

**BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
REGULAR MEETING  
WEDNESDAY, AUGUST 9, 2023 - 6:00 P.M.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**CONSENT AGENDA**

1. APPROVAL OF MINUTES – Regular Meeting July 12; Workshop Meeting July 20; Special Budget Meeting July 26; Budget Workshop Meeting July 26
2. Redington Shores and Indian Shores Agreement for Law Enforcement Services

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

1. Renaming of Del Bello Park to Redington Shores Nature Park
2. Second Reading and Advertised Public Hearing - Ordinance 23-06 – 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
3. Second Reading and Advertised Public Hearing - Ordinance 23-07 – Amending Chapter 109 (Peace and good order) to remove outdated or unenforceable code provisions and to create prohibition on the operation of powered paragliders
4. Second Reading and Advertised Public Hearing - Ordinance 23-08 – Creating a new Article III (Unsafe structures) of chapter 103 (Nuisances) to provide for the prohibition of such structures and for the authority of the town to ensure such structures are abated or removed

**NEW BUSINESS**

1. Edits to Section 101 of town code to include extend noise prohibition from just Sundays to include legal holidays
2. Status update for the Town Clerk position
3. First Reading Ordinance 23-09 – Amending § 109-1 of the town code (Regarding park hours)

**MISCELLANEOUS**

Budget Workshop- Wednesday, August 23, 2023- 5:15 p.m.  
Workshop Meeting- Wednesday, August 30, 2023- 6:00 p.m.  
Regular Meeting- Wednesday, September 13, 2023- 6:00 p.m.

**COMMISSION REPORTS**

- (1) Mayor Commissioner Henderson
- (2) Vice Mayor Commissioner Hendrickson, District No 3
- (3) Commissioner Blackburn, District No 1
- (4) Commissioner Herig, District No 2
- (5) Commissioner Licata, Commissioner District No 4
- (6) Town Attorney
- (7) Town Administrator

**PUBLIC COMMENTS** (Items not previously discussed on this Agenda)

**ADJOURNMENT**

Pursuant to Florida Statutes § 286.0105, if any person or entity decides to appeal any decision made on any matter considered at any meeting or hearing of any Redington Shores board or commission, he, she or it will need a record of the proceedings and, for such purpose, he, she or it may need to ensure that a verbatim record of the proceedings is made, which record includes the legal arguments, testimony, and evidence upon which the appeal is to be based.

**BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
REGULAR MEETING MINUTES  
WEDNESDAY, JULY 12, 2023 - 6:00 P.M.**

**Call to Order:** 6:00 P.M. Pledge of Allegiance.

**Attendance:** Mayor Commissioner Henderson, Vice Mayor Commissioner Hendrickson, Commissioner Blackburn, Commissioner Herig, Commissioner Licata, Attorney Robert Eschenfelder.  
Quorum present.

**Consent Agenda**

1. APPROVAL OF MINUTES – Special Meeting June 8; Regular Meeting June 14; Special Meeting June 22; Special Meeting June 28; Budget Meeting June 28; Regular Workshop Meeting June 28
2. Redington Shores and Indian Shores Agreement for Law Enforcement Services
3. Pinellas County Sheriff's Contract FY24

Commissioner Herig moved to approve the Consent Agenda. Vice Mayor Commissioner Hendrickson, 2<sup>nd</sup>. No Commission discussion. No Public Comment.  
Vote taken: All Yay.

**APPEARANCES AND PRESENTATIONS:**

None

**OLD BUSINESS**

1. Second Advertised Reading Ordinance 23-01 - Amending Chapter 111 of the Town Code Related to Peddling and Soliciting to Address Vending in Public Areas and to Clarify Enforcement Authority—Attorney Eschenfelder read Ordinance 23-01 by title. Commissioner Herig moved to approve Ordinance 23-01. Vice Mayor Commissioner Hendrickson, 2<sup>nd</sup>. Commission discussed.  
Public comment: Marie Palena – 201 175<sup>th</sup> Ave E  
Vote taken: All Yay.

**NEW BUSINESS**

1. First Reading Ordinance 23-06 - Repealing § 63-12 of the Town Code Related to Private Docks Creating New § 63-12 AND § 63-12.1 of the Town Code Related to Design and Maintenance of Private Docks; Amending § 63-13 Related to Commercial Docks; Amending § 63-14 Related to Structures on Docks. Attorney Eschenfelder read Ordinance 23-06 by title. Commissioner Herig moved to approve Ordinance 23-06 on first reading. Commissioner Blackburn, 2<sup>nd</sup>. Commission discussed. Commissioner Herig explains that she met with the Building Official, Vincent LaPorta, on edits and proposed changes to the Ordinance. She handed out a proposed edited copy to the Commission. Commission to discuss further at next Workshop on 7-20-23.  
Public Comment: Marie Palena – 201 175<sup>th</sup> Ave E  
Vote taken: All Yay.
2. First Reading Ordinance 23-07 – Amending Chapter 109 (Peace and Good Order) To Remove Outdated or Unenforceable Code Provisions and to Create Prohibition on the Operation of Powered Paragliders- Attorney Eschenfelder read Ordinance 23-07 by title. Commissioner Herig moved to approve Ordinance 23-07 on first reading, Commissioner Blackburn, 2<sup>nd</sup>.  
Public Comment: Dave Tervis – 8351 118<sup>th</sup> Ave, Pinellas Park  
Vote taken: All Yay.

3. First Reading Ordinance 23-08 - Creating a New Article III (Unsafe Structures) of Chapter 103 (Nuisances) to Provide for the Prohibition of Such Structures and for the authority of the Town to Ensure Such Structures are Abated or Removed- Attorney Eschenfelder reads Ordinance 23-08 by title. Vice Mayor Commissioner Hendrickson moved to approve Ordinance 23-08 on first reading. Commissioner Herig, 2<sup>nd</sup>. No Commission discussion. No Public Comment.

Vote taken: All yay.

4. Approving Town Administrator Contract- Vice Mayor Commissioner Hendrickson motioned to approve the Town Administrator Contract, Commissioner Herig 2<sup>nd</sup>. Commission discussed. No Public Comment.

Vote taken: All Yay

5. Bank Signatory Agent Approval-Town Clerk requested approval for removing Commissioners no longer serving on the Board of Commissioners and adding new Commissioners as signers. Commission Consensus: All Yay. Motion by Commissioner Blackburn to authorize the Town Clerk to add additional signatories, Vice Mayor Hendrickson 2<sup>nd</sup>. No Commission discussion. No Public Comment.

