



AGENDA
Special and Workshop City Council Meeting
Monday, November 16, 2020, 5:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. COMMUNITY RESILIENCE PLANNING PRESENTATION FROM THE UNIVERSITY OF FLORIDA
3. COMMENTS FROM THE PUBLIC
4. ADJOURN

WORKSHOP CITY COUNCIL MEETING
6:00 P.M.

1. CALL TO ORDER / ROLL CALL
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST / NONE
3. DEPARTMENTAL SCORE CARD **p. 3**
4. COMMITTEE REPORTS
 - A. Finance, Boards and Charter Review
 - B. Land Use and Parks
 - C. Strategic Planning and Visioning
 - D. Transportation and Public Safety
5. PUBLIC COMMENTS
6. PROPOSED ORDINANCES
 - A. PROPOSED ORDINANCE NO. 2020-, An Ordinance Amending and Restating Chapter 2 (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. 10**
 - B. PROPOSED ORDINANCE NO. 2020-, 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. 35**

- C. PROPOSED ORDINANCE NO. 2020-, 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. 39**

- D. PROPOSED ORDINANCE NO. 2020-, 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. 43**

- 7. CONTRACTS / AGREEMENTS / NONE

- 8. ISSUE DEVELOPMENT
 - A. Banking Services RFP Recommendation Discussion **p. 58**

 - B. Resolution No. 2020-09, A Resolution Appointing Member to the Community Development Board **p. 59**

- 9. PUBLIC COMMENTS

- 10. COUNCIL COMMENTS

- 11. ADJOURN

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**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 11/16/2020)**

Workshop Agenda Item #3

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
CITY MANAGER'S OFFICE					
Waste Pro Liquidated Damages	Monitoring resident trash collection complaints on a monthly basis.	N/A	N/A	N/A	On-going
FINANCE DEPARTMENT					
Fiscal Year 2019 Audit	Auditor's requested financial data. Preparing requested documentation and sending it to auditors.				COMPLETED
FEMA Disaster Relief Request	Preparing spreadsheet to support administrative expenditures for Hurricane Irma.				COMPLETED
FEMA Disaster Relief Request	Preparing documentation to be submitted for Hurricane Dorian. FEMA opened disaster relief portal.				12/31/20
New Banking Services	Distribution of Requests for Proposals		10/12/2020	Completed	10/12/2020
Actuarial Report	Submit Police Pension Data to Actuary.		10/19/2020	Past due	
2021 City of Neptune Beach Budget Book	Compile and Post 2021 Budget Book within 30 days of Budget Adoption to City Website.		10/21/2020	Completed	11/03/2020
New Banking Services	Voluntary pre-proposal conference with Financial Institutions.		10/21/2020	Completed	10/21/2020
New Banking Services	Evaluate and Recommend Financial Institutions for Banking Services.		11/13/2020	In progress	
2021 Budget Vs Actual October 2021 Monthly Report	Compile 2021 Budget Vs Actual October 2021 Monthly Report.		11/16/2020	In progress	
Tyler Technologies Financial Software Replacement	Update & Submit City's 1,600 general ledger accounts to conform with Florida Uniform Chart of Accounts to include project codes.		11/17/2020	In progress	
2020 Budget Vs Actual Annual report	Compile 2020 Budget Vs Actual Annual report and submit revised 2020 Budget to State of Florida.		On-going through Audit Fieldwork	In progress	
Vacancy	Advertise Externally and Internally for Payroll Accountant Position.		12/18/2020	In progress	
Fiscal Year 2020 Audit	Auditor's requested financial data. Preparing requested documentation and sending it to auditors.		12/31/2020	In progress	
PLANNING AND COMMUNITY DEVELOPMENT					
Code Enforcement (see attached for October 2020)	In progress	N/A	ongoing	11/10/2020	On-going
Building Department Activity (see attached report for October 2020)	In progress	N/A	ongoing	11/10/2020	On-going
City Council Meeting: Ordinance 2020-11 Microblading	2nd Reading	N/A	11/4/2020	11/10/2020	Dec-20
City Council Meeting: Lease Agreement for Jax Surf and Paddle, 241 Atlantic BLVD, STE 102	Awaiting Applicant response	N/A	N/A	11/10/2020	Oct-20
City Council Meeting: Variance: V20-01 540-580 Atlantic Boulevard	anticipated 12/07/20 city council meeting	N/A	N/A	11/10/2020	Dec-20
City Council Meeting: Development Agreement: 540-580 Atlantic Boulevard	anticipated 12/07/20 city council meeting	N/A	N/A	11/10/2020	Dec-20
City Council Workshop: Brewhound Lease Agreement	Awaiting applicant response	N/A	N/A	11/10/2020	Nov-20

