



**AGENDA**  
**Special City Council Meeting**  
**Tuesday, January 19, 2021, 6:00 PM**  
**Council Chambers, 116 First Street, Neptune Beach, Florida**

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE

2. AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

3. APPROVAL OF MINUTES

A. **December 7, 2020, Regular City Council Meeting** p. 3

4. COMMUNICATION / CORRESPONDENCE / REPORTS

- Mayor
- City Council
- City Manager
- City Attorney
- City Clerk
- Departmental Reports

5. COMMENTS FROM THE PUBLIC

6. CONSENT AGENDA

7. VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS / NONE

8. ORDINANCES

- PH* A. ORDINANCE NO. 2020-14, SECOND READ AND PUBLIC HEARING, An Ordinance Amending and Restating Chapter 10 (Fire Prevention and Protection); Amending Section 10-1 and Creating New Sections 10-2 through 10-38; Providing for Severability; Providing an Effective Date. p. 11
- PH* B. ORDINANCE NO. 2020-15, SECOND READ AND PUBLIC HEARING, An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date. p. 36
- PH* C. ORDINANCE NO. 2020-16, SECOND READ AND PUBLIC HEARING, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date. p. 40
- PH* D. ORDINANCE NO. 2020-17, SECOND READ AND PUBLIC HEARING, An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date. p. 44

- PH
- E. ORDINANCE NO. 2020-18, SECOND READ AND PUBLIC HEARING, An Ordinance by the City Council of the City of Neptune Beach, Creating a Section 22-7, Article I, In General, Chapter 22, Traffic and Motor Vehicles; Instituting a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters; Providing for Legislative Findings, Designation of the Temporary Moratorium, Conflicting Ordinances, Severability, Enforcement, and an Effective Date. p. 59
9. OLD BUSINESS / NONE
10. NEW BUSINESS
- A. RESOLUTION NO. 2021-01, A Resolution Appointing a Fifth Member to the Police Officers' Retirement Fund Board p. 66
11. COUNCIL COMMENTS
12. ADJOURN

Please register to view the Regular City Council Meeting on January 19, 2021, at 6:00 p.m., at:

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**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**MONDAY, DECEMBER 7, 2020, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Regular City Council Meeting of the City Council of the City of Neptune Beach was held on Monday, December 7, 2020, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266

**Attendance:**

**IN ATTENDANCE:**

Mayor Elaine Brown  
 Vice Mayor Fred Jones  
 Councilor Kerry Chin  
 Councilor Lauren Key  
 Councilor Josh Messinger

**STAFF:**

City Manager Stefen Wynn  
 City Attorney Zachary Roth  
 Commander Michael Key  
 Commander Gary Snyder  
 Chief Financial Officer Carl LaFleur  
 Deputy Public Works Director Megan George  
 Mobility Management Director Megan Steward  
 Senior Center Director Leslie Lyne  
 Community Development Director Kristina Wright  
 City Clerk Catherine Ponson

**Call to Order/Roll Call**

Mayor Brown called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

**Presentation/Scott Wiley**

Mayor Brown presented outgoing Councilor Scott Wiley a proclamation and painting. He was first elected to the Council in 1972. He served on various City boards and recently received the John Land Award from the Florida League of Cities.

Mr. Wiley recognized his wife, Becky, and thanked the Council and City staff.

Mayor Brown stated it had been an honor to serve with Mr. Wiley and how much he is appreciated.

Councilor Chin commented it had been an honor serving with Mr. Wiley. He added Mr. Wiley has a wealth and breadth of knowledge about the community and he would be seeking his input in the future.

Councilor Messinger thanked Mr. Wiley for his dedication to the community.

Vice Mayor Jones stated it was an honor and privilege work with Mr. Wiley.

Councilor Key thanked Mr. Wiley for his dedication and he was always available and willing to answer questions.

Election of Vice Mayor

Election of Vice Mayor. Councilor Key stated in keeping with continuity, she would nominate Fred Jones for a second term as Vice Mayor.

Made by Key, seconded by Chin.

**MOTION:**

**TO NOMINATE FRED JONES AS VICE MAYOR**

Roll Call Vote:

Ayes: 5- Chin, Key, Messinger, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

**APPROVAL OF MINUTES**

Minutes

Made by Messinger, seconded by Jones.

**MOTION:**

**TO APPROVE THE FOLLOWING MINUTES:**

**November 2, 2020, Regular City Council Meeting**

**November 6, 2020, City Council Roundtable**

**November 16, 2020, Special City Council Meeting**

**November 16, 2020, Workshop City Council Meeting**

**December 1, 2020, Special City Council Meeting**

Roll Call Vote:

Ayes: 5- Key, Messinger, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

**COMMUNICATIONS / CORRESPONDENCE / REPORTS**

City Manager Report

City Manager Stefen Wynn reported the following:

- Demolition has started on Jarboe Park. The timeline has been revised to include the installation of a gravity sewer line, which is critical to the park improvements.
- The Beautification Committee has been working to plant trees around the City, including some at Jarboe Park.

Mayor Brown recognized and thanked Beautification Committee President Chris Chin and the entire committee for their efforts.

- The contractor agreement for the park improvements is still in process. This is a piggy-back agreement between COJ and ACON Construction.
- A four-foot high fence would be installed around the drip line of the trees that are not being relocated.
- He reviewed the demolition costs that have been done in-house by Public Works.
- Upcoming workshops for the Vision Plan are scheduled.
- The City will begin to pay approved and legitimate bills from RTA Consulting.
- He reviewed the quarterly reports for the Parking Program.
- Waste Pro is proposing a new pickup schedule after the first of the year. There will be notice and messaging to residents through the City website, social media, Alert Neptune and on the water bill.

All monthly City Manager reports can be found, in their entirety, at : <https://www.ci.neptune-beach.fl.us/city-manager/pages/city-manager-reports>

Police Chief  
Report

Commander Michael Key reported that the Christmas Parade and tree lighting was successful and well-attended. The traffic survey on Kings Road is ongoing. He reminded everyone of the holiday package delivery. He invited the public to have their packages delivered to the Police Department to avoid having the package lost.

**PUBLIC COMMENTS**

Public Comment

David Blais, 800 1<sup>st</sup> Street, Neptune Beach, spoke regarding the Community Vision Plan. He addressed the Corridor Redevelopment Plan and small-scale apartments. He suggested adding legal language stating that the intent is not to introduce residential into commercial space.

Don Rogers, 1400 Neptune Beach Grove Drive W, Neptune Beach, stated he had been a resident for 37 years. He expressed that his concern is maintaining the residential quality in Neptune Beach.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, spoke regarding the costs of the Vision Plan process. She added she wanted to know who the consultants met with to find out what investors wanted. She indicated that there are people who have moved in that like Neptune Beach just the way it is.

**VARIANCES / SPECIAL EXCEPTIONS / DEVELOPMENT ORDERS**

CDB20-06, 1004  
and 1006-1008  
First Street

CDB20-06, Application for Replat as outlined in Chapter 27, Article 3 of the Unified Land Development Code of Neptune Beach. The property is currently known as for 1004 and 1006-1008 First Street, (RE# 172840-0000 & 172842-0000). The subject property is located on the west side of First Street between Bay and Magnolia in the R-4 zoning district. The applicants are requesting to demolish the existing buildings and replat the properties into two conforming lots. The request is to remove 19 feet from the parcel know as 1006 First (RE#172842-00) and added it to the parcel 1004 First (RE#172840-0000). The granting of the replat would not create any additional lots.

Vice Mayor Jones stated that this is straightforward and does not impact the existing moratorium.

Community Development Director Kristina Wright confirmed Councilor Chin's inquiry that they are taking three units down to two, so each lot will have a single-family home on it.

Councilor Messinger commented that these are two current residents in Neptune Beach. They both live on First Street have built beautiful homes and he has no issue.

Made by Messinger, seconded by Jones.

**MOTION:**

**TO APPROVE CDB20-06, FOR 1004 AND 1006 AND 1006 FIRST STREET SUBJECT TO THE DEMOLITION AND REMOVAL OF THE EXISTING STRUCTURES AT 1004 FIRST STREET AND 1006-1008 FIRST STREET**

Roll Call Vote:

Ayes: 5-Messinger, Chin, Key, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Ord. No. 2020-11, Microblading      Ordinance No. 2020-11, Second Read And Public Hearing, An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 27, Unified Land Development Code; Article IV, Land Use; Amending Section 27-226, Allowable Uses Within Zoning Districts; and Providing an Effective Date (Allows a Specific Form of Tattoo Artistry that only Includes Microblading and Permanent Cosmetic Artistry within the C-2 and C-3 Zoning Districts)

Public Hearing      Mayor Brown opened the public hearing.

Cheryl Diss, 12651 Enchanted Hollow Drive, Jacksonville, thanked the Council for the opportunity to have her business here. She is looking forward to serving the community and helping women and men build back their confidence.

There being no further comments from the public, the public hearing was closed.

Councilor Messinger stated this a good piece of legislation that allows a form of microblading or tattoo artistry that helps those who have a had rough go in life. It continues the spirit in our town.

Made by Messinger, seconded by Key.

**MOTION:**                      **TO ADOPT ORDINANCE NO. 2020-11 ON SECOND READ**

Roll Call Vote:

Ayes: 5-Chin, Key, Messinger, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Ord. No. 2020-14, Fire Protection      Ordinance No. 2020-14, First Read and Public Hearing, An Ordinance Amending and Restating Chapter 10 (Fire Prevention and Protection); Amending Section 10-1 and Creating New Sections 10-2 through 10-38; Providing for Severability; Providing an Effective Date.

Public Hearing      Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Fire Inspector John Ruley reported that it had been a long time since the ordinance had been updated. The ordinance aligns with Florida Statutes. This is not only for the fire marshal inspections, but for public education and other things to go along with fire prevention. He added there is pre-fire planning, which includes the photographing, the diagramming, and information provided to first responders.

Made by Messinger, seconded by Jones.

**MOTION:**                      **TO APPROVE ORDINANCE NO. 2020-14 ON FIRST READ**

Roll Call Vote:

Ayes: 5- Key, Messinger, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Ord. No. 2020-15, Balloons      Ordinance No. 2020-15, First Read and Public Hearing, An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date.

- Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.
- Made by Messinger, seconded by Jones.
- MOTION:** **TO APPROVE ORDINANCE NO. 2020-15 ON FIRST READ**
- Roll Call Vote:  
Ayes: 5- Messinger, Chin, Key, Jones, and Brown.  
Noes: 0
- MOTION CARRIED**
- Ord. No. 2020-16, Parking Spaces Ordinance No. 2020-16, First Read and Public Hearing. An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
- Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.
- Made by Jones, seconded by Messinger.
- MOTION:** **TO APPROVE ORDINANCE NO. 2020-16 ON FIRST READ**
- Roll Call Vote:  
Ayes: 5- Chin, Key, Messinger, Jones, and Brown.  
Noes: 0
- MOTION CARRIED**
- Ord. No. 2020-17, Golf Carts Ordinance No. 2020-17, First Read and Public Hearing. An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date.
- Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.
- Councilor Messinger reported that as discussed in the previous workshop, this is just codifying and forwarding our use of golf carts and electric vehicles in our City. It is making us more pedestrian and low-speed vehicle orientated.
- Vice Mayor Jones commented that he was concerned with safety issues and adhering to speed limits. It appears to be consistent with the surrounding communities in terms of pavement width.
- Councilor Key questioned the designated parking areas.
- Mr. Wynn explained that there are currently existing low-speed vehicle parking areas at some beach accesses. This makes it legal to have them. We are regulating what can and cannot go in some of those areas. This provides a path forward for designating places in the future.
- Councilor Chin explained that sometimes we need something like this to help the City structure the way we can regulate the golf carts. Otherwise, we would not be able to for certain rules, like driving on sidewalks.

Mr. Wynn added that by default, this ordinance sets all sidewalks as impermissible for golf carts.

Made by Chin, seconded by Messinger.

**MOTION:      TO APPROVE ORDINANCE NO. 2020-17 ON FIRST READ**

Roll Call Vote:

Ayes: 5- Key, Messinger, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Ord. No. 2020-18, Ordinance No. 2020-18, First Read and Public Hearing., An Ordinance by the City Council of the City of Neptune Beach, Creating a Section 22-7, Article I, In General, Chapter 22, Traffic and Motor Vehicles; Instituting a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters; Providing for Legislative Findings, Designation of the Temporary Moratorium, Conflicting Ordinances, Severability, Enforcement, and an Effective Date.

