

ORDINANCE 14-41

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO ORGANIZATION AND CLARIFICATION OF THE COUNTY CODE; GENERALLY REPEALING OR RELOCATING THE PROVISIONS OF PART ONE OF THE MANATEE COUNTY CODE; REORGANIZING VARIOUS CHAPTERS OR ARTICLES WITHIN PART TWO OF THE MANATEE COUNTY CODE; REPEALING ARTICLE V OF CHAPTER 2-29 OF THE MANATEE COUNTY CODE CONCERNING INFRASTRUCTURE SURTAXES; REPEALING § 2-21-122(8) OF THE MANATEE COUNTY CODE CONCERNING SMOKING; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County Attorney's Office routinely reviews the Manatee County Code to ensure it is properly organized and that provisions therein are not superseded by subsequent laws or ordinances, and in appropriate cases recommends revisions thereto; and

WHEREAS, Part I of the Manatee County Code contains codified Special Acts of the Florida Legislature adopted prior to the County's obtaining home rule powers; and

WHEREAS, legal review of Part I of the Manatee County Code has revealed that the codified Special Acts are antiquated, repealed, or are now in direct conflict with modern general laws; and

WHEREAS, Article VIII, § 6(d) of the Florida Constitution provides that local laws relating to unincorporated areas of a county existing as of November 5, 1968, may be amended or repealed by county ordinance; and

WHEREAS, Section 2-2-8 of the County Code relating to employee wellness was created by Ordinance 87-16 but has been superseded by subsequent Health Plan Documents adopted by the County Commission addressing wellness; and

WHEREAS, Article V of Chapter 2-29 of the County Code contains three versions of a now expired infrastructure surtax, originally created by Ordinance 87-32, and re-enacted and revised by Ordinance 94-01 and Ordinance 98-41; and

WHEREAS, Section 2-21-122 of the County Code was created by Ordinance 10-33 and includes a provision at subsection eight relating to smoking, which subsection should be repealed in light of the preemption of this topic by the Florida Legislature in the Florida Clean Indoor Air Act (Florida Statutes § 286.209); and

WHEREAS, the County Attorney's Office has recommended the foregoing expired or preempted provisions of the County Code be repealed; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the provisions of this Ordinance are in the best interests of the County, its citizens, taxpayers and business community.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 1-1-1 of the Manatee County Code concerning non-partisan election of school board candidates is hereby repealed in its entirety.

Section 2. Section 1-1-21 of the Manatee County Code concerning interest rates on special assessments is hereby repealed in its entirety.

Section 3. Section 1-1-22 of the Manatee County Code authorizing budgeting for travel expenses is hereby repealed in its entirety.

Section 4. Section 1-1-23 of the Manatee County Code concerning granting of television franchises is hereby repealed in its entirety.

Section 5. Sections 1-1-36 through 1-1-38 of the Manatee County Code concerning approval of community projects are hereby repealed in their entirety.

Section 6. Sections 1-1-46 through 1-1-48 of the Manatee County Code concerning leases of County lands and reverter requirements are hereby repealed in their entirety.

Section 7. Sections 1-1-61 through 1-1-71 of the Manatee County Code concerning public records requirements are hereby repealed in their entirety.

Section 8. Chapters 1-2 and 1-3 (concerning airports) inclusive of Sections 1-2-1 through 1-2-71 and 1-3-1 through 1-3-23 of the Manatee County Code are hereby repealed in their entirety.

Section 9. Chapter 1-4 (concerning ambulance services) inclusive of Sections 1-4-1 through 1-4-9 of the Manatee County Code is hereby repealed in its entirety.

Section 10. Chapter 1-5 (concerning animals and agricultural agents) inclusive of Sections 1-5-1 through 1-5-39 of the Manatee County Code is hereby repealed in its entirety.

Section 11. Chapter 1-6 (concerning building regulations but having no content) of the Manatee County Code is hereby repealed in its entirety.

