

PART I - CHARTER

*Footnotes:**--- (1) ---*

Editor's note— Printed herein is the Charter after amendment by Ordinance No. O-89-5 on March 6, 1989, and approved by the electors at the election of April 11, 1989. Subsequent amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings and catchlines has been used. Additions made for clarity are indicated by brackets.

ARTICLE I. - CREATION AND POWERS

Sec. 1.01. - Creation and Powers.

The City of Alachua is hereby created which shall have 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 otherwise provided by law.

Sec. 1.02. - Construction.

The powers of the City shall be construed liberally in favor of the City, limited only by the Constitution, general law and specific limitations contained herein. Future special acts pertaining to the jurisdiction and exercise of powers by this City shall be considered amendments to the Charter and pursuant to the provisions adopted for incorporation of other Charter amendments, shall be incorporated as official amendments to the Charter.

Sec. 1.03. - Officers Hold Until Successors Qualify.

That all officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this Charter; and all existing ordinances of the said municipality, not in conflict with the provisions of this Charter, shall continue in effect and unimpaired until repealed, amended or modified by the municipality which is hereby organized and created.

Sec. 1.04. - Officers Defined.

The term "Public Officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory board.

ARTICLE II. - CORPORATE LIMITS

Sec. 2.01. - Description of Corporate Limits.

The inhabitants of the City of Alachua, Florida, as its limits are now established shall be and continue to be a body politic and corporate to be known and designated as the "City of Alachua," and as such shall have perpetual succession.

State Law reference— Municipal annexation, F.S. § 171.011 et seq.

ARTICLE III. - LEGISLATIVE

Sec. 3.01. - City Commission Composition.

There shall be a Five (5) Member City Commission, hereinafter referred to collectively as the City Commission, comprised of an elected Mayor and four (4) City Commissioners, who shall be elected by the electors of the City.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.02. - Qualifications.

Only electors of the City shall be eligible to hold the office of either the Mayor or a City Commissioner. The City Commission shall be the judge of the election and qualifications of its members. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

State Law reference— Municipal annexation, F.S. § 171.011 et seq.

Sec. 3.03. - Election and Terms.

The regular election of Mayor and City Commissioners shall be held on the second (2nd) Tuesday in April of each year, in the manner provided in Article V of this Charter and shall be for three (3) year terms.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.04. - Compensation and Expenses.

The City Commission may determine the annual salary of the Mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the Mayor and City Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance, by at least six (6) months.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.05. - Mayor and Vice-Mayor Powers.

The Mayor shall preside at meetings of the City Commission, shall be recognized as head of City government for all ceremonial purposes; by the governor for purposes of military law; for service of process; execution of contracts; deeds and other documents; and, as the official designated to represent the City in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The City Commission shall elect from among its members a Vice-Mayor. Election of the Vice-Mayor shall be done annually at the first (1st) City Commission meeting after the City election. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor, and if a vacancy in the office of Mayor occurs, then the Vice-Mayor shall act as Mayor until the seat is filled.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.06. - Prohibitions.

- (a) *Appointments and Removals.* Neither the City Commission nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees who the City Manager or any of his subordinates are empowered to appoint, but the City Commission may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

- (b) *Interference with Administration.* Except for the purpose of inquiries and investigations, the City Commission or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the City Commission from closely scrutinizing by questions and personal observations, all aspects of City government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the City Commission. It is the express intent of the Charter, however, that recommendations for improvement in City government operations by individual City Commissioners be made to and through the City Manager, so that the City Manager may coordinate efforts of all City departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding Other Office.* No former elected City official shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which he was elected.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.07. - Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) *Vacancies.* The offices of Mayor and any City Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office, such forfeiture to be declared by the remaining members of the City Commission.
- (b) *Forfeiture of Office.* The Mayor and any City Commissioner shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law. Absence from four consecutive regular meetings of the City Commission shall operate to vacate the seat of a member, unless such absence is excused by the City Commission by resolution setting forth the fact of such excuse duly entered upon the journal.
- (c) *Filling of Vacancies.* A vacancy of either the Mayor or a City Commissioner shall be filled in one of the following ways: (1) If there are less than six (6) months before the next regular City election, the City Commission by a majority vote of the remaining members shall choose a successor to serve until the newly elected City Commissioner is qualified; (2) if there are more than six (6) months remaining in the unexpired term, the commission shall fill the vacancy on an interim basis as provided in (1) above, and shall schedule a special election to be held not sooner than sixty (60) days, nor more than ninety (90) days following the occurrence of the vacancy. Notwithstanding any quorum requirements established herein, if at any time the membership of the City Commission is reduced to less than a quorum, the remaining members may, by majority vote, appoint members under either (1) or (2) above. If a vacancy is not filled within fourteen (14) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the Governor until a successor is elected under (1) or (2) above.
- (d) *Extraordinary Vacancies.* In the event that all members of the City Commission are removed by death, disability, law or forfeiture of office, the Governor shall appoint an interim commission that shall call a special election as provided in (c) above and such election shall be held in the same manner as the first (1st) election under this Charter.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 3.08. - Procedure.

- (a) *Meetings.* The City Commission shall meet regularly as prescribed by law at such times and places as the City Commission may adopt by Commission Rules. The Mayor, any two members of the City Commission, or the City Manager may call special meetings of the City Commission upon at least six hours' written notice to each member, served personally, or left at his usual place of business and/or residence. All meetings of the City Commission and of the Committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business and shall keep a journal of its proceedings.
- (b) *Rules and Journal.* The City Commission shall determine its own rules, order of business and journal format.
- (c) *Voting.* Voting on ordinances and resolutions, shall be by roll call on final action and shall be recorded in the journal. A majority of the City Commission shall constitute a quorum; but a smaller number may adjure from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the City Commission. No action of the City Commission except as otherwise provided in the preceding sentence and in sec. 3.07 shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

ARTICLE IV. - ADMINISTRATIVE

Sec. 4.01. - City Manager.

The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and he shall hold office at the pleasure of the City Commission. City Manager shall also serve as the City Clerk.

He shall be chosen solely on the basis of his executive and administrative qualifications, without regard to his political belief. He must be a resident of the City within six (6) months after appointment, unless the City Commission agrees in writing to allow the City Manager to reside outside the City limits. During the absence or disability of the City Manager, the City Commission may designate some properly qualified person to temporarily execute the function of the office.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 4.02. - Removal.

The City Commission may remove a City Manager in accordance with the following procedures:

- (a) The City Commission shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the City Manager;
- (b) Within fourteen (14) days after a copy of the resolution is delivered to the City Manager, he may file with the City Commission a written request for a public hearing. This hearing shall be held at City Commission meeting not earlier than fifteen (15) days nor more than thirty (30) days after the request is filed. The City Manager may file with the City Commission a written reply not later than five (5) days before the hearing.
- (c) The City Commission may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after fifteen (15) days from the date a copy of the preliminary resolution was delivered to the City Manager if a public hearing was not requested in the time frame provided for, or at any time after the public hearing if so requested.

The City Manager shall continue to receive his salary until the effective date of a final resolution of removal.

Sec. 4.03. - Powers and Duties.

The City Manager shall be responsible to the City Commission for the proper administration of all affairs of the City and to that end, his powers are and they shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as hereinafter specifically provided, to appoint and remove all subordinate officers and employees of the City; all appointments to be made upon merit and fitness alone.
- (c) To exercise control and direct supervision over all departments and divisions of the municipal government under this Charter, or which may hereafter be created by the City Commission, including public utilities owned by said City.
- (d) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed; and upon knowledge of any violation thereof, to call the same to the attention of the City Attorney whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.
- (e) To attend all meetings of the City Commission, with right to take part in the discussions, but without having a vote.
- (f) To recommend to the Commission for adoption such measures as he may deem necessary or expedient in the interests of the City.
- (g) To keep the City Commission fully advised as to the financial condition and needs of the City and to submit for its consideration an annual budget.
- (h) To perform such other duties as may be prescribed under this Charter or as may be required of him by ordinance or resolution of the City Commission.
- (i) He shall be purchasing agent for the City. All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe.

Sec. 4.04. - Personnel System.

All appointments and promotions of City employees, under the direct supervision of the City Manager, shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence, and to this end the City Commission shall, by ordinance, establish personnel procedures and rules.

Sec. 4.05. - Administrative Code.

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the City Commission.

ARTICLE V. - QUALIFICATIONS AND ELECTIONS

Footnotes:

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State Law reference— *Florida Election Code, F.S. chs. 97—106; conduct of municipal elections, F.S. § 100.3605.*

Sec. 5.01. - Nonpartisan Elections.

All qualifications and elections for any office of the City Commission, including Mayor, shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation of any nominee on any nomination petition or ballot.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 5.02. - Qualifications.

(a) *Candidates.* Candidates for any office of the City Commission, including Mayor, shall qualify for such office by the filing of a written notice of candidacy with the designated official at such time and in such manner as may be prescribed by ordinance.

(b) *City officers.* All officers not receiving compensation from the City shall be electors of the City.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 5.03. - Form of Ballots.

The City Commission by ordinance shall prescribe the form of the ballot including the method for listing any candidates for City Commission election, including Mayor, and any other City election. A Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described amendment be adopted?" Immediately below such question shall appear, in the following order, the words, "for approval" and also the words "against approval" with a sufficient blank space thereafter for placing a symbol to indicate the voter's choice, with a lever "for approval" or "against approval" if voting machines are used, or by any other method prescribed by law.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 5.04. - Judge of Its Own Election.

The City Commission shall be the judge of the election and qualification of its own members subject to review by the courts. The City Commission may appoint a canvassing board for City elections whose duties, responsibilities, and procedures shall be set by applicable law and Ordinances, as Ordinances may be adopted or amended from time to time. Any member of the City commission who shall be convicted of crime while in the office shall thereby forfeit his office.

Sec. 5.05. - Recall.

The qualified voters of the City shall have the power to recall and to remove from office any elected official of the City as provided by general law.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

State Law reference— Recall, F.S. § 100.361.

ARTICLE VI. - TRANSITION SCHEDULE

Sec. 6.01. - Ordinances Preserved.

All ordinances in effect upon the adoption of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or changed as provided herein.

Sec. 6.02. - Rights of Officers and Employees.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected.

Sec. 6.03. - Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the City shall continue except as modified pursuant to the provisions of this Charter.

Sec. 6.04. - Time of Taking Full Effect.

This Charter shall be in full effect for all purposes on and after the date and time of the first (1st) meeting of the City Commission following the election at which this Charter was voted on.

ARTICLE VII. - ORDINANCE ENACTMENT

Sec. 7.01. - Procedure.

No ordinance shall be passed until it shall have been read at two (2) meetings not less than two (2) weeks apart; provided, however, that in emergencies this requirement may be dispensed with. Reading in full of any ordinance may be dispensed with and the ordinance read by its number and title only, by a majority vote of the City Commission. If an ordinance is revised between the first and second readings, the amendment shall be read in full. At least ten (10) days prior to adoption, the proposed ordinance shall be noticed once in a newspaper of general circulation in the City. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the City Commission.

State Law reference— Ordinance adoption procedures, F.S. § 166.041.

Sec. 7.02. - Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Commission shall be by ordinance which:

- (a) Adopt or amend an administrative code or establish, alter or abolish any City department or agency;
- (b) Establish a rule or regulation the violation, which carries a penalty;
- (c) Levy taxes authorized by general law;

- (d) Grant, renew, or extend a franchise;
- (e) Set service or user charges for municipal services or grants administrative authority for such charges;
- (f) Amend or repeal any ordinance previously adopted, except as otherwise provided herein.

Sec. 7.03. - Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the City Commission may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes; grant renew or extend a franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter as applicable.

- (a) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in the preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- (b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds ($\frac{2}{3}$) of all the City Commission shall be required for adoption. After its adoption the ordinance shall be published as prescribed for other adopted ordinances.
- (c) *Effective Date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.
- (d) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.
- (e) *Emergency Appropriations.* The commission may make emergency appropriations in the manner provided in this section. To the extent that there are no available un-appropriated revenues to meet such appropriations, the City Commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

ARTICLE VIII. - FINANCES

Sec. 8.01. - Budget Adoption.

The City Commission shall by resolution adopt the budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the budget by this date, the City Commission by resolution may direct that the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days with all items in it prorated accordingly, until such time as the City Commission adopts a budget for the ensuing fiscal year. A resolution adopting an annual budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

Sec. 8.02. - Appropriation Amendments During the Fiscal Year.

- (a) *Supplemental Appropriations.* If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the City Commission by resolution may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the commission without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendation as to any other steps to be taken. The City Commission shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it shall by resolution reduce one (1) or more appropriations.
- (c) *Limitations; Effective Date.* The City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient or may authorize a transfer to be made between items appropriated to the same office or department, or may amend its budget whenever necessary to accurately reflect the income and expenditures of the municipal government.

ARTICLE IX. - PLANNING AND ZONING BOARD

Sec. 9.01. - Authorized; Appointment; Composition; Terms; Vacancies and Compensation.

The City Commission is hereby authorized and empowered to create and appoint a board to be known as the "City Planning and Zoning Board". Such board shall consist of five (5) members. Of the original appointees to such board at least two (2) shall be appointed for a term of two (2) years and the remaining members for a term of three (3) years. The successors of the original appointee shall be appointed for a term of three (3) years. Vacancies upon such board shall be filled by the City Commission of the City for the unexpired term. The members of such board shall serve without pay, except the City Commission may prescribe a per diem for attendance at meetings.

Sec. 9.02. - Board Organization.

Such City planning and zoning board, as soon as practicable after its appointment, shall meet and organize by electing one of its members chairman, and may also appoint a secretary, who may be a member of such board, and shall meet regularly, as prescribed by law, at such times and places, as may be directed by the City Commission, for the transaction of its business.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 9.03. - Employment of Staff and Advisors.

The City Commission, is hereby authorized and empowered to employ such clerks and subordinates, including technical and expert advisors, and to incur such expenses as in its judgment may be necessary.

Sec. 9.04. - Duties.

The City Planning and Zoning Board shall act in accordance with applicable law and exercise those powers delegated to it by the City Commission through Ordinances, including the City's Comprehensive Plan and Land Development Regulations, as Ordinances may be adopted or amended from time to time.

(Ord. No. 09-18, 3-9-2009)

Editor's note— The amendment to the above section proposed by Ord. No. 09-18 was approved by the voters on April 14, 2009.

Sec. 9.05. - Scope of Planning Duties.

The City Planning and Zoning Board shall, at the direction of the City Commission, make recommendations for the promotion of economic and industrial prosperity and enhancement of the health, comfort and convenience of the people generally.

ARTICLE X. - CHARTER AMENDMENTS

Footnotes:

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State Law reference— *Charter amendments, F.S. § 166.031.*

Sec. 10.01. - Authentication, Recording and Disposition of Charter Amendments, Ordinances and Resolutions.

- (a) *Authentication.* The Mayor and the City Clerk shall authenticate by their signatures all ordinances and resolutions adopted by the City Commission. In addition, when Charter amendments have been approved by the electors, the Mayor and the City Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate.

- (b) *Recording.* The City Clerk shall keep properly indexed books in which shall be recorded in full all ordinances and resolutions passed by the City Commission. Ordinances shall, at the direction of the City Commission, be periodically codified. The City Clerk shall also maintain the City Charter in current form and shall enter all Charter amendments and send a copy of the revised Charter incorporating amendments to the Secretary of State's office.
- (c) *Printing.* The City Commission shall, by ordinance, establish a procedure for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available to the people of the City for public inspection and available for purchase at a reasonable price.

Sec. 10.02. - Charter Amendment.

This Charter may be amended in two (2) ways:

- (a) *Initiation by Ordinance.* The City Commission may, by ordinance, propose amendments to any part or all of this Charter, except Article II prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose. Amendment of Article II resulting from annexation done in accordance with general law shall be by ordinance of the City Commission and shall not be subject to a vote of the electors except as provided by general law.
- (b) *Initiation by Petition.* The electors of the City may propose amendment to this Charter by petition signed by at least ten percent (10%) of the total number of qualified voters registered to vote in the last regular City election.
 - (1) *Form and Contents.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed Charter amendment.
 - (2) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed Charter amendment.
 - (3) *Certification of Petition.* Upon certification of the petition by the designated official, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular City election, the City Commission shall place the proposed amendment to a vote of the electors at the next general election held not less than sixty (60) days after certification or at a special election called for such purpose.

Sec. 10.03. - Saving Clause.

If any section or part of any section of this Charter is held to be unconstitutional, the same shall not invalidate or impair the validity, force or effect of any other section thereof, when said section is wholly or necessarily dependent for its operation upon the section or part thereof so held unconstitutional.

Sec. 10.04. - Effective Date.

That this Charter shall become effective upon majority vote of the electorate at referendum held for said purpose.

Providing an Effective Date.

This Charter as amended in 1989, and again by Referendum on April 14, 2009, shall take effect on the 20th day of April 2009.

CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA

Jean B. Calderwood

Mayor

ATTEST:

Clovis Watson, Jr. MBA

City Manager

APPROVED AS TO FORM:

Marian B. Rush, City Attorney

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of amendments to the charter after amendment by Ord. No. O-89-5 on March 6, 1989, approved by the electors at the election of April 11, 1989.

Ordinance Number	Date	Section this Charter
09-18	3- 9-2009	<u>3.01</u> — 3.08
		<u>4.01</u>

		<u>5.01</u> —
		5.03
		<u>5.05</u>
		<u>9.02</u>
		<u>9.04</u>

Subpart A - GENERAL ORDINANCES

Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Code of Ordinances, City of Alachua, Florida" and shall be referred to herein as the "Code."

(Code 1976, § 1-1)

Sec. 1-2. - Rules of construction and definitions.

The following definitions and rules of construction shall apply to this Code and to all ordinances unless the context requires otherwise:

Generally.

- (1) When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the City Commission may be effectuated.
- (2) Terms shall have the meanings prescribed by the statutes of the State for the same terms.
- (3) Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.
- (4) Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.
- (5) Scrivener's errors shall be ignored.

Charter. The term "Charter" means the Charter of the City of Alachua, Florida.

City. The term "City" means the City of Alachua, Florida.

City Commission, Commission. The terms "City Commission" and "Commission" mean the City Commission of the City of Alachua, Florida, consisting of a Mayor and four Commissioners, who shall be elected by the electors of the City.

City Manager. The term "City Manager" means the City Manager of the City of Alachua, Florida or any designee thereof.

Computation of time. In computing any period of time prescribed or allowed, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions or events apply; and
- (2) "Or" indicates that one or more of the connected items, conditions, provisions or events apply;
- (3) "Either ... or" indicates that the connected terms, conditions, provisions or other events apply singly but not in combination.

County. The term "County" means Alachua County, Florida.

Delegation of authority. A provision that authorizes or requires a City officer or City employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

F.A.C. The abbreviation "F.A.C." refers to the Florida Administrative Code, as amended.

F.S. The abbreviation "F.S." refers to the latest edition of Florida Statutes, as amended. Any reference to a State law by short title or session law chapter is a reference to such law as amended.

Includes. The term "includes" does not limit a term to a specified example.

Joint authority. Words giving a joint authority to three or more persons give such authority to a majority of such persons.

Keeper and proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

Mandatory and discretionary terms The terms "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The terms "may" and "should" are permissive in nature.

May not. The term "may not" states a prohibition.

Month. The term "month" means a calendar month.

Oath. A solemn affirmation is the equivalent to an oath, and a person shall be deemed to have sworn if such person makes such an affirmation.

Officers, departments, boards, committees, commissions, employees, etc. References to officers, departments, boards, committees, commissions or employees are to City officers, City departments, City boards, City committees, City commissions and City employees.

Ordinance. The term "ordinance" means any City ordinance, as amended.

Owner. The term "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity.

Personal property. The term "personal property" means any property other than real property.

Preceding. The term "preceding" means next before.

Premises. The term "premises," as applied to real property, includes land and structures.

Property. The term "property" includes real property, personal property and mixed property.

Reasonable time. The term "reasonable time" means such minimum amount of time as is reasonably necessary given the totality of the circumstances.

Shall. The term "shall" is to be construed as being mandatory.

Should. The term "should" is to be construed as being permissive and not mandatory.

Sidewalk. The term "sidewalk" means that portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

State. The term "State" means the State of Florida.

Street. The term "street" means a public or private roadway which affords the principal means of access to abutting property. The term "street" includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used.

Tenant or occupant. The term "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of or who occupies the whole or part of such building or land, either alone or with others.

Tenses, plurals, and gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

Week. The term "week" shall be construed to mean seven days.

Will. The term "will" is to be construed as being mandatory.

Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.

Year. The term "year" shall mean a calendar year, unless a fiscal year is indicated.

(Code 1976, § 1-2)

Sec. 1-3. - Catchlines of sections.

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1976, § 1-3)

Sec. 1-4. - History notes; editor's notes; cross references; State law references; references to Code.

(a) The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history. Editor's notes, cross references and State law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(b) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

(Code 1976, § 1-3)

Sec. 1-5. - Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 1976, § 1-4)

Sec. 1-6. - Amendments to Code; amendatory language.

- (a) All ordinances adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code.
- (b) Amendments to provisions of this Code may be made with the following language: "Chapter (article, division, subdivision, section or subsection, as appropriate) ____ of the Code of Ordinances, City of Alachua, Florida, is hereby amended to read as follows:...."
- (c) If a new chapter, article, division, subdivision, section or subsection is to be added to the Code, the following language may be used: "Chapter (article, division, subdivision, section or subsection, as appropriate) ____ of the Code of Ordinances, City of Alachua, Florida, is hereby created to read as follows:...."
- (d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

(Code 1976, § 1-6)

Sec. 1-7. - Supplementation of Code.

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the City. A supplement to this Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:
 - (1) Arrange the material into appropriate organizational units.
 - (2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.
 - (3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.
 - (4) Where necessary to accommodate new material, change existing numbers assigned to chapter, articles, divisions, subdivisions, sections or subsections.
 - (5) Change the words "this ordinance" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section," or "this subsection" or "sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the ordinances inserted in the Code.

Sec. 1-8. - General penalty; continuing violations.

(a) In this section, "violation of this Code" means any of the following:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(b) In this section "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) Except as provided by law or ordinance, a person convicted of a violation of this Code shall be sentenced to pay a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment not to exceed 60 days. Except as otherwise provided by law or ordinance:

- (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
- (2) With respect to other violations, each act constitutes a separate offense.

(d) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions and any sanction may be employed in the case of a violation of this Code.

(e) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(Code 1976, § 1-8)

State Law reference— Designation of enforcement methods and penalties for violation of municipal ordinances, F.S. § 162.22.

Sec. 1-9. - Imposition of court costs.

The \$2.00 court cost authorized by F.S. § 318.18(1)(d), to be used to fund criminal justice education degree programs and training courses, including basic recruit training is hereby adopted and shall be imposed on noncriminal traffic infractions as provided by law. The \$2.00 court cost authorized by F.S. § 938.15, to be used to fund criminal justice education degree programs and training courses, including basic recruit training, is hereby adopted and shall be imposed on persons convicted of State criminal statutes for crimes committed within the territorial jurisdiction of the City, and shall also be imposed on persons convicted of violations of the ordinances, except for ordinance violations relating to the parking of vehicles.

(Ord. No. O-06-04, § 1, 2-27-2006)

Sec. 1-10. - Severability of parts of Code.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional portion.

(Code 1976, § 1-5)

Sec. 1-11. - Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinances previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-12. - Code does not affect prior offenses or rights, etc.

- (a) Nothing in this Code or the ordinance adopting this Code affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- (b) The adoption of this Code does not authorize any use or the continuation of any use of a structure or premises in violation of any City ordinance on the effective date of this Code.

Sec. 1-13. - Interpretation consistent with State and Federal laws.

This Code is to be read in conjunction with the laws and regulations of the State of Florida, as amended from time to time. To the extent any portion of this Code conflicts with applicable State or Federal law or regulation, the state or federal law or regulation shall prevail to the extent necessary to allow the reasonable interpretation of this Code.

Sec. 1-14. - Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinances or portion of any ordinance listed below. All such ordinances continue in full force and effect to the same extent as if published at length in this Code.

- (1) Amending the Charter as published in part I of this volume.
- (2) Annexing property into the City or describing the corporate limits.
- (3) Deannexing property or excluding property from the City.

- (4) Providing for salaries or other employee benefits not codified in this Code.
- (5) Providing personnel policies not published in this Code.
- (6) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (7) Authorizing or approving any contract, deed or agreement.
- (8) Relating to the condemnation or acquisition of land.
- (9) Conveying any rights to public lands or any ordinance authorizing an encroachment on public land.
- (10) Making or approving any appropriation or budget.
- (11) Granting any right or franchise.
- (12) Adopting or amending the comprehensive plan not published in this Code.
- (13) Levying or imposing any special assessment.
- (14) Dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley.
- (15) Establishing the grade of any street or sidewalk.
- (16) Dedicating, accepting or vacating any street, plat or subdivision.
- (17) Levying, imposing or otherwise relating to taxes not codified in this Code.
- (18) Approving the inclusion of the City or any part thereof in a municipal service taxing unit (MSTU) or municipal service benefit unit (MSBU) not codified in this Code.
- (19) Approving County assessments for a municipal service taxing unit (MSTU) or municipal service benefit unit (MSBU) not codified in this Code.
- (20) Rezoning property or amending the zoning map or land use changes to the future land use map.
- (21) Adopting or amending the City of Alachua Land Development Regulations, being Ord. No. 06-11, as amended.
- (22) That is temporary, although general in effect.
- (23) That is special, although permanent in effect.
- (24) The purpose of which has been accomplished.

Chapter 2 - ADMINISTRATION

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166.*

ARTICLE I. - IN GENERAL

Secs. 2-1—2-18. - Reserved.

ARTICLE II. - CITY COMMISSION

Sec. 2-19. - Compensation.

- (a) *City commission salary.* Each member of the City Commission shall receive an annual salary in the amount of \$16,500.00, said salary to be paid monthly from the general fund of the City, and shall be set forth in the annual budget adopted by the City Commission. Such salary shall be calculated from the date the City Commissioner takes office, and shall continue until such City Commissioner no longer holds office.
- (b) *Additional compensation for mayor.* The Mayor shall receive an additional annual salary in the amount of \$1,500.00, said salary to be paid monthly from the general fund of the City, and shall be set forth in the annual budget adopted by the City Commission. Such salary shall be calculated from the date the Mayor takes office, and shall continue until such Mayor no longer holds office.
- (c) *Annual review.* The City shall cause an annual review of the compensation provided to the Mayor and members of the City Commission to be conducted no later than July 15 of each year.

(Ord. No. O-04-37, §§ 1—3, 8-16-2004)

Sec. 2-20. - Insurance programs.

A City Commissioner may participate in all insurance programs provided by the City with the same benefits and costs not to exceed that of any fulltime City employee.

(Ord. No. O-99-04, § 1, 11-2-1998)

Secs. 2-21—2-42. - Reserved.

ARTICLE III. - OFFICERS AND EMPLOYEES

Footnotes:

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State Law reference— *Public officers and employees generally, F.S. chs. 111—116.*

DIVISION 1. - GENERALLY

Sec. 2-43. - Participation in Florida Retirement System.

- (a) *Authority of mayor to execute agreements.* The Mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the Department of Administration for the purpose of extending the benefits provided by the Florida Retirement System to the employees and officials of this City, which agreement shall provide for such methods of administration of the plan by said City as are found by the Administrator of the Florida Retirement System to be necessary and proper, and shall be effective with respect to services in employment covered by such agreement performed on and after the January 1, 1973.
- (b) *Withholdings authorized.* Withholdings from salaries, wages, or other compensation of employees and officials are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable state laws or regulations, and shall be paid over to the administrator designated by said laws or regulations to receive such amounts.
- (c) *Local appropriations authorized.* There shall be appropriated from available funds, derived from the general fund of the City, such amounts and at such times as may be required to pay promptly the contributions and assessments required of the City, as employer, by applicable state laws or regulations, which shall be paid over to the lawfully designated administrator of the Florida Retirement System at the times and in the manner provided by law and regulation.
- (d) *Records and reports required.* The City shall keep such records and make such reports as may be required by applicable state laws or regulations, and shall adhere to all laws and regulations relating to the Florida Retirement System.
- (e) *Adoption of state terms and conditions.* The City does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of the Florida Retirement System, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement.
- (f) *Manager designated as custodian of funds.* The Manager is hereby designated the custodian of all sums withheld from the compensation of officers and employees as authorized herein and of the appropriated funds for the employer's contributions as provided in subsection (c) of this section, and the Manager is hereby made the withholding and reporting agent and charged with the duty of maintaining records for the purposes of this article.

(Code 1976, §§ 2-18—2-23; Ord. No. 52, §§ 3—8, 12-20-1972)

Sec. 2-44. - Reinstatement of participation in Florida Retirement System.

- (a) It is hereby declared to be the policy and purpose of the City to reinstate its participation in the Florida Retirement System for all employees or officers hired on or after January 1, 1996.
- (b)

All employees or officers of the City who currently participate in the Florida Retirement System shall continue to participate in the Florida Retirement System.

(Ord. No. 04-38, §§ 1, 2, 8-16-2004)

State Law reference— Florida Retirement System, F.S. ch. 121; local participation in Florida Retirement System, F.S. § 125.051(2)(b).

Secs. 2-45—2-61. - Reserved.

DIVISION 2. - PERSONNEL POLICIES AND PROCEDURES

Footnotes:

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Editor's note— Ord. No. 16-09, § 1(Exh. A), adopted July 25, 2016, amended and restated in total Ch. 2, Art. III, Div. 2, in effect repealing and reenacting said division as set out herein. Former Div. 2 pertained to similar subject matter. See Code Comparative Table for historical derivations.

Subdivision I - General Provisions

Sec. 2-61. - Purpose.

The Personnel Policies and Procedures establishes policies and defines procedures which will serve as a guideline to administrative actions concerning personnel activities. These policies indicate the customary and the most reasonable methods whereby the aims of the Human Resource Management System can be carried out. It is the intent of the City to provide policies of personnel administration consistent with accepted personnel practices and to promote good employer/employee relations. The information contained in the Manual is intended as a general guide for employees. They do not constitute any form of employment contract or guarantee of continued employment or of any benefit contained herein. Rather, all employment with the City is at will and either the City or the employee may terminate the employment relationship at any time. This document is not intended to be a legally enforceable contract (either express or implied). It is also not intended to create any legally enforceable obligations on the part of the City.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-62. - City government.

The City operates under a commission-manager form of government. The five- member elected commission is comprised of an elected mayor and four elected city commissioners and is responsible for the establishment and adoption of policy for the City. The City Manager, appointed by the City Commission is the chief executive officer of the City. The City Manager is responsible for establishing organizational goals and providing overall administration and direction to all City departments. In accordance with

the City Charter, except for the purpose of inquiries and investigation, the City Commission shall deal with employees solely through the City Manager, so the City Manager may coordinate efforts of all City departments to achieve the greatest possible savings through the most efficient and sound means available.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-63. - Code of ethical standards.

- (a) *Declaration of policy.* To encourage employees to remain conscientious and maintain acceptably high ethical standards, the voters of Florida in 1976 approved Article II, Section 8, of the Florida Constitution entitled "Ethics in Government". In addition, the Florida Legislature enacted F.S. ch. 112, pt. III, entitled "Code of Ethics for Public Officers and Employees". These provisions are general in nature and the Commission on Ethics; authorized by Section 8 of the Constitution and created by F.S. ch. 112, encourages political subdivisions including municipalities to adopt ethical standards tailored to their particular needs. In accordance with these statutes and constitutional provisions, the City hereby adopts this Code of Ethical Standards.

Since it is neither desirable nor possible to list all possible activities that could result in a breach of the public trust, this Code serves as a guideline and statement of policy. Each employee bears a personal responsibility for assessing his or her own compliance with these policies and procedures. The ethical connotations of every action shall be considered carefully and be directed toward enhancement rather than erosion of the public trust.

- (b) *Administration of the Code of Ethical Standards.* Where a question arises concerning whether or not any activity conforms to this Code of Ethics, the City Manager shall decide the question. Questions on key decisions may be referred to the City Commission for comment and advice at the City Manager's discretion.
- (c) *Fair and equal treatment.* Every employee must treat all citizens with courtesy, impartiality, fairness and equality under the law. No employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- (d) *Use of city resources.* Use of City resources for other than City business is prohibited. Using City personnel, vehicles, equipment, material or funds (including expense accounts) for other than legitimate City business is prohibited and such prohibited use is considered a breach of ethics.
- (e) *Conflict of interest.* No employee shall solicit or accept free or discounted goods, services, prizes, gifts, favors, accommodations, entertainment, discounted loans or anything else of value. This Code must be read as proscribing the appearance of impropriety as well as actual conflicts of interest. No circumvention of this Code is permitted by diverting free or discounted goods or services to family or associates of employees in order to avoid direct acceptance of gifts.

Exception - NO breach of ethics is deemed to occur under the following circumstances:

- (1) *Free or discounted goods, services, loans, premiums and gifts available to the general public are excepted.* Discounts, loans, premiums or gifts offered to the general public or a representative group thereof (a representative public group shall not predominantly consist of public officers and employees) may be accepted by employees on the same terms as offered to the public. There must be no evident intent to influence the decisions or performance standards of the employees in performing their official duties. (This exception is intended to permit participation in discounts offered to the public. Such discounts may be via sources including but not limited to: coupons in newspapers and other publications, general sales offered to the public, premiums and prizes offered certain

open-membership groups such as Diners Club, Master Card, bank and credit union loans on terms offered to the public or to members of other credit unions, and the like. This exception is permitted only where no relationship exists between the official position of the recipient and the discounted goods or services received.)

- (2) *Food and drink at meetings and public gatherings.* is under restricted exception. Food and drink may be accepted infrequently by employees, without breach of ethics, providing there is no evident intent to influence official decisions or performance standards. (This exception is intended to permit attendance at breakfast, lunch and dinner meetings of organizations and committees and the like where the food is largely incidental to the occasion and expenditures per guest by the host are nominal.)
- (3) *Promotional materials of inconsequential value are excepted.* No breach of ethics occurs when the item accepted is unsolicited advertising promotional material or award and is of small resale value, such as a pen, pencil, note pad or calendar.
- (4) *Campaign contributions are excepted.* No breach of ethics occurs when a campaign contribution is accepted and publicly reported in accordance with the applicable election laws.
- (5) *Incentive and merit awards are excepted.* If the City or any group there from, with the approval of the City Manager, offers or gives an award, prize, premium or such, no breach of ethics occurs when an employee accepts.
- (6) Certain de Minimis uses when approved by the employee's supervisor and within the meaning set forth in the internal revenue code.
- (7) *All unpermitted gifts must be immediately declined, returned or discarded.* Employees must report receipt of any excepted item not available to the general public to their supervisors and Human Resources by the end of each month. Employees found in violation of this policy will be subjected to immediate disciplinary action, up to and including termination of employment.
- (f) *Gratuities in general: Discretion and caution are recommended.* In accepting even nominal gifts, treats or benefits of any kind, all employees shall carefully refrain from incurring obligations expressed, implied or reasonably presumable by others. Therefore, ordinary discretion suggests a polite but firm refusal of even minor largess (including food or drink) from those having business relationships with the City, or from those who may be affected by the professional judgment and job performance of the gift recipient. This paragraph does not intend to inhibit normal gift giving among family and friends on festive occasions. It does aim to discourage business oriented or other gifts with even the subtlest connotations of reciprocal obligations that could be fulfilled with preferential treatment.
- (g) *Contracts with the City.* Except for publicly recorded salary and benefits, no employee may receive any additional personal financial benefit (income, goods or service, or increase in equity or other value) from any transaction of the City. Such policy includes but is not limited to contracts for construction and transactions for the sale or purchase of goods, services or real estate, except those indirect and incidental public benefits and conveniences accruing to all citizens under similar circumstances.
- (h) *Policy or legislative matters before the City Commission.* Any employee who has a financial or other private interest shall disclose such interest in any matter requiring a decision and vote by the City Commission. The same will apply to any employee who contributes to the preparation, presentation or discussion of an official report or recommendation to the City Commission affecting such financial or other private interest. Such disclosure should occur at the appropriate public

meeting, orally or in writing, be duly recorded in the minutes thereof and clearly express the nature and extent of such interest. The employee shall make this disclosure prior to any vote by the City Commission.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-64. - Creed for public employee.

- (a) The public employee feels that the public business is respectable, efficient and honorable and that it is as essential as private business.
- (b) The public employee realizes that loyalty is the foundation upon which the public service rests. He/she speaks well of and stands by the City whose wages support him/her.
- (c) The public employee is governed by high ideals in his/her public and private activities in order that he/she may merit the respect and confidence of people with whom he/she works, and the public, which he/she serves. He/she is careful to conduct himself/herself, both on duty and off, so as to reflect credit upon the City.
- (d) The public employee renders efficient service to the best of his/her ability, for efficiency begets public confidence and assures economical operation of municipal activities.
- (e) The public employee is resourceful and considers it his/her duty to improve himself/herself continually, to increase his/her output of work and to expand the scope of his/her usefulness.
- (f) The public employee has a thorough knowledge of his/her own job and possesses a profound respect for its importance.
- (g) The public employee is tolerant of the opinions and conduct of others. He/she has a full recognition of the rights and honest misunderstandings of the average citizen and of his/her fellow employees.
- (h) The public employee believes that a dual responsibility exists between him/her and the municipal government. Since the City is responsible for the payment of adequate wages, fair labor relation policies and job security, the obligation rests upon him/her to render honest, efficient and economical service in the performance of his/her duties.
- (i) The public employee is courteous, pleasant and tactful in his/her contacts with the public and fellow employees, for courtesy builds good will that money cannot purchase.
- (j) The public employee recognizes that the chief function of government is to serve the best interest of all persons all the time.