Public Hearing Mayor Brown opened the public hearing. There being no comments from the public, the public hearing was closed.

Mayor Brown explained that e-scooters are creating issues and accidents in cities. This is a temporary moratorium while an ordinance is put together.

Councilor Chin stated he had seen an article in a Florida League of Cities magazine regarding issues municipalities have faced.

Councilor Messinger commented that he has been to numerous cities where he has seen e-scooters done well and are a complement to the City. He has also seen them piled up all over the town and are a huge detriment. He expressed that the rules we put in place and the time we take will help the quality of life. We do not want unregulated e-scooters piling up everywhere and becoming an issue. He fully supports this ordinance.

Mayor Brown reported that the City Attorney would be looking at other ordinances.

Vice Mayor Jones stated this is timely. This issue is not going away. There are a lot of manufacturers and fly by night companies that do not have a sense of what they are getting into. There is a discussion of dockless versus docked. COJ has launched a pilot program where the escooters only operate to a certain point. It is important to tread lightly and let other places learn from the mistakes before opening it up to anybody. He suggested setting up a pilot program and working with the other beach cities.

City Attorney Zachary Roth advised that this ordinance was drafted in tandem with the City Attorneys from Jacksonville Beach and Atlantic Beach. They will be discussing again next week to see where we go from here.

Mr. Wynn clarified that this is not to regulate personal use of e-scooters but for a business leasing or renting them.

Councilor Key stated she appreciates alternate modes of transportation. She has been to cities where the e-scooters are everywhere in a park. She hopes Neptune Beach does not get dockless e-scooters and would designate a return point.



Made by Chin, seconded by Jones.

**MOTION:**        **TO APPROVE ORDINANCE NO. 2020-18 ON FIRST READ**

Roll Call Vote:

Ayes: 5- Messinger, Chin, Key, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

**OLD BUSINESS / NONE**

**NEW BUSINESS**

Res. No. 2020-09, CDB  
Appointment

Resolution No. 2020-09, A Resolution Appointing Member to the Community Development Board.

Mayor Brown explained this is appointing David Jaffee to a full one-year term as an alternate on the Community Development Board.

Made by Messinger, seconded by Jones.

**MOTION:**        **TO APPROVE RESOLUTION NO. 2020-09, APPOINTING DAVID JAFFEE TO A ONE-YEAR TERM AS ALTERNATE ON THE COMMUNITY DEVELOPMENT BOARD**

Roll Call Vote:

Ayes: 5-Chin, Key, Messinger, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

Banking Services  
RFP

Approval of Banking Services RFP Selection. Mr. Wynn reported that the scoring for the banking services RFP had been completed. The result was a tie between Chase Bank and BBVA. The banks were then ranked. Chase Bank came out ahead and he is recommending Chase Banking Services.

Made by Messinger, seconded by Key.

**MOTION:**        **TO AUTHORIZE CITY MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS FOR BANKING SERVICES WITH CHASE BANK**

Roll Call Vote:

Ayes: 5- Key, Messinger, Chin, Jones, and Brown.

Noes: 0

**MOTION CARRIED**

**COUNCIL COMMENTS**

Mayor Brown wished everyone a Merry Christmas. She thanked Council and City staff during this year. She recognized City employees for their years of services including Stephen Cotton, Assistant Lead Operator, 30 years; John Lewis, Stormwater Operator, 20 years; Brian Waldrep, Police Officer, 20 years; Angie Bridges, Public Works Administrative Assistant, 10 years; and Michael Key, Police Commander, 15 years.

Councilor Chin stated this has been a trying year for our nation and City. He looks forward to 2021.

Councilor Messinger commented that all things aside, the City has made some really great moves going into 2021. We are looking at major stormwater improvements and infrastructure changes, and Jarboe Park is underway.

Vice Mayor Jones expressed that despite everything, we have first-class staff in place. He is excited about a lot of opportunities. It's great to finally engage the community to be vocal about what is really important to them. Long overdue infrastructure is taking place and also the 90<sup>th</sup> Anniversary is in 2021.

Councilor Key commented there a lot of exciting things going on. She does share the concerns about density as many of the residents do. She feels that Neptune Beach is one of the greatest places. There are certain fabrics that should never change and there are fabrics that need change. She hopes that we can do positive things and listen to the community.

Adjournment

There being no further business, the meeting adjourned at 7:28 p.m.

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Elaine Brown, Mayor

Attest:

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Catherine Ponson, CMC  
City Clerk

Approved: \_\_\_\_\_

## **City of Neptune Beach**

John Ruley Fire Marshal

116 First Street • Neptune Beach, Florida 32266-6140

(904) 270-2400 ext. 4 • FAX (904) 270-2417



### **STAFF REPORT**

**To:** Stefen Wynn  
**From:** John Ruley, Fire Marshal  
**Date:** November 10, 2020  
**Re:** Ordinance Change for Commercial Fire Inspections with fees

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Good Afternoon

Attached is the ordinance amending and restarting Chapter 10 (Fire Prevention and Protection); amending Section 10-1 and creating new sections 10-2 through 10-38;

This document amends the current Chapter 10 Fire Prevention and Protection that was last visited in 1995. The ordinance places us current with the Florida Statute 633; and the adoption of the Florida Fire Prevention Code, and reference code identified within.

There are 3 important section that are added; section 10-27, Fees for permits and certifications, etc; here we establish a fee schedule for commercial Plan Review, and other permits not listed in the Florida Fire Prevention Code.

Section 10-28 and 29.

Section 10-28 establishes a fee for the Fire Marshal to provide a fire inspection of all new businesses within the city and the fee shall be accompany each local business tax receipt. This fee is \$50.00.

Section 10-29, provided for a Periodic Inspection Requirement, this requires that the Fire Marshal inspect all commercial premises on an annual basis this portion of the inspection is \$50.00. Part 2 of this section, includes a Pre-Fire Plan (Which is not a code enforcement inspection) this inspection and report will include sketches, and photos that will be forwarded to the structural firefighting crews, and will be used in the event of a fire. This pre-fire plan fee is 65.00.

The total fee for this annual inspection will be 115.00 per commercial occupational license. (Home Offices License at single family home are exempt) Fees will be attached to the annual tax receipt for the business.

Attached in the packet are the following documents:

- A copy of the ordinance
- ISO Insurance Services Office, information
- What does the City need to do to keep the ISO Public Protection Class 1 Rating?
- What gives the City the Authority to charge Fire Inspection Fees
- Fire Fee Comparison

I am open for discussion as necessary.

Respectfully,

John Ruley, Fire Marshal



**INTRODUCED BY:  
MAYOR BROWN**

**ORDINANCE NO. 2020-14**

**A BILL TO BE ENTITLED**

**AN ORDINANCE AMENDING AND RESTATING CHAPTER 10 (FIRE PREVENTION AND PROTECTION); AMENDING SECTION 10-1 AND CREATING NEW SECTIONS 10-2 THROUGH 10-38; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 1.03 of the City Charter, the City is vested with all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by law or the City Charter; and

**WHEREAS**, Chapter 633, Florida Statutes, grants political subdivisions, including municipalities, certain rights regarding enforcement of the Florida Fire Prevention Code and local options regarding same; and

**WHEREAS**, in order to protect the residents and property within the City of Neptune Beach, it is necessary provide further clarification of the rights and authority of the City under the Florida Fire Prevention Code; and

**WHEREAS**, the City Council for the City of Neptune Beach, Florida finds and declares that this ordinance is in the best interest of the public health, safety and welfare of the citizens and residents of the City, that it advances a significant and important governmental interest, and that it furthers the City's performance of municipal functions and rendering of municipal services.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, FLORIDA, THAT:**

**Section 1. Amending and Restating Chapter 10. Fire Prevention and Protection.** Amending Section 10-1 and creating New Sections 10-2 through 10-38, Chapter 10 (Fire Prevention and Protection), City of Neptune Beach Code of Ordinances as follows:

**Chapter 10**

**FIRE PREVENTION AND PROTECTION <sup>[1]</sup>**

*Footnote:*

*--- [1] ---*

*State Law reference – Florida Fire Prevention Code, FS 633; open burning, F.S. § 590.125.*

## Article 1. - IN GENERAL

### Sec. 10.1 Burning Trash or underbrush.

- (a). No person shall burn off or set fire to underbrush, trash or rubbish on any property within the city without first obtaining authorization from the Fire Marshal for such purpose.
- (b). No authorization shall be granted hereunder until the person applying for same satisfy the city manager or their designee in writing that sufficient resources will be present to keep the fire under control and to prevent any damage to adjoining property.
- (c). Any authorization granted hereunder may be rescinded by the city manager or their designee when it shall appear imminent that loss of control of fire, damage to property, or danger to health or safety is about to occur or there is, in the city manager or their designee's discretion, otherwise a significant risk of loss of control of fire, damage to property, or danger to health or safety.

~~Sec. 10.2 – 10.21. – Reserved~~

~~Sec. 10.1 Fire prevention code, life safety code adopted.~~

- ~~(a) — The Standard Fire Prevention Code, 1994 Edition, adopted and published by Southern Building Code Congress International, Inc, 900 Montclair Road, Birmingham, Alabama, is hereby adopted, except any penalties contained therein, by reference, and the same is made a part hereof as if set out herein in full, save and except as hereinafter deleted, amended or modified in this chapter.~~
- ~~(b) — The Code for Safety to Life from Fire in Building and Structures, 1998 Edition, adopted and published by the National Fire Protection Association, is hereby adopted, except any penalties contained therein, by reference, and the same is made a part hereof as if set out herein in full, save and except as hereinafter deleted, amended or modified in this chapter.~~
- ~~(c) — In the event of a conflict between the provisions of the Standard Fire Prevention Code or the Life Safety Code adopted by reference in this section and the provision of this Code, the provisions of this Code shall prevail.  
(Code 1959, & 10-1; Ord. No. 1993-5, & 1, 6-21-93; Ord. No. 1995-08 & 4, 12-4-95)~~

## ARTICLE II. – FIRE PREVENTION CODE <sup>[2]</sup>

*Footnote:*

--- [2] ---

*Cross reference— Buildings and building regulations, Ch. 8; location of fire hydrants in subdivisions, § 19-52; property insurance tax used for firemen's relief and pension fund, § 21-71 et seq.*

*State Law reference – Florida Fire Prevention Code, FS 633.*

#### **Sec. 10.22 - Adopted.**

This article shall be known as the City of Neptune Beach Fire Prevention Code. There is hereby adopted the most current version of the Florida Fire Prevention Code and the same is hereby adopted and incorporated as fully as if set out at length herein. It is the intent of this section that, when the state legislature or the state fire marshal amends the Florida Fire Prevention Code, then those amendments shall automatically become effective within the city without further action of the city council.

#### **Sec. 10.23 – Application.**

The provisions of the City of Neptune Beach Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

#### **Sec. 10.24 – Administration and enforcement**

- (a). The fire marshal or their designee of the city shall be responsible for the enforcement of the City of Neptune Beach Fire Prevention Code.
- (b). Fire Marshal. The fire marshal shall mean the person retained by the city to be responsible for the direct administration and enforcement of the City of Neptune Beach Fire Prevention Code as may be set forth by the city manager.
- (c). Qualification of fire marshal. The fire marshal shall be appointed on the basis of examination or other method for determining qualifications. The fire marshal shall be a person certified as having met the fire safety inspection training requirements set by the state fire marshal.
- (d). Technical inspectors. The fire marshal may also designate such number of technical inspectors as shall from time to time be needed. These technical inspectors must be certified as a firesafety inspector pursuant to F.S. § 633.216 and may conduct fire safety inspections.
- (e). Duties of officers. It shall be the duty of the fire marshal as may be designated by the city manager to enforce all laws and ordinances of the city, covering the following:
  - (1) The prevention of fires.
  - (2) The storage, sale and use of combustible, flammable or explosive materials.
  - (3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment.
  - (4) The maintenance and regulation of fire escapes.

- (5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose.
- (6) The investigation of the cause, origin, and circumstances of fire.
- (7) The maintenance of fire cause and loss records. Such officers shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law.
- (f) Instructions *and forms*. The fire marshal shall prepare instructions for and forms for their use in the reports required by this article.