**CITY OF NEPTUNE BEACH
DEPARTMENTAL SCORE CARD
(REVISED 11/16/2020)**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
PLANNING AND COMMUNITY DEVELOPMENT					
CRA Creation and Implementation	research and networking	N/A	N/A	11/10/2020	Oct-20
Cannabis, CBD, and hemp sales restrictions	research and discussion	N/A	N/A	11/10/2020	Jan-21
Pylon sign Ordinance	research and discussion	N/A	N/A	11/10/2020	Jan-21
Dover, Kohl, and Partners: Survey Responses	pre-launch and approval	Contract	ongoing	11/10/2020	Dec-20
Dover, Kohl, and Partners: Phases II and III Workshop	TBD pending survey results and approvals	Contract	ongoing	11/10/2020	Jan-21
POLICE DEPARTMENT					
DOJ JAG grant #2017-JAGD-1741 and DOJ JAG grant #2018- JAGD	Funds from both DOJ Jag Grants should be available soon.	Fiftyseven thousand dollars	2020	Waiting for funds to be available, upon approval of the grant	Equipment upgrades and training equipment will be purchased as needed with approval from the City Manager.
School Safety Liaison Program	The School Safety Liaison Program has started up at Fletcher Senior High, Neptune Beach Elementary and Beaches Chapel K-12.	No cost, all officers involved are on duty during this program	February 21st, 2014	This program will continue through school year 2020-2021.	The School Safety Liaison Program has started with the reopening of schools.
Events scheduled for Fall of 2020.	A City Food Drive with Mayor Brown has been planned. We have partnered with Farm Share, Beaches Chapel and Community First Credit Union to hold a Food Drive at Beaches Chapel. The drive will supply up to 300 families with food.	No impact to the Police Department's budget. We have approximately 40 volunteers helping with two shifts.	Planning for this event started four months ago	The date of the Food Drive will occur on Saturday, November 14th. The event is on time and on schedule.	Saturday, November 14th from 0700hrs to 1200hrs.
Special Events	Christmas Parade	We will be using on-duty and off-duty officers to assist with traffic for this event. Cost should be minimal.	Planning for this event started in October of this year.	The parade is on time and schedule.	Saturday December 5th, 2020.
Covid-19	The Police Department will continue to take all precautions necessary to keep all City Employees out of harms way and healthy. We will continue to work with the City's Safety Officer and Department Heads. Testing will continue as needed.	Covid-19 testing is the only cost for the Police Department at this time.	February 2020.	Covid-19 testing and the possibility of an employee being exposed will be ongoing.	I am not able to provide a completion date.
Capital Improvements	Three Police vehicles and twenty six portable police radios have been ordered.	Three hundred nineteen thousand	Mid-July 2020, the Police Department started working on the 2020-2021 Budget with the City Manager.	The vehicles and radios have been ordered and we are awaiting delivery.	Unknown at this time.