Sec. 2-65. - Scope.

The Manual shall apply to all positions in the City Government with the exception of the following:

- (1) Members of City Commission and other Boards.
- (2) City Manager/Clerk.

(3) City Attorney.

Where a contract exists between the City and employees belonging to a bargaining unit the contract takes precedence over this policy.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-66. - Amendment of code.

The City Commission may amend these policies and procedures within the Code of Ordinances upon the recommendation of the City Manager. This document supersedes all previous policies and procedures. It is a reference document and not intended to contain all of the official policies and procedures of the City.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-67. - Updates to manual.

The City may change these policies and procedures with regard to matters covered herein and such changes may not be reflected at the time in which they are read. The policies and procedures may be modified from time to time by management and shall supersede any written information previously distributed.

Copies of the City of Alachua Personnel Policies and Procedures are maintained on file with the various city departments. Each employee will be issued one personal copy of the Personnel Policies and Procedures by signing a receipt for same. It is each employee's responsibility to be familiar with and abide by these policies and procedures. Employees may contact Human Resources if they need more information.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-68. - Administration.

- (a) Human Resources is responsible for the administration and technical direction of the City Personnel Policies and Procedures.
- (b) Department Directors are responsible for the proper and effective administration of these policies and procedures within their respective departments. Routine matters pertaining to enforcement may be delegated.
- (c) Employees with questions or concerns regarding these policies and procedures shall be referred to Human Resources.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-69. - Violation.

Violation of any the policies found within may be grounds for rejection for employment, demotion, reduction in compensation, verbal and/or written reprimand, suspension and/or termination of employment or any combination thereof.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-70—2-80. - Reserved.

Subdivision II. - Definition of Terms

Sec. 2-81. - Terms.

For the purpose of these Personnel Policies and Procedures, the following terms shall apply. Non-defined terms shall be given their ordinary and common meaning as determined by the City Manager.

Anniversary date means the date upon which an individual was hired as a regular employee.

Appeal means an application for review of an alleged grievance submitted or instituted by an employee to higher authority.

Appointment means the offer to a person, and the acceptance, of a position authorized by the appointing authority.

Compensation means all applicable rates of pay which have been established for the respective positions set forth in the Compensation Plan.

Compensation plan means the official schedule of salary ranges for each approved position title.

Department Director means employees of the City designated by the City Manager to be the head of a department.

Demotion means the assignment of an employee from one position to another that has a lower level of autonomy, responsibility and/or compensation range.

Employee means any employee of the City covered by the provision of these policies and procedures.

(1) *Salaried/exempt employee*: Any employee that meets the criteria for exempt status under the Fair Labor Standards Act (FLSA).

(2) *Non-exempt/hourly employee*: Any employee whose official performance is subject to FLSA and who is compensated on an hourly basis.

(3) *Non-exempt salary employee*: Any employee with a fixed schedule and salary however nonexempt under the FLSA.

Form means a document with blank spaces designed as a way to collect information. May be updated or reformatted by management as needed to carry out the purpose and intent of City policies and procedures.

Full time employee means an employee whose official performance of duty requires 40 or more working hours per week and is benefit eligible.

Insubordination means the unwillingness on the part of an employee, whether by action or omission, to submit to the authority vested in any supervisor as outlined in the Personnel Policies and Procedures.

Job Description means a general outline describing the current duties, responsibilities, general requirements and qualifications for a single position. Job descriptions are not intended to be all inclusive of the work an employee may be assigned.

the/this Manual means interpreted as the City of Alachua Personnel Policies and Procedures Manual.

Overtime means overtime is the required performance of work by non-exempt employees in excess of a 40 hour workweek as defined by the Fair Labor Standards Act (FLSA).

Part-time employee means an employee who regularly works less than 30 hours per week.

Performance evaluation means the periodic appraisal of an employee's work performance.

Position means a group of duties and responsibilities requiring the full-time or part-time employment of one person. This relates to the duties performed and not to the employee performing those duties.

Promotion means the upgrading of an employee from one position to another that has a higher level of autonomy, responsibility and/or compensation range.

Reclassification means the action of changing the FLSA status of a position based upon reevaluation or the movement of an employee to a position with a different FLSA status.

Reevaluation means the action taken to officially change an existing position to different duties, responsibilities and/or requirements and via revision of the compensation plan and job description.

Regular employee means a permanent employee who has completed a satisfactory initial training period.

Resignation means the voluntary termination of employment by an employee.

Salary range means the minimum to maximum approved hourly or annual compensation for a position based on comparative analysis of the job description.

Shall/will is interpreted as mandatory.

Standby assignment means an assignment made by a supervisor which requires an employee to be available for emergency work on off-duty time which may include nights, weekends or holidays.

Suspension means forced leave of absence, with or without pay, of an employee for disciplinary purposes.

Temporary employee means an individual employed for the duration of a particular project, or when regular employment is not anticipated.

Termination means Complete separation of any employee from employment with the City.

Training period means a working test and training period during which the employee is required to demonstrate the knowledge, skills and ability to perform the duties of the position. The initial training period will be six months.

Transfer means a change of an employee from one position to another with the same or a comparable salary range.

Vacancy means an approved position in the current budget that is not currently occupied by an employee.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-82—2-90. - Reserved.

Subdivision III. - Recruitment, Selection and Employment

Sec. 2-91. - Policy statement.

The City believes employees to be our most valuable assets. The City is an Equal Opportunity Employer and is committed to recruiting and retaining qualified and diverse employees by offering exceptional benefits and a challenging work environment. We will support the success of our employees by continually providing professional leadership and encouraging training and educational opportunities to enhance career satisfaction and performance. It shall be the policy of the City to:

- (1) Attract and retain qualified employees meeting or exceeding the minimum requirements of each position as outlined in the job description.
- (2) Support veteran's preference requirements pursuant to F.S. ch. 295.
- (3) Prohibit discrimination against any person in recruitment, evaluation, appointment, training, promotion, retention, or any other personnel action because of race, color, religion, age, creed, sex, national origin, marital status, disability or genetic information. Retaliation against an individual who complains of discrimination or harassment will not be tolerated.
- (4) Comply with the Immigration Reform and Control Act of 1986 by employing only United States citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of employment to provide original documents verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9). If an individual cannot verify his/her right to work within three business days of hire or provide a receipt for the application of required documents within the same three business days and the actual documents within a total of 90 days of hire, the City must terminate employment. Proof of eligibility to work must be provided at the time of employment for any person hired for less than three business days.
- (5) Afford equal opportunity to qualified individuals without regard to race, color, creed, religion, sex, age, national origin, marital status, disability or genetic information, except where the law allows consideration of such factors.
- (6)

Equal Employment Opportunity. The City is committed to providing equal opportunity in all of our employment practices, including selection, hiring, promotion, transfer, and compensation, to all qualified applicants and employees without regard to age, race, religion, color, sex, national origin, marital status, citizenship status, disability, genetic information or any other protected status in accordance with the requirements of all federal, state and local laws. A copy of the City of Alachua's Equal Employment Opportunity Plan is available in Human Resources.

(7) *Accommodations.* It is the policy of the City to afford equal opportunity to all employees, regardless of physical or mental disability. However, all employees with such disabilities are expected to perform the essential functions of their positions as both defined in their respective job descriptions or as performed on a regular basis as part of their normal responsibilities. All employees with disabilities are eligible for accommodations per the Americans with Disabilities Act. Such requests must be made to Human Resources. While the City cannot make all requested accommodations, it will work with the employees to define reasonable terms and supply such terms to the employee. If the employee cannot perform the essential functions with the requested accommodation, the employee may be separated from the City.

(8) *Selective service registration.*

- a. No person who is required to register with the Selective Service System under the Military Selective Service Act, 50 U.S.C. App. 453, may be offered employment by the City in an authorized position, as defined in F.S. 216.011, without proof of such registration.
- b. No person who has failed to register as required by the Military Selective Service Act, 50 U.S.C. App. 453, subsequent to October 1, 1988, and who is currently employed by the City may be promoted to a higher authorized position without proof of such registration.
- c. The City shall provide for a review, when required by the applicant or employee, of any denial of employment or promotion for reasons of noncompliance with selective service registration requirements.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-92. - Applications.

Applications must be made on a standard form approved by the City Manager.

- (1) Applications for City service positions shall be active and considered by the City for a term of six months from date the application was accepted.
- (b) After the expiration of a six month period, the application, if not renewed, shall remain on file for a period of four years.
- (c) Employment applications are accepted for open positions only, and must be filled out completely. Resumes are not accepted in lieu of an application. Resumes may be submitted with the application as supplemental information. Applications indicating "See Resume" for any response on the application will be considered incomplete and not processed.
- (d) Once an application is received, it will be screened by Human Resources to ensure that the applicant meets the minimum requirements and qualifications for the position. Applicants whose education (if applicable), work experience, skills and training most closely match the job description qualifications may be called in for testing, interviewing and other pre-selection processing.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-93. - Basis for employment.

Employment with the City shall be based on knowledge, skills and abilities as evidenced by:

- (1) Training and experience as reflected by the application form, interview process and other documentation of certification, registration, etc., as requested.
- (2) Written examination or performance tests when in the best interest of the City.
- (3) A background check, reference check, criminal history check (FDLE if applicable), a pre-employment drug screening and a post offer pre-employment physical examination are required if necessitated by the position.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-94. - Procedure for filling vacancies.

Whenever an open position is to be filled, the Department Director under whose authority the position falls, shall notify Human Resources of the vacancy. Recruitment for available positions will be conducted by and coordinated through Human Resources. The methods for identifying prospective candidates will be through internal and external recruitment.

- (1) *Internal recruitment.* Positions filled by promotion, transfer or demotion of a current, regular City employee. The announcement of the position vacancy will be posted at City Hall and distributed via City email. Employees in a training period are ineligible for internal recruitment except as deemed in the best interest of the City by the City Manager.
- (2) *External recruitment.* Positions may be announced in one or more of the following: internet, newspaper, miscellaneous publications and third party source or other methods as deemed appropriate. Ultimately, the appropriateness of the approach (internal or external recruitment) depends on City needs.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-95. - Temporary appointments.

A temporary position is one that is established and approved by the City Manager for a specific period of time, after which time regular employment for the task is not anticipated. No such position can be established unless sufficient funds are provided in the budget. The City Manager shall have the authority to determine if the position is eligible for benefits, particularly those positions funded by a grant.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-96. - Employment restrictions.

It shall be the policy of the City to regulate employment of persons related to City officials or employees. For the purpose of this policy, the term related shall mean spouse, domestic partner, romantic partner, child, parent, siblings, grandparents, grandchildren and corresponding in-law or step relationships. After the effective date of this policy, no person shall be employed in the same department or division when he/she is related to a person where one is in a supervisory or administrative capacity over the other.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-97. - Transfers.

A position may be filled by transferring a regular employee from one position to another for which the employee qualifies. Transfers must be approved by the responsible Department Director, Human Resources and the City Manager.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-98. - Ongoing screening during employment.

The City must be able to employ individuals that are trustworthy and able to properly interact with key organizational partners. Employees agree, by signing the acknowledgement provision verifying agreement to this manual, that the City may conduct occasional criminal, employment, driving and educational background investigations on employees, as it deems necessary to conduct operations in an efficient and legal manner. The City reserves the right to take any and all action it deems necessary to act upon the results of such ongoing screening.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-99—2-110. - Reserved.

Subdivision IV. - Compensation Plan

Sec. 2-111. - Composition of the plan.

The compensation plan includes a set of approved job titles, salary ranges and job descriptions that identify, define and describe the type of work and level of difficulty and responsibility, and establish the desirable qualifications of each position.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-112. - Job descriptions.

Each approved position in the compensation plan shall have an accurate job description. Job descriptions may not detail every task associated with the position, as employees may have to perform marginal, job related duties as needed.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-113. - Salary ranges.

The salary range for each position is established by comparative study of the job description for each position. The City Manager shall make or cause to be made such comparative studies as necessary to maintain an accurate and current compensation plan.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-114. - Maintenance of the plan.

Human Resources is charged with the responsibility for the proper and continuous maintenance of the compensation plan so it will reflect on a current basis the duties being performed by each employee in the City service. Administrative staff may recommend to Human Resources any necessary amendments to the plan. Reallocations of positions within the approved compensation plan shall be made as follows:

- (1) Human Resources, with the approval of the City Manager, shall evaluate each new position as it is created and, on the basis of the evaluation, place the position into the compensation plan.
- (2) Changes in the duties and responsibilities of a position involving the addition either of new assignments or removal or modification of existing assignments shall be reported to Human Resources by the Department Director. If these are determined to be permanent or more than minor changes that justify the reevaluation of the salary range, Human Resources, with the approval of the City Manager, shall propose the new salary range to the Commission for final approval.
- (3) Human Resources, with input from the Department Director, will periodically review the descriptions of each position and, upon the basis of investigation, make appropriate changes to the compensation plan.
- (4) Employees affected by the evaluation or reevaluation of a position shall be afforded a reasonable opportunity to be heard by the City Manager after filing a written request. The City Manager, after hearing the facts of the case, shall render his/her decision and such decision will be reported to the employee and to the Department Director in writing.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-115. - Entrance at the minimum.

The minimum rate of pay for the job will be paid to qualified persons on their original appointment to a position; however, Human Resources may recommend to the City Manager a higher starting rate based on experience, training or education that warrants employment at a higher rate in the salary range.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-116. - Salary increases.

Salary increases within appropriate salary range shall be based on:

- (1) *Cost of living.* Each year, during the budget review process, the City Commission will determine what percent, if any, will be granted for cost of living increases. The percent increase will be calculated based on current annual salary and rate of pay will be adjusted beginning the first pay period in October of each year. The pay plans will be adjusted by the percent determined.
- (2) *Merit.* Employees shall become eligible for salary increases, if any, depending on appropriations in the annual operating budget. Merit salary increases are based on the employee's annual performance evaluation as rated by his/her supervisor. The percentage of the merit increase will be applied to the employee's current hourly rate of pay up the maximum rate of his/her position's salary range. If an employee is at or near the maximum rate of pay for his/her position, the percentage of the merit increase that exceeds the maximum pay range may be given as a lump sum payment in lieu of increasing the current hourly rate of pay beyond the set maximum rate. If funds are available the merit increase shall be on the following schedule or as set by the Commission:

Below or Does Not Meet Expectations	0%
Meets Expectations	2%
Exceeds Expectations	3%
Exceptional	4%

- (3) *Other salary increases.* Salary adjustments shall not be automatic, but shall depend upon increased value of the employee to the City, as exemplified by recommendations, length of service, performance records, special training, increased responsibilities or other pertinent evidence. Salary adjustments may be made on the recommendation of the Department Director or Human Resources and approval of the City Manager.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-117. - Pay rates in transfer, promotion or demotion.

If an employee is promoted, demoted or transferred, the rate of pay for the new position shall be determined as follows:

- (1) If the employee is promoted to a position with a higher salary range, he/she shall receive at least the minimum rate of the new salary range or a 5% rate increase.
- (2) If an employee is transferred to a position with the same salary range as his/her previous position he/she shall receive no salary increase at the time of the transfer.
- (3) If an employee is demoted into a position with a lower salary range, the employee shall be placed at an appropriate level within the new salary range as recommended by the Department Director or Human Resources and approved by the City Manager. Voluntary demotion may require a reduction in pay.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-118—2-130. - Reserved.

Subdivision V. - Pay Practices

Sec. 2-131. - Overtime pay.

It is the City's policy to avoid overtime work when possible. However, overtime work may sometimes be necessary to meet emergency needs, seasonal or peak workload requirements or to make accommodations when a department is understaffed. Supervisors are responsible for advance planning to minimize the need for overtime.

- (1) Overtime is defined as hours worked by a non-exempt employee in excess of 40 hours during the established workweek.
- (2) Overtime is compensated as follows:
 - a. Non-exempt employees must have Supervisor approval prior to working overtime. The repeated performance of unauthorized overtime will result in disciplinary action.
 - b. Non-exempt employees shall be compensated for overtime at one and one-half times the regular hourly rate of pay in accordance with Fair Labor Standards Act (FLSA) provisions. Only hours actually worked over 40 per work week will count as hours worked for the purpose of computing overtime. Therefore holidays, sick leave, annual leave, administrative leave or any other type of leave will not count as hours worked for overtime pay calculations. Stand by or call out pay is credited at actual hours worked, not at the time and one-half paid.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-132. - Compensatory paid time.

Overtime hours worked may be converted to compensatory paid time at the election of the employee. For each overtime hour worked compensatory time is banked at one and one-half hours. Compensatory time is subject to the following:

- (1) Employees will be allowed to accrue up to 240 hours of compensatory time. Employees who have accrued the maximum amount of compensatory time must then receive paid compensation for additional overtime hours.
- (2) The employee's supervisor must approve use of compensatory time off in advance.
- (3) Compensatory time paid to a regular employee, such as in the instance of reclassification from nonexempt to exempt, shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
- (4) If an employee terminates, accrued balances of compensatory time will be paid at a rate of the average regular rate of pay over the employee's last three years of employment during which compensatory time was earned or the final regular rate, whichever is higher.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-133. - Stand-by pay.

Stand-by time is paid at one hour on week days and two hours on weekends and holidays at time and one-half the regular rate of pay.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-134. - Call-out pay.

All call-outs will be paid at time and one-half the regular hourly rate of pay. All call outs after normal working hours will be compensated for a minimum of two hours or for the total hours actually worked whichever is greater.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-135. - Rest time pay.

To maintain a safe and productive working environment, the City recognizes that rest times are important. In specific circumstances, an employee may be approved for paid rest time to delay the start of the next scheduled shift to ensure eight hours rest between work assignments. Paid rest time may be approved to a maximum period of eight consecutive hours. Rest time pay is subject to the following conditions:

- (1) The employee must have stayed-on shift or been called-out for an unscheduled/unplanned trouble call that is routine in nature.
- (2) Rest time is not applicable to declared emergencies or to preplanned work assignments, whether inside or outside of regularly scheduled work hours. This policy does not limit the City's right to schedule and/or reschedule employees in accordance with business necessity.
- (3) The employee will not have had eight consecutive hours off between completion of the work and the scheduled start of the next work shift.
- (4) Paid rest time will only be available if the following day is a regular scheduled workday for the employee.
- (5) All paid rest time must be pre-approved at the department Director's, or designee's, discretion for each circumstance on a case-by-case basis.
- (6) The employee must obtain pre-approval from the Department Director, or designee, for the number of paid rest hours in each case. This will ensure that the department is aware of scheduling issues, options and possible conflicts.
- (7) For the purposes of calculating overtime pay, normally scheduled shift hours that are substituted for properly approved paid rest time hours will be considered hours worked.
- (8) *Paid rest time policy examples.* Examples based on a normal Monday through Thursday, 10-hour shift schedule of 7:00 a.m. to 5:30 p.m.
 - a. Employee starts work on a Monday at 7:00 a.m., and works until 11:00 p.m. on the same day. When the employee reports to work at the normally scheduled start time on the next morning, Tuesday at 7:00 a.m., the employee has had at least eight consecutive hours of rest between shifts. Paid rest time is not applicable.
 - b. Employee works his/her normal ten hour scheduled shift on Monday, getting off at 5:30 p.m., but is then called back to work at 8:00 p.m. and works until:
 1. 11:00 p.m. - employee will report to work for his/her next scheduled shift on Tuesday at 7:00 a.m., having had eight hours between shifts. Paid rest time is not applicable.
 2. 1:00 a.m. - under this policy, the employee may be approved to report to work for his/her next normally scheduled shift on Tuesday at 9:00 a.m., based on approved use of two hours of paid rest time.
 3. 3:30 a.m. - under this policy, the employee may be approved to report to work for his/her next normally scheduled shift on Tuesday at 11:30 a.m., and may be approved for up to four and one-half hours paid rest time.
 - c. Based on the above outlined schedule of Monday through Thursday, there would be no available paid rest time for hours worked after 5:30 p.m. on Thursday, through 5:30 p.m. on Sunday. Eligibility for paid rest time on Monday would be determined by the number of hours worked on Sunday after 5:30 p.m. through the start of the employee's regular scheduled shift on Monday.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-136. - Longevity.

Each year, during the budget review process, the City Commission will determine if funds are available for additional compensation based on Longevity. If funds are available, they will be awarded based on the criteria listed below:

Longevity amounts will be paid in lump sum (less withholdings, etc.)

- (1) In December based on years of service as calculated as of September 30th.
- (2) Eligibility requires a rating of "meets expectations" or above for the current year and the employee must be employed by the City on the date of payment.
- (3) Longevity pay may be on the schedule below or as set by the Commission.

Five—nine years of consecutive full-time employment\$500.00

Ten—14 years of consecutive full-time employment\$1,000.00

15—19 years of consecutive full-time employment\$1,500.00

20—24 years of consecutive full-time employment\$2,000.00

25—29 years of consecutive full-time employment\$2,500.00

30 or more years of consecutive full-time employment\$3,000.00

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-137. - Safe harbor provision.

It is the City's policy to comply with the salary basis requirements of all existing wage laws. Therefore the City prohibits any improper salary reductions from employees who are not eligible for overtime. If an employee believes that an improper reduction has been made to his/her salary, the employee should immediately report this to his/her direct supervisor, or to Human Resources. Reports of improper reductions will be promptly investigated. If it is determined that an improper reduction has occurred, the employee will be promptly paid the difference of his/her regular salary and the reduced salary.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-138. - Record keeping.

Human Resources maintains the final record of all hours certified as worked by each employee as well as complete and accurate record of all leave taken.

- (1) The ultimate responsibility for the accuracy of all attendance and leave records rests, individually and separately, with the employee and his/her Supervisor.
- (2) Falsification of any attendance or leave records shall result in disciplinary action up to and including the termination of any or all employees involved.
- (3) Employees are required to sign their time cards and certify the hours worked are true and correct before submitting the records to the Human Resources Department for processing.

(4) Work and compensation records shall be forwarded to the Human Resources Department on the first workday following the close of the pay period.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-139. - Rounding of hours.

(a) Employees who earn compensatory time or use any leave time in an amount less than a full hour will be credited or charged with such leave to the closest quarter of an hour.

(b) All hours worked must be totaled at the end of the workday and the workweek. The totals will be rounded to the nearest quarter of an hour.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-140—2-150. - Reserved.

Subdivision VI. - Hours of Work and Employee Schedules

Sec. 2-151. - Hours of work.

It is the policy of the City to provide a system of compensation for employees who work during assigned hours (non-emergency) and during times when a declared City emergency exists. Employees are either designated as exempt or non-exempt based on state and federal laws.

(1) Exempt employees are hired for an annual salary rate to accomplish a job for the City. To ensure availability for City operations, exempt employees are generally expected to be present and working for the total hours of the normal workweek.

(2) The normal workweek for all full-time employees is 40 hours. For nonexempt employees, hours worked per day and work assigned is established by the Supervisor.

(3) The work week starts at 12:01 a.m. Monday and ends at midnight Sunday.

(4) Nonexempt employees are prohibited from working at home unless authorized to do so by their Supervisor. This exemption includes but is not limited to reading, sending or otherwise working on emails during off hours.

(5) Employees may not voluntarily perform their regular duties for the City without compensation.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-152. - Work break.

Each administrative area may allow employees one work break during the first half of their work shift and one work break during the second half of their work shift, provided that:

- (1) No single work break will exceed 15 minutes absence from the employee's workstation.
- (2) An employee may not accumulate unused work breaks.
- (3) Work break time cannot be used to cover for employees' late arrivals or early departures from duty.
- (4) Permission to take work breaks is based upon workload demands and may be withheld at the discretion of the Supervisor.
- (5) Nonexempt employees on a recognized lunch break of 30 minutes or longer are prohibited from performing any of their job functions during their lunch break. Employees are encouraged to take their lunch break away from their work area, but if they remain on the premises they shall not perform any duties.
- (6) *Breastfeeding accommodation.* The City recognizes the needs of new mothers and provides a reasonable unpaid break time needed to express breast milk for their nursing child for up to one year from the child's date of birth. A private office space will be provided that will shield the employee from view and will be wholly free from coworker or public intrusion. If such need arises, simply contact Human Resources, and necessary breaks and corresponding office space will be provided.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-153. - Flex schedule.

The City is committed to developing, maintaining and supporting a comprehensive policy of equal opportunities in employment within the City. To assist in this the City will actively support flexible scheduling where it is reasonable and practical to do so and where operational needs are not adversely affected.

- (1) *Definition of a flex schedule.* A flex schedule is a work schedule that allows employees to work hours that are not within the standard 8:00 a.m. to 5:00 p.m. range, while maintaining a high level of service during City peak operating hours (typically 9:00 a.m.—4:00 p.m.). Flex-schedules must total a standard 40-hour workweek.
- (2) *Eligibility.* All full-time employees of the City who have successfully completed their initial training period are eligible to request a flex schedule. Certain types of flex scheduling might not be available for every division/department due to the services provided.
- (3) *Managing flex schedules.* It is the responsibility of the supervisor to manage department scheduling. Each time a flex schedule request is received the supervisor must review department schedules to ensure ample employee coverage during peak operating times. The supervisor must ensure the performance of employees with flex schedules. The supervisor has authority to revoke an approved flex schedule if abused.
- (4) *Flex schedule options.* There are three types of flex schedules available: Peak-hour flex scheduling, compressed work week and custom schedules. Approved flex schedules are the employee's standard work hours and must be worked consistently. *(All schedules must include a minimum 30-minute lunch break.)*

- a. *Peak-hour flex schedule.* This flex schedule option shifts daily work hours while still working an 8-hour day. For instance, instead of an 8—5 Monday—Friday schedule, an employee may work from 7:00—4:00, 7:30—4:30, 8:30—5:30, or 9:00—6:00. Working any of the available shifts within an 8-hour day constitutes a full workday.
 - b. *Compressed work week.* To maintain this flex schedule, an employee works a full 40-hour workweek in less than five days. For instance, an employee may work 7:00—6:00 or 7:30—6:30 with a one-hour lunch or 7:00—5:30, 7:30—6:00 or 8:00—6:30 with a thirty-minute lunch. Working any of the available shifts within a 10-hour day constitutes a full workday.
 - c. *Custom flex schedule.* In certain circumstances, the City's business needs are best accommodated with a custom work schedule. For instance, an employee may alternate a Monday—Thursday, Tuesday—Friday schedule or a department may require 24-hour coverage and therefore custom schedules for its employees.
- (5) *Procedure for applying for flex schedule.* To apply for a flex schedule, an employee must fill out the flex schedule request form and submit to his/her supervisor for initial authorization.
 - (6) *Procedure for approving or denying an employee's request for flex schedule.* Once a request is submitted, the supervisor and Department Director will authorize or deny the flex schedule request and forward it to the Human Resources for wage and hour compliance. The request will then be forwarded to the City Manager for final approval.

The request will be kept on file in Human Resources. A copy of the request will be provided to the employee after final approval or denial of the request is made.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-154. - Emergency operations.

During a declared City emergency procedures may be changed as required due to the circumstances and conditions.

- (1) A declared City emergency is a condition that may affect or does affect a large part of the City population, corporate limits, city property or resources available to the City. This condition may be a result of, but not limited to, a wind storm (hurricane, tornado), flood, fire, earthquake, hazardous materials and/or civil disobedience.
- (2) A City emergency may be declared by the Mayor or his/her designee, or the City Manager or his/her designee.
- (3) During a City emergency work schedules of individual employees may be altered without notice.
- (4) During times of declared emergencies scheduled leave time may be cancelled. After the emergency no longer exists an employee may reschedule his/her remaining leave time at the discretion of the Supervisor.
- (5) Employees who are on leave during a declared emergency may be recalled to work at the Supervisor's discretion. After the emergency no longer exists an employee may re-schedule his/her remaining leave at the discretion of the Supervisor.

- (6) During a declared emergency when City facilities are closed and employees are temporarily released from normal duty, they may be assigned to other needed tasks as determined by the City Manager. All employees will receive their normal straight time pay for their regular work period if released during the declared emergency.
- (7) Exempt and non-exempt employees who are recalled to duty or remain on duty during the declared emergency when City facilities are closed and other employees have been released from duty will receive their normal straight time pay in addition to pay at one and one-half times their normal rate of pay for all hours worked. Employees will continue on this pay schedule for the duration of the declared emergency. After the declared emergency no longer exists, employees pay schedules will return to the regular pay schedule.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-155—2-170. - Reserved.

Subdivision VII. - Attendance and Punctuality

Sec. 2-171. - Attendance.

Regular attendance is paramount for the successful operation of the City. In order to best serve our citizens and customers:

- (1) All full-time exempt employees are required to be present at their assigned workplace for the total hours of their normal workweek unless the Supervisor authorizes absence. All exempt employees must properly record and charge all absences.
- (2) All full-time non-exempt employees are required to be present at their assigned workplace for their full scheduled shift each workday unless the Supervisor authorizes absence. Nonexempt employees must properly record and charge all absences.
- (3) Part-time employees are required to be present at their assigned workplace for the total hours for which they are being compensated, unless the Supervisor authorizes absence. Part-time employees must properly record all absences.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-172. - Tardiness.

All employees, temporary and regular, are expected to arrive for work as scheduled. An employee's failure to report to work by the start of his/her scheduled shift will be considered tardiness. Employees must notify their Supervisor of tardiness in accordance with policy. Failure to comply with this requirement and/or excessive tardiness may result in disciplinary action up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-173. - Absence.

No employee, temporary or regular, may absent himself from his job without notifying the immediate supervisor in accordance with policy. Failure to comply with this requirement and/or excessive absenteeism may result in disciplinary action up to and including termination

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-174. - No call/no show.

Failure to follow proper notification of absence procedure for three consecutive working days shall constitute job abandonment. This voluntary termination will be effective the last day worked.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-175. - Notification of absence/tardiness.

All Supervisors must supply their employees with accurate contact information for the purpose of business related communications. Employees are responsible for having this information available as needed to notify their Supervisor of unscheduled absence or tardiness. Employees should provide Supervisors as much notice as possible in events of absence/tardiness.

In the case of absence, notification must be no later than one hour prior to the start of the scheduled work shift. Failure to provide notification of absence prior to one hour before the start of the scheduled work shift may result in a no call/no show with the exception of extenuating circumstances as determined by the Supervisor or Human Resources.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-176—2-190. - Reserved.

Subdivision VIII. - Holidays and Leave

Sec. 2-191. - Eligibility.

Only full-time, regular employees are eligible for the use or payment of holiday and leave time.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-192. - Holidays.

The City recognizes the following as observed, paid holidays:

New Year's Day	Martin Luther King, Jr. Day
Washington's Birthday	Memorial Day
Independence Day	Labor Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving	Christmas Eve
Christmas Day	New Year's Eve Day

The City Commission may grant additional holidays.

- (1) *Holiday schedule.* When a holiday falls on a non-operating day, the City Manager will determine the day observed by going backward or forward days to create an effective work schedule. Alternatively the City Manager may approve an adjusted work schedule for the week of the holiday. The approved holiday schedule for the fiscal year will be made available in Human Resources. The actual holiday will be used for employees scheduled to work the holiday and to calculate call-out pay.
- (2) *Hours worked on a holiday.* When a regular employee is required, by regular scheduling, to work on a holiday he/she shall receive holiday pay at the regular rate of pay, and, in addition thereto, shall receive his/her regular rate of pay for all hours worked on the holiday.
If an employee works overtime on a holiday he/she shall receive holiday pay at the regular rate of pay, and, in addition thereto, time and one-half regular rate for all the hours worked on the holiday. All non-scheduled overtime holiday work must have the specific approval of the City Manager.

Salaried exempt employees are not eligible for additional holiday pay.

- (3) *Use of leave.* When employees are on approved leaves with pay and a holiday occurs he/she shall not be charged leave for the holiday. Use of unapproved sick leave immediately prior to or following a holiday results in forfeiture of holiday pay unless a doctor's excuse is provided.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-193. - Personal leave.

The City grants all employees one personal leave day to be used anytime during the calendar year. Personal leave is granted as follows:

- (1) One personal day will be granted during the first pay period in January of each year for all current employees. Employees hired after the first pay period in January will not receive their personal day until the following January. Those employees working ten hours a day will be granted a ten hour personal day, those employees working 12 hours a day will be granted a 12 hour personal day and those employees working eight hours a day will be granted an eight hour personal day.
- (2) Personal leave may be awarded for minimal use of sick leave in the prior calendar year and/or maintaining a 480 hour sick leave balance. These awards are detailed under sick leave.
- (3) Personal leave not used during the calendar year in which it is awarded may not be carried over and accumulated to the following calendar year.
- (4) Personal leave may not be cashed-in in lieu of taking the time off nor is personal leave payable upon termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-194. - Annual leave.

- (a) *Accrual rate.* City employees are eligible for annual leave time accrued per pay period on the following basis:

Number of Consecutive Years of Employment	Number of Hours per Bi-weekly Pay Period	Number of Hours per Year
0 through 5	<u>3.08</u>	80
Over 5 through 10	4.62	120
Over 10 through 15	5.23	136

Over 15 through <u>20</u>	6.16	160
More than <u>20</u>	6.93	180

(b) *Use of annual leave.*

- (1) Annual leave may not be used during the first six months of employment unless specifically approved by the City Manager.
- (2) Annual leave may not be taken in advance.
- (3) Annual leave shall be requested in advance to the Department Director who shall determine if the work schedule permits the absence during the requested period. Annual leave shall be planned and scheduled in advance to conform to departmental work plans. Employees are encouraged to take one or two weeks of annual leave per block.
- (4) Requests of employees shall be given consideration in the establishment of annual leave schedules, with seniority to apply in cases of identical request, all other factors being equal.
- (5) Upon reasonable notice to the employee, a Department Director may require an employee to use annual leave or cancel scheduled leave.
- (6) Depending on appropriations in the annual operating budget, accrued annual time can be cashed-in in lieu of annual leave taken, if during the following conditions.
 - a. Minimum of five years of service with the City is required before being eligible for cash-in privilege.
 - b. Maximum cash-in allowed is 40 hours.

(c) *Accumulation of annual leave hours.*

- (1) Accumulated annual leave not used during the calendar year in which it is eligible to be taken may be carried over or accumulated to the following calendar year. However, an employee cannot carry over more than 240 hours of vacation beyond the calendar year ending December 31.
- (2) An employee that resigns by giving a full two weeks' notice and has at least one full year of service with the City shall be paid for accrued and unused annual leave in the regularly scheduled final paycheck at the current rate up to a maximum of 200 hours.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-195. - Sick leave.

- (a) *Accumulation rate* All regular full-time employees accrue 3.69 hours sick leave per pay period.

(b) *Use of sick leave.*

- (1) Sick leave is to be used for personal illness, injury or quarantine due to exposure to contagious disease by the employee or an immediate family member.

- (2) Sick leave may also be used for medical or health treatment, which cannot be arranged outside of working hours, for the employee and immediate family.
 - (3) Sick leave may be used for serious illness, as defined by FMLA, for the immediate family.
 - (4) Sick leave may also be used, after the exhaustion of all other leave, to compensate for otherwise unpaid absence during approved military leave.
 - (5) Sick leave shall be compensated at the employee's current straight time hourly rate.
 - (6) *Sick leave balance award.* Any employee who accumulates a minimum of 480 sick leave hours by the last pay period in December shall be granted 20 hours of additional personal leave time. This balance must be maintained during the final pay period in December to be eligible for the 20 hours of personal leave to be awarded the following January.
 - (7) *Minimal sick leave used award.* Any employee who uses 20 or less hours of sick leave during the calendar year shall be granted 20 hours of additional personal leave time the following January. To be eligible, the employee must have successfully completed the initial training period and worked the entire prior calendar year.
- (c) *Accumulation of sick leave hours.* An employee may accumulate unlimited sick leave hours.
- (1) All regular employees who work less than a full month due to commencement of a leave of absence without pay may accumulate sick leave hours for the time worked during that month in proportion to the normal time worked.
 - (2) Sick leave shall continue to accrue during periods of authorized absence in which employee is in paid status.
 - (3) When a holiday occurs during an employee's sickness, the sick day shall be charged as a holiday and not deducted from the employee's accumulated sick leave.
- (d) *Abuse of and extended sick leave.* In order to preclude sick leave abuse, if an employee is on:
- (1) Sick leave more than two consecutive workdays, or, if there are any unusual patterns of use of sick leave (i.e., before or after a weekend or vacation leave, taken when accrued at regular intervals, etc.) a certificate of a physician may be required and his/her supervisor may, with the City Manager's approval, cause such investigation as deemed necessary to ensure no sick leave abuse has occurred.
 - (2) Employees are required to provide their immediate supervisor as much advance notice as possible on the first day of sick leave but no less than one hour before his/her scheduled start time. This procedure shall be followed for each day the employee is unable to work, unless prior approval waiving this requirement is given by the Department Director. Failure to comply may result in compulsory unpaid leave as well as disciplinary action, up to and including termination.
- (e) *Sick leave payout.* Accrued sick leave is payable upon separation of employment by the City as follows:
- (1) An employee that resigns or retires by giving a full two weeks' notice and has at least one full year but less than 20 years of continuous employment with the City will receive payment for unused sick leave at their current regular hourly rate up to a maximum of 80 hours.
 - (2) Employees resigning or retiring with 20 or more years of continuous employment with the City will receive payment for unused sick leave at their current regular hourly rate up to a maximum of 200 hours.