**Sec. 10.25. - Records to be kept.**

The fire marshal shall compile and keep a record of all fires and of all the facts concerning the same, including injuries, deaths, rescue of persons, and statistics as to the extent of such fires and the damage caused thereby, and whether such losses are covered by insurance, and, if so, in what amount. Such record shall be made following each incident and filed with the National Fire Incident Reporting System (NFIRS) from the reports made by the fire officers under the provisions of this article. All such records shall be public.

**Sec. 10-26. - Amending code; recommendations.**

The fire marshal shall also recommend any amendments to the City of Neptune Beach Fire Prevention Code.

**Sec. 10-27. - Fees for permits, certificates, etc.**

- (a) Fees shall be established by the council for the permits, certificates, approvals, and other functions performed under the City of Neptune Beach Fire Prevention Code and shall be payable to the city. Such fees shall accompany each application for such permit, approval, certificate, or other fee-related provision.
- (b) Plan review fee schedule.

Task	Fee
New Construction Plan Review	45% of building permit fee
First resubmittal	\$0.00
Second resubmittal	\$0.00
All resubmittals after second	\$75.00 each
Plan review of fire sprinkler system (up to 50 heads)	\$75.00
Each additional head over 50	\$1.00 per head



Plan review of fire standpipe or fire pumps	\$75.00
Plan review of fire alarm up to 10 devises (including fire alarm control panel) Each additional device over 10	\$75.00 \$1.25 per device
Plan review of fire suppression systems	\$75.00 per system
Plan review of emergency generator systems	\$75.00 per system
Plan review of grease hoods and light test	\$75.00 per system
Plan review private fire mains & hydrants with visual & flushing	\$125.00
Plan review of new aboveground & underground tanks	\$125.00
Plan review of removal for fuel tank	\$25.00 per tank
Plan review of paint booth & fire suppression system	\$25.00 per system
Plan review of emergency generator system	\$25.00 per system
Plan review & Inspection for Med-Gas/Med-Gas Storage and/or similar processes where the knowledge or experience of the Authority Having Jurisdiction (AHJ) is limited. For purposes of this provision, the AHJ refers to the City <sup>1</sup>	\$65.00
Permit for tent or membrane structure used for cooking, Christmas tree sales, sales of fireworks or sparklers,	\$50.00

<sup>1</sup> The City is permitted to require a review by an approved independent third party with expertise in the matter to be review at the submitter's expense. The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the City. The City shall be authorized to require design submittals to bear the stamp of a registered design professional. The City shall make the final determination as to whether the provisions of the Fire Code have been met.

or public gatherings of any kind (200 square feet or larger)	
Any other permit required by the Florida Fire Prevention Code not listed above	\$50.00

- (c.) Plan review resubmittal fee, 1<sup>st</sup> resubmittal no charge, 2<sup>nd</sup> resubmittal \$100.00, 3<sup>rd</sup> resubmittal 4-times original permit fee.

**Sec. 10-28. - New Local Business Tax Receipt Inspection.**

A Fee shall be established by the council for fire inspection of all new commercial business within the city. Approvals, and other functions performed under this City of Neptune Beach Fire Prevention Code and shall be payable to the city. Such fees shall accompany each local business tax receipt and shall be \$50.00. (Home Office License at homes are exempt)

**Sec. 10-29. - Periodic inspections required.**

The fire marshal shall inspect or cause to be inspected all commercial premises on an annual basis and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire. The fee for each such inspection shall be \$50.00.

This inspection will include a fire pre-plan (which is not a code enforcement inspection) that will include sketches and photos and will be forwarded to the structural fire crews to be used in the event of a fire. The fee for each such inspection shall be \$65.00.

The total fee for this annual inspection will be \$115.00 per commercial occupational license. (Home Office License at homes are exempt)

The fee shall be attached to the annual tax receipt for the business.

Reinspection/un-prepared site , 1st re-inspection \$50.00, Each additional re-inspection \$100.00.

**Sec. 10-30. - Dangerous conditions.**

- (a) Whenever the fire marshal or technical inspector shall find in any building, or upon any premises, dangerous or hazardous conditions or materials as follows, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke.

- (1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials;
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using explosive or otherwise hazardous materials;
  - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials;
  - (4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible material from hoods, grease extractors and ducts;
  - (5) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
  - (6) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.
- (b) Whenever the fire marshal deems any chimney, smokestack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto, or anything regulated under a nationally approved standard in or upon any building, structure, or premises not specifically mentioned in this article, to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property, a written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by order of such fire marshal or his duly authorized representative and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until removed, that item or device which has caused the hazard shall not be used or be permitted to be used.

#### **Sec. 10-31. - Service of orders.**

The service of orders for the correction of violations of this article shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of the premises such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order by sending such copy by certified or registered mail to the owner's last known post office address.

**Sec. 10-32. - Right of entry.**

- (a) To the full extent permitted by law, the fire marshal, engaged in fire prevention and inspection work, is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle, or premises for the purpose of making fire safety inspections. Before entering a private building or dwelling, the fire marshal shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, "emergency" means circumstances that the fire marshal knows, or has reason to believe, exist, and that reasonably may constitute immediate danger to life and property.
- (b) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles, and premises as herein set forth shall be identified by proper credentials issued by the city.
- (c) It shall be unlawful for any person to interfere with the fire marshal carrying out any duties or functions prescribed by this article.
- (d) It shall be unlawful for any unauthorized person to use an official badge, uniform, or other credentials to impersonate a fire marshal for the purpose of gaining access to any building, structure, marine vessel, vehicle, or premises in this jurisdiction.
- (e) No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the fire marshal for the purpose of inspections pursuant to the chapter.

**Sec. 10-3.09. - Authority to require exposures or stop work.**

- (a) Whenever any installation that is subject to inspection prior to use is covered or concealed without having first been inspected, the fire marshal may require by written notice that such work be exposed for inspection. The fire marshal shall be notified when the installation is ready for inspection and the fire marshal shall conduct the inspection within a reasonable period of time.
- (b) When any construction or installation work is being performed in violation of the plans and specifications as approved by the fire marshal, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

**Sec. 10-33. - Appeals.**

- (a) Any person aggrieved by an order issued under this article may appeal such order by submitting a written request for a hearing before the city's special magistrate. Such request must be submitted to the city clerk within thirty (30) days of entry of the subject order. Such request shall set forth:

- (1) The provisions of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code from which relief is sought;
  - (2) A statement indicating which of the following grounds such person bases their appeal:
    - a. The true intent of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code has been incorrectly interpreted;
    - b. The provisions of the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code do not fully apply; or
    - c. A decision is unreasonable or arbitrary under the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code.
  - (3) Justification as to the applicability of the grounds cited in (2) above;
  - (4) A requested remedy; and
  - (5) Justification for the requested remedy stating specifically how the City of Neptune Beach Fire Prevention Code or the Florida Fire Prevention Code are complied with, public safety is secured, and firefighter safety is secured.
- (b) In the event of a conflict between the Building Code as established in Chapter 8 of the Code of Ordinances of the city, and this article, it shall be resolved in accordance with F.S. § 553.73. Nothing in this section shall be construed so as to limit a person's right to an interpretation of the Florida Fire Prevention Code as provided in F.S. § 633.104 and F.A.R. 69A-60.011, as amended from time to time.

**Sec. 10-34. - Summary abatement.**

- (a) The fire marshal shall have the authority to summarily abate any condition that is in violation of any provision of this chapter and that presents an immediate hazard to life or property.
- (b) When, in the opinion of the fire marshal, there is actual danger to the occupants or those in proximity of any building, structure or premises because of unsafe structural conditions or inadequacy of any exitway, the presence of explosives, explosive fumes or vapors, flammable liquids, vapors, gases or materials, the fire marshal may order the immediate evacuation of such building, structure or premises and no one shall enter or reenter until authorized to do so by the fire marshal. In addition, the fire marshal may order the disconnection of electric and gas utility services from such building, structure or premises and no one shall reconnect such utility services until authorized to do so by the fire marshal.

**Sec. 10-35. - Penalties and other remedies for violations.**

- (a) Failure to comply with any provision of this article or any lawful order of the fire marshal shall constitute a misdemeanor of the second degree, punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not

more than ten (10) days, or by both a fine and imprisonment. Each day that a violation continues shall be a separate offense.

- (b) The city may institute injunction, mandamus or any other appropriate actions or proceeding at law or in equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.
- (c) The city may enforce this chapter using the proceedings set forth in Chapter 2 Administration, Article VII, of the Code of Ordinances, City of Neptune Beach, Florida.

**Sec. 10-36. - Authority to investigate fires.**

- (a) The fire marshal shall investigate the cause, origin and circumstances of each and every fire occurring in the city involving the loss of life or injury to persons, or destruction or damage to property. A written report shall be made of all facts and findings relative to each fire investigation.
- (b) If it appears that the fire is of suspicious origin, the fire marshal shall immediately notify the police department and shall assist the police department as necessary in its investigation.

**Sec. 10-37. - Key vault requirement.**

The fire marshal may require the installation and maintenance of a key vault security system in such buildings or structures where security precautions and protective devices may unreasonably delay the entry of the fire department in time of emergency.

**Sec. 10-38. - Construction of article.**

This article shall be deemed an exercise of the police powers of city for the preservation and protection of the public health, peace, safety, and welfare and all the provisions of the City of Neptune Beach Fire Prevention Code shall be liberally construed for that purpose. All provisions of this City of Neptune Beach Fire Prevention Code are intended to comply with the Florida Fire Prevention Code and any provision in conflict which cannot be reconciled shall be severed, without impact to any other provisions of this chapter.

**Section 2. Severability.** If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

**Section 3.**                    **Effective Date.** This Ordinance shall become immediately upon passage by the City Council.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7<sup>th</sup> day of December, 2020.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Lauren Key  
Councilor Josh Messinger

Passed on Second and Final Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, CMC, City Clerk

Approved as to form and correctness:

\_\_\_\_\_  
Zachary Roth, City Attorney

## **ISO Insurance Services Office**

### **Origins of Public Protection Grading**

In the early 1900s, major U.S. cities suffered disastrous fires that destroyed billions of dollars' worth of property. In the aftermath, insurance companies realized they needed advance information on the fire loss characteristics of individual communities.

The National Board of Fire Underwriters (NBFU) had been established in 1866 to promote fire prevention and public fire protection. After a number of conflagrations — including the great Baltimore fire of 1904, which claimed 140 acres, more than 70 blocks, and 1,526 buildings — the NBFU expanded its scope, developing the Municipal Inspection and Grading System. Under that program, engineers evaluated the fire potential of many cities. In response, those cities improved their public fire protection services.

Since 1909, the Municipal Inspection and Grading System and its successors have been an important part of the underwriting and rating process for insurers writing personal and commercial fire policies. ISO's Public Protection Classification (PPC®) Service now gives insurers credible data to help them develop premiums that fairly reflect the risk of loss in a particular location.

### **Benefits of the PPC Program for Communities**

The Public Protection Classification (PPC®) program recognizes the efforts of communities to provide fire protection services for citizens and property owners. A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Insurance companies use PPC information to help establish fair premiums for fire insurance — generally offering lower premiums in communities with better protection. By offering economic benefits for communities that invest in their firefighting services, the program provides an additional incentive for improving and maintaining public fire protection.

The program also provides help for fire departments and other public officials as they plan, budget for, and justify improvements.

The most significant benefit of the PPC program is its effect on losses. Statistical data on insurance losses bears out the relationship between excellent fire protection — as measured by the PPC program — and low fire losses. PPC helps communities prepare to fight fires effectively.

### **How Does PPC Information Affect Individual Insurance Policies?**

ISO's Public Protection Classification (PPC®) information plays an important part in the decisions insurers make affecting the underwriting and pricing of property insurance. In



fact, most U.S. insurance companies — including the largest ones — use PPC information in one or more of the following ways:

- to identify opportunities for writing new business
- to manage the quality of community fire protection across their book of business
- to review loss experience in various rating territories
- to offer coverages and establish deductibles for individual homes and businesses

Insurance companies — not ISO — establish the premiums they charge to policyholders. The methodology a company uses to calculate premiums for property insurance may depend on the company's fire loss experience, underwriting guidelines, and marketing strategy.

