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TOWN OF SHALIMAR GENERAL ORDINANCES

CHAPTER 1 GENERAL PROVISIONS

1.00.00 REFERENCES ON CONTENT

1.00.01 Purpose and Intent

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

All references in this Code to parts, chapters or sections are to the parts, chapters and sections of this Code unless otherwise specified.

1.00.02 Applicability

The provisions appearing in this and the following chapters, so far as they are the same as those of the "Code of Ordinances of the Town of Shalimar", adopted by Ordinance Number 2016-03, adopted April 12, 2016, or of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

1.00.03 Exceptions

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:
A. Adopting the budget or making appropriations;
B. Authorizing or otherwise relating to any contract or obligation assumed by the Town;
C. Promising or guaranteeing the payment of money for the Town;
D. Authorizing the issuance of bonds or any evidence of indebtedness;
E. Granting a franchise or right, or any ordinance relating to cable television;
F. Contracting, extending or describing the boundaries of the Town;
G. Imposing taxes or fees which have not been codified in this Code;
H. Relating to personnel or the salaries of Town officers or employees;
I. Providing for local improvements or levying special assessments for local improvements;
J. Regarding street vacation or maintenance;
K. Accepting or dedicating any plat or subdivision;
L. Dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, or establishing grades for any street, alley, or sidewalk;
M. Regarding rezoning or comprehensive planning or land use regulations;
N. Which is temporary although general in effect;
O. Relating to a traffic schedule, or any ordinance regulating stopping, standing, or parking;
P. Dealing with personnel matters or pension, retirement, or social security benefits for officers and employees;
Q. Relating to any administration;
R. Which is special although permanent in effect;
S. Any act or offense committed before effective date of Code;
T. Calling an election;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out in this Code and are on file in the office of the Town Administrator.

1.01.00 ADMINISTRATIVE RESPONSIBILITY FOR IMPLEMENTATION

1.01.01 Generally

The ordinances embraced in the following chapters and sections along with Town of Shalimar Comprehensive Plan, Town of Shalimar Land Development Code, and Town of Shalimar Charter shall constitute and be designated the "Code of Ordinances, Town of Shalimar, Florida," and may be so cited.

1.01.02 Acts, Penalties and Rights not affected by Code

Nothing in this Code or in the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established, or occurring before the effective date of this Code. All pending actions or enforcements will be determined pursuant to the code under which those actions were begun.

1.01.03 Effect of Repeal or Amendment of Ordinances

A. The repeal or amendment of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed or amended took effect, or the obligation of any contract entered into under the prior ordinance.

B. The repeal or amendment of an ordinance shall not affect any punishment or penalty incurred before the repeal or amendment took effect, or any suit, prosecution, or proceeding pending at the time of the repeal or amendment, for an offense committed or cause of action arising under the repealed or amended ordinance.

1.01.04 Amendments to this Code

A. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Town Commission to make the addition or amendment a part of this
Code, shall be deemed to be incorporated in this Code, so that reference to the Code shall be understood and intended to include such additions and amendments.

B. All ordinances passed subsequent to this Code which amends, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages.

C. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That chapter, section and subsection; Ordinance #; of the Code of Ordinances, Town of Shalimar, Florida, is hereby amended to read as follows:…." The new provisions shall then be set out in full as desired.

D. If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Town of Shalimar, Florida, is hereby amended by adding a chapter, section, or subsection, to be numbered ; Ordinance #; , which section reads as follows:….." The new chapter, section or subsection may then be set out in full as desired.

E. All sections, chapters, or provisions desired to be repealed must be specifically repealed by section or chapter number, as the case may be.

F. Amendments will be made by striking through language to be deleted and underlining language to be added for clarity and ease of reading by the Public and the Commission.

1.01.05 Supplementation of Code

A. By contract or by Town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Town Administrator. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town Commission or adopted by initiative and referendum during the period covered by the supplement, and all changes made thereby in the Code, and shall also include all amendments to the Charter, Comprehensive Plan, and Land Development Code during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and 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 which 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 codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

1. Organize the ordinance material into appropriate subdivisions;
2. Provide appropriate catch-lines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catch-lines, headings, and titles;

3. Assign appropriate numbers to sections and other subdivisions to be inserted into the Code and, where necessary, accommodate new material, change existing sections, or other subdivision numbers;

4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this section or subsection," as the case may be, or to "sections; Ordinance #; through Ordinance #;" The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code;

5. Make other none substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

1.01.06 Severability of Parts of Code

It is hereby declared to be the intention of the Town Commission that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and, if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

1.01.07 General Penalty; Continuing Violations; Violation as Public Nuisance

A. Whenever in this Code, or in any ordinance or resolution of the Town, or rule or regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act declared unlawful and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not less than $10.00 nor more than $500.00 or by imprisonment for a period not exceeding 60 days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation, or order shall continue shall constitute a separate offense.

B. In addition to the penalties provided in General Ordinances of this Code, any condition caused or permitted to exist in violation of any of the provisions of any Code or any ordinance, resolution, rule, regulation, or order may be abated by the Town, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

1.01.08 Code Enforcement Violation Process

The Town code enforcement process for all Ordinance violations, unless specifically stated otherwise, will follow the format as outlined for Nuisance Violations in Town of Shalimar
General Ordinances Chapter 6 Environment and Nuisances. The Town Commission will be the Code Enforcement Board for violations to all Ordinances. The Town Administrator or designee will be the Code Enforcement Official for all Ordinance violations.

1.02.00 OTHER DOCUMENTS


1.03.00 ACRONYMS AND DEFINITIONS

In the construction of this Code, the following definitions and rules of construction shall be observed, unless the context clearly indicates otherwise:

**Abandoned vehicle:** Any vehicle, vessel, or trailer left on private property without the property owner's consent or on public property for at least 48 hours.

**Administrative cost:** The cost of advertising, compilation, telephone charges, postage, or other charges actually paid by the Town.

**Administrator:** That person appointed by the Town Commission, pursuant to Section 2.02.00 Town Administrator in Chapter 2 herein.

**Age:** Unless the context clearly indicates otherwise, the work age as used herein shall refer exclusively to persons who are 18 years of age or older.

**Animal:** Every living dumb creature.

**Animal control agency:** The county, municipal government, or an authorized agent.

**Animal control officer:** A person designated as a law enforcement officer by the State, County, Town, or a humane society organized under the laws of the State, and who is qualified to perform such duties pursuant to the laws of the State.

**Animal shelter:** That public or private nonprofit facility for the purpose of impounding or caring for animals held under the authority of Chapter 5 Animals or State Statute.

**Authorized private receptacle:** A litter storage and collection receptacle or a garbage container as defined in this Code.

**Bad dog, bad cat, or bad animal:** Any dog, cat, or animal which has bitten or attempted to bite or attack a human or another domesticated animal without provocation.

**Buyer:** The person authorized by the Town Commission to make purchases per Chapter 3 Finance herein of this Code.

**Charter:** The term "Charter" means the Charter of the Town of Shalimar.

**Citation:** A written notice issued to a person by an officer with probable cause to believe that the person has committed a civil infraction in violation of this Code.
**Chapter 1 General Provisions**

**Code**: Code: The term "Code" refers to the Code of Ordinances, Town of Shalimar, Florida, as established and designated in Section 1.01.00 Administrative Responsibility For Implementation herein.

**Code enforcement official**: The Town Code Enforcement Official shall be the Town Administrator or other official as designated by the Town Commission. The Town Police Department retains the authority to issue cease and desist orders for violation of this Code that are deemed by the on-scene officer to be requiring immediate action because of concern for safety or to prevent disorderly conduct.

**Commissioner**: The term "Commissioner" means a member of the Town Commission.

**Computation of time**: In computing any period of time prescribed or allowed by ordinance, 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 not 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. (State law reference— Computation of time, Florida Rules of Civ. Proc., Rule 1.090(a).)

**Contractual services**: All demolition of buildings; rental, repair or maintenance of equipment, machinery, and other Town-owned property, including land and buildings; Police radio service, street lighting installations; cleaning services; insurance; and other like services. The term "services" shall not include professional services which are unique in their nature and not subject to competition.

**County**: The term "County" means the County of Okaloosa in the State of Florida.

**Cruelty**: Any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

**Custodian**: Any person or agent designated by the owner of an animal to provide care, shelter, protection, refuge, food and otherwise control the animal's actions.

**Developed**: Any lot, tract, or parcel which currently has a structure(s) or dock upon said property or an approved parking lot which meets the requirements of this Code.

**Direct control**: The immediate, continuous physical control of a dog or cat by means of a leash or other tether of sufficient strength to restrain the dog or cat; or, in the case of hunting dogs and specifically trained dogs which immediately respond to verbal or other aural commands, direct control shall include verbal or aural control, if the controlling person is at all times clearly and fully within the unobstructed sight and hearing of the dog.

**Emergency**: An unforeseen combination of circumstances which results in a situation that requires immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident.

**Establishment**: A privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.
**F.S.:** The abbreviation "F.S." means the official Florida Statutes and any amendments adopted by the State legislature.

**Family:** One or more persons living together as a single housekeeping unit in a dwelling.

**Farm animal:** Any livestock, cattle, swine, horses, mules, poultry, ostriches, goats, and sheep.

**Garbage:** Putrefied animal and vegetable wastes resulting from food.

**Gender:** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

**Graffiti:** Any unauthorized inscription, word, figure, or design that is marked, etched, scratched, drawn, or painted on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

**Handbill:** Any printed or written matter or any sample, circular, leaflet, pamphlet, or matter.

**Harbor:** To perform any of the acts of providing care, shelter, or food in such a manner as to control the animal's actions; or to reasonably show that the animal returns regularly to a person's home or premises for shelter and/or food. An animal shall be deemed to be harbored if it is fed or sheltered for ten consecutive days or more.

**Hazardous material:** Material designated for special handling and disposal procedures by the state department of environmental protection.

**Hazardous tree:** Any tree determined by the Town Code Enforcement Official to be diseased, dying, or in danger of falling.

**Housing or housing accommodation:** Any building, structure, or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or action thereof of any such building, structure, or portion thereof, mobile home or trailer, or other facility.

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

**Lending institution:** Any bank, insurance company, savings and loan association, or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to credit bureaus.

**Litter:** Garbage, refuse or rubbish, or any other waste material which, if thrown or deposited as prohibited in Chapter 6 Environment and Nuisance, would be detrimental to public health, welfare, or safety.

**May:** The term "may" is permissive and not mandatory.

**Minor:** any person under 18 years of age.

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

**Must:** The term "must" is always mandatory and not merely permissive.
**Nontechnical and technical words:** Words and phrases shall be construed according to the common and approved usage of the language; however, technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Nuisance vehicle:** Any vehicle, vessel, or trailer which exhibits at least two of the following conditions:

A. Damage including but not limited to a broken window or windshield, missing wheels, missing or flat tires, missing motor or transmission, or missing body parts;

B. Cannot be moved in its designed manor under its own power;

C. Without a valid, current registration plate;

D. Having a fair market value equivalent to the scrap therein;

E. Is being used for storage;

F. Is leaking fluids;

G. Constitutes a fire or other safety hazard;

H. Is not roadworthy or seaworthy.

**Number:** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

**Oath:** The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall include the words "affirm" and "affirmed."

**Officers, etc.:** The title of any employee, office, or officer shall be used as though the words "of the Town of Shalimar, Florida" were added. Whenever a provision appears authorizing or requiring a particular officer or employee of the Town of Shalimar, Florida to do some act, it shall be construed to authorize the officer or employee to delegate, designate, and authorize subordinates to do the act, unless the terms of the provision or section specify otherwise.

**Or - and:** The word "or" may be read as "and," and the word "and" may be read as "or," if the sense requires it.

**Owner:** The term “owner” applied to animal control, means any natural person, firm, association or corporation who owns, keeps, harbors, or controls an animal and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by, or in the custody of a corporation shall be held to be the knowledge and acts of such corporation.

**Owner:** The term "owner" applied to a building or land, includes 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.

**Owner:** The term “owner” applied to fair housing discrimination means any person, including but not limited to a lessee, sublease, assignee, manager, or agent, but also including the Town of Shalimar or any department or sub-unit thereof.
**Parent:** a person that has legal custody of a minor as a:

A. Natural or adoptive parent;

B. Legal guardian;

C. Person who stands in loco parentis to the minor;

D. Person who has legal custody of the minor by order of the court.

**Person:** The term "person" includes individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; and any officers, agents, employees or factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law.

**Personal property:** The term "personal property" includes every species of property except real property.

**Potential rabies carrier:** Any wild animal commonly recognized to be a carrier of rabies, including, but not limited to, raccoons, foxes, bobcats, skunks, bats, wolves, and hybrid animals which are the result of the breeding of a domesticated animal and a wolf, coyote, wildcat, or other wildlife and all subsequent generations of such hybrid.

**Pristine:** A lot, tract or parcel or a portion of a lot, tract or parcel, which consists primarily of native plant species that has not been cleared or otherwise manicured.

**Private premises:** Any building or other structure, whether inhabited or uninhabited, and grounds or driveway, belonging to such premises.

**Property owner:** The owner of any lot, tract, or parcel as listed in the current county tax records.

**Public nuisance:** Violations of Chapter 5 Animals or Chapter 6 Environment and Nuisance for which the Town Commission has passed a resolution directing the Town Administrator or designated administrative personnel to proceed with actions defined wherein in this Ordinance.