(3) Employees with more than 20 years of continuous service may also elect to use up to the maximum of 200 hours of sick leave as personal leave counting backward from the retirement date in lieu of being paid a lump sum payment. Approval of using sick leave in lieu of receiving a lump sum payment is at the sole discretion of the City Manager.

(4) Under no circumstances will any employee be paid for more than 200 hours of unused sick leave.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-196. - Jury duty.

Employees summoned or subpoenaed to attend court as a witness for the City or for jury duty shall receive full pay and benefits for hours spent in court. All monies received by employee for such services shall be remitted to the City.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-197. - Administrative leave.

It is recognized that Department Directors must devote a great deal of time outside normal office hours to the business of the City, therefore, Department Directors will be given 40 hours of paid administrative leave each calendar year in January. This leave does not carry over from year to year and no payment will be made for non-use of the leave even if employment is terminated.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-198. - Military leave.

Employees called to compulsory military service are automatically placed on leave pursuant to state and federal law for the duration of his/her military duty. Upon completion of such service such employee shall be reinstated in the position held at the time of entry into the service, at the same salary the employee would have received had such leave not been taken, based on the following conditions:

- (1) That the position has not been abolished or the term thereof, if limited, has not expired.
- (2) That the employee is physically and mentally able to perform the duties of such position. If requested, the employee shall submit to appropriate medical examinations at the City's expense to evaluate physical and mental capabilities.
- (3) That the employee makes written application for reinstatement to the City within applicable statutory time limits after termination of such service.
- (4) That the employee submits an honorable termination or other form of release by proper military authority establishing satisfactory service. Upon such reinstatement, the official or employee shall have the same rights with respect to accrued and future seniority status and other benefits of permanent full-time employment as if the employee had been actually employed during the time of such leave.

- (5) The City will abide by all laws and guidelines.

Sec. 2-199. - Funeral/bereavement leave.

An employee shall be allowed up to three days off with pay in the event of a death in the immediate family.

- (1) For purposes of this policy immediate family is define as a spouse, domestic partner, child, parent, siblings, grandparents, grandchildren and corresponding in-law or step relationships. If the employee was reared by someone other than those named, leave will be granted under the same terms and conditions.
- (2) If necessary, due to the delay in funeral arrangements, bereavement leave may be delayed or divided as approved by the Department Director.
- (3) Additional authorized leave time may be granted by the Department Director. Any employee utilizing a provision of this section shall notify the Departmental Director's office as soon as possible.
- (4) Funeral/bereavement leave is a leave benefit only and no compensation will be paid for unused bereavement leave. Verification of need may be required before bereavement leave is authorized.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-200. - On the job injuries.

Immediately report any injury/accident to your immediate supervisor and Human Resources. All injuries/accidents must be reported within 24 hours.

- (1) There will be no charge against sick, other leave time or pay for less than a half day absence due to required medical or health treatment for a work related injury.
- (2) The City will allow the employee to use accumulated leave for the first 7 days of missed work due to a workers' compensation injury.
- (3) If you miss more than seven days, workers' compensation will pay $\frac{2}{3}$ of your average weekly wage up to the state maximum rate.
- (4) Any regular full-time employee of the City who is required to be off work due to an on-the-job injury may supplement the Worker's Compensation payments with accumulated sick or vacation up to 100 percent of normal pay.
- (5) The City may have modified work available to allow employees who, due to a work-related injury or illness, are unable to perform regularly assigned jobs. Please contact Human Resources regarding availability/coordination of a modified work assignment.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-201. - Family and medical leave.

Family medical leave will be administered in accordance with and following the guidelines of the Family Medical Leave Act.

- (1) Family and medical leave may be taken intermittently — which means taking leave in blocks of time, or by reducing the normal weekly or daily work schedule — whenever it is medically necessary to care for a seriously ill family member, or because an employee is seriously ill and unable to work. Intermittent leave is not permitted for birth of a child, to care for a newborn child, or placement of a child for adoption or foster care.
- (2) Family medical leave hours are calculated on a "rolling" 12-month calendar counted backward from the date of the most recent occurrence of family medical leave usage.
- (3) Depending on the purpose of your leave request, you may choose (or the City may require you) to use accrued paid leave, if available, as a substitute for some or all of the family and medical leave.
- (4) *Maintenance of health benefits.* You are required to use accrued leave concurrent with approved FMLA leave. If the employee and/or family participate in a group health plan, the City will maintain coverage under the plan during family and medical leave. Employee share of cost will be deducted from leave wages. Should accrued leave be exhausted, and if applicable, the employee must make arrangements to pay his/her share of health plan premiums while on leave. In some instances, the City may recover premiums it paid to maintain health coverage for an employee and family.
- (5) *Notice and medical certification.* When seeking family and medical leave, the employee must:
 - a. Provide 30 days advance notice of the need to take family and medical leave, if the need is foreseeable.
 - b. Abide by usual and customary call-in procedures for reporting an absence when significant advance notice cannot be provided.
 - c. Provide medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member. Second or third medical opinions and periodic re-certifications at the City's expense may also be required. Any incomplete certifications will be returned to he/she with any such required information noted in writing. He/she will be provided with seven days to provide the completed certifications.
 - d. Provide periodic reports as deemed appropriate during the leave regarding status and intent to return to work.
 - e. Provide medical certification of fitness for duty before returning to work if the leave was due to the employee's own serious health condition. He/she will be required to provide certification that he/she is able to perform the essential functions of his/her position. Furthermore, fitness for duty certification may be required during periods of intermittent leave if a reasonable job safety concern exists.
 - f. When leave is needed for a planned medical treatment for the employee's own serious health condition or that of an immediate family member, he/she must try to schedule treatment so that it will not unduly disrupt the City's operation. Failure to comply with these requirements may result in delay or denial of leave.
- (6) *Other employment.* Outside employment during family medical leave period is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.
- (7) *Non-contractual nature of this policy.* The duration of leave, availability of benefits, opportunity for job restoration, and other rights and privileges associated with the FMLA are limited by the requirements of applicable state and federal law. No express or implied contractual rights shall be inferred from this policy. The City reserves the right to modify this or any other policy, as necessary, in its sole discretion.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-202. - Compulsory leave.

When in the opinion of the Department Director any employee is unable to perform assigned duties due to any injury or illness, the employee may be required to submit to a physical examination by a physician selected by the City Manager. If the report of medical examination indicates the employee is unable to perform the essential functions of the job, the Department Director may require the employee to take such leave as is medically necessary.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-203. - Extended leave.

To the extent required by federal law, employees on Family and Medical Leave shall be entitled to reinstatement. For employees not covered by FMLA or whose FMLA entitlement has been exhausted, the City will make an effort to "hold open", for a reasonable period of time, the position of any employee who is unable to work due to health problems, extended illness or injury, whether or not sustained on-the-job. However it must be realized that while this City is desirous of assuming a compassionate understanding in these matters, the work must be performed. Consequently, the City reserves the right to separate an employee due to their inability to perform the essential functions of his/her position.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-204. - Leave of absence.

Leaves of absence without pay may be authorized upon a showing of good cause by Department Directors with approval of the City Manager for periods not to exceed 60 calendar days.

- (1) No vacation/sick leave or retirement benefits shall be accrued while an employee is on leave without pay.
- (2) The employee will be responsible for the entire premium for health, dental and life insurance.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-205. - Death of an employee.

An employee who dies while employed by the City shall be paid for:

- (1) All hours of work accumulated to date of death.
- (2) Accumulated annual and sick leave as paid at separation of employment per policy.

(3) All compensation and benefits due to the employee as of the date of separation or death shall be paid in accordance with the law.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-206—2-221. - Reserved.

Subdivision IX. - Employee Education and Training

Sec. 2-222. - Purpose.

The City encourages its employees to get job related advanced education and training in their respective fields of work. The City will support employees with education and training to the extent permitted by policy.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-223. - Training period.

All employees new to a position whether at initial hire, promotion, demotion or transfer is subject to a working test and training period during which the employee is required to demonstrate the knowledge, skills and ability to perform the duties of the position. This period allows and requires the supervisor to evaluate an employee's performance and abilities with particular emphasis on training and supportive corrective action. The initial training period at hire will be six months. The training period in cases of internal mobility may vary in duration but should be clearly stated at commencement of the new position.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-224. - Types of training.

- (a) *Mandated training/education.* When the City requires an employee to participate in an education or training program, the City will bear the full costs of the employee's participation including: per diem, hourly pay, tuition, books, travel cost, etc., as it applies. Required attendance at training courses is counted as hours worked.
- (b) *Voluntary training/education.* As approved by the City Manager, the City may bear the full costs of job-related, voluntary training. This may include but is not limited to annual association conferences, professional certifications, and seminars.
- (c) *Tuition reimbursement.* Each year, during the budget review process, the City Commission will determine the availability of funds, if any, for tuition reimbursement. Employees will be reimbursed for tuition when satisfactory completing a pre-approved class at an accredited college or university. Reimbursement shall be in accordance with the following:

(1) *Application procedure:*

- a. The employee must have successfully completed all applicable training periods.
- b. The employee must submit a timely application to his/her Department Director prior to registering for the course. Application form available (COA Intranet - Human Resources). If the Department Director recommends approval, the application will be sent to Human Resources for final budget and management review and decision.
- c. Employee must be actively employed by the City upon completion of the course.
- d. Employee must certify that he/she is not receiving any funds for reimbursement from any source other than the City (i.e. grants or other source of financial aid).

(2) *Reimbursement.*

- a. Costs for books are not reimbursable as they are considered personal property of the employee.
- b. No reimbursement will be made for an incomplete course and no employee will be reimbursed more than \$1,000.00 dollars per fiscal year (10-1 through 9-30).
- c. A pre-approved application form, accompanied by tuition receipt and evidence of satisfactory completion of the course with appropriate grade must be submitted through the Department Director to Human Resource for reimbursement.
- d. A grade of "C" or higher is required as a final grade for the course to be eligible for reimbursement.

(3) Reimbursement shall be on the following schedule:

Grade A (+/-) or Pass in Pass/Fail	100%
Grade B (+/-)	90%
Grade C (+/-)	80%
Lower than C	no reimbursement\

- (4) *Coach and counsel/verbal warning.* Whenever an employee's attendance, performance, attitude, work habits, or personal conduct falls below a desirable level, supervisors shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures.

This type of training shall be applied to a violation of a relatively minor degree or to situations where the employee's performance needs to be discussed. The verbal warning shall be given in private. The employee will be given an opportunity to correct the condition and, if the condition is not corrected, the employee may be subject to progressive disciplinary action. This puts the employee on formal notice that he/she is not meeting standards.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-225—2-240. - Reserved.

Subdivision X. - Employee Dress, Appearance and Conduct

Sec. 2-241. - Dress and appearance/city provided uniforms.

Each employee shall present a positive, business-like image through a neat and clean professional appearance as appropriate for the nature of his/her work. Determination of an employee's specific dress and appearance is a supervisory responsibility with the exception of egregious dress code violations, which may be addressed by Human Resources directly.

- (1) *General statement.* The City maintains a "business casual" dress code for most employees. Acceptable business casual attire includes but is not limited to the following: collared or polo-style shirts, slacks, nicely pressed denim, appropriate length skirts or dresses and blouses. Inappropriate items include but are not limited to the following: strapless, spaghetti strap or tank top style dresses and tops, low-cut or low-hanging garments, attire with offensive, obscene, crass or otherwise inappropriate verbiage or graphics or any other item deemed inappropriate by the Supervisor or Human Resources for the nature and scope of work performed by the employee.
- (2) *City provided uniforms.* Employees supplied uniforms by the City are required to wear the full and complete uniform in the performance of their jobs. Each employee shall report for every workday wearing a full and complete uniform in clean and presentable condition. Uniforms showing a sign of wear or damage are unacceptable and shall be returned to the supplier according to the procedures established by the employee's Department Director.
- (3) *Department Director responsibilities.*
 - a. *Budget.* Prepare and submit a separate budget item each year for uniform purchase, lease, laundry or cleaning, if applicable. Each Department Director shall also submit a budget request for any funds intended for non-uniform clothing items for employees such as shirts or other items to bear the City seal or other identification. Department Directors will be responsible for managing these identified funds.
 - b. *Department specific procedures.* Each Department Director will be responsible for establishing procedures to meet the requirements of the jobs under his/her supervision. Safety, hygiene and public image are the main factors to be considered.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-242. - Personal conduct.

- (a) All persons employed by the City must remain constantly aware of his/her responsibility to the public and that he/she is a representative of the City. Employees will respect, exhibit courtesy and compassion to the citizens of this community and others that they may contact.
- (b) City employees are frequently called upon to express opinions and to provide information concerning the City government, its operations and policies. Expressions of opinions shall be based upon facts within the personal knowledge of the employee. The probable effects of expressing such opinion must be considered before any statement is made. A City employee is not deprived of the rights of citizenship, which affords the right of free speech but shall be keenly aware of responsibilities and privileges as an employee of the City and understand that others will often interpret personal opinions as representing the official position of the City.
- (c) Employees shall remain informed concerning the policies and operations of City government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question is far superior to an incorrect answer, but, if the situation requires it, the employee, under such circumstances, shall refer the questioner to the proper source of information or obtain the necessary facts and inform the person making the inquiry.
- (d) Employees are to refrain from repeating rumors and from creating dissension within the organization.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-243. - Ethical communication procedures.

All City employees must abide by a code of wholly ethical communications with peers, supervisors, employees, vendors and the public. Ethical communication enhances human worth and dignity by fostering truthfulness, fairness, responsibility, personal integrity and respect for self and for others. As such, the following rules must be expressly followed to avoid violating such code:

- (1) *Communicate with necessary individuals directly.* Concerns, except those regarding harassment or discrimination, regarding another's behavior should be addressed directly with the individual. Sharing such concerns with others that do not have a legitimate reason need to know may quickly amount to gossip — one of the most damaging practices in any workplace.
- (2) *Avoid argumentative tones and comments.* Employees should state their position clearly and factually in a normal tone, allowing the other individual an opportunity to share his or her position, and inviting open discussion regarding both such positions.
- (3) *Honesty is always the best practice.* It is critical that employees never engage in deceit, exaggeration, or express dishonesty when dealing with other individuals. While some communication may be extremely difficult to have, employees are always expected to communicate in a candid, but respectful, manner.
- (4)

Respect issues of confidentiality. Employees of the City will be faced with topics of great confidentiality at times, and as such, must avoid sharing any such information with individuals not within the scope of said confidentiality. This procedure speaks only to issues of confidentiality as related exclusively to the City purpose and mission, and should not be interpreted to include gossip, personal information, and other topics not related to the City itself.

Any employee found violating any portion of this procedure may be subject to disciplinary action, up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-244. - Political activity.

The City encourages all employees to register to vote and to exercise this privilege at every opportunity. It is City policy that it is in the public interest and a governmental benefit to remove career employees from the arena of partisan political activity. Florida Statutes, 104.31, imposes certain restrictions on the political activities of State, County and Municipal officers and employees. The following prohibitions shall apply to all City officers and employees:

- (1) No officer or employee of the City shall, directly or indirectly, attempt to coerce or influence any other person for a political purpose by improper promise or suggestion of special treatment or threat of retaliation based on the officer or employee's position with the City.
- (2) The City shall not permit the use of its equipment, property, facilities or supplies for partisan political purposes except for a reasonable fee.
- (3) Employees shall not solicit, during working hours for contributions or any other sort of support or influence for any political party, office or candidate, either from other employees, superiors, elected officials or candidates.
- (4) No employee in the City service shall hold or be a candidate for City public office while in the employment of the city.
- (5) Nothing contained in this section or in any other part of the Manual shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign. Such activity may be done during the employee's off-duty hours, so long as such activities are not in conflict with the provisions of state or federal law.

Violation of any of these restrictions shall result in disciplinary action up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-245. - Social events within the workplace.

Our culture seeks to be inclusive and permit all employees to participate in any and all social gatherings that occur within the workplace. Events such as birthday parties, retirement celebrations, and other like events represent opportunities to fellowship and further develop the culture of the organization. All employees are welcome to participate in social gatherings that occur within the workplace. Simultaneously, no employee should ever feel pressured to participate in such an activity and just need express his/her lack of interest in participation to those organizing such an event.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-246. - No solicitation/distribution.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) Distribution includes, but is not limited to, distribution of political literature, subscription forms or informational bulletins.
 - (2) Solicitation includes, but is not limited to, solicitations for magazines or periodical subscriptions, political contributions or membership in organizations.
 - (3) Working time means time designated for performing actual job duties by the person soliciting or distributing literature or the person being solicited or receiving literature.
- (b) Solicitation on City property causes employees to neglect their own work and interferes with the work of fellow employees. The following rules shall apply to solicitation or distribution of literature by employees on City property:
- (1) There shall be no solicitation during working time.
 - (2) There shall be no distribution of literature during working time or any other time in any working area.

Any such violation by an employee is grounds for disciplinary action, up to and including termination. The City does not permit solicitation or distribution by non-employees at any time on the City's premises. Additionally, the City prohibits solicitation and distribution by any employee or non-employee during work time. This includes all types of distribution and solicitation such as requests for charitable giving, endorsement of political campaigns, the sale of goods for the benefit of children or partners, and all other similar behaviors.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-247—2-260. - Reserved.

Subdivision XI. - Computer, Email, Internet and Photocopier Use

Sec. 2-261. - Policy statement.

This policy contains guidelines for the use, access, and disclosure of communications via, telephone, mail, photocopiers, e-mail, voice mail, desk and laptop computers, pagers, mobile phones, faxes or facsimiles, Internet and intranet sent or received by employees using any City provided communication or computer systems (herein referred to collectively as "systems").

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-262. - Confidentiality and acceptable systems usage.

- (a) The City systems are intended for City business only. All information transmitted or stored in City systems is the sole and exclusive property of the City and shall be treated as confidential. Such information may not be disclosed to any person outside City government nor may any such information be removed from City premises without the express permission of the City Manager. Employees are strictly prohibited from accessing, reading and copying data or information stored in the systems and from accessing, reading and copying communications not directed to them without prior and express authorization.

ALL SYSTEMS MESSAGES ARE CITY OF ALACHUA RECORDS. NO MESSAGE OR COMMUNICATION IS PRIVATE.

- (b) *Management's right to access information.* Our computer, telephone, and communication hardware and software systems are strictly to facilitate business communications. Although each employee has an individual password to access these systems, they belong to the City and the contents of all communications are accessible by management for any and all legitimate management purposes. Such purposes include the assurance of employee production, the prevention of illegal harassment and other unethical behaviors, and all other reasons necessary to best ensure that the mission of the City is met. The City reserves the right to, and will periodically, monitor its systems in order to ensure compliance with this policy. Employees are strictly prohibited from placing personal passwords on any City system for the purpose of preventing such monitoring.

EMPLOYEES SHOULD NOT CONSIDER ANY MATERIALS TRANSMITTED OR STORED IN CITY SYSTEMS TO BE PRIVATE.

- (c) The City maintains all electronic communications, including both electronic mail and instant messaging correspondence, for an indefinite period to fulfill the litigation hold requirements of the Federal Rules of Civil Procedure. The City's information technology professionals preserve all such documents in the normal course of business and maintain said documents in the event they become necessary for purposes of litigation.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-263. - Personal use of the city communication and computer systems.

- (a) *General usage.* Due to the public nature of City systems, employees should not use City systems to transmit any messages, or to access any information, which they would not want a third party to see. Although incidental and occasional personal use of City systems is permitted, any such personal use will be treated the same as all other communications under this policy. However, employees are at all times strictly restricted to de minimis use in accessing or downloading information from the internet for personal use.

- (b) *Telephone usage.* The City telephone systems, including voicemail, are the property of the City and are provided for business purposes. The City may periodically monitor the usage of the telephone systems to ensure compliance with this policy. Therefore, employees shall not consider conversations on the city telephone systems to be private.

- (c)

Personal Mail. All mail which is delivered to the City is presumed to be related to City business. Mail sent to you at the City will be opened by the office and routed to your department. As such, personal mail should be delivered to the home address of each employee.

- (d) *Restrictions on usage.* The City reserves the right to limit or prohibit employee use of electronic communications when necessary to ensure organizational production or to discipline employees for performance related reasons.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-264. - Forbidden use and content of communications.

You may not use City systems in any way that may be seen as insulting, disruptive, offensive or harmful to morale. Examples of prohibited, non-business purposes include, but are not limited to, use of the City systems to:

- (1) Convey insensitive, improper, derogatory, insulting, threatening or harassing language or remarks, or sexually-explicit messages, cartoons, jokes, or other potentially offensive material;
- (2) Send propositions, love letters or any other message that could be as harassment or disparagement of as per Chapter XIV: Harassment;
- (3) Write personal letters, resumes or other documents unrelated to City business;
- (4) Run computer games or other personal software or copy such software;
- (5) Propagate gossip or entertain personal communication;

This section and others set forth in this chapter are not intended to restrict or impede the use of the system as a part of a legal and authorized law enforcement or internal personnel investigation or inquiry.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-265. - Password and encryption key security and integrity.

To maintain the integrity of City systems the City must govern the creation, maintenance and security of system and network passwords, passphrases and encryption keys. Passwords are an aspect of system security as they are the front line of protection for user accounts. As such, all employees are responsible for taking the appropriate steps to select and secure their passwords:

- (1) All passwords (e.g. user account, JOOMLA website administration, etc.) should be changed at least once every six months.
- (2) Passwords must not be inserted in emails or other forms of electronic communication.
- (3) Passwords should never be written down or stored online or anywhere within the office or workspace. Similarly, passwords should not be stored in a file on any computer system, including digital assistants, smartphones or similar devices without encryption.

- (4) Employees should not use the "Remember Password" feature found on many computer and website applications.
- (5) All passwords must conform to the guidelines described below:
 - a. Contain both upper and lower case characters
 - b. Have digits and punctuation as well as letters
 - c. Be at least eight alphanumeric characters long and is a passphrase
 - d. Is not a word in any language, slang, dialect or jargon
 - e. Is not based on personal information, names of family members, etc.
- (6) Employees should not use the same password for City accounts as for other non-City access (e.g. personal ISP account, bank accounts, etc.).
- (7) If an account or password is suspected to have been compromised, report the incident to the IT department and immediately change all passwords.

All systems passwords and encryption keys must be available to the City at all times. Additionally, you may not use passwords that are unknown to your supervisor, nor may you install encryption programs without first turning over encryption keys to your supervisor. Further, employees are prohibited from the unauthorized use of passwords and encryption keys belonging to other employees in order to gain access to messages of another. Any employee found to have violated this policy will be subject to disciplinary action up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-266. - Software, personal disks and networking.

Computer software, whether purchased, developed, or modified by the City, may not be downloaded, copied, reproduced, altered or appropriated by employees without prior City authorization. Any such computer software is the property of the City and may not be copied or appropriated by employees for personal use at any time. Employees shall be aware that the illegal duplication of computer software may result in the filing of criminal copyright charges by the owners of the copyrights. Copyright infringement is punishable by fines and/or imprisonment.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-267. - Photocopier.

The photocopier is acquired, maintained and operated at City expense. Use for other than City business is prohibited. A supervisor may approve occasional de minimis use.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-268. - Additional security requirements.

- (a) Employees shall be aware that the internet does not guarantee the privacy and confidentiality of transactions or e-mail transmissions. Therefore, sensitive material transferred over the internet or e-mail may be at risk of detection by a third party. Employees must exercise caution and care when transferring such information.
- (b) Any authorized files or software that are downloaded from the internet or acquired from outside sources, including any files that have been accessed or manipulated on home computers or received as attachments to e-mail, must be scanned with a virus detection software before installation, execution or use of the file or software on to any City computers. All appropriate precautions shall be taken to detect a virus and, if necessary, prevent its spread.
- (c) Alternative internet service provider connections to the City internal network are not permitted unless expressly authorized and properly protected by a firewall or other appropriate security device(s).
- (d) Employees shall notify their immediate supervisor upon learning of violations of this policy. Violations could result in discipline up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-269. - Social networking sites.

The City recognizes the use of social networking sites such as Facebook and LinkedIn has grown in popularity in recent years. By signing the Manual, you acknowledge and recognize that the use of any website to post or distribute any information considered detrimental or harmful to the City, its employee, its citizens or any other person or entity is grounds for immediate termination. This includes all postings, both those made during and after normal work hours. Examples of such inappropriate postings include but are limited to photographs of individuals under the influence of alcohol or drugs or engaged in other unbecoming behavior; comments reflecting negatively about the City, peers, supervisors, leadership or others; and all other content that opposes the mission and purpose of the City.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-270. - Cyber communication and social media use by employees.

The City recognizes that employees will use social media and other cyber communications as a growing way to connect with others. The same principles and guidelines found throughout the Manual and employee job descriptions, apply to employee activities online. This includes forms of online publishing and discussion, including blogs, wikis, file-sharing, user-generated video and audio, virtual worlds and social networks. The City trusts and expects employees to exercise personal responsibility whenever they participate in social media. The City expects that employees utilizing social media will recognize and follow the guidelines included within this policy failure to do so will result in disciplinary action, up to and including termination.

(1) *Expectations.*

- a. Always consider the power of your comments and contemplate the impact of your post on your reputation and that of the City before publishing.
- b. Respect all confidential and proprietary information that you possess as a result of your relationship with the City.

- c. When disagreeing with opinions of others, be appropriate and professional when posting such disagreement on social media sites.
- d. When identifying your work status at the City on social media sites, use your real name, identify that you work for the City and the position that you hold. Be aware of your association with the City in online social networks. If you identify yourself as an employee of the City, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients.
- e. Anytime you publish content on an external website regarding your job responsibilities or any subjects associated with the City, use the following disclaimer:
"The postings on this site are my own and do not necessarily represent the City's positions, strategies or opinions."
- f. *Respect your audience.* Do not use slurs, personal insults, obscenity or engage in any conduct that would not be acceptable in the workplace. You should also show proper consideration for the privacy of others, and for topics that may be considered objectionable or inflammatory.
- g. The City respects the interest and willingness of employees to convey group complaints regarding existing working conditions. While it wholly respects rights of employees to discuss such concerns utilizing social media, it encourages any such concerns be brought to City administration.
- h. When the City wishes to communicate publicly as an organization it has well established means to do so. Only those officially designated by the City have the authorization to speak on behalf of the City.
- i. Vulgar, obscene, threatening, intimidating, harassing or discriminatory behaviors on social media sites may result in an employee's immediate termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-271—2-290. - Reserved.

Subdivision XII. - Travel and Motor Vehicle Use

Sec. 2-291. - Purpose.

All City motor vehicles are for the sole purpose of conducting City business on behalf of its citizens and the public in general. There also exist state and federal laws and specific Internal Revenue Code Sections that apply to and control city motor vehicle use. City employees may require business travel for training, conferences, organization meetings, etc. The purpose of this chapter is to give guidance and direction to City employees in meeting their obligations of public trust and in complying with state and federal law with regard to use of City motor vehicles and while on business-related travel.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-292. - Policy.

All City motor vehicles, whether owned, leased or used for City business by other agreement, shall be operated in accordance with this chapter, the Safety Manual and other applicable policies and procedures set forth in this Manual and, for police vehicles, the policies and procedures of the Alachua Police Department.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-293. - Travel and other official expenditures.

- (a) Travel to and from an employee's home and the employee's regularly assigned workplace will not be counted as business travel and is non-compensable time.
- (b) When an employee is in official travel status for which travel expenses are reimbursable, time spent in travel beyond the normal workday on the first and last day of such travel will be counted as hours worked.
- (c) Rate of pay does not include allowances for authorized travel or other expenditures incurred in the conduct of City business, or allowances made to employees for the official use of privately owned automobiles. Employees will be reimbursed for such expenses as provided in these rules.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-294. - Definitions.

- (a) A *motor vehicle* is an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers or such vehicles as run only upon a track.
- (b) An *authorized operator* is a holder of appropriate operator's license issued by the State of Florida authorizing the holder to operate the particular vehicle on the roads of this state and who has been assigned to operate the particular vehicle by the appropriate supervisor.
- (c) *City business* is any activity conducted on behalf of or for the benefit of the City and as directed and authorized by the City Manager in accordance with the Manual and in accordance with law.
- (d) *Assigned vehicle* is any City motor vehicle assigned for the use of an employee to conduct City business, whether that use is for single or multiple tasks. No take home use is authorized.
- (e) *Take home vehicle* is a City motor vehicle assigned to an employee for daily use in conducting City business and non-compensatory reasons such as commuting to and from home. Additional restrictions are set forth in this chapter and police vehicle take home use is expanded by Section 6 of the APD Manual.
- (f) *De minimis (minimal) benefit* is any property or service provided to an employee that has so little value that accounting for it would be impracticable, such as stopping for lunch or going a short distance out of the way to handle an errand during a commuting trip or otherwise on City business.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-295. - General procedures.

- (a) Only authorized employees are permitted to operate City motor vehicles.
- (b) All operation shall be in accordance and compliance with all applicable laws and ordinances.
- (c) Every operator shall have a valid operator's license of the type required for the vehicle operated.
- (d) All passengers in City vehicles must be City employees engaged in City business or their presence must have been previously approved by the operator's supervisor or other provisions in this manual or, for police vehicles, as set forth in the APD Manual.
- (e) No City motor vehicle shall be operated except for a lawful City purpose, on City business and with the knowledge and authorization of the operator's supervisor.
 - (1) Travel outside the city and out of Alachua County require specific approval of the operator's supervisor.
 - (2) Travel outside the state in a City motor vehicle is not permitted unless authorized in advance, in writing, by the City Manager.
- (f) *Operator's license.*
 - (1) It is the responsibility of each authorized operator to maintain a valid license to operate any vehicle identified in his/her job description or that he/she may be assigned to operate in the course of his/her employment.
 - (2) All authorized operators shall report the status of his/her license (expiration, surrender, suspension, revocation, etc.) to Human Resources.
 - (3) The appropriate and valid license, which must be fully legible with no portion faded, altered, mutilated or defaced, must be in the immediate possession of every authorize operator at all times while on duty. The employee must produce same on demand by his/her supervisor, his/her supervisor's superior or, when operating a City motor vehicle, any law enforcement officer.
- (g) *Violations of law or ordinances.* Any employee who, no matter how infrequently, operates a City motor vehicle shall report to his/her supervisor and bear full personal responsibility for any violation, citation, summons or arrest while operating a City or his/her (on or off duty) motor vehicle.
- (h) *Safety and accidents.* All provisions of the Manual shall apply to the operation of City motor vehicles and particular attention is also directed to the Safety Manual, for operation and the reporting of accidents. Operators of police vehicles are also required to comply with all relevant portions of the APD Manual.
- (i) *Use of tobacco products.*
 - (1) There shall be no use of tobacco products of any kind in any City motor vehicle.
 - (2) The limited exception to paragraph (1) shall be an employee who is authorized in writing to use his/her personal vehicle for City travel. However, paragraph (1) shall apply if other employees are traveling with the authorized operator. The intent of this limited exception is to respect the private property rights of the authorized operator but not at the sacrifice of the right of other employees to a tobacco free workplace.
 - (3) A personally owned vehicle may be rejected for City use by any supervisor if the vehicle fails to meet reasonable smoke free workplace requirements.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-296. - Take home vehicles.

- (a) The contents and requirements of sections 2-291 through 2-295 and all other parts of this Manual apply to the operation of all take home vehicles. The balance of this section, 2-296(b)(1) and (2), does not apply to police vehicles.
- (b) The policies and procedures set forth in this chapter are mandated by federal and state law with particular emphasis on compliance with relevant portions of the Internal Revenue Code.
 - (1) The general rule is that any personal use of a City vehicle is taxable to the employee. The IRS specifically identifies commuting to and from an employee's home in a City vehicle as personal use. Exceptions to this rule include:
 - a. Officially authorized use of police vehicles by law enforcement officers.
 - b. Any vehicle designed to carry cargo with a loaded gross vehicle weight (GVW) over 14,000 pounds.
 - c. Trucks with seating for the driver only or the driver plus a folding jump seat.
 - d. Pickup trucks with a gvw of 14,000 pounds or less only if modified so it is not likely to be used more than minimally for personal purposes. For example, only if the pickup is clearly marked with permanently affixed decals and special City identification and is equipped with at least one of the following *: ^[4]
 - 1. Permanent side boards or panels that materially raise the level of the sides of the truck bed.
 - 2. A hydraulic lift gate.
 - 3. Permanent tanks or drums.
 - 4. Other heavy equipment such as a generator, welder, boom, etc.
 - (2) No City vehicle shall be used for personal use except when it has been determined by a Department Director and approved by the City Manager that the employee requires extensive use of a City vehicle as part of his/her job duties both during and outside normal business hours. In such cases, the City requires the employee to commute to and from his/her home in said vehicle. In such case, the use for commuting shall be limited to one round-trip per day, excepting de minimis side trips. The values of such required commuting use shall be calculated using the "Special Commuting Valuation Rule" as defined by the IRS and included in the employee's gross pay.
 - a. A written request for assignment of a take home vehicle must be submitted by the appropriate Department Director to the City Manager on the appropriate form.
 - b. No personal use except as described above is permitted.
 - c. The employee's supervisor must be satisfied and assured the City vehicle will be safely secured and stored at the employee's residence.
 - d. For permanently assigned take home vehicles, the employee must reside within Alachua County.
 - e. For temporarily issued take home vehicles (for example: a vehicle issued to an employee on stand-by or during emergency situations), the employee must ensure the vehicle stays within Alachua County or within 15 miles of City Hall.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Footnotes:

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a light bar and radio absent one of 1 thru 4 will not qualify.

Sec. 2-297. - Emergency situations.

- (a) *City function.* During emergencies, Department Directors are authorized to vary from the policies and procedures set forth in this chapter. Examples include, but are not limited to, dispersing vehicles and equipment in a natural disaster or other threat, providing necessary transportation for storm victims, etc. Good judgment, a sense of humanity and common sense must apply.
- (b) *Employee emergency.* Department Directors may authorize the use of a City vehicle if any employee has no personal vehicle available and a family emergency occurs. The vehicle use is limited to Alachua County and for short duration. The Department Director must explore other options and evaluate the mental state of the employee and be comfortable with the employee's state of mind before authorizing City vehicle use.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-298. - Violations of chapter provisions.

Serious consequences may result from failure to comply with the provisions of this chapter, including, but not limited to the following:

- (1) Disciplinary action up to termination
- (2) Action to recover financial amounts
- (3) Criminal prosecution for misuse or appropriation of City property
- (4) Adverse action by IRS in the treatment of commuting valuation

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-299—2-310. - Reserved.

Subdivision XIII. - Other Personnel Policies and Related Subjects

Sec. 2-311. - Performance evaluation.

An evaluation is a series of observations by a supervisor about the performance of a job by an employee over a set period of time based on procedures, forms and standards as set by the City Manager. It is a tool designed to give employees constructive feedback about their performance in an effort to improve and enhance that performance and to correct deficiencies. It helps familiarize supervisors with information designed to assist him/her in becoming an effective evaluator of employee performance.

The following schedule shall establish the policy for determining when evaluations are due based on specific employee action(s):

- (1) *Training evaluations.* Performance evaluation done on or before the end of the applicable training period. Merit increases may not be granted based on training evaluations. Any employee who receives an overall rating less than "Meets Expectations" for the training evaluation will have the training period extended not more than 90 days, as determined by the Department Director or be terminated.
- (2) *Annual evaluations.*
 - a. Annual evaluations will be completed and signed documentation submitted to Human Resources by November 30th. The overall rating of the annual evaluation will determine the employee's merit increase, if any.
 - b. Any employee who receives an overall rating of less than "Meets Expectations" shall be given a special evaluation at least every 30 days until performance is satisfactory. If performance does not reach satisfactory in a period not to exceed 90 days, the employee will be terminated.
- (3) *Special evaluations.* Special evaluations may be done at any time. Such evaluations will be to assist employees whose performance is deviating from the expected standards. Feedback contained therein will be a tool to correct current and prevent future problems in employee performance.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-312. - Outside employment.

As each and every situation is unique and requires individual attention and action employees with outside employment are subject to the following:

- (1) Outside employment of a regular full-time City employee must be reported in writing to the Department Director. Full details such as hours, terms and conditions of employment shall be provided in the report.
- (2) Such outside employment shall in no way conflict with, be detrimental to or create an appearance of impropriety with regard to the employee's City work. If a conflict exists as determined by the Department Director, Human Resources or the City Manager, immediate action may be taken to protect the City up to and including termination of the employee.
- (3) The employee may be requested, whether or not a suspension is ordered, to voluntarily resolve the conflict to the satisfaction of the City within seven calendar days. If the conflict is not resolved within that time, the employee shall be subject to suspension and given additional time to resolve the issue or be terminated.
- (4)

It must be understood that some outside employment may be considered as a conflict of interest under State law and any such conflict must be reported to the Clerk of the Circuit Court.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-313. - Personnel records.