**CITY OF NEPTUNE BEACH
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ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
PUBLIC SERVICES DEPARTMENT					
Water Plant	Routine maintenance for water plant and all city lift stations / Order and take delivery of chlorine as needed / Pull multiple chlorine residuals throughout city / Take reads on well meters Master meter chlorine tank levels and hour meter reads for all 27 pumps in the lift stations 7 days a week / Run generator weekly / Weed eat and mow all city lift stations - Fl. Blvd. water tower - water plant - and lake Neptune banks multiple times / Pull two sets of Bacteriological samples monthly.	N/A	N/A	11/10/20	Work performed in October 2020
W.W.T.P	3 loads on the Belt Press, monthly reports to FDEP, Daily calibrations on all lab equipment, Lab testing on MLSS, SVI and Settleometers, Plant samples processed by A.E.L. Cleaning of NOVA cartridge daily and the NOVA Filters minimum 3 times per week, Process Control adjustments to WWTP, Weed Eating and Edging around WWTP, Checking LS daily and Week-ends, Spreading HTH and hosing 3 clarifiers, Cleaned and checked Hach WWTP probes. Generators run once a week, Ordered SBS, CL2 /Chlorine Glycerin/Micro-C Lab supplies BP cleaner, Added bags Lime to digester to maintain proper Alkalinity/pH, Sean running extra Enterococci samples to A.E.L. lab, Heavy inflow at WWTP due to rain, added phosphorus test in lab to compare to AEL, Crew worked on nova filter and cleaned nozzles, made adjustment to SO2 pump and auto waste, Brock and Sean clean Drained northwest basin, add an additional pipe to decant pipe to divert clean water to center basin to feed plat at low flows, replaced pulleys and belts on the Robusci blower, Brock and Alan Attended online DEP Class, Ordered Cl2 , So2 , & Micro C	N/A	N/A	11/10/20	Work performed in October 2020
City-Wide Water Meter Replacement	5 water meters replaced in October 2020	N/A	N/A	11/10/20	On-going
Water & Sewer	Summary: 6 water breaks repaired, 5 water services installed, 1 Water main installation, 9 fire hydrants flushed, 0 fire hydrant repair, 0 fire hydrant replaced, 440 LF of sanitary sewer main cleaned, 5 sewer point repair, 251 LF of sewer pipe installation, 29 sanitary sewer manholes inspected, 6 manhole repaired, 0 manhole replaced, 24 water meters installed, and 114 underground utility locate responses. Completed rerouting force main at Bay St lift station & Cedar St Lift Station. After hours water/sewer calls. Housekeeping at PW Yard areas.	N/A	N/A	11/10/20	Work performed in October 2020
Parks & Streets	Summary: 14 City R-O-W mowing cycles, 20 cycles of collecting refuse from parks, beaches and Towncenter, 6 sign repaired/replaced, 1042 LF of sidewalk, 2 citywide trees trimmed , 1370 LF of paving, 0 pothole repairs, 0 driveway repair, 0 LF of curb repairs/added, 0 Herbicide Applications. Replacing & finishing Florida Blvd sidewalk project. Transient camps cleaned up. Housekeeping at PW, Pistol range, PD & Towncenter. Repaired boards at North St & Lora St beach access. Yard Waste picked up throughout city with Waste Pro claw truck down. Cleaned up dump pile behind Kmart. Sidewalk poured @ Fl Blvd/Kings Rd.Towncenter banners changed. Watered palm trees on First St weekly.	N/A	N/A	11/10/20	Work performed in October 2020