Here are some general guidelines to help you understand the benefits of improved PPC ratings for residents and businesses:

- PPC may affect the underwriting and pricing for a variety of personal and commercial insurance coverages, including homeowners, mobile home, fine arts floaters, and commercial property (including business interruption).
- Assuming all other factors are equal, the price of property insurance in a community with a good PPC is lower than in a community with a poor PPC.

### **Scope of the PPC Evaluation**

The purpose of an ISO public protection survey is to gather information to determine a Public Protection Classification (PPC®), which insurers use for underwriting and to calculate premiums for fire insurance. The Fire Suppression Rating Schedule (FSRS) recognizes fire-protection features only as they relate to suppression of fires in structures.

In many communities, fire suppression may be only a small part of the fire department's overall responsibility. ISO recognizes the dynamic and comprehensive duties of a community's fire service. We understand the complex decisions a community must make in planning and delivering emergency services. However, we evaluate only features related to reducing property losses from fire.

### **ISO's Community Outreach Program**

ISO's Community Outreach Program is a way of identifying communities that have made changes that may affect their Public Protection Classification (PPC®) gradings.

Under the program, communities periodically receive a letter with a Community Outreach Questionnaire and a map of their fire jurisdiction. The letter asks community officials to complete the questionnaire. Upon receiving a community's questionnaire, ISO performs an analysis to determine whether the community has made significant

changes in its fire-suppression system. Based on that review of the changes, ISO may ask to conduct a survey and update the PPC.

Examples of significant changes include annexations or changes in the boundaries of a fire district, new or closed fire stations, water-system improvements, or changes in the way the community receives and handles fire alarms. Although such changes may not directly affect the classification, they may change which properties receive the benefit of the classification.

## **The PPC Evaluation Process**

To determine a community's Public Protection Classification (PPC®), ISO conducts a field survey. Expert ISO staff visit the community to observe and evaluate features of the fire protection systems. Using our manual called the Fire Suppression Rating Schedule (FSRS), ISO objectively evaluates four major areas:

- **Emergency communications systems**  
A review of the emergency communications systems accounts for 10 points of the total classification. The review focuses on the community's facilities and support for handling and dispatching alarms for structure fires.
- **Fire department**  
A review of the fire department accounts for 50 points of the total classification. ISO focuses on a community's fire suppression capabilities. We measure suppression capabilities based on the fire department's first-alarm response and initial attack to minimize potential loss. Here, ISO reviews such items as engine companies, ladder or service companies, deployment of fire companies, equipment carried on apparatus, pumping capacity, reserve apparatus, company personnel, and training.
- **Water supply**  
A review of the water supply system accounts for 40 points of the total classification. ISO evaluates the community's water supply system to determine the adequacy for fire suppression purposes. We also consider hydrant size, type, and installation, as well as the frequency and completeness of hydrant inspection and flow-testing programs.
- **Community risk reduction**  
We review a community's risk reduction efforts and credit them in the Community Risk Reduction section, which allows for extra credit of up to 5.5 points for a potential total of 105.5. That takes into account fire prevention code adoption and enforcement, public fire safety education, and fire investigation.

After completing the field survey, ISO analyzes the data and calculates a PPC. The grading then undergoes a quality review. The community will receive a notification letter identifying the new PPC. ISO also provides a hydrant-flow summary sheet, along with a Public Protection Classification Summary Report. The summary explains each

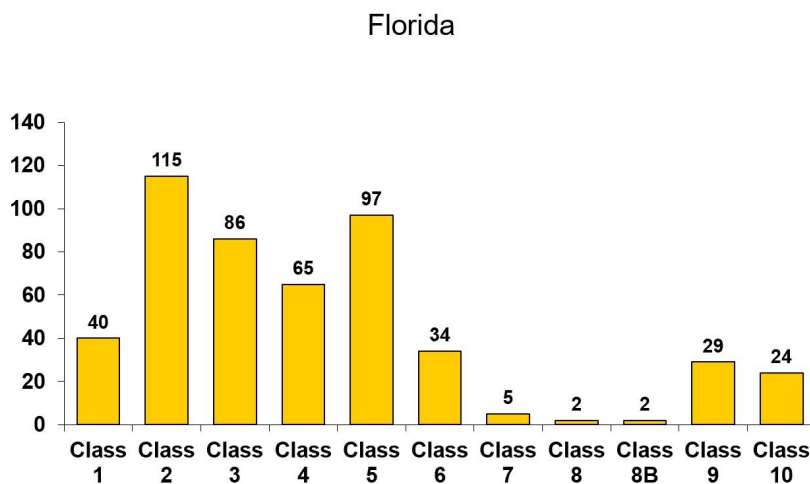
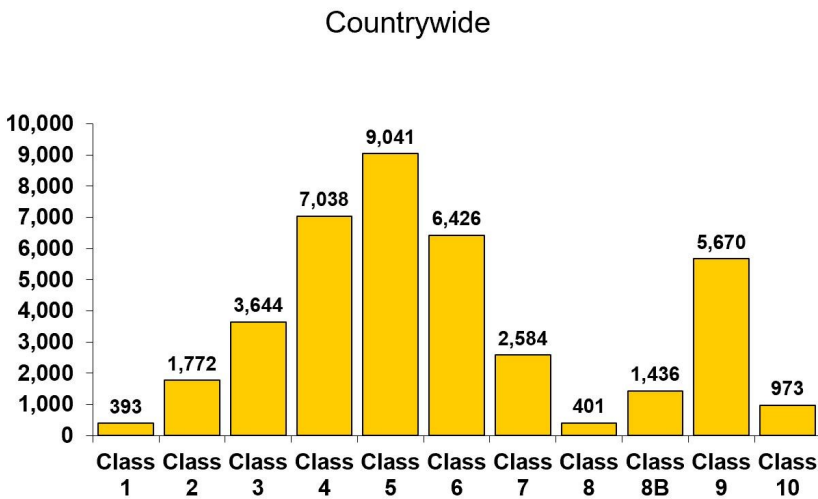
subcategory and indicates the total points the community earned. The report also indicates the performance needed to receive full credit for each specific section in the schedule, as well as the quantity actually provided.

## Facts and Figures about PPC Codes around the Country

This page has information describing the state of community fire protection in the United States. The information can help you benchmark your community's level of fire protection against other cities and towns in your state and the country as a whole.

### Distribution of Communities by PPC Class Number within Classification

#### Number within Classification



## Scores and PPC Ratings

ISO's Fire Suppression Rating Schedule (FSRS) lists a large number of items a community should have to fight fires effectively and assigns credit points for each item. Using those credit points and various formulas, ISO calculates a total score on a scale of 0 to 105.5.

To receive certain Public Protection Classification (PPC®) ratings, a community must meet minimum criteria:

- minimum facilities and practices to get a PPC rating
- minimum criteria for Class 9
- minimum criteria for Class 8B
- minimum criteria for Class 8 or better

After a community meets those criteria, the PPC depends on the community's score on the 100-point scale: PPC Points

1. 90.00 or more
2. 80.00 to 89.99
3. 70.00 to 79.99
4. 60.00 to 69.99
5. 50.00 to 59.99
6. 40.00 to 49.99
7. 30.00 to 39.99
8. 20.00 to 29.99
9. 10.00 to 19.99
10. 0.00 to 9.99

*(The above information was copied from the 2020 Insurance Service Office Inc, website)*

## **What Does the City of Neptune Beach Need to provide to Jacksonville for them to Keep Class 1 Rating?**

Jacksonville Fire & Rescue is the current provider of Emergency Fire and EMS response to the City of Neptune Beach. The City of Jacksonville currently has a Puplic Protection Class Rating of "Class 1" . Class 1 is the best you can get.

Jacksonville Fire Rescue does not provide the Water Supply or Community Risk Reduction information for The City of Neptune Beach. It would be the City of Neptune Beach's responsibility to provide to Jacksonville the Needed information for Water supply and Community Risk Reduction.

What is required for **Water Supply**:

During the water supply survey, an ISO field representative will interview the official responsible for the water department, water utility, or private water companies that supply the community. The representative will also:

- review various documents and records
- evaluate all pump facilities
- determine needed fire flow and hydrant test locations
- obtain hydrant flow-test results or hydraulic modeled flow-test data
- determine frequency of hydrant inspection and flow-testing programs
- examine representative hydrants

What is require for **Community Risk Reduction**:

This section gives procedures and formulas for evaluating:

- adoption and enforcement of fire prevention codes
- public fire safety education
- Fire Investigation Programs.

## Community Risk Reduction Requirements

- For full credit in this section, a jurisdiction must adopt and enforce the latest edition of one of the nationally recognized fire prevention codes.

If a jurisdiction adopts and enforces state or local amendments that modify or delete provisions for fire hazard mitigation within a nationally recognized fire prevention code, the points available in this section are subject to proration.

If a jurisdiction adopts and enforces a local code or regulations not developed by a nationally recognized code organization, the points available in this section are subject to proration.

- **Frequency of Fire Prevention Inspections:**

- The jurisdiction must provide adequate personnel to perform fire prevention inspections on all nonresidential structures at least once a year.
- For the purposes of this section, pre-incident planning inspections — with no component for fire prevention code enforcement — are not fire prevention inspections. (This information would actually be provide to the fire suppression portion of the grading schedule)

### **FIRE PREVENTION PROGRAMS (PCP):**

Evaluate the fire prevention programs.

Fire prevention programs include:

- plan review
- certificate of occupancy inspections
- quality control
- code compliance
- inspection of private fire protection equipment
- fire prevention ordinances
- coordination of fire department training and pre-incident planning

- **Fire Prevention Ordinances (PPO):**

The jurisdiction must adopt ordinances governing fire lanes, fireworks, hazardous material routes, barbecue grills, and the wildland-urban interface (WUI) or weeds and trash.

- **Residential Fire Safety Program (FSPR):**

Base the evaluation of the effectiveness of the residential fire safety program on the percentage of the entire community population reached annually.

- **Fire Safety Education in Schools (Private and Public, Early Childhood Education through Grade 12) (FSPS):**

1. Each school must conduct 1 fire exit drill, in accordance with the general criteria of NFPA 101, *Life Safety Code*, or the ICC International Fire Code each month that the campus is in session.
2. Each school must present developmentally appropriate classroom instruction on fire safety to all students in early childhood education.

- **Juvenile Firesetter Intervention Program**, will be handled by Jacksonville Fire Rescue

- **Fire Safety Education Program for Occupancies Having Large Loss Potential or Hazardous Conditions (FSPL):**

Evaluate the fire safety education in occupancies that have large loss potential or hazardous conditions as identified by the authority having jurisdiction.

Prorate the credit based on the percentage of the occupancies reached each year.

- **Fire Investigation Organization**

Fire Investigation will be handled by Jacksonville Fire Rescue

## **What Gives the City the Authority to charge Fire Inspection Fees?**

**Within the Fire Prevention and Control, Florida Statute 633,**

**633.081 Each county, municipality, and special district that has fire safety enforcement responsibilities shall employ or contract with a fire safety inspector. Except as provided in s,633.082(2), the fire safety inspector must conduct all fire safety inspections that are required by law. The governing body of the county, municipality, or special district that has fire safety enforcement responsibilities may provide a schedule of fees to pay only the cost of inspections conducted pursuant to the subsection and related administrative expenses.**



## **Fire Fee Comparison**

### **City of Jacksonville Beach:**

Jacksonville Beach Fire Marshals Office is operated by employees/fire inspectors of Jacksonville Beach.

The New Construction Plan Review and New Construction inspections for Commercial occupancies, Multi-family, and Places of Assembly are conducted by the Jacksonville Beach Fire Marshals Office. There are no fees for service. The cost for this service is from the City's General Fund (Residential Taxes) .

The Periodic Fire Inspection and State Required Inspection on Commercial occupancies, Multi-Family Occupancies, and Places of Assembly, are conducted by the Jacksonville Beach Fire Marshal's Office. There are no fees for service. The cost for this service is from the City's General Fund (Residential Taxes) .

(Note: As Jacksonville Beach Fire Rescue Emergency Services has recently been taken over by The City of Jacksonville, Jacksonville Fire Rescue, the City of Jacksonville Beach has assumed the ISO Class 1 that The City of Jacksonville currently has. The Class 1 rating would require Jacksonville Beach Fire Marshal Office to conduct 100 % of the commercial, multi-family, places of assembly, and required state license occupancies. According to the Jacksonville Beach Fire Marshal it is unlikely, with their current staffing level, that all of the required fire inspections will be conducted. This could affect Jacksonville's ISO rating.)