Vote Taken: All Yay.

### **MISCELLANEOUS**

Commission discussed moving the July Workshop to Thursday, July 20<sup>th</sup>, 2023-Consensus: All Yay.

Special Budget Meeting- Wednesday, July 26, 2023 – 6:00 p.m.

Workshop Meeting- Wednesday, July 26, 2023 – (Moved to July 20<sup>th</sup>, 2023 – 5:30PM)

Regular Meeting – Wednesday, August 9, 2023 – 6:00 p.m.

### **COMMISSION REPORTS**

(1) Mayor Commissioner Henderson- Welcomed the New Town Administrator.

(2) Vice Mayor Commissioner Hendrickson, District No 3 –Vice Mayor Hendrickson made a motion to reappoint Bonnie Utz for District 3 to the Parks and Recreation/Beautification Committee and appoint as alternate, Ginger McQuigg. Commissioner Blackburn, 2<sup>nd</sup>. No Commission Discussion.  
Public Comment: Loretta Fricks – 235 176<sup>th</sup> Ave E  
Vote taken: All Yay.

(3) Commissioner Blackburn, District No 1- Discussed concerns from last Budget Meeting regarding projects listed. She believes projects should and could have been completed by Administrator Shoobridge and were not.

(4) Commissioner Herig, District No 2 – Commissioner Herig discussed the Parks and Recreation Committee minutes mentioning that it was essentially a punch list as to what is needed to upgrade our parks. Administrator Shoobridge was asked to address the punch list. She gave an update that evasives were left, sunflowers were pulled from the beach dune, turf grass was left that should have been removed and she saw a truck drive away with about 6 cubic yards of sea of grape leaves that should have been left for mulch. Commission discussed. Consensus from the Commission is to have Commissioner Herig do a walk-through of the Parks with maintenance to see the status. She also reviewed the Kulhman's and PrimeScape Contracts. She asked for a consensus to work with the contractors on what needs to done in the town. Commission Consensus: All Yay. She discussed the State being good with changing the name of Del Bello Park back to the Nature Park. Commission discussed. Requested Commission consensus approval to move forward with the change. Consensus: All Yay. She gave an update on the search for a Landscape Architect. She requested that the Clerks send out Quasi-Judicial documents as soon as they are made available to the Commission when an appeal is to go before the Commission.

- (5) Commissioner Licata, District No 4 –Discussed the need to establish park hours for Del Bello Park. Commission discussed. Viced Mayor Commissioner motioned to approve Del Bello Park hours to be consistent with Constitution Park hours from 7am to 9pm. Commissioner Herig, 2<sup>nd</sup>. Commission discussed.

Vice Mayor Commissioner Hendrickson amended her motion to approve Del Bello Park hours to be from dusk to dawn. No Commission discussion. No Public Comment.

Vote Taken: All Yay.

Motion by Commissioner Licata to instruct Attorney Eschenfelder to draft an Ordinance to ban shark fishing in Redington Shores. Commissioner Herig, 2<sup>nd</sup>. No commission discussion. No Public Comment.

Vote Taken: All Yay.

- (6) Town Attorney –Attorney Eschenfelder read Special Magistrate Audrey Schechter’s amended Final Order from the June 14<sup>th</sup>, 2023, Appeal to the Commission Hearing.

**PUBLIC COMMENTS** (Items not previously discussed on this Agenda)

Loretta Fricks – 235 176<sup>th</sup> Ave E

Marie Palena – 201 175<sup>th</sup> Ave E

**ADJOURNMENT:** 7:38PM

Respectfully submitted,

*Tracy Campbell*

Tracy Campbell  
Town Clerk

**WORKSHOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
THURSDAY, JULY 20, 2023 – 5:30 P.M.  
MINUTES**

**Call to Order:** 5:30 P.M. Pledge of Allegiance

**Attendance:** Mayor Commissioner Henderson, Vice Mayor Commissioner Hendrickson, Commissioner Blackburn, Commissioner Herig, Commissioner Licata, Attorney Meyer.  
Quorum present.

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

1. **Ordinance 23-06: Town Dock Code Discussion-** Commissioner Herig presented a PowerPoint presentation on the dock code. Commission discussed definitions in the dock code. Vice Mayor Hendrickson spoke. The Commission discussed the pie shaped lots and unusual shaped lots in the town. The Commission discussed commercial properties. Commissioner Herig suggested that the town define commercial and multiple use docks. Commissioner Blackburn spoke. Vice Mayor Commissioner Hendrickson spoke. Public Comment heard:  
Doug Barrow, Decks Docks and Seawalls of Florida, Inc., spoke.  
Commissioner Blackburn spoke on the traffic in Punkin Key Cove. Commissioner Herig spoke. Vince LaPorta, Building Official, spoke. The Commissioners discussed. Commissioner Herig distributed her notes/ edits made for Ordinance 23-06. Attorney Meyer spoke. Vince LaPorta spoke and proposed changes to Section 63-12. The Commissioners discussed. Doug Barrow spoke. Vice Mayor Commissioner Hendrickson spoke. Attorney Meyer spoke on grandfathering in rebuild provisions. The Commission discussed section 63-14. Attorney Meyer spoke on Section 63-12 (2). Vince LaPorta spoke. Commissioner Blackburn spoke on the commercial dock code. Commission proposed consensus to change commercial length and width of facilities to 60 feet. Commission reversed the consensus and decided to stay at the current 75%. Commissioner Herig spoke on definitions. Vice Mayor Commissioner Hendrickson spoke. Vince LaPorta spoke. The Commission made a consensus to add definitions to the dock code with input from the Building Official.

**Action Item:** Attorney to make approved changes and present the ordinance for first reading at the next regular commission meeting.

**Person Responsible:** Attorney Eschenfelder.

2. **Parking Meter Provider and Overnight Parking Policy-** Mayor Commissioner Henderson spoke on the item. Major Glenn Smith, Indian Shores Police Department, spoke. The Commission discussed paperless Flowbird. Commission consensus on no overnight parking with hours from 7:00 a.m. until 9:00 p.m.

**Action Item:** The Deputy Clerk is to obtain a piggyback agreement with Indian Shores. The Deputy Clerk is also to get sample signage options to present to the commission. The Deputy Clerk is to search the records to find the Lighthouse Point Parking agreement.

