

**CITY COMMISSION
REGULAR MEETING
OFFICIAL AGENDA
January 5, 2016
6:00 p.m.**

**Municipal Administration Building
Commission Chambers
201 W. Central Avenue
Lake Wales, FL 33853**

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. ROLL CALL
5. MAYOR
6. PRESENTATION/REPORT
7. COMMUNICATIONS AND PETITIONS

Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and whether your address resides inside or outside City limits. Please limit your discussions to five (5) minutes.

8. CONSENT AGENDA

Any member of the public can ask the City Commission to pull a consent item for separate discussion and vote that they would like to make comment on.

8.I. Approval of Minutes: December 15, 2015, Regular Meeting

Documents: 2015-12-15reg.pdf

8.II. Grant of Distribution Easement to Duke Energy

The City Commission will consider granting Duke Energy Florida, Inc. a 10-foot Easement for the City property located 440 South Airport Road.

Documents: Memo-Duke Energy Easement for Terry Short Aircraft Services hangar.pdf,
Easment with Diagram.pdf

9. OLD BUSINESS

10. NEW BUSINESS

10.I. Ordinance 2016-01 – 1st Reading Amendments to Zoning, Land Use and Development Regulations

This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

Documents: MEMO 1st R ORD 2016-01 Zoning Amendments.pdf, ORDINANCE 2016-01 Housekeeping.pdf

10.II. Ordinance 2016-02 – 1st Reading Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum Property Maintenance Standards

This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

Documents: MEMO 1st R ORD 2016-02 Chapter 12 Amendments.pdf, Ord2016-02.pdf

10.III. Ordinance D2016-01, CPA/Zoning: 1st Reading and Public Hearing, American Garden Perlite Property – 31 Airport Road

The proposed amendment will designate land use and zoning for approximately

10.62 acres of property located at 31 Airport Road.

Documents: Airport Road 31 - CPA 1st R and PH 01.05.16.pdf, ORD D2016-01 - AMERICAN GARDEN PERLITE LLC.pdf, ATTACHMENT A - American Garden Perlite LLC.pdf
10.IV.Resolution 2016-01, Polk County Board of County Commissioners Library Municipal Services Taxing Unit

The adoption of Resolution 2016-01 urges Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

Documents: Memo - Resolution 2016-01 Library MSTU.pdf, Res2016-01, MSTU.pdf
11.CITY MANAGER
11.I.TRACKING REPORT

Documents: Tracking.pdf
11.II.City Commission Meeting Calendar

Documents: City Commission Meeting Calendar,1-5-16.pdf
11.III.Other Meetings & Events Calendar

Documents: Other Meetings and Events Calendar.pdf
11.IV.Information: Boards, Commissions, Committees

Documents: Information-Boards, Commissions, Committees.pdf
12.CITY COMMISSION COMMENTS
13.MAYOR COMMENTS

(The staff memos are incorporated into the official record)

Minutes of the City Commission meeting can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may make arrangements with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:

Persons who wish to appeal any decision made by the City Commission with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The meeting of the Lake Wales City Commission was held on December 15, 2015 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Eugene Fultz at approximately 6:00p.m. following the Invocation and the Pledge of Allegiance.

INVOCATION

The invocation was given by Dr Jim Moyer.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: Terrye Y. Howell; Pete Perez; Christopher Lutton; Jonathan Thornhill; Eugene Fultz, Mayor

COMMISSIONERS ABSENT: None

CITY REPRESENTATIVES PRESENT: Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Albert C. Galloway, Jr., City Attorney

5. MAYOR

6. PRESENTATION/REPORT

Jennifer Nanek, assistant to the City Manager, provided a report on the Citizens Advisory Task Force meeting held on Thursday, December 10 and the first CDBG public hearing held following that meeting on the same night. Ms. Nanek said the recommendation of the Citizens Advisory Task Force was for the City Commission to approve reapplying for a CDBG grant in the category of neighborhood and revitalization. She said staff recommends that the Commission authorize that and for staff to prepare the application.