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ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
SENIOR ACTIVITY CENTER					
CENTER CLOSED MARCH 13, 2020 UNTIL FURTHER NOTICE	COVID-19	(\$30,000+)	Oct. 2020	CLOSED	ANTICIPATE REOPENING January 2021
Rebuild the Senior Activity Center	GOAL \$100,000 BY DECEMBER 30, 2020	\$500,000	20-Jun	ON-GOING	TD 11/3/2020 \$87,137.00
CDBG 2020-2021 Application Approved	Signatures pending	\$44,895.00	Oct. 2020	PENDING	30-Sep-21
Fundraising Goal for 2020-2021	Goal pending reopening date	\$25,000.00	Oct. 2020	PENDING	30-Sep-21
Vanguard Modular	Project underway	\$400,000	1-Jun-20	FUNDED	Projected move in date of January 2021
EXTENSION OF CDBG 2019-2020 CONTRACT	REQUESTING CONTRACT EXTENSION THROUGH DECEMBER 2020	\$12,918.00	1-Apr-20	PENDING	APPROVAL through DECEMBER 2021
Planning, Scheduling, and Conducting Senior Interests	ON HOLD	\$144,895.00	Oct. 2020	PENDING	N/A
Direct Benefit- Persons served-per phone conversations	CDBG contract amount for 1250 persons	N/A	Oct. 2020	PENDING	Holding
Christmas Parade-December 6, 2020	Planning & Coordinating with NBPD Cotner	\$500.00	DEC. 6, 2020	ON-GOING	New holiday tradition being developed
Travel Club	2021 plans developing	0	OCT. 2020	PENDING	In-country opportunities
Phone calls, emails, and social media outreach to senior population	Well checks and stay in touch	0	1-Apr-20	ON-GOING	Ongoing
Neptune Beach 90th Anniversary Celebration Committee	Planning events in Jarboe Park August-October 2021	\$35,000.00	Friday, January 1, 2021	ON-GOING	October 2021 Gala in the Park
MOBILITY MANAGEMENT					
Resident parking program fully operational.	Programmers making changes so that AB residents can use kiosks.	\$350	15-Oct	9-Nov	End of November 2020
North Beaches Parking website updated, information release on City social media	Building content and website pages, creating maps and graphics.	\$60	12-Oct	9-Nov	End of November 2020
Implementation of real citations (no more "courtesy tickets")	Testing all parking systems for functionality, troubleshooting hardware and software problems.	TBD	5-Oct	9-Nov	January 2021
Improve parking program signage	Working with sign contractor on design, getting quotes.	TBD	15-Oct	9-Nov	End of November 2020
Submitted by the City Manager on November 16, 2020					

Building Activity October 1, 2020 to September 30, 2021

Month	# of permits issued	Plan review	inspections completed	cash receipts	tree removal permits	Valuation of work done
Oct-20	84	58	151	\$13,016.40	6	\$2,168,231
Nov-20						
Dec-20						
Jan-21						
Feb-21						
Mar-21						
Apr-21						
May-21						
Jun-21						
Jul-21						
Aug-21						
Sep-21						
Totals	84	58	151	13016.4	6	2,168,231

Building Activity October 1, 2019 to September 30, 2020

Month	# of permits issued	Plan review	inspections completed	cash receipts	tree removal permits	Valuation of work done
Oct-19	109	72	154	\$18,140.88	8	\$2,635,167
Nov-19						
Dec-19						
Jan-20						
Feb-20						
Mar-20						
Apr-20						
May-20						
Jun-20						
Jul-20						
Aug-20						
Sep-20						
Totals	109	72	154	\$18,140.88	8	\$2,635,167
Difference	-25	-14	-3	-\$5,124.48	-2	-\$466,936



Case Report

10/01/2020 - 10/31/2020

Case #	Case Date	Parcel #	Date Completed	Main Status	Description of Violation
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Group: Closed

2020243	10/9/2020	178941 0000	10/9/2020	Closed	blocked sewer
2020241	10/9/2020		10/23/2020	Closed	grass needs cut
2020240	10/5/2020	178958 0168	10/9/2020	Closed	pod removal
2020239	10/6/2020	176978 0115	10/6/2020	Closed	LIGHT TRESPASS
2020238	10/5/2020		10/5/2020	Closed	snipe signs
2020237	10/1/2020		10/2/2020	Closed	board walk check
2020236	10/14/2020	172395 0140	10/14/2020	Closed	DUMPING
2020235	10/22/2020	173181 0000		Closed	UNSAFE ELECTRIC CONDITION. THE HOUSE AND ADDITION ELECTRICAL POWER IS BEING RAN OFF THE TEMP POLE. THIS IS UNSAFE AND BEACHES ENERGY WILL DETERMINE POWER TO THE POLE IF NOT FIXED BY 10/23/2020.

Case #	Case Date	Parcel #	Date Completed	Main Status	Description of Violation
2020232	10/8/2020	178077 3058	10/8/2020	Closed	REPLACING ROOF. HOA HAS NOT APPROVED THE NEW ROOF NOR HAS ANYONE APPLIED FOR A PERMIT.
2020230	10/6/2020	173031 1000		Closed	WEEDS GROWING OVER FENCE FROM NEIGHBOR'S YARD AND CLAIMS THAT LATTICE HAS BEEN ADDED TO HER FENCE TO MAKE IT TALLER.
Group Total: 10					