**Person Responsible:** Deputy Clerk Patterson.

3. **2024 Fireworks and Beyond-** Mayor Commissioner Henderson suggested tabling this item until the new Town Administrator starts. The Commission agreed to add "Special Events" to the next workshop agenda.

**Action Item:** The Deputy Clerk is to obtain a piggyback agreement with Indian Shores. The Deputy Clerk is also to get sample signage options to present to the commission. The Deputy Clerk is to search the records to find the Lighthouse Point Parking agreement.

**Person Responsible:** Deputy Clerk Patterson.

**NEW BUSINESS**

1. **Shark Fishing Ban-** Vice Mayor Commissioner Hendrickson spoke on the item. The Commission made the consensus to table the item until the Town of Indian Shores drafts their ban so Redington Shores can mimic their language and stay consistent.

2. Del Bello Park Hours- Commissioner Herig spoke on her conversation with Florida Communities Trust to rename Del Bello Park to Redington Shores Nature Park. The Commission discussed the hours of the parks in the town as dawn to dusk excluding fishermen. Attorney Meyer spoke on changing the verbiage to sunrise to sunset. The Commission discussed.

Action Item- Del Bello name change resolution is to be placed on the next Regular Commission meeting agenda. The ordinance for park hours is to be amended with the approved name change and placed on the next Regular Commission meeting agenda.

Person Responsible- Attorney Eschenfelder and Clerks office.

3. Human Resources Update- Vice Mayor Commissioner Hendrickson gave an update on the Town Clerk recruitment process, prescheduled staff vacation time, and the Town Administrator's office. The Commission discussed the clerk interviews. Vice Mayor Commissioner Hendrickson discussed the criteria for prescreening and the first round of the interview process. The Commission reached a consensus to follow the process of hiring the Town Clerk as the same as hiring the Town Administrator. Mayor Commissioner Henderson spoke on scheduling a staff meeting on August 7, 2023, at 12:00 p.m. on the Administrator's start date. Commission consensus to close the office from 12:00 p.m. to 1:00 p.m. for the meeting. Commissioner Blackburn spoke. Commissioner Herig spoke on her meeting with Mike Pafumi and Kuhlman Lawn Services on July 20, 2023.

Action Item- Town Hall to close on 8-7-23 from 12:00 p.m. to 1:00 p.m. for staff meeting.

Person Responsible- Clerk's Office and Administrator McGlothlin.

### **MISCELLANEOUS**

Budget Workshop Meeting- Wednesday, July 26, 2023 – 5:15 p.m.

Special Budget Meeting- Wednesday, July 26, 2023 – 6:15 p.m.

Regular Meeting – Wednesday, August 9, 2023 – 6:00 p.m.

Special Budget Meeting- Wednesday, August 23, 2023 – 5:15 p.m.

**ADJOURNMENT** 8:37 p.m.

Respectfully submitted,

*Jolie Patterson*

Jolie Patterson  
Deputy Town Clerk

**BUDGET WORKSHOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
WEDNESDAY, JULY 26, 2023 – 5:15 P.M.  
MINUTES**

**Call to Order:** 5:15 P.M. Pledge of Allegiance

**Attendance:** Mayor Commissioner Henderson, Vice Mayor Commissioner Hendrickson, Commissioner Blackburn, Commissioner Herig, Attorney Meyer, Heather Guadagnoli.  
Quorum present.

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

1. **Review of Draft 23/24 Budget-** Heather Guadagnoli introduced the item and was available for questions. Commissioner Herig asked a question on Operating Supplies. The Commission discussed. The Commission agreed to keep the proposed budgeted amount the same for Operating Supplies. The Commission discussed park improvements. The Commission discussed the pavement repairs that are needed on 180<sup>th</sup> Ave. Commissioner Herig spoke. Vice Mayor Commissioner Hendrickson spoke. Heather Guadagnoli spoke on how the budgeted amounts were calculated. The Commission discussed the parking revenue in the town and options on switching to a mobile app-based parking system. Commissioner Herig spoke. Heather Guadagnoli spoke on the budget summary. Commissioner Blackburn spoke. Heather Guadagnoli explained the sewer fund budget summary. Commissioner Herig spoke. Heather spoke on the CIF and sewer utilization of prior year reserves. Commissioner Blackburn spoke. Discussion. Vice Mayor Commissioner Hendrickson asked what the deadline was for ARPA funds to be spent. Heather answered with December 2024.

**Action Item:** Commissioner Herig to reach out to Mayor Will about concrete estimates. Jolie to reach out to Belleair Beach about Park Mobile. Administrator McGlothlin to reach out to the county and update them if/when the parking system is changed.

**Person Responsible:** Commissioner Herig, Deputy Clerk Patterson, Administrator McGlothlin.

2. **Bi-Weekly Pay for Town Employees-** Heather Guadagnoli spoke on bi-weekly pay and proposed that we wait until the new fiscal year to switch from weekly to bi-weekly pay. The Commission made the consensus to move the pay change to 10/1/2023.

**Action Item:** Make the bi-weekly pay change at the start of the new fiscal year. Create a memo for staff prior to the switch.

**Person Responsible:** Heather Guadagnoli.

**MISCELLANEOUS**

Regular Meeting- Wednesday, August 9, 2023 – 6:00 p.m.

Budget Workshop Meeting- Wednesday, August 23, 2023- 5:15 p.m.

Workshop Meeting- Wednesday, August 29, 2023 – 6:00 p.m.

**ADJOURNMENT** 6:25

Respectfully submitted,

*Jolie Patterson*

Jolie Patterson  
Deputy Town Clerk

**SPECIAL BUDGET MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
WEDNESDAY, JULY 26, 2023 – 6:15 P.M.  
MINUTES**

**Call to Order:** 6:15 P.M. Pledge of Allegiance

**Attendance:** Mayor Commissioner Henderson, Vice Mayor Commissioner Hendrickson, Commissioner Blackburn, Commissioner Herig, Attorney Meyer, Heather Guadagnoli.  
Quorum present.

**APPEARANCES AND PRESENTATIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

1. **Adoption of the Tentative Milage Rate-** Heather Guadagnoli introduced the item and Milage Rate system. Heather stated the dates and times for the public hearings.  
Commissioner Herig moved to approve the public hearing schedule. Vice Mayor Commissioner Hendrickson second. No discussion. No public comment. Vote taken: All yay.