Deputy Mayor Thornhill asked if that was something the Commission would be approving on the agenda or if the Commission was being asked to do it now. Ms. Nanek said to do it now. Deputy Mayor Thornhill made the first motion, Commissioner Howell seconded the motion.

By Voice Vote:

Deputy Mayor Thornhill "YES"
Commissioner Howell "YES"
Commissioner Lutton "YES"
Commissioner Perez "YES"
Mayor Fultz "YES"

The motion carried 5-0.

7. COMMUNICATIONS AND PETITIONS

Gary Gose, VFW 2420 Commander, thanked Commissioner Howell for attending the VFW's 70th anniversary reception in the absence of the Mayor.

Mr. Gose said in a meeting held that morning with the City a Stand Down was tentatively scheduled for November 12, 2016 for all homeless veterans, veterans in need, veteran widows and widowers, and any non-veterans in need of help. He said a community egg hunt was tentative scheduled in that meeting for March 25, 2016.

8. CONSENT AGENDA

Agenda Item 8.1. APPROVAL OF MINUTES: December 1, 2015 Regular Meeting

Agenda Item 8.II. Automated Weather Observation System (AWOS)

[Begin Agenda Memo]

SYNOPSIS

The approval is for the upgrade of the Automated Weather Observation System (AWOS) at the Lake Wales Municipal Airport.

RECOMMENDATION

It is recommended that the City Commission take the following action:

1. Remote Systems Integration (RSI) to upgrade the Automated Weather System.
2. A budget amendment in the amount of \$42,677.00 to cover the cost of the upgrade.

BACKGROUND

The Automated Weather Observation System (AWOS) provides safety for pilots by providing accurate and reliable automated and continuous real-time weather reports about weather conditions around the airport.

The current system is at its end of life status (10-years) and is no longer repairable because parts for this system is no longer available. If any component of the system fails, it will result in a partial outage or total outage if all components of the system fails.

Remote Systems Integration (RSI) has the only Florida based technician that inspects and repairs the AWOS system.

FISCAL IMPACT

This cost is not budgeted in the current fiscal year budget, therefore staff is seeking commission approval for this purchase by means of a budget amendment.

Ceilometer, complete-AWI8339 (FAA approved)	\$ 24,821.00
3000 CDP system complete (uses existing radio units)	\$ 12,356.00
Visibility sensor	\$ 4,000.00
Installation and system check-out	\$ 1,500.00

OPTIONS

The commission can choose not to approve the upgrade at this time.

[End Agenda Memo]

Agenda Item 8.III. Disposal of Surplus Property

[Begin Agenda Memo]

SYNOPSIS

Staff is seeking approval to dispose of surplus property – vehicles.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Classify the property as surplus.
2. Authorize staff to dispose of the property.

BACKGROUND

In accordance with Sec. 2-476 of the City Code, the City Commission may classify as surplus any property that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function or purpose.

The equipment outlined in the attached Schedule no longer serves any useful purpose to City. The items to dispose of include obsolete vehicles.

This property may be sold at public auction or to the highest bidder after the solicitation of sealed bids. In some cases the property may be recycled, donated to other non-profit or government entities or traded for fair market exchange of goods or services.

OTHER OPTIONS

Do not authorize the disposal of the listed property.

FISCAL IMPACT

Proceeds from any sales will be deposited into the general fund.

[End Agenda Memo]

Agenda Item 8.IV. Lease Agreement with Mears Motor Leasing

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting Commission approval to lease-purchase 8 replacement vehicles for various Public Services departments and Code Enforcement.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Approve the sixty (60) month lease of five 2016 Ford F150's, one 2016 Ford Transit Passenger Van, and one 2016 Ford Escape for Public Services from Mears Motor Leasing.
2. Approve the sixty (60) month lease of one 2016 Ford F150 for Code Enforcement from Mears Motor Leasing.
3. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND

Staff recommends the lease-purchase of these vehicles for the following reasons:

