myself or my property or any other damage or cause of action, which may arise while I am engaged in volunteer activities with the Town. I agree that the Town will not be responsible for any activities, liability, suits or damages which may occur during or as a result of my volunteer status with the Town, which occur outside the scope of the responsibilities and duties assigned to me.

I agree that if I am injured or involved in an accident/incident involving injury or property damage while performing my volunteer duties, I will immediately report the injury to the Town Administrator, Town Clerk, or if either are unavailable, to a Town Commissioner or other Town employee.

The statements made by me in this application are true and complete to the best of my knowledge. I understand that any misstatements or material omission on this application will be considered sufficient cause to disqualify me for volunteer opportunities with the Town of Redington Shores.

SIGNATURE: _____ **DATE:** _____

SIGNATURE OF PARENT/GUARDIAN: _____
(If Volunteer is under 18 years old)

DATE: _____

Town of Redington Shores Volunteer Program Outline

Application Process

1. Volunteer calls, visits or e-mails and expresses interest in the program.
2. Application materials are obtained by applicant at Town Hall, mailed or emailed, or downloaded from the Town's website.
3. The completed application is returned by email, fax, mail or hand delivered to the Town of Redington Shores Town Hall, 17425 Gulf Blvd. Redington Shores, Florida 33708.

Screening Process

1. The Town's Administrator and/or Town Clerk will review the application to ensure completeness, to match applicants with available volunteer opportunities (including those positions listed as currently available on the Town's website), and (if required by law), ensure a criminal background check is performed. If a background check is required, the Town will reach out to the applicant to obtain any additional information necessary to facilitate the check.
2. Once the screening process is complete, the Town staff will notify the applicant as to when volunteer service may begin, who the applicant would be reporting to, what clothing or equipment the volunteer may need to wear or bring, and what equipment the Town will provide to facilitate the volunteer work.
3. If the volunteer will be serving on a Town board or committee, the Town Clerk will coordinate with the volunteer on a day and time the volunteer would be orientated to the mission and duties of the board or committee, and be advised of the laws and code provisions applicable to the board or committee, and the volunteer's status as a Town board or committee member.

Process for Beginning to Serve

1. Once a volunteer is cleared to work, the volunteer will normally coordinate her or his work with the Town employee or official who will be supervising the volunteer's performance. The volunteer and supervisor will coordinate which days and times and locations the volunteer will work at depending on the needs of the Town and availability of the volunteer.
2. Volunteers who are serving on a Town board or committee will coordinate meeting times and locations with the Town Clerk or Deputy Clerk.
3. Volunteers (other than those serving on Town boards or committees) are asked to track their volunteer hours using a volunteer timesheet provided by the Town. This information helps the Town to know which volunteers were performing on which dates and times, and to track volunteer participation over time.

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First Middle Last

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What days and hours would you be available?

DATES	Mon.	Tue.	Wed.	Thu.	Fri.	Sat.	Sun.
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1. _____ Phone: _____

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Name _____ Phone _____

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Present Employer: _____

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Dates of work: _____

Job title and duties: _____

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The statements made by me in this application are true and complete to the best of my knowledge. I understand that any misstatements or material omission on this application will be considered sufficient cause to disqualify me for volunteer opportunities with the Town of Redington Shores.

SIGNATURE: _____ **DATE:** _____

SIGNATURE OF PARENT/GUARDIAN: _____
(If Volunteer is under 18 years old)

DATE: _____

Please read the following statements carefully. Sign and return this form with your completed application.

Automatic Disqualifiers

The Town of Redington Shores Volunteer Program will **NOT** consider the application of any individual who the Town's investigation reveals:

1. Was convicted of a felony or offense that would be a felony if committed in Florida.
2. Has used marijuana or other illegal drugs within the last six months.
3. Has sold marijuana or other illegal drugs within the last two years.
4. Has falsified his or her application, including the omission of required information.