Human Resources shall maintain the personnel records of each employee. Such records shall include a personnel file for each employee containing basic vital statistics, official acts involving the employee, any examination records and other employment records. They shall be available for inspection and review insofar as such is permitted under the Public Records Act.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-314. - Smoking and use of electronic cigarettes and vaporizing/smoking apparatuses.

Under Florida's Clean Indoor Act, smoking is banned in all City owned buildings. Electronic cigarettes or e-cigarettes, liquid nicotine vaporizers and all other smoking apparatuses are likewise prohibited. The City takes the stance that due to exposure to secondhand nicotine and the highly addictive nature of nicotine the use of all varieties of e-cigarettes, electronic vaporizers and other such smoking apparatuses poses a threat to the health of our employees and the public we serve. Smoking and the use of vaporizers and other such smoking apparatuses is permitted outside in designated smoking areas only.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-315. - Personal property.

To promote security and the safety of all concerned, upon reasonable suspicion, all vehicles, packages, handbags, and other containers brought on City property by employees are subject to inspection or search, as are outer garments (coats, jackets, etc.). Any lockers, equipment and office furniture such as desks, computers and cabinets on City property are also subject to inspection and search at any time with or without notice.

Employees are responsible for personal items of value brought to work. Employees are responsible for proper efforts to safeguard such items such as placement in locked cabinets or removal from the workspace each evening. The City cannot assume responsibility for the loss of any personal items.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-316. - Security and protection of city sites, property and personnel.

There is a continued, personal responsibility of all City employees to protect public property from damage and/or theft and a personal responsibility for the safety and welfare of each to the other and to every member of the public. The contents of this section are supplemental to all other chapters and sections of the Manual and also apply at all times during the work day.

(1) *Site and property.*

- a. No site vehicle or other property shall be left unattended and unsecured.
- b. Vehicles shall not be left with keys in the ignition, doors unlocked or windows open or unsecured.
- c. All gates, doors and/or other barriers are to be secured/locked and verified as such by the last employee on site.
- d. Each employee is responsible for all tools, equipment, supplies and material in their custody and control. Tools, equipment and supplies shall be monitored or stored in a safe and secure area.

(2) *Employee and public security/safety.*

- a. Always be aware of your surroundings with particular attention to your fellow employees and members of the public. The job you are doing and equipment you are operating is often very interesting to others, particularly children.
- b. Be alert concerning personal safety situations. Always seek support from your supervisor any time you have a concern for yourself or another. Call 911 if any situation so dictates.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-317. - Department rules.

Department Directors are authorized to formulate and disseminate supplemental rules, provided they are not in conflict with the Manual. All such rules shall be subject to approval, amendment and/or revocation by the City Manager.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-318. - Contagious illness policy.

The City owes an obligation to the entire workforce to provide as safe and healthy a workplace as possible. As such employees who have an infectious condition, illness or injury are prohibited from working until the employee produces written verification from a licensed physician that the condition is no longer contagious and he/she may safely return to work. Every precaution will be taken to protect the private health information of the infected employee; however all employees must also recognize the need to alert other employees of infectious conditions that may have impacted others. This especially important for those with sensitive medical conditions including pregnancy, immune deficiency conditions, etc. Records of employee medical examinations shall be kept in a separate, confidential file.

Employees with contagious conditions that may pose health risks to others agree to report such conditions to Human Resources for appropriate guidance and management immediately upon learning of the condition. An employee who reports for duty with a suspected infectious condition shall be sent home and referred to their personal physician for further evaluation. Following medical evaluation the employee may return to work with a physician's statement specifically indicating the employee is free of an infectious condition.

When reporting for duty after recovering from an infectious condition, the employee shall present the physician's statement to Human Resources that states the employee is free of the infectious condition before being allowed to return to work. No employee shall return to work who has a temperature elevation, draining skin lesions, a communicable rash or any other communicable disease, infection, illness or condition. Such employees pose a direct threat to the health and safety of other employees, citizens and members of the public.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-319—2-330. - Reserved.

Subdivision XIV. - Harassment

Sec. 2-331. - Statement of policy.

The City of Alachua, Florida is committed to a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual and other forms of unlawful harassment. Therefore, the City expects that all relationships among persons in the office be businesslike and free of bias, prejudice and harassment. In keeping with this commitment, the City maintains a strict policy prohibiting harassment of employees based on race, color, sex, religion, national origin, age, handicap, genetic information or other protected status by other employees, vendors, contractors or guests.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-332. - Definitions.

(a) *Harassment*. For the purposes of this policy, harassment is defined as by the Equal Employment Opportunity Commission's Guidelines as:

"Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit

harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws."

Harassment includes a range of behaviors that include but are not limited to: offensive jokes, names calling, threats or acts of physical violence, intimidation, display of offensive objects or pictures, slurs, epithets and interference with work performance.

This kind of behavior is unacceptable at the workplace and in any work-related setting outside the workplace such as during business trips and business-related social events.

(b) *Sexual harassment.* Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined in the Equal Employment Opportunity Commission's Guidelines

"sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex."

Sexual harassment may include a range of subtle and not so subtle behaviors if they are unwelcome to any employee exposed to the behavior. Such behavior may include, but is not limited to the following: unwanted sexual advances, subtle or overt pressure for sexual favors; sexual jokes; innuendoes; advances or propositions; verbal abuse of a sexual nature; commentary about an individual's body, leering, whistling, touching, pinching, assault, coerced sexual acts, suggestive, insulting or obscene comments or gestures; display in the workplace of sexual suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

This kind of behavior is unacceptable at the workplace and in any work-related setting outside the workplace such as during business trips and business-related social events.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-333. - Consensual relationships.

It is also essential to understand that consenting romantic and sexual relationships between managers or supervisors in senior or supervisory positions and less-senior or lower-level employees, or between co-workers, may lead to unforeseen complications. The respect and trust accorded a more senior/supervisory person by a lower-level employee, as well as the position of the senior person to evaluate or otherwise supervise the lower-level person, could diminish the extent to which the lower-level employee feels free to choose whether or not to engage in such relationships.

It is not the City's intention to legislate social behavior within the City. However, we do recognize that encouraging and developing close social relationships, including dating, with employees makes any supervisor's job more difficult. Therefore, supervisors must refrain from dating and developing close romantic and/or sexual relationships with employees under their supervision. If a social relationship of this nature does develop the supervisor/subordinate role will be immediately resolved. The resolution may

include transfer to another department or another option as deemed most appropriate by the City Manager and Department Director.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-334. - Individuals covered under the policy.

This policy applies to all applicants and employees whether related to conduct engaged in by fellow employees, supervisors, managers, or someone not directly connected to the City such as an outside vendor, consultant, client.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-335. - Reporting an incident of harassment.

The City encourages all employees to report perceived incidents of harassment, regardless of the offender's identity or position. Any individual that believes he/she has been the victim of harassment shall discuss his/her concerns with either their immediate supervisor or Human Resources.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-336. - Complaint procedure.

The City strongly encourages individuals who believe they are victims of harassment to promptly notify the offender that his/her behavior is unwelcome. Notifying the offender, however, is not a required first step. Any person who feels that he/she is being harassed must immediately report the offensive conduct to his/her direct supervisor. However, if the employee's direct supervisor is in any way involved in the alleged inappropriate behavior or is unavailable, the employee should report the conduct directly to Human Resources. If the employee's direct supervisor and Human Resources are both involved in the alleged inappropriate conduct or are unavailable, immediately contact the City Manager. If the City Manager is involved in the behavior, immediately contact the Chairman of the City Commission.

- (1) *Notification of appropriate staff.* As noted above, individuals who believe they have been the victim of harassment or believe they have witnessed harassment shall discuss their concerns with either their immediate supervisor or Human Resources. If you receive information regarding sexual harassment in your capacity as a supervisor, you are obligated to report it immediately to Human Resources.
- (2) *Timeliness in reporting harassment.* The City encourages the prompt reporting of complaints or concerns so rapid and constructive action can be taken. Therefore, while no fixed reporting period has been established, early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of harassment.
- (3) *Investigatory process.* Any reported allegations of harassment will be investigated promptly. The investigation may include individual interviews with the reporting employee, the offender(s) and, where necessary, with witnesses to the alleged conduct or who may have relevant knowledge. The complaint and investigation will be handled with sensitivity and, to the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout

the investigatory process.

- (4) *Protection against retaliation.* The City will not tolerate retaliation against an individual for reporting harassment or for providing information relevant to a claim of sexual harassment. Retaliation is a serious violation of this policy and will be treated with the same strict discipline, as would the harassment itself. Acts of retaliation shall be reported immediately in accordance with the complaint procedure and will be promptly investigated.
- (5) *Responsive action.* Misconduct constituting harassment will be handled swiftly and appropriately. Responsive action may include, for example, training, referral to counseling, and disciplinary actions such as warnings, reprimands, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, compensation adjustments, or termination, as the City deems appropriate.
- (6) *Appeals process.* If the party to a complaint does not agree with its resolution, that party may file written comments with the City Manager or his designee.
- (7) *False complaints.* False and malicious complaints of harassment, as opposed to complaints which, even if erroneous, are made in good faith, may result in appropriate disciplinary action.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-337—2-351. - Reserved.

Subdivision XV. - Drug Free Workplace Policy

Sec. 2-352. - Purpose.

The City holds the safety and health of its employees and the public in highest regard. Employees are expected to report to work on time and in appropriate mental and physical condition. In addition, public employees are entrusted with public resources and by the nature of their jobs affect the health, safety and welfare of citizens.

Substance abuse results in increased absenteeism, tardiness, on-the-job accidents and is a potential danger to fellow employees and the public. In accordance with the Federal Drug-Free Workplace Act of 1988, unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, illegal drug, or use of alcoholic beverages is prohibited. In order to comply with the Drug-Free Workplace requirements, the City has established a drug free workplace policy. Action will be taken against employees for violation of such policy.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-353. - Policy.

No City employee shall report to work with the presence of illegal drugs or alcohol in his or her body. It is a violation of City policy for any employee to possess, sell, trade, or offer for sale illegal drugs or drug paraphernalia, or otherwise engage in the use of alcohol, intoxicants, and/or illegal drugs on the job, on City property, or in City vehicles. The off-duty manufacture, possession, use, purchase, or distribution of illegal drugs or mind-altering or controlled substances is also prohibited.

Nothing in this policy precludes the appropriate use of legally prescribed medications. However, it is a violation of City policy for any employee to use prescription drugs illegally or to misuse or abuse such drugs. An employee taking prescription or nonprescription drugs which could affect ability to perform his/her job in a safe and efficient manner, must notify his/her supervisor immediately. It is the employee's responsibility to determine and know the effect of any legal drugs he or she ingests.

This policy is implemented pursuant to the drug-free workplace program requirements under F.S. § 440.102 and Administrative Rule 59A-24 of the State of Florida Agency for Health Care Administration.

Any employee determined to be in violation of this policy is subject to disciplinary action, up to and including termination, even for the first offense.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-354. - Definitions.

- (a) *Legal drug.* Prescribed drug or over-the-counter drug that has been legally obtained and is used solely for the purpose for which it was manufactured or prescribed.
- (b) *Illegal drug.* Any drug which is not legally obtainable, which may be legally obtainable but has not been legally obtained, or which is being used in a manner or for a purpose other than as prescribed or manufactured.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-355. - Drug testing.

- (a) *Applicants.* All job applicants will undergo drug testing as a condition for employment. Any applicant with a positive test result will be denied employment for a period of 12 months. Any applicant who refuses drug and alcohol testing will not be considered for employment.
- (b) *Employees.* City of Alachua will maintain screening practices to identify employees who use illegal drugs or abuse alcohol, either on or off the job. It is a condition of employment for all employees to submit to a drug screen as follows:
 - (1) When involved in, causing, or contributing to an accident while at work, while on City property, or while in a City vehicle. "Accident" includes injury to person(s) and/or damage to vehicles, equipment or property.
 - (2) When there is reasonable suspicion to believe an employee is using or has used illegal drugs or is abusing or has abused alcohol. Circumstances that are considered reasonably suspicious include:
 - a. Direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
 - c. A report of drug use provided by a reliable and credible source and independently corroborated.
 - d. Evidence that an employee has tampered with a drug test during his or her employment with City of Alachua.
 - e. Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on City premises or while operating a City vehicle, machinery or equipment.
- (3) When returning to work after a leave without pay of two weeks or more.
- (4) As a follow-up to an employee assistance or drug rehabilitation program. Unscheduled testing will be conducted at least twice a year for a two-year period after completion of the program.
- (5) At other times and under such circumstances as deemed appropriate by the City or current state and/or federal standards. Employees will be given adequate notice of any addition/change/deletion in the City's drug testing requirements.

Any employee who refuses substance testing will be terminated and forfeit workers compensation medical and indemnity benefits.

Drug testing will be performed in accordance with the then existing practice established by Human Resources. Human Resources will be responsible for determining the local facility to be used as the collection site, and the employee will be provided transportation to the site. Upon notification, the employee must report to the collection site with a valid picture ID. If the collection site staff discovers that the employee has not followed collection procedures or has altered the specimen in any way, the employee is in violation of this policy.

Employees or job applicants may confidentially report to the City's medical review officer the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants will receive notice of the most common drugs or medications (by brand name or common name and chemical name) which may alter or affect a drug test.

Employees or job applicants who receive a positive confirmed test result will be notified in writing via a "Notification of Positive Drug Test" form on City letterhead.

The employee may obtain the results of a screen by contacting Human Resources.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-356. - Drugs tested for.

City of Alachua may test for any or all of the following:

Drugs	Trade or Common Name
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Alcohol	Liquor, Beer, Wine, Booze
Amphetamines	Biphetamine, Desoxyn, Dexedrine
Cannabinoids	Marijuana, Pot, Grass
Cocaine	Coke, Flake, Snow, Crack
Phencyclidine HCl	PCP, Angel Dust
Methaqualone HCl	Quaalude
Opiates	Paregoric, Morphine, Tylenol with Codeine
Barbiturates	Phenobarbital, Amytal, Nembutal, Seconal
Benzodiazepines	Librium, Valium, Halcion, Restoril
Synthetic Narcotics	Methadone-Polophine, Methadose Propoxyphene-Darvocet, Darvon-N, Dolene

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-357. - Over-the-counter and prescription drugs which could alter or affect drug test results.

This information is a notice of the possible influence that prescription drugs, over the counter drugs, and other controlled substances may have on the outcome of a drug test. If necessary, any question about the outcome of a drug test will be addressed by a licensed physician. It is always the responsibility of the employee to know the content and effect of any substance ingested.

Alcohol - All liquid medication containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example: Vick's Nyquil is 25 percent (50 proof) ethyl alcohol.

Amphetamines	Obetrol, Biphphetamine, Desoxyn, Didrex, Ionamine, Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Cocaine	Cocaine HCl topical solution (Roxzanne).
Phencyclidine	Not legal by prescription.
Methaqualone	Not legal by prescription.
Opiates	Paregoric, Parapectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbiturates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, Dalmine, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
Methadone	Dolophine, Metadose.
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-358. - Challenges to test results.

Employees or job applicants who receive a positive confirmed test result may contest or explain the result to the City medical review officer (MRO) within five working days after receiving written notification of the test result. MRO contact information is available in Human Resources. If the explanation or challenge is unsatisfactory to the MRO, the MRO shall report a positive test result back to the City.

Within five working days after receiving the notice of a positive test result, an employee or job applicant may also submit information to the City explaining or contesting the test result including why the result does not constitute a violation of this policy. If the individual's explanation or challenge of the positive test result is unsatisfactory to the City, a written response as to why, along with the report of positive result, will be provided to the employee or applicant. All such documentation shall be kept confidential pursuant to the confidentiality provisions outlined below, and shall be maintained by the City for at least one year.

Employees or job applicants also have the right, within 180 days of challenging the drug test result, to have the original specimen retested at another Agency for Health Care Administration certified laboratory. Arrangements and cost will be the individual's responsibility.

An employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims pursuant to F.S. ch. 440, or, if no workplace injury has occurred, the person may challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the result of a test, it shall be the employee's responsibility to notify the laboratory, and the sample shall be retained by the laboratory until the case is settled.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-359. - Employee assistance program.

City of Alachua does maintain an Employee Assistance Program (EAP) for employee use. The EAP is available to employees 24 hours per day, seven days per week. The EAP can make referrals for drug and/or alcohol abuse professionals in the area.

It is the employee's responsibility to seek assistance from a program before alcohol and drug problems lead to disciplinary action. An employee may be granted leave with a conditional return to work, depending on successful completion of the agreed upon treatment regimen, including follow-up testing.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-360. - Grounds for termination or discipline.

The following are considered violations of the City drug free workplace policy and are subject to discipline, including termination and loss of Workers Compensation benefits, even for the first offense:

- (1) Violation of any aspect of the City drug and alcohol policy;
- (2) Refusing to take a City required drug or alcohol test;

- (3) A positive test result on a City required drug or alcohol test;
- (4) Bringing illegal drugs or alcohol onto City premises or property or in City vehicles;
- (5) Possessing illegal drugs or drug paraphernalia;
- (6) Using, consuming, transferring, selling or attempting to sell or transfer any form of illegal drug while on City business or at any time during the workday, whether on City property or not;
- (7) Being under the influence of alcoholic beverages or illegal drugs at any time while on City business or at any time during the workday. This applies whether on City property or not, including City vehicles.

An employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol or if the employee has a blood-alcohol level of .04 or higher.

Additionally, a violation of these policies may be reason for referral for prosecution consistent with local, state or federal criminal law. Disciplinary action against an employee by the City does not preclude the possibility of criminal charges against the individual. The filing of criminal charges similarly does not preclude action by the City.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-361. - Other employee responsibilities.

Each employee shares responsibility for maintaining a safe work environment and shall encourage co-workers who use alcohol or other drugs in the workplace to seek help.

Employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of a conviction must be made within five days following the conviction.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-362. - Confidentiality.

City administration will handle all information, interviews, reports, statements, memoranda and drug-test results, written or otherwise, received pursuant to our drug-testing program as confidential communications. Under no circumstances will the results of a test be discussed with anyone except for personnel or legal counsel authorized to deal with this confidential information and in accordance with this policy or in determining compensability under F.S. ch. 440 (Workers Compensation).

Should an employee fail a drug test, his/her supervisor will be told the employee did not successfully complete the drug and alcohol test, but will not be told the cause of the failure to pass the test.

The City will provide periodic education workshops and new hire orientation for employees of the Drug Free Workplace Program to assist employees in identifying personal and emotional problems that may result in the misuse of alcohol or drugs and the legal, social, physical and emotional consequences of misuse of alcohol or drugs.

An employee has the right to appeal any disciplinary decisions resulting from a verified positive drug or alcohol test in accordance with Chapter 19 Grievance Policy. Further, if the employee is employed under a collective bargaining contract, the employee may have the right to appeal disciplinary action under that agreement.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-363. - Medical review officer.

Employees and applicants have the right to consult the City medical review officer (MRO) for technical information regarding prescription and nonprescription medication. Human Resources will be responsible for selecting the MRO.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-364. - Employee acknowledgement and pledge.

I hereby acknowledge that I have read and agree to abide by the City of Alachua Drug Free Workplace Policy for the entire term of my employment.

Employee Signature Date

Please sign and date two duplicate originals, one which is bound in this (your) copy of the Manual and the second which will be made part of your personnel file.

Both signed in the presence of:

Witness

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-365—2-380. - Reserved.

Subdivision XVI. - Violence in the Workplace and Weapons and Dangerous Materials

Sec. 2-381. - Statement of policy.

It is the policy of the City that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from violence. The City is committed to providing a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, the City will not tolerate any type of workplace violence committed by or against employees.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-382. - Prohibited conduct.

Employees are prohibited from making threats or engaging in violent activities. The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

- (1) Causing physical injury to another person
- (2) Making threatening remarks
- (3) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- (4) Intentionally damaging employer property or property of another employee
- (5) Sabotaging another's work
- (6) Making false statements about others with malice that cause harm

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-383. - Reporting workplace violence.

Any potentially dangerous situations must be reported immediately to a supervisor or Human Resources. Reports can be made anonymously and all reported incidents will be investigated.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-384. - Enforcement.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such an act will be subject to disciplinary action up to and including termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-385. - Guns, weapons and dangerous materials.

It is City policy to strictly prohibit any employee, vendor or contractor from carrying any sort of weapon or dangerous device into our offices or workplace areas. Employees are permitted to bring legal weapons in their vehicles into our parking lots if they remain locked and secured within such vehicle and the employee maintains a current and legal permit to carry the weapon. Such legal weapons may not be used for any inappropriate or illegal use. No material, whether liquid, solid, gas or combination, which can or does cause harm to person or property shall be brought on or near City property by any employee.

Any violation of this policy will result in immediate termination of such employee as well as other legal action, including criminal prosecution, when appropriate.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-386—2-400. - Reserved.

Subdivision XVII. - Domestic or Sexual Violence

Sec. 2-401. - Policy statement.

City of Alachua is committed to promoting the autonomy, safety and health of our employees and to providing leadership in recognizing the impact of domestic and sexual violence on staff and in the workplace. The purpose of this policy is to detail the support available to staff who are victims of domestic or sexual violence, and to detail the disciplinary consequences to staff members who commit, threaten or have been held legally responsible for committing acts of domestic or sexual violence.

It is the policy of the City to provide support and assistance to employees who are experiencing domestic or sexual violence. This support includes: confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments and leave necessary to address the impact of domestic or sexual violence. Written resource and referral information is available in languages understood by all employees. Other appropriate assistance will be provided based on individual need.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-402. - Confidentiality.

City of Alachua will respect the confidentiality and autonomy of the adult experiencing domestic violence to direct his or her own life. However, in accordance with Florida law reporting for certain populations is required. All information relating to leave taken under this policy will be kept confidential.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-403. - Leave options for employees who experience domestic or sexual violence.

- (a) Any employee may take up to 24 hours of unpaid leave from work in any 12-month period if the employee, or a family or household member of the employee, is the victim of domestic or sexual violence, for the purpose of:
 - (1) Seeking an injunction for protection against domestic violence, repeat violence, dating violence, or sexual violence.
 - (2) Obtaining medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the domestic or sexual violence.
 - (3) Obtaining services from any victim-services organization.
 - (4) Making the employee's home secure from the perpetrator of the domestic or sexual violence, or seeking new housing.
 - (5) Seeking legal assistance in addressing issues arising from the act of domestic or sexual violence, or attending and preparing for court-related proceedings arising from the act of domestic or sexual violence.
- (b) The employee seeking leave under this paragraph should follow ordinary procedures for leave requests, or, in instances where a request in advance is either impracticable or unsafe, the employee should call his/her supervisor as soon as possible to inform the supervisor regarding the reason for his/her absence. Employees are not required to exhaust accrued leave time in advance of seeking leave under this paragraph.
- (c) Requests for additional hours of leave, or for other purposes than those recited above, will be considered on an individual basis on consultation with the employee, her/his supervisor, Human Resources, and the City Manager. Additional hours of leave, beyond the 24 hours of leave authorized above, may be taken as unpaid leave or as accrued leave.
- (d) The employee, supervisor, Human Resources and the City Manager are encouraged to explore whether any other paid options can be arranged, including schedule accommodations, which will help the employee cope with a domestic or sexual violence situation without having to take an unpaid leave.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-404. - Procedures for employees with performance issues related to domestic violence.

City of Alachua recognizes that people experiencing domestic or sexual violence may have performance or conduct problems such as repeated absences from work, or inability to concentrate on work tasks, as a result of abuse. When an employee is subject to disciplinary action discloses that the job performance or conduct problem is caused by domestic or sexual violence, a referral for appropriate assistance should be offered to the employee.

The supervisor, in collaboration with the employee and Department Director, should allow a reasonable time for the employee to obtain assistance regarding the domestic or sexual violence.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-405. - Disciplinary procedures for employees who commit acts or threats of violence.

- (a) City of Alachua is committed to a workplace in which the perpetration of domestic or sexual violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on City premises, during work hours or at a City sponsored event is a serious violation of City policy. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to disciplinary action, up to and including termination.
- (b) Employees who are convicted of a crime as a result of domestic or sexual violence, or who are subject to a domestic violence, dating violence, sexual violence, or repeat violence injunction, may be subject to disciplinary action, up to and including termination, depending on the circumstances.
- (c) City of Alachua understands that there is the possibility of wrongful conviction of assault in the case of victims of domestic violence, who act in self-defense. City of Alachua will consider the context of the conviction before deciding on disciplinary action or termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-406—2-420. - Reserved.

Subdivision XVIII. - Disciplinary Actions and Terminations

Sec. 2-421. - Purpose.

All employees in the City are members of a select group working together for the main purpose of serving the community. Any employee who fails to follow the necessary policies and procedures governing conduct is doing a disservice to all City employees. Policies and procedures are not intended to restrict the individual but are designed to ensure the rights and safety of all City employees and to provide working guidelines to assure equitable and businesslike deportment to efficiently service the community effectively.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-422. - Administration.

- (a) It is the intent of the City to follow a policy of progressive discipline for employees and supervisors that emphasizes personal choice, good decision making and accountability. However, the City recognizes that each instance differs in many respects and retains the right to treat each occurrence as an individual event without creating a precedent for other cases which may arise in the future. While it is the City's general intent to follow progressive discipline, some conduct or behavior by its nature or severity may warrant immediate termination.

- (b) Coaching and counseling are the expected methods for supervisors to use in discussing a problem with an employee in the areas of work performance, attendance, conduct, safety or work habits.
- (c) The objective of such counseling and coaching is to help an employee recognize that a problem exists, to develop effective solutions to the problem, while, at the same time, reinforcing and building the employee's commitment to the City.
- (d) When an employee fails to respond to counseling and coaching or a single incident or violation of rules occurs which is serious enough to warrant a formal step of discipline, supervisors will have several options available, depending on all the facts.
- (e) In all cases the employee shall be notified of the action taken and the effective date of the action.
- (f) Where disciplinary action may result in demotion, reduction in pay, suspension or termination, the Department Director/Supervisor shall notify Human Resources before taking action.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-423. - Causes for disciplinary action.

Violation of this Manual may subject an employee to disciplinary action. Additionally, infraction of departmental rules and regulations may subject the employee to disciplinary action.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-424. - Notices of disciplinary action.

The following shall serve as a guide in aiding supervisors and employees in the disciplinary process.

- (1) *Written warning.* In situations where a verbal warning has not resulted in the expected improvement or the severity of violation justifies a written warning may be issued defining the nature of the violation under the rules.

The corrective action notice shall state the nature of the improvement required or policy violation in detail, associated consequences as applicable and the expected performance and plan to achieve said performance. Written warnings must be issued within a reasonable time following the occurrence of the violation unless there is a reasonable cause for delay due to employee or supervisor unavailability. The written warning will be given to the employee and a copy shall be placed in the employee's personnel file.

No grievance may be filed contesting an employee corrective action notice, however, a rebuttal from the employee may be attached to the employee notice.

- (2) *Final notice.* Progressive written disciplinary warnings may be issued for repeated violations of the same policy or lack of expected improvement. If progression or severity warrant an employee may be placed on final notice. A final notice generally precedes demotion or termination.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-425. - Types of disciplinary action.

- (a) *Probation period.* An employee may be placed on a probationary review period to monitor performance improvement or policy adherence. In cases regarding performance, one or more special evaluations may be required to document performance as observed by the Supervisor. In cases of policy violations, additional violations of the policy during the probation period will result in additional disciplinary action as defined in the corrective action notice.
- (b) *Suspension.* A Department Director or Human Resources may recommend suspension without pay for an employee for violation of City policy, department rules or other disciplinary reasons. All suspensions must be in writing by the Department Director in accordance with policy. The length of suspension without pay may vary according to the severity of the incident and will be determined by the Department Director in a recommendation to Human Resources based on the facts of the case.
- (c) *Demotion.* Any Department Director may demote an employee to a position with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to correct deficiencies in job performance or job qualifications. The duration of such demotion and reduction in pay and responsibilities may be temporary or permanent, as appropriate under the circumstances. A permanently demoted employee is entitled to advance under the pay plan as any other employee based upon job performance.
- (d) *Involuntary termination.* An employee may be involuntarily terminated as disciplinary progression or severity warrant.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-426. - Terminations.

- (a) *Voluntary terminations.* Employees who wish to depart the City service in good standing shall file with the Department Director a written resignation stating the reasons for voluntarily terminating and giving the date of termination. Employees shall give a minimum of two weeks written notice in order to resign from City service in good standing. Failure to comply with this provision may be cause for denying such employee future employment with the City. Use of leave time in lieu of working the final notification period is not permitted.
- (b) *Involuntary terminations.* The Department Director and/or Human Resources shall give employees who are involuntarily terminated from the City service written notice of their termination. Any employee may seek review of termination under this section by proceeding directly to Step 3 of the Grievance Procedures.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-427. - Layoffs.

The City Manager or designated Department Director may lay off any employee in the City service whenever such action becomes necessary by reason of a shortage of work or funds, the abolishment of a position or other changes in organization.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-428. - Return of city property.

When possible, an employee should relinquish all City property on the last day worked. In the event not all City property is in the employee's possession on the last day he/she is expected to return any outstanding items to City Hall on the next business day following termination. Costs for unreturned City property will be deducted from the final paycheck to the full extent permitted by law.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-429. - Exit interviews.

It is the policy of the City to conduct exit interviews in the case of voluntary terminations. Exit interviews are intended for the purpose of determining the cause and possible solutions to turnover of City personnel. Participation in exit interviews are strictly voluntary.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-430—2-440. - Reserved.

Subdivision XIX. - Grievance Policy

Sec. 2-441. - Policy statement.

All employees serve at the will and pleasure of the City throughout the course of their employment and may be terminated at any time, with or without cause. The City, nevertheless, wishes to alleviate employee concern about arbitrary termination or discipline. While recognizing that all employees of the City are at will and can be separated with or without cause, this grievance procedure is nonetheless established to provide full opportunity to an employee to bring any grievance or disciplinary matter that he or she may have to the attention of management. The City will try to resolve problems as they arise. However, it is recognized that there will be grievances but that all will receive a complete review. The submission of a grievance by a current employee shall not adversely affect the employee or his/her employment with the City. A training employee has no right to file a grievance in connection with a termination or other discipline imposed during his or her training period except a name clearing hearing for discipline of a stigmatizing nature. Oral warnings are also not subject to the grievance process. Accordingly, and in the interest of fostering good labor relations, any regular City employee who is terminated for misconduct or otherwise subject to discipline may question the termination or other disciplinary action through the grievance procedure.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-442. - Definitions of grievance.

An employee may file a grievance to register a complaint, to solve a problem, to redress an alleged wrong, to request information, or to modify or question any disciplinary action including, but not limited to, suspension or termination. Oral warnings are not subject to this process.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-443. - Procedures in filing a grievance.

In order to assure every employee a method in which he/she can get a particular grievance considered rapidly, fairly and without reprisal, the following steps are provided:

Step 1. The employee shall orally discuss and explain the grievance with the immediate supervisor who may call higher-level supervision into the discussion in an effort to achieve a prompt and satisfactory resolution. The immediate supervisor will make a decision and notify the employee within one calendar week after the discussion with the employee. The employee must initiate step 1 within one calendar week after the effective date of the action or event being questioned.

Step 2. If the employee feels that the matter has not been settled or adjusted satisfactorily by the immediate supervisor, the matter may be submitted in writing to the Department Director within two business days of the employee receiving notice of the supervisor's decision. Within one calendar week after receiving the written grievance, the Department Director must reply to the grievance in writing.

Step 3. If the grievance is not resolved to the satisfaction of the employee by the decision of the Department Director, the employee may submit the issue, in writing to the City Manager within two business days after the Step 2 written answer is received or termination pursuant to Section 2-426(b). The City Manager may at, his/her discretion, schedule a supplementary meeting with the employee and/or Department Director. The employee will be notified in writing within one calendar week of the decision of the City Manager, unless the time is extended pursuant to Section 2-444 General Provisions of Grievance Procedures. The City Manager may seek the counsel of any other City official or employee for information, interpretations, comments and guidance in arriving at a fair, equitable and just decision of the issue for both the employee and the City. The decision of the City Manager in this grievance procedure shall be final and binding, unless otherwise provided for in labor agreements.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-444. - General provisions of grievance procedures.

The City Manager due to illness, vacations, business trips, emergency or other reasonable cause may extend the time limits of this grievance procedure. If an extension is required, the employee will be notified.

Under this grievance procedure, the employee and the City have the opportunity to call a witness (s) and be represented by legal counsel.

If the grieving employee's immediate supervisor is a Department Director, the procedure shall commence at Step 3.

Any grievance not submitted and processed by an employee within the time limits provided above shall be considered abandoned and barred for all purposes. Any grievance not answered by the City within the time limits provided above shall be considered denied at that step and shall automatically proceed to the following step.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-445—2-460. - Reserved.

Subdivision XX. - Public Employee Oath

Sec. 2-461. - Public employee oath.

The purpose of this chapter is to comply with the clear requirements of F.S. ch. 876 which reads in pertinent part as follows:

F.S. § 876.05. Public employees; oath

(1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll of the state, or any of its departments and agencies, subdivisions, counties, cities, school board and districts of the free public school system of the state or counties, or institutions of higher learning, and all candidates for public office, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, _____, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of _____, and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval of any voucher for the payment of salary, expenses, or other compensation.

- and -

F.S. § 876.06. Termination for refusal to execute

If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to be immediately terminated, and his or her name removed from the payroll, and such person shall not be permitted to receive any payment as an employee or as an officer where he or she was serving.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-462. - Implementation.

(a) *Current employees.* Each current employee shall take the forgoing oath when issued a copy of the Manual by signing an original before a notary. The original shall be made part of the employee's file maintained in Human Resources.

(b) *New employees.* All new employees shall sign and take the oath as a part of the hiring process and as a perquisite to employment.

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Sec. 2-463. - Receipt of personnel policies and procedures.

Following is the form to be signed by each employee after receiving a copy of this division:

The Personnel Policies and Procedures (sometimes called the Employee Handbook and referred to as the Manual) is a compilation of City personnel policies, practices and procedures currently in effect.

The Manual is designed to introduce employees to the organization, familiarize each with City policies as they pertain to each as an employee, provide general guidelines on work rules, disciplinary procedures and other issues related to your employment and to help answer many of the questions that may arise.

This manual is not a contract. The Manual is intended solely to describe the present policies and working conditions at the City. The Manual does not purport to include every conceivable situation; it is merely meant as a guideline and, unless laws prescribe otherwise, common sense shall prevail. Of course, Federal, State and/or local laws will take precedence over City policies, where applicable.

Personnel Policies are applied at the discretion of the City. The City reserves the right to change, withdraw, apply or amend any of its policies or benefits, including those covered in this Manual, at any time. The City may notify employees of such changes via e-mail, posting on the City's Intranet, Portal or website, or via a printed memo, notice, amendment to or reprinting of this Manual, but may, in its discretion, make such changes at any time, with or without notice.

By signing below, you acknowledge that you have received a copy of the City Personnel Policies and Procedures, and understand that it is your responsibility to read and understand the contents and that you commit to comply with the policies and procedures contained and to any revisions made. Furthermore, you acknowledge that this Manual is not a contract of employment.	
_____ Signature	_____ Date
_____ Please print full name	
Sign and date two duplicate originals, one which is bound in this (your) copy of the Manual and the second which will be made part of your personnel file. Both signed in the presence of:	
_____ Witness	

(Ord. No. 16-09, § 1(Exh. A), 7-25-2016)

Secs. 2-464—2-657. - Reserved.

ARTICLE IV. - FINANCE

DIVISION 1. - GENERALLY

Sec. 2-658. - Special law enforcement trust fund.

- (a) Creation of special law enforcement trust fund. The Mayor and the City Manager are authorized and hereby directed to execute all the necessary papers to establish a special law enforcement trust fund at any banking or savings institution, and that any such account established require the signatures of both the Mayor and the City Manager to withdraw any such funds deposited in said fund.

- (b) The funds deposited therein may be expended only upon appropriation to the Police Department, by the City Commissioners to defray the costs of protracted or complex investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain Federal grants, or for such other law enforcement purposes as the City Commission deems appropriate and that such funds shall not be considered a source of revenue to meet normal operating needs.
- (c) The City Police Department is directed to submit a quarterly report to the City Commission specifying, for such period, the type and approximate value of any forfeited property received and the amount of any proceeds received from the sale of forfeited property.

(Ord. No. O-82-10, §§ 1—3, 8-2-1982)

Secs. 2-659—2-676. - Reserved.

DIVISION 2. - SPECIAL ASSESSMENTS

Subdivision I. - In General

Sec. 2-677. - Definitions.

As used in this division, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution means the resolution described in sections 2-723 and 2-754, approving an assessment roll for a specific fiscal year.

Assessed property means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the service, facility or program or provision of a local improvement identified in the initial assessment resolution.

Assessment means a special assessment imposed by the City pursuant to this division to fund the capital cost or project cost, if obligations are issued, of local improvements or the service cost of services that provide a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property identified in an initial assessment resolution. The term "assessment" shall include capital assessments and service assessments.

Assessment area means any of the areas created by resolution of the City Commission pursuant to section 2-681, that specially benefit from a local improvement or service, facility, or program.

Assessment roll means the special assessment roll relating to an assessment approved by a final assessment resolution pursuant to sections 2-721 or 2-752 or an annual rate resolution pursuant to sections 2-723 or 2-754.