Mayor Commissioner Henderson spoke on adopting a rollback rate. Commissioner Blackburn spoke on the current market rates and the impact on the milage. Commissioner Herig spoke. Heather spoke on the possibility of increasing the rate.

Commissioner Herig moved to adopt the existing milage rate. Commissioner Blackburn second. Vice Mayor Commissioner Hendrickson spoke. No public comment. Vote taken: All yay.

**MISCELLANEOUS**

Regular Meeting- Wednesday, August 9, 2023 – 6:00 p.m.

Budget Workshop Meeting- Wednesday, August 23, 2023- 5:15 p.m.

Workshop Meeting- Wednesday, August 29, 2023 – 6:00 p.m.

**ADJOURNMENT** 6:25 P.M.

Respectfully submitted,

*Jolie Patterson*

Jolie Patterson  
Deputy Town Clerk



**ORDINANCE NO. 2023-06**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, REPEALING § 63-12 OF THE TOWN CODE RELATED TO PRIVATE DOCKS CREATING NEW § 63-12 AND § 63-12.1 OF THE TOWN CODE RELATED TO DESIGN AND MAINTENANCE OF PRIVATE DOCKS; AMENDING § 63-13 RELATED TO COMMERCIAL DOCKS; AMENDING § 63-14 RELATED TO STRUCTURES ON 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 maintenance 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**, §63-13 of the Town Code does not define commercial dock or multiuse private dock; and

**WHEREAS**, since the Commission wishes to provide clarity as to what constitutes a commercial dock and a multiuse private dock definitions have been added to §63-13 of the Town Code; and

**WHEREAS**, the Commission determined §64-14 of the Town Code required updating to represent the current materials to be used in the construction of docks; 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 private 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 6 feet from the top of the seawall cap.

:

(2) 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 personal water craft lifts or floating holds, and associated catwalks, and tie poles, shall be within the center one-half 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. The building official has the authority to assure equitable waterfront usage, particularly but not limited to pie shaped lots.

b. Boatlifts, and personal water craft lifts or floating holds, and associated catwalks, and tie poles may be located no closer than the required setback for the zoning district in which the property is located 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.

e. The maximum allowable dock facility length shall not be more than 35 feet from the seawall's edge.

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 required side setback for the zoning district in which the property is located 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.
  - h. 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.
  - i. 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.
  - j. The shared property line dock facility shall conform to all requirements of this section.
  - k. Only one shared property line dock is allowed per lot.
- (3) 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.
- (4) 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, state law, and the current version of the National Electric Code (NEC).
- (5) 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. No dock construction, including all landings and stairs, shall project not more than 35 feet from the seawall's edge, or where there is no sea wall, 35 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 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. – Maintenance of seawalls, retaining walls, docks and tie poles; remedying unsafe conditions.**

- (a) In the event the town's building official determines seawalls, retaining walls, docks, tie poles or other structures above or in the water within the town are hazardous to the public, the building official shall order the removal or repair by sending notice to the owner of the property on which such structure is located. The owner shall have 30 days in which to comply.
- (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.** Section 63-13 of the Redington Shores Town Code is hereby amended as follows:

**Sec. 63-13. - Design criteria for commercial and multiuse private docks.**

**(a) Definitions:**

(1) Commercial dock means (1) any dock, pier, wharf, or mooring field used in connection with a hotel, motel or restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility; (2) any dock, pier, wharf, or mooring field used in connection with a social or fraternal club or organization, and where the use of the facility is restricted to the membership thereof; (3) any dock, pier, wharf, or mooring field constructed and maintained by a local municipality, the county or any state or federal agency;

and (4) any dock, pier, wharf, or mooring field where the primary function is the collection of revenue for profit, including all commercial marinas, boatyards and commercial boat docking facilities.

(2) Multiuse private dock means any dock to be owned in common or used by the residents of an apartment house (more than two units), condominium, cooperative apartment, mobile home park or zero lot line attached structures. Docks serving both commercial and residential uses shall fall under commercial docks.

(b) In addition to the design criteria for all commercial and multiuse private docks regulated by the Pinellas County Water and Navigation Control Authority, the following additional design criteria shall apply to those commercial and multiuse private docks lying within the municipal boundaries of the Town of Redington Shores, Florida: docking facilities constructed in the waters of the town shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront; all docking facilities must be located so that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront; multiuse private and commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived by the board of commissioners, provided that signed statements of no objection from the affected property owners have been submitted.

**Section 5.** Section 63-14 of the Redington Shores Town Code is hereby amended as follows:

**Sec. 63-14. - Structures upon docks, seawall, jetties and groins.**

**A. Residential zone.**

(1) No structure shall be constructed on any seawall, bulkhead, retaining wall, jetty, groin, tie pole or dock in any residential zone, except railings or ornamental fixtures, which structure shall not exceed four feet in height above the top of the nearest seawall cap.

(2) Davits as approved by the building official may be allowed.

**B. Business or commercial zone.** No structure shall be built on any groin, jetty or adjoining jetty or seawall, in any business or commercial zone within the town, until the plans and

specifications therefore shall have been submitted to the building inspector and approved by the building official .

C. Docks shall be constructed in accordance with the following:

- (1) All piling shall be of precast concrete or of pressure-treated wood piling. Concrete piling shall be at least eight inches square in cross section and be of a length that will permit 25 percent of the length thereof to be embedded in the compacted bottom. Wood piling shall be pressure-treated piling having a diameter of not less than 10 inches measured three feet from the butt end and be of a length that will permit 25 percent of the length thereof to be embedded in the compacted bottom.
- (2) Concrete piling shall incorporate at least four one half-inch diameter steel rods running the entire length thereof and covered by at least two inches of concrete.
- (3) Piling shall not project above the surface of the water or land higher than six feet above the top of the seawall cap.
- (4) All material incorporated in docks shall be pressure-treated wood, synthetic, or better, and all nails and bolts shall be hot galvanized or better.
- (5) In all other respects, construction of docks within the town shall conform to the minimum specifications or better of the Pinellas County Water and Navigation Control Authority at any time in force.
- (6) Anything herein to the contrary notwithstanding, there may be placed adjacent to any one dock not more than four tie poles which shall be pressure-treated timber, which, when installed, shall be located no less than the required setback for the zoning district in which the property is located , shall be no more than 50 feet from the seawall and shall not extend more than six feet above top of the seawall cap; and no more than one dock may be constructed appurtenant to any tract of land constituting one ownership; provided that, in the case of multiple dwellings situated upon one tract of land comprising one ownership, more than one dock may be constructed upon application to and recommendation by the planning and zoning board and approval of the board of commissioners. Signed statements of no objection from both the adjacent affected property owners shall be submitted to the building department prior to referring the matter to the planning and zoning board and the board of commissioners for decision.
- (7) Anything herein to the contrary notwithstanding, one light standard incorporating a light fixture that will not be blinding to boat traffic, not exceeding six feet above the top of the seawall cap, may be erected upon a dock, provided that the wiring to such light be run from any existing structure underground and under such dock and comply with the current version of the National Electric Code (NEC).