Discretionary Disqualifiers

The following disqualifiers **MAY**, upon review, make you ineligible to volunteer for the Town:

1. A physical or mental disability that would substantially impair your ability to safely perform your volunteer duties even with a reasonable accommodation.
2. Reporting for volunteer duty impaired by alcohol or prescription drugs.
3. Failure to comply with the laws, codes and Town policies which apply to the volunteer or her or his work.
4. Any conduct on the part of the volunteer which, in the view of the Town, would tend to disrupt, diminish, or otherwise jeopardize public trust in the Town.

I have read and understand the above disqualifiers. Please consider my application for participation in the Town of Redington Shores Volunteer Program.

Signature: _____ Date: _____

**Town of Redington Shores Volunteer Program
Social Security Number Usage Statement**

The Town of Redington Shores may collect and maintain Social Security Numbers (SSN) from volunteer program applicants. The Town is dedicated to ensuring the privacy and proper handling of this information in accordance with the Federal Privacy Act of 1974 and the Florida Statutes § 119.071(5)(2)(a). The Town of Redington Shores will continue to collect social security numbers as mandated and allowed by law. The SSN is utilized for the purpose of running criminal history background checks on all volunteers within the Town where the volunteer position calls for such checks to be made. Below are the main uses of SSN related to the Town's volunteer program:

- Conducting local (Pinellas County) and state (FDLE-Florida Department of Law Enforcement) criminal history background checks
- Positive identification during legal review of records with criminal hits

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3. Volunteers (other than those serving on Town boards or committees) are asked to track their volunteer hours using a volunteer timesheet provided by the Town. This information helps the Town to know which volunteers were performing on which dates and times, and to track volunteer participation over time.



The following Terms and Conditions are attached to and form part of a proposal for services to be performed by Consultant and together, when the Client authorizes Consultant to proceed with the services, constitute the Agreement. Consultant means the Stantec entity issuing the Proposal.

DESCRIPTION OF WORK: Consultant shall render the services described in the Proposal (hereinafter called the "Services") to the Client.

DESCRIPTION OF CLIENT: The Client confirms and agrees that the Client has authority to enter into this Agreement on its own behalf and on behalf of all parties related to the Client who may have an interest in the Project.

TERMS AND CONDITIONS: No terms, conditions, understandings, or agreements purporting to modify or vary these Terms and Conditions shall be binding unless hereafter made in writing and signed by the Client and Consultant. In the event of any conflict between the Proposal and these Terms and Conditions, these Terms and Conditions shall take precedence. This Agreement supercedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

COMPENSATION: Payment is due to Consultant upon receipt of invoice. Failure to make any payment when due is a material breach of this Agreement and will entitle Consultant, at its option, to suspend or terminate this Agreement and the provision of the Services. Interest will accrue on accounts overdue by 30 days at the lesser of 1.5 percent per month (18 percent per annum) or the maximum legal rate of interest. Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by Government on fees for services. Such taxes will be added to all invoices as required.

NOTICES: Each party shall designate a representative who is authorized to act on behalf of that party. All notices, consents, and approvals required to be given hereunder shall be in writing and shall be given to the representatives of each party.

TERMINATION: Either party may terminate the Agreement without cause upon thirty (30) days notice in writing. If either party breaches the Agreement and fails to remedy such breach within seven (7) days of notice to do so by the non-defaulting party, the non-defaulting party may immediately terminate the Agreement. Non-payment by the Client of Consultant's invoices within 30 days of Consultant rendering same is agreed to constitute a material breach and, upon written notice as prescribed above, the duties, obligations and responsibilities of Consultant are terminated. On termination by either party, the Client shall forthwith pay Consultant all fees and charges for the Services provided to the effective date of termination.

ENVIRONMENTAL: Except as specifically described in this Agreement, Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater.

PROFESSIONAL RESPONSIBILITY: In performing the Services, Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices normally provided in the performance of the Services at the time and the location in which the Services were performed.

INDEMNITY: The Client releases Consultant from any liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, damages, losses, and/or expenses, direct and indirect, or consequential damages, including but not limited to attorney's fees and charges and court and arbitration costs, arising out of, or claimed to arise out of, the performance of the Services, excepting liability arising from the sole negligence of Consultant.