Assessment unit means the unit or criteria utilized to determine the assessment for each parcel of property, as set forth in the initial assessment resolution. The term "assessment units" may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, vested lots, land area, improvement area, equivalent residential connections, permitted land use, trip generation rates, rights to future trip generation capacity under applicable concurrency management regulations, property value or any other physical characteristic or reasonably expected use of the property that has a logical relationship to the local improvement or service to be funded from proceeds of the assessment.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

Building permit means an official document or certificate issued by the City, under the authority of ordinance or law, authorizing the construction or siting of any building within the City. The term "building permit" shall also include set up or tie down permits for those structures or buildings, such as mobile homes, that do not require a building permit in order to be constructed.

Capital assessment means a special assessment imposed by the City pursuant to this division to fund the capital cost or project cost, if obligations are issued, of local improvements that provide a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property identified in an initial assessment resolution.

Capital cost means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of local improvements and imposition of the related assessments under generally accepted accounting principles and including reimbursement to the City for any funds advanced for capital cost and interest on any interfund or intrafund loan for such purposes.

City Manager means the Chief Administrative Officer of the City, or such person's designee.

Final assessment resolution means the resolution described in sections [2-721](#) and [2-752](#) which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the imposition of an assessment.

Fiscal year means that period commencing October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

Government property means property owned by the United States of America or any agency thereof, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

Initial assessment resolution means the resolution described in sections [2-717](#) and [2-748](#) which shall be the initial proceeding for the identification of the service, facility, program, or local improvement for which an assessment is to be made and for the imposition of an assessment.

Local improvement means a capital improvement constructed or installed by the City for the special benefit of a neighborhood or other assessment area.

Maximum assessment rate means the maximum rate of assessment established by the final assessment resolution for the service, facility, program, or local improvement identified in the initial assessment resolution.

Obligations means bonds or other evidence of indebtedness, including, but not limited to, notes, commercial paper, capital leases, reimbursable advances by the City, or any other obligation issued or incurred to finance any portion of the project cost of local improvements and secured, in whole or in part, by proceeds of the assessments.

Owner shall mean the person reflected as the owner of assessed property on the tax roll.

Pledged revenue means, as to any series of obligations:

- (1) The proceeds of such obligations, including investment earnings;
- (2) Proceeds of the assessments pledged to secure the payment of such obligations; and
- (3) Any other legally available non-ad valorem revenue pledged, at the City Commission's sole option, to secure the payment of such obligations, as specified by the ordinance or resolution authorizing such obligations.

Preliminary rate resolution means the resolution described in [section 2-723](#) initiating the annual process for updating the annual assessment roll and directing the reimposition of service assessments pursuant to an annual rate resolution.

Project cost means:

- (1) The capital cost of a local improvement;
- (2) The transaction cost associated with the obligations which financed the local improvement;
- (3) Interest accruing on such obligations for such period of time as the City Commission deems appropriate;
- (4) The debt service reserve fund or account, if any, established for the obligations which financed the local improvement; and
- (5) Any other costs or expenses related thereto.

Property Appraiser means the Property Appraiser of Alachua County.

Service assessment means a special assessment imposed by the City pursuant to this division to fund the service cost of services that provide a special benefit to property as a consequence of a logical relationship to the value, use, or characteristics of property identified in an initial assessment resolution.

Service cost means the amount necessary in any fiscal year to fund the provision of a defined service, facility, or program which provides a special benefit to assessed property, and can include, but not be limited to:

- (1) The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (2) The costs incurred in any required acquisition or purchase;
- (3)

The cost of all labor, materials, machinery, and equipment;

- (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (5) The cost of computer services, data processing, and communications;
- (6) The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (7) The cost of any indemnity or surety bonds and premiums for insurance;
- (8) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (9) The cost of uniforms, training, travel, and per diem;
- (10) The cost of construction plans and specifications, surveys and estimates of costs;
- (11) The cost of engineering, financial, legal, and other professional services;
- (12) The costs of compliance with any contracts or agreements entered into by the City relating to the provision of said services;
- (13) All costs associated with the structure, implementation, collection, and enforcement of the assessments, including any service charges of the Clerk, Tax Collector, or Property Appraiser, and delinquent amounts from prior impositions, and amounts necessary to off-set discounts received for early payment of assessments pursuant to the Uniform Assessment Collection Act or for early payment of assessments collected pursuant to section 2-778;
- (14) All other costs and expenses necessary or incidental to the acquisition, provision, or construction of the service, facility, or program to be funded by the assessment, and such other expenses as may be necessary or incidental to any related financing authorized by the City Commission by subsequent resolution;
- (15) An amount for contingencies and anticipated delinquencies and uncollectible assessments; and
- (16) Reimbursement to the City or any other person for any moneys advanced for any costs incurred by the City or such person in connection with any of the foregoing items of service cost.

Tax Collector means the Tax Collector of Alachua County.

Tax roll means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Transaction cost means the costs, fees and expenses incurred by the City in connection with the issuance and sale of any series of obligations, including but not limited to

- (1) Rating agency and other financing fees;
- (2) The fees and disbursements of bond counsel;
- (3) The underwriters' discount;
- (4) The fees and disbursements of the City's financial advisor;
- (5) The costs of preparing and printing the obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the obligations;

- (6) The fees payable in respect of any municipal bond insurance policy;
- (7) Administrative, development, credit review, and all other fees associated with any pooled commercial paper or similar interim financing program; and
- (8) Any other costs of a similar nature incurred in connection with issuance of such obligations.

Uniform assessment collection act means F.S. §§ 197.3632 and 197.3635, as amended from time-to-time, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

(Ord. No. 10-13, § 1.01, 4-12-2010)

Sec. 2-678. - Findings.

It is hereby ascertained, determined, and declared that:

- (1) Pursuant to article VIII, section 2(b), Florida Constitution, and F.S. §§ 166.021 and 166.041, the City has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law and such power may be exercised by the enactment of city ordinances.
- (2) The assessments to be imposed pursuant to this division shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.
- (3) The assessments to be imposed pursuant to this division are imposed by the City Commission, not the County, Property Appraiser or Tax Collector. The duties of the Property Appraiser and Tax Collector under the Uniform Assessment Collection Act are ministerial.
- (4) The purpose of this division is to:
 - a. Provide procedures and standards for the imposition of assessments within the City by resolution under the general home rule powers of a municipality to impose special assessments; and
 - b. Authorize a procedure for the funding of public services, facilities, programs, or local improvements providing special benefit to subsequently identified property within the City.

(Ord. No. 10-13, § 1.03, 4-12-2010)

Sec. 2-679. - Applicability.

This division and the City Commission's authority to impose assessments pursuant hereto shall be applicable throughout the City.

(Ord. No. 10-13, § 7.01, 4-12-2010)

Sec. 2-680. - Alternative method.

- (a) This division shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This division, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.
- (b) Nothing herein shall preclude the City Commission from directing and authorizing, by resolution, the combination with each other of
 - (1) Any supplemental or additional notice deemed proper, necessary, or convenient by the City;
 - (2) Any notice required by this division; or
 - (3) Any notice required by law, including the Uniform Assessment Collection Act.

(Ord. No. 10-13, § 7.02, 4-12-2010)

Sec. 2-681. - Creation of assessment areas.

The City Commission is hereby authorized to create assessment areas in accordance with the procedures set forth herein to include property located within the incorporated area of the City that is specially benefited by the services, facilities, programs, or local improvements proposed for funding from the proceeds of assessments to be imposed therein. Either the initial assessment resolution proposing each assessment area or the final assessment resolution creating each assessment area shall include brief descriptions of the proposed services, facilities, programs, or local improvements, a description of the property to be included within the assessment area, and specific legislative findings that recognize the special benefit to be provided by each proposed service, facility, program, or local improvements to property within the assessment area.

(Ord. No. 10-13, § 2.01, 4-12-2010)

Sec. 2-682. - Revisions to assessments.

If any assessment made under the provisions of this division is either in whole or in part annulled, vacated, or set aside by the judgment of any court of competent jurisdiction, or if the City Commission is satisfied that any such assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has omitted to include any property on the assessment roll which property should have been so included, the City Commission may take all necessary steps to impose a new assessment against any property benefited by the service costs, capital costs or project costs following as nearly as may be practicable, the provisions of this division and in case such second assessment is annulled, vacated, or set aside, the City Commission may obtain and impose other assessments until a valid assessment is imposed.

(Ord. No. 10-13, § 2.02, 4-12-2010)

Sec. 2-683. - Procedural irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any assessment under the provisions of this division shall not affect the validity of the same after the approval thereof, and any assessment as finally approved shall be competent and sufficient evidence that such assessment was duly levied, that the assessment was duly made and adopted, and that all other proceedings adequate to such assessment were duly had, taken, and performed as required by this division; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section, any party objecting to an assessment imposed pursuant to this division must file an objection with a court of competent jurisdiction within the time periods prescribed herein.

(Ord. No. 10-13, § 2.03, 4-12-2010)

Sec. 2-684. - Correction of errors and omissions.

- (a) No act of error or omission on the part of the Property Appraiser, Tax Collector, City Manager, City Commission, their deputies, employees, or designees, shall operate to release or discharge any obligation for payment of an assessment imposed by the City Commission under the provision of this division.
- (b) When it shall appear that any assessment should have been imposed under this division against a lot or parcel of property specially benefited by the provision of a service, facility, program, or local improvement, but such property was omitted from the assessment roll, the City Commission may, upon provision of appropriate notice as set forth in this article, impose the applicable assessment for the fiscal year in which such error is discovered, in addition to the applicable assessment due for the prior two fiscal years. Such total assessment shall become delinquent if not fully paid upon the expiration of 60 days from the date of the adoption of said resolution. The assessment so imposed shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles and claims in and to or against the real property involved and may be collected as provided in subdivision 5.
- (c) The City Manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any assessed property, to correct any error in applying the assessment apportionment method to any particular property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction that reduces an assessment shall be considered valid ab initio and shall in no way affect the enforcement of the assessment imposed under the provisions of this division. Any such correction which increases an assessment or imposes an assessment on omitted property shall first require notice to the affected owner in the manner described in sections 2-720 and 2-751, as applicable, providing the date, time and place that the City Commission will consider confirming the correction and offering the owner an opportunity to be heard. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the City Manager and not, the Property Appraiser or Tax Collector.
- (d) After the assessment roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the City Manager.

(Ord. No. 10-13, § 2.04, 4-12-2010)

Sec. 2-685. - Lien of assessments.

Upon the adoption of the assessment roll, all assessments shall constitute a lien against such property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for an assessment shall be deemed perfected upon adoption by the City Commission of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for an assessment collected under the Uniform Assessment Collection Act shall attach to the property as provided by law. The lien for an assessment collected under the alternative method of collection provided in section 2-778 shall be deemed perfected upon adoption by the City Commission of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

(Ord. No. 10-13, § 2.05, 4-12-2010)

Sec. 2-686. - Authorization for exemptions and hardship assistance.

- (a) The City Commission, in its sole discretion, shall determine whether to provide exemptions from payment of an assessment for government property or institutional property whose use is wholly or partially exempt from ad valorem taxation under State law.
- (b) The City Commission, in its sole discretion, shall determine whether to provide a program of hardship assistance to City residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of an assessment.
- (c) The City Commission shall designate the funds available to provide any exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the City Commission. Any funds designated for exemptions or hardship assistance shall be paid by the City from funds other than those generated by the assessment.
- (d) Any shortfall in the expected assessment proceeds due to any hardship assistance or exemption from payment of the assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Commission is improper or otherwise adversely affects the validity of the assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of an assessment upon each benefited property in the amount of the assessment that would have been otherwise imposed save for such reduction or exemption afforded to such benefited property by the City Commission.

(Ord. No. 10-13, § 2.06, 4-12-2010)

Secs. 2-687—2-715. - Reserved.

Subdivision II. - Service Assessments

Sec. 2-716. - General authority.

(a) The City Commission is hereby authorized to impose an annual service assessment to fund all or any portion of the service cost on benefited property at a rate of assessment based on the special benefit accruing to such property from the City's provision of the subsequently identified service, facility, or program. The amount of the service assessment that is imposed each fiscal year against each parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the service cost among properties on a basis reasonably related to the special benefit provided by the service, facility, or program funded with assessment proceeds. Nothing contained in this division shall be construed to require the imposition of assessments against government property.

(b) All service assessments shall be imposed in conformity with the procedures set forth in this subdivision.

(Ord. No. 10-13, § 3.01, 4-12-2010)

Sec. 2-717. - Initial proceedings.

The initial proceeding for the imposition of a service assessment shall be the City Commission's adoption of an initial assessment resolution:

- (1) Describing the property to be located within any proposed assessment area;
- (2) Containing a brief and general description of the services, facilities, or programs to be provided;
- (3) Determining the service cost to be assessed;
- (4) Describing the method of apportioning the service cost and the computation of the assessments for specific properties;
- (5) Establishing an estimated assessment rate for the upcoming fiscal year;
- (6) Establishing a maximum assessment rate, if desired by the City Commission;
- (7) Authorizing the date, time, and place of a public hearing to consider the adoption of the final assessment resolution for the upcoming fiscal year; and
- (8) Directing the City Manager to:
 - a. Prepare the initial assessment roll, as required by section 2-718;
 - b. Publish the notice required by section 2-719; and
 - c. Mail the notice required by section 2-720.

(Ord. No. 10-13, § 3.02, 4-12-2010)

Sec. 2-718. - Service assessment roll.

(a) The City Manager shall prepare, or direct the preparation of, the initial assessment roll for the service assessments, which shall contain the following:

- (1) A summary description of all assessed property conforming to the description contained on the tax roll.
- (2) The name of the owner of the assessed property.
- (3) The amount of the service assessment to be imposed against each assessed property.

(b) Copies of the initial assessment resolution and the preliminary assessment roll shall be available in the office of the City Manager and open to public inspection.

The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the service assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(Ord. No. 10-13, § 3.03, 4-12-2010)

Sec. 2-719. - Notice by publication.

Upon completion of the initial assessment roll and each year thereafter, the City Manager shall publish notice of a public hearing to adopt the final assessment resolution and approve the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

(Ord. No. 10-13, § 3.04, 4-12-2010)

Sec. 2-720. - Notice by mail.

For the initial fiscal year in which a service assessment is imposed by the City Commission against assessed property pursuant to the Uniform Assessment Collection Act and in addition to the published notice required by section 2-719, the City Manager shall provide notice of the proposed service assessment by first class mail to the owner of each parcel of property subject to a service assessment. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a service assessment imposed by the City Commission pursuant to this division. Notice by mail for fiscal years after the initial fiscal year shall be controlled by section 2-723(c).

(Ord. No. 10-13, § 3.05, 4-12-2010)

Sec. 2-721. - Adoption of final assessment resolution.

(a) At the time named in such notice or to such time as an adjournment or continuance may be taken by the City Commission, the City Commission shall receive any written objections of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the final assessment resolution which shall:

- (1) Create any assessment area;
 - (2) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the City Commission;
 - (3) Establish the maximum assessment rate, if desired by the City Commission and set the rate of assessment to be imposed in the upcoming fiscal year;
 - (4) Approve the initial assessment roll, with such amendments as it deems just and right; and
 - (5) Determine the method of collection.
- (b) All parcels assessed shall derive a special benefit from the service, facility, or program to be provided or constructed and the service assessment shall be fairly and reasonably apportioned among the properties that receive the special benefit. All objections to the final assessment resolution shall be made in writing, and filed with the City Manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which assessments are imposed or reimposed hereunder.

(Ord. No. 10-13, § 3.06, 4-12-2010)

Sec. 2-722. - Effect of final assessment resolution.

The service assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the maximum assessment rate, the initial rate of assessment, the initial assessment roll, and the levy and lien of the service assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the Tax Collector, or the Property Appraiser if so directed by the Tax Collector, or if an alternative method is used to collect the service assessments, such other official as the City Commission by resolution shall designate.

(Ord. No. 10-13, § 3.07, 4-12-2010)

Sec. 2-723. - Adoption of annual rate resolution.

- (a) During its budget adoption process and prior to September 15 of each year, the City Commission shall adopt an annual rate resolution for each fiscal year following the initial fiscal year for which a service assessment is imposed hereunder.
- (b) The initial proceedings for the adoption of an annual rate resolution for a service assessment imposed to fund the service cost of a service, facility or program shall be the adoption of a preliminary rate resolution containing:
 - (1) A brief and general description of the services, facilities, or programs to be provided;
 - (2) Determining the service cost to be assessed for the upcoming fiscal year;
 - (3) Establishing the estimated assessment rate for the upcoming fiscal year;

- (4) Establishing or increasing a maximum assessment rate, if desired by the City Commission;
- (5) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and
- (6) Directing the City Manager to:
 - a. Update the assessment roll;
 - b. Provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (d) of this section so require; and
 - c. Directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the City.
- (c) The annual rate resolution shall establish the rate of assessment to be imposed in the upcoming fiscal year and approve the assessment roll for the upcoming fiscal year with such adjustments as the City Commission deems just and right. The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution or most recent Preliminary Rate Resolution together with modifications, if any, and as confirmed in the final assessment resolution or most recent annual rate resolution.
- (d) In the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and:
 - (1) The proposed service assessment for any fiscal year exceeds the maximum assessment rate included in notice previously provided to the owners of assessed property pursuant to sections 2-719 and 2-720;
 - (2) The method of apportionment is changed or the purpose for which the service assessment is imposed is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 2-719 and 2-720;
 - (3) Assessed property is reclassified in a manner which results in an increased service assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 2-719 and 2-720; or
 - (4) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year;notice shall be provided by first class mail to the owner of such assessed property. Such supplemental notice shall substantially conform with the notice requirements set forth in section 2-720 and inform the owner of the date and place for the adoption of the annual rate resolution. The failure of the owner to receive such supplemental notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a service assessment imposed by the City Commission pursuant to this division.
- (e) The assessment roll, as approved by the annual rate resolution, shall be delivered to the Tax Collector, or the Property Appraiser if so directed by the Tax Collector, or if an alternative method is used to collect the service assessments, such other official as the City Commission by resolution shall designate. If the service assessment against any property shall be sustained, reduced, or abated by the City Commission, an adjustment shall be made on the assessment roll.

(Ord. No. 10-13, § 3.08, 4-12-2010)

Sec. 2-724. - Interim service assessments.

- (a) An interim service assessment may be imposed against all property, for which a building permit is issued, after adoption of the annual rate resolution. The amount of the interim service assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim service assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim service assessment may also include an estimate of the subsequent fiscal year's service assessment. No building permit shall be issued until full payment of the interim service assessment is received by the City. Issuance of the building permit without the payment in full of the interim service assessment shall not relieve the owner of such property of the obligation of full payment. Any interim service assessment not collected prior to the issuance of the building permit may be collected pursuant to the Uniform Assessment Collection Act as provided in section 2-797 or by any other method authorized by law. Any interim service assessment shall be deemed due and payable on the date the building permit was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the building permit.
- (b) In the event a building permit expires prior to completion of the building for which it was issued, and the applicant paid the interim service assessment at the time the building permit was issued, the applicant may within 90 days of the expiration of the building permit apply for a refund of the interim service assessment. Failure to timely apply for a refund of the interim service assessment shall waive any right to a refund.
- (c) The application for refund shall be filed with the City and contain the following:
- (1) The name and address of the applicant;
 - (2) The location of the property and the tax parcel identification number for the property which was the subject of the building permit;
 - (3) The date the interim service assessment was paid;
 - (4) A copy of the receipt of payment for the interim service assessment; and
 - (5) The date the building permit was issued and the date of expiration.
- (d) After verifying that the building permit has expired and that the building has not been completed, the City shall refund the interim service assessment paid for such building.
- (e) A building permit which is subsequently issued for a building on the same property which was subject of a refund shall pay the interim service assessment as required by this section.

(Ord. No. 10-13, § 3.09, 4-12-2010)

Secs. 2-725—2-746. - Reserved.

Subdivision III. - Capital Assessments

Sec. 2-747. - General authority.

- (a) The City Commission is hereby authorized to impose capital assessments against property located within an assessment area to fund the capital cost or project cost, if obligations are issued, of local improvements. The capital assessment shall be computed in a manner that fairly and reasonably apportions the capital cost or project cost, if obligations are issued, among the parcels of property within the assessment area based upon objectively determinable assessment units and reasonably related to the special benefit provided by the local improvement. Nothing contained in this division shall be construed to require the imposition of capital assessments against government property.
- (b) All capital assessments shall be imposed in conformity with the procedures set forth in this subdivision.

(Ord. No. 10-13, § 4.01, 4-12-2010)

Sec. 2-748. - Initial proceedings.

The initial proceeding for the imposition of a capital assessment shall be the City Commission's adoption of an initial assessment resolution:

- (1) Describing the property to be located within the proposed assessment area;
- (2) Containing a brief and general description of the local improvements to be provided;
- (3) Determining the capital cost or project cost to be assessed for local improvements;
- (4) Describing the method of apportioning the capital cost or project cost and the computation of the capital assessments for specific properties;
- (5) Establishing an estimated assessment rate for the upcoming fiscal year;
- (6) Describe the provisions, if any, for acceleration and prepayment of the capital assessment;
- (7) Describe the provisions, if any, for reallocating the capital assessment upon future subdivision;
- (8) Establishing a maximum assessment rate, if desired by the City Commission;
- (9) Authorizing the date, time, and place of a public hearing to consider the adoption of the final assessment resolution for the upcoming fiscal year; and
- (10) Directing the City Manager to:
 - a. Prepare the initial assessment roll, as required by section 2-749;
 - b. Publish the notice required by section 2-750; and
 - c. Mail the notice required by sections 2-751.

(Ord. No. 10-13, § 4.02, 4-12-2010)

Sec. 2-749. - Capital assessment roll.

(a) The City Manager shall prepare, or direct the preparation of, the initial assessment roll for capital assessments, which shall contain the following:

- (1) A summary description of all assessed property conforming to the description contained on the tax roll.
- (2) The name of the owner of the assessed property.
- (3) The number of assessment units attributable to each parcel.
- (4) The amount of the capital assessment to be imposed against each assessed property.

(b) Copies of the initial assessment resolution and the preliminary assessment roll shall be available in the office of the City Manager and open to public inspection.

The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the capital assessment for each parcel of property can be determined by use of a computer terminal available to the public.

(Ord. No. 10-13, § 4.03, 4-12-2010)

Sec. 2-750. - Notice by publication.

Upon completion of the initial assessment roll and each year thereafter, the City Manager shall publish notice of a public hearing to adopt the final assessment resolution and approve the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

(Ord. No. 10-13, § 4.04, 4-12-2010)

Sec. 2-751. - Notice by mail.

For the initial fiscal year in which a capital assessment is imposed by the City Commission against assessed property pursuant to the Uniform Assessment Collection Act and in addition to the published notice required by section 2-750, the City Manager shall provide notice of the proposed capital assessment by first class mail to the owner of each parcel of property subject to a capital assessment. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a capital assessment imposed by the City Commission pursuant to this division. Notice by mail for fiscal years after the initial fiscal year shall be controlled by section 2-754.

(Ord. No. 10-13, § 4.05, 4-12-2010)

Sec. 2-752. - Adoption of final assessment resolution.

- (a) At the time named in such notice or to such time as an adjournment or continuance may be taken by the City Commission, the City Commission shall receive any written objections of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the final assessment resolution which shall:
- (1) Create any assessment area;
 - (2) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the City Commission;
 - (3) Establish the maximum amount of the capital assessment for each assessment Unit and levy the rate of assessment for the upcoming fiscal year;
 - (4) Approve the initial assessment roll, with such amendments as it deems just and right; and
 - (5) Determine the method of collection.
- (b) All parcels assessed shall derive a special benefit from the local improvement to be provided or constructed and the capital assessment shall be fairly and reasonably apportioned among the properties that receive the special benefit. All objections to the final assessment resolution shall be made in writing, and filed with the City Manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which assessments are imposed or reimposed hereunder.

(Ord. No. 10-13, § 4.06, 4-12-2010)

Sec. 2-753. - Effect of final assessment resolution.

The capital assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the method of apportionment and assessment, the initial rate of assessment, the initial assessment roll, and the levy and lien of the capital assessments) unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of City Commission action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the Tax Collector, or the Property Appraiser, if so directed by the Tax Collector, or, if an alternative method is used to collect the capital assessments, such other official as the City Commission by resolution shall designate.

(Ord. No. 10-13, § 4.07, 4-12-2010)

Sec. 2-754. - Adoption of annual rate resolution.

- (a) During its budget adoption process and prior to September 15 of each year, the City Commission shall adopt an annual rate resolution for each fiscal year in which capital assessments will be imposed to fund the capital cost or project cost of a local improvement. The final assessment resolution shall constitute the annual assessment resolution for the initial fiscal year. The assessment roll shall be prepared in accordance with the initial assessment resolution, as confirmed or amended by the final assessment resolution. Failure to adopt an annual assessment resolution during the budget adoption process for a fiscal year may be cured at any time.

(b) In the event that the uniform method of collection provided for in the Uniform Assessment Collection Act is used and:

- (1) The proposed capital assessment for any fiscal year exceeds the maximum assessment rate included in notice previously provided to the owners of assessed property pursuant to sections 2-750 and 2-751;
- (2) The method of apportionment is changed or the purpose for which the capital assessment is imposed is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 2-750 and 2-751;
- (3) Assessed property is reclassified in a manner which results in an increased capital assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 2-750 and 2-751; or
- (4) An assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by first class mail to the owner of such assessed property;

such supplemental notice shall substantially conform with the notice requirements set forth in section 2-751 and inform the owner of the date and place for the adoption of the annual rate resolution. The failure of the owner to receive such supplemental notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a capital assessment imposed by the City Commission pursuant to this division.

(c) The assessment roll, as approved by the annual rate resolution, shall be delivered to the Tax Collector, or the Property Appraiser, if so directed by the Tax Collector, or, if an alternative method is used to collect the capital assessments, such other official as the City Commission by resolution shall designate. If the capital assessment against any property shall be sustained, reduced, or abated by the City Commission, an adjustment shall be made on the assessment roll.

(Ord. No. 10-13, § 4.08, 4-12-2010)

Secs. 2-755—2-776. - Reserved.

Subdivision IV. - Collection and Use of Assessments

Sec. 2-777. - Method of collection.

- (a) Unless otherwise directed by the City Commission, the assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this division may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.
- (b) The amount of an assessment to be collected using the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, program, or local improvement, provided that:

- (1) The collection method used in connection with the prior year's assessment did not employ the use of the Uniform Assessment Collection Act;
- (2) Notice is provided to the owner; and
- (3) Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such assessment upon certification of a non-ad valorem roll to the Tax Collector by the City.

(Ord. No. 10-13, § 5.01, 4-12-2010)

Sec. 2-778. - Alternative method of collection.

In lieu of utilizing the Uniform Assessment Collection Act, the City may elect to collect the assessments by any other method which is authorized by law.

(Ord. No. 10-13, § 5.02, 4-12-2010)

Sec. 2-779. - Government property.

In lieu of using the Uniform Assessment Collection Act to collect assessments from government property, the City may elect to use any other method authorized by law or provided by this section as follows:

- (1) The City shall provide assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
 - a. A brief explanation of the assessment;
 - b. A description of the unit of measurement used to determine the amount of the assessment;
 - c. The number of units contained within the parcel;
 - d. The total amount of the parcel's assessment for the appropriate period;
 - e. The location at which payment will be accepted; and
 - f. The date on which the assessment is due.
- (2) Assessments imposed against government property shall be due on the same date as all other assessments and, if applicable, shall be subject to the same discounts for early payment.
- (3) An assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The City shall notify the owner of any government property that is delinquent in payment of its assessment within 60 days from the date such assessment was due. Such notice shall state that the City will initiate a mandamus or other appropriate judicial action to compel payment.
- (4)

All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City, including reasonable attorney fees, in collection of such delinquent assessments and any other costs incurred by the City as a result of such delinquent assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

- (5) As an alternative to the foregoing, an assessment imposed against government property may be collected on the bill for any utility service provided to such government property. The City Commission may contract for such billing services with any utility not owned by the City.

(Ord. No. 10-13, § 5.03, 4-12-2010)

Secs. 2-780—2-796. - Reserved.

Subdivision V. - Issuance of Obligations

Sec. 2-797. - General authority.

- (a) Upon adoption of the final assessment resolution imposing capital assessments to fund a local improvement or at any time thereafter, the City Commission shall have the power and is hereby authorized to provide by resolution, at one time or from time to time in series, for the issuance of obligations to fund the project cost thereof.
- (b) If issued, the principal of and interest on each series of obligations shall be payable from pledged revenue. At the option of the City Commission, the City may agree, by resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the obligations or in the payment of the obligations, from other non-ad valorem revenue sources. The City Commission may also provide, by resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the obligations. Any such resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

(Ord. No. 10-13, § 6.01, 4-12-2010)

Sec. 2-798. - Terms of the obligations.

If issued, the obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by resolution of the City Commission, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Commission. Said obligations shall mature not later than 40 years after their issuance. The City Commission shall determine by resolution the form of the obligations, the manner of executing such obligations, and shall fix the denominations of such obligations, the place or places of payment of the principal and interest, which may be at any

bank or trust company within or outside of the State, and such other terms and provisions of the obligations as it deems appropriate. The obligations may be sold at public or private sale for such price or prices as the City Commission shall determine by resolution. The obligations may be delivered to any contractor to pay for construction of the local improvements or may be sold in such manner and for such price as the City Commission may determine by resolution to be for the best interests of the City.

(Ord. No. 10-13, § 6.02, 4-12-2010)

Sec. 2-799. - Variable rate obligations.

At the option of the City Commission, obligations may bear interest at a variable rate.

(Ord. No. 10-13, § 6.03, 4-12-2010)

Sec. 2-800. - Temporary obligations.

Prior to the preparation of definitive obligations of any series, the City Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary obligations, exchangeable for definitive obligations when such obligations have been executed and are available for delivery. The City Commission may also provide for the replacement of any obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this division.

(Ord. No. 10-13, § 6.04, 4-12-2010)

Sec. 2-801. - Anticipation notes.

In anticipation of the sale of obligations, the City Commission may, by resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the obligations, the proceeds of the capital assessments, the proceeds of the notes and such other legally available moneys as the City Commission deems appropriate by resolution. Said notes shall mature within five years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Commission may issue obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the obligations.

(Ord. No. 10-13, § 6.05, 4-12-2010)

Sec. 2-802. - Taxing power not pledged.

Obligations issued under the provisions of this division shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such obligations shall be payable only from pledged revenue in the manner provided herein and by the resolution authorizing the obligations. The issuance of obligations under the provisions of this division shall not directly or indirectly obligate the City to levy or to pledge any form of ad

valorem taxation whatever therefor. No holder of any such obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such obligations or the interest thereon or to enforce payment of such obligations or the interest thereon against any property of the City, nor shall such obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the pledged revenue.

(Ord. No. 10-13, § 6.06, 4-12-2010)

Sec. 2-803. - Trust funds.

The pledged revenue received pursuant to the authority of this division shall be deemed to be trust funds, to be held and applied solely as provided in this division and in the resolution authorizing issuance of the obligations. Such pledged revenue may be invested by the City, or its designee, in the manner provided by the resolution authorizing issuance of the obligations. The pledged revenue, upon receipt thereof by the City, shall be subject to the lien and pledge of the holders of any obligations or any entity other than the City providing credit enhancement on the obligations.

(Ord. No. 10-13, § 6.07, 4-12-2010)

Sec. 2-804. - Remedies of holders.

Any holder of obligations, except to the extent the rights herein given may be restricted by the resolution authorizing issuance of the obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution, and may enforce and compel the performance of all duties required by this part, or by such resolution, to be performed by the City.

(Ord. No. 10-13, § 6.08, 4-12-2010)

Sec. 2-805. - Refunding obligations.

The City may, by resolution of the City Commission, issue obligations to refund any obligations issued pursuant to this division or any other obligations of the City therefor issued to finance the project cost of a local improvement and provide for the rights of the holders hereof. Such refunding obligations may be issued in an amount sufficient to provide for the payment of the principal of redemption premium, if any, and interest on the outstanding obligations to be refunded. If the issuance of such refunding obligations results in an annual assessment that exceeds the estimated maximum annual capital assessments set forth in the notice provided pursuant to section 2-751, the City Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by subdivision III of this division.

(Ord. No. 10-13, § 6.09, 4-12-2010)

Secs. 2-806—2-815. - Reserved.

ARTICLE V. - RESERVED

Footnotes:

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Editor's note— Ord. No. 14-04, § 1.A., adopted March 24, 2014, repealed Art. V, §§ 2-816—2-850, which pertained to purchasing and derived from Ord. No. O-90-1, §§ 1—24, adopted Dec. 18, 1989; Ord. No. O-96-3, § 1, adopted Nov. 20, 1995; Ord. No. O-01-24, §§ 1—5, 7, 8, 14, adopted April 2, 2001; Ord. No. O-02-16, § 2, adopted March 18, 2002; and Ord. No. O-02-25, § 2, adopted Aug. 5, 2002.

Secs. 2-816—2-850. - Reserved.

ARTICLE VI. - COMMUNITY REDEVELOPMENT AGENCY

Footnotes:

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Editor's note— Ord. No. 17-05, § 2, adopted Dec. 12, 2016, amended Art. VI in its entirety to read as herein set out. Former Art. VI, §§ 2-851—2-857, pertained to similar subject matter and derived from Ord. No. O-99-03, §§ 1—6, adopted Nov. 16, 1998; Ord. No. O-00-18, § 2, adopted May 1, 2000; Ord. No. O-01-11, § 2, adopted Dec. 18, 2000; and Ord. No. 13-07, § 3, adopted Aug. 26, 2013.

State Law reference— Community Redevelopment Act of 1969, F.S. § 163.330 et seq.

Sec. 2-851. - Community Redevelopment Agency.

The City Commission of the City of Alachua shall constitute the Community Redevelopment Agency, which shall also be known and referred to as the "CRA" or "Agency".

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-852. - Membership, terms and meetings.

- (a) Each member of the City Commission shall be a member of the CRA during his or her term of office as a member of the City Commission.
- (b) The CRA shall meet quarterly and more often if deemed appropriate, including by special meeting(s).
- (c) Public notice shall be provided prior to all meetings of the CRA and all meetings shall be open to the public.

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-853. - Agency bylaws and internal governance.

The CRA shall formulate and may amend its own rules of procedure and written bylaws. A majority of the CRA membership shall constitute a quorum, and all action shall be taken by a vote of at least a majority of the quorum present, unless in any case the bylaws shall require a larger number. The Mayor shall be the chair and the registered agent of the CRA. The Vice-Mayor shall be the Vice-Chair of the CRA.

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-854. - Bylaws and governance.

- (a) The City Manager of the City of Alachua shall serve as the executive director of the CRA and may request the services of such other technical experts, agents and employees of the city as it may require; or the CRA may employ such technical experts, agents and employees as it may require and determine their qualifications, duties and compensation. For such legal service as it may require, the CRA may employ or retain its own counsel and legal staff or utilize the services of the city attorney.
- (b) The CRA shall create an advisory board to represent the Community Redevelopment Area (the "Area"). The members of this advisory board shall reside or work at a business located within the Area. This board will serve in an informal advisory capacity. Spending authority will reside with the CRA. Staff support for the advisory board will be under the direction of the executive director of the CRA.
- (c) The CRA shall file with the City Commission and with the auditor general on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of the calendar year. At the time of filing the report, the CRA shall publish in a newspaper of general circulation in the community a notice to the effect that the report has been filed with the city and the report is available for inspection during business hours in the office of the clerk of the City Commission.

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-855. - Community redevelopment plan.

- (a) Pursuant to F.S. §§ 163.330 through 163-450, an area of the City has been found to be a slum or blighted area by Resolutions 82-4 and 98-46, as amended by Resolution 99-02. The area is designated as the community redevelopment area, and is legally described in the Amended Community Redevelopment Plan, incorporated by reference into Ordinance 13-07. This area was initially designated as the Community Redevelopment District by the City Commission in 1987, and its boundaries were amended by Ordinances 0-01-11 and 13-07. The base year valuations were determined for the parcels within the area in 1987. The community redevelopment area shall comprise the geographic area in which the CRA shall undertake activities for the prevention and elimination of the spread of slum and blight in accordance with F.S. §§ 163.330 through 163.450.
- (b)

The City of Alachua Amended Community Redevelopment Plan, which was approved and adopted by the City Commission on August 13, 2013 by Ordinance 13-07 (the "Amended Plan"), contains the adopted redevelopment boundaries which comprise the Community Redevelopment Area in Appendix "A" to the Amended Plan. The Amended Plan is incorporated herein by reference and Appendix "A" to the Amended Plan is attached to this ordinance [Ord. No. 17-05] as Appendix "A".

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-856. - Powers.

The CRA shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of F.S. Ch. 163, Part III, including all powers listed in F.S. § 163.370 within the Area.

(Ord. No. 17-05, § 2, 12-12-2016)

Sec. 2-857. - Redevelopment trust fund.