- If these new vehicles were purchased under the State of Florida Contract the total purchase price would be \$174,429. Under the Mears Motor Leasing agreement these vehicles can be leased at an annual cost of \$36,668 (total cost over the five year lease term is \$183,342). A full purchase would result in a current-year decrease in cash flow of \$174,429 compared to \$36,668.
- The sixty (60) month financing term will expire at approximately 50% of the useful life of these vehicles.
- Mears Motor Leasing's proposal has an APR of 1.54% over the sixty (60) month term with a one (1) dollar residual buyout price for each vehicle.
- If these vehicles are replaced, the annual maintenance cost assessed by Polk County Fleet Management would initially be reduced by \$6,074.
- The existing vehicles have been in daily service for over 20 years.
- As with all purchases, if the City were able to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City decided to use financing options, this lease-purchase option would result in the lowest financing cost over the life of the lease. The interest costs of the five-year lease-purchase option are \$8,913.

OTHER OPTIONS

1. A full purchase would result in a current year decrease of cash flow of \$174,429.
2. Retain the existing vehicles

FISCAL IMPACT

\$23,643 was appropriated for Public Services vehicle leases in the FY 2015-16 adopted budget (9 lease payments). The acquisition of these vehicles has been delayed three months and only 6 payments will be made in FY 2015-16, resulting in a fiscal year savings of \$7,545.

\$2,238 will be transferred from Code Enforcement's operating budget to fund the vehicle lease for the remainder of the fiscal year.

If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$36,668 for the remaining four and a half (4.5) years of the five (5) year lease. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the departments would suffer the loss of the vehicles.

[End Agenda Memo]

Agenda Item 8.V. Lease Agreement with Mears Motor Leasing

[Begin Agenda Memo]

SYNOPSIS

Staff is requesting Commission approval to lease-purchase eight (8) Police vehicles and approval to lease-purchase two (2) Fire vehicles from Mears Motor Leasing under the Master Lease Agreement.

RECOMMENDATION

It is recommended that the City Commission take the following action(s):

1. Approve the sixty (60) month lease of four (4) 2016 Chevrolet Impala marked police vehicles, three (3) 2016 Ford Interceptor Utility unmarked police vehicles and one (1) 2016 Ford Interceptor Utility marked police K9 vehicle from Mears Motor Leasing based upon the Florida Sheriff Association Fleet competitive bid pricing.
2. Approve the eighty-four (84) month lease of one (1) fire quick attack pumper and one (1) Ford Interceptor Utility unmarked fire vehicle from Mears Leasing based upon the Florida Sheriff Association Fleet competitive bid pricing.
3. Authorize the City Manager to execute the necessary documents on behalf of the City.

BACKGROUND

Within the FY 2015/16 annual budget, the City Commission approved \$259,280.00 for additional Police Department vehicles and \$246,000.00 for additional Fire Department vehicles. The FY 2015/16 annual budget indicated the vehicles would be leased versus purchased with commission approval.

Staff recommends the lease-purchase of these vehicles for the following reasons:

Police Department

- Four (4) 2016 Chevrolet Impala marked police vehicles including up-fitting. These vehicles can be lease-purchased using the Florida Sheriff Association competitive bid pricing. The capital cost of these vehicles, if purchased outright, would be \$111,769.32. Under the lease-purchase agreement, the monthly lease payment is \$1,955.73 for sixty (60) months, for a total cost of \$117,343.80 (\$1,114.90 per year leasing cost). These vehicles will be used to replace marked patrol vehicles being removed from patrol duty through reassignment, sale, or other means of disposal.
- Three (3) 2016 Ford Interceptor Utility unmarked police vehicles including up-fitting. These vehicles can be lease-purchased below the Florida Sheriff Association competitive bid pricing. The capital cost of these vehicles, if purchased outright would be \$95,202.00 through a local vendor Bartow Ford, which is \$3,768.00 lower than the cash price using the Florida Sheriff Association competitive bid pricing of \$98,970.00. Under the lease-purchase agreement, the monthly lease payment is \$1,665.84 for sixty (60) months, for a total cost of \$99,950.40 (\$949.00 per year leasing cost). These vehicles will be used to replace unmarked police vehicles being removed from duty through reassignment, sale, or other means of disposal.
- One (1) 2016 Ford Interceptor Utility marked K9 police vehicle including up-fitting. This vehicle can be lease-purchased using the Florida Sheriff Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$41,312.51. Under the lease-purchase agreement, the monthly lease payment is \$722.90 for sixty (60) months, for a total cost of \$43,374 (\$412.30 per year leasing cost). This vehicle will be used to replace a marked K9 vehicle being removed from patrol duty through reassignment, sale, or other means of disposal.
- The total lease-purchase for the Police Department vehicles is \$248,283.83, which is \$10,996.17 under the approved budget amount of \$259,280.00.
- If these new Police Department vehicles were purchased rather than lease-purchased, the total purchase price would be \$248,283.83. Under the Mears Motor Leasing agreement these vehicles can be leased at an annual cost of \$52,133.64 (monthly cost of \$4,344.47). The total cost over the five year lease term is \$260,668.20 or a leasing cost of \$12,384.37 over sixty (60) months (\$206.41 per month leasing cost) A full purchase would result in a current-year decrease in cash flow of