**Public place:** A place to which the public has access, including, but not limited to, streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

**Public right-of-way:** The paved and unpaved area of a highway, roadway, street, or alley, or other such strip of land, reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain, or any other legal means.

**Real estate agent:** Any real estate broker, any real estate salesman, or any other person, employee, agent or otherwise engaged in the management or operation of any real property.

**Real estate broker or salesman:** A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.
**Real estate transaction:** Includes the sale, purchase, exchange, rental, or leases of real property, and any contract pertaining thereto.

**Real property:** The term "real property" includes lands, tenements, and hereditaments.

**Refuse:** All putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, street clearings, dead animals, abandoned automobiles, and solid market and industrial wastes.

**Remain:** To stay unnecessarily in a particular place.

**Rent:** Includes leases, sublease, assignment and/or rental, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

**Respondent:** Any person against whom a complaint is filed.

**Sale:** Includes any contract to sell, exchange, or to convey, transfer, or assign legal or equitable title to, or a beneficial interest in, real property.

**Shall:** The term "shall" is always mandatory and not merely permissive.

**Spay/neuter:** To surgically render a cat or dog permanently and completely incapable of breeding or reproduction.

**Special or private interest action:** Any action, including preparation of an ordinance, resolution, or amendment which is of a special or private interest of or benefit to the person or group requesting, as compared to the general interest, purpose, and benefit to the Town.

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

**Street:** The term "street" includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the Town.

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

**Tense:** Words used in the past or present tense include the future as well as the past and present.

**Town:** The term "Town" shall mean and refer to the Town of Shalimar, Florida.

**Town Commission:** The term "Town Commission" shall mean the Town Commission of the Town of Shalimar, Florida.

**Trash/debris/litter:** Items which are not usable in their present condition as intended by the manufacturer by reason of being broken, discarded, not maintained, or abandoned. Items include, but are not limited to: mechanical equipment, automobiles, boats, trailers, trucks, or any parts thereof, household furnishings, toys, garbage, bottles, paper, cans, rags, dead or decayed animal matter, fruit, vegetables, offal, bricks, concrete, scrap lumber or other building debris, lawn equipment, tools, appliances, gardening supplies, or any other refuse of any nature.

**Undeveloped:** Any lot, tract, or parcel which does not currently have any structure or a parking lot placed upon said property which is not a city parking lot, an approved public parking lot, or an approved parking lot required to serve a specific building/use. Properties having remnants of
past development (e.g. improved parking areas, driveways, and floor slab) but which have been substantially cleared shall be considered to be undeveloped property.

**Unwholesome:** Offensive to the senses, unsound in quality or condition, diseased, or decayed.

**Vehicle:** Every device in, upon or by which any person or property is or may be transported or drawn, although it may not be in a presently operating condition.

**Weeds:** Plants that by reason of abandonment, lack of care, or lack of maintenance choke out growth or other plant material in the area. Dead, dying, or unattended plant life, named or unnamed, which abandoned or overgrown to a height in excess of ten inches in height shall, for the purpose of this Code, be defined as a weed unless it is pristine.

**Written and in writing:** The terms "written" and "in writing" include any representation of words, letters, or figures, whether by printing or otherwise.

**Year:** The term "year" means a calendar year.
### Chapter 1 Table of Historical Notes and References

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<tr>
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CHAPTER 2 COMMISSION AND ELECTIONS

2.00.00 GENERALLY

2.00.01 Purpose and Intent

The Town Commission does hereby adopt Robert's Rules of Order, Newly Revised by reference. The Robert’s Rules of Order, Newly Revised shall be followed by the Town Commission and all appointed boards, and committees when conducting the Town’s delegated activities and responsibilities. There shall be a copy of the Robert’s Rules of Order, Newly Revised located in the Town Administrator’s office made available for all meetings or public hearings where the Town’s business is taking place. Exceptions to Robert’s Rules of Order are authorized as documented in the Town’s Administrative Policy Manual.

2.01.00 MAYOR

2.01.01 Duties and Responsibilities

It shall be the duty and responsibility of the Mayor to:
A. Give final approval to the agenda of all Town Commission meetings;
B. Preside as chair of all Town Commission meetings;
C. Preserve order and to speak to points of order before the Town Commission;
D. Declare and record all votes;
E. Control the chamber and halls connected to it and, in cases of disturbances or disorderly conduct, cause the same to be cleared;
F. Be recognized as head of the Town government for service of process, ceremonial matters, and execution of contracts, deeds, and other documents;
G. Call or cause to be called all special meetings;
H. Perform those duties as may be required by the Town Charter and the Code of Ordinances.

2.01.02 Overseeing of Certain Areas and Departments

The Mayor shall appoint a Commission member to oversee certain areas and/or departments. The Commissioners shall be appointed to have the following jurisdiction:
A. Finance, administration;
B. Police;
C. Special projects, parks, recreation;
D. Streets and roads, maintenance.
2.01.03 Appointment of Boards and Committees

The Mayor shall create such standing boards and committees as may be advisable. The Board Chairperson and members shall be recommended by the Mayor. The Planning and Zoning Board and the Technical Review Board are the only permanent standing boards. The Mayor may establish ad hoc committees from time to time as may be advisable to address specific matters of temporary interest. The Chairperson and members shall be appointed by the Mayor or as designated herein.

2.02.00 TOWN ADMINISTRATOR

A. The Town Administrator has responsibilities which will be as set by the Town Commission in its meetings, but which shall specifically include administration of the business office of the Town and monitoring and assuring enforcement of all Town ordinances. The Administrator shall also be responsible for day to day accounting of Town funds, administration of committees and volunteers for the Town, assisting in budgeting, and compliance with regulations and resolutions relating to income and spending.

B. The Town Administrator shall be subject to the control and direction of the Commissioner who is in charge of each specific area of Town involvement during the period between meetings, and subject to the instruction, direction, and control of the Town Commission.

C. The office of Town Clerk shall be combined with that of the Town Administrator. The Clerk shall be responsible for assuring the safety of all Town records and property, payment of employees, and accounting of Town funds and contracts, and shall be subject to the review of the Town’s chosen outside auditor.

D. The Town shall, by specific direction of any Commissioner as to a subject under the jurisdiction of that Commissioner, or by resolution or other direction of the entire Town Commission, assign further duties to the Town Administrator or Clerk, and shall create such other offices, including that of Assistant Clerk, as may be deemed necessary to assist in the administration of Town Hall and its duly appointed business.

2.03.00 BOARD OF ADJUSTMENT

The Board of Adjustment of the Town shall consist of the Town Commission.

2.04.00 PLANNING AND ZONING BOARD

2.04.01 Generally

The Planning and Zoning Board shall be organized and empowered as stated in this section. The Board may engage in planning operations within its jurisdiction which shall be coterminous with the political boundary of the Town.
2.04.02 Membership; Terms of Office; Removal from Office; Vacancies

A. The Planning and Zoning Board shall consist of five members appointed by the Town Commission.

B. The members of the Planning and Zoning Board shall be appointed for staggered terms of four years each, and may be reappointed by the Mayor for consecutive terms. The Town Commission is authorized to remove any member from the Planning and Zoning Board for cause after written notice and a public hearing. Any vacancies occurring during the unexpired term of office of any member shall be filled by the Town Commission. Such vacancies shall be filled within 30 days after the vacancy occurs.

2.04.03 Officers; Meetings; By-Laws; Employees and Salaries

A. The Planning and Zoning Board Chairperson shall be appointed by the Town Commission, and a Vice-chairman shall be elected by the Planning and Zoning Board from among its members. The term of office shall be four years, and may be reappointed by the Mayor for consecutive terms. The Town Administrator or designee shall serve as the Planning and Zoning Board Secretary.

B. The Planning and Zoning Board shall meet at such times as the Chairperson or Board may determine. The by-laws adopted by the Planning and Zoning Board, and if applicable, Chapter 9 Administration Procedures of the Land Development Code shall reflect the schedule of regular meetings; the manner in which notice shall be given; date; time; place; and the subjects to be discussed, as well as the method of calling and conducting special meetings. A simple majority of the total membership shall constitute a quorum. After a quorum has been established, a simple majority of that quorum can transact any official business. All meetings of the Planning and Zoning Board shall be public and duly advertised consistent with public notice requirements contained in Chapter 9 of the Land Development Code of the Town of Shalimar Code of Ordinances.

C. The Planning and Zoning Board shall adopt by-laws approved by the Town Commission for the transaction of its business. The by-laws shall set forth the procedures, rules and regulations necessary for the board to conduct its business and a copy will be maintained by the Town Administrator. The procedures and rules of conducting the meetings must adhere to Robert’s Rules of Order, Newly Revised. The Board shall keep a properly indexed record of its resolutions, transactions, findings and determinations, which record shall be a public record maintained by the Town Administrator or designee.

D. The Planning and Zoning Board may, subject to the approval of the Town Commission, consider and, within the financial limitations set by appropriations made or other funds available, employ such experts, technicians, and staff as may be deemed proper and establish their salaries, contractual charges and fees, and such other expenses as are necessary to conduct the work of the board.
2.04.04 Appropriation of Funds; Schedule of Fees

The Town Commission shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the Planning and Zoning Board and shall also establish a schedule of fees to be charged by the Board. To accomplish the purposes and activities authorized by this Chapter, the Board, with the approval of the Town Commission and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the Town Commission.

2.04.05 Functions, Powers and Duties

The Planning and Zoning Board shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the Planning and Zoning Board is hereby delegated as the official Town of Shalimar Local Planning Agency (LPA) with function, powers, and duties outlined below.

A. Be the agency responsible for the preparation of the comprehensive plan or plan amendment and make recommendations to the Town Commission regarding the adoption or amendment of such plan. During the preparation of the plan or plan amendment and prior to any recommendation to the Town Commission, the Planning and Zoning Board shall hold at least one public hearing, with due public notice, on the proposed plan or plan amendment. The Town Commission, in cooperation with the Planning and Zoning Board, may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the Town Commission shall be the responsibility of the Planning and Zoning Board;

B. Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Town Commission such changes in the comprehensive plan as may from time to time be required, including preparation of the periodic reports required by Section 163.3191, F.S.;

C. Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the Town Commission as to the consistency of the proposal with the adopted comprehensive plan, or element, or portion thereof;

D. Serve as the accredited representative of the Town Commission for the purpose of reviewing and/or approving plats as provided for in Chapters 163 and 177, F.S. where so designated by the Town Commission in the Town's Land Development Code and procedures for subdivision and plat approval;

E. Serve as the approval authority as identified in the Land Development Code;

F. Perform any other functions, duties, and responsibilities assigned to it by the Town Commission or by general or special law.

2.05.00 TECHNICAL REVIEW BOARD

The Technical Review Board (TRB) shall be comprised of three permanent members: the Streets and Grounds Commissioner, the Chairman of the Planning and Zoning Board, and the Town
Administrator. Should one of the permanent board members be temporarily unavailable to serve, the Mayor will appoint an alternate. In any event, the TRB will be chaired by a member of the Town Commission. Further, only one Town Commission member and one Planning and Zoning Board member may serve on the board at any given time. Finally, the chairman of the TRB may, at their discretion, appoint additional ad-hoc members to assist in the review of a development proposal. The Technical Review Board has primary responsibilities for preliminary development review procedures as outlined in the Land Development Code. The Technical Review Board by-laws will be approved by the Town Commission.

2.06.00 POLICE DEPARTMENT

2.06.01 Generally

There shall be established in the Town a Police Department consisting of such officers and personnel as shall be selected and decided upon by the Town Commission. Such officials and personnel shall be uniformed, equipped, and educated as determined by the Town Commission and under the guidelines and standards of the Florida Statutes, and more specifically F.S. Ch. 943.

2.06.02 Funding

The Police Department shall be funded from the general funds of the Town, and shall be funded on an annual basis by presentation of its budget to the Town Commission at such date and time specified by the Commission and approval of the budget by the Commission.

2.06.03 Chief of Police; Office Established; Power and Authority; Responsibility

There is hereby established an office of Chief of Police. The Chief of Police shall have the immediate direction and control of the Police Force, subject to the supervision and assistance of the Police Commissioner. The Chief of Police shall have the power and authority to suspend any employee of the Police department, temporarily, with or without pay. The Chief of Police shall jointly with the Police Commissioner have the authority and responsibility for promulgation and approval of a policy manual, orders, rules, regulations, and internal procedure governing the Police Force.

2.06.04 Enforcement of Laws

It shall be the duty of the members of the Police Force to see to the enforcement of all of the ordinances of the Town and all Town statutes applicable therein; and to preserve order, prevent infraction of the law, and to arrest violators thereof.

2.06.05 Neglect or Refusal to Perform Duty

It shall be unlawful for any member of the Police Force to neglect or to refuse to perform any duty.
2.07.00 ELECTIONS FOR TOWN COMMISSION AND/OR REFERENDUMS

2.07.01 Adoption of State Statutes.

The Town does hereby adopt Chapters 97-104, F.S., the Florida Election Code, as such code pertains to municipalities, for the regulation of electors and elections within the Town. The decisions and amendments heretofore made or which shall be hereinafter made which affect or interpret the above statutes are also intended to be incorporated within the ordinances of the Town.