LIMITATION OF LIABILITY: It is agreed that the total amount of all claims the Client may have against Consultant under this Agreement, including but not limited to claims for negligence, negligent misrepresentation and/or breach of contract, shall be strictly limited to the lesser of professional fees paid to Consultant for the Services or \$50,000.00. No claim may be brought against Consultant more than two (2) years after the cause of action arose. As the Client's sole and exclusive remedy under this Agreement any claim, demand or suit shall be directed and/or asserted only against Consultant and not against any of Consultant's employees, officers or directors.

Consultant's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the Services and Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the Client, including but not limited to claims for loss of use, loss of profits and/or loss of markets.

Liability of Consultant shall be further limited to such sum as it would be just and equitable for Consultant to pay having regard to the extent of its responsibility for the loss or damage suffered and on the assumptions that all other consultants and all contractors and sub-contractors shall have provided contractual undertakings on terms no less onerous than those set out in this Agreement to the Client in respect of the carrying out of their obligations and have paid to the Client such proportion of the loss and damage which it would be just and equitable for them to pay having regard to the extent of their responsibility.

DOCUMENTS: All of the documents prepared by or on behalf of Consultant in connection with the Project are instruments of service for the execution of the Project. Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used for any other purpose without the prior written consent of Consultant. In the event Consultant's documents are subsequently reused or modified in any material respect without the prior consent of Consultant, the Client agrees to defend, hold harmless and indemnify Consultant from any claims advanced on account of said reuse or modification.

Any document produced by Consultant in relation to the Services is intended for the sole use of Client. The documents may not be relied upon by any other party without the express written consent of Consultant, which may be withheld at Consultant's discretion. Any such consent will provide no greater rights to the third party than those held by the Client under the contract, and will only be authorized pursuant to the conditions of Consultant's standard form reliance letter.

Consultant cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic format ("Electronic Files"). Client shall release, indemnify and hold Consultant, its officers, employees, Consultant's and agents harmless from any claims or

damages arising from the use of Electronic Files. Electronic files will not contain stamps or seals, remain the property of Consultant, are not to be used for any purpose other than that for which they were transmitted, and are not to be retransmitted to a third party without Consultant's written consent.

FIELD SERVICES: Consultant shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with work on the Project, and shall not be responsible for any contractor's failure to carry out the work in accordance with the contract documents. Consultant shall not be responsible for the acts or omissions of any contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work in connection with the Project. Consultant shall not be the prime contractor or similar under any occupational health and safety legislation.

GOVERNING LAW/COMPLIANCE WITH LAWS: The Agreement shall be governed, construed and enforced in accordance with the laws of the jurisdiction in which the majority of the Services are performed. Consultant shall observe and comply with all applicable laws, continue to provide equal employment opportunity to all qualified persons, and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex, age, disability or national origin or any other basis prohibited by applicable laws.

DISPUTE RESOLUTION: If requested in writing by either the Client or Consultant, the Client and Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. The Parties agree that any actions under this Agreement will be brought in the appropriate court in the jurisdiction of the Governing Law, or elsewhere by mutual agreement. Nothing herein however prevents Consultant from any exercising statutory lien rights or remedies in accordance with legislation where the project site is located.

ASSIGNMENT: The Client shall not, without the prior written consent of Consultant, assign the benefit or in any way transfer the obligations under these Terms and Conditions or any part hereof.

SEVERABILITY: If any term, condition or covenant of the Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of the Agreement shall be binding on the Client and Consultant.

FORCE MAJEURE: Any default in the performance of this Agreement caused by any of the following events and without fault or negligence on the part of the defaulting party shall not constitute a breach of contract, labor strikes, riots, war, acts of governmental authorities, unusually severe weather conditions or other natural catastrophe, disease, epidemic or pandemic, or any other cause beyond the reasonable control or contemplation of either party. Nothing herein relieves the Client of its obligation to pay Consultant for services rendered.

COVID-19: The parties acknowledge the ongoing COVID-19 pandemic and agree that the fee and schedule in the proposal is based on what is currently understood. Where conditions change, the parties may have further discussions to manage and mitigate the impact of this evolving situation on the Project.