### **City of Atlantic Beach & The City of Jacksonville:**

The City of Atlantic Beach is under an agreement with the City of Jacksonville, Jacksonville Fire Rescue", for Emergency Fire Services and New Construction Plan Review and Inspection, and Fire Safety Routine Inspections (Periodic Inspections) . Fees are charged for both new construction and periodic inspection (See Section 123.102)

New Construction Plan Review Starts at \$150.00 for up to 10,000 sqft. And goes up to \$625.00 for up to 100,000 sqft. There are separate fees for Fire Alarms, Tents, Grease Hoods, Paint Spray Booths, Tanks, Awnings, Engineered Fire Protection Systems, Fire Sprinklers, Fire Pumps, Fire Hydrants, and Underground Mains, each start at about \$150.00 per system.

The Routine Inspections (periodic Inspection) are based on the sqft and start at \$0.009 per sqft up to \$5,000.00

**There is an additional Fire Safety Pre-inspection- Property Assessment of \$65.00 for each occupancy. Each Ocupancy up to 10,000sqft could be charged \$155.00.**

### **St Johns County, St Johns County Fire Rescue,**

**St Johns Fire Rescue has a fee for new construction & inspection of new construction. That starts at \$71.00 for construction value up to \$50,000.00. Then they add \$1.25 for every \$1,000.00 of construction value.**

**There are separate permit fees for Fire Sprinkler Systems that start at \$81.00 for 50 heads and increases \$1.00 for every additional head.**

**Fire Alarms start at \$54.00 for 10 devices and increases \$1.50 for every additional device.**

**Fire Suppression Systems, Kitchen Exhaust Hoods, Fire Pumps , Private Fire Water Mains & Hydrants, and Hydrostatic Test are all set at about \$75.00.**

**Fire Inspections for Facilities required to hold a license to operate have inspection fees that start at \$54.00 for up to 5,000 sqft and go up to \$500.00 up to 1,000,00 sqft.**

**Because of the number of business occupancies within the County that cannot be inspected annually, they do not charge for periodic inspections.**

**(Note: St Johns County has a Class 3 ISO Rating)**

### **City of Fernandina Beach, Fernandina Beach Fire Rescue**

**Fernandina Beach Fire Rescue charges for Plan Review & Inspection for new construction at a rate of 45% of the Building permit. In addition, they charge a separate permit & fee for Fire Sprinkler System Fire Alarm, that start at \$60 to \$80.00 with additional fess for devices over 50 sprinkler heads or 10 fire alarm devices, at \$1.00 to \$1.50 per device. Fire Pumps, Commercial Kitchen Exhaust Hoods, Start at about \$60.00.**

**Fernandina Beach Fire Rescue charges Annual Fire Inspection fees (for facilities required to hold a license to operate): Annual Periodic & Mandated State Inspections (Group Homes, Daycares, counseling centers, restaurants, gas stations, etc.) \$50.00 up to 3,000 sqft. Then \$7.00 for every addition 1,000 sqft.**

**Fernandina Beach Fire Rescue also charge \$25.00 for Local Business Tax Receipt Inspections along with other Permit for operations/ Events/ and other service, such as; ISO Fire Insurance verification letters, bonfires, carnival and fairs,**

**Fireworks/ Temporary Sales, Tents canopies and membrane structures, and other required permits allowed by the Florida Fire Prevention Code. These permit fees range from \$10.00 to \$100.00.**

## **Clay County**

**Clay County Fire Rescue, charges for New Construction and systems such as Fire Alarms, Fire Sprinklers, Greases Hood, Paint Spray Booths, etc. The fees range from \$50.00 for up to 50,000 sqft and \$50.00/\$75.00 per system.**

**Annual Fire Safety Inspection at a rate \$50.00 for up to 100,000 sqft and \$100.00 for over 100,000 sqft. They charge \$50.00 for Daycares and Group homes and \$25.00 for Residential Foster Homes.**

**They also have a Miscellaneous Service Permit for Amusement Parks at \$100.00.**

## **OVERVIEW**

**As a overview of the municipalities contacted, must charge fee for New construction Plan review and Inspection, these fee range from \$50.00 to \$150.00 for the permit. The fee can go up based on square footage or the value of the construction project. Some charge a percentage of the Building permit. Most also charge a base permit fee for fire systems and may increase the fee based on devices installed.**

**Annual or periodic inspection must charge for required annual licensed facilities. These fees range between \$50.00 to 150.00.**

**Some jurisdictions don't charge for periodic inspection because they don't do them, or they don't do all of them within a year.**

**A few charges as little as \$ 25.00 and add it to the Local Business Tax Receipt each year.**

**The most charged for the annual inspection and Fire Safety Pre-inspection-Property is \$155.00 a year.**

**Note: a couple jurisdictions, do not charge for new construction plan review and inspection. Nor do they charge for any periodic inspections. The fee for the fire service come out of general fund.**

**Many of the jurisdictions do not conduct all of the periodic inspection, (as reflected in their Public Protection Class Rating).**

**For those jurisdictions with a class 1 ISO rating, part of the ISO rating would require that all of the commercial occupancies and required licensed facilities would be inspected annually.**



## Agenda Item #8B-Ord. No. 2020-15, Balloon Release

### CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

<b>AGENDA ITEM:</b>	<u>ORDINANCE NO. 2020-15, SECOND READ AND PUBLIC HEARING</u> , An Ordinance Of the City of Neptune Beach, Florida, Amending Chapter 11 of the Code of Ordinances, Garbage, Trash, and Industrial Waste, By Amending Section 11-2, Compliance Construed; Pollution of Air, Adopting New Subsection to Prohibit the Outdoor Release of Balloons and Sky Lanterns; and Providing an Effective Date.
<b>SUBMITTED BY:</b>	Mayor Elaine Brown
<b>DATE:</b>	December 28, 2020
<b>BACKGROUND:</b>	<p>Balloons and sky lanterns released into the atmosphere return to the Earth as litter. This poses a danger and nuisance to the environment and wildlife.</p> <p>The City of Atlantic Beach passed an ordinance prohibiting the release of balloons and sky lanterns on March 9, 2020.</p> <p>This proposed ordinance amends Section 11-2 of the Code of Ordinances by prohibiting the release of balloons and sky lanterns in Neptune Beach.</p> <p>The proposed ordinance was unanimously forwarded for first read at the November 16, 2020, Council workshop and passed unanimously on first read on December 7, 2020.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Consider Ordinance No. 2020-15, Prohibiting the release of balloons or sky lanterns
<b>ATTACHMENT:</b>	1. Ord. No. 2020-15, Balloon Release

**SPONSORED BY:**  
**MAYOR BROWN**



**ORDINANCE NO. 2020-15**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, GARBAGE, TRASH, AND INDUSTRIAL WASTE, BY AMENDING SECTION 11-2, COMPLIANCE CONSTRUED; POLLUTION OF AIR, ADOPTING NEW SUBSECTION TO PROHIBIT THE OUTDOOR RELEASE OF BALLOONS AND SKY LANTERNS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Neptune Beach, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and

**WHEREAS**, the City Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and

**WHEREAS**, these balloons, many of which land in rivers, streams, marshes and the ocean, represent one of the most common and destructive forms of floating garbage; and

**WHEREAS**, animals, such as sea turtles and other wildlife, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation or death; and

**WHEREAS**, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and

**WHEREAS**, the City Council of the City of Neptune Beach believes balloon and lantern releases should be prohibited in entirety to protect the air, land, and waters of the City; and

**WHEREAS**, the City Council wishes to prohibit the release of balloons and sky lanterns; and

**WHEREAS**, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:**

**SECTION 1.** Chapter 11-2, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 11-2. - Compliance construed; pollution of air.

- (a) It shall be unlawful for any person, housekeeper, storekeeper or the owner or occupant of any premises within the city limits, or their agents, servants or employees, to keep or offer for collection, garbage, refuse or industrial waste in any manner other than as provided in this chapter, or as provided in such rules and regulations as the city manager may prescribe under this chapter.
- (b) It shall be unlawful to keep or offer for collection any garbage, refuse or industrial waste in such manner as to render the air or soil impure or unwholesome, or in any such manner as to cause the premises or any premises adjacent thereto, to become littered or unsightly or dirty or unwholesome, or in any manner to violate the provisions of this chapter. It shall be unlawful for any person to leave any paper, glass, cans, food, fish, crab, cigarette butts, or other type of refuse upon the beach in the city.
- (c) It shall be unlawful for any person to intentionally release, organize the release of, or intentionally cause to be released one or more sky lanterns or balloons inflated with a gas that is lighter than air which includes but it not limited to, helium, with the exception of:
  - (1) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
  - (2) Balloons released indoors.
- (d) The following terms and phrases shall have the meanings given herein for purposes of this chapter 5. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

*Balloon* means a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with fluid, such as helium, hydrogen, nitrous oxide, oxygen, air or water and then sealed at the neck, usually used as a toy or decoration.

*Sky lantern* means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

**SECTION 2. Conflict.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

**SECTION 3. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 4. Effective Date.** This ordinance shall take effect upon final reading and approval.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7<sup>th</sup> day of December, 2020.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Lauren Key  
Councilor Josh Messinger

Passed on Second and Final Reading this \_\_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and content:

\_\_\_\_\_  
Zachary Roth, City Attorney



## Agenda Item # 8C, Ord. No. 2020-16, Parking Spaces

### CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

<b>AGENDA ITEM:</b>	ORDINANCE NO. 2020-16, SECOND READ AND <b>PUBLIC HEARING</b> An Ordinance of the City of Neptune Beach, Florida, Amending Chapter 22 of the Code of Ordinances, Traffic and Motor Vehicles, by Amending Section 22-48, Marking of Parking Spaces; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.
<b>SUBMITTED BY:</b>	Mobility Management Director Megan Steward
<b>DATE:</b>	December 28, 2020
<b>BACKGROUND:</b>	<p>Neptune Beach's current parking regulations do not address parking in perpendicular spaces. To properly utilize the license plate reader for the parking program, these spaces should be regulated.</p> <p>Ordinance No. 2020-16 amends Section 22-48 of the Code of Ordinances, Marking of Spaces.</p> <p>The ordinance was unanimously forwarded for first read at the November 16, 2020, Council workshop and passed unanimously on first read on December 7, 2020.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Consider Ordinance No. 2020-16, Marking of Parking Spaces
<b>ATTACHMENT:</b>	1. Ord. No. 2020-16, Parking Spaces



**SPONSORED BY:**

**VICE MAYOR JONES**



**ORDINANCE NO. 2020-16**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES, TRAFFIC AND MOTOR VEHICLES, BY AMENDING SECTION 22-48, MARKING OF PARKING SPACES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Neptune Beach, adopted Ordinance No. 2019-07, establishing controlled and metered parking within certain designated zones within the City; and

**WHEREAS**, Ordinance No. 2019-07 established Section 22-48, which authorizes the marking of parking spaces and regulates the manner of parking in parking spaces within the designated zones within the City; and

**WHEREAS**, Section 22-48(b) regulates parking in parallel and diagonal spaces, but fails to regulate parking in perpendicular spaces; and

**WHEREAS**, in enforcing the provisions of the Code regarding controlled and metered parking, the district parking operator utilizes equipment to read vehicle license plates from the traffic lane; and

**WHEREAS**, without regulation of parking in perpendicular spaces, the district parking operator is unable to properly implement the parking program described in the Code as the equipment is unable to read plates as intended; and

**WHEREAS**, parking requirements in parallel spaces are currently ambiguous in Section 22-48(b) and the City Council of the City of Neptune Beach also desires to clarify such requirements; and

**WHEREAS**, the City Council of the City of Neptune Beach finds that these revisions to the City of Neptune Beach's Code will preserve, promote, and protect the health, safety, and welfare of its citizens.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:**

**SECTION 1.** Chapter 22-48, of the Code of Ordinances of the City of Neptune Beach, Florida is hereby amended as follows:

Sec. 22-48. – Marking of parking spaces; manner of parking.