- (a) There is hereby established a trust fund, to be separately administered and accounted for, to be known as the Community Redevelopment Account (the "Account").
- (b) The Account shall be used for the deposit of all tax increment funds obtained by the CRA to finance or refinance community redevelopment projects within the Community Redevelopment Area and all such funds shall be used to carry out redevelopment activities included in the Amended Plan.
- (c) Until all redevelopment projects included in the Plan are completed and paid for, the Account fund shall receive the annual tax increment, as hereinafter defined, from all taxing authorities except school districts and those taxing authorities listed in F.S. § 163.387(2) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the Area described in attached Appendix "A".
- (d) Pursuant to F.S. § 163.387, the tax increment to be allocated annually to the Account shall be 95 percent of the difference between:
 - (1) The amount of ad valorem taxes levied each year by the taxing authority, except those taxing authorities listed in F.S. § 163.387(2)(e) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the Area.
 - (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, except those taxing authorities listed in F.S. § 163.387(2)(e) exclusive of any debt service millage on taxable real property contained within the geographic boundaries of the Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the approval of the Community Redevelopment District in 1987 and providing for the funding of the Account.
- (e) The total of the assessed value of the taxable property, prior to the adoption of the Community Redevelopment Plan in 1987, was \$6,295,700.00.
- (f) Until such time as the Amended Plan expires and its activities are paid for, the City shall, and all other taxing authorities except school districts are called upon to, annually appropriate to the trust fund, the tax increment described in this section for the area described in Section 2-855.

(Ord. No. 17-05, § 2, 12-12-2016)

Secs. 2-858—2-880. - Reserved.

ARTICLE VII. - BOARDS AND COMMITTEES

DIVISION 1. - GENERALLY

Sec. 2-881. - Procedure for appointment.

When the procedure for appointment of Board, Commission or Committee Members is not designated by the ordinance creating the board, commission or committee, then the procedure shall be as follows:

- (1) A ballot shall be prepared with the names of all applicants or nominees.
- (2) Each City Commissioner may vote for as many persons as there are vacancies. However, the voting shall not be cumulative (a City Commissioner concentrating more than one vote on one person).
- (3) The ballot shall carry the City Commissioners signatures and be made a part of the minutes of the meeting.
- (4) Persons equal in number to the vacancies to be filled receiving the highest number of votes shall be declared to be appointed.

(Ord. No. O-88-4, § 1(2-31), 1-4-1988)

Secs. 2-882—2-900. - Reserved.

DIVISION 2. - CHARTER REVIEW ADVISORY BOARD

Sec. 2-901. - Created; advisory to City Commission.

There is hereby created and established a Charter Review Advisory Board which shall be advisory to the City Commission.

(Code 1976, § 2-41; Ord. No. O-81-21, § 1, 8-3-1981; Ord. No. 09-01, § 2, 12-1-2008)

Sec. 2-902. - Composition; appointment; term; compensation.

- (a) The Charter Review Advisory Board shall consist of seven members which shall be appointed by the City Commission.

(b) Members of the Board shall serve for three-year staggered terms. The members shall be appointed as follows:

- (1) Three members for a three-year term;
- (2) Two members for a two-year term; and
- (3) Two members for a one-year term.

(c) The terms shall expire on May 1.

(d) All Board members shall serve without pay.

(Code 1976, § 2-42; Ord. No. O-81-21, § 4, 8-3-1981; Ord. No. O-88-17, § 1, 4-4-1988; Ord. No. 09-01, §§ 1, 2, 12-1-2008)

Sec. 2-903. - Vacancies.

Vacancies on the Charter Review Advisory Board shall be filled by the City Commission.

(Code 1976, § 2-43; Ord. No. O-81-21, § 5, 8-3-1981; Ord. No. O-88-17, § 1, 4-4-1988; Ord. No. 09-01, § 2, 12-1-2008)

Sec. 2-904. - Election of Chairperson and other officers; meetings.

The members of the Charter Review Advisory Board shall elect one of their members Chairperson and shall elect other officers as may be necessary. Such Board shall meet as deemed necessary by the City Commission.

(Code 1976, § 2-44; Ord. No. O-81-21, § 6, 8-3-1981; Ord. No. 09-01, § 2, 12-1-2008; Ord. No. 11-07, § 1, 5-9-2011)

Sec. 2-905. - Duties of the Board.

The Charter Review Advisory Board shall review the City Charter and shall advise the City Commission and shall offer recommendations as to the needs of the City pertaining to the revision and necessary update of the City Charter of the City.

(Code 1976, § 2-45; Ord. No. O-81-21, § 5, 8-3-1981; Ord. No. 09-01, § 2, 12-1-2008)

State Law reference— Charter amendments, F.S. § 166.031.

Secs. 2-906—2-930. - Reserved.

DIVISION 3. - PARKS AND RECREATION BOARD

Sec. 2-931. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animals includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park or recreation area.

Director means an employee position of Recreation Director established by the City Commission.

Permit means written license permitting a special event (on park facilities).

Soliciting means persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods; persons seeking any form of contributions.

(Ord. No. 09-27, § 2(7.3), 10-19-2009)

Sec. 2-932. - Purpose.

The purpose of this division is to create a Parks and Recreation Board and establish the duties of the Board.

(Ord. No. 09-27, § 2(7.1), 10-19-2009)

Sec. 2-933. - Applicability.

This division shall apply in all parks and recreation areas under the jurisdiction of the City, unless expressly exempted.

(Ord. No. 09-27, § 2(7.2), 10-19-2009)

Sec. 2-934. - Created.

The Parks and Recreation Board of the City is hereby established.

(Ord. No. 09-27, § 2(7.4), 10-19-2009)

Sec. 2-935. - Composition.

- (a) The Parks and Recreation Board of the City shall be composed of a total of five members. The members of the Board shall be appointed by the City Commission. All members of the Board must reside in the City. These appointments shall be for a period of three years each, with the terms staggered so that the terms of no more than two members shall expire in any one year. In the event of death or resignation of a member the vacancy may be filled for the unexpired term. The term of all members shall extend until the successors are qualified; provided, that three successive unexcused or unexplained absences from any meeting shall be in effect a resignation for which a successor may forthwith be appointed.
- (b) All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties, upon authorization or ratification by the Board and approval of such expenditures by the City Manager and City Commission.
- (c) Notwithstanding subsection (a) of this section hereof, members of the Parks and Recreation Board may be removed by a majority vote of the City Commission, upon motion of any member of the City Commission.

(Ord. No. 09-27, § 2(7.5), 10-19-2009)

Sec. 2-936. - Chairperson and Vice-Chairperson.

The Board shall elect a Chairperson and Vice-Chairperson from among its own members, each of whom shall serve for one year and/or until a successor is elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives as Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence of disability of the Chairperson. Vacancies created by any cause shall be filled for the unexpired term by a new election.

(Ord. No. 09-27, § 2(7.6), 10-19-2009)

Sec. 2-937. - Duties.

- (a) The Parks and Recreation Board shall recommend to the City Commission policies, procedures and philosophies concerning recreation services, advise on long range capital improvements, evaluate the effectiveness of existing programs, recommend changes and enhancements and promote and review citizen participation in planning and utilizing City services and facilities.
- (b) The Parks and Recreation Board shall review and evaluate the organized athletic leagues and events to which the City contributes funds, services or facilities and advise the City Commission as it deems appropriate.

(Ord. No. 09-27, § 2(7.7), 10-19-2009)

Sec. 2-938. - Special event permits.

Special event permits for events in parks and recreation areas shall be by application as set forth in the City Land Development Regulations.

(Ord. No. 09-27, § 2(7.8), 10-19-2009)

Secs. 2-939—2-950. - Reserved.

DIVISION 4. - SENIOR RESOURCES ADVISORY BOARD

Footnotes:

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Editor's note— Ord. No. 12-03, §§ 1—5, adopted Nov. 28, 2011, did not specifically amend the Code; hence, inclusion herein as Div. 4, §§ 2-951—2-955, was at the editor's discretion.

Sec. 2-951. - Created.

There is hereby created and established a Senior Resources Advisory Board.

(Ord. No. 12-03, § 1, 11-28-2011)

Sec. 2-952. - Composition; appointment; and compensation.

The Senior Resources Advisory Board shall be composed of five members appointed by the City Commission. A minimum of three members must reside in the City of Alachua and two members may be residents of the greater Alachua area. The City Commission shall also appoint one City Commissioner to serve as a non-voting liaison. All members of the Board shall serve without compensation.

(Ord. No. 12-03, § 2, 11-28-2011; Ord. No. 14-07, § 1, 5-19-2014)

Sec. 2-953. - Terms and vacancies.

Except for the City Commission liaison, the initial appointments to membership shall be terms as follows: Two members for three years, two members for two years, and one member for one year. Thereafter, appointed members shall serve for three years. In the event of a resignation or vacancy of a Board member, the City Commission shall appoint a successor for the unexpired balance of the term in which the vacancy has occurred. All terms shall expire at the end of the calendar year.

(Ord. No. 12-03, § 3, 11-28-2011)

Sec. 2-954. - Election of officers and meetings.

Each year, the Board will elect a Chair and Vice-Chair who will be responsible for conducting the meetings of the Board. Meetings will be held quarterly as determined by the Board.

(Ord. No. 12-03, § 4, 11-28-2011)

Sec. 2-955. - Purpose and duties.

The Board shall serve in an advisory capacity to the Mayor and City Commission for the purpose of providing the Commission with information on issues of importance to senior citizens living in the community and make recommendations accordingly. The Committee will submit an annual report to the City Commission.

(Ord. No. 12-03, § 5, 11-28-2011)

Secs. 2-956—2-960. - Reserved.

DIVISION 5. - YOUTH ADVISORY COUNCIL

Footnotes:

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Editor's note— Ord. No. 12-14, §§ 1—5, adopted Feb. 13, 2012, did not specifically amend the Code; hence, inclusion herein as Div. 5, §§ 2-961—2-965, was at the editor's discretion.

Sec. 2-961. - Creation.

There is hereby created and established a Youth Advisory Council which shall be advisory to the City Commission.

(Ord. No. 12-14, § 1, 2-13-2012)

Sec. 2-962. - Composition.

The Youth Advisory Council shall be composed of five voting members and a general council of non-voting members. The general council shall not exceed 50 members. The voting members of the Council shall be appointed by the City Commission. The general council members shall be appointed by the voting members of the Youth Advisory Council. All voting and non-voting members of the Council must be enrolled in a public school, private school or a home education program within the City of Alachua in grades nine through 12 or must be a City of Alachua resident enrolled in a public school, private school or a home education program in grades nine through 12 that is not within the City of Alachua's corporate limits.

Appointment of voting members of the Council shall be for a period of two years each, with the terms staggered. The initial appointments of voting members shall be terms as follows: Two voting members for two-year terms and three voting members for one-year terms, thereafter all terms of voting members shall be for a period of two years. In the event a resignation or vacancy occurs of a voting member of the Council, the vacancy may be filled for the unexpired term by appointment by the City Commission. The term of all voting members shall extend until the successors are appointed. Four successive unexcused or unexplained absences from any meeting shall be in effect a resignation.

Appointment of general council members shall be for a period of two years each and approved by a majority vote of the voting members of the Youth Advisory Council. Voting members of the Youth Advisory Council shall make decisions regarding appointment of general council members at the next available Council meeting following receipt of application for appointment. In the event a resignation or vacancy of a general council member occurs, that vacancy may or may not be filled at the discretion of the Youth Advisory Council.

Any voting or non-voting member of the Youth Advisory Council may be removed by a majority vote of the City Commission.

(Ord. No. 12-14, § 2, 2-13-2012; Ord. No. 15-01, § 1, 10-27-14)

Sec. 2-963. - Election of officers.

Voting members of the Council shall elect a chairperson and vice chairperson from among its voting members, each of whom shall serve for one year and/or until a successor is elected and qualified. The chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of chairperson. The vice chairperson shall perform the duties of the chairperson in the absence or disability of the chairperson. Vacancies of either shall be filled for the unexpired term by a new election.

(Ord. No. 12-14, § 3, 2-13-2012)

Sec. 2-964. - Meetings.

Meetings of the Youth Advisory Council shall be held at least quarterly or more frequently as determined by the Youth Advisory Council.

(Ord. No. 12-14, § 4, 2-13-2012)

Sec. 2-965. - Purpose and duties.

The purpose of the Youth Advisory Council is to stimulate and foster the active participation of young individuals in the addressing of issues impacting the youth of the community to ensure leaders of tomorrow have input in the local government process today.

The Youth Advisory Council shall recommend to the City Commission policies, procedures and philosophies and serve as advocates for issues and initiatives to positively impact the lives of youth. It shall facilitate community meetings with youth to discuss issues and suggestions for improvement, assist in planning and implementing various events to benefit youth in the community and promote and recognize abilities, accomplishments and contributions of youth.

(Ord. No. 12-14, § 5, 2-13-2012)

Chapter 4 - ALCOHOLIC BEVERAGES

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166; alcoholic beverages, F.S. chs. 561—568; general authority relative to alcohol, F.S. §§ 562.14(1), 562.45(2).*

Sec. 4-1. - Definitions.

The definitions contained in the beverage law of the State are the same definitions of terms as are used in this chapter.

(Code 1976, § 4-1; Ord. No. 34, § 1(1), 11-6-1963; Ord. No. 12-19, § 1, 6-25-2012; Ord. No. 18-06, § 3(Exh. A), 2-12-2018)

Sec. 4-2. - Hours of sale.

- (a) *Authority.* Pursuant to F.S. § 562.14(1), the City Commission, in this chapter establishes and prescribes the only hours during which alcoholic beverages may be purchased, sold, served, or consumed, or permitted to be served or consumed on premises located within the incorporated area of the City of Alachua and holding an alcoholic beverage license under the laws of Florida.
- (b) *Permitted hours of sale for off-premises consumption.*
 - (1) Hours of sale for off-premises consumption of all alcoholic beverages shall only be permitted on Monday through Saturday between hours of 7:00 a.m. and 2:00 a.m. on the following day.
 - (2) Hours of sale for off-premises consumption of all alcoholic beverages shall only be permitted on Sunday between the hours of midnight and 2:00 a.m. and 7:00 a.m. and 11:00 p.m.
- (c) *Prohibited hours of sale for on-premise consumption at business or club.* It shall be unlawful for any person to sell to or to consume or to permit the consumption of any alcoholic beverage on the premises of any business or club open to the public, which business or club is licensed by the State and caters to or allows the on premise consumption of alcoholic beverages, between the hours of 2:00 a.m. and 7:00 a.m. on Tuesday, Wednesday, Thursday, Friday, Saturday or Sunday and between the hours of 11:00 p.m. on Sunday and 7:00 a.m. on the following Monday. However, when December 31 occurs on a Sunday, such sale, consumption or

service of alcoholic beverages shall be permitted to continue from 11:00 p.m. of that Sunday until 2:00 a.m. immediately following on Monday. All time is Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect. Within this section, the term "premises" shall mean the physical facilities, improvements, or buildings where the business or club is located and conducted, and any parking lot or other real property available to the business or club. As used herein, the terms "business" and "club" shall mean any place which is open to the public or to which the public is invited.

(Code 1976, § 4-2; Ord. No. 34, § 1(5), 11-6-1963; Mo. of 4-8-1968; Ord. No. O-76-5, §§ 1, 2, 12-2-1975; Ord. No. O-79-2, § 2, 12-18-1978; Ord. No. 12-19, § 1, 6-25-2012; Ord. No. 18-06, § 3(Exh. A), 2-12-2018)

State Law reference— Local regulation of hours of sale, F.S. §§ 562.14(1), 562.14.

Sec. 4-3. - Sales, new licenses for sale, prohibited near religious institution.

It is unlawful for any sale of alcoholic beverage to take place or occur, whether for consumption on or off a premises, within 450 feet of a religious institution, as defined by the City's Land Development Regulations unless authorized by a special event permit issued pursuant to Section 4.6, special events, of the Land Development Regulations (LDRs), or unless authorized for a temporary event where the sale of alcoholic beverages will not exceed a period of three days for a single event. Such distance shall be measured from the center of the main entrance of the licensed premises and follow the most direct public route of pedestrian travel to the center of the main entrance of the religious institution. However, this section shall not apply to those sales of beer and malt beverages for consumption off the premises and for locations that are licensed as restaurants which derive at least 51 percent of gross revenue from the sale of food and nonalcoholic beverages or for a premises licensed on or before July 1, 1999 and continuously operating.

(Code 1976, § 4-3; Ord. No. 34, § 1(5), 11-6-1963; Ord. No. O-76-5, § 2, 12-2-1975; Ord. No. 18-06, § 3(Exh. A), 2-12-2018)

State Law reference— Authority to regulate location of business, F.S. §§ 562.14(2), 562.45(2).

Sec. 4-4. - Possession or consumption on public or private property.

- (a) Except as specifically permitted as set forth in Section 4-4(c), Section 4-3, or as authorized by a special event permit issued in accordance with Sections 2.4.13 and 4.6 of the Land Development Regulations, it shall be unlawful for any person to sell, serve, deliver to another, consume or to have in his or her possession any alcoholic beverage in a municipal park or recreation area or at or on any municipally owned, leased, operated or controlled property or area.
- (b) Except as specifically permitted as set forth in Section 4-3, Section 4-4(c), or as authorized by a special event permit issued in accordance with Sections 2.4.13 and 4.6 of the Land Development Regulations, it shall be unlawful for any person to consume or have in his possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk, or on any public parking facilities in the City; nor shall any person consume or have in his possession any alcoholic beverage in an open container on any private property, except as a lawful guest and with the consent of the owner and person in charge of such private property.
- (c)

The prohibition of selling, serving, delivering to another, consumption or possession of alcoholic beverage on municipally owned park, recreation area, or property as set forth in Section 4-4(a) shall not apply to the following municipally owned parks, recreation areas, or properties: The Swick House facility, located at 15010 NW 142 Terrace; Alan Hitchcock Park, also known as Theatre Park, located at 14894 Main Street; or the Legacy Park Multipurpose Center, located at 15400 Peggy Road. The provisions of this section shall be applicable during an event for which one of the municipally owned parks, recreation areas, or facilities as described in this section are facility is rented used in accordance with the following:

- (1) Sale, service, or delivery of any alcoholic beverage for individual personal consumption at a fundraising event sponsored by a governmental entity;
- (2) Sale, service, or delivery of any alcoholic beverage for individual personal consumption by a not for profit entity that charges admission for the event but does not charge for the delivery of alcoholic beverages; or
- (3) As permitted in accordance with a duly executed rental agreement which specifies such terms and conditions and permits the sale, service, or delivery for individual personal consumption during the period of the rental agreement.

(Code 1976, § 4-5; Ord. No. O-75-9, §§ 2, 3, 9-23-1975; Ord. No. 15-07, § 1, 7-13-2015; Ord. No. 18-06, § 3(Exh. A), 2-12-2018)

State Law reference— Authority to regulate hours of sale, F.S. §§ 562.14(1), 562.45(2).

Chapter 6 - ANIMALS

Footnotes:

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Editor's note— In accordance with interlocal agreement, the County animal control ordinance applies with the City and is enforced by the County.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166; animal control, F.S. ch. 828.

Sec. 6-1. - Hog pens, sinks, stables.

It shall be the duty of all persons having sinks, hog pens or stables upon the premises by them occupied to keep the same in such condition as shall not be offensive or prejudicial to the health of the City.

(Code 1960, § 15-5; Code 1976, § 16-5)

Sec. 6-2. - Bird and game sanctuaries.

- (a) The areas between the corporate limits of the City and all lands owned and controlled by the City are hereby established as bird and game sanctuaries, wherein it shall be unlawful for any person to hunt, kill or take any bird or animal, other than a game animal.

- (b) Section 6-2(a) shall not apply to the use or possession of and is specifically intended not to regulate firearms, ammunition or components thereof. The whole field of regulation of firearms and ammunition being preempted to the Florida Legislature as set forth in F.S. § 790.33.

(Code 1976, § 5-9; Ord. No. 41, § 10, 11-11-1971; Ord. No. O-01-02, § 2, 11-20-2000; Ord. No. 11-12, § 1, 10-10-2011)

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166; Florida Building Codes Act, F.S. § 553.70 et seq.*

ARTICLE I. - IN GENERAL

Sec. 8-1. - Exception to the County land development road impact fee.

- (a) The City Commission finds that the imposition of the County land development road impact fee within the City is detrimental to and in conflict with the City's goals, objectives and policies relating to land use, traffic circulation, housing, industrial development and commercial development; and that the exemption of the City from the road impact fee will promote the City's goals, objectives and policies and discourage urban sprawl.
- (b) The City Manager or designee shall issue a building permit or mobile home permit for property within the limits of the City without complying with the requirements imposed by the County land development road impact fee ordinance.
- (c) The City Manager or designee shall approve electrical energizing for property within the limits of the City without complying with the requirements imposed by the County land development road impact fee ordinance.
- (d) Neither the City Manager or designee nor any person owning or developing land within the limits of City shall be subject to any penalty provided for by the County land development road impact fee ordinance for acts or omissions in accordance with this section.

(Ord. No. 09-19, § 3(18-1), 6-1-2009)

Sec. 8-2. - Duty of Fire and Police Department members to report dangerous buildings or lands.

Police and the Fire Department members shall make a report in writing to the Code Enforcement Officer of all buildings, structures or lands which are, may be or are suspected to be dangerous buildings or hazardous lands within the terms of this article. Such reports must be delivered to the Code Enforcement Officer within 24 hours of the discovery of dangerous buildings or hazardous land.

(Ord. No. 09-19, § 3(18-5), 6-1-2009)

Sec. 8-3. - Enforcement system.

The City has, by Ordinance No. 06-31, abolished the Code Enforcement Board and adopted an alternate code enforcement system that gives Special Magistrates designated by the City Commission the authority to and responsibility for enforcing City ordinances. City Ordinance No. 06-31 is specifically recognized and affirmed as the Code Enforcement System of the City.

(Ord. No. 09-19, § 3(18-6), 6-1-2009)

Sec. 8-4. - Administrative liability.

No officer, agent, attorney or employee of the City shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this chapter. Any suit brought against an officer, agent or employee of the City as a result of any act required or permitted in the discharge of duties under this article shall be defended by the City until the final termination of the proceedings therein.

(Ord. No. 09-19, § 3(18-7), 6-1-2009)

Sec. 8-5. - Building permit fees.

For all building permits, which are required to be issued, there shall be charged a permit fee as determined by the following schedule. Current square foot value for residential and commercial new construction and additions shall be computed by utilizing the most current building valuation data (BVD) table published by the International Code Council. The data published in the February issue shall become effective April 1 following publication. The data published in the August issue shall become effective October 1 following publication. The total value of new construction is calculated by multiplying the total square footage (heated and unheated) of new construction by the current square foot value as determined by the BVD.

BUILDING PERMIT FEE SCHEDULE

Residential new construction and additions permit fee

Minimum fee, \$50.00

Residential new construction and additions permit fee determined as follows (construction valuation calculated by BVD)

Total valuation	Base	Cost per \$1,000.00
\$0.00—\$1,000.00	\$50.00	
\$1,001.00—\$100,000.00	\$50.00	\$5.00

\$100,001.00—\$500,000.00	\$545.00 + \$50.00	\$3.00
\$500,001.00—\$1,000,000.00	\$1,795.00 + \$50.00	\$2.00
\$1,000,000.00 and up	\$2,845.00 + \$50.00	\$1.00

Commercial new construction and additions permit fee

Minimum fee, \$100.00

Residential new construction and additions permit fee determined as follows (construction valuation calculated by BVD):

Total valuation	Base	Cost per \$1,000.00
\$0.00—\$1,000.00	\$100.00	
\$1,001.00—\$100,000.00	\$100.00	\$5.00
\$100,001.00—\$500,000.00	\$595.00 + \$100.00	\$3.00
\$500,001.00—\$1,000,000.00	\$1,895.00 + \$100.00	\$2.00
\$1,000,000.00 and up	\$2,995.00 + \$100.00	\$1.00

Other residential permit fees

Including alterations, reroofs, foundation, remodeling, swimming pools, spas, plumbing, mechanical, electrical, enclosures and any other permits not specifically addressed herein

Minimum fee, \$50.00

Residential alterations permit fee determined as follows (construction valuation determined by signed contract value):

Total valuation	Base	Cost per \$1,000.00
\$0.00—\$1,000.00	\$50.00	
\$1,001.00—\$100,000.00	\$50.00	\$5.00
\$100,001.00—\$500,000.00	\$545.00 + \$50.00	\$3.00
\$500,001.00—\$1,000,000.00	\$1,795.00 + \$50.00	\$2.00
\$1,000,000.00 and up	\$2,845.00 + \$50.00	\$1.00

Other commercial permit fees

Including any construction requiring review and/or inspection by the Fire Marshal, alterations, reroofs, foundation, signs, swimming pools, spas, plumbing, mechanical, electrical, enclosures, fire suppression and any other permits not specifically addressed herein

Minimum fee, \$100.00

Commercial alterations permit fee determined as follows (construction valuation determined by signed contract value):

Total valuation	Base	Cost per \$1,000.00
\$0.00—\$1,000.00	\$100.00	
\$1,001.00—\$100,000.00	\$100.00	\$5.00
\$100,001.00—\$500,000.00	\$595.00 + \$100.00	\$3.00
\$500,001.00—\$1,000,000.00	\$1,895.00 + \$100.00	\$2.00
\$1,000,000.00 and up	\$2,995.00 + \$100.00	\$1.00

Mobile home permit fee

Includes manufactured home and temporary construction office trailer

Flat fee, \$400.00

E-911 addressing fee

First address, \$20.00

Each additional address, \$10.00

Change of occupancy/use permit fee

Flat fee, \$50.00

Change of contractor permit fee

Flat fee, \$100.00

Residential and commercial demolition of structures

Fee per floor, \$50.00

Reinspection fee

For any repeat inspection of any structure or permit type

Flat fee, \$50.00

Renewal fees for expired building permits

Fees for renewing expired building permits determined as follows number of inspections performed (charge based on the percent of original permit fee):

No work commenced, no inspections performed, 100%

One to three inspections performed, 75%

Four to six inspections performed, 50%

Seven to nine inspections performed, 25%

More than nine inspections performed, 10%

Refund of building permit fees

No refund of any type of permit fees shall be issued

Plan review fees

When the plans of buildings, structures or alterations must be reviewed by the City Building Official, there shall be a fee assessed that is equivalent to 30 percent of the total permit fee, but not less than a minimum fee of \$60.00.

Any changes to plans that have been certified and stamped by the Building Official will require a recertification fee of \$25.00.

(Ord. No. 09-19, § 3(18-3), 6-1-2009)

State Law reference— Building permits, F.S. § 553.79 et seq.

Secs. 8-6—8-28. - Reserved.

ARTICLE II. - FLORIDA BUILDING CODE

Footnotes:

--- (2) ---

State Law reference— *Florida Building Codes Act, F.S. § 553.70 et seq.*

Sec. 8-29. - Florida Building Code.

- (a) The 2017 Florida Building Code (Code), as amended from time to time and adopted by F.S. ch. 553, is hereby adopted and shall be enforced in the City.
- (b) The Florida Building Code, Residential is hereby amended by the following technical amendment:

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

- 1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder of R322.2 unchanged.

- (c) The Florida Building Code, Building is hereby amended by the following technical amendment:

1612.4.2 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.
- (d) The Florida Building Code is hereby amended by adding: Surface treatment of masonry walls and structures. All exterior masonry walls and structures shall have a finished appearance through the application of stucco or other approved surfacing materials or by tooling all joints and properly sealing and painting the surface.
- (e) The City Commission shall set and determine its own fees for permits and all inspections and any other type of fees applicable under the Florida Building Code.

(Ord. No. 09-19, § 3(18-2), 6-1-2009; Ord. No. 18-05, § 4(Exh. B), 2-12-2018)

State Law reference— Florida Building Code, F.S. § 553.73.

Sec. 8-30. - International Property Maintenance Code.

The International Property Maintenance Code, 2009 edition, as published by the International Code Council (Code), as amended from time to time, is hereby adopted and incorporated in this chapter with the exception of all of section 111, pertaining to means of appeal, and section 109.6, pertaining to hearing, which specifically are not being adopted or incorporated into this chapter. The Code shall be interpreted and enforced by the City as follows:

- (1) The Department of Property Maintenance as referenced in the Code shall be the City Code Enforcement Division.

- (2) The code official as referenced in the Code shall be the Code Enforcement Officer for the City.
- (3) Where a term in the Code is not defined or the definition in the Code is in conflict with the definition in the Florida Building Code, the definition in the Florida Building Code shall govern.
- (4) If any provisions of the Code, as amended from time to time, conflicts with the Florida Building Code, the terms of the Florida Building Code shall govern.
- (5) Should there be a conflict between the Code, as amended from time to time, and any other provision of this chapter, the provision of this section shall govern.
- (6) The enforcement mechanism for violations, other than those predicated upon exigent circumstances involving issues of health, safety, and welfare, shall be through the process used for proceedings before the City Special Magistrate.
- (7) Any person directly affected by a decision of the Code Enforcement Officer predicted upon exigent circumstances relating to issues of health, safety and welfare, may immediately appeal the decision as set forth below:
 - a. By filing a written notice of appeal with the Office of the City Manager at City Hall within ten calendar days of the issuance of the decision. The notice of appeal shall:
 1. Describe with particularity the decision of the Code Enforcement officer;
 2. Describe with particularity all objections to this decision;
 3. Have attached to it all other documents the person appealing the decision wishes the City Manager to review;
 4. Contain citations to applicable laws, regulations, or ordinances;
 5. Contain the name, mailing address and phone number for the appealing party; and
 6. Be signed by the person appealing the decision.
 - b. The City Manager shall render a written decision within ten calendar days of the filing of the written notice of appeal; and
 - c. An appeal of the City Manager's decision may be taken to the City Commission by filing a written notice of appeal with the City Clerk within ten calendar days of the date of the City Manager's decision. The notice of appeal shall state with particularity the decision being appealed, be signed by the person appealing the decision and shall have attached to it all of the following:
 1. The decision of the City Manager being appealed;
 2. All documents filed with the City Manager;
 3. Any other document the person appealing the decision wishes the City Commission to review;
 4. Citations to any applicable laws regulations or ordinances; and
 5. The name, mailing address and phone number of the appealing party.
 - d. The City Commission shall hear the appeal in a quasi judicial proceeding at the next regularly scheduled City Commission meeting and affirm or deny the appeal by majority vote and render a written decision within ten days of the meeting;

e. The failure to strictly comply with each and every requirement of subsection (a)(7) of this section, including each subsection, will result in the dismissal of the appeal.

(8) In section 302.4 of the IPMC all premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches.

(9) In section 602.3 of the IPMC, every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 20 to March 20 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms.

(Ord. No. 09-19, § 3(18-4), 6-1-2009)

Chapter 10 - BUSINESSES

ARTICLE I. - IN GENERAL

Sec. 10-1. - Using boats as places of business.

No vessel or watercraft of any kind whatsoever moored or docked in any of the publicly dedicated waterways in the City shall be used as a place from which business or professional services are conducted; provided, however, that this shall not apply to charter fishing boats and sightseeing boats licensed by the City or to boats being displayed for sale.

(Code 1960, § 9-15; Code 1976, § 9-15)

Secs. 10-2—10-20. - Reserved.

ARTICLE II. - BUSINESS TAX

Footnotes:

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State Law reference— *Local Business Tax Act, F.S. ch. 205.*

Sec. 10-21. - Levy of tax.

There is hereby levied a Local Business tax in the amounts set out in this article for the privilege of engaging in or managing any business, profession or occupation within the City limits on the following:

- (1) Any person who maintains a permanent business location or branch office within the City for the privilege of engaging in or managing any business within its jurisdiction;
- (2) Any person who maintains a permanent business location or branch office within the City for the privilege of engaging in or managing any profession or occupation within its jurisdiction; and
- (3) Any person who does not qualify under the provisions of subsection (1) or (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8 of article I of the United States Constitution.

(Ord. No. 09-26, § 3(22-16), 10-19-2009)

State Law reference— Local business tax authorized, F.S. § 205.042.

Sec. 10-22. - Business tax receipt required; issued by City Manager or designee.

- (a) No person shall engage in or manage any business, occupation or profession for which there is a business tax required by this ordinance or any other ordinance of the City, unless such person shall first procure a business tax receipt to conduct the same from the City Manager or designee.
- (b) All receipts shall be signed by the City Manager or designee and shall be upon blanks furnished by the City.

(Ord. No. 09-26, § 3(22-17), 10-19-2009)

Sec. 10-23. - Business tax receipt; required; issuance, penalty for violation.

- (a) No person shall engage in or manage any business, occupation or profession for which there is a local business tax receipt required by this article or any other ordinance of the City, unless the person shall first procure a business tax receipt to conduct the same from the City Manager or designee.
- (b) All business tax receipts shall be signed by the City Manager or designee.
- (c) Any person engaging in or managing any business, occupation or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the tax determined to be due, either within seven days of written notification by the City or within 30 days of opening to the public, whichever occurs first, in addition to any other penalty provided by law or ordinance.
- (d) Any person who engages in any business, occupation, or profession who does not pay the required local business tax within 150 days after the initial notice of tax due for either the initial local business tax receipt or any renewal thereof, and who does not obtain the required local business tax receipt shall be required to pay a penalty of \$250.00 per offense and may be subject to civil actions and penalties, including court costs, reasonable attorney fees, plus any collection and

administrative costs authorized in accordance with F.S. § 205.053.

(e) All applications and affidavits required by this article shall be retained and destroyed pursuant to the guidelines of the State.

(Ord. No. 09-26, § 3(22-18), 10-19-2009)

State Law reference— Late payment penalty, F.S. § 205.053.

Sec. 10-24. - Prohibition of local business tax receipt without exhibition of State license or registration.

Any person applying for or renewing a local business tax receipt to practice any profession regulated by the Department of Business and Professional Regulation, or any board or commission thereof, must exhibit an active State Certificate, registration or license, or proof of copy of the same, before such local receipt may be issued. Thereafter, only persons applying for the first time for a receipt must exhibit such certification, registration or license.

(Ord. No. 09-26, § 3(22-19), 10-19-2009)

State Law reference— Similar provisions, F.S. § 205.193.

Sec. 10-25. - Pharmacies and pharmacists.

A State, County, or municipal licensing agency may not issue a business tax receipt to operate a pharmacy unless the applicant produces a current permit issued by the Board of Pharmacy; however, no such receipt is required to practice the profession of pharmacy.

(Ord. No. 09-26, § 3(22-20), 10-19-2009)

State Law reference— Similar provisions, F.S. § 205.196.

Sec. 10-26. - Business tax receipt required for each location and for change in location.

A business tax receipt shall only be valid for the location to which it is issued. Additional locations require separate receipts. When determining which apartment, condominium, etc., rental units under common controlling ownership comprise a location for assessing the business tax on the rental of the units, the following factors shall be considered: common management, common signage, common rental account and site of the units in a compact, contiguous neighborhood. A change in location requires reapplication and payment of a transfer fee as provided by section 10-29.

(Ord. No. 09-26, § 3(22-21), 10-19-2009)

Sec. 10-27. - Other State requirements for specific businesses.

- (a) *Assisted living facilities.* The City may not issue a business tax receipt for the operation of an assisted living facility pursuant to F.S. ch. 429 without first ascertaining that the applicant has been licensed by the Agency for Health Care Administration to operate such facility at the specified location or locations. The Agency for Health Care Administration shall furnish the City sufficient instructions for making the required determinations.
- (b) *Pest control business.* The City may not issue a business tax receipt to any pest control business regulated under F.S. ch. 482 unless a current license has been procured from the Department of Agriculture and Consumer Services for each of its business locations in the City. Upon presentation of the requisite licenses from the department and payment of required tax, a business tax receipt shall be issued by the City.
- (c) *Health or ballroom dance studios.* The City may not issue or renew a business tax receipt for the operation of a health studio pursuant to F.S. §§ 501.012—501.019 or ballroom dance studio pursuant to F.S. § 501.143, unless such business exhibits a current license, registration, or letter of exemption from the Department of Agriculture and Consumer Services.
- (d) *Sellers of travel.* The City may not issue or renew a business tax receipt to engage in business as a seller of travel pursuant to F.S. ch. 559, pt. XI (F.S. § 559.926 et seq.) unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.
- (e) *Telemarketing businesses.* The City may not issue or renew a business tax receipt for the operation of a telemarketing business under F.S. §§ 501.604 and 501.608, unless such business exhibits a current license or registration from the Department of Agriculture and Consumer Services or a current affidavit of exemption.
- (f) *Household moving services; consumer protection.* The City may not issue or renew a business tax receipt for the operation of a mover or moving broker under F.S. ch. 507 unless the mover or broker exhibits a current registration from the Department of Agriculture and Consumer Services.

(Ord. No. 09-26, § 3(22-22), 10-19-2009)

State Law reference— Similar provisions, F.S. §§ 205.1965, 205.1967, 205.1969, 205.1971, 205.1973, 205.1975.

Sec. 10-28. - Application in writing; affidavit required as basis of business tax receipt.

- (a) No business tax receipt shall be issued except upon written application of the person applying and it shall be the duty of the City Manager or designee to require the person applying for such a receipt to file an affidavit giving full and complete information. Any business, profession or occupation failing to provide information as to property valuation, capacity, number of workers, or any other contingency prior to August 1 each year and who engages in business on October 1 shall be considered as operating without a business tax receipt and subject to the penalty provided by section 10-23. The applications and affidavits required by this section shall be retained as part of the records of the office of the City.
- (b) Requirement to report status of fictitious name registration. As a prerequisite to receiving a local business tax receipt under this chapter or transferring a receipt under 10-29, the applicant or new owner must present to the City either:
 - (1) A copy of the applicant's or new owner's fictitious name registration, issued by the Division of Corporations of the Department of State; or
 - (2)

A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act (F.S. § 865.09).