Group: Open

2020233	10/14/2020	172395 0140		Open	weeds and tall grass 2nd offense
2020231	10/6/2020	178692 2026		Open	YARD OVER GROWN
Group Total: 2					

Group: Pending

2020242	10/7/2020	178077 2102	10/9/2020	Pending	fence
Group Total: 1					

Total Records: 13

11/10/2020

**Agenda Item 6A-Proposed
Ordinance, Fire Inspection Fees**

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

Good Afternoon

Attached is the ordinance amending and restarting Chapter 2 (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:

ORDINANCE NO. 2020-____

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING AND RESTATING CHAPTER 2 (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 ^[1]

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 ^[2]

Footnote:

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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 devices (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 ¹	\$65.00
Permit for tent or membrane structure used for cooking, Christmas tree sales, sales of fireworks or sparklers, or public gatherings of any kind (200 square feet or larger)	\$50.00

¹ 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.

Any other permit required by the Florida Fire Prevention Code not listed above	\$50.00
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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.

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 single family homes are exempt)

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

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
 Vice Mayor Fred Jones
 Councilor Kerry Chin
 Councilor Josh Messinger
 Councilor Lauren McPhaul

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Elaine Brown
 Vice Mayor Fred Jones
 Councilor Kerry Chin

Councilor Josh Messinger
Councilor Lauren McPhaul

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.

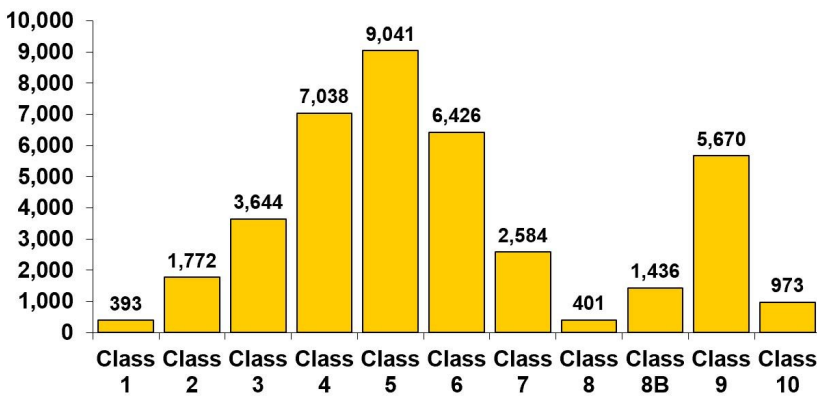
Facts and Figures about PPC Codes around the Country

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.

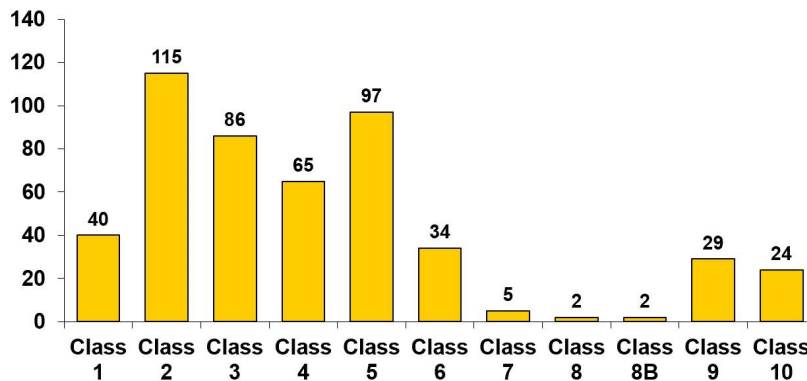
Distribution of Communities by PPC Class Number within Classification

Number within Classification

Countrywide



Florida



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 Public 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 Occupancy 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.



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

AGENDA ITEM:	
SUBMITTED BY:	
DATE:	
BACKGROUND:	
BUDGET:	
RECOMMENDATION:	
ATTACHMENT:	

SPONSORED BY:



ORDINANCE NO. 2020-__

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
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren McPhaul

Passed on First Reading this ____ day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

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



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

AGENDA ITEM:	#6C-Proposed Ord.-Marking of Parking Spaces
SUBMITTED BY:	Mobility Management Director Megan Steward
DATE:	November 12, 2020
BACKGROUND:	<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, the spaces should be regulated.</p> <p>This proposed ordinance amends Section 22-48 of the Code of Ordinances, Marking of Spaces.</p>
BUDGET:	N/A
RECOMMENDATION:	Consider moving the proposed ordinance for first read on December 7, 2020
ATTACHMENT:	Proposed Ordinance amending Section 2-48, Marking of Spaces.