\$248,283.83 as compared to \$52,133.64 per year (anticipated \$39,100.23 due to delivery time and nine (9) months remaining in FY 2015/16).

- Mears Motor Leasing's proposal has an APR of 1.54% over the sixty (60) month term with a one (1) dollar residual buyout price for each vehicle.
- As with all purchases, if the City were to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City decided to use financing options, this lease-purchase option would result in the lowest financing cost over the life of the lease. The interest cost of the five-year lease-purchase option for all Police Department vehicles is \$12,384.37 (or \$2,476.87 per year).
- Eight vehicles to be replaced will be sold via an online auction or traded for equivalent value in future vehicle equipment. We have sold Ford Crown Victorias in the past via online auction for an average sale price of \$1,127.00. Based upon the average sale price, the expected recouped dollars would be \$5,635.00 for the five (5) Ford Crown Victorias being removed from service; for the three (3) utility vehicles being removed from service, there is no historical data available for an average sale price, however, we anticipate recouping at least double a Ford Crown Victoria's dollars or \$2,254 each or \$6,762.00. This could recoup a total of \$12,397.00.

Fire Department

- One (1) 2016 HME Aherns Fox Mini Evo Quick Attack Pumper. This vehicle can be lease-purchased using the Florida Sheriff Association competitive bid pricing. The capital cost of this vehicle, if purchased outright, would be \$219,988.00. Under the lease-purchase agreement, the monthly lease payment is \$2,804.15 for eighty-four (84) months, for a total cost of \$235,548.60 (\$2,222.94 per year leasing cost). This vehicle will be an addition to the Fire Department vehicle fleet.
- One (1) 2016 Ford Interceptor Utility unmarked fire vehicle including up-fitting. This vehicle can be lease-purchased below the Florida Sheriff Association competitive bid pricing. The capital cost of this vehicle, if purchased outright would be \$30,807.00 through a local vendor Bartow Ford, which is \$1,256.00 lower than the cash price using the Florida Sheriff Association competitive bid pricing of \$32,063.00. Under the lease-purchase agreement, the monthly lease payment is \$539.06 for sixty (60) months, for a total cost of \$32,343.60 (\$307.32 per year leasing cost). This vehicle will be used to replace an unmarked fire vehicle being removed from duty through reassignment, sale, or other means of disposal.
- The total lease-purchase for the Fire Department vehicles is \$250,795.00, which is \$4,795.00 over the approved budget amount of \$246,000.00. During budget formation a car was anticipated, however, this proposal is for a utility vehicle, which will be more practical for fire department duty.
- If these new Fire Department vehicles were purchased rather than lease-purchased, the total purchase price would be \$250,795.00 (\$219,988.00 for the Quick Attack Pumper and \$30,807.00 for the Ford Utility). Under the Mears Motor Leasing agreement these vehicles can be leased at an annual cost of \$33,649.80 for the Quick Attack Pumper (monthly cost of \$2,804.15). The total cost over the seven year lease term for the Quick Attack Pumper is \$235,548.60 or a leasing cost of \$15,560.60 over eighty-four (84) months (\$194.51 per month leasing cost) and the total cost over the five year term for the Ford Utility is \$32,343.60 or a leasing cost of \$1,536.60 over sixty (60) months (\$25.61 per month leasing cost). A full purchase would result in a current-year decrease in cash flow of \$250,795.00 as compared to \$40,118.52 per year for five years and \$33,649.80 annually for the final two years of seven. It is anticipated this year will cost \$7,655.69 due to delivery time and remaining months in FY 2015/16 (this anticipates nine (9) Ford Utility payments and one (1) Quick Attack Pumper payment in FY 2015/16).