(Ord. No. 09-26, § 3(22-23), 10-19-2009)

State Law reference— Requirement to report status of fictitious name registration, F.S. § 205.023.

Sec. 10-29. - Transfer.

- (a) All business tax receipts may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of ten percent of the annual business tax but not less than \$3.00 nor more than \$25.00 and presentation of evidence of the sale and the original business tax receipt.
- (b) Upon written application and presentation of the original business tax receipt, any receipt may be transferred from one location to another location within the City, upon payment of a \$3.00 transfer fee.

(Ord. No. 09-26, § 3(22-24), 10-19-2009)

State Law reference— License transfer, F.S. § 205.043.

Sec. 10-30. - Due dates; half-year business tax receipts.

- (a) No business tax receipt shall be issued for longer than one year.
- (b) All business tax receipts shall expire on September 30 and shall be renewable on or before October 1. If October 1 falls on a weekend or holiday, the tax shall be due and payable on or before the first working day following October 1.
- (c) Half-year business tax receipts may be issued under the provisions of this article for the period April 1 to September 30, upon payment of one-half of the tax fixed as the amount for the business tax receipt for one year.

(Ord. No. 09-26, § 3(22-25), 10-19-2009)

State Law reference— Business tax receipt expiration, F.S. § 205.043.

Sec. 10-31. - Penalty for delinquent renewals.

Those business tax receipts not paid when due and payable shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five-percent penalty for each month of delinquency thereafter until paid; provided the total delinquency penalty shall not exceed 25 percent of the total local business tax due.

(Ord. No. 09-26, § 3(22-26), 10-19-2009)

State Law reference— Penalty for later renewal, F.S. § 205.053.

Sec. 10-32. - Business taxes based on number of workers or inventory; how computed.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Workers includes all persons actively working in the business, whether owners or not.

- (b) Whenever the amount of a business tax shall be based wholly or in part on the basis of the number of workers, the number to be used in calculating the amount of the business tax shall be the average number of workers during the preceding year or business operating period, or the average number of workers reasonably expected to be employed during the period for which the business tax receipt is to be issued, whichever number shall be the greater. The average shall be obtained by adding the maximum and minimum number of workers for the period for which the average is to be obtained and the division by two of the sum of the maximum and the minimum.
- (c) Whenever the amount of a business tax is based wholly or in part on the basis of inventory, the cost value of inventory shall be based on the most recent fiscal year end inventory taken prior to June 1 of the year the business tax receipt is issued.

(Ord. No. 09-26, § 3(22-27), 10-19-2009)

Sec. 10-33. - Gambling, lotteries, any illegal operation and/or zoning violations not authorized.

The issuance of any business tax receipt under the terms of this article shall not be construed to authorize or permit the conduct of any business, occupation or profession in any area of the City in violation of the zoning laws or any other ordinance of the City or any law of the State; nor shall anything in this article or other ordinances of the City be construed to authorize gambling or the operation of a lottery.

(Ord. No. 09-26, § 3(22-28), 10-19-2009)

Sec. 10-34. - Exemptions.

- (a) All disabled persons physically incapable of manual labor, all widows or widowers with minor dependents, and all persons 65 years of age or older shall be allowed to engage in any business, occupation or profession without being required to pay a business tax, except for a license to sell intoxicating liquors or malt and vinous beverages; provided they:
- (1) Live in the County;
 - (2) Employ not more than one employee or helper; and
 - (3) Use their own capital only, not in excess of \$1,000.00.

- (b) Any bona fide, permanent resident elector of the State who is a veteran of any war in which the United States Armed Forces participated and who was honorably discharged from the service of the United States and who at the time of application for a business tax receipt, shall be disabled from performing manual labor shall, upon due proof of qualifications for exemption, be granted a business tax receipt to engage in any business, profession or occupation which may be carried on mainly through the personal efforts of the receipt holder as a means of livelihood and for which the business tax does not exceed the sum of \$50.00, or shall be entitled to an exemption to the extent of \$50.00 on any business tax to engage in any business, profession or occupation which may be carried on mainly through the personal efforts of the receipt holder as a means of livelihood when the business tax therefor shall be more than \$50.00. The unremarried spouse of the deceased disabled veteran of any war in which United States Armed Forces participated will be entitled to the same exemptions as the disabled veteran.
- (c) Nothing in this article shall be construed to require a business tax receipt for any charitable, religious, fraternal, youth, civic, service, or other similar organization that makes occasional sales or engages in fundraising projects that are performed exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.
- (d) Nothing in this article shall be construed to require a business tax receipt for practicing the religious tenets of any church.
- (e) All persons engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation who have paid a local business tax for the current year to the County or municipality in the State where their permanent business location or branch office is maintained shall be exempt from payment of the local business tax levied by this article for work or services on a temporary or transitory basis in the City.
- (f) Broker associates and sales associates.
 - (1) An individual licensed and operating as a broker associate or sales associate under chapter 475 is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.
 - (2) An individual exempt under this section may not be held liable by the City for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by the City to apply for an exemption from the local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.
 - (3) A principal or employer who is required to obtain a local business tax receipt may not be required by the City to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.
- (g) Employees.
 - (1) An individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.

(Ord. No. 09-26, § 3(22-29), 10-19-2009; Ord. No. 12-30, § 1, 10-8-2012)

State Law reference— Similar provisions, F.S. §§ 205.162, 205.171, 205.192, 205.192, 205.065.

Sec. 10-35. - Mobile home setup operations; local business tax receipt prohibited; exception.

The City may not require a licensed mobile home dealer or a licensed mobile home manufacturer, or an employee of a dealer or manufacturer, who performs setup operations as defined in F.S. § 320.822 to be a business tax receipt holder to engage in such operations. However, such dealer or manufacturer must obtain a local receipt for his permanent business location or branch office, which receipt shall not require for its issuance any conditions other than those required by F.S. ch. 320.

(Ord. No. 09-26, § 3(22-30), 10-19-2009)

State Law reference— Similar provisions, F.S. § 205.193.

Sec. 10-36. - Schedule.

Following is the schedule for business taxes:

Type of business	Amount
------------------	--------

Abstract companies, agents, firms or persons engaged in the business of making abstracts of title from public records\$87.50

Accountants (See auditors)

Adding machines, business machines and other office equipment, dealers in or agents for40.00

Advertising (See also bill posters):

Each person advertising on streets with banners, floats, cartoons, exhibitions, megaphones or other means when no vehicle is used87.50

Same as above when a vehicle is used150.00

Card directory40.00

Advertising schemes and devices not otherwise provided (for each device)40.00

Any person engaged in the business of outdoor advertising, such as painted walls, bulletins, etc.; provided, however, that this tax is not intended to include signs advertising any business when painted by a licensed sign painter225.00

Agents, firms, associations or corporations distributing circulars, pamphlets, or other advertising matter except those paying City business tax and advertising their own goods and merchandise not including bill posting87.50

Agents, firms or associations or other persons engaged in the business of bill posting87.50

Persons acting as advertising agents or writing advertisements for profit40.00

Aerial devices; constructing of advertising aerial devices, kites, balloons, or other similar exhibitions for which a charge is made, each exhibit40.00

Agencies; business displays, credit reporting, employment, equipment, detectives, travel, other60.00

Ambulance service48.25

Amusements, not otherwise covered by ordinance, which shall include indoor baseball and any other lawful indoor sport40.00

Animal boarding/grooming44.25

Appraisers, real estate54.25

Architects, each40.00

Artificial stone manufactures and dealers in tiling, terracotta, marble, granite, etc., or agent for same60.00

Artists or photographers20.00

Auction house150.00

Auctioneers

Resident, each87.50

Transient, each, per day150.00

Transient, selling real estate only, per day87.50

Auditing company87.50

Auditors or accountants, each40.00

Automobiles

Automobile storage garages or parking lots40.00

Automobile accessories (same as merchant)

Automobile repair shop, body shop, washes40.00

Automobile and/or truck dealers

New car70.00

Used car	70.00
New and used car	118.25
Automobile rentals	70.00
Wrecker yards (used for parts)	70.00
Carwash	40.00
Bakery, wholesale or retail	60.00
Bank or banker	87.50
Barbershops	
One chair	12.50
Each additional chair	5.00
Bars and lounges, on-premises only	84.25
Beauty parlor	
One chair	30.00
Each additional chair	5.00
Bicycles; dealer in bicycles and supplies, including repair shop	20.00
Bill posters, agents, firms or persons engaged in the business of bill posting other than by painting signs (See also advertising)	87.50
Birds, dealer in	20.00
Boats sales and repair	34.25
Bonding company, criminal or bail	70.00
Bookkeeping service or tax service	20.00
Boot black, each chair or stand	2.50
Bottling works, bottling soda, mineral or other soft drinks	100.00

Bowling alley

First two alleys30.75

Each additional alley12.50

Boxing contests (See exhibitions)

Broadcasting

Mobile studios70.00

Wire music50.00

Brokers (See also bonds or investments)

Insurance87.50

Merchandise87.50

Stocks and bonds87.50

Brokers, dealers in grain, cotton or stock on margin87.50

Mortgage or loan87.50

Real estate (See real estate)

Lumber87.50

Builder and construction companies (See contractors)

Builders' supplies (See merchant)

Bus station44.25

Business machines (See office equipment)

Cabinet shop34.25

Cablevision companies54.25

Campgrounds

Up to ten spaces40.00

Each additional space5.00

Canning factory40.00

Carpet and rug cleaning establishment40.00

Carts, push, for fruit, etc., (See fruit stands)

Caterer70.00

Chiropodist (hands and feet)40.00

Circus (See shows)

Civil engineer (See engineer, civil)

Clinic, medical and dental54.25

Clothier, transient agent for nonresident tailor40.00

Coin-operated devices; for the purpose of this subsection, the term "coin-operated device" means any machine, contrivance or device as any machine, contrivance or device which is set in motion, or made or permitted to function by the intersection of a coin or slug. The owner or person having the custody of each coin-operated machine shall be required to exhibit there on a card evidencing that the tax assessed against such machine by the City is currently paid

Amusement machines; every person who operates for profit any machine, contrivance, or device which is set in motion or made to or permitted to function by the insertion of a coin or slug, shall pay a tax of \$35.25 for each such machine, contrivance or device35.25

When such machine by its mechanism is confined exclusively to playing or reproducing from phonograph records12.50

This section shall include all coin-operated machines, contrivances or devices operated for amusement and which do not dispense any form of prize or reward but shall not be construed to authorize the use of any machine, contrivance or device for gambling or as game of chance

Weighing machines3.00

Vending machines; every person who operates or controls a vending machine that vends merchandise with prices ranging from \$0.01 to \$0.15 per item vended, except postage stamp vending machine shall pay a tax for each machine3.00

Each vending machine that vends merchandise with prices ranging from \$0.16 or more per item vended shall pay a tax of \$6.25.6.25

Machine distributor70.00

Cold storage, other than ice factory87.50

Collection agency for the collection of rents or accounts other than a real estate agency paying a separate local business tax to the City40.00

Commission merchant or factor87.50

Contractor; person, firm or corporation holding themselves out as regular contractor as a business, shall pay tax as follows:

Block and brick masons40.00

Electrical40.00

General contractors87.50

Handyman repairs, cleaning (minor jobs up to \$1,000.00 not required to have State license)30.00

Heating and air conditioning40.00

House moving, plus permit/house40.00

Landscapers40.00

Paperhanging, house and sign painting including inside painting40.00

Paving and sidewalk40.00

Plasterers40.00

Plumbing40.00

Roofers40.00

Septic tank, installation and maintenance40.00

Sheet metal40.00

Steel40.00

Well drillers40.00

Contractors or builders erecting or constructing on percentage basis shall pay the same tax as provided for all contractors.87.50

All others not otherwise specified in this section87.50

Convalescent homes249.25

Court reporters34.25

Crate mill or container manufacturer87.50

Dance halls, each40.00

Dental hygienist20.00

Dentist, each40.00

Directories, City, County, or State; each person making or offering for sale40.00

Doors, sash, blinds, etc. manufacturer87.50

Dry cleaners and dryers40.00

Employment agency40.00

Engineer, civil40.00

Exhibitions, freak or other curiosity for profit

Per day20.00

Per week80.00

Express companies, doing business in the City, not to include business done by the companies between the City and other points outside of the State, having place of business within corporate limits129.50

Exterminator60.00

Feed, seed, hay and grain, retail or wholesale60.00

Ferris wheel and other such amusement devices, per week87.50

Fertilizer, dealer in40.00

Film developing30.00

Fish market60.00

Florist20.00

Frozen food (storage or agency)50.00

Fruit dealer wholesale, including packing house60.00

Fruit or vegetable stand40.00

When operated by push cart or portable or movable stand60.00

Funeral director, embalmer or undertaker87.50

Furniture dealers (same as merchants)

Garages, storage, each location40.00

Gas, liquefied petroleum or other gases used for fuel, dealers in and/or installers of fittings and appliances for the use of.122.50

No receipt shall be issued to an applicant to engage in the businesses set out above in this item until such applicant shall have provided the City Manager or designee with satisfactory evidence that the applicant has complied with the laws of the State with reference to the bond or public liability requirements for persons licensed by the State to carry on the business of selling liquefied petroleum gas or making installations for the use of same. For the purpose of this item the definition of liquefied petroleum gas is the same as the definition set out in State statutes

Gasfitter, when operated as a independent contractor40.00

Gasoline filling station

First pump12.50

Each additional pump8.75

Gasoline filling stations that pay for three pumps or \$55.00 shall be permitted to sell and keep a merchandise stock up to \$1,000.00 without a merchant's tax receipt.

Golf course

9 to 18 holes31.25

18 to 36 holes50.00

Miniature golf30.00

Grocery (same as merchant)

Guaranty or surety company and agent therefor20.00

Each agent19.25

Gun dealers, including sporting goods, bait and tackle87.50

Repair shop20.00

Bait and tackle34.25

Gymnasiums, club or salon60.00

Hardware (same as merchant)

Hospitals (for profit)70.00

Each additional room5.00

Hotels, motels, or boardinghouses and apartment house:

3 to 5 rooms7.50

6 to 10 rooms12.50

11 to 15 rooms18.75

16 to 30 rooms31.25

31 to 50 rooms43.75

Over 50 rooms87.50

Ice

Selling or delivering, per vehicle87.50

Manufacturing50.00

Ice cream

Manufacturing for sale for consumption on other than premises40.00

Peddler, each person or vehicle20.00

Ice cream and/or soda fountain when not connected with other business40.00

Insurance

Each insurance company writing life, fire, accident, health, public liability, indemnity, motor vehicle, industrial or other type of form of insurance within the corporate limits of the City, and either represented by local traveling or itinerant agent or representative, per year60.00

Each agent9.00

Interior decorator50.00

Investigators, private, each40.00

Investment agents (See bonds or investments)

Itinerants (See also peddlers and solicitors)

Any person, whomsoever operating in the City, telescopes or other devices for the purpose of gazing at the stars or other heavenly bodies, who shall make a charge; for each instrument per month40.00

Merchants and vendors, any person either, principal or agent temporarily engaged in the sale of goods, wares and merchandise and occupying any building or structure for the same; per month168.75

Jewelry repair shops and watchmakers20.00

Junk dealer, including dealers in scrap or old iron, brass, cooper, or any other metal, waste cotton, or any articles of any kind unless for their original purpose87.50

Kennels50.00

Knife and scissors sharpener20.00

Laundry

Located outside the City and doing business in the City225.00

Located and doing business in the City60.00

Hand laundry in the City40.00

Linen service40.00

Self-serve or automatic:

One to five machines25.00

Each additional machine2.50

Lawyers, each40.00

Livery (See stables)

Livestock markets50.00

Loan companies87.50

Locksmiths, each20.00

Lumber

Broker (See brokers)

Dealers who buy and sell lumber, dealers in sawed lumber and dealers in staves, shingles, etc., for each place (See building material)

Sawmill yard, or novelty works (See sawmills)

Lunch stands, portable or moveable112.50

Machine shop40.00

Machinery, dealer in, or agent for60.00

Manicurist40.00

Manufacturers, not otherwise provided for87.50

Masseurs40.00

Mattress factory40.00

Meat market60.00

Medicines, proprietary or medical ointment, manufacturer of, other than drugstores60.00

Merchandise machines, coin-operated (See coin-operated devices)

Merchant tailor40.00

Merchants, storekeepers or druggists, wholesale or retail, having permanent place of business:

First \$1,000.00 of stock12.50

For each \$1,000.00 of stock (See peddlers)5.00

Maximum merchants local business tax100.00

But no receipt shall be issued for less than \$12.50

Midwives20.00

Milk

Retail, each vehicle25.00

Depot, milk alone40.00

Millinery, not in connection with other business40.00

Mobile home parks

First ten spaces25.00

Each additional space12.50

Money lenders

Other than banks or loan companies100.00

Monuments, dealer60.00

Moss factory100.00

Motor boats (See boats or manufacturer)

Motorcycle, dealer in or agent for20.00

Motor vehicles (See automobiles)

Motor vehicles for hire (Owners of each car or truck must carry "for hire" sign in such place that it can be seen from the outside. Owners must comply with State laws concerning insurance and licensing before a receipt is issued.)

Passenger vehicles for hire, each vehicle25.00

Trucks or vehicles other than passenger vehicles for hire,

Resident40.00

Nonresident87.50

Music machines, coin operated25.00

News depot, dealer in current periodicals, newspapers, books, etc.20.00

Newspaper publisher80.00

Notary public, taking other than acknowledgments40.00

Novelty works, sawmills, etc.87.50

Nursery, day care center40.00

Nursery stock, agent for or dealer in20.00

Nursing home70.00

Office equipment, dealers in40.00

Oils, fuel, illuminating or lubricating gasoline, wholesale dealer in, or agent for (See gas)122.50

Oils, peddlers (See peddlers)

Optician, not including physicians and surgeons40.00

Osteopaths20.00

Package stores, off-premises only (See merchant)

Packing house, for fruit and vegetables60.00

Painter, sign40.00

Pawnbrokers87.50

Peddlers, including transient merchants (See also itinerants)

Fruits and vegetables, etc.60.00

Ice cream (See ice cream)

Novelties, per day50.00

Lunches, sandwiches, peanuts, etc., having no vehicle40.00

Same as above from pushcart122.50

Oils, fuels, etc., each vehicle40.00

Periodicals, books (per day)50.00

Magazine door-to-door sales are exempt

Wares, merchandise, goods, etc.225.00

Photographers20.00

Physicians40.00

Piano tuner

Resident20.00

Itinerant, or one who either in person or through others, solicits work from house to house87.50

Plasterers (See contractors)

Pool and billiard rooms and tables

For each place of business where pool, billiards or bagatelle tables are kept for use by the public for a consideration, per year60.00

In addition the fee prescribed in the previous entry, for each table maintained in excess of three, the number of tables shall be based on the combination of the varying types of tables and not on each type separately.12.50

Printer, when not operating newspaper office60.00

Railroad companies129.25

Real estate

Broker40.00

Salesmen40.00

Appraisers, not licensed as brokers40.00

Every member or officer of a partnership or corporation who shall be actively engaged in its brokerage business shall be required to pay the tax and receive a business tax receipt as a real estate broker, in addition to the receipt held by such partnership or corporation.

Repair shops, not enumerated herein20.00

Restaurants:

Seating not more than ten persons12.50

Seating from 10 to 20 persons18.75

Seating from 20 to 30 persons25.00

Seating from 30 to 40 persons37.50

Seating more than 40 persons37.50

Drive-ins40.00

Food preparation for consumption off-premises50.00

Restaurants seating more than 40 persons and paying a tax as required above shall be permitted to sell and keep a merchandise stock up to \$1,000.00 without a merchant's receipt as required under classification MERCHANTS of this section.

Roominghouse, lodginghouse or boardinghouse (See hotels)

Salesman, real estate (See real estate)

Sand and shell, brick and cement yards, dealer in87.50

Sawmills87.50

Schools (operated for profit)40.00

Seed store (See feed, seed, hay and grain)

Septic tank maintenance and installation40.00

Sewing machine, dealer in40.00

Repairer, itinerant87.50

Sheet metal shop40.00

Shoemakers or menders, with or without machinery20.00

Shooting gallery87.50

Shows

Shows of all kinds except circuses giving performances or exhibitions under tents or other temporary structures or within temporary enclosures shall pay a business tax for each day as follows and except as otherwise provided:

When the charge for admission including reserved seats shall be less than \$0.50 for each person, each day93.75

When the charge for admission including reserved seats shall be more than \$0.50 for each person, each day187.50

Dog and pony or other animal show, per day54.50

Per week187.50

Circuses, per day187.50

Circuses parade through the streets when the performance is outside the City375.00

Circus parade through the streets when the performance is in the City80.00

Side shows, per day49.25

Traveling moving picture shows showing in buildings or tents where admission is charged, per day60.00

Shuffleboards and all devices such as throwing at wooden figures or other objects with rings, or any other device of a like nature, or striking an object to test the lungs, etc., where charge is made to participate, per year150.00

Skating rinks

Operating a permanent structure, per year40.00

Operating in a temporary structure, such as under a tent, or an open rink, or any structure deemed by the City to be of a temporary nature, per year225.00

Slot machines (See coin operated devices)

Soda fountain (See ice cream and/or soda fountain)

Solicitation by telephone60.00

Stenographers, public20.00

Storage house (See warehouses)

Street vendors, of confetti, balls, balloons or other specialties, per day40.00

Surgeons, physicians40.00

Surveyors40.00

Tailor, merchant (See merchant tailor)

Taxicabs (See motor vehicles for hire)

Telegraph company doing business within the State, exclusive of business to and from points outside of the State, and exclusive of business done for the U.S. government having a place of business within the City122.50

Telephone answering service50.00

Telephone companies150.00

Theaters, drive-in100.00

Theaters, moving pictures, where admission is charged:

500 seats or less54.50

More than 500 seats93.75

Tin shops (See also sheet metal shop)

Tire retreading and vulcanizing shop20.00

Transfer or hauling company,

First truck25.00

Each additional truck12.50

Transient merchants (See peddlers)

Typewriters or dealer in (See office equipment)

Unclassified; all persons, firms, or corporations doing business in the City of having agents or representatives established here and not specifically enumerated in this list87.50

Undertaker (See funeral director)

Upholsterers or furniture menders having an established place of business20.00

Vending machines (See coin-operated devices)

Veterinary20.00

Warehouse and storage rooms for hire60.00

Watchmakers (See jewelry repair)

Water, dealer in mineral or spring water87.50

Wood dealer, or other material, delivery within the City limits20.00

(Ord. No. 09-26, § 3(22-31), 10-19-2009; Ord. No. 12-30, § 1, 10-8-2012)

Sec. 10-37. - Zoning must be consistent with business tax receipt.

If any business, occupation or profession subject to the terms of this article is found to be operating in violation of the zoning regulations, action will be initiated by the Office of Codes Enforcement in accordance with F.S. ch. 162 and this Code.

(Ord. No. 09-26, § 3(22-32), 10-19-2009)

Secs. 10-38—10-49. - Reserved.

ARTICLE III. - ECONOMIC DEVELOPMENT

Sec. 10-50. - Purpose and consistency with City Comprehensive Plan.

Economic development is a vital component of creating and maintaining a sustainable community, which contributes to the wellbeing and quality of life of the residents of the City of Alachua. The City Comprehensive Plan provides for economic development to serve as a focus on maintaining a welcoming business environment. Economic development includes activities that contribute to the retention, growth and attraction of businesses, which results in job creation, job retention, broadened tax base and improved quality of life.

(Ord. No. 20-01, § 4, 6-22-2020)

Sec. 10-51. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section except when the context clearly indicates a different meaning:

City of Alachua Strategic Plan means the plan approved by the City Commission that guides the overarching strategic initiatives of the City.

Incentive funding period means the period of time in which an applicant is receiving an incentive benefit in the form of direct funds, discounting of City services, expedited review, or matching discount funding.

Retroactively means prior to an approved application of an incentive and any other incentive-specific criteria being met.

(Ord. No. 20-01, § 4, 6-22-2020)

Sec. 10-52. - Business incentive program.

There is hereby created a business incentive program to promote economic development in the City of Alachua.

(1) *Business development electric discount.* Provides for the incremental discounting of City of Alachua electric rates over a five-year period.

- a. *Eligibility.* All general service demand and all general service large demand applicants occupying new facilities not previously occupied with an expected monthly billing demand of 350 kilowatts or greater at a single site; or existing general service demand customer applicants or general service large demand customer applicants increasing the expected monthly billing demand by 350 kilowatts or greater at a single site. The discount is not available for load shifted between service delivery points within the City of Alachua electric service territory. The discount is not available to applicants with net metering.
- b. *Rate discount.* Eligible applicant receives a discount for the total of the following electric charges:
 1. Customer charge,
 2. Energy charge,
 3. Demand charge, and
 4. Bulk power cost adjustment charge.

The discount will be effective for each month for a five-year period following the commencement of eligibility based on the following percentages:

Year 1: 25 percent,

Year 2: 20 percent,

Year 3: 15 percent,

Year 4: Ten percent,

Year 5: Five percent,

Year 6 and thereafter: Zero percent.

The discount shall not apply to any taxes on electric service.

Business development electric discount will not be available retroactively. Application for discount must occur prior to increasing the expected monthly billing demand by 350 kilowatts or greater at a single new or previously occupied site.

c. *Additional provisions.* The following additional provisions shall apply.

1. *New facilities.* If the metered demand in new facilities declines below 350 kilowatts in any month, the City will suspend the discount. For existing general service demand customer applicants or general service large demand customer applicants with increased billing demand, if the increase in billing demand does not exceed the billing demand for the corresponding month in the prior year, the City will suspend the discount.
2. *Existing facilities.* For existing customer applicants, the discount will only be applied to the charges above the base metered demand and base energy consumption including the bulk power costs adjustment charges. Base metered demand and base energy consumption is defined as the average of actual demand and actual energy consumption for the 12-month period immediately prior to the application for the discount.

(2) *Electric contribution in aid of construction.* Provides for the discounting of costs associated with the extension, addition and/or modification of the City of Alachua electric infrastructure.

a. *Eligibility.* Applicants must be new or existing non-residential City of Alachua electric customers requiring an extension, addition and/or modification to the existing City of Alachua electric system necessary to serve new or additional electric system load.

b. *Rate discount.* Eligible applicant receives a discount based on the following calculation:

Total estimated cost of new or upgraded facilities as determined by the City less four years of base electric revenues.

The base electric revenues shall be the estimated total electric revenues for a four-year period less:

1. Bulk power cost adjustment (BPCA) revenues, and
2. Bulk power cost base revenues means those power-related costs that are embedded within the base rate included in base rates.

Base rate electric revenues shall be estimated by the City and include all energy and demand charges, but does not include any taxes.

Electric contribution in aid of construction will not be available retroactively. Application for discount must occur prior to the extension, addition and/or modification of the City of Alachua electric infrastructure.

c. *Additional provisions.* The following additional provisions shall apply.

1. In no instance shall an electric contribution in aid of construction be less than zero.
2. Applicant shall pay the electric contribution in aid of construction amount prior to commencement of construction of the extension, addition and/or modification of the electric facilities.

(3) *Expedited permitting service.* Provides for expedited permitting review services.

a. *Eligibility.* Applicant must locate, expand or redevelop in the City of Alachua Community Redevelopment Area, or demonstrate the location, expansion or redevelopment project aligns with at least one initiative of the City of Alachua Strategic Plan that is in effect at the time of application.

b. *Expedited benefits.*

1. Eligible applicant receives, at minimum, a two-week review time reduction for the following permits:
 - i. Rezoning,
 - ii. Site plan,
 - iii. Subdivision plat.

Expedited permitting will not be available retroactively. Application for expedited permitting must occur prior to permit application submittal. Applicant shall make complete and timely submittals and responses to the City.

c. *Additional provisions.* The following additional provisions shall apply:

1. Pre-application meeting is required prior to determination of eligibility.

(4) *Incubator/accelerator graduate lease subsidy.* Provides for rental subsidies for incubator and/or accelerator graduates.

a. *Eligibility.*

1. Applicants must have graduated within the past 12 months from a small business incubator program at the University of Florida Sid Martin Biotechnology Institute;
2. From a similarly recognized small business incubator and/or accelerator program that is a member of the National Business Incubation Association;
3. From a small similarly recognized small business incubator and/or accelerator program that is currently located in the City of Alachua; or
4. The City Manager, in his/her sole discretion, shall determine if a business meets the eligibility requirements of this section.

Incubator graduate lease subsidy will not be available retroactively. Application for subsidy must occur within 12 months of graduation from incubator and/or accelerator.

- b. *Subsidy amount.* Eligible applicant receives up to one year (12 months) of rental subsidies in an amount not to exceed \$12,000.00 for incubator graduates that locate in the City of Alachua.

(5) *Small business assistance program.* Provides for reimbursable matching funds related to City of Alachua fees/charges for small businesses.

- a. *Eligibility.* Applicant must be a new, for-profit business or an expanding, for-profit business with no more than 25 employees located within, or locating to, the City of Alachua. Applicant must not be a franchisee of a parent corporate and/or national chain.
- b. *Matching funds amount.* Eligible applicant receives a 50 percent matching fund (one-to-one basis) in the amount not to exceed \$20,000.00 for the following fees/charges:
 - 1. Capital facilities charges,
 - 2. Site plan review fees,
 - 3. Building permit fees,
 - 4. All elements of public right-of-way infrastructure within the City's jurisdiction that may require new installation, repair, replacement or relocation. This includes, but is not limited to, street lighting and fire hydrant installation/relocation, sidewalk repairs; water and sewer line construction, removal or relocation; curb, gutter, street improvements and landscaping.

Small business assistance program will not be available retroactively. Application for matching funds must occur prior to locating new business in the City of Alachua.

(6) *Tech matching grant fund.* Provides for reimbursable matching funds for technology-focused events and programs.

- a. *Eligibility.* Event must take place within the City of Alachua and have the primary intent to:
 - 1. Increase the connection and collaboration among start-up and existing tech companies in Alachua,
 - 2. Foster the Alachua tech talent pipeline,
 - 3. Catalyze private capital investments for start-up and existing tech companies in Alachua, or
 - 4. Increase Alachua's reputation as a tech hub.
- b. *Matching funds amount.* Eligible applicant receives a 50 percent matching fund (one-to-one basis) in the amount not to exceed \$1,500.00.

Tech matching grant fund will not be available retroactively. Application for matching funds must occur prior to event and/or program.

c. *Additional provisions.* The following additional provisions shall apply:

- 1. The applicant must demonstrate a minimum of one-year history of producing the event and/or program (or similar events and/or programs).

(7)

Administration. The City Manager is hereby authorized and directed to establish an application process and applicable rules/procedures to effectively administer the business incentive program. The City Manager shall have the authority to approve or deny applications in his/her sole discretion. In the event an application is approved, and during the course of the incentive funding period is determined to not meet the eligibility criteria, rules or procedures, the City Manager may suspend or terminate the application in his/her sole discretion.

- (8) *Funding.* Applications may not be awarded if funding is not available, as determined by the City Manager in his/her sole discretion. If an application is approved and during the course of the incentive funding period is not available, the City Manager may suspend or terminate the application in his/her sole discretion.

(Ord. No. 20-01, § 4, 6-22-2020)

Chapter 12 - CODE ENFORCEMENT

Footnotes:

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State Law reference— Code enforcement, F.S. ch. 162.

ARTICLE I. - IN GENERAL

Secs. 12-1—12-18. - Reserved.

ARTICLE II. - SPECIAL MAGISTRATE

Sec. 12-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Code Inspector or *Code Enforcement Officer* are interchangeable and means the City Manager or designee whose duty it is to ensure code compliance.

Repeat violation shall mean a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or have admitted violating the same provision of the City of Alachua Code of Ordinances within five years prior to the violation, notwithstanding violations occurred at different locations.

Special Magistrate shall mean any Special Magistrate appointed by the City Commission to hear code enforcement violation cases.

Violator shall mean the person responsible for a code violation, which, in the appropriate circumstances, shall either be the perpetrator of the violation or the owner of the real property upon which the violation occurred.

(Ord. No. 06-31, § 1, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.04.

Sec. 12-20. - Special Magistrate created; term and termination.

- (a) There is hereby created a Special Magistrate of the City who shall be appointed by the City Commission.
- (b) Appointments shall be made in accordance with applicable laws and ordinances, in the sole discretion of the City Commission.
- (c) A Special Magistrate must be a member in good standing of The Florida Bar.
- (d) The term of the contract shall begin on the date the agreement is approved by the City Commission and fully executed, continue through September 30 of the instant City fiscal year and automatically renew for successive two-year terms unless terminated by either party upon a 30-day written notice to the other, or terminated earlier by the City Commission for misfeasance, malfeasance or nonfeasance in office.
- (e) Appointments to fill any vacancy shall be for the remainder of the unexpired term of office.
- (f) The amount of compensation paid to a Special Magistrate shall be determined by the City Commission.

(Ord. No. 06-31, § 2, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

Sec. 12-21. - Jurisdiction of the Special Magistrate.

The Special Magistrate shall have jurisdiction and authority to hear and decide alleged violations of the City codes and ordinances specifically including, but not limited to, this Code of Ordinances including the Land Development Regulations as may be adopted from time to time, as allowed by F.S. ch. 162.

(Ord. No. 06-31, § 4, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

Sec. 12-22. - Initiation of actions before the Special Magistrate.

- (a) It shall be the duty of the code officers to initiate enforcement proceedings of the various codes and ordinances of the City. No Special Magistrate shall have the power to initiate such enforcement proceedings.
- (b) Except as provided in subsection (c) of this section, if a violation of a code or ordinance is found, the Code Officer shall notify the alleged violators and give the alleged violators a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the Code Officer shall notify the Special Magistrate concerning the alleged violation by filing an affidavit which contains:

- (1) The names and addresses of the alleged violators;
 - (2) The code provision involved and a short factual statement concerning the alleged violation that exists; and
 - (3) A request for a hearing pursuant to the provisions of section 12-23.
- (c) A copy of said affidavit to the Special Magistrate shall also be sent to alleged violators as provided for in section 12-29.
- (d) If a repeat violation is found, the Code Officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The Code Officer, upon notifying the violator of a repeat violation, shall notify the Special Magistrate and request a hearing. The Special Magistrate through clerical staff, shall schedule a hearing and shall provide notice pursuant to section 12-29. The case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the hearing and the notice shall so state. If the repeat violation has been corrected, the Special Magistrate retains the right to schedule a hearing to determine costs and impose the payment of a fine upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay said costs and fine as determined by the agreement with the City.
- (e) If the Code Officer has reason to believe a violation presents a serious threat to the public health, safety and welfare, the Code Officer, without notifying the alleged violator, shall proceed directly to request a hearing by the Special Magistrate without the requirement to give the alleged violator a reasonable time to correct the violation.

(Ord. No. 06-31, § 5, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.06.

Sec. 12-23. - Scheduling of hearing by Special Magistrate.

- (a) Upon receipt of a request for hearing by the Code Officers, the Special Magistrate shall set the case for a hearing.
- (b) After a case is set for hearing, the Special Magistrate shall be empowered to issue subpoenas as requested by either or both a Code Officer, alleged violator and as may be determined by the Special Magistrate. The subpoenas may be sent to the City Police Department to be served or by any other means authorized by law.

(Ord. No. 06-31, § 6, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. §§ 162.07, 162.08.

Sec. 12-24. - Hearings; procedure.

- (a) The Special Magistrate may call hearings and may, at any hearing, set a future hearing date.
- (b) Hearings may be held more or less often as the demand necessitates.
- (c) Minutes shall be kept of all hearings held by the Special Magistrate. All such hearings and proceedings shall be open to the public.
- (d) The City Manager shall provide clerical and administrative personnel as may be required to assist the Special Magistrate in the proper performance of his duties.

- (e) Each case before the Special Magistrate shall be presented by a member of the City administrative staff.
- (f) The City shall be represented by the City Attorney or by a member of City staff.
- (g) The Special Magistrate shall proceed to hear the cases on the agenda for that particular day. All testimony shall be under oath and shall be recorded. The Special Magistrate shall proceed to hear cases in a quasi-judicial hearing as set forth in the Land Development Regulations, and shall take testimony from the Code Officer, the violator and any other person familiar with the case or having personal knowledge about the case. The Special Magistrate shall not be bound by formal rules of evidence; however, shall act to ensure fundamental due process in each case.
- (h) If the City prevails in prosecuting the case before the Special Magistrate, it shall be entitled to recover all costs incurred in prosecuting the case and the costs shall be included in any lien under section 12-27.
- (i) At the conclusion of the hearing, the Special Magistrate shall issue findings of fact, based on the evidence of record and conclusions of law and shall issue an order affording the proper relief consistent with section 12-25.

(Ord. No. 06-31, § 7, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.07.

Sec. 12-25. - Powers of Special Magistrate.

The Special Magistrate shall have the power to:

- (1) Adopt rules for the conduct of its meetings and hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the City Police Department or by any other means authorized by law.
- (3) Subpoena records, surveys, plats and other documentary materials and evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of law which can command whatever steps are necessary to bring a violation into compliance and to establish deadlines by which such violations shall be brought into compliance.
- (6) Levy fines pursuant to section 12-27.