2.07.02 Officials of Town to be Elected; Procedure for Selecting Mayor

The following shall be the elective officials of the Town, to be elected by plurality vote of the qualified electors of the Town, voting in that election:

A. Four Commissioners;
B. A Mayor.

2.07.03 Mayor Pro Tem

A Mayor pro tem shall be a member of the Town Commission, other than the Mayor, selected by a majority of the Town Commission. The selection shall occur in every odd number year at the regular meeting next following the election of that year.

2.07.04 Dates Elections Held

Pursuant to the Town Charter and Chapters 92 - 270, Laws of Florida, an election shall be held within the Town on the second Tuesday of March in every odd-numbered year to fill the vacancies in the expiring terms of two Commissioners and the Mayor. At that election, the two Commissioners receiving the largest number of votes shall be considered to be elected for a four-year term.

2.07.05 Commissioner Seats; Terms; Vacancies

A. The places on the Town Commission shall be by seat number. Each Commission seat in the Town is hereby arbitrarily assigned a number. Those numbers shall be one through five, as follows:

B. Seat one in the Town shall be held by the Mayor. The Mayor shall continue to have a two-year term pursuant to the Charter and shall be elected in every odd-numbered year;

C. Seats two and five shall have four-year terms;

D. The term of office for seats number three and five shall expire in 1993 and each four years thereafter;
E. Vacancies among the four Commissioners or in the office of the Mayor shall be filled by a vote of the majority of the remaining Commissioners to appoint a person to serve until the next election.

F. Elections within the Town shall be at large. Each elector shall be entitled to vote to fill the vacancy in Commission seats for the expiring term of the Commissioner and in the office of Mayor.

2.07.06 Runoff Election; Tie Votes

The seats to be filled at an election shall be filled by the candidates receiving the highest number of votes. If a tie vote prevents a determination of which candidates have received the largest number of votes for the seats, a further election shall be held 14 days from the date of the first election. That election shall be held in a like manner, and the electors shall vote only for the candidates having had the tie votes. The candidate receiving the largest number of votes in the runoff election shall fill the vacant seat.

2.07.07 Assumption of Office by Elected Officials

The newly elected Commissioners and the Mayor shall take office at the first meeting in April. At the commencement of the meeting the newly elected Commissioners and Mayor shall be sworn in. At that meeting, the Mayor pro temp shall be selected by a majority of the Commissioners. In addition, at that meeting or otherwise at the earliest date thereafter as may be practicable, each of any standing boards and/or ad hoc committees may be reviewed and its personnel updated by appointment by the Town Commission.

2.07.08 – Commissioner Member Responsibilities

A. The most important responsibility of a Commission member is participation at Commission meetings. Each Commission member, including the Mayor, has authority to make and second motions, participate in discussions, and vote on every matter before the Commission.

B. When designated by the Mayor as the Commissioner responsible for oversight of a Town department, oversight shall include helping to ensure that their assigned department adheres to all Personnel and Administrative Policies.
## CHAPTER 2 TABLE OF HISTORICAL NOTES AND REFERENCES

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CHAPTER 3 FINANCE

3.00.00 GENERALLY

3.01.00 PURCHASES AND CONTRACTS

The terms and phrases, Buyer and Contractual services, when used in this chapter, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning. These terms and phrases are as described in Chapter 1 General Provisions of this code.

3.01.01 Purchasing Limitations

A. A department head is hereby allowed to authorize purchases up to $200.00 and the Town Administrator may authorize purchases up to $1,000.00.

B. The Town Commissioner designated for oversight jurisdiction as provided in Section 2.01.02 Overseeing of Certain Areas and Departments is authorized to approve purchases up to $5,000.00.

C. All non-emergency purchases above $5,000.00 shall require approval by the Town Commission.

D. All purchases of $3,000.00 and above shall be purchased through a competitive bidding process.

3.01.02 Purchase Orders

Each purchase of over $1,000.00 shall be made by purchase order and all purchase orders shall be maintained by the Town Administrator. No single item or group of similar items shall be split into two or more purchases if the effect is to avoid the issuance of a single purchase order under this chapter.

3.01.03 Approval of Purchase Orders

A. Purchase orders for $1,000.00 to $5,000.00 shall be signed by the Town Commissioner who has been given jurisdiction of the subject area designated in this code.

B. If the person responsible for the purchases as designated in this code is not reasonably available to approve a purchase order, such purchase order may be approved by any one of the following persons who shall be selected in priority according to the order in which they appear below:

1. The Mayor;
2. The Finance Commissioner;
3. Any other member of the Town Commission.
3.01.04 Unauthorized Purchase

Except as provided in this chapter, it shall be unlawful for any Town officer or other person to order any materials or supplies or make any contracts for materials or supplies for over $1,000.00 other than by a purchase order signed by the Town Commissioner who has jurisdiction as designated in this code. The Town shall not be bound by any purchase, or purchase order, or contract made contrary to the provisions of this chapter. Additionally, the Town shall not be bound by the purchases if the buyer exceeds the scope of their purchasing authority. Actions taken in good faith on behalf of the Town in violation of this chapter may be ratified by a specific motion at a subsequent Town Commission meeting.

3.02.00 BUYER’S DUTIES

In addition to any other powers and duties conferred by this chapter, the buyer shall:

A. Act to procure for the Town the highest quality in supplies, equipment, and contractual services at the least expense to the Town;

B. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;

C. Explore the possibilities of buying in bulk so as to take full advantage of discounts, where the nature of the item permits such procedure;

D. Act so as to procure for the Town all tax exemptions to which it is entitled;

E. Cooperate with all elements and personnel of the Town so as to secure the maximum efficiency in budgeting and accounting.

3.02.01 Issuance of Order Upon Determination of Sufficient Funds

Except in cases of emergency, the buyer shall not issue any order for delivery on a contract or open market purchase until the buyer shall have ascertained that sufficient funds are available in the budget for that fiscal year.

3.03.00 OFFICIAL SMALL ITEM EXPENDITURES; REIMBURSEMENT

Any official expenditure shall require a receipt submitted to the Town Administrator or designee. Guidelines for reimbursement of personal funds shall be in the Town Administrative Manual.

3.04.00 COMPETITIVE BID PROCEDURE

A. When required

All supplies and equipment and contractual services, except as otherwise provided in this chapter, when the estimated cost thereof shall exceed $3,000.00, shall be purchased by a formal written contract and/or purchase order from the lowest and best responsible bidder, after due notice inviting proposals. However, the Town Commission shall have the authority to waive execution of a formal contract in cases where it deems it advisable to do so.
B. Personal property

All sales of personal property, except trade-in personal property, which have become obsolete and unusable, when estimated value shall exceed $3,000.00, shall be accomplished by formal contract to the highest responsible bidder after due notice inviting proposals.

C. Procedure

The procedure for inviting bids shall be as follows:

1. Notice inviting bids shall be published once in at least one official newspaper having general distribution in the Town at least ten working days preceding the last day set for the receipt of proposals;

2. The newspaper notice shall include a general description of the articles to be purchased or sold, shall state where specifications may be secured, and the time, date, and place during which the bids will be received by the Town and when they will be opened;

3. The buyer is authorized to and may also solicit sealed bids from all responsible prospective suppliers known to him or who have requested their names be added to a bidders list which the buyer shall maintain by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale;

4. The Town Commission may authorize purchases from or sale to other government entities without formal or open market bid procedure.

D. Bid deposits

When deemed necessary by the buyer, a bid deposit shall be prescribed in the bid specifications. When required, bids shall be accompanied by a certified check or bond, made payable to the Town in an amount stipulated in the specifications. Unsuccessful bidders shall be entitled to return of surety where the buyer has required such. A successful bidder shall forfeit any surety required by the buyer upon failure on their part to enter a contract within ten days after a written contract is presented to him.

E. Procedural requirements for submission and acceptance of bids:

1. Sealed bids shall be submitted to the Town Administrator and shall be identified as bids on the outside of the envelope;

2. Bids shall be opened in public at the time and place stated in the public notices. When the bids are opened, they shall be read aloud publicly;

3. A tabulation of all bids received shall be made and shall be available for public inspection.

F. Rejection of bids and negotiation

Rejection of bids and negotiation shall be as follows:

1. The Town Commission shall have the authority to reject any and all bids;
2. If the lowest and best bid exceeds the budgeted amount and the Town Commission does not make additional funds available, the items will be advertised for bidding after making changes in the project plans to bring the cost within the limit of the money available;

3. The Town Commission shall have the authority to waive any and all irregularities in any and all formal bids.

G. Award of contract

All contracts of $3,000.00 or more shall be awarded by the Town Commission to the lowest and best bidder. In determining the lowest and best bidder, in addition to price, there shall be considered the following:

1. The ability, capability and skill of the bidder to perform the contract;
2. Whether the bidder can perform the contract within the time specified, without delay or interference;
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
4. The quality of performance of previous contracts;
5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
7. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;
8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
9. The number and scope of conditions attached to the bid;
10. The conformity of the bid to specifications;
11. The best interests of the Town;
12. Failure to specify all or part of the contract that shall be let to a subcontractor;
13. Failure of bidders to comply with requirement of the U.S. Labor Department when the contract is in part or totally supported by the U.S. government funds.

H. Award to other than low bidder

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the buyer, included in the minutes typed on the tabulation sheet, which must be signed by the buyer and filed with the other papers relating to the transaction.

I. Tie bids

All tie bids of $3,000.00 or more shall be awarded by the Town Commission.
3.05.00 OPEN MARKET CONTRACTS

A. Authorized

All purchases of supplies and contractual services of a total estimated value of more than $1,000.00 and less than $3,000.00, and all sales of personal property which have become obsolete and unusable, of less than the estimated value of $3,000.00 may be made in the open market without newspaper advertisement and without observing the procedure prescribed by this chapter for formal purchasing or sales procedures. Whenever open market procedures are used, the buyer shall observe the general provisions of this chapter to secure the best item for the amount spent.

B. Minimum number of bids

All open market purchases or sales shall, whenever possible, be based on at least three competitive bids and may be awarded to the lowest responsible bidder in accordance with the standards set forth in this chapter, or the highest responsible bidder in case of a sale.

C. Invitation of bids

The buyer may solicit by:

1. Direct mail request to prospective vendors;
2. Telephone;
3. In person.

D. Oral bids

All oral bids in excess of $200.00 shall, whenever possible, be confirmed in writing. The buyer shall keep a record of all open market bids submitted in competition thereon, and such records shall be open to public inspection.

3.06.00 EMERGENCY PURCHASES

A. By Mayor

In case of an apparent emergency which requires immediate purchase of supplies or contractual service, the Mayor shall be empowered to authorize the buyer to secure by open market procedure as set forth in this chapter, at the lowest obtainable price, any supplies or contractual services not exceeding $10,000.00. The Mayor has the authority to act in the case of any emergency that might affect the health, safety, and welfare of the Town. Such action shall be reported at the next regular meeting to the Town Commission.

B. Emergency procedures

The Mayor shall prescribe the procedure under which emergency purchases by any person on behalf of the Town may be made.
3.07.00 STANDARDIZATION, COOPERATIVE PURCHASING AND GOVERNMENTAL CONTRACTS

A. The buyer shall have the authority to join with other units of government in cooperative purchasing ventures when the best interest of the Town would be served thereby, and the same is in accordance with the Town and State Law.

B. Formal contract procedures shall not apply to established state contracts, or federal general services administration contracts. Purchases in any amount may be made against those contracts, provided they are in the best interest of the Town and so long as the expenditure is either authorized by the Town Commission or is a budget expenditure, less than $3,000.00.

3.08.00 GENERAL PROVISIONS APPLICABLE TO ALL CONTRACTS

A. Performance and payment bonds
   All performance bonds shall be approved by the Mayor and shall be written on surety companies authorized to do business in the State.

B. Subdivision
   No contract or purchase shall be subdivided to avoid the requirements of this chapter.

3.09.00 INSPECTION OF SUPPLIES AND SERVICES BEFORE PAYMENT

The buyer shall inspect every item purchased or contractual service rendered to determine their conformance with the specifications set forth in the purchase order or contract, and that the item meets minimum merchantable standards prior to payment. The buyer shall certify by signature on the invoice or elsewhere that the commodities have been delivered or the contractual services rendered in conformance with specifications set forth in the contract and that the item meets the minimum merchantable standards.

3.10.00 CHECKING INVOICES

The buyer shall promptly check all invoices and totals to ascertain if terms, unit prices and amounts are correct. The buyer shall certify in writing that the invoice is correct.
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CHAPTER 4 FEES

4.01.00 ADMINISTRATIVE COST AND ATTORNEY FEES

4.01.01 Generally

A. The definitions for administrative cost, special or private interest action addressed in this chapter are as defined in Section 1.03.00 Acronyms and Definitions herein of this code.

Any person who requests special or private interest action from the Town Commission, including zoning amendments, closing of roads or alleys, franchise amendments, etc., may be required by the Town Commission to pay the administrative costs and/or attorney fees directly resulting from the action or request whenever such charges are actually incurred and paid by the Town Commission.

B. The Town Commission may make its action, resolution, amendment, or ordinance contingent upon payment of the costs assessable.

4.02.00 RIGHT TO ASSESS ENGINEERING COSTS, LEGAL FEES AND OTHER COSTS

The Town reserves the right to assess engineering costs, legal fees, and certain other costs that may be incurred for the special benefit of, and at the request of, any property owner under certain conditions.