Section 12. The Codifier shall remove the current provisions of Chapter 1-7 of the Manatee County Code (cost recovery for hazardous materials incident), inclusive of Sections 1-7-1 through 1-7-10 and shall re-codify Sections 1-7-1 through 1-7-10 in a new Article III of Chapter 2-13, to be entitled Hazardous Materials Incident Cost Recovery), to be numbered 2-13-33 through 2-13-42. Sections 2-13-

30 through 12 shall be shown as reserved for future use. Section 1-7-11, stating an effective date, is hereby repealed.

Section 13. Chapter 1-8 (concerning court reporters for the judicial system) is hereby repealed in its entirety.

Section 14. Pursuant to Ordinance 11-45 (repealing Chapter 1-10 of the Manatee County Code), to the extent Chapter 1-10 of the Code remains codified as of the effective date of this Ordinance, the Codifier shall remove that Chapter from the Code.

Section 15. Chapter 1-14 (concerning public health and public hospitals) inclusive of Sections 1-14-1 through 1-14-54 is hereby repealed in its entirety.

Section 16. Chapter 1-15 (containing outdated provisions on housing standards and fair housing) inclusive of Sections 1-15-1 through 1-15-42 is hereby repealed in its entirety.

Section 17. Chapter 1-16 (containing outdated provisions on the law library) inclusive of Sections 1-16-1 through 1-16-26 is hereby repealed in its entirety.

Section 18. Chapter 1-17 (entitled miscellaneous but having no content) of the Manatee County Code is hereby repealed in its entirety.

Section 19. The Codifier is directed to remove from the Code Chapter 1-18 (concerning the Mosquito Control District) inclusive of Sections 1-18-1 through 1-18-31 in its entirety. Nothing herein is intended to repeal the mosquito control district Act, as amended by Special Act of the Legislature from time to time.

Section 20. Sections 1-19-1 through 1-19-20 (currently unused) are hereby repealed. However, Sections 1-19-21 through 1-19-27 (concerning weeds, brush and debris) shall remain codified until incorporated in a future property maintenance ordinance.

Section 21. Chapter 1-20 (containing outdated provisions on junkyards) is hereby repealed in its entirety.

Section 22. The Codifier is directed to remove from the Code Chapter 1-22 (concerning the Port Authority) inclusive of Sections 1-22-1 through 1-22-46 in its entirety. Nothing herein is intended to repeal the Port Authority Act, as amended by Special Act of the Legislature from time to time.

Section 23. Section 2-2-8 of the Manatee County Code containing outdated provisions on employee wellness is hereby repealed in its entirety.

Section 24. Chapter 2-9 of the Manatee County Code shall be re-titled as “**Community Improvement**”.

Section 25. A new Division I of Chapter 2-9 shall be created and entitled “**Code enforcement**”. The Codifier shall re-designate current Sections 2-36-1 through 2-36-13 as Sections 2-9-1 through 2-9-13 of the Manatee County Code, and shall place these sections within the new Division I of Chapter 2-9. The Codifier shall convert references in these sections to “this chapter” into references to “this division”. Sections 2-9-14 through 2-9-15 shall show as reserved.

Section 26. A new Division II of Chapter 2-9 shall be created and entitled “**Abatement of criminal nuisances**”. The Codifier shall re-designate current Sections 2-33-1 through 2-33-8 as Sections 2-9-16 through 2-9-23 of the Manatee County Code, and shall place these sections within the new Division II of Chapter 2-9. The Codifier shall convert references in these sections to “this chapter” into references to “this division”. Sections 2-9-24 through 2-9-25 shall show as reserved.

Section 27. A new Division III of Chapter 2-9 shall be created and entitled “**Cemeteries**”. The Codifier shall re-designate current Sections 2-9-16 through 2-9-21 (concerning cemeteries) as Sections 2-9-26 through 2-9-31 within the new Division III of Chapter 2-9.