CONTRA PROFERENTEM: The parties agree that in the event this Agreement is subject to interpretation or construction by a third party, such third party shall not construe this Agreement or any part of it against either party as the drafter of this Agreement.

FLORIDA CONTRACTS: PURSUANT TO FLORIDA STATUTES CHAPTER 558.0035 AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE.

Town Administrator 
Jeff Shoobridge

The LDU Fund Balance is about \$467K

D.All such funds or land accepted by the Town of Redington Shores shall be used for park and recreational facility capital development, and any other uses deemed by the town commission to be aesthetically pleasing enhancements to the visual environment in the town, such as landscaping of traffic medians, streets or other such matters. Such funds shall not be used for park maintenance or operating recreation programs.

Potential Projects

Irrigation of all green spaces

Landscaping

Signs updated to "brand, but resilient and sustainable

Bus stop shelters

Street signs

Neighborhoods Parking and green space

Dog Stations

Uniform benches

Chapter 5 BOARDS AND COMMITTEES¹

Sec. 5-1. Establishment and dissolution of boards and committees.

Unless otherwise prohibited by law, the town board of commissioners may, from time to time and by resolution, create, reorganize, or dissolve standing or temporary subordinate advisory or quasi-judicial boards or committees as it determines, in its sole discretion, to be in the best interest of the town.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-2. Status, mission, and authority of subordinate boards and committees.

- A. Unless otherwise provided by law or Town Code, all boards and committees established pursuant to this chapter shall be advisory only, and shall not possess the authority to set town policy, to adjudicate the rights of any person or entity, to bind the town in contract or equity, or to expend or authorize the expenditure of town funds.
- B. Upon creation, the board of commissioners will set forth the mission and duties of each subordinate town board or committee.
- C. Unless otherwise provided by law or Town Code, subordinate boards or committees shall not have the authority to issue subpoenas or to compel witness appearance or testimony. The board of commissioners expressly reserves the right to exercise such authority itself or to request judicial assistance for these actions as may be allowed by law.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-3. Qualifications and status of appointed board or committee members.

- A. Unless otherwise provided by law or required by contract or interlocal agreement, each member of a subordinate board or committee of the town must be a qualified elector, as that term is defined in F.S. § 97.021, and must maintain a residence within the town in which the member actually resides at least eight months per year. The board of commissioners may establish additional qualifications (such as the need for academic or professional credentials, industry experience, or specialized knowledge) for specific board or committee members depending on the mission and duties of such board or committee. Qualifications of applicants or members of boards or committees established under this chapter shall be determined at the sole discretion of the board of commissioners.
- B. Persons appointed to a subordinate town board or committee shall serve in a volunteer, uncompensated status. Notwithstanding the establishment of a term length, a person appointed to a subordinate town board

¹Ord. No. 22-01 , § 1, adopted April 13, 2022, repealed ch. 5, arts. I—III, §§ 5-1—5-15 and enacted a new ch. 5 as set out herein. Former ch. 5 pertained to similar subject matter and derived from Ord. No. 77-2, adopted March 1, 1977; Ord. No. 80-2, adopted March 11, 1980; Ord. No. 81-1, adopted October 10, 1981; Ord. No. 81-3, adopted April 14, 1981; Ord. No. 81-5, adopted June 23, 1981; Ord. No. 84-8, adopted September 11, 1984; Ord. No. 88-2, adopted May 24, 1988; Ord. No. 94-5, adopted July 12, 1994; and Ord. No. 94-6, adopted July 12, 1994.

or committee has no property interest in holding her or his seat for any period of time. An appointee serves at the pleasure of the board of commissioners.