4.03.00 INDEMNIFICATION OF THIRD PARTY PROHIBITED

It shall be unlawful for the Town of Shalimar, or any of its agents, officers, employees, or others acting on behalf of the Town, to indemnify any third party as to any incident in negligence, contract, or otherwise.

Any contractual provision entered into by any agent or body representing or ostensibly authorized by the Town is hereafter void.

This prohibition shall control all obligations of the Town, whether those obligations are initiated after the date of this chapter, or prior to the date of this chapter, except that all parties who claim any right to indemnity arising out of any contract or agreement previously authorized in which the Town is a party shall have 180 days from the effective date of this chapter within which to submit its contract for amendment, action on the indemnity, reaffirmation of the indemnity, or renegotiation.
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CHAPTER 5 ANIMALS

5.01.00 GENERALLY

5.01.01 Definitions

The terms and phrases animal, animal control agency, animal control officer, animal shelter, bad dog, bad cat or bad animal, citation, cruelty, custodian, direct control, farm animal, harbor, potential rabies carrier, and spay neuter when used in this chapter, shall have the meanings ascribed in this chapter, except where the context clearly indicates a different meaning. These terms and phrases are defined in the Section 1.03.00 Acronyms and Definitions herein of this code.

5.01.02 Enactment and Authority

In accordance with and pursuant to the authority of Chapters 166 and 828, F.S., the Town Commission hereby establishes regulations in the interest of public health, safety, and welfare to provide protection for, and to regulate and control animals in the Town. The powers and authority granted under this chapter shall be supplemental to those already provided for in state statutes concerning local animal control, the regulation of dangerous animals, cruelty to animals, and the sale or transfer of dogs and cats.

5.02.00 BAD ANIMAL

A. Harboring; citation of owner

It shall be unlawful and a civil infraction for the owner or custodian to harbor within the Town any animal which by experience, breeding, or training, can be reasonably expected to bite, inflict injury upon, or otherwise attack a person or another animal without provocation. Any animal which attacks and bites a person or another animal without provocation shall be deemed a bad animal, and the owner or custodian of such animal shall be issued a citation for violation of this section, punishable by a fine as determined by animal control agency.

B. Chasing or terrorizing by animal

It shall be unlawful and a civil infraction for any animal, when unprovoked, to approach or chase any person in an apparent attitude of attack or in a vicious or terrorizing manner. Such animal shall be deemed a bad ____________ to indicate the specie of animal.

C. Applicability of section

This section shall not pertain to second or subsequent occurrences involving the same animal; or to aggravated occurrences specified in Chapter 767, F.S., which occurrences shall be charged pursuant to Section 5.05.07 Penalties for Violation herein of this chapter.

D. Potential rabies carriers

No person shall own, possess, sell, harbor, or transfer any animal which is a potential rabies carrier in the Town. It shall be the responsibility of the owner or custodian of any potential
rabies carrier to provide proof of the acquisition date and the animal's source if requested to do so by the animal control agency, the county public health unit, or any law enforcement officer. This provision shall not apply to properly licensed or permitted museums, wildlife rehabilitators, zoos, zoological parks, or research facilities.

**5.03.00 UNRESTRAINED ANIMALS IN OPEN VEHICLES**

It shall be unlawful and a civil infraction to transport on any public street any dog or other animal in a vehicle that is not fully enclosed unless the animal is confined in a cage or container or temporarily securely tethered by a device that will not permit the animal to fall or jump from the vehicle.

**5.04.00 SALE OR GIFT OF CERTAIN ANIMALS**

A. It shall be unlawful for any person to sell, offer for sale, or give away in the Town baby chickens, ducklings, or other fowl under four weeks of age, or rabbits under eight weeks of age, to be used as pets, toys, or retail premiums; or to give away or offer any animal as a prize, toy, or merchandising premium.

B. It shall be unlawful for the owner or manager of any business or store to allow any person to sell or give away any animal in front of that business or store.

C. It shall be unlawful for any person to give away, sell, or offer for sale any animal in front of any business, store, or on the side of any public road or on other public property in the Town.

D. Nothing in this section shall prevent any pet shop, feed store, or other business establishment licensed in the Town to sell live animals or from displaying animals for sale outside the store premises as part of a sale promotion.

E. Any person violating the provisions of this chapter shall be punished according to the provisions of Section Civil infractions and Section Penalties for violation herein of this chapter.

**5.05.00 ADMINISTRATION AND ENFORCEMENT**

**5.05.01 Generally**

**5.05.02 Animal Control Officer**

The Town Commission has delegated enforcement authority to the Animal Control Officer. The Animal Control Officer is employed with the Okaloosa County Animal Control Agency.

**5.05.03 Enforcement Authority**

A. The animal control officer shall have full and complete authority in the enforcement of this chapter and may pick up or apprehend any animal under any circumstance which constitutes a violation of this chapter or state statute and impound the animal.
B. The animal control officer may enter public or unfenced private property within the Town to carry out the enforcement of this chapter or state statute.

C. The animal control officer may enter fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or officer receiving a sworn complaint regarding a violation, but subsequently the animal returned to its owner's or custodian's fenced private property; provided, however, that an attempt to contact the owner or custodian, if known, was unsuccessful.

D. The animal control officer may enter fenced private property for the purpose of enforcing the provisions of Section 828.073, F.S., concerning the removal of neglected or mistreated animals.

E. The animal control officer may carry and utilize a humane chemical capture device to subdue and tranquilize an animal.

F. The animal control officer may issue citations and/or notices to appear in the county court for violations of this chapter when reasonable and probable cause exists that a violation has occurred.

5.05.04 Interference with Officer.

A. It shall be unlawful and a civil infraction for any person to hinder, obstruct, or otherwise interfere with an officer while discharging their duties under this chapter; or to take or attempt to take any animal from any vehicle used by the officer to transport animals; or to take or attempt to take any animal from the animal shelter without proper authority; or to knowingly interfere with any animal trap set by an officer or persons obtaining such traps from the animal control agency. The fine for a violation of this subsection shall be determined by Town Commission Resolution in accordance with Section 1.01.07 General Penalty; Continuing Violations; Violation as Public Nuisance herein.

B. Any person who tears down, burns, defaces, destroys, or otherwise damages any animal control vehicle, animal shelter, or enclosure thereof, shall be punished according to the provisions of the Section Penalties for violation herein of this chapter.

5.05.05 Enforcement, Impoundment, Redemption, and Disposition of Animals

A. The animal control officer may apprehend any animal found being cruelly treated and/or doing or subject to any of the acts defined in this chapter as violations. After impoundment, the animal control agency shall determine whether the animal is licensed or otherwise identifiable, and make reasonable effort to notify the owner either by mail or telephone that the animal has been impounded and under what conditions it may be redeemed. The animal shall remain impounded in the animal shelter for not less than five working days, unless redeemed by its owner, after which disposition may be made as provided in this section.

B. An impounded animal eligible to be released may be redeemed by its owner upon proof of ownership and after payment of all applicable fines, impound fees, and reasonable boarding fees. The animal control agency may waive the first impound fee if an animal is redeemed by its owner the same day it is impounded.
C. An impounded animal that is not redeemed within the periods provided may be offered for adoption pursuant to the requirements of Section 823.15, F.S. or humanely euthanized at the discretion of the animal control agency. No dog or cat shall be released by the animal control agency or from an animal shelter for any purposes except redemption by the owner or adoption for the limited purpose of harboring a household pet.

5.05.06 Civil Infractions

A. Unless otherwise specified, a violation of this chapter constitutes a civil infraction which may result in a maximum civil penalty not to exceed $500.00.

B. An animal control officer shall have the discretion for a first violation to issue either a warning citation with no civil penalty, or a citation for a civil penalty and/or a mandatory court appearance as designated in the Section Penalties for violation herein of this chapter.

C. Any person cited for an infraction under this chapter shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court if such person wishes to contest the charges, or if a mandatory court appearance is required. Any person who willfully refuses to sign and accept a citation issued by an officer shall be punished according to the Section Penalties for violation herein of this chapter.

D. Any person cited for a violation of this chapter may pay the civil penalty within ten days of the date of receiving the citation. If the person cited pays the civil penalty, they shall be deemed to have admitted the infraction.

E. Any person cited for a violation of this chapter may elect to appear in county court on the date and time specified in the citation to contest the citation.

F. If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by the Section Penalties for violations herein of this chapter the court may issue an order to show cause requiring such persons to appear before the court to explain why action on the citation has not been taken. Any person failing to appear in response to the court's directive may be held in contempt of court.

G. If an animal is impounded for violation of this chapter and the owner of the animal abandons the animal to the animal control agency, the owner remains liable for all fees and penalties imposed.

H. Any person issued a citation for a violation of the Section Rabies vaccination required herein of this chapter may have the citation dismissed upon presentation to the animal control agency of a valid current rabies vaccination.

5.05.07 Penalties for Violation

A. Unless otherwise specified, any person cited for an infraction under this chapter shall pay a civil penalty to the animal control agency or the Town in accordance with a penalty schedule kept on file at the animal control facility and/or the Town Hall.

B. There shall be an additional penalty for animals not spayed or neutered. The owner of an animal impounded for a second time and found in violation of this chapter shall be assessed
an additional fine of $500.00 if the animal has not been spayed or neutered. The owner of such animal shall have the option of paying the additional $500.00 fine or, in the alternative, shall have the animal spayed or neutered by a licensed veterinarian within ten days of the violation. If the owner elects to have the animal spayed or neutered, the owner shall present proof upon payment of the fine. The animal control agency, upon acceptance of proof of spaying or neutering, shall deduct $250.00 from the total fine amount.

C. A mandatory court appearance is required for aggravated violations of this chapter as follows:
   1. The second and subsequent occurrence of unprovoked biting, attacking, or wounding of a human or another animal by the same animal or by an animal owned by the same person;
   2. The second and subsequent violations involving the destruction or loss of personal property committed by the same animal, or by an animal owned by the same person;
   3. The second and subsequent violations of animal cruelty laws by a person;
   4. The issuance of a third or subsequent citation to a person for any violation of this chapter.

D. Persons required to appear in court pursuant to this section do not have the option of paying a fine instead of appearing in court.

5.05.08 Use of Revenue

All revenue derived from the fines and penalties collected under this chapter shall be used exclusively to recover or offset the costs of enforcement and administration of the animal control program and this chapter.

5.05.09 Fine or Penalty Distribution

Fines or penalties collected pursuant to this chapter by the Okaloosa County Clerk of the Circuit Court shall be remitted to the agency bringing the civil action and used to support the costs of the animal control program.

5.06.00 RECORDS

The Town shall keep records of impoundment, and disposition of all animals coming into the custody of the animal control agency; of all bite cases, complaints, and investigations of violations; and of all monies collected pursuant to this chapter. These records shall be open to inspection at reasonable times by persons responsible for such inspections for the Town.

5.07.00 DOGS AND CATS

5.07.01 Dangerous Dogs

A. Adoption of state statutes

   The Town adopts and incorporates herein by reference Chapter 767, F.S. concerning the designation, regulation, and control of dangerous dogs.
B. Certificate of registration fee; renewal

The fee for the issuance of any required certificates of registration of dangerous dogs and each annual renewal thereof shall be according to the fee schedule maintained by the animal control agency or the Town.

C. Appeal procedures

The animal control agency shall promulgate appeal procedures by which the owner of a dog classified as dangerous may appeal such classification, which procedures shall be approved by the Town Commission by resolution. The animal control agency shall provide written notification of the appeal procedures to the owner of a dog to be classified as dangerous by certified mail or certified hand delivery.

D. Confinement

The owner of a dog classified as dangerous must confine the dog in a securely fenced or enclosed area pending resolution of any appeal. If the owner fails to confine the animal, it shall be seized by the animal control agency and impounded in the animal shelter at the owner's expense pending resolution of the appeal.

5.07.02 Restraint and Confinement to Property

A. Restraints on owner's or custodian's property

Owners and custodians of dogs and cats will exercise diligence and reasonable care to prevent their animals from leaving their premises. Restraint exists when the animal is:

1. Enclosed within a house, building, fence, pen, or other enclosure where the animal cannot climb, dig, jump or otherwise escape. Such enclosure must be securely fastened any time the animal is left unattended;
2. On a leash held by a competent person;
3. Off a leash but under voice control and obedient to such person's commands and such person is present with the animal at all times.

B. Restraint while off owner's or custodian's property

Owners and custodians of dogs and cats will exercise diligence and reasonable care to keep their animals under restraint while off the owner's or custodian's premises. The only acceptable methods of restraint are:

1. Inside a vehicle, parked or in motion;
2. Confined within a secure enclosure with permission of the occupant of the property where the animal is temporarily located;
3. On a leash held by a competent person;
4. In a securely fastened cage or animal carrier with adequate ventilation and room for the animal.

C. Tethering
Dogs or cats shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, fences or other stationary objects as a means of confinement to property.

5.07.03 Harboring any Stray

Persons who harbor any stray dog or cat are required to notify the animal control agency of the presence of the stray dog or cat, including a description of the animal, which information will assist the animal control agency and/or animal owners in locating missing pets. The animal control agency may request the surrender of a stray animal within ten days if an owner is identified.