(Ord. No. 06-31, § 8, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. §§ 162.08 and 162.09.

Sec. 12-26. - Enforcement.

- (a) After an order to correct a violation has been issued and the date for compliance ordered by the Special Magistrate has passed, the Code Officer shall make an inspection to determine if the alleged violation has been corrected.
- (b) The Code Officer shall then issue an Affidavit of Compliance or noncompliance, which shall be filed with the Special Magistrate. A copy of said affidavit shall be sent to the violators in the same manner as provided for notices in section 12-29.
- (c) If the violators have not complied with the order of the Special Magistrate, the Special Magistrate shall be authorized to impose such penalties as provided for in section 12-27.
- (d) The Special Magistrate shall hold such additional hearings as deemed necessary to ensure compliance.

(Ord. No. 06-31, § 9, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

Sec. 12-27. - Fines; cost of repairs; liens.

- (a) The Special Magistrate may order a violator to pay a fine pursuant to F.S. ch. 162. A fine imposed for a first time violation shall not exceed \$250.00 per day, and not to exceed \$500.00 for a repeat violation for each day that any violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Officer. If the violation is a violation as described in section 12-22(d), the Special Magistrate shall notify the City Commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with all costs of repairs as allowed under F.S. ch. 162. Making such repairs does not create a continuing obligation on the part of the City Commission to make further repairs or to maintain the property and does not create any liability against the City Commission for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the Special Magistrate finds a violation to be irreparable or irreversible in nature, the Special Magistrate may order the violator to pay a fine as specified in subsection (b) of this section.
- (b) If the Special Magistrate finds the violation to be irreparable or irreversible in nature, a fine may be imposed not to exceed \$5,000.00 per violation.
- (c) In determining the amount of the fine, if any, the Special Magistrate shall consider the following factors:
 - (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (d) A certified copy of an order for a fine, or a fine plus repair costs, may be recorded in the public records in the office of the Clerk of the Circuit Court for the County and once recorded, shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this State, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed

pursuant to this article shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City and the City Commission may authorize the Mayor to execute a satisfaction or release of lien entered pursuant to this section.

- (e) After three months from the filing of any such lien which remains unpaid, the City Commission may institute an action to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under Fla. Const. art. X, § 4. The money judgment provisions of this section shall not apply to real property or personal property which is covered Fla. Const. art. X, § 4(a).

(Ord. No. 06-31, § 10, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.09.

Sec. 12-28. - Right of appeal.

An aggrieved party may appeal a ruling or order of the Special Magistrate by certiorari proceedings filed in the Circuit Court of the County. The petition for writ of certiorari must be filed within 30 days after the hearing at which the order was announced. The scope of review shall be limited to the record made before the Special Magistrate and shall not be a trial de novo. The Special Magistrate shall by rule establish reasonable charges for the preparation of the record to be paid by the petitioner.

(Ord. No. 06-31, § 11, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.11

Sec. 12-29. - Notices.

- (a) All notices required by this article shall be provided to the alleged violator by:

- (1) Certified mail, return receipt requested, provided if such notice is sent under this section to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subsections (b)(2)a. and b. of this section and by first class mail directed to the addresses furnished to the City with a properly executed proof of mailing or affidavit confirming the first class mailing;
- (2) Hand delivery by the Code Officer or other agent of the City;
- (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is over 15 years of age and informing such person of the contents of the notice; or
- (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.

- (b)

In addition to providing notice as set forth in subsection (a) of this section, at the option of the Special Magistrate, notice may also be served by publication or posting, as follows:

(1) Requirements of publication.

- a. Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the County is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.
- b. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication.

- a. In lieu of publication as described in subsection (b)(1)a. of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be the City Hall.
- b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (b)(1) of this section.

- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (b)(1) of this section, together with proof of publication or posting as provided in subsection (b)(2) of this section, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 06-31, § 12, 12-18-2006; Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

State Law reference— Similar provisions, F.S. § 162.12.

Sec. 12-30. - Consistent with State law.

The provisions of this chapter are intended to be consistent with F.S. ch. 162. Any provisions of F.S. ch. 162 not specifically stated above are incorporated herein to the extent applicable. Should any provisions of this chapter conflict with F.S. ch. 162, the provisions of F.S. ch. 162, as amended from time to time, shall prevail.

(Ord. No. 19-32, § 2(Exh. A), 8-12-2019)

Chapter 14 - ELECTIONS

Footnotes:

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State Law reference— *Florida Election Code, F.S. chs. 97—106; conduct of municipal elections, F.S. § 100.3605.***Sec. 14-1. - Applicability of general laws of State to City elections.**

The general law of the State on the subject of elections shall apply to and govern all City elections insofar as there is no conflict with the provision of this chapter or the provisions of the Charter of the City.

(Ord. No. O-03-11, § 17, 2-12-2003; Ord. No. 09-20, § 3(18), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

State Law reference— *Florida Election Code, F.S. chs. 97—106; conduct of municipal elections, F.S. § 100.3605.*

Sec. 14-2. - Time of holding regular elections for City Commissioners.

Regular elections shall be held on the second Tuesday in April of each year for the election of Mayor and City Commissioners whose terms of office expire. In the event no candidate receives a majority (more than 50 percent) of the votes cast in a group or groups, a runoff election shall be held on the third Tuesday following the former election day between the two candidates in such groups receiving the highest number of votes cast. The candidates in each group receiving the highest number of votes cast in such runoff election shall be elected. In case of a tie, the candidate shall be selected for the runoff election in the same manner as provided in the general law.

(Ord. No. O-03-11, § 1, 2-12-2003; Ord. No. 09-20, § 3(1), 3-9-2009; Ord. No. 10-10, § 2(1), 1-25-2010; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-3. - Special elections required; proclamation.

(a) Special elections shall be held in the following cases:

- (1) When there has been no choice of any officer who should have been elected at a general election.
- (2) When in the discretion of the City Commission any question affecting the interest of the City shall arise which might make it necessary to submit such question to a vote of the qualified electors of the City.

(b) Such special elections shall be ordered by the City Commission by a resolution which shall include:

- (1) the purpose of the special election;
- (2) officers to be elected, if any;
- (3) question(s) to be called to a vote of the electors, if any;
- (4) any other information deemed appropriate by the City Commission; and,
- (5) direction to the Mayor to issue a proclamation calling such election.

(Ord. No. O-03-11, § 2, 2-12-2003; Ord. No. 09-20, § 3(2), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-4. - Vacancies.

Any vacancy in the Commission will be filled according to Section 3.07 of the City Charter.

(Ord. No. O-03-11, § 3, 2-12-2003; Ord. No. 09-20, § 3(3), 3-9-2009; Ord. No. 10-10, § 2(3), 1-25-2010; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-5. - Mayor to issue proclamation; contents; publication.

At least 30 days prior to any and all elections the Mayor shall issue a proclamation calling the election. Such proclamation shall specify what officers are to be elected, the length of time such officers are to serve, question(s) to be called to a vote of the electors, if any, and the time and place of holding such election. After the conclusion of the qualifying period, such proclamation shall be published once each week for four weeks in a newspaper of general circulation published in the County.

(Ord. No. O-03-11, § 4, 2-12-2003; Ord. No. 09-20, § 3(4), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-6. - Qualification of electors.

Every person who is a qualified elector under the laws of the State and who is a permanent resident of the City is eligible to register with the supervisor of elections when the registration books are open. Upon registration, such person shall be a qualified elector of the City.

(Ord. No. O-03-11, § 5, 2-12-2003; Ord. No. 09-20, § 3(5), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

State Law reference— Similar provisions, F.S. § 166.031.

Sec. 14-7. - Registration officer designated.

The Supervisor of Elections of Alachua County, Florida, hereinafter referred to as "supervisor," is hereby designated as registration officer for the City and shall keep or cause to be kept the City's registration books.

(Ord. No. O-03-11, § 7, 2-12-2003; Ord. No. 09-20, § 3(7), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-8. - Qualification of candidates for City Commission.

Any person who is a resident of the City and is a qualified elector therein may become a candidate for the office of Mayor or City Commissioner of the City by taking a written oath before the City Clerk or his designee, that the person possesses the qualifications to become a candidate for such office and designating the group in which the person shall run. As a condition precedent to qualifying the candidate shall pay to the City Clerk the sum of \$25.00 as a qualifying fee or such person shall furnish the Clerk

with a petition requesting that such person become a candidate for the Mayor or City Commission. Said petition shall be signed by at least 25 electors of the City, and shall be accompanied by a statement in writing signed by the Alachua County Supervisor of Elections certifying that each of the signatures on such petition has been checked by the Supervisor and that each of the signatures on the petition is that of a qualified elector of the City. The period in which a person may submit the oath and qualifying fee or petition to the City Clerk shall be from noon on the third Tuesday in February prior to the election until noon on fourth Tuesday in February prior to the election.

(Ord. No. O-03-11, § 9, 2-12-2003; Ord. No. 09-20, § 3(9), 3-9-2009; Ord. No. 10-10, § 2(9), 1-25-2010; Ord. No. 17-07, § 1, 1-9-2017)

State Law reference— Municipal candidate election assessment fee, F.S. § 99.093.

Sec. 14-9. - Vacancy in candidacy.

- (a) If the withdrawal, death or removal of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.
- (b) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period results in no candidates for an office, and more than 21 days remain prior to the date of the election, qualifying shall be reopened to allow candidates to qualify for the election to that office in accordance with the City Charter and Code. Any candidate wishing to qualify shall file the qualifying statement and petition required by the City Charter, accompanied by such qualifying fees as set by the City Code, no later than noon of the 21st day prior to the date of the election.
- (c) If less than 21 days remain to the election date after the death, withdrawal, or removal from the ballot of the lone qualified candidate for an office, and if a vacancy shall result on the City Commission, the remaining city commissioners shall appoint, on an interim basis, by majority vote a person otherwise qualified to be a city commissioner. The person so appointed shall serve as city commissioner until a special election can be held in order to fill the vacancy for the unexpired portion of the entire term. The special election shall be held not less than 60 days nor more than 90 days following the occurrence of the vacancy.
- (d) If the qualifying period is reopened pursuant to subsection (b) of this section, supplemental absentee ballots reflecting the new candidates who have qualified for that office shall be mailed by the City Clerk as soon as possible to any absentee voter who was provided an absentee ballot. If an absentee voter returns the initial ballot that was mailed, that vote for the office for which qualification was reopened will be null and void, but the votes on all other offices and issues shall be counted.
- (e) The name of any qualified candidate who has withdrawn, died or been removed from the ballot shall not be printed on the ballot. If the ballot cannot be changed, any votes for that candidate shall be null and void.
- (f) A candidate withdrawing or being removed from the ballot after having qualified and paid the qualification fee shall not receive a refund of the qualifying fee.

(Ord. No. O-91-16, § 1(12¼-20), 4-15-1991; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-10. - Grouping of candidates; runoff elections.

The Commission shall declare each seat to be filled as one of five separate seats numbered 1, 2, 3, 4, 5. Seat 1 is designated as the seat to be held by the Mayor. The candidates shall, at the time of qualifying, designate the seat for which they shall run. The candidate receiving a majority (more than 50 percent) of the votes cast for each seat shall be elected. In the event no candidate receives a majority of votes cast for a seat or seats, a runoff election shall be held on the third Tuesday following the former Election Day between the two candidates for such seat or seats receiving the highest number of votes cast. The candidate receiving the highest number of votes cast in such runoff election shall be elected.

(Ord. No. O-03-11, § 15, 2-12-2003; Ord. No. 09-20, § 3(15), 3-9-2009; Ord. No. 10-10, § 2(15), 1-25-2010; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-11. - Appointment of Inspectors and Clerks; opening and closing polls; substitute inspectors and clerks.

The City Clerk or designee shall appoint the necessary clerks and inspectors necessary to conduct the election. If, at the time the polls are to be open, any such inspector or clerk is not present or should refuse to serve, those present may choose from the qualified voters present sufficient persons to complete the number of inspectors or clerks. If none of the inspectors or clerks are present, then the qualified voters present may choose among their number such inspectors and clerks. No elector who cannot read and write the English language shall be appointed or chosen clerk or inspector of any election. Poll workers who have been trained for a City election shall be deemed to have been trained for all runoff elections that may arise from that election.

(Ord. No. O-03-11, § 8, 2-12-2003; Ord. No. 09-20, §§ 2, 3(8), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

State Law reference— Opening and closing of polls, F.S. § 100.011.

Sec. 14-12. - Oath of Inspectors and Clerks.

The inspectors and clerks shall take and subscribe an oath or affirmation, which shall be written or printed, to the effect that they will perform the duties of inspectors and clerks of the election according to law and will endeavor to prevent all fraud, deceit or abuse in conducting the same. Such oaths may be taken before an officer authorized to administer oaths, or before either of the persons who are to act as inspectors and clerks; one of them to swear to others and one of the others thus sworn in turn to administer the oath to him/her who has not been sworn. Such oaths shall be returned with the returns of the election to the Mayor.

(Ord. No. O-03-11, § 11, 2-12-2003; Ord. No. 09-20, § 3(11), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-13. - Ballots; contents.

The names of all qualified candidates for election to the City Commission shall be placed upon the ballot in alphabetical order according to surnames; provided, no person's name shall be printed on the ballot if that person notifies the City Commission not less than 20 days prior to the election that he/she will not accept the nomination.

In the event that electronic ballot counting machines are not available, or preprinted ballots cannot be delivered in time for the election, or any other such eventuality, the City may conduct its general and runoff elections with paper ballots which shall be tallied by manual count.

(Ord. No. O-03-11, § 10, 2-12-2003; Ord. No. 09-20, §§ 2, 3(10), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-14. - Election officials to maintain order.

The inspectors and clerks shall possess full authority to maintain good order at the polls and to enforce obedience to their lawful commands during an election, the canvass and estimate of the votes.

(Ord. No. O-03-11, § 13, 2-12-2003; Ord. No. 09-20, § 3(13), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-15. - Clerks to be Chairpersons of Election Boards; decision of majority to decide questions.

The Clerks at the respective polling places of the election shall be Chairpersons of their boards. In any and all questions that may arise before the Inspectors and Clerks at any polling places of the election, the decision of the majority of them shall decide such questions.

(Ord. No. O-03-11, § 12, 2-12-2003; Ord. No. 09-20, § 3(12), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-16. - Board of Canvassers; composition; powers and duties.

The board of canvassers for all elections held for the election of Mayor and City Commissioners and for questions submitted to a vote of the people are as follows: The Mayor, or in his absence, a Commissioner designated by the Mayor who shall serve as chairman of the board of canvassers, the City Clerk and one other elector to be appointed by the Mayor. The chairman of the canvassing board shall have authority to designate an additional elector or electors, to serve as a member of the board of canvassers in the absence of any member of the said board. The board shall meet within 24 hours after the close of the polls to canvass the election returns of the inspectors and clerks of the election and to canvass the absentee electors' ballots, and to declare the election result and certify the election. If, however, there are unresolved provisional ballots, the canvassing board will not certify the election when it canvasses the election returns of the inspectors and clerks of the election and canvasses the absentee ballots. If there are unresolved provisional ballots, the canvassing board will meet again after 5:00 p.m. on the second day after the election at which time the canvassing board shall count the provisional ballots, declare the election results and certify the election. No other board of the City of Alachua shall certify the results of the election. In the event it may be necessary, in order to come to a proper decision, the board shall have the power to examine witnesses and take testimony. The certification of the election shall be forwarded to the City Commission.

(Ord. No. O-03-11, § 14, 2-12-2003; Ord. No. 09-20, § 3(14), 3-9-2009; Ord. No. 10-10, § 2(14), 1-25-2010; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-17. - Absentee voting.

Absentee voting shall be conducted as provided for in F.S. ch. 101.

(Ord. No. O-03-11, § 16, 2-12-2003; Ord. No. 17-07, § 1, 1-9-2017)

Sec. 14-18. - Early voting.

The City Commission hereby declines to participate in the early voting procedure for its municipal elections.

(Ord. No. 09-20, § 2(17), 3(17), 3-9-2009; Ord. No. 17-07, § 1, 1-9-2017)

State Law reference— Early voting, F.S. § 101.657.

Chapter 16 - EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166.*

ARTICLE I. - IN GENERAL

Sec. 16-1. - Emergency powers.

The Mayor shall be the designated City official authorized to exercise the powers provided for in F.S. §§ 870.01—870.047.

Secs. 16-2—16-20. - Reserved.

ARTICLE II. - BURGLAR ALARMS

Sec. 16-21. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any mechanical, electrical or radio-controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful action within a building, structure or facility, or both, and which emits a sound or transmits a signal or message when activated. The term "alarm system" includes, but is not limited to, direct dial telephone devices, audible alarms and proprietor alarms. The term "alarm system" does not include devices which are designed or used to register alarms that are audible, visible or perceptible in or from any motor vehicle or auxiliary device installed by telephone companies to protect telephone systems from damage or disruption of service.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection, or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, but shall not include such telephone lines exclusively dedicated to an alarm system which are permanently active and terminate within the communication center of the Police Department.

Commercial premises means any structure or area which is not defined herein as residential premises.

False alarm means the activation of any alarm signal by an alarm system which is responded to by the Police Department, and which is not caused or precipitated by an actual or attempted burglary or other attempted unlawful act or activity, or other emergency reasonably requiring the services of police personnel. An alarm will be deemed to be valid only when substantial physical evidence exists which would clearly indicate a criminal act was the sole reason for activation of the alarm. Examples include, but are not limited to:

- (1) Freshly broken windows, doors, or locks;
- (2) Obvious indications of forced illegal entry;
- (3) Missing property, etc.

Alarm systems which activate from simply shaking of doors or rattling of windows are not properly installed or maintained and are deemed to be emitting a false alarm.

Fee means an assessment of costs imposed pursuant to this article to defray the expense of responding to a false alarm.

Police means any certified police officer of the City.

Residential premises means any structure or combination of structures which serve as dwelling units, including single-family as well as multifamily units.

(Ord. No. O-86-10, § 1, 1-20-1986)

Sec. 16-22. - Notification and registration.

Every person who shall own, operate, or lease any alarm system as defined herein within the incorporated area of the City, whether existing or to be installed in the future, shall, within 30 days of the effective date of the ordinance from which this article is derived for existing alarm systems or prior to installation of alarm systems installed after the effective date of the ordinance from which this article is derived, notify the Police Chief, on forms to be provided by the Police Department of the following information:

- (1) The type, make, model of the alarm system.
- (2) Whether installed in a residential or commercial premises, and the location of the alarm system, including the street address or specific directions to where the alarm system is located.
- (3) The name, address, business and/or home telephone number of the owner or lessee of the alarm system. In the event that the owner or lessee of the alarm system is a business entity, partnership, or corporation, the business shall indicate the name, street address, and telephone number of the agent designated by the business to be responsible for contacting.
- (4) The names, addresses and telephone numbers of not less than two persons to be notified to respond in the event of an alarm activation. The responder persons so listed must be available at all times and be authorized to enter the premises and deactivate the alarm system. It shall be the responsibility of the owner, operator, or lessee of the alarm system to keep the listing current.
- (5) Such other information as the Chief of Police shall deem necessary or appropriate.

(Ord. No. O-86-10, § 2, 1-20-1986)

Sec. 16-23. - Response to false alarm; required reports; corrective action; penalties and disconnection.

- (a) For the purpose of this article, responsibility for a false alarm shall be borne by the owner, operator, or lessee of the alarm system.
- (b) A response to a false alarm shall result when any Police Officer is dispatched to or responds to the activation of any alarm system.
- (c) The following shall be required by each person who owns, operates or controls any premises, commercial or residential, for each incident of a response to a false alarm by the Police Department:
 - (1) For a response to a premises at which no other false alarm has occurred from the effective date of the ordinance from which this article is derived or within the preceding four-month period, whichever shall be less, a written report on forms prescribed by the Chief of Police shall be filed with the Police Department within ten days after notice to do so, setting forth the cause of such false alarm, the corrective action taken, whether the alarm has been inspected by an authorized serviceman, and such other information as the Chief of Police may reasonably require to determine the cause of such false alarm and corrective action necessary. No fee shall be charged for the first response.
 - (2) For a second or third response to false alarms to any premises, commercial or residential, within four months after the first response, no fee shall be assessed, but a written report shall be required as for a first response.
 - (3) For a fourth false alarm response to any premises, commercial or residential, within four months after such third response of a false alarm and for each succeeding response within four months of the preceding response, a fee of \$35.00 shall be charged; a written report and inspection shall be required; and if such fourth false alarm or any such succeeding false alarm is a result of failure to take necessary corrective action, the Chief of Police may order the disconnection of such alarm system. For failure to pay the required fee, the Chief of Police may order the disconnection of any alarm system. It shall be a violation of this article not to disconnect, or to reconnect such alarm system until such corrective action is taken and the fee is paid, provided that no

disconnection shall be ordered on any premises required by law to have an alarm system in operation. Any order for disconnection shall be rescinded by the Chief of Police upon presentation of demonstrative evidence of corrective action and inspection as may be required by the Chief of Police, and a finding that adequate corrective action has been taken and the required fee has been paid.

(Ord. No. O-86-10, § 3, 1-20-1986)

Sec. 16-24. - Requirement to respond to premises when alarm is activated.

The owner, operator, or lessee or a listed responder of an alarm system is required to respond by reporting to this premises or facility within 30 minutes from the time of the notification by the Police Department of the activation of any alarm system, whether false or not, failure to respond shall be deemed a violation of this article by the owner, operator or lessee of the alarm system.

(Ord. No. O-86-10, § 4, 1-20-1986)

Sec. 16-25. - Deactivation of audible alarms within 15 minutes.

It shall be a violation of this article to maintain an alarm system or audible alarm which does not deactivate within 15 minutes of its activation.

(Ord. No. O-86-10, § 5, 1-20-1986)

Sec. 16-26. - Automatic dialing devices.

It shall be a violation of this article for any person to install, maintain, own, possess or operate any automatic dialing device alarm system regulated or programmed to make connection with any telephone number installed in the Police Department, except to such telephone number which may be determined and designated by the Chief of Police.

(Ord. No. O-86-10, § 6, 1-20-1986)

Sec. 16-27. - Right to a hearing.

Upon written request of the person assessed a fee or ordered to disconnect an alarm, a hearing may be held before the City Manager or his designee to review such assessment or disconnect order. Such request must be made within 15 days after the date of the notice of assessment or disconnect order. At the hearing, such evidence as is deemed necessary may be presented.

(Ord. No. O-86-10, § 7, 1-20-1986)

Sec. 16-28. - General penalty.

Anyone convicted of a violation of or failure to comply with any of the provisions of this chapter shall be subject to punishment as provided by law.

(Ord. No. O-86-10, § 8, 1-20-1986)

Chapter 18 - GROWTH MANAGEMENT

Footnotes:

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State Law reference— *Local Government Comprehensive Planning and Land Development Regulations Act, F.S. § 163.2511.*

Sec. 18-1. - Purpose and intent.

The purpose of this chapter is to establish a method whereby the impacts of development on deficient transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair Share Program, as required by and in a manner consistent with F.S. § 163.3180(16),

(Ord. No. 07-02, § 1, 3-5-2007)

Sec. 18-2. - Findings.

- (a) The City Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the City Proportionate Fair Share Program:
 - (1) Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
 - (2) Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair share of the cost of a transportation facility;
 - (3) Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
 - (4) Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated in the Capital Improvements Element (CIE) for transportation improvements.
 - (5) Is consistent with F.S. § 163.3180(16), and supports the following policies in the City Comprehensive Plan and Land Development Regulations:
 - a. Objective 5.2 with associated policies 5.2.1-5.2.3 of the Future Land Use Element.

- b. Objective 1.1 with associated policy 1.1a of the Traffic Circulation Element.
- c. Objective 1.5 with associated policy 1.5a of the Traffic Circulation Element.
- d. Objective 1.6 with associated policies 1.6a-1.6b of the Traffic Circulation Element.
- e. Objective 1.3 with associated policy 1.3b of the Intergovernmental Coordination Element.
- f. Goal 1 of the Capital Improvements Element.
- g. Article 2, section 2.4.14 Concurrency Compliance of the Land Development Regulations.

(Ord. No. 07-02, § 2, 3-5-2007)

Sec. 18-3. - Applicability.

- (a) The Proportionate Fair Share Program shall apply to all developments in the City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City CMS, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of section 18-5. The Proportionate Fair Share Program does not apply to developments of regional impact (DRIs) using proportionate fair share under F.S. § 163.3180(12), or to developments exempted from concurrency as provided in appropriate policies within the City Comprehensive Plan, appropriate sections within the Land Development Regulations, or F.S. § 163.3180, regarding exceptions and de minimis impacts.
- (b) The Proportionate Fair Share Program applies to transportation improvements or mitigation required to address roadway facility deficiencies identified at the time of concurrency review. If an intersection deficiency is identified in the concurrency denial determination and the improvements required to remedy that deficiency can be incorporated into a roadway facility improvement pursuant to section 18-5, then the cost of the intersection improvement may be included in the facility improvement and proportionate fair share obligation made pursuant to section 18-8. The Proportionate Fair Share Program does not apply to minor intersection improvements, such as signal retiming, installing traffic signals, and constructing turn lanes required to remedy a deficiency that is not part of a roadway facility transportation concurrency requirement. The City Manager may consider and approve major intersection improvements such as additional through movement lanes, interchanges, and grade separations, as eligible for the Proportionate Fair Share Program.

(Ord. No. 07-02, § 3, 3-5-2007)

Sec. 18-4. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Level of service (LOS) means an assessment of the operating condition of an element of infrastructure. For local government comprehensive planning purposes, level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility.

Maximum service volume (MSV) means the highest number of vehicles allowed on a roadway facility, while still maintaining the adopted level of service (LOS).

Multimodal transportation districts (MMTD) means areas established under a local government comprehensive plan pursuant to F.S. § 163.3180(15) which are delineated on the future land use map where the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel, and that support an integrated, multimodal transportation system.

Proportionate fair share agreements means agreements used by a local government to determine and obligate a developer's fair share of costs to meet concurrency. The developer's fair share may be combined with public funds to construct improvements to satisfy concurrency.

Proportionate fair share obligation means the calculated monetary amount or improvement that has been determined as the developer's required mitigation consistent with the provisions of State law and the proportionate fair share ordinance.

Road facility means a length of roadway with a discrete beginning and ending point, composed of intersections and segments over which level of service is evaluated. These roads are typically identified in a Comprehensive Plan Functional Classification Map as collectors, arterial, and expressway facilities, and may be maintained by the City, the County, and the Florida DOT. Road facilities may also include those physical features that accommodate other modes of transportation such as pedestrians, bicyclists, and public transportation.

Roadway links. The recommended term for a piece of a roadway between two signalized intersections is a "segment", and the term "link" is discouraged from use, especially for quality/level of service analyses.

Strategic intermodal system (SIS) means a transportation system comprised of facilities and services of statewide and interregional significance, including appropriate components of all modes. This system is established by the State legislature and is maintained by the State Department of Transportation.

Substantial improvement means an improvement project that creates significant increases in the capacity of a transportation facility that is of long-lasting value or utility and is consistent and compatible with the adopted long-range transportation plan of the community. This typically excludes improvements such as signal retiming, installing traffic signals, and constructing improvements to turn lanes required to remedy a deficiency that are not part of a roadway facility.

Transportation concurrency exception areas (TCEA) means a portion of an urban area delineated by a local government in the Comprehensive Plan pursuant to F.S. § 163.3180(5), where infill and redevelopment are encouraged, and where exceptions to the transportation concurrency requirement are made, providing that alternative modes of transportation, land use mixes, urban design, connectivity, and funding are addressed.

Transportation concurrency management areas (TCMA) means portions of urban areas delineated to promote infill development and redevelopment, pursuant to F.S. § 163.3180(7), TCMA's must be designated in a local government comprehensive plan and must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an area-wide LOS standard for a TCMA based upon analysis that justifies the area-wide LOS, identifies how urban infill development or redevelopment will be promoted, and describes how mobility will be accomplished within the TCMA.

Transportation Regional Incentive Program (TRIP) means a transportation finance program established under F.S. § 339.2819 that provides State matching funding to improve regionally significant transportation facilities in partnership with regional transportation areas. This program is often used to match state funding with local funding to accelerate the implementation of projects that are determined to be regionally significant.

(Ord. No. 07-02, § 4, 3-5-2007)

Sec. 18-5. - General requirements.

- (a) An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair share contribution, pursuant to the following requirements:
 - (1) The proposed development is consistent with the Comprehensive Plan and applicable Land Development Regulations.
 - (2) The transportation improvement needed for mitigation is fully funded through construction in years two through five of the five-year schedule of capital improvements in the City CIE, if the transportation improvements, upon completion, will satisfy the requirements of transportation concurrency on a transportation facility in the City's transportation CMS. The provisions of section 18-5(b) may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE.
- (b) The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of transportation concurrency on a transportation facility in the City's transportation CMS, but is not contained or fully funded in the five-year schedule of capital improvements in the CIE, where the following apply:
 - (1) The City adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate City body, and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1., consistent with the Comprehensive Plan, and in compliance with the provisions of this chapter. In order to fulfill the obligations of the proportionate share agreement, the developer shall financially commit funds prior to the effective date of the agreement by delivering to the City a monetary payment of land for right-of-way acceptable to the City equal to the developer's proportionate fair share obligation, as stated in the proportionate fair share agreement or by securing the developer's proportionate fair share obligation with a cash deposit, certificate of deposit, bond or other similar cash equivalent security acceptable to the City Attorney.
 - (2) If the funds allocated for the five-year schedule of capital improvements in the City CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair share obligation is calculated if the proportionate fair share obligation in that agreement is sufficient to pay for one or more improvements which will, in the opinion of the City Manager, significantly benefit the impacted transportation system.

The improvement or improvements funded by the proportionate fair share component must be adopted into the five-year CIE at the next regularly scheduled update.

- (c) Any improvement project proposed to meet the developer's fair share obligation must meet design standards of the City for locally maintained roadways, of the County for County maintained roadways, and those of the FDOT for the state highway system.

(Ord. No. 07-02, § 5, 3-5-2007)

Sec. 18-6. - Intergovernmental coordination.

Pursuant to policies in the Intergovernmental Coordination Element of the City Comprehensive Plan and applicable policies in the North Central Florida Regional Planning Council Strategic Regional Plan, the City shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(Ord. No. 07-02, § 6, 3-5-2007)

Sec. 18-7. - Application process.

- (a) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair Share Program pursuant to the requirements of section 18-5.
- (b) Prior to submitting an application for a proportionate fair share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system (SIS), then the FDOT will be notified and invited to participate in the preapplication meeting.
- (c) Eligible applicants shall submit an application to the City that includes an application fee as established in the City Schedule of Fees Resolution for Comprehensive Plan and Land Development Regulations and the following:
 - (1) Name, address and phone number of owner(s), developer and agent;
 - (2) Property location, including parcel identification numbers;
 - (3) Legal description and survey of property;
 - (4) Project description, including type, intensity and amount of development;
 - (5) Traffic Impact Study performed in accordance with the City's Land Development Regulations;
 - (6) Phasing schedule, if applicable;
 - (7) Description of requested proportionate fair share mitigation method(s); and
 - (8) Copy of concurrency application.

(d)

The Land Development Administrator or designee shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair Share Program as indicated in section 18-5, then the applicant will be notified in writing of the reasons for such deficiencies within ten business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The Land Development Administrator or designee may, in its discretion, grant an extension of time not to exceed 30 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

- (e) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair share agreement.
- (f) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the City Commission meeting when the agreement will be considered. The payment of security to be provided by the developer must be documented in the agreement for consideration by the City Commission. All agreements and other documents requiring execution by the developer shall be executed by the developer prior to consideration by the City Commission.
- (g) The City shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair share agreement will be effective until approved by the City Commission.

(Ord. No. 07-02, § 7, 3-5-2007)

Sec. 18-8. - Determining proportionate fair share obligation.

- (a) Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.
- (b) A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (c) The methodology used to calculate an applicant's proportionate fair share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved including the cumulative impacts of prior approvals from the same development, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

For purposes of calculating the applicant's proportionate fair share obligation pursuant to this methodology, the term "construction cost", includes all associated costs of the improvement, including, but not limited to design, right-of-way acquisition, planning, engineering, inspection, utilities, financing costs, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred. As used in this section, the term "same development" shall mean any development occurring on land existing as a single parcel or as contiguous parcels having the same owners on October 1, 2006 and all lands required to be developed as a single development by zoning amendment, comprehensive plan amendment, ordinance or agreement."

OR

$$\text{Proportionate Fair Share} = \sum \left[\left(\frac{\text{Total development trips}_{sub\sub}}{\text{SV increase}_{sub\sub}} \right) \times \text{Cost}_{sub\sub} \right]$$

Where:

Total development trips_{sub\sub} = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" including cumulative impacts from prior phases of the same development. The total development trips on a segment may exclude project trips for previous phases of a project if:

- (1) A final certificate of concurrency was issued for that phase of development prior to the effective date of the Proportionate Fair Share Program; and
- (2) The project trips for the previously approved phase(s) significantly impacted the segment and were reserved in the CMS on the roadway segment;

MSV increase_{sub\sub} = Maximum service volume increase provided by the eligible improvement to roadway segment "i" per section 18-5;

Cost_{sub\sub} = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, including, but not limited to design, right-of-way acquisition, planning, engineering, inspection, utilities, financing costs, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (d) For the purposes of determining proportionate fair share obligations, the City shall determine improvement costs based upon a current certified and sealed engineer's cost estimate for a project defined in a Proportionate Fair Share Agreement. Such cost estimate will be consistent with unit bid costs of recent similar bid projects, preferably within the City, within the last year. This cost estimate will be reviewed for reasonableness and approved/disapproved by the City Manager. If disapproved, the grounds for the disapproval will be indicated to the applicant so that a revised cost estimate may be resubmitted.
- (e) If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- (f) If the City has accepted right-of-way dedication for all or part of the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at an amount up to 120 percent of the most recent assessed value by the County Property Appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved and ordered by the City upon receipt of funds from the applicant to pay for the appraisal. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to

the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations and any pertinent City policies and regulations.

- (g) If, through the approval of a previous phase of a development, a proportionate fair share obligation pursuant to this program was required on a roadway segment and that obligation was satisfied, the previous payment may be applied as a credit toward proportionate fair share obligations on the same roadway segment for future phases of the same development.

(Ord. No. 07-02, § 8, 3-5-2007)

Sec. 18-9. - Impact fee credit for proportionate fair share mitigation.

The City currently does not have transportation impact fees. If the City adopts such a fee at a future date, this section shall be used for the handling of impact fee credits, if any.

(Ord. No. 07-02, § 9, 3-5-2007)

Sec. 18-10. - Proportionate fair share agreements.

- (a) Upon the effective date of an executed proportionate fair share agreement (agreement) for which the proportionate fair share obligation has been paid or adequately secured as provided in section 18-5(b)(1), the applicant shall receive a City certificate of concurrency approval. Should the applicant fail to apply for a development permit within the time allowed by CMS, the agreement shall be considered null and void, and the applicant shall be required to reapply.
- (b) Payment of the proportionate fair share obligation is due in full prior to issuance of the final development order or recording of the final plat whichever is last to occur and shall be nonrefundable. If the payment is submitted more than 12 months after the date of execution of the agreement, the proportionate fair share obligation shall be recalculated at the time of payment based on a current estimate of the construction cost of the required improvement at the time of payment, pursuant to section 18-8 and adjusted accordingly.
- (c) All facilities constructed by a developer pursuant to a proportionate fair share obligation agreement must be completed or completion adequately secured as set forth in section 18-5(b)(1) prior to issuance of a final development order.
- (d) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- (e) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair share contributions to the extent the change would generate additional traffic that would require mitigation.

(f)

Applicants may submit a letter to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City will be nonrefundable.

- (g) The City may enter into proportionate fair share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

(Ord. No. 07-02, § 10, 3-5-2007)

Sec. 18-11. - Appropriation of fair share revenues.

- (a) Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City CIE, or as otherwise established in the terms of the proportionate fair share agreement. At the discretion of the City, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived. Proportionate fair share revenues may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
- (b) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of section 18-5(b)(2). Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP program. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.
- (c) Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair share obligation calculated under section 18-8, the City shall reimburse the applicant for the excess contribution according to the terms and conditions of the Development and/or Proportionate Fair Share Agreements using one or more of the following methods:
 - (1) With future proportionate fair share payments from future applicants on the same facility, or from proportionate fair share payments for other facilities for which other funding has been secured to build the project for which the proportionate fair share payment was originally collected.
 - (2) Through other compensation or means acceptable to the City and the applicant.

(Ord. No. 07-02, § 11, 3-5-2007)

Sec. 18-12. - Cross jurisdictional impacts.

In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the City may enter an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall provide for application of the methodology to address the cross jurisdictional transportation impacts of development.

(Ord. No. 07-02, § 12, 3-5-2007)

Sec. 18-13. - Proportionate share program for TCEAS, TCMAS and MMTDS.

In the event the City establishes and/or participates in one or more of the following: Transportation Concurrency Exception Area (TCEA), Transportation Concurrency Management Area (TCMA), or Multimodal Transportation District (MMTD), it shall then provide for the ability to apply its Proportionate Fair Share Program toward mobility improvements within those areas, including alternative modes of transportation.

(Ord. No. 07-02, § 13, 3-5-2007)