- C. While persons appointed to a subordinate town board or committee may have, maintain, and express their personal opinions and views regarding federal, state or town policy or business decisions in accordance with their First Amendment rights, expression of such opinions and views must be expressed in the member's personal capacity as a citizen, and not stating or implying that the opinion or view is that of the town, board, or committee. Members of a subordinate town board or committee are expected to follow and faithfully apply the law, including established town law, policy, and business decisions, notwithstanding their contrary opinions or views of such laws, policies or decisions.
- D. In addition to the appointment of regular and alternate members, the town commission may appoint one or more honorary or ex officio members to a subordinate town board or committee for term or period of time as the commission desires. Such persons may participate in all discussions and debates of the board or committee, but shall have no voting rights or other town authority.
- E. No current town commissioner, charter officer, or employee may be appointed to any subordinate town board or committee.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-4. Compliance with laws.

- A. Persons who are appointed to a subordinate town board or committee are public officers, as that term is defined in the Florida Code of Ethics for public officers and employees, the Florida Public Records Act, and Florida's Sunshine Law. As such, each member must become familiar with the requirements of the following laws, as they apply to local government boards and committees:
 - (1) The Florida Public Records Act;
 - (2) The Florida Sunshine Law; and
 - (3) The Florida Code of Ethics for Public Officers (including its provisions of gifts, financial disclosure reports, and conflicts of interest).
- B. The town administrator, in consultation with the town attorney, shall ensure each member of a subordinate town board or committee receives written materials and periodic in-person training outlining their obligations under the state's ethics, records and sunshine laws.
- C. In the event a subordinate board or committee possesses quasi-judicial authority, the town administrator is authorized to request the town attorney provide additional written or in-person training materials to the members of such board or committee to ensure members understand their duties, the limits of their authority, and the proper procedures required by law to be applied in the quasi-judicial setting.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-5. Seats, appointments, terms, term limits, voting.

- A. *Number of members.* Unless otherwise required by law, ordinance, contract or interlocal agreement, each subordinate town board or committee shall consist of **five regular members**, one from each electoral district, one at large member, and two alternate members.
- B. *Initial and subsequent appointment.*

- (1) Upon the new establishment of a subordinate town board or committee, the town commission shall appoint all seven members at that time, as follows:
 - (a) The district 1 and 3 commissioners shall appoint the member for seats 1 and 3 for an initial term of one year.
 - (b) The district 2 and 4 commissioners and the mayor commissioner shall appoint the members for seats 2, 4, and at-large for an initial term of two years.
 - (c) The town commission shall appoint the members for alternate seats 1 and 2 for initial terms of one and two years, respectively.
- (2) Thereafter, the board of commissioners shall appoint their respective members of established subordinate town boards or committees in the same manner as set forth in subdivision (i) above, to fill expiring or unexpired terms of two years.

- C. *Term of office, unexpired terms, term limits.* Except for the initial one-year terms required for a newly-established board or committee, all regular and alternate members shall be appointed for staggered two year terms. A person appointed to fill an unexpired term shall serve out the remainder of that term, and may then be eligible for appointment to a full term. Unless otherwise required by law, ordinance, contract or interlocal agreement, a member of a board or committee may not be appointed to more than three consecutive terms.
- D. *Voting and participation rights.* Regular members shall have the right and duty to vote on questions to come before the board or committee. To allow them to gain knowledge and experience, alternate members shall attend all meetings, be recognized by the chair, and participate in discussion and debate. However, alternate members may not cast a vote on any matter to come before the board or committee unless the alternate is filling in for an absent regular member.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-6. Officers, procedures.

- A. Each subordinate town board or committee shall periodically select from among its regular members a chair, a vice chair, and a secretary. The chair (or the vice chair in the chair's absence), shall preside over the meetings, move the agenda, and rule on parliamentary matters subject to the vote of the full board, but shall have no other powers. The secretary shall be responsible for taking accurate minutes of each meeting as required by law, and for timely transmitting those minutes to the town clerk for proper records retention.
- B. Subordinate town boards and committees shall conduct their meetings according to the provisions of the most current edition of Roberts Rules of Order. To ensure compliance with Florida's right to speak statute, prior to a vote being taken on a matter (other than ministerial matters such as appointment of officers or approval of minutes), the chair shall seek and allow for comment from any citizen who may be in attendance.
- C. In the event a member cannot be physically present, the member may request of the town clerk the option to attend the meeting by telephonic or other remote electronic means. In the event such a request is made in a sufficiently timely manner, the clerk shall allow the member to attend remotely using such means as the clerk may be able to arrange, taking into account the technological resources of the town and member.
- D. Subordinate board and committee shall schedule such meetings, on such days and times and with such frequency, as each determines will be necessary to perform their duties. All such meetings shall occur at town hall or such other location within the town as is accessible to citizens or the press who may wish to attend. Meetings shall not occur at a private residence. In addition to its own adopted schedule, the town commission or town administrator may schedule a special meeting should the needs of the town so require.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-7. Staff support.