D. Commercial docks shall be constructed in such a manner so as to equal or better the construction requirements set out herein for residential docks.

**Section 6.** 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 7.** 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 8.** The Codifier shall codify the substantive amendments to the Redington Shores Code contained in Sections 1 through 5 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 9.** Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**Attest:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Tracy Campbell, Town Clerk

**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 1<sup>st</sup> 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 lighting~~Lights; 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 cCode) 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 cCode.
- 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 14<sup>th</sup> day of June, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

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

**Attest:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Tracy Campbell, Town Clerk



**ORDINANCE NO. 2023-08**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, CREATING A NEW ARTICLE III (UNSAFE STRUCTURES) OF CHAPTER 103 (NUISANCES) TO PROVIDE FOR THE PROHIBITION OF SUCH STRUCTURES AND FOR THE AUTHORITY OF THE TOWN TO ENSURE SUCH STRUCTURES ARE ABATED OR REMOVED; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 103 of the Redington Shores Town Code addresses the subject of Nuisances; and

**WHEREAS**, Chapter 103 does not currently address structures in the Town which have become unfit and unsafe for human habitation and which may pose a serious risk of danger to the health and safety of residents, and which may have become an attractive nuisance to children who may enter and become injured on such properties; and

**WHEREAS**, the Town Commission has become aware of several unoccupied properties in the Town which have become unfit for human habitation, and which, due to neglect and deterioration of structural elements, are currently a serious risk to residents and are becoming a nuisance due to being an attraction to termites, rodents, and other undesirable living creatures; and

**WHEREAS**, a structure may be deemed unsafe (and thus a nuisance) if it poses a danger to the public health or safety, such as in the case of *Trushin v. City of Miami Beach*, 328 So. 2d 27 (Fla. 3d DCA 1976), wherein the court ruled that an apartment building was properly adjudged a nuisance and ordered demolished where it was concededly unfit for human habitation, did not comply with zoning ordinances, and would have cost at least 200% of the county tax-assessed value to repair; and

**WHEREAS**, court cases such as *Munzel as Trustee of Clyde W. Munzel Revocable Trust, under agreement dated May 3, 2005 v. Hillsborough County*, 574 F.Supp.3d 1145 (M.D. Fla. 2021) confirm that no compensation is due when the government's seizure of property was necessary to abate a nuisance or protect the public health; and

**WHEREAS**, the Florida Supreme Court has confirmed in *Keshbro, Inc. v. City of Miami*, 801 So. 2d 864, 875 (Fla. 2001) that government agencies need not compensate landowners if they can identify background principles of nuisance and property law that forbid the manner in which the landowner was using the property; and

**WHEREAS**, the court in *Dragomirecky v. Town of Ponce Inlet*, 882 So. 2d 495, 497 (Fla. 5<sup>th</sup> DCA 2004) found that, while it is true that a plaintiff may be financially harmed if a demolition of an unsafe and uninhabitable building occurs, "the law permits such harm when it results from a valid exercise of police power"; and

**WHEREAS**, the court in *G.W. v. State*, 106 So. 2d 83, 85 (Fla. 3d DCA 2013) ruled that a lawmaking body, under its police power "has broad authority...to enact laws which 'promote the

public health, safety, morals, and general welfare' of its citizens"; and

**WHEREAS**, the Commission desires to adopt a regulatory scheme which allows the Town to promptly address such structures in a way which will ensure that they are either fully secured or demolished, while also providing for procedures which will ensure the owners of such structures are afforded due process; 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.** A new Article III Chapter 103 of the Redington Shores Town Code is hereby created to read as follows:

## **Chapter 103 – NUISANCES**

### **ARTICLE III. – UNFIT/UNSAFE STRUCTURES**

#### **Sec. 103-40. Unfit or unsafe dwellings or structures.**

When a dwelling or other structure including an accessory structure or manmade body of water, is found to be unfit or unsafe upon inspection by the building official, the building official shall require the repair, securing, demolition or removal thereof. For this division, the term "structure" includes all buildings, dwellings, accessory structures, and manmade bodies of water and any part or portion thereof.

#### **Sec. 103-41. - Notice of violation; notice of condemnation/order to demolish.**

When the building official verifies the existence of a structure which is unfit or unsafe, the building official shall determine the owner of record of the real estate upon which the structure is located and shall provide an initial notice of violation stating the requirements to secure or repair, and/or an initial notice of condemnation/order to demolish requiring demolition and removal to the owner of record and other interested parties as set forth in § 103-44.

#### **Sec. 103-42. - Authority to order demolition, removal, securing, etc.**

- (a) If the conditions identified in the notice are not remedied within the time set forth in the notice, the building official shall order the vacation, demolition, removal or securing of any unfit or unsafe structure when any such part, by reason of inadequate maintenance, fire, age, decay, deterioration, structural defects, improper design, unstable foundation, termites, affording the opportunity of being a nuisance to the public or a haven for vagrants or criminals, acts of God or other causes, shall be dangerous to the occupants thereof or to surrounding buildings and the occupants thereof, a menace to public health, a fire hazard

or so unsafe as to endanger life or property or render the use of the public streets dangerous. Notice of the order shall be provided as set forth in § 103-44.