- (a) The city manager, if it is deemed necessary or appropriate in the interest of the proper regulation of traffic and parking, is authorized to clearly mark designated parking spaces by placing painted lines upon the city curbs and streets adjacent to parking meters. It shall be unlawful to park a vehicle across a line or marking so that the vehicle is not entirely within the area for parking designated by lines or markings.
- (b) When a vehicle, with the exception of motorcycles, is parked within a parking space in a controlled and/or metered parking zone, whether marked by lines or not, the manner of parking shall be as follows:
  - (i) When such space is parallel with or diagonal to the traffic lane adjacent curb, sidewalk or edge of pavement, a the vehicle, with the exception of motorcycles, shall be parked such that the right-hand wheels are parallel to the right-hand curb, sidewalk, or edge of pavement.
  - (ii) When such space is diagonal or perpendicular to the traffic lane, a vehicle shall be parked head-in and in the space so that the front of the vehicle is nearest to the adjacent curb, sidewalk, or edge of pavement and furthest from the traffic lane. parking meter, and

It shall be unlawful to park a vehicle in any such parking space in any other manner.

**SECTION 2. Conflict.** All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

**SECTION 3. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 4. Effective Date.** This ordinance shall take effect upon final reading and approval.

**VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7<sup>th</sup> day of December, 2020.

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Lauren Key  
Councilor Josh Messinger

Passed on Second and Final Reading this \_\_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and content:

\_\_\_\_\_  
Zachary Roth, City Attorney



## Agenda Item #8D, Ord. No. 2020-17, Golf Carts

### CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

<b>AGENDA ITEM:</b>	ORDINANCE NO. 2020-17, SECOND READ AND <b>PUBLIC HEARING</b> , An Ordinance Creating a New Article V (Golf Carts), Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code, Setting Forth Standards and Procedures for Approval and Designation of Public Rights-of-Way For Use By Golf Carts; Designating Parking Areas; Providing For Severability; Providing An Effective Date.
<b>SUBMITTED BY:</b>	Councilor Josh Messinger
<b>DATE:</b>	December 28, 2020
<b>BACKGROUND:</b>	<p>Florida Statutes Section 316.212 provides guidance to municipalities for the local regulation of golf carts and low-speed vehicles.</p> <p>Ordinance No. 2020-17 created a new Chapter 22, Article V, Sections 22-70--22-75, Golf Carts.</p> <p>The ordinance was discussed at the November 12, 2020, Land Use and Parks Committee and was unanimously forwarded for first read at the November 16, 2020, Council workshop. It passed unanimously on December 7, 2020 at first read.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Consider Ordinance No. 2020-17, Golf Carts
<b>ATTACHMENT:</b>	1. Ord. No. 2020-17, Golf Carts



INTRODUCED BY:

ORDINANCE NO. 2020-17

COUNCILOR JOSH MESSINGER

**A BILL TO BE ENTITLED**

**AN ORDINANCE CREATING A NEW ARTICLE V (GOLF CARTS), CHAPTER 22 (NEPTUNE BEACH TRAFFIC AND MOTOR VEHICLES CODE), ORDINANCE CODE, SETTING FORTH STANDARDS AND PROCEDURES FOR APPROVAL AND DESIGNATION OF PUBLIC RIGHTS OF WAY FOR USE BY GOLF CARTS; DESIGNATING PARKING AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida through F.S. § 316.212 has provided guidance to municipalities for the local regulation of golf carts, low-speed vehicles and utility vehicles; and

**WHEREAS**, the City of Jacksonville established through its ordinance 2018-266-E, a provision within their code regulations for the use of golf carts, low-speed vehicles and utility vehicles; and

**WHEREAS**, there continues to be a necessity in the City of Neptune Beach for regulations with respect to golf carts, low-speed vehicles and utility vehicles, on and through the streets and alleys within the City of Neptune Beach for the convenience of the citizens and visitors to the community, and to address traffic hazards and safety issues.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA:**

**Section 1: Creating a New Section 7 (Golf Carts), Article V, Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), Ordinance Code.** A new Section 7, Article V, Chapter 22 is hereby created to read as follows:

**Chapter 22. (Traffic and Motor Vehicles)**

\*\*\*

**Article V**

**Section 70. Golf Carts**

**Sec. 22 – 70 Findings.**

- (a) The Council finds that golf carts provide residents an alternative mode of transportation within communities and the beachfront, reducing vehicle emission and gasoline consumption and separate pathways for golf cart usage within public and private rights of way can provide connection between local roads so as to allow travel between residential, retail, workplace and recreational areas without the need to use an automobile.
- (b) As more residents seek alternatives to automobile use the Council finds that having uniform standards for designation of roads and streets for use by golf carts and operations of golf carts is necessary to protect the health, safety and general welfare of the public.
- (c) Section 316.212, Florida Statutes authorizes local governments to designate public municipal roads and streets for use by golf carts.

## **Sec. 22 – 71 Definitions**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates, or requires a different meaning:

- (a) “Alley” – Also known as alleyway, see, “Road.”
- (b) “All-Terrain Vehicle” Shall have the definitions provided in F.S. § 316.2074. As it now exists, that term means: any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons. For purposes of this section, “all-terrain vehicle,” also includes a, “two-rider ATV,” as defined in F.S. § 317.0003.
- (c) “Applicant” – Means a person or entity who is requesting that a road be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (d) “Application” – Means a request for a Road to be designated as either a Designated Road or a Prohibited Road, or for a sidewalk to be designated as a Golf Cart Path (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (e) “Authorized Utility Vehicle” – Means a Golf Cart or LSV of the Jacksonville Fire and Rescue Division, Jacksonville Sheriff’s Office Vehicles, Neptune Beach Police Department Vehicles, Neptune Beach Ocean Rescue Division, and Utility Vehicles of

other City Departments, public service corporations operated by private corporations, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Corrections as are designated or authorized by the City Manager.

- (f) “City” – Means the City of Neptune Beach, Florida.
- (g) “City Council” – Means the City Council for the City of Neptune Beach, Florida.
- (h) “City Engineer” – Means the official designated or recognized to be performing as a professional engineer for the City.
- (i) “Designated Road” – Means a Road, or portion thereof, that, consistent with this Section, has received approval from the City for the use of Golf Carts. Designated Road shall include roads currently in existence or Roads planned for construction (By default all Roads within the City of Neptune Beach are designated as approved for the use of Golf Carts, Low-Speed Vehicles, and Utility Vehicles).
- (j) “Driver’s License” – A valid, current license to operate a motor vehicle issued by the state of Florida, any other state within the United States; or for foreign visitors, a valid driver’s license from their country of residence.
- (k) “Financial Responsibility” – Liability insurance coverage on a golf cart, low-speed vehicle, or utility vehicle not less than required by Florida law for motor vehicles operated on public highways in the State of Florida.
- (l) “Golf Cart” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of (20) miles per hour.”
- (m) “Golf Cart Path” – Means a shared-use pathway which may be used by pedestrians, roller-bladers/skaters, runners, bicyclists, and golf carts (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles).
- (n) “Low-Speed Vehicle” – Also known as, “LSV,” Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: “Any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including but limited to neighborhood electric vehicles. LSVs must comply with the safety standards in 49 C.F.R. Section 571.500 and Section 316.2122, Florida Statutes.”

- (o) “Multi-Use Path” – Also known as, “Shared Path,” Means a paved or unpaved recreational trail, bicycle path or sidewalk, maintained by the City of Neptune Beach within and without city road rights of way, on public or private property, intended for and open to the use of the public for travel and recreational activities; Multi-Use Paths are not part of the, “County Road System,” as defined in Chapter 336, Florida Statutes.
- (p) “Prohibited Road” – Means a Road, or portion thereof, on which, consistent with this Section, the City has specifically prohibited the use of Golf Carts or LSVs. However, all roads under the jurisdiction of the City of Neptune Beach shall allow Golf Carts unless expressly prohibited by this Chapter, or pursuant to previous ordinances.
- (q) “Road” – Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: the entire width between boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; also known as: street, highway, or alley. This term includes associated sidewalks (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and utility vehicles), the roadbed, the rights of way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.
- (r) “Operate” – To ride in or on and control the operation with actual physical control of a golf cart, low-speed vehicle, or utility vehicle.
- (s) “Operator” – Only persons over (16) years of age, and holding valid, current driver’s license may operate a golf cart, low-speed vehicle, or utility vehicle on a street, highway or in the public right of way.
- (t) “Off-Road Vehicle” – A motor-driven vehicle capable of cross-country travel: without benefit of a road or trail; and on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. The term includes, but is not limited to the following: A multi-wheel drive, or low-pressure tire vehicle; an amphibious machine; a ground effect air cushion vehicle; Swamp Buggy; and other means of transportation deriving motive power from a source other than muscle, or wind. The term does not include, but is not limited to the following: A farm vehicle being used for farming; a vehicle used for military, law enforcement, or other purposes related to good governance by City employees; a construction, mining, or other industrial-related vehicle used in performance of the vehicle’s common functions; a registered aircraft; and other vehicle properly registered by the Florida Highway Safety and Motor Vehicles; or any water craft that is registered under state statutes.
- (u) “Sidewalk” – Means a paved area intended primarily for use by pedestrians (By default all sidewalks and pathways are restricted from use by golf carts, low-speed vehicles and



utility vehicles); that portion of a street between the curb line, or the lateral line of a roadway and the adjacent property lines, intended for use by pedestrians; F.S. §316.003 (47).

(v) "Highway" – See, "Road."

(w) "Street" – See, "Road."

(x) "Utility Vehicle" - Shall have the definitions provided in F.S. § 320.01. As it now exists, that term means: a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in F.S. § 316.2074.

## **Sec. 22 – 72 Designation Procedures.**

The following procedures shall be utilized in designating any portion of any Road as a Designated Road or Prohibited Road or any portion of a Sidewalk as a Golf Cart Path:

- (a) For additional clarity all Roads under the jurisdiction of the City of Neptune Beach are, by default, Designated Roads for golf carts, low-speed vehicles and utility vehicles.
- (b) For additional clarity all sidewalks under the jurisdiction of the City of Neptune Beach are, by default, are restricted from use by golf carts, low-speed vehicles and utility vehicles.
- (c) Upon receipt of an Application, the City Engineer shall, as may be applicable, conduct a study, review any study provided by an Applicant, or review the proposed construction plans, if the Application has been submitted during the development review. The City Engineer shall review the Application in accordance with best practices within the industry and with local, state and federal design standards and guidelines and shall make a recommendation of the following as may be applicable:
  - (1) In the case of a proposed Designated Road, whether Golf Carts may travel on or across the proposed Designated Road, considering factors including the speed, volume, and character of motor vehicle traffic using said road or street, provided that, in no event shall an Application for a proposed Designated Road be granted unless the posted speed limit is (30) miles per hour or less. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
  - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (2) In the case of a proposed Prohibited Road, whether it is necessary in the interest of public safety to prohibit the operation of golf carts, LSVs, or utility vehicles on the proposed Prohibited Road. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
  - i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
  - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (3) In the case of a proposed conversion of an existing Sidewalk into a Golf Cart Path or construction of a Golf Cart Path where no sidewalk and/or Road currently exists, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in the surrounding community, the character of the surrounding community and the location of proposed and/or existing authorized Golf Cart crossing(s), and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. Any Golf Cart Path shall have a minimum of fourteen (14) feet of clear width with pavement width of at least (12) feet, measured from the centerline of the clear width. The City Engineer may approve a deviation of both the required width and required pavement width based on topographic conditions but may not approve a proposed Golf Cart Path with less than (8) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.

- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
    - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (4) In the case of a proposed conversion into a Golf Cart Path of an existing or planned Multi-use Path that was installed in lieu of a requirement for both a bike lane and a sidewalk, said conversion will only be allowed if an additional four feet of pavement width and overall clear width is provided (16' of pavement width and 18' of clear width). Additionally, the City Engineer shall consider, as applicable, the current or proposed conditions for non-vehicular traffic in surrounding community, the character of the surrounding community and the location of the proposed and/or existing authorized Golf Cart or Multi-Use Path crossings, and whether Golf Carts, bicycles and pedestrians may safely share the proposed Golf Cart Path. The City Engineer may recommend approval of a deviation of both the required clear width and required pavement width based on topographic conditions, but may not approve a proposed Golf Cart Path in this instance with less than (12) feet of pavement width. Upon completion of the review, the City Engineer shall either recommend denial or approval of the Application to the Community Development Director and City Manager.
- i. The Community Development Director shall review the recommendation of the City Engineer and consider the effect that the application has on the City's Comprehensive Plan and Vision. Upon completion of the review, the Community Development Director shall either recommend denial or approval of the Application to the City Manager.
    - ii. The City Manager, or designee, shall review the recommendations from the City Engineer and Community Development Director and shall deny or approve the application.
- (d) In the event the City Engineer recommends denial of the Application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the denial; a copy of which will be given to the Applicant.
- (1) The City Manager may approve or deny the Application based on the recommendations of the City Engineer and/or Community Development Director.