5.07.04 Animal Related Public Nuisances

A. Violation of the following shall be unlawful. It shall also be unlawful and a civil infraction for the owner or custodian of an animal to permit the following nuisances to be committed, either willfully or through failure to exercise due care or control:

1. No dog or cat shall be permitted to habitually chase after or otherwise harass persons or vehicles;

2. No dog or cat shall be permitted to trespass on school grounds, or other public or private property, except that this restriction does not apply to dogs utilized by law enforcement agencies in law enforcement activities or to dogs trained to assist a blind, deaf, or physically handicapped person when in the company of that person;

3. No dog or cat shall be permitted to run at large off the premises of its owner or custodian and upon public property, or upon private property of others without the permission of the owner or occupant of such private property;

4. No dog or cat shall be permitted to destroy or damage private or public real or personal property of another, or cause serious annoyance to premises of another by interfering with the reasonable use and enjoyment of the property;

5. No dog or cat shall be permitted to bark, bay, cry, whine, or howl or make any other noise continuously and/or incessantly in an excessive, habitual, or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located. However, a dog will not be deemed a barking dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property where the dog is situated or for any other legitimate cause which teased or provoked the dog. In the case of multiple animals at one location, it shall not be necessary to single out which specific dog or cat committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises.

B. It shall be unlawful and a civil infraction for the owner or custodian of an animal to fail to immediately remove and dispose of that animal's waste upon any public or private property when the owner or custodian of the animal could reasonably be expected to be aware of the waste or has received notice of the existence of the waste. Anyone walking their animal
while off the owner's property shall have in their possession an appropriate implement, such as a pooper scooper or shovel and bag, for removal and transport of their animal's waste.

C. No farm animals of any kind shall be kept, raised nor bred within the Town. Dogs, cats and other household pets shall not be kept, raised, nor bred for commercial purposes.

5.07.05 Rabies Vaccination Required

A. Every owner maintaining a dog or cat over the age of three months shall have such dog or cat vaccinated against rabies by a licensed veterinarian either annually with a one-year vaccine or every three years with a three-year vaccine approved for use in the United States. Evidence of vaccination shall consist of a rabies tag and a certificate signed by the veterinarian administering the vaccine and containing pertinent data for identification of the animal. The rabies tag shall be securely affixed to a collar or harness and worn by the dog or cat at all times when off the premises of the owner or custodian, except as otherwise specified.

B. A rabies tag may be removed from a dog or cat participating in an organized exhibition, trial or show, or undergoing training, providing the dog or cat is under the direct control of an owner or custodian.

5.08.00 ANIMAL CARE AND CONTROL

5.08.01 Shelter; Protection from the Weather; Humane Care

A. It shall be unlawful and a civil infraction for any person owning or responsible for continuing or impounding any animal to fail to provide the animal with proper shelter, protection from the weather, or humanely clean conditions as prescribed in this section:

1. Indoor standards
   Minimum indoor standards of shelter shall be as follows:
   a) The ambient temperature shall be compatible with the health of the animal;
   b) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.

2. Outdoor standards
   Minimum outdoor standards of shelter shall be:
   a) When sunlight is likely to cause heat exhaustion of an animal housed outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight;
   b) Shelter from inclement weather shall be as follows:
      i. An artificial shelter providing relief from the elements and appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal;
ii. If a dog or cat is confined outdoors or in an unheated enclosure, a shelter of suitable size with a floor above ground and waterproof room shall be provided to accommodate the dog or cat and protect it from the weather and, in particular, from severe cold. It shall be made of durable material with a solid floor raised above the ground and with the entrance covered by a flexible windproof material or a self-closing, swinging door. The structure shall be provided with a sufficient quantity of suitable bedding consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

3. Space standards

Minimum space requirements for both indoor and outdoor enclosures shall include:

a) The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal;

b) Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress, or abnormal behavior patterns.

B. It shall be unlawful and a civil infraction to fail to provide an animal with wholesome exercise and a sufficient quantity of good and wholesome food and water adequate to nutritional requirements of the species, or to fail to provide veterinary care when required to prevent suffering.

C. It shall be unlawful and a civil infraction to confine any animal in a building, enclosure, car, boat, vehicle, or vessel of any kind when extreme heat or extreme cold will be harmful to its health. The animal control officer may remove any animal so confined, after a reasonable attempt to locate the owner of the animal has failed, and may use the amount of force reasonably necessary to remove the animal. The animal control officer will leave a written notice in a prominent place indicating that the animal has been impounded and where it may be claimed by the owner.

D. It shall be unlawful and a civil infraction for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to a person residing within reasonable proximity of the premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises. It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

5.08.02 Abandonment

It shall be unlawful and a civil infraction for any person to abandon an animal. Unwanted animals shall be relinquished to the animal control agency. Such animals will become the property of the animal control agency and shall only be released for adoption or humanely euthanized in accordance with this chapter.
5.08.03 Reporting Injury to Animals by Motor Vehicles

Any operator of a motor vehicle that has injured a domestic animal shall immediately notify the owner, if known, the animal control agency, or the Town Police Department, and advise as to the location of the injured animal. Failure to notify one of such authorities shall constitute a civil infraction.

5.08.04 Animal Bites; Rabies Control; Quarantine

A. It shall be the duty of any person bitten by an animal, or the owner or harborer of an animal if they have knowledge that the animal has bitten any person, and any medical person/facility which treats a person bitten by an animal, to report the incident to the county health department for supervised quarantine prescribed by state regulations. The place of quarantine for stray and/or owned animals shall be as prescribed by the county health department and, if the animal is owned, shall be at the owner's expense. Animals may be redeemed by the owner when released from quarantine by the county health department.

B. The animal control agency shall cooperate with the county health department in the impoundment, apprehension, and/or quarantine of animals pursuant to a written agreement between the two agencies.

C. After investigation of an animal bite case by the animal control agency, if it is determined by the investigating officer that the bite was unprovoked, the owner of the animal shall be deemed guilty of a civil infraction and issued a citation pursuant to Sections Civil infractions and Penalties for violation herein of this chapter.

5.08.05 Performing Animal Exhibitions

A. No person shall conduct, sponsor or participate in a performing animal exhibition, display, circus, or rodeo in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

B. All equipment on performing animals shall fit properly and be in good working condition.
### CHAPTER 5 TABLE OF HISTORICAL NOTES AND REFERENCES

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CHAPTER 6 ENVIRONMENT AND NUISANCE

6.01.00 GENERALLY

6.01.01 Definitions

The terms and phrases abandoned vehicle, authorized private receptacle, code enforcement official, developed, garbage, graffiti, handbill, hazardous material, hazardous tree, litter, nuisance vehicle, pristine, private premises, property owner, public nuisance, public right of way, public place, refuse, trash/debris/litter, undeveloped, unwholesome, vehicle, and weeds shall have the meanings ascribed in this chapter, except where the context clearly indicates a different meaning. These terms and phrases are defined in the Section 1.03.00 Acronyms and Definitions herein of this code.

6.02.00 RIGHT OF ENTRY BY CODE ENFORCEMENT OFFICIAL OR DESIGNEE

The Code Enforcement Official or designee shall have the right to enter upon real property, and shall be immune from prosecution, civil or criminal, for trespassing upon such real property in the discharge of the duties in removing, terminating, or abating violations of both the General Ordinances and the Land Development Code.

6.03.00 REPORT OF VIOLATIONS;

6.03.01 Notice

The Code Enforcement Official or the Police Department shall be the initial point of contact for all reported violations of the Ordinances. If the Code Enforcement Official deems any report to be in violation of the Ordinances, it will be the Code Enforcement Official's duty to notify, within five (5) days, by certified mail, regular mail, and personal delivery, when feasible, to each property owner in violation, and to request the violation be remedied within 15 days of such notice. The Notice will be given in writing and will be treated as a notice that probable cause has been found that this ordinance is being violated. The notice will list deficiencies, required corrective action, and will state the estimated cost to remedy if the Town is required to mitigate the violation. This notice will also include the date of the next regular Town Commission meeting after the passage of 15 days – at which the code violation will be discussed and at which the property owner may offer information relevant to the violation. The property owner will be notified in writing of any changes to all code enforcement meetings or hearings. If before the noticed Commission Meeting the violations have been remedied, the Code Enforcement Officer will notify the Owner in writing that the Commission Meeting will not deal with the violation. If acceptable corrections have not been made, the matter will be presented to the Town Commission at the noticed meeting and the owner may contest the finding of violation, the estimate of costs, or ask for more time to correct the deficiencies identified in the notice. If during this regular Town Commission Meeting, it is determined that a code violation resolution
for action must be considered by the Town Commission, an independent quasi-judicial hearing shall be scheduled by the Town Commission to address the code enforcement action. During this hearing, the property owner will have the opportunity to attend and call witnesses. If code enforcement action is to be taken, the Town Commission will approve a written resolution detailing actions to be taken by the Code Enforcement Officer. The Owner will be notified of the Resolution approved by the Commission. To the extent required by the enforcement resolution, the Code Enforcement Officer will prepare a lien for any amount due the Town, including legal fees and costs, and will record a lien in that amount in the Public Records of Okaloosa County. The lien will bear interest at the rate of 18% annual simple interest and may accrue additional legal fees and costs if any are incurred. The Code Enforcement Officer is authorized to satisfy the lien when the amount due the Town is paid. The Town Commission will direct the Code Enforcement Officer to proceed to collect the amount due the Town by judicial action.

6.03.02 Recurring Violations

A. Definition
Any occurrence of substantially the same violation, after satisfactorily correcting a finding of violation by the Town Commission, that is documented by a written notice by the Code Enforcement Official, to the same violator, within twelve (12) months of the date compliance was certified by the Code Enforcement Officer, will be considered a “recurring violation”.

B. Notice
Upon finding of a recurring violation, the Code Enforcement Official shall initiate a Notice to the property owner specifying the nature of the violation and stating the necessary correction(s). The property owner will have five (5) business days within which to correct the deficiency or to petition the Town for a hearing before the Town Commission. If a hearing is requested, the property owner will be given reasonable notice of the date and time of the hearing, and a right to appear before the Town Commission. If no correction is made and confirmed in writing by the property owner to the Code Enforcement Official within five (5) business days, and no hearing is requested as provided herein, then the consequences set forth in Section 6.03.01 to the property owner will be re-imposed without additional notice.

6.04.00 NUISANCES

6.04.01 Declaration of Nuisances

A. Nuisance shall mean an unlawful act, or omission of the performance of a duty, or the suffering or permitting any condition or thing to be or to exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. In any way renders other persons insecure in life or the use of property;
4. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others;
5. Is declared by ordinance or resolution to be a nuisance.

B. Violations of Sections 6.05.02 through 6.05.11 of this chapter herein shall be considered code violations subject to enforcement according Section 6.03.00. The Town Commission shall deem all other nuisance violations by resolution.

6.04.02 Litter

A. No person shall throw or deposit litter in or upon any street, public place, or private premises except in authorized receptacles.

B. Persons placing litter in public or private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any private premises or public place.

C. No person shall sweep into or deposit in any gutter, street, private or public premises, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.

D. No person shall drive or move any vehicle containing garbage, trash or refuse unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being blown or deposited upon any public or private place.

E. No person shall throw or distribute any commercial or noncommercial handbill in or upon any sidewalk, public place, or private premises, or where there is a conspicuous sign bearing the words: "No trespassing," "no peddlers or agents," "no advertisements", or any similar notice; however, it shall not be unlawful if the recipient is willing to receive the same.

F. No person shall post or cause to be posted any notice or device to any public utility pole, tree, public structure, or building, which notice or device is calculated to attract the attention of the public. The owner of any such business so advertised whose notice or poster is affixed or posted shall be deemed to be the person who had the same posted. The Town Code Enforcement Official or designee shall cause a notice to be served in person or by certified mail to such person to remove such notice. Failure to comply with such notice of removal within the time specified shall be a code violation.

G. No person shall throw or deposit litter on any private property, whether owned by such person or not. The owner or person in control of private property shall maintain receptacles on such property where litter accumulates in such a manner that litter will be prevented from being carried or scattered by the elements or by animals. The owner or person in control of private property shall at all times maintain the premises free of litter.

H. No person shall throw or deposit litter on any open or vacant property whether owned by such person or not.
I. No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, grass clippings, brush, yard trash, concrete, earthen fill, garbage, containers, or litter or other debris in any ditch, drainage easement, or retention basin that regularly or periodically carries surface water runoff.

J. The owners and operators of commercial establishments shall store their litter in a controlled manner so as to eliminate wind-driven debris and litter in and about their establishments, to include but not be limited to the following requirements:

1. The number and size of containers necessary for each commercial establishment shall be as required to control all waste generated on the premises;

2. Spillage and overflow around containers shall immediately be cleaned up by the generator thereof as it occurs;

3. All loading and unloading areas at commercial establishments shall be provided, by the generator, with litter receptacles to store loose debris, paper, cardboard, packaging materials, and similar materials;

4. Every person in possession, in charge of, or in control of any place, public or private, where litter is accumulated or generated, shall have available, and at all times shall keep such litter in adequate and suitable receptacles and/or containers capable of holding such materials until proper final disposal is accomplished;

5. No person shall keep any accumulation of litter on any property, vacant or occupied, any premises, a public street, alley, or other public place or a private place.

K. Construction debris control, removal

All construction and demolition contractors, owners, and agents shall provide onsite control measures for the storage of loose debris, paper, tarpaper, packaging, and crating materials and other litter to prevent wind-driven scattering of such materials if the materials are otherwise not properly disposed of on a daily basis. All litter, tarpaper, packaging, and crating materials and similar materials shall be removed within 30 days after the completion of the construction or demolition.