- (b) When a structure is required to be secured, open windows and doors shall be secured with exterior plywood and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building so as to be as inconspicuous as possible. When securing with exterior plywood is not possible because existing structural damage or design features will not support a sound, secure application of plywood or for any other reason, the building official shall order securing against access and shall specify the industrial standard method and materials to be installed. Manmade bodies of water must be secured in a manner so as to eliminate any drowning or infection hazard, or must be filled completely with clean fill dirt or sand and adequate drainage provided so that water is not retained, does not accumulate and does not pond.
- (c) If the owner or other parties in interest do not repair, restore, demolish, secure or replace such part or parts of such structure within the specified time or such other reasonable time fixed in such order the building official may order vacation of the premises and proceed to remedy the conditions. When the county health officer verifies the existence of a rodent infestation in any structure that is to be demolished and removed, in order to preclude the migration of rodents, the building official shall require that the owner or person in charge carry out effective rodent extermination methods by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.
- (d) All unfit or unsafe structures which have been secured as a result of a notice of violation shall be subject to inspection and the owner of the structure shall be assessed a fee for each and every such inspection. For the purpose of ensuring that the vacant and unfit or unsafe structure is locked and/or secured, inspections will be conducted at 30-day intervals and the following fee collected in the manner provided by this division for each and every inspection conducted.
  - (1) Residential, commercial, institutional and industrial structures, per structure: \$70.00.
  - (2) Other structures (detached garages, accessory buildings, etc.), per structure: \$50.00.

**Sec. 103-43. - Condition of lot after demolition.**

A lot from which a structure is demolished shall be properly filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition.

**Sec. 103-44. - Manner of serving notice.**

- (a) For the purpose of providing notice, interested parties shall be the owner of the property as shown on the county tax rolls, other persons whose names appear on the county tax rolls as having an interest in the property, and the tenant or occupant, if any, of the property, as well as other persons of record interest, which may include the mortgagee, contract

purchaser (if known), agent with power of attorney, and any person claiming an interest under a lis pendens.

(b) Ten days or more prior to the demolition or securing of any unsafe structure, the notice of condemnation/order to demolish shall be posted on the front of the property and shall be delivered to the interested parties either:

(1) By personally delivering a copy thereof to the party to be notified;

(2) By leaving such copy at such person's usual place of residence with some person of the household above 15 years of age and informing such person of the contents thereof; or

(3) By either registered or certified United States mail with return receipt requested.

If the name of any interested party or their place of residence or their post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered, notice shall be given by publishing a copy thereof two times in a newspaper of general circulation in the town as set forth in subsection (d) of this section and, if the name of such interested party is known, mailing a copy thereof to such person's last known address, if known.

(c) A copy of such notice and order shall be posted in a conspicuous place at town hall and upon such structure.

(d) If publication of notice is required, ten days or more prior to the demolition or securing of any unsafe structure, a notice of intent to secure and inspect and/or demolish shall be published on two different days in a newspaper of general circulation in the town. Such notice shall be substantially in one of the following forms:

#### Notice of Intent to Secure and Inspect

The owner or other interested parties having failed to either repair and/or secure the structure at [address] as ordered by the Town are hereby notified that the Town will proceed to have the structure secured on or after [date] and a lien will be placed against the property to recover all costs.

If, as result of this notice, the structure is secured, notice is hereby given that the structure may be inspected on a monthly basis by the Town, a fee charged for that inspection, and a lien placed against the property for such fees.

To appeal this notice, interested parties must follow the procedure in § 103-48. Interested parties may contact [contact person, address, and phone number] for information.

#### Notice of Intent to Demolish

The owner or other interested parties having failed to demolish and remove the structure [address] as ordered by the Town of Redington Shores are hereby notified that the Town of Redington Shores, Florida will proceed to have the structure demolished and removed on or after [date], and a lien will be placed against the property to cover all costs.

To appeal this notice, interested parties must follow the procedure set forth in section 103-48. Interested parties may contact the [contact person, address, and phone number] for information.

**Sec. 103-45. - Extension of time to comply with order.**

- (a) If the interested parties have obtained a building or demolition permit within the specified period and in good faith and in due time have begun work to comply with the order, but it appears that they will not be able to complete the work by the date ordered, they may file a written request to the building official stating the reasons they have been unable to fully comply, and if reasonable grounds are shown therefor, the building official is authorized to issue extensions in writing not to exceed a total of 60 days in which to fully comply with the original order.
- (b) In exceptional cases, the building official may approve an additional 30-day extension upon written request if the party shows special hardship, unusual difficulty or unique problems. Requests for this extension shall be made either in person or by certified mail, return receipt requested, to the building official.

**Sec. 103-46. - Action on failure to comply.**

In the event that the owner or other interested parties shall fail to comply with any order issued under this division within the time therein fixed, and does not timely request an appeal, the town, acting through the town administrator, is authorized to vacate, demolish, remove or secure, either with town forces or by requesting bids for and selecting the lowest responsive responsible qualified contractor.

**Sec. 103-47. - Assessment of cost of demolition, etc.; lien on property.**

- (a) Upon expiration of the appeal period with no appeal having been taken, or upon expiration of a 30-day period following the denial of an appeal, or following an emergency demolition authorized and conducted in accordance with § 103-51, the building official, after proceeding under this division, shall report the abatement of the nuisance by the town; and the town commission shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before a special magistrate and any lien recording and releasing fees incurred by the town), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the town, and attorney fees and costs. Such costs when assessed and recorded shall constitute a lien upon such property of the same stature and priority as code enforcement liens.

- (b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having received notice from the town ordering such repair work, demolition or securing, all costs described in subsection (a) of this section reasonably and necessarily incurred by the town shall be assessed against the property and shall constitute a lien upon such property superior to all others except taxes.
- (c) The town shall record a notice of lien in the public records of the county. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record and an accurate legal description of the property. The principal amount of all special assessment liens under this section which remains unpaid after 30 days from the date of confirmation of the special assessment by council shall bear interest at the rate of eight percent per annum from the date of confirmation through the period of time which is one year after the date of confirmation. The statewide interest rate on judgments shall be charged on the principal amount for the period of time beginning one year from the date of confirmation of the special assessment by council until the principal and interest are paid in full. All interest shall also constitute a lien against the property, and shall be treated in all respects, including foreclosure and compromise of such liens, as provided for in Florida Statutes § 162.09(3).