- (2) In the event that the City Manager denies the Application, the City Manager will provide the Applicant with the denial and any written findings of fact produced by the City Engineer and/or Community Development Director. The Applicant may appeal the denial of the City Manager by filing a written notice of appeal with the City Clerk within (30) days after receipt of the written findings of fact. The appeal shall be heard by the Community Development Board and either the decision by the City Manager shall be affirmed or overruled.
- (e) In the event the City Engineer recommends approval of the application, the City Engineer shall provide the Community Development Director and City Manager with written findings of fact in support of the approval. Upon approval of the Application by the City Manager, the Applicant shall install, or shall cause to be installed, appropriate signs and/or pavement markings to indicate where and that such vehicle use is allowed or prohibited, as may be applicable. All signage and pavement markings shall comply with the standards of the *Manual on Uniform Traffic Control Devices* issued by the *Federal Highway Administration*; and as may be required by the Neptune Beach Code of Ordinances, or Vision Plan; and with any permitting requirements for such signs. At a minimum, signs shall be located at entry points into the development, and on the Roads and Golf Cart Paths. The signs shall be of a design approved through the application process. The Applicant or designee shall pay in full for all costs and expenses associated with the installation of such signage and/or pavement markings. Failure to repair or replace a damaged or missing sign shall cause a Road to lose its designation.
- (f) Communities that own and maintain their own road system (i.e. private communities, Home Owners Associations, community development districts, special districts) may apply pursuant to this Section for the community-owned roads or sidewalks, or any portion thereof, to be designated for Golf Cart use, or for the use of LSVs to be prohibited upon the community-owned roads, or any portion thereof, and for enforcement of the provisions of this Section, if said community has entered into a traffic enforcement agreement with the City of Neptune Beach Police Department. The cost of any and all signage and/or pavement markings required shall be the sole responsibility of the community. Nothing in this Section shall be construed to convey to the City any ownership or maintenance responsibility of the community-owned roads or sidewalks.

## **Sec. 22 – 73 Operation of Golf Cart, LSV, Utility Vehicles and Equipment**

The operation of a golf cart, low-speed vehicle, or utility vehicle on a road under the jurisdiction of the City of Neptune Beach is strictly prohibited unless the golf cart, low-speed vehicle, or utility vehicle is operated, and equipped in full compliance with this ordinance.

### **(a) DUTY OF CARE**

- (1) No Golf Cart, LSV, or Utility Vehicle shall be operated in a reckless or careless manner. The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.

(b) REGISTRATION REQUIREMENT

- (1) All golf carts, LSVs and Utility Vehicles, including, but not limited to swamp buggies, must be registered with Florida Highway Safety and Motor Vehicles; and must be plated.
- (2) All LSVs and Utility Vehicles must be registered and insured in accordance with F.S. § 302.02, and titled pursuant to Chapter 319, Florida Statutes.

(c) AUTHORIZED OPERATOR

- (1) Only persons over sixteen (16) years of age and holding a valid, current driver's license may operate a golf cart, LSV, or Utility Vehicle on any street, highway or in a public right of way.

(d) FINANCIAL RESPONSIBILITY PROOF

- (1) The operator of a golf cart, LSV, or Utility Vehicle must be able to produce proof of financial responsibility when asked by a City Official while operating a golf cart, LSV, or Utility Vehicle.
- (2) Written proof of financial responsibility must be available either on the golf cart/off road vehicle, or carried by the operator at all times.

(e) TIME OF ALLOWABLE OPERATION AND EQUIPMENT REQUIREMENTS

- (1) Golf carts, LSVs, and Utility Vehicles shall not be operated on Roads under the jurisdiction of the City of Neptune Beach during one-half hour after sunset to one-half hour before sunrise; unless
  - i. The golf cart or off-road vehicle is equipped with two operating headlights (one on each side of the front of the golf cart, LSV or utility vehicle), two operating red tail lights with red brake lights (one on each side of the rear of the golf cart, LSV, or utility vehicle) which are visible from a distance of five hundred (500) feet, and four operating amber turn signals (one on each side of the front, and rear of the golf cart, LSV or utility vehicle) which are visible from a distance of five hundred (500) feet.

- ii. No person who does not hold a valid driver license and is under (17) years of age may operate a Golf Cart upon a Designated Road or Golf Cart Path after 11PM and before 6AM.
- (2) All Golf Carts, LSVs, and Utility Vehicles must be equipped with at least one side-mounted rear-view mirror on the left side of the vehicle.
- (3) All Golf Carts, LSVs, and Utility Vehicles must be equipped with a windshield.
- (4) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror (inside the operator's cab), and red reflectorized warning devices in both the front and rear.
- (5) A Golf Cart operating on a Designated Road or Golf Cart Path must be equipped with a horn or other warning device as required by F.S. § 316.271.
- (6) All LSVs, and Utility Vehicles must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors (inside the operator's cab), windshields, seat belts, and vehicle identification numbers.
- (7) All Golf Carts, LSVs, or Utility Vehicles that is not under ordinary circumstances moved, operated, or driven at a speed greater than twenty-five (25) miles per hour must display on the back of the vehicle a, "slow-moving vehicle" emblem.
- (8) The City, or any other state or local agency operating under an interlocal, or mutual aid agreement may use Golf Carts, LSVs, and Utility Vehicles upon any Road or Sidewalk in accordance with F.S. § 316.2126; and F.S. § 316.21265.

(f) VARIANCES

- (1) In the event that a person cannot meet any of the criteria for equipment, that person may make a written request with the Community Development Board for an exception to the provisions of this Ordinance.
  - i. Such written requests shall set forth the item, or items that cannot be met by said person, and the reasons for that, and shall state why the Community Development Board should allow an exception to any of the terms and provisions of this Ordinance.
- (2) The Community Development Board shall have the authority to grant, or deny any such exceptions following the receipt of such a written request, and the appearance of the person making such request at a Community Development

Meeting, by establishing in writing the reasons for the granting, or denying of the exception(s) so requested.

(g) PLACE OF OPERATION

- (1) By default, all Golf carts, LSVs, and Utility Vehicles may be operated on Town streets if the equipment complies with other provisions of this code.
- (2) In general, Golf carts, LSVs, and Utility Vehicles may not be operated along 3<sup>rd</sup> Street (A-1-A), or any other state or federal highway except to cross said highways at a ninety (90) degree angle; or as may be allowed under F.S. § 316.212.
- (3) By default, Golf carts, LSVs, or Utility Vehicles are not to be driven, or parked on public sidewalks.
- (4) No golf cart, or off-road vehicle shall be allowed to operate in any area designated as a park without the prior approval of the Director of Public Works; vehicles operated by City employees for the purposes of carrying out related job-duties for the good operation of the City are exempted from this restriction.

(h) OCCUPANTS

- (1) The number of occupants in a golf cart, or off-road vehicle shall be limited to the number of persons for whom factory seating is installed, and provided on the Golf Cart, LSV, or Utility Vehicle.
- (2) The operator and all occupants shall be seated in the Golf Cart, LSV, or Utility Vehicle and no part of the body of the operator or occupant shall extend outside the perimeter of the Golf Cart, LSV, or Utility Vehicle while in operation.
- (3) Children under (3) years old are not to be passengers on Golf Carts, LSVs, or Utility Vehicles on public streets, alleys, or roads in the City of Neptune Beach.

(i) TRAFFIC RULES; ENFORCEMENT; AND PENALTIES

- (1) The Florida Uniform Traffic Control Law, F.S. § 316, shall apply where applicable, as per Florida Law.
- (2) The operator of the Golf Cart, LSV, or Utility Vehicle shall comply with all traffic rules and regulations adopted by the State of Florida, and the City of Neptune Beach which govern the operation of motor vehicles.

- (3) The Neptune Beach Police Department is authorized to stop persons whom are reasonably suspected to be in violation of the provisions of this section and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this Section.
- (4) The Neptune Beach Police Department, upon finding a person suspected to be in violation of this Section shall allow the person an opportunity to explain why he or she is not in violation of this ordinance. If a person is in violation of the ordinance, the Neptune Beach Police Department shall ascertain the name and address of the person, warn the person that he or she is in violation of the ordinance, and if there is any doubt about the will or capacity of the person to return safely to their home or usual place of abode, the Neptune Beach Police Department may take the person immediately to their home or usual place of abode.
- (5) Any person who violates this Section shall receive a written warning for his or her first violation.
- i. Violations of this Section that are not subject to penalties of F.S. § 316; and after first receiving a written warning, are hereby declared to be civil infractions for which the following penalties shall be assessed and paid in the following amounts:
    - 1. First Offense           \$50.00
    - 2. Second Offense       \$75.00
    - 3. Third Offense         \$100.00
  - ii. If a person fails to pay the civil fine within the time prescribed on the citation or fails to obtain a court date, or having obtained a court date, fails to appear in court to contest the citation, the person shall be deemed to have waived the right to contest the citation. In such case, final judgement may be entered against the person in the maximum civil fine allowed, which shall be payable within sixty (60) days from the date of execution of the final judgment. Alternatively, the court may issue an order to show cause, requiring the person to appear before the court to explain why action on this citation has not been taken. If any person who is issued such an order fails to appear in response to the court's directive that person may be held in contempt of court in addition to having to pay the civil fine, court costs and restitution, as applicable.



- iii. The enforcement provisions of this Section are supplemental in nature and are not intended to prohibit the City from seeking any remedy available at law or equity.

## **Sec. 22 – 74 Severability**

If any section, sentence, clause, phrase, or word of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to be the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein.

## **Sec. 22 – 75 Effective**

This ordinance shall be in full-force and effect from, and after its passage and publication as required by law.

The provision of all other ordinances in conflict with the provisions hereto are no further in force, or effect, and are hereby repealed.

## **VOTE RESULTS OF FIRST PUBLIC HEARING AND READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7<sup>th</sup> day of December, 2020.

## **VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Lauren Key  
Councilor Josh Messinger

Passed on Second and Final Reading this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and contents:

\_\_\_\_\_  
Zachary R. Roth, City Attorney



## Agenda Item #8E, Ord. No. 2020-18, E-Scooters

### CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

<b>AGENDA ITEM:</b>	ORDINANCE NO. 2020-18, SECOND READ AND <b>PUBLIC HEARING</b> , An Ordinance by the City Council of the City of Neptune Beach, Creating a Section 22-7, Article I, In General, Chapter 22, Traffic and Motor Vehicles; Instituting a Temporary Moratorium on the Commercial Rental and Lease, and Use of Rented and Leased, Electric Personal Assistive Mobility Devices, Micromobility Devices and Motorized Scooters; Providing for Legislative Findings, Designation of the Temporary Moratorium, Conflicting Ordinances, Severability, Enforcement, and an Effective Date.
<b>SUBMITTED BY:</b>	Mayor Elaine Brown
<b>DATE:</b>	December 28, 2020
<b>BACKGROUND:</b>	<p>This ordinance places a temporary moratorium on eScooter rentals to allow time for an ordinance to be put in place to regulate their use in Neptune Beach. Jacksonville Beach and Atlantic Beach are passing similar legislation.</p> <p>This was approved on first read on December 7, 2020.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Consider Ordinance No. 2020-18, Temporary Moratorium on eScooter Rentals
<b>ATTACHMENT:</b>	1. Ord. No. 2020-18, E-Scooters

**SPONSORED BY:**

**MAYOR BROWN**



**ORDINANCE NO. 2020-18**

**ORDINANCE NO. 2020-18**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEPTUNE BEACH, CREATING A SECTION 22-7, ARTICLE I, IN GENERAL, CHAPTER 22, TRAFFIC AND MOTOR VEHICLES; INSTITUTING A TEMPORARY MORATORIUM ON THE COMMERCIAL RENTAL AND LEASE, AND USE OF RENTED AND LEASED, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES AND MOTORIZED SCOOTERS; PROVIDING FOR LEGISLATIVE FINDINGS, DESIGNATION OF THE TEMPORARY MORATORIUM, CONFLICTING ORDINANCES, SEVERABILITY, ENFORCEMENT, AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution and Section 166.021, Florida Statutes, provides that municipalities have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