L. Responsibility for surrounding areas

Each operator, owner, lessee, or agent of any business, industry, or institution, private or public, profit or nonprofit, shall keep the adjacent and surrounding areas clean of wind-driven litter generated from such business, industry, or institution. These areas include public property, roads, rights-of-way, grounds, parking lots, loading and unloading areas, and vacant lots owned or leased by such business, industry, or institution.

M. Unauthorized storage/disposal

No private property owner, tenant, occupant, lessee, or agent shall store hazardous material in an unsecured storage unit or grant permission to any person to dispose of litter on the property in any manner other than in permitted disposal sites.

N. Open storage
6.04.03 Landscape Maintenance

A. Commercial establishments

All commercial establishments will maintain landscaping plans as designed and approved in landscaping plans for final development orders.

B. Buildings and lots

It is unlawful for any person who owns or is in possession of, in charge of, or in control of any developed lot or parcel of land in the Town to allow weeds and grasses to grow upon such property to a height exceeding ten inches, or to permit rubbish, trash, debris, dead trees, or other unsightly or unsanitary matter to remain thereon that create harborage for rodents or vermin or to permit weeds, grass, vines, or any such conditions to grow on any fence so as to encroach on any public sidewalk or fire hydrant. The branches and limbs of all trees which extend outside of the private property lines must be trimmed so as to have a clearance of at least eight feet over and above abutting sidewalks and all limbs and branches trimmed so that if any branches or limbs extend over any street or roadway there shall be a clearance of at least 14 feet over such roadway.

C. It is the responsibility of each person or entity who owns or is in possession or in control of any parcel of land in the Town to maintain that portion of the public right-of-way between said parcel and the paved roadway surface within said right-of-way in accordance with this section.

D. The following exceptions apply to the foregoing:

1. Any section of public right-of-way in front of or adjacent to a lot or parcel which has not been cleared or altered from its natural state;

2. The portion of the public right-of-way at the rear of a residence developed on a parcel or lot which faces or fronts on another public right-of-way which has a paved roadway.

E. Standing water

Any lot, tract, or parcel, including swimming pools thereon, which shall be unwholesome or unsanitary, have stagnant water standing thereon, or be in such other condition as to be susceptible to producing disease shall be drained, filled, or treated by the owner and/or resident in a manner approved by the Town.

6.04.04 Structure Maintenance

A. Repair

Reference, Land Development Code. It is unlawful for any person to suffer or permit a dangerous building to exist on any land over which they have care, custody, or control. Dangerous buildings are hereby declared to be a nuisance.

B. All buildings or structures that have any or all of the following defects shall be deemed dangerous buildings:
1. Buildings or structures that have interior walls or other vertical structural members that list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle half of its base;

2. Buildings or structures that, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

3. Buildings or structures that have improperly distributed loads upon the floors or roofs, or in which the floors or roofs are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

4. Buildings or structures that have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of the Town;

5. Buildings, structures, or fences that have become or are so dilapidated, or so decayed, unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living, that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;

6. Buildings or structures having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;

7. Buildings or structures having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication;

8. Buildings or structures having parts thereof which are so attached that they may fall and injure members of the public or property;

9. Buildings or structures that because of their condition, are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of this Town;


C. Material, equipment, and machinery storage.

1. No person who owns or is in possession of, in charge of, or in control of any property shall store, deposit, scatter, or keep on the premises any of the following:
   a. Refuse, trash, debris, litter, or openly stored, non-functional equipment or machinery;
   b. Unsightly and visible from public right-of-way lumber, scrap metal, construction materials, machinery or vehicle components, equipment, appliances, furniture, and any similar object, which object is not clearly intended for outdoor use on the premises, such as lawn furniture, bicycles, or which object is not solely intended for use within 15 days in construction or renovation on the premises.

2. This section shall not apply to any unused object or materials in an enclosed building.
6.04.05 Noise

A. No person shall maliciously or willfully disturb the quiet of any street, or neighborhood, or of any family of persons, by making loud or unusual noises; by blowing horns or other instruments; by the beating of drums, or other things of like nature; by loud and boisterous laughing, singing or screaming; or by using any other device or means whatever to disturb the peace. Any events likely to create such noises between the hours of 10:00 p.m. and 7:00 a.m. must be specifically approved by the Town Administrator or the Town Commission.

B. Prohibited noises defined. The following acts and omissions are hereby prohibited:

1. Horns and other signaling devices
   The sounding of any horn or other signaling device on any motor vehicle on any street or public place of the Town, except as specifically permitted or required by law, or as a danger warning, and the sounding of any such device for any unnecessary period of time.

2. Exhausts
   The discharge into the open air of the exhaust of any stationary or portable internal combustion engine, or motor vehicle, except through a muffler in good repair or other device that effectively prevents loud or disturbing noises, provided that where such stationary or portable internal combustion engine or motor vehicle is enclosed within a building used for industrial or commercial purposes, a reasonable level of such noise will be permitted.

3. Loudspeakers, amplifiers, or noise devices for advertising
   The use of any radio or television set, musical instrument, phonograph, loudspeaker, sound amplifier, bell, drum, horn, or other machine or device for the production or reproduction of sound directed upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, or tent. Temporary exceptions for civic events, for civic or religious organizations, or for the playing of music during special events only may be authorized by the Town Administrator or designee for such periods of time and under such conditions as may be consistent with the public interest.

4. Radios, television sets, phonographs, etc.
   The playing of any radio or television receiving set, musical instrument, phonograph, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants.

5. Yelling, shouting, etc.
   Yelling, shouting, hooting, whistling, or singing on the public streets, or at any other place, so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

6. Tools
The use in a residential zone or in the vicinity of a hotel or motel of hand or power tools, other equipment, or machinery resulting in loud and disturbing noises, between the hours of 10:00 p.m. and 7:00 a.m.

7. Hawkers, peddlers, and vendors
   The shouting and crying of peddlers, hawkers, or vendors on any public street or place or on private property so closely adjacent thereto that crowds may be collected and traffic obstructed thereon.

8. Sirens
   The sounding of sirens on escort services, except where specifically required or permitted by law and not for the purpose of calling attention to a vehicle or caravan, and the sounding of a siren on an ambulance, except when operated in response to an emergency call and when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

9. Exceptions to prohibited noises:
   None of the preceding provisions shall apply to emergency situations where life, health, or property is at stake or to intermittent situations arising out of industrial research and development work carried on in areas zoned for such purposes, nor to those normal situations of community life where noise is inherent and has long been accepted by the community, such as activities during school recess and at public parks and athletic contests, and otherwise as permitted pursuant to the procedure set forth;

6.04.06 Pollution

A. Water
   The pollution of any public well, cistern, stream, lake, canal, or body of water by sewage, dead animals, industrial wastes, hazardous, or other obnoxious substances is prohibited.

B. Stormwater
   Reference stormwater, coastal management and construction, and floodplain management regulations in the Land Development Code.

C. Air
   It is prohibited to allow disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches negatively impacting air quality.

D. Soil
   No hazardous material shall be allowed to contaminate any soils as defined by written Florida Statutes.

6.04.07 Vehicles

A. Abandoned vehicles
Abandoned vehicles will be removed by the Town Police Department in a manner consistent with Florida Statutes.

B. Nuisance vehicles

Vehicles declared to be a nuisance will only be stored in an enclosed garage, fenced area where the nuisance vehicle cannot be seen from the public right-of-way, or covered by a vehicle specific form fitting cover free from holes, rips, or tears. Except for garage enclosed vehicles, only one nuisance vehicle will be allowed per parcel or lot.

C. Parking (also see Land Development Code)

No person who owns or is in possession of, in charge of, or in control of any lot, tract, or parcel of land shall park any vehicle, trailer, or any equipment of any type on any public sidewalk or cross over a public sidewalk to enter upon any public or private land except where a designated right of entry or deeded driveway exist. Parking on the right-of-way is prohibited except on private driveways unless there is a parking agreement with the Town allowing such use. Temporary and intermittent use of public right-of-way for special event vehicle parking may be approved by the Town Chief of Police or Town Administrator or designee.

D. Parking or storing recreational vehicle for living or sleeping

It shall be unlawful for any person to park or keep any recreational vehicle which is used for living or sleeping purposes upon any lot or parcel of land in the Town, except where such recreational vehicle is merely stored on property of the owner and/or resident and is not used for living or sleeping purposes, or where such use is specifically permitted by the zoning regulations. Temporary use of recreational vehicles for living and sleeping will be allowed for a period of up to two weeks in any six-month period after the intent of such use is reported to the Town Police Department.

6.04.08 Fire Hazards

Any condition constituting a fire hazard as determined by the Fire Marshall is prohibited.

6.04.09 Graffiti

Graffiti on public and private property is a blighting factor which not only depreciates the value of property, but also the value of adjacent and surrounding communities. The Town Commission finds and declares that graffiti or related inscribed material is obnoxious and constitutes a public nuisance. It is the Town Commission's further intent to provide for the prohibition of the placement of graffiti on public and private property to the extent such prohibition is permitted by state law and to further prohibit persons from allowing graffiti to remain and thus foster the perpetuation of blight upon the community.

Prohibited acts:

A. It shall be unlawful for any person to paint, mark, chalk, or otherwise apply graffiti or other inscribed material on publicly or privately owned buildings, structures, vehicles, equipment, places, or other similar locations or things within the Town.
B. It shall be unlawful for the owner and/or resident of any private property to permit graffiti or other inscribed material to remain so as to be capable of being viewed by a person utilizing any public right-of-way within the Town, such as but not limited to a road, parkway or alley.

6.04.10 Use of Rights-of-Way and Roadways

A. Use of rights-of-way and roadways for recreational activities and storage of recreational items is prohibited.

B. Access of property is only allowed through permitted driveways or by written agreement with the Town Commission.

6.04.11 Animals

Nuisances as related to animals are enumerated in Chapter 5 Animals herein of this Code.
### CHAPTER 6 TABLE OF HISTORICAL NOTES AND REFERENCES

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CHAPTER 7 – RESERVED
### CHAPTER 7 TABLE OF HISTORICAL NOTES AND REFERENCES

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CHAPTER 8 FIRE PREVENTION AND PROTECTION

8.01.00 ADOPTION OF FIRE PREVENTION CODE AND STANDARDS

The Ocean City-Wright Fire Control District Ordinance No. 81-08, as amended, a copy of which is on file in the Town Administrator’s office and incorporated in this Chapter by reference, is approved and adopted by the Town Commission as the fire prevention code and standards in force in the Town. In the event that a provision of Ordinance 81-08 is inconsistent with the Florida Building Code or other Florida law, the Florida Building Code and Florida law shall be the prevailing code.

8.02.00 OPEN BURNING

8.02.01 Location Restricted

No person shall kindle or maintain any bonfire or rubbish fire or any such fire to be kindled or maintained on any private land unless:

A. The location is not less than 25 feet from any structure and adequate provision is made to prevent fire from spreading to within 25 feet of any structure;

B. The fire is contained in an approved waste burner located safely not less than 15 feet from any structure.

8.02.02 Attendance of Open Fires

Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use. No garbage shall be burned within corporate limits.

8.02.03 Prohibiting Bonfires and Rubbish Fires

The Ocean City-Wright Fire District Fire Chief or their deputy may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

8.02.04 Liability for Damages caused by Burning

Any person allowing or starting a fire upon any premises within the Town limits shall be responsible for any damages that they may do to any adjoining property and that such liability shall extend both civilly and criminally.

8.02.05 Permits; Incinerators

No commercial business shall burn any trash within the corporate limits of the Town without first obtaining a permit from the Chief of the Ocean-City Wright Fire Department. No
incinerators shall be installed without the permission of the fire department and where applicable the building official. Operation of incinerators shall be subject to periodic fire department inspections to assure that adequate fire and safety precautions are maintained. No garbage shall be burned within corporate limits.
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CHAPTER 9 OFFENSES AND MISCELLANEOUS PROVISIONS

9.01.00 STATE MISDEMEANORS ADOPTED

It shall be unlawful to commit, within the Town limits, any act which is or shall be recognized by the laws of the State of Florida as either an infraction, a misdemeanor, or a felony, and such infractions, misdemeanors, or felonies, are adopted by reference. Any infraction of an applicable state statute shall constitute a violation of this Code and shall be punishable as provided in the Section 1.01.07 General penalty; continuing violations; violation as public nuisance herein.

9.02.00 CURFEW FOR PERSONS UNDER 18 YEARS OF AGE; LEGISLATIVE INTENT; DEFINITIONS OF TERMS; HOURS; PARENTAL RESPONSIBILITY; PENALTIES

A. Legislative intent

It is the intent of the Town Commission to protect minors in this Town from harm and victimization, to promote the safety and well-being of minors, and to reduce the crime and violence committed by minors.