SPONSORED BY:



ORDINANCE NO. 2020-__

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
Vice Mayor Fred Jones
Councilor Kerry Chin
Councilor Josh Messinger
Councilor Lauren McPhaul

Passed on First Reading this ____ day of December, 2020.

VOTE RESULTS OF SECOND AND FINAL READING:

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

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



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

AGENDA ITEM:	#6D-Proposed Ord-Golf Cart Regulations
SUBMITTED BY:	Councilor Josh Messinger
DATE:	November 12, 2020
BACKGROUND:	<p>Florida Statutes Section 316.212 provides guidance to municipalities for the local regulation of golf carts, low-speed vehicles.</p> <p>The proposed ordinance creates a new Chapter 22, Article V, Sections 22-70--22-75, Golf Carts.</p> <p>The proposed ordinance was discussed at the November 12, 2020, Land Use and Parks Committee.</p>
BUDGET:	N/A
RECOMMENDATION:	Consider the proposed ordinance for first read on December 7, 2020.
ATTACHMENT:	Proposed Ordinance - Golf Carts



INTRODUCED BY:

ORDINANCE NO. 2020-XX

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 I, Chapter 22 (Neptune Beach Traffic and Motor Vehicles Code), *Ordinance Code*. A new Section 7, Article I, 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 3rd 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
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

Passed on First Reading this _____ day of _____, 2020.

VOTE RESULTS OF SECOND AND FINAL PUBLIC HEARING AND READING:

Mayor Elaine Brown
Vice Mayor Fred Jones
Councilor Scott Wiley
Councilor Josh Messinger
Councilor Kerry Chin

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



CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT

AGENDA ITEM:	# 8A-Banking Services RFP Recommendation
SUBMITTED BY:	City Manager Stefen Wynn CFO Carl LaFleur
DATE:	November 12, 2020
BACKGROUND:	<p>The City issued an RFP for banking services on October 12, 2020. Three proposals were received on the November 9, 2020 submission deadline date.</p> <p>The evaluation committee would score and recommend to Council a bank to begin contract negotiations.</p> <p>The Banking Services RFP would be discussed at the November 13, 2020, Finance Committee meeting.</p> <p>The proposals received were: BBVA, Chase and Wells Fargo.</p>
BUDGET:	
RECOMMENDATION:	Consider the evaluations from the selection committee and approve contract at the December 7, 2020 Regular Council meeting.



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

AGENDA ITEM:	#8B-Res. No. 2020-09, Appointing CDB Member
SUBMITTED BY:	City Clerk Catherine Ponson
DATE:	November 12, 2020
BACKGROUND:	<p>David Jaffee was appointed to fill the unexpired term of CDB Alternate Lauren McPhaul on June 6, 2020. That term expired on November 6, 2020.</p> <p>Mayor Brown is recommending appointing Mr. Jaffee for a full one-year term as an alternate member of the CDB beginning November 7, 2020.</p>
BUDGET:	N/A
RECOMMENDATION:	Consider moving Res. No. 2020-09, appointing David Jaffee to a one-year term as an alternate member of the Community Development Board
ATTACHMENT:	Resolution No. 2020-09



RESOLUTION NO. 2020-09

A RESOLUTION APPOINTING MEMBER TO THE COMMUNITY DEVELOPMENT BOARD (CDB)

RESOLVED, the City Council of the City of Neptune Beach, Florida, hereby confirms the following CDB member:

COMMUNITY DEVELOPMENT BOARD

Member	Type	Term	Begins	Ends
David Jaffee	Alternate Member	1 st 1-year	11/7/2020	11/7/2021

This Resolution adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this ___ day of _____, 2020.

Elaine Brown, Mayor

ATTEST:

Catherine Ponson, CMC
City Clerk