**Sec. 103-48. - Appeal procedure.**

- (a) Appeals may be taken from an order, a notice of condemnation/order to demolish, or notice of violation/order for securing a structure issued pursuant to this division by any interested party who has been aggrieved, except in emergency cases as set forth in § 103-51. Such party is afforded a right of hearing upon payment of a filing fee of \$100.00 and a written request for such hearing filed with the town clerk within ten days of service of the second notice of violation/order for securing or the posting or publication of the second notice or notice of condemnation/order to demolish required by § 103-44 whichever is later. Failure to affect personal notice shall not prevent the town from performing the demolition or attaching a lien on the property.
- (b) A notice of the appeal hearing by a special magistrate shall be published in the same manner as the town publishes notice of meetings, except that notice of the magistrate hearing shall be published at least ten days prior to the time and place of hearing. When the findings of the special magistrate sustain the building official, the special magistrate may set a new deadline date for compliance or authorize the building official to proceed at the expiration of 30 days to demolish and remove the structure and report the cost to the town commission.
- (c) The authority of and procedures to be followed by the special magistrate shall be that which is provided for in chapter 70 of this code. In any hearing before the special magistrate, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the state. Each party shall have the

right to be represented by counsel, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence. Each hearing shall be electronically recorded, the cost of which shall be included in the costs referenced in § 103-47 if a final order of demolition is entered.

- (d) The burden of proof by a preponderance of the evidence is upon the town to show that the structure is unfit or unsafe as defined in this chapter. At the hearing, the special magistrate shall affirm, modify, or reverse the findings of the building official that the structure is unfit or unsafe as defined in this chapter. If the special magistrate agrees with the determination of the building official, he or she shall enter a final order making findings of fact, conclusions of law, and approving the demolition.
- (e) The special magistrate may grant an extension of time for demolition if at the hearing evidence is presented that families with minor children are residing in the building and that immediate relocation is not possible. However, no such extension of time shall exceed four months. If the special magistrate disagrees with the determination of the building official, he or she shall enter an order reversing the order of demolition. All orders shall be issued in writing and shall contain findings of fact and conclusions of law supporting the decision.
- (f) Any person aggrieved by the decision of the special magistrate may seek judicial review in accordance with the State appellate rules or other applicable law.
- (g) As used in this section and in § 103-49, "interested party" means a person who possesses a present legal right of present or future enjoyment of the property by virtue of a deed, title, mortgage, fully executed contract for purchase, lien on or estate in the property, judgment of court, being a named beneficiary in a will or trust of a deceased owner (or the legal spouse of the property owner).

**Sec. 103-49. - Appearance of interested parties before the special magistrate.**

Any interested party appearing before the special magistrate may appear in person, by legal counsel or by an agent.

**Sec. 103-50. - Reports of unsafe structures from town staff or private professionals.**

Any person, including town employees, contractors or agents, may make reports to the building official concerning dwellings or structures which appear to be unfit or unsafe. The building official is authorized to utilize the services of private engineers, architects or other professionals in order to determine the condition of the structure in question and such costs shall be assessed in the same manner as provided for in § 103-47.

**Sec. 103-51. - Emergency condemnations, authority to take action; lien on property.**

- (a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by weather conditions, fire, other natural disasters or the particular location of the subject property, unless an unfit or unsafe structure is immediately repaired, demolished, or removed, the building official shall promptly cause such structure to be made safe or removed. For this purpose the building official and the town's fire marshal may at once enter such a structure or land on which it stands, or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.
- (b) Upon inspection, the building official and the fire marshal shall jointly determine whether or not the structure requires immediate emergency demolition in order to maintain the safety and welfare of the owner, tenants, or public. A written report will document results of these inspections. Exterior and interior photographs of the building, structure, or portion thereof will be taken when feasible.
- (c) The building official may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close any public or private way.
- (d) If the building official determines there is sufficient time prior to demolition, a notice of intent to demolish will be provided via priority mail or courier delivery or telephone (if the parties are listed in the current phone directory) to the owner and interested parties informing him/her/them of the emergency demolition. This written notification must state the findings of the building official and the fire marshal, documenting cause for demolition or removal. Where the owner or other interested party fails to take immediate corrective action as ordered by the building official, the building official shall have the authority to promptly proceed with the abatement of the unsafe structure in accordance with this division. Failure to affect personal notice upon the individual owner or interested parties shall not prevent the Town from performing the emergency demolition or removal and assessing a lien on the property. All costs incurred in the evaluation, vacation, securing and emergency demolition are the responsibility of the property owner, shall be reported to town commission, and the commission shall place a lien on the property as set forth in § 103-47.

**Sec. 103-52. - Appeal and hearing of notice of emergency condemnation/order to demolish.**

- (a) Appeals may be taken by any interested party of a notice of emergency condemnation/order to demolish only in cases where the structure has not been secured or demolished. Such interested party is afforded a right of hearing upon payment of a filing fee of \$100.00 and submission of a written request for such hearing to the town clerk within five days of receipt of actual or constructive notice of the emergency condemnation/order to demolish. The written request shall include the cell phone number of the applicant.
- (b) The hearing will be scheduled as soon as possible after receipt of the appeal. Notice of the public hearing of the appeal of emergency cases shall be given by telephone notice to the appellant's cell phone and by posting a copy of the special magistrate's agenda or a good



and sufficient notice of such hearing in town hall for at least two days prior thereto. Notice will be mailed to the owner and interested parties at least two days prior thereto. Failure to affect personal notice upon an interested party shall not prevent the Town from performing the emergency demolition or removal and assessment of a lien on the property as set forth in § 103-47.

- (c) Where the owner or other interested party failed to appear at the emergency condemnation/demolition hearing, such person may seek judicial review as prescribed by law.

**Sec. 103-53. - Notice of special magistrate's action on/concerning appeal.**

- (a) The building official shall advise the owner or record title holder of the special magistrate's action by the most expeditious means available, including telephone where urgent, excluding, however, notice by publication.
- (b) Appeals of a special magistrate's order may be made by filing a petition for writ of certiorari within thirty days of the order as provided for in the Florida Rules of Appellate Procedure.

**Sec. 103-54. – Refusal to comply.**

In the event the owner, agent or occupant fails to comply with the written notice or order of the building official or the special magistrate, the owner, agent and/or occupant shall be in violation of this article, subject to code enforcement proceedings as provided for in chapter 70 of this code.

**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 \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**Attest:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Tracy Campbell, Town Clerk

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### Sec. 101-1. Prohibited acts.