B. Definitions

C. The terms and phrases emergency, establishment, minor, parent, public place, and remains when used in this chapter, shall have the meanings ascribed in this chapter, except where the context clearly indicates a different meaning. These terms and phrases are defined in the Section 1.03.00 Acronyms and Definitions herein of this code. Unsupervised minors prohibited in public places and establishments during certain hours; penalty; procedure

Minors shall be prohibited in public places and establishments during certain hours, and shall be penalized as follows if they violate the provisions of this subsection:

1. A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday. A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. on Saturdays, Sundays, and legal holidays;

2. A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day;

3. A minor who violates this section shall receive a written warning for their first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and shall pay a fine of $100.00 for each violation;

4. If a minor violates a curfew and is taken into custody the minor shall be transported immediately to a Police Station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor and shall release the minor to the parent. If the
law enforcement agency is not able to contact the minor's parent within two hours after
the minor is taken into custody or if the parent refuses to take custody of the minor the
law enforcement agency may transport the minor to their residence or proceed as
authorized under Part III, Chapter 39, F.S.;

D. Legal duty of parent; penalty

Parental supervisory responsibility shall be as follows:

1. The parent of a minor has a legal duty and responsibility to ensure that the minor does not
violate subsection (C) (1) of this section;

2. The parent of a minor has a legal duty and responsibility to personally supervise, or
arrange for a responsible adult to supervise, the minor so that the minor does not violate
subsection (C) (2) of this section;

3. The parent of a minor who knowingly permits the minor to violate subsections (C) (1) or
(2) of this section shall receive a written warning for a first violation. A parent who
knowingly permits the minor to violate subsections (C)(1) or (2) of this chapter after
having received a prior written warning is guilty of a civil infraction and shall pay a fine
of $100.00 for each violation.

E. Exception to subsection (C) of this section

Subsection (C) of this section does not apply to a minor who is:

1. Accompanied by their parent or by another adult authorized by the minor's parent to have
custody of the minor;

2. Involved in an emergency or engaged, with their parent's permission, in an emergency
errand;

3. Attending or traveling directly to or from an activity that involves the exercise of rights
protected under the First Amendment of the United States Constitution;

4. Going directly to or returning directly from lawful employment or who is in a public
place or establishment in connection with or as required by a business, trade, profession,
or occupation in which the minor is lawfully engaged;

5. Returning directly home from a school-sponsored function, a religious function, or a
function sponsored by a civic organization;

6. On the property of, or on the sidewalk of, the place where they reside, or who is on the
property or sidewalk of an adult next-door neighbor with that neighbor's permission.

9.03.00 VIOLATION OF STATE STATUTES ALSO DESIGNATED AS VIOLATIONS
OF THIS CHAPTER

Any violation of a state infraction, misdemeanor, or felony statute shall be designated by the
municipal Police officials responsible as a F.S “Chapter 34 Violation” together with the
appropriate state statutory reference.
# Chapter 9 Table of Historical Notes and References

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CHAPTER 10 PARKS AND PUBLIC FACILITIES

10.01.00 GENERALLY

10.01.01 Statutory Authority

The authority for enactment of this chapter is Chapter 166.021 F.S.

10.01.02 Purpose

The purpose of this chapter is to establish procedures by which all Town Parks and public facilities are operated, set standards of behavior, and enhance the health, safety, and welfare of the residents of the Town of Shalimar.

10.01.03 Penalty

Any person violating the provisions of this chapter is guilty of an offense, and shall be punished in accordance with the Section 1.01.07 General penalty; Continuing Violations; Violation as Public Nuisance herein.

10.01.04 Enforcement

The Shalimar Police shall have the authority to eject any person from any Town park or facility acting in violation of this chapter.

10.02.00 PARKS AND PUBLIC FACILITY CONDUCT

A. No person shall willfully mark, deface, disfigure, injure, tamper with, displace, or remove any equipment, facility, or existing natural resource in any park or Shalimar public facility.

B. No person shall hunt or molest any animal or bird in any Shalimar public park or facility.

C. Any person who enters upon Shalimar public parks or facilities shall be liable for any loss, damage, or injury sustained by reason of that person's negligence or by failure of that person to exercise normal and prudent caution in any activity.

10.03.00 SANITATION

Refuse shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away by the person responsible for its presence.

10.04.00 OPERATION OF VEHICLES

A. Vehicles generally
No person shall operate any vehicle except where designated or posted for vehicle traffic or parking. This subsection shall not apply to public safety or emergency vehicles being operated in the line of duty.

B. Speed of vehicles
No person shall ride or drive a vehicle at a rate of speed exceeding five miles an hour.

10.05.00 RECREATIONAL ACTIVITIES

A. Availability
Use of the individual recreation areas or facilities, together with tables and benches, follows generally the rule of "first come, first served"; however, no person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a reservation.

B. Camping
Overnight camping is prohibited.

10.06.00 MISCELLANEOUS REGULATIONS

A. Children
Adult supervision is required at all times for children less than 12 years of age.

B. Fireworks and explosives
No person shall bring, have in their possession, set off, or otherwise cause to explode, discharge, or burn, any firecracker, torpedo, rocket, or other fireworks or explosives, or throw them into any facility from any land or road adjacent thereto.

C. Domestic animals
Pet owners are responsible for the collection and disposal of all pet feces. All dogs in those areas where such animals are permitted shall be restrained at all times.

D. Fires
No person shall build or attempt to build a fire or ignite any material, except in equipment provided for such use.

E. Entering closed areas
No person shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

F. Boisterousness
No person shall engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
10.07.00 OPERATING POLICY AND RESERVATIONS

A. Hours

Except for unusual and unforeseen emergencies, parks and facilities shall be open to the public every day of the year from sunup to sundown or as otherwise designated by the Town Commission.

B. Closed areas

Any section or part of a park or facility may be declared closed to the public by the Town administrative official or designee at any time, for any interval of time, and either temporarily or at regular and stated intervals.

C. Reservations for group activities

A reservation may be obtained from the Town to reserve certain park amenities and other facilities. Persons desiring to obtain a reservation for exclusive use of any facility will be required to complete an application and may be required to pay a deposit. Deposits will be refunded in the event the reserved area is properly cleaned and undamaged.

D. Standards for reservations

The Town shall issue a reservation under this subsection unless the Town administrative official or designee finds that:

1. The proposed activity or use is anticipated to incite violence, crime, or disorderly conduct;
2. The proposed activity will entail unusual, extraordinary, or burdensome expense or Police operation by the Town;
3. The facilities desired have been reserved for other use at the day and hour required in the application.

E. Appeal of denial

If a reservation is denied, the Town Administrator or designee shall apprise an applicant in writing of the reasons for refusing a reservation. Any aggrieved person shall have the right to appeal the decision to the Town Commission.
### CHAPTER 10 TABLE OF HISTORICAL NOTES AND REFERENCES

<table>
<thead>
<tr>
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</table>
CHAPTER 11 FRANCHISES

11.01.00 AUTHORIZATION

The Town Commission may enter into an agreement or contract for collection under a franchise. The agreement shall specify such specific terms as the Town Commission may consider appropriate. These agreements may be exclusive to one provider.

A franchise may be reconsidered by the Town Commission annually, except that, in the event the Town Commission shall consider it helpful for reasons of cost, or to encourage expansion into the Town of a system needed by the citizens, or to encourage improvement of an existing system or service, a multi-year contract may be helpful and can be approved. In any case in which a Franchise is extended more than five (5) years, the Town Commission shall make findings consistent with the above.
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</table>
CHAPTER 12 STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES

12.01.00 GENERALLY

12.01.01 Operation of Motor Vehicles.

No person, firm, corporation, joint venture, partnership, or other legal entity shall operate any motor vehicle in, on, or over any public land, right-of-way, or recreational area in the Town that is not clearly designated or posted for vehicular traffic, vehicular parking, or emergency vehicle traffic, unless the same shall have been approved by the Town Commission.

12.02.00 PROHIBITED COMMERCIAL ACTIVITY

No person, firm, corporation, joint venture, partnership, or other legal entity shall sell or rent any items or goods on or from any public land, public right-of-way, or public recreational area in the Town without a permit, lease, contract, or franchise duly executed by the Town Commission.

12.03.00 PARADES

12.03.01 Definitions

The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Parade* means an assemblage of persons, groups of persons, vehicles, bands, floats, or devices gathered together in public with some circumstances of show and shall not include a funeral procession or an assemblage of public officials gathered for any purpose in the public interest.

12.03.02 Approval Required

It shall be unlawful for any person, firm, association, or group of persons, firms, or associations to hold or participate in a parade in the Town without first securing approval from the Town Commission.

12.03.03 Filing of Application; Contents for Permit

To obtain approval, the person, or group of persons, desiring to hold a parade shall file with the Town Administrator or designee an application to reflect the name, address, and telephone number of the applicants, the date and hours which the parade is to be held, the location and time of the point of assembly, the location and time of the disbursal, the parade route, anticipated number of marching persons, the anticipated number and type of motorized and other vehicles and devices, the number of bands and floats in the parade, and a statement by the applicant that they or their firm or association will assume all responsibility for the mechanical condition of each and every vehicle in the parade and any and all damages caused by any vehicle, float, or other device in the parade.
12.03.04 Bond may be Required for Parade

The Town Commission may require the applicant applying for a parade approval to furnish the Town a bond in an amount not to exceed $250,000.00 secured by a surety company licensed to do business in the state, payable to the Town or to any person, firm, corporation or association in the Town who may suffer any injury or damage from any vehicle, float, device, or person participating in the parade.

12.03.05 Time to Submit Application; Notification of Various Town Departments

The application for a parade approval shall be made at least five days before the date of the scheduled parade during which time the Town Administrator or designee shall notify the public utilities companies, County directors of the Department of Public Works, and the County Department of Water and Sewer of the time, place, route, and other circumstances of the parade. If either or any of the departments are in the process of utility improvements or contemplated improvements along the parade route during the time of the parade which cannot be interrupted, the Town Commission may deny the application for a parade or may reroute the parade.

12.03.06 Determination of Issuance for Parade Permit

The Chief of Police and Town Administrator shall determine whether or not the application is properly made and, after analyzing the information contained therein, the information from the departments consulted and any other information gathered shall determine whether or not the approval should be granted by the Town Commission.

12.03.07 Effect of Failure to Obtain

Any person or the officers of any firm or association who organizes and holds a parade within the corporate area of the Town without first obtaining approval or any person who participates in any manner in a parade in the incorporated area of the Town knowing, either from their own knowledge or from information received by him, that approval has not been granted for the parade in which they participated shall, upon conviction in the county court, be sentenced as provided.

12.03.08 Notice to State Agency

The Florida Department of Transportation (FDOT) must be notified and a permit application filed with the agency for closing of any state roadway. Upon issuance of the permit by the FDOT the applicant must provide a copy to the Town Administrator.
### CHAPTER 12 TABLE OF HISTORICAL NOTES AND REFERENCES

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</table>
CHAPTER 13 TAXATION

13.01.00 ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OF AGE OR OLDER

In accordance with section 6(f), Article VII of the Florida Constitution and Subsection 196.075 F.S. as amended, the Town Commission hereby authorizes an additional homestead exemption of $50,000.00 for any person who has legal or equitable title to real estate and maintain on it the permanent residence of such owner, who has attained age 65, and whose household income does not exceed income limitation specified in Florida Statutes.

13.02.00 ADDITIONAL TAX ON CASUALTY RISK INSURERS

A. There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to casualty risks, as shown by the records of the Insurance Commissioner of the State of Florida, an excise or license tax in addition to any license tax or excise tax now levied by the Town which said tax shall be in the amount of 0.85 percent of the gross amount of receipts of premiums from policy holders on all premiums collected on casualty insurance policies, covering property within the corporate limits of the Town.

B. The license or excise tax herein levied shall be due and payable annually on the first day of October of each year hereafter.

13.03.00 PUBLIC SERVICE TAX

13.03.01 Levy and Computation of Tax

A. There is hereby levied by the Town of Shalimar on each and every sale in said Town of electricity, gas (natural or manufactured), communication, and water service a tax on the charge made by the seller of such electricity, gas, communication, and water service, which tax shall in every case be paid by the purchaser, for the use of the Town to the seller of such electricity, gas, water, and communication service at the time of paying the charge by the seller therefore and not less often than monthly.

B. The tax hereby levied will be computed on the aggregate amount of sales (nearest whole cent to the amount computed). Residential purchasers shall not be taxed more than $25.00 on each separate service location or station. There shall be no cap on commercial properties.

C. A ten percent utility tax rate will be levied on gas, water, and electric. A communication services tax may also be levied according to Florida Statute. The tax on electricity authorized herein shall not be levied and collected on the first 500 kilowatt hours per month purchased for residential use. Such exemption shall apply to each separate residential unit regardless of whether such unit is on a separate or central meter and shall be passed on to each individual tenant.
13.04.00 BUSINESS TAX

13.04.01 Required

It shall be unlawful for any person to carry on or engage in or manage any business, profession or occupation without first procuring a receipt for paying the applicable tax to the Town Administrator or designee as provided in this chapter.

13.04.02 Business Taxes - Levied.

The business tax may be levied on:

A. Any person who maintains a permanent business location or branch office within the Town for the privilege of engaging in or managing any business within its jurisdiction; or

B. Any person who maintains a permanent business location or branch office within the Town for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

13.04.03 Tax—Amounts

No person or other business entity shall engage in or carry on a business, profession, or occupation within the Town unless a Town Business Tax Receipt (BTR) has been purchased from the Town Administrator or designee. The amounts of business tax for businesses, professions, and occupations within the Town shall be on file in the Town Administrator's office and are listed in Table 13.04.03.