**WHEREAS**, pursuant to the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and

**WHEREAS**, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in further thereof, including its policing and regulatory powers; and

**WHEREAS**, the City of Neptune Beach ("City") is experiencing the unusual presence and increasing use of commercially rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the downtown area of the City; and

**WHEREAS**, Section 316.003(23), Florida Statutes, defines an electric personal assistive mobility device as any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour, and electric personal assistive mobility devices are not vehicles as defined in this section; and

**WHEREAS**, Section 316.003(39), Florida Statutes, defines a micromobility device as any motorized transportation device made available for private use by reservation through an

online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground, and the term includes motorized scooters and bicycles; and

**WHEREAS**, Section 316.003(46), Florida Statutes, defines a motorized scooter as any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground, and the term does not include an electric bicycle; and

**WHEREAS**, City staff and City law enforcement officers have observed users of electric personal assistive mobility devices, micromobility devices, and motorized scooters riding in an unsafe manner, riding on sidewalks and park areas, failing to observe traffic control devices, and neglecting to stop at intersections with stop signs, failing to yield to pedestrians, and other dangerous maneuvers that have put people at risk; and

**WHEREAS**, local commercial vendors who rent these devices and scooters have advised police department officials that although they were not prepared for the immense popularity of these devices and scooters, they intend to obtain more such devices and increase rentals at hotels and store fronts throughout the City; and

**WHEREAS**, there appears to be no organized management or control of the devices and scooters that are being used in the City and that are being left in areas throughout the City when the user discontinues use; and

**WHEREAS**, with this sudden occurrence of the large number of devices and scooters, and their rampant uncontrolled use, the City has found it necessary to issue this ordinance concerning this emergent special condition in the interest of public health, safety, and welfare and for protection of the users of the devices and scooters; and

**WHEREAS**, Section 316.008(1)(t), Florida Statutes, authorizes local authorities to reasonably exercise their police powers to adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

**WHEREAS**, Section 316.2068(5), Florida Statutes, authorizes a municipality to regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the municipality determines that regulation is necessary in the interest of safety; and

**WHEREAS**, Section 316.2128(1), Florida Statutes, provides that a local government through the exercise of its powers under Section 316.008, Florida Statutes, may regulate and govern the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

**WHEREAS**, the existing situation regarding such devices creates a danger to person and property within the City that must be addressed expeditiously to protect the residents and

businesses of the City; and

**WHEREAS**, allowing such matters to remain unregulated will result in damage to property and potential loss of life which requires immediate attention; and

**WHEREAS**, pursuant to the above cited laws the City also has the authority to impose a moratorium and pause the abounding expansion of rentals until such time as appropriate regulations are in place for the public health, safety and welfare; and

**WHEREAS**, City staff and the City police department are to continue researching and working on permanent solutions to these emergent special conditions during the temporary moratorium imposed by this Ordinance, including but not limited to permitting and licensing regulations, zoning regulations, police powers regulations, traffic safety, and public safety; and

**WHEREAS**, during the temporary moratorium imposed by this Ordinance, the City Council desires an opportunity to hear input from local residents, businesses, and City departments to better prepare and take any steps necessary for the adoption and implementation of permanent regulations to address these emerging matters; and

**WHEREAS**, it is not the purpose or intent of this Ordinance to restrict or deny the use of personally owned electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City, if they are operated consistent with Florida Law and City Code; and

**WHEREAS**, it is not the purpose or intent of this Ordinance to adversely affect the local businesses that lawfully engage in the business or intend to lawfully engage in the business of leasing or renting electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

**WHEREAS**, the City intends to effectively determine the best approach to permit and govern the leasing and renting business and use of electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City; and

**WHEREAS**, the City finds a legitimate public purpose and it is in the best interests of the public health, safety, and welfare to impose a temporary moratorium on the commercial leasing and rental and use of commercially rented or leased electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City until such time as appropriate City regulations are in place.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF NEPTUNE BEACH, FLORIDA:

#### **SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.**

The above recitals and legislative findings are ratified and made a part of this Ordinance.

**SECTION 2. Creating a New Section 22- 7 (Temporary Moratorium), Article I, Chapter 22 (Traffic and Motor Vehicles), Ordinance Code.** A new Section 22-7, Article I, Chapter 22 is hereby created to read as follows:

**TEMPORARY MORATORIUM.**

A temporary moratorium is imposed on the commercial leasing and renting and use of commercially leased or rented electric personal assistive mobility devices, micromobility devices, and motorized scooters in the City. While this temporary moratorium is in effect, the City shall not authorize, allow, accept, process, or approve any application relating to the operation or commercial leasing and renting of these devices and scooters. This moratorium applies to any business that operates out of a hotel, motel, store, vendor stand, and any other local business location in the City, and to any online business operation that makes these devices and scooters locally available in the City. Nothing in this Ordinance shall be construed as a limit on the lawful use of the private ownership of these devices and scooters. Those individuals that use their privately owned devices and scooters are required to follow all Florida Laws and City Ordinances relating to these devices and scooters. This moratorium is imposed pursuant to the City's police and regulatory powers to protect the public health, safety, and welfare of the community at large and shall remain in effect until such time as repealed by the City Council as part of adoption of permanent regulations. The moratorium imposed by this Ordinance shall remain in effect for a period of 12 months from its effective date or until it is repealed by the City Council as part of its adoption of permanent regulations, whichever is sooner.

**SECTION 3. CONFLICTING ORDINANCES.**

That all ordinances or parts of ordinances in conflict with this Ordinance or parts thereof previously adopted or entered by the City in conflict with this Ordinance are temporary suspended to the extent inconsistent herewith and until a future ordinance is permanently addresses the subject matter.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

**SECTION 5. ENFORCEMENT.**

The City's code enforcement officer, law enforcement officers, or any other person authorized to enforce ordinances in the City, may enforce the provisions of this Ordinance. Any enforcement action or legal remedy available under controlling state law, including but not limited to, prosecution as a misdemeanor with a fine not exceeding \$500.00 per violation, may be imposed as a penalty against the business and/or individual violator.

Nothing contained herein shall prevent the City from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including but not limited to:

- a. Code enforcement action pursuant to City of Neptune Beach Ordinances against a business and/or individual;
- b. Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction against a business and/or individual;
- c. Initiating an action against a business and/or individual to recover any and all damages that may result from a violation of, or a refusal to comply with, any part of this Ordinance; or
- d. Utilizing any other action or enforcement method allowable by law.

#### **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon approval.

#### **VOTE RESULTS OF FIRST READING:**

Mayor Elaine Brown	YES
Vice Mayor Fred Jones	YES
Councilor Kerry Chin	YES
Councilor Lauren Key	YES
Councilor Josh Messinger	YES

Passed on First Reading this 7<sup>th</sup> day of December, 2020.

#### **VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Elaine Brown  
Vice Mayor Fred Jones  
Councilor Kerry Chin  
Councilor Lauren Key  
Councilor Josh Messinger

Passed on Second and Final Reading this \_\_\_\_\_ day of January, 2021.

\_\_\_\_\_  
Elaine Brown, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk



Approved as to form and content:

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Zachary Roth, City Attorney



## Agenda Item # 10A, Res. No. 2021-01, PORF Board Appt.

### CITY OF NEPTUNE BEACH CITY COUNCIL MEETING STAFF REPORT

<b>AGENDA ITEM:</b>	<u>RESOLUTION NO. 2021-01</u> , A Resolution Appointing a Fifth Member to the Police Officers' Retirement Fund Board
<b>SUBMITTED BY:</b>	Neptune Beach PORF Board
<b>DATE:</b>	December 28, 2020
<b>BACKGROUND:</b>	<ul style="list-style-type: none"><li>• The board shall consist of five (5) trustees, two (2) of whom, unless otherwise prohibited by law, shall be legal residents of the city, who shall be appointed by the Neptune Beach City Council, and two (2) of whom shall be members of the system, who shall be elected by a majority of the police officers who are members of the system. The fifth trustee shall be chosen by a majority of the previous four (4) trustees as provided for herein, and such person's name shall be submitted to the city council. Upon receipt of the fifth person's name, the city council shall, as a ministerial duty, appoint such person to the board as its fifth trustee.</li><li>• Hunter Livingston was appointed as the fifth member on September 4, 2018. He did not wish to be reappointed.</li><li>• After advertising for the vacancy, Leona Sheddin was appointed as the fifth member by the PORF Board on December 15, 2020.</li></ul>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	Consider Resolution No. 2021-01, Appointing Leona Sheddin as the fifth member of the Neptune Beach Police Officers' Retirement Board for a term of two years
<b>ATTACHMENT:</b>	1. Resolution 2021-01, L. Sheddin, PORF



**RESOLUTION NO. 2021-01**

**A RESOLUTION APPOINTING A FIFTH MEMBER  
TO THE POLICE OFFICERS' RETIREMENT FUND BOARD**

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**RESOLVED**, the City Council of the City of Neptune Beach, Florida, hereby confirms the following board appointment:

**POLICE OFFICERS' RETIREMENT BOARD**

Member	Type	Term	Begins	Ends
Leona Sheddan	Appointed by Board	Two Years	01/04/2021	01/04/2023

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 19<sup>th</sup> day of January, 2021

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Elaine Brown, Mayor

ATTEST:

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Catherine Ponson, CMC  
City Clerk



# CITY OF NEPTUNE BEACH

## Board Membership Application

Name: <u>LEONA P. Sheddan</u>		
Address: <u>2010 Shadow Lane NEPTUNE BCH FL 33566</u>		
Mobile Phone: <u>904.866.3865</u>	Work Phone:	
Email address: <u>lsheddan@aol.com</u>		
Occupation: <u>RETIRED</u>	Place of Employment:	
How long have you lived in the City?		
Education	Major	Did you graduate?
High School: <u>ENGLEWOOD HIGH SCHOOL</u>		<u>YES</u>
College: <u>FCCJ</u>	<u>FINANCE</u>	<u>AA</u>
<u>NORTHWESTER UNIV. A.B. FINANCE YES</u>		
What are your hobbies and interests? <u>RESCUING ANIMALS</u>		
<u>LOCAL POLITICS ENTERTAINING</u>		
Which Board do you desire to serve on? (see back for description)		
<input type="checkbox"/>	Community Development Board	
<input checked="" type="checkbox"/>	Police Retirement Fund Board	
Please explain what qualifications, employment or volunteer, you possess that is relevant to this board.		
<u>SEE ATTACHED</u>		
Provide a brief explanation of your interest in being appointed to this board.		
<u>SEE ATTACHED</u>		
Are you available one night per month? <u>YES</u>		
<u>YES</u>		
Are you a registered voter?		
Signature: <u>Leona P. Sheddan</u>		Date: <u>9/23/20</u>

## **City of Neptune Beach Board Membership Application**

**Explain qualifications, employment or volunteer, you possess relevant to this board.**

**My educational background is in Finance**

**1968-1988.**

**Vice President, Florida National Bank of Jacksonville, Retail Banking Division and Vice President & Mgr, Florida National Banks of Florida, Statewide Credit Card Division managed 400 employees.**

**1988-1995**

**Executive Director Greater Jacksonville Kingfish Tournament managing 1000 boat tournament and 1000 volunteers with a multimillion dollar budget.**

**1997-2007**

**Chmn.of Board and Executive Director of the Jericho School for Children with Autism managing multimillion dollar budget.**

**1995-2007**

**Chairman and Board member of the Jacksonville Humane Society**

**2007-2011**

**Executive Director of the Jacksonville Humane Society managing 85 employees and a multimillion dollar budget and working closely with the City of Jacksonville's ACPS.**

**In each of my last three (3) jobs with non-profits I came in to restructure and develop a sustainable business plan for each entity which was in difficult financial circumstances. They all continue to thrive today!**

**I feel my skill set in finance and business is extremely applicable to the NB Police Pension Board and my knowledge of law enforcement through my husband, John Shedd's service and retirement from the Jacksonville Sheriff's Office and retirement from the Federal Law Enforcement Training Center in Brunswick, GA.**