- A. It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the town. The term includes the kinds of noise generated by activities enumerated herein, except as provided herein. The term may be limited to loud and raucous noise heard upon the public streets, in any public park, in any school or public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any parking lot open to members of the public as invitees or licensees or in any occupied residential unit which is not the source of the noise.
- B. The building, construction, erection, renovation, repair or remodeling of any building, structure or improvement which involves noise to the annoyance of persons dwelling nearby on Sunday [and legal holidays](#) within the corporate limits of the town is hereby prohibited unless a permit is first obtained from the mayor-commissioner or, in his or her absence, the vice mayor-commissioner.

(Ord. No. 04-08, 7-13-2004; Ord. No. 12-03, 6-13-2012; Ord. No. 114-01, § 1, 3-24-2014)

### Sec. 101-2. Enumeration of noises.

The following acts, as limited herein, are declared to be public nuisances in violation of this chapter, namely:

- A. *Exhaust from engines, whistles, pile drivers, etc.* Discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and raucous noises therefrom.
- B. *Pile drivers, etc.* The operation between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday [and legal holidays](#) of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other appliance, the use of which is attended by loud and raucous noise.
- C. *Blowers.* The operation of any blower or power fan or any internal combustion engine, the operation of which causes loud and raucous noise, unless the noise from such blower or fan is muffled or such engine is equipped with a muffler device sufficient to prevent loud and raucous noise.
- D. *Horns, signaling devices, etc.* The sounding of any horn, whistle or other audible signaling device so as to create a loud and raucous noise.
- E. *Radios, amplifiers, phonographs, etc.* The using, operation or permitting to be placed, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.
- F. *Sound trucks.* No amplifier or loudspeaker in, upon or attached to a sound truck or other device for amplifying sound shall be operated or permitted to operate within the town for advertising purposes or to attract the attention of the public.
- G. *Yelling, shouting, etc.; disturbance of peace.*
  - (1) Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise.
  - (2) It shall be unlawful for any person or person either by their own actions or to permit or allow any person who may resort to their premises to disturb the neighbors or public peace by loud cries or boisterous song or to operate musical machines, instruments or other musical devices, the use of

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which produces loud music or noises, or to make other noises interrupting the peace or quietude of the neighborhood at any or all places within the corporate limits.

- H. *Animals, birds, etc.* The keeping of any animal or bird which habitually causes a loud and raucous noise.
  - I. *Defect in vehicle or load.* The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in a good working order and in constant operation so as to prevent loud and raucous noise.
  - J. *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building so as to create a loud and raucous noise other than between the hours of 7:00 a.m. and 6:00 p.m. on any day or at any time on Sunday [and legal holidays](#), except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building official, which permit may be granted for a period not to exceed three working days or less while the emergency continues and which permit may be renewed for successive periods of three days or less while the emergency continues. If the building official should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. or on Sunday [and legal holidays](#), he may grant permission for such work to be done within such hours or within a shorter time period during such hours upon application being made at the time the permit for the work is issued or during the progress of the work. Construction noise may continue after 6:00 p.m. with a special permit from the building official.
  - K. *Schools, public buildings, churches, hospitals.* The creation of any loud and raucous noise heard within any school, public building, church or any hospital or the grounds thereof while in use which interferes with the workings of such institution or which disturbs or annoys patients in the hospital.
  - L. *Noises to attract attention.* The use of any drum or other instrument or device to create a loud and raucous noise.
  - M. *Illegal fireworks.* The use of any fireworks deemed illegal by state statute, county or local ordinance.
- (Ord. No. 04-08, 7-13-2004; Ord. No. 12-03, 6-13-2012; Ord. No. 114-01, § 1, 3-24-2014)

**ORDINANCE NO. 2023-09**

**AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA,  
AMENDING § 106-1 OF THE TOWN CODE (REGARDING PARK  
HOURS); MAKING RELATED FINDINGS; PROVIDING FOR  
CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 106 of the Redington Shores Town Code addresses Parks; and

**WHEREAS**, current § 106-1 of the Town Code addresses hours of operation for Constitution and Spitzer Parks, but does not address park hours for Del Bello Park; and

**WHEREAS**, the Police Department has requested that the Commission establish park hours so that patrolling and responding officers have the authority to ask persons to depart the park during nighttime hours when criminal activities can occur; and

**WHEREAS**, the Commission has determined that all its parks should have the same, but inasmuch as Del Bello Park does permit fishing at its dock, and residents do wish to enjoy evening fishing, the Commission also desires to allow for that activity during hours when Del Bello is otherwise closed.

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

**Section 1.** Section 106-1 of the Redington Shores Town Code is hereby amended to read as follows:

**Sec. 106-1. - Hours of operation; penalties for offenses.**

A. All town parks, including areas of Constitution Park, located at 18214 Gulf Boulevard, Nature Park, located at 17925 Gulf Boulevard, and Thelma Spitzer Park, ~~also commonly known as the 176<sup>th</sup> Avenue Park, located on 176<sup>th</sup> Avenue, both located within the Town of Redington Shores, Florida,~~ shall be closed to the public between sunset and sunrise the hours of dusk of each day to dawn the following day, and no persons shall be on or in any area of the parks between such hours, unless such persons are attending a town event or have obtained a permit from the town to use the park for a special event during closed hours for usage of such area from the town clerk.

B. Residents of the ~~Town of Redington Shores~~ may park personal automobiles owned by them in the parking lot of Constitution Park during the time when such park is otherwise closed, upon issuance and display on the dashboard of such automobile a numbered resident's parking decal as issued pursuant to the town's resident parking rules by the town clerk. ~~It shall be illegal for any person to be on or in such parks during such hours, and any person on or in said parks between such hours shall be subject to criminal penalties of a fine not to exceed the sum of \$500.00 and/or a sentence in the Pinellas County Jail not to exceed 60 days.~~

C. In addition to being subject to a code violation for being present in a closed town park, the town administrator or police chief is authorized to issue trespass notices to any persons either of those officials determine are or were present in a town park during closed hours and who should, due to their conduct or repeated offenses, be trespassed. Such notices shall be issued in accordance with the state's trespass laws and any town trespass procedures.

D. Notwithstanding the closure hours set forth in subsection (A) above, a person who is present in Nature Park between sundown and sunrise may be allowed by the police department to remain in that park if that person is on the dock and actively engaged in the activity of fishing, or traversing to or from the person's vehicle to engage in fishing.

**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 \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_\_ day of \_\_\_\_\_, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

**Attest:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Tracy Campbell, Town Clerk