Table 13.04.03 List of Business Tax Fees

<table>
<thead>
<tr>
<th></th>
<th>Cash or Check</th>
<th>CC</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Vendors of alcoholic liquors/beverages and/or places of business where consumption of alcoholic beverages is permitted on the premises</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td>b. Retail stores</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td>c. Auto service and/or filling (gasoline) stations</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td>d. Peddlers and house to house solicitors</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Curb market vendors (temporary facilities)</td>
<td>$15</td>
<td>$16.50</td>
</tr>
<tr>
<td>f. Automobile dealers, new and used</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td>g. Service establishments (example-laundry)</td>
<td>$50</td>
<td>$52</td>
</tr>
<tr>
<td>h. Professionals (legal, medical, dental, real estate, etc.)</td>
<td>$60</td>
<td>$62</td>
</tr>
<tr>
<td>i. Financial institutions</td>
<td>$375</td>
<td>$387</td>
</tr>
<tr>
<td>j. Home businesses</td>
<td>$10</td>
<td>$11</td>
</tr>
<tr>
<td>k. Charter Vessels based on length</td>
<td>0-60 feet $50</td>
<td>$52</td>
</tr>
<tr>
<td></td>
<td>61-80 feet $150</td>
<td>$154</td>
</tr>
<tr>
<td></td>
<td>81-100 feet $250</td>
<td>$258</td>
</tr>
<tr>
<td></td>
<td>101-150 feet $350</td>
<td>$360</td>
</tr>
<tr>
<td>l. Marina</td>
<td>*$375</td>
<td>*$400</td>
</tr>
</tbody>
</table>
Marina owners/operators must designate and list the slips that will be designated for live-aboard(s) as part of the annual business tax renewal. Changes to this list must be updated at Town Hall and failure to do so may result in all occupied wet slips being taxed as live-aboards at the next license renewal.

<table>
<thead>
<tr>
<th></th>
<th>Hotel</th>
<th>$375 plus $14 per room per year</th>
<th>$400 plus $14 per room per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>n.</td>
<td>Others – must come before the Town Commission to establish a fee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 13.04.04 New business tax

No new business, profession, or occupation shall be allowed to open within the Town without first having obtained a valid Business Tax Receipt(s) (BTR(s)). BTR(s) shall be for one year. New businesses obtaining BTR(s) for the first time during the months of October through March will pay the full tax, and those purchased during the months of April through September will be required to pay only one-half the annual tax.

### 13.04.05 Due dates for business taxes; penalty payments

A. All business taxes shall be paid beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Taxes that are not paid when due and payable are delinquent and subject to a delinquency penalty of ten percent for each month of delinquency until paid.

B. Any person who engages in or manages any new business, occupation, or profession without first obtaining a local Business Tax Receipt (BTR), if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

C. Any person who engages in any business, occupation, or profession covered by this section, who does not pay the required business tax within 150 days after the initial notice of tax due is subject to all delinquency penalties and civil actions, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to $250.00.

### 13.04.06 Transferals

Business Tax Receipts (BTR) may be transferred from one location to another location in the Town.
13.04.07 Curb Vendor Regulations

The written consent of the landowner must be obtained prior to the issuance of a Business Tax Receipt (BTR) to any person for the operation of a curbside stand or vending business which operates from a portable or temporary facility. The facility will be considered portable or temporary when, in the reasonable discretion of the granting official, it does not constitute real property permanently attached to the land.

13.05.00 CONTRACTOR TRACKING CERTIFICATE (CTC)

13.05.01 Required

A. All service contractors, specialty contractors, and construction industry contractors, whether state certified or not, who do not possess a current Town of Shalimar Business Tax Receipt (BTR), shall be required to purchase a Contractor Tracking Certificate and obtain the necessary permits from the building official or their agent prior to commencement of any work within the Town.

B. Verification of a valid Florida certification or registration by the Department of Business and Professional Regulations shall be required of all contractors for whom state registration or certification is required. Any contractor not domiciled in the state shall be registered with the Florida Department of Business and Professional Regulation as required by law.

C. As a prerequisite to the issuance of a Contractor Tracking Certificate, in such form as may be prescribed, certificate of insurance showing the amount, date, and duration of coverage as required by law or rule made out with the Town as certificate holder. In addition, any person, business organization, or qualifying agent engaged in the business of contracting shall provide evidence of worker's compensation insurance coverage as required by section 489.114, F.S.

D. The Contractor Tracking Certificate fees will be approved by Town Commission Resolution and the fee schedule maintained by Town administrative officials.

13.05.02 Due Dates for Contractor Tracking Certificates

A. All Contractor Tracking Certificates issued under this Chapter shall be renewed on or before October 1 and shall expire on September 30 of each year. No Contractor Tracking Certificate shall be issued for more than one (1) year.

B. The Contractor Tracking Certificate shall be good only for the person, business organization, or qualifying agent to whom issued and shall not be transferred.

13.06.00 REMOTE VEHICLE SALES

It is not intended by this Section to repeal, abrogate, annul or any way impair or interfere with existing provisions of other laws. Where this Section imposes a greater restriction upon persons,
premises or personal property than is imposed or required by other laws or ordinances, the provisions of this article shall control.

13.06.01 Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein.

Licensed Dealership means premises on which the primary endeavor is the sale of new or used vehicles.

Permanent Vehicle Sales Business means a business which operates out of a structure and has paid a Business Tax for that location.

Person means and includes natural persons, partnerships, joint ventures, trusts or corporations, or any officers, agents, employees of any kind or personal representatives of any thereof, in any capacity, acting either for himself, or for any other person.

Premises means an includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, or as is otherwise used in connection with any such business conducted on such premises.

13.06.02 Prohibited Actions

It shall be unlawful for any person, either directly or indirectly, to conduct a sale of a vehicle, regardless of new or used, where it is conducted at a site which is not the location of the permanent auto sale business unless it is conducted by a licensed dealership with a permanent sales location within the boundaries of The Town of Shalimar. This prohibition shall not apply to the sale of a vehicle by a person at an individual's residence for which the vehicle is individually titled to that person (not including titled as part of a dealership or commercial business) provided no person shall sell more than two (2) such vehicles per year.

13.06.03 Violations

A violation of this section may be enforced by a stoppage of all commercial activity by the Town of Shalimar Code Enforcement Officer or by any member of the Shalimar Police Department. Violations may also include penalties as provided in General Ordinance Section 1.01.07 General Penalty; Continuing Violations; Violations as Public Nuisance.
# Chapter 13 Table of Historical Notes and References

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</table>
CHAPTER 14 TRAFFIC AND MOTOR VEHICLES

14.01.00 STATE STATUTES ADOPTED

A. The Town does hereby adopt the following Florida Statutes:

1. Chapter 316. Chapter 316 F.S. entitled "State Uniform Traffic Control," including the penalties provided by that statute, for the regulation of traffic upon the streets and highways of the Town, and the decisions and amendments heretofore made or which shall be hereinafter made which effect or interpret the above statutes are also intended to be incorporated within the ordinances of the Town.

2. Chapter 318. Chapter 318, F.S. entitled "Florida Uniform Disposition of Traffic Infractions Act," which deals with the disposition of traffic infractions, including the penalties provided by that statute, for the regulation of traffic upon the streets and highways of the Town of Shalimar, and the decisions and amendments heretofore made or which shall be hereinafter made which effect or interpret the above statutes are also intended to be incorporated within the ordinances of the Town.

3. Chapter 320. Chapter 320, F. S. entitled "Motor Vehicle Licenses," including the penalties provided by that Statute, for the regulation of motor vehicle licenses upon the streets and highways of the Town, and the decisions and amendments heretofore made or which shall hereinafter be made which effect or interpret the above Statutes are intended to be incorporated within the provisions of the ordinances of the Town.

4. Chapter 322 Chapter 322, F.S. entitled "Driver's Licenses," including the penalties provided by that Statute, for the regulation of driver's licenses upon the street and highways of the Town, and the decisions and amendments heretofore made or which shall be hereafter made which affect or interpret the above statutes are intended to be incorporated within the provisions of the ordinances of the Town.

B. Penalties

Any person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this section shall be punished by a fine not to exceed $250.00 or by confinement in county jail at the discretion of the county judge.

C. Violation

Any violation of a municipal traffic ordinance which is also a state traffic statute shall be referenced by the municipal Police official as a "Chapter 50 violation" together with the appropriate state statutory violation.

14.02.00 SPEED LIMITS

Speed limits shall be set by Town Commission in accordance with Florida Statutes.

14.03.00 NO PARKING DISTRICT

A. Prohibition
Parking is hereby prohibited on all roadways and rights-of-way except on residential driveways, where authorized by written agreement approved by the Town Commission or as part of an approved development. Temporary parking on rights-of-way may be authorized by the Shalimar Police Department for special events (routine visitor parking will not be classified as a special event).

B. Residential No Parking Areas

Parking (other than temporary) of any vehicle on residential areas forward of the front building setback line, and not on a part of a permitted parking area, is prohibited, except that one passenger vehicle may park in a non-permitted area in a front yard if immediately adjacent and parallel to an existing driveway and that such a vehicle must use a permitted road entry point to access such parking. Owners seeking parking areas in addition to those previously permitted must submit a request for additional parking areas according to procedures prescribed in the Town of Shalimar Land Development Code. This prohibition does not extend to temporary parking of up to 72 hours when approved by the Shalimar Police Department.

C. Penalty for Violation

1. Violation of paragraph A. of this section may be punishable as follows:
   a. 1st offense – $25 fine;
   b. 2nd offense – $100 fine;
   c. Subsequent offenses – $250 fine

2. Violation of paragraph B. of this section may be prosecuted as a public nuisance according to General Ordinance Section 1.01.07 General Penalty and Chapter 6 Environment and Public Nuisances.

D. Civil Penalties

Any person who claims ownership or responsibility for a vehicle parked in violation of this section shall be subject to the civil penalties of this section.

E. Impounding of Vehicles

The Town Police Department is authorized to remove at the Owner’s expense, any automobile or vehicle parked in violation of paragraph A. of this section or, by property owner’s consent.

14.04.00 USE OF GOLF CARTS ON PUBLIC TOWN ROADS AND STREETS

A. The term "golf cart" shall be defined as stated in Subsection 320.01, F.S.

B. Golf carts may be operated on all Shalimar roads and streets in accordance with Subsection 316.212, F.S.
C. In addition to the requirements of Subsection 316.212, F.S. which is applicable to the operation of golf carts on the aforementioned designated roads and streets, the following restrictions shall also apply:

1. The number of occupants in any golf cart operated on the Shalimar roads and streets shall be restricted to the number of seats on the golf cart. No occupants of a golf cart shall stand at any time while the golf cart is in motion;

2. All golf carts operating subject to this section must be equipped with efficient brakes, reliable steering, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear at all times while operated on the designated roads and streets;

3. Golf carts may only be operated on the designated roads and streets, only during the hours between official sunrise and official sunset, and only by persons 16 years of age or older;

4. In addition to the basic operating equipment described in subsection (3)b. of this section, only golf carts equipped with headlights, brake lights, turn signals, and windshields may be operated at night, and, only by a person who holds a motor vehicle license (driver’s license) authorizing motor vehicle operation in the United States;

5. Before golf carts may be operated under this section, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of golf carts on the designated public roads and streets. Minimum required insurance will be the same as for motor vehicles registered in the State of Florida for personal use and as designated by Florida Statutes. Proof of such insurance must be possessed at all times while operating a golf cart on the designated roads;

6. No person shall drive any golf cart upon a bicycle path, sidewalk, sidewalk area, or other area not designated for motor vehicle use or not specifically designated for golf cart use.

D. Violations of this section shall constitute a non-criminal infraction enforceable pursuant to the provisions of Subsection 316.212(8), F.S. The use of a golf cart resulting in violations of the Florida "Uniform Traffic Control" Statute and the Florida "Uniform Disposition of Traffic Infractions Act" is enforceable according to Chapters 316 and 318, F.S. All other Town ordinances pertaining to the use of motor vehicles shall also apply.

E. The Town shall maintain signs along roads and streets where golf cart operation is allowed advising motorists of the possible presence of golf cart traffic and alerting the public that the operation of such golf carts is subject to the various requirements of this section.
### CHAPTER 14 TABLE OF HISTORICAL NOTES AND REFERENCES

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<td>Amend 14.03.00</td>
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<tr>
<td>14.03.00</td>
<td>Ordinance 2020-03</td>
<td>12/10/2020</td>
</tr>
</tbody>
</table>
CHAPTER 15 CIVIL EMERGENCIES

15.01.00 JURISDICTION

The lands subject to this plan shall be the incorporated areas of the Town except lands owned by federal, state, or local political entities.

15.02.00 POST-DISASTER PLAN

Following a damaging hurricane or any other disaster, and/or enactment of a building moratoria, it is the intent of the Town to allow rebuilding and reconstruction in an orderly manner. The Town, in coordination with the Okaloosa County, will control the issuance of building permits to manage the location, timing, and sequence of reconstruction and repair. It is further the intent of the post-disaster redevelopment plan that the Town establish, prior to the disaster event, a special reconstruction task force which will oversee the recovery and reconstruction process and serve as an advisory body to the Town Commission. A main responsibility of the body will be to advise the Town Commission on the policies of the plan which are structured to mitigate future hurricane damages through the management of reconstruction. To further the intent of this plan, the Town will make every effort to develop its capacity to identify and orchestrate various aspects of post-disaster redevelopment, while at the same time ensuring maximum local control over the redevelopment process.
### CHAPTER 15 TABLE OF HISTORICAL NOTES AND REFERENCES

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<thead>
<tr>
<th>Section that was changed</th>
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<tbody>
<tr>
<td>Minor Corrections to all of Chapter 15</td>
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