Section 28. A new Division IV of Chapter 2-9 shall be created and entitled “**Registration of foreclosed vacant real property**”. The Codifier shall re-designate current Sections 2-38-1 through 2-38-6 as Sections 2-9-32 through 2-9-37 of the Manatee County Code, and shall place these sections within the new Division IV of Chapter 2-9. The Codifier shall convert references in these sections to “this chapter” into references to “this division”. Sections 2-9-38 through 2-9-40 shall show as reserved.

Section 29. A new Division V of Chapter 2-9 shall be created and entitled “**Public Library**”.

Section 30. The Codifier shall re-designate current Article I (entitled “**In general**”) of Chapter 1-23 of the Code, inclusive of Sections 1-23-1 through 1-23-9 (other than reserved section 1-23-4) as Sections 2-9-41 through 2-9-48 of the Manatee County Code, and shall place these sections within a new Article I, entitled “In general” of the new Division V of Chapter 2-9. The Codifier shall convert references to “this act” or “this chapter” in these sections into references to “this division”. Sections 2-9-49 through 2-9-54 shall show as reserved.

Section 31. The Codifier shall re-designate current Sections 1-23-16, 1-23-17 and 1-23-20 of current Article II (entitled “**Library board**”) of Chapter 1-23 of the Code, as Sections 2-9-55, 2-9-56 and 2-9-57 of the Manatee County Code, and shall place these sections within a new Article II, entitled “Library board”, of the new Division V of Chapter 2-9. The Codifier shall convert references to “this act” or “this chapter” in these sections into references to “this division”. The Codifier shall replace the reference to “Chapter 150” in new Section 2-9-57 to read “Chapter 257”.

Section 32. Chapter 1-23 of the Manatee County Code concerning the public library is hereby repealed in its entirety.

Section 33. The Codifier shall designate currently-reserved Chapter 2-14 with the title “**Environmental Regulation**”.

Section 34. A new Division I of Chapter 2-14 shall be created and entitled “**Air pollution**”. The Codifier shall show Sections 2-14-1 through 2-14-24 shall show as reserved.

Section 35. A new Division II of Chapter 2-14 shall be created and entitled “**Land spreading**”. The Codifier shall show Sections 2-14-25 through 2-14-45 shall show as reserved.

Section 36. A new Division III of Chapter 2-14 shall be created and entitled “**Municipal separate storm sewer system (MS4)**”. The Codifier shall show Sections 2-14-46 through 2-14-59 shall show as reserved.

Section 37. A new Division IV of Chapter 2-14 shall be created and entitled “**Landscape maintenance and fertilizer regulation**”. The Codifier shall re-designate current Code Sections 2-33-1 through 2-35-14 as Sections 2-14-60 through 2-14-74 of the Manatee County Code, and shall place these

sections within the new Division IV of Chapter 2-14. The Codifier shall convert any references to “this chapter” in these sections into references to “this division”. Sections 2-14-75 through 2-14-78 shall show as reserved.

Section 38. Chapter 1-9 of the Manatee County Code (containing outdated environmental regulations), inclusive of Sections 1-9-1 through 1-9-25, is hereby repealed in its entirety.

Section 39. A new Article XI of Chapter 2-31 (concerning water and sewer) shall be created and entitled “**Utility bond act**”. The Codifier shall re-designate current Code Sections 1-31-21 through 1-31-50 as Sections 2-31-311 through 2-31-339 of the Manatee County Code, and shall place these sections within the new Article XI of Chapter 2-31. The Codifier shall convert any references to “this chapter” in these sections into references to “this article”.

Section 40. Chapter 1-31 of the Manatee County Code (relating to outdated utility provisions), inclusive of Sections 1-31-1 through 1-31-50, is hereby repealed in its entirety.

Section 41. Section 2-21-122 of the Manatee County Code is hereby amended to repeal subsection (8) thereof and to provide grammatical clarity, as follows:

Sec. 2-21-122. - Offenses.