- A. The town clerk shall coordinate with each subordinate town board and committee to schedule and advertise their meetings.
- B. The town clerk shall be responsible for ensuring that all meetings of boards and committees are properly noticed as required by law, and if not conducted at town hall, are conducted at a location within the town which complies with the accessibility and non-discrimination requirements of the sunshine law, and shall ensure that all members are properly notified of their respective meetings.
- C. In the event a subordinate town board or committee requires professional or specialized expertise or guidance (such as financial, legal, architectural or horticultural) to assist it in conducting its duties, it may request such assistance from the town administrator. The administrator will make all reasonable efforts, taking into account the resources of the town, to assist the board or committee.
- D. The town clerk shall provide each board or committee secretary with a standard format and requirements for all meeting minutes.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-8. Attendance.

- A. Appointment to a subordinate town board or committee should be treated as an honor and privilege, and members should understand they accept such appointments to assist the town and its commission in ensuring the town's residents, visitors and businesses have the highest quality of live, best services, and optimal environment so as to thrive. Therefore, a member's regular attendance, meeting preparation, and active participation at meetings will regularly be monitored by the town administrator and evaluated by the board of commissioners.
- B. If a regular member of a subordinate town board or committee must be absent from a meeting due to illness, injury, family emergency, or planned vacation, the chair shall ensure the minutes reflect that the member's absence is excused. However, in the event a regular member misses three consecutive meetings without being excused, the member shall be deemed to have resigned her or his seat and the town administrator shall immediately note the seat as vacant and inform the board of commissioners of the need to fill the vacancy.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-9. Annual report.

- A. The board of commissioners expects its standing subordinate boards and committees to be actively engaged in the performance of their respective missions and duties. Therefore, with the approval of the members of the town's respective boards or committees, the chair of each such board or committee shall develop a written annual report.
- B. The annual report shall set forth the activities, work and accomplishments of the board or committee for the preceding 12 months. The report shall cover the town's fiscal year, and shall be presented to the board of commissioners by no later than December 31 of each year, covering the period October 1 of the prior year through September 31 of the reporting year.

C. The town commission shall look to these reports to determine whether each board or committee is still necessary, and whether its current members are actively performing their respective duties.

(Ord. No. 22-01 , § 2, 4-13-2022)

Sec. 5-10. Commissioner appointments to other boards.

- A. From time to time, an individual town commissioner may be appointed by the board of commissioners to represent the town on a local, county, regional, or statewide governmental entity. When so appointed, that commission member shall be serving in an ex officio capacity for purposes of the constitutional dual office holding prohibition. A commission member holding such appointment is expected to report back to the commission relevant reports of the work being done by the entity and whether the entity will be taking any votes or actions which would have impact on the town. While a town commission member appointed to such entity as a town representative is free to vote her or his conscience, the member is expected to fully communicate to the entity's board the policy positions taken by the town commission. If the commission determines the appointed commissioner is not adequately representing the town's positions and interests, it reserves the right to recall that member and appoint an alternative member.
- B. While each member of the board of commissioners is free to decide to serve on boards or committees of non-governmental entities or organizations where such service would not create a conflict with that commissioner's town duties, the decision to accept requests for such service is a private matter between the commission member and entity or organization. Therefore, the board of commissioners will not appoint or otherwise be involved appointments to the boards or committees of non-governmental entities or organizations.

(Ord. No. 22-01 , § 2, 4-13-2022)