- Mears Motor Leasing's proposal has an APR of 1.54% over the sixty (60) month term with a one (1) dollar residual buyout price for each vehicle.
- As with all purchases, if the City were to purchase items without the use of financing this would result in the lowest overall cost, but the greatest single annual cash flow decrease. If the City decided to use financing options, this lease-purchase option would result in the lowest financing cost over the life of the lease. The interest cost of the seven-year lease-purchase option for the Quick Attack Pumper is \$15,560.60 (or \$2,222.94 per year) and the five year lease-purchase option for the Ford Utility is \$1,536.60 (or \$307.23 per year).

OTHER OPTIONS

1. A full purchase would result in a current year decrease of cash flow of \$499,078.83.
2. Retain the existing vehicles.

FISCAL IMPACT

The proposed lease obligation of \$46,755.92 (9 months) provided by Mears Motor Leasing is based upon a lease purchase option of public safety vehicles, which overall came under budget by \$6,201.17 (Police budget under by \$10,996.17 and Fire budget over by \$4,795.00). An additional \$12,397.00 or more income and savings should be realized during the first year based upon sale of replaced vehicles and reduced maintenance costs.

If the City Commission approves the vehicle lease agreement, the City is committed to a yearly lease payment of \$58,602.36 for the sixty (60) month leases and a yearly lease payment of \$33,649.80 for the eighty-four (84) month lease. If revenues are insufficient in future years, an option would be to return the vehicles under the non-appropriation of funds clause. If it becomes necessary to exercise this option, however, the Police Department and Fire Department would suffer the loss of the vehicles.

[End Agenda Memo]

Agenda Item 8.VI. Dr. Martin Luther King, Jr. Day Celebration and Parade

[Begin Agenda Memo]

SYNOPSIS

Approval of the special event permit application will allow the Annual Dr. Martin Luther King Jr. Celebration to take place between Thursday, January 14, 2016 and Monday, January 18, 2016 and allow the temporary street closings for the parade on January 18, 2016.

RECOMMENDATION

It is recommended that the City Commission consider taking the following action:

- Approve the special event permit application for the Dr. Martin Luther King Jr. Celebration to be held between Thursday January 14, 2016 and Monday, January 18, 2016.
- Approve the temporary street closings for the Dr. Martin Luther King Jr. Celebration and Parade to be held Monday, January 18, 2016. The parade will begin at 3:30 p.m. The time frame requested for the street closings for the parade is from 2:30 p.m. to 5:00 p.m. and for after parade activities on Lincoln Avenue from approximately 4:30 p.m. to 8:00 p.m. The streets involved will be Dr. Martin Luther King Jr. Boulevard, Dr. J.A. Wiltshire Avenue, E Street, Lincoln Avenue, A Street, First Street and Park Avenue.

- Approve the temporary closing of the city parking lots on Lincoln Avenue for vendors and/or parking.
- Approve the request for the use of the James P. Austin Community Center at no cost on the following dates:
 - Thursday, January 14, 2016 for the International Pot Luck Dinner
 - Friday, January 16, 2016 for the Oratorical Contest and Talent Show
 - Saturday, January 16, 2016 for the MLK Health Fair
 - Monday, January 18, 2016 for the Legacy Breakfast and MLK Program prior to the parade

BACKGROUND

Mr. Narvell Peterson, President of the Dr. Martin Luther King Jr. Scholarship Fund of Lake Wales Inc. submitted a Special Event Permit application for the Annual Dr. Martin Luther King Jr. Celebration and Parade to take place beginning on Thursday January 14, 2016 and ending on January 18, 2016.

The celebration will include the following activities:

- Thursday, January 14, 2016 6pm – International Pot Luck Dinner at the Austin Center
- Friday, January 15, 2016 6pm – Oratorical Contest at the Austin Center
- Saturday, January 16, 2016 8am – Unity Walk from Kiwanis Park to Stuart Park
- Saturday, January 16, 2016 9 am – Health Fair, Austin Center
- Monday, January 16, 2016 - Legacy Breakfast, MLK Program – Austin Center
- Monday, January 18, 2016 – MLK Parade, Pre-parade & after parade activities on Lincoln Avenue

The special event permit application includes a request for the temporary closing of the following streets on Monday, January 18, 2016 for the Parade:

Parade will line up at the Austin Center by 2:30 p.m. and will begin at 3:30 p.m. on Dr. Martin Luther King Jr. Boulevard, travel north to Dr. J.A. Wilshire Avenue, turning left and continuing to E Street, turning right on E Street and continuing to Lincoln Avenue, traveling on Lincoln Avenue to A Street, turning right on A Street and continuing to Dr. J.A. Wilshire Avenue. The parade will then turn left and continue to First Street and continuing on First Street until Park Avenue, turning west on Park Avenue continuing until Dr. Martin Luther King Jr. Boulevard. At this point the parade will turn right on Dr. Martin Luther King Jr. Boulevard and continue to the Austin Center where the parade ends.

After the parade the celebration will continue with food and craft vendors, music and entertainment along Lincoln Avenue and in the city parking lots along Lincoln Avenue. The activities are to conclude at approximately 8:00 p.m. The Dr. Martin Luther King Jr. Committee will be responsible for requiring the vendors to close promptly at 8:00 p.m. The committee will also be responsible for site set up, sanitary facilities and assisting with clean up after the event concludes.

The Lake Wales Police Department and VOICE will be assisting with pedestrian traffic and vehicular traffic control for the parade, prior to the parade and for after parade activities. The Streets Division will be assisting with the street closings, setting out trash containers, trash clean up during the parade and the normal trash clean up on Tuesday.

OTHER OPTIONS

Do not approve this event and road closings.

FISCAL IMPACT

In-kind services for the City were budgeted for FY15/16 in the amount of \$7,721.12. The MLK Scholarship Fund of Lake Wales Inc. is responsible for 25% or \$1,930.28. The fees for the James P. Austin Community Center would be waived providing that the City Commission approves this request.

[End Agenda Memo]

Agenda Item 8.VII. Preliminary Financial Statements for November 30, 2015

[Begin Agenda Memo]

SYNOPSIS

The preliminary financial statements report revenues received and expenditures made through the end of November 30, 2015.

The unaudited financial statements for the City of Lake Wales for the Period Ending November 30, 2015 are presented to the City Commission for review. At the end of November 30, 2015 the City was 16.67% into the fiscal year.

General Fund (001), page 2

The General Fund appears to be materially on target with revenue and expenditure expectations.

Transportation Fund (102), page 7

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

CRA Fund (105), page 12

The CRA fund appears to be materially on target with revenue and expenditure expectations.

Library Fund (110), page 17

The Library Fund appears to be materially on target with revenue and expenditure expectations.

Utility System Fund (403), page 27

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

Airport Authority (404), page 29

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End Agenda Memo]

Commissioner Howell made a motion to approve the Consent Agenda. Commissioner Lutton seconded the motion.

By Voice Vote:

Commissioner Lutton	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Perez	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

9. OLD BUSINESS

10. NEW BUSINESS

11. CITY MANAGER

Agenda Item 11.I City Commission Tracking Report

Mr. Fields reported that the new Code Enforcement Officer has started working and is working in the CRA areas of the City. He said we are making unsafe structures and potential property demolition a high priority target and hopefully early next year a list of properties to be demolished will be presented