It is unlawful and an offense against Manatee County, at the Historic Courthouse, Judicial Center, and other public buildings to ~~engage in any of the following activities:~~

- (1) ~~To~~ Lodge or to remain, in such a manner as to obstruct ingress, egress, or fire escape routes; or
- (2) ~~To~~ erect or attempt to erect any temporary shelter, makeshift dwelling, or campsite; or
- (3) ~~To~~ obstruct pedestrian traffic to or from the buildings, except for such obstructions necessary to fulfill legitimate government purposes; or
- (4) ~~To~~ intentionally store personally owned property unattended outside the buildings, or in the foyers, corridors, and restrooms thereof; or
- (5) ~~To~~ beg or panhandle; or
- (6) Urine or defecate, except in designated restroom facilities; or
- (7) ~~To~~ deposit trash in places other than designated trash receptacles; ~~or~~
- ~~(8) Smoking, except in designated areas as prescribed by Section 386.204, Florida Statutes.~~

Section 42. Article V of Chapter 2-29 of the Manatee County Code (concerning expired infrastructure sales surtax), inclusive of Divisions 1 through 3, which include Sections 2-29-50.1 through 2-29-60.2 of the Manatee County Code, is hereby repealed in its entirety, and the codifier shall show this Article as untitled and reserved for future use.

Section 43. All chapters, articles, divisions and sections in part one of the Manatee County Code showing as “reserved” and having no content as of the effective date of this Ordinance shall be removed from the Code by the Codifier.

Section 44. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 45. The County Attorney’s Office and Codifier are authorized to make administrative corrections to Code cross-references as may be required by the provisions of this Ordinance.

Section 46. Pursuant to Florida Statutes § 125.68(1), the Codifier shall codify the substantive amendments to the Manatee County Code contained in Sections 1 through 43 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

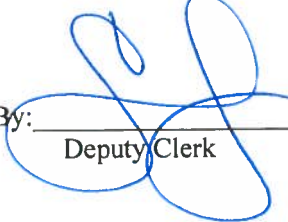
Section 47. This Ordinance shall take effect upon filing with the Department of State.

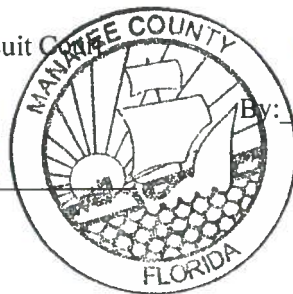
PASSED AND DULY ADOPTED in open session, with a quorum voting, this 7 day of October, 2014.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

ATTEST: **R.B. SHORE**

Clerk of the Circuit Court

By: 
Deputy Clerk



By: 
Chairperson

From: [Ords Admin](#)
To: [Steviemarie Snyder](#)
Subject: RE: Manatee County, FL Code of Ordinances - 1981(10428) and Land Development Code - 1990(12202)
Date: Thursday, October 09, 2014 4:05:20 PM

We have received your files. Thank you for your submission.

Respectfully,
Ords Administrator
ords@municode.com
1-800-262-2633
(850) 576-3172
Fax No. 850-575-8852
P.O. Box 2235
1700 Capital Circle, S.W.
Tallahassee, FL 32317-2235
When available, please send all documents in WORD format to Ords@municode.com.
However, if WORD format is not available, we welcome any document format including PDF.

sha

Ask me about **OrdBank**



From: Steviemarie Snyder [mailto:Steviemarie.Snyder@ManateeClerk.com]
Sent: Thursday, October 09, 2014 2:24 PM
To: Ords Admin
Subject: Manatee County Ordinance 14-041

Manatee County
Ordinance # 14-041
Adopted: 10/7/2014
Contact: Steviemarie Snyder
Phone: 941-741-4018

Thank you,

Steviemarie Snyder
Board Records
For R.B "Chips" Shore
Manatee County Clerk of the Circuit Court & Comptroller
www.ManateeClerk.com
steviemarie.snyder@manateeclerk.com
941-749-1800 x 4018

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 9, 2014

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Steviemarie Snyder

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 14-41, which was filed in this office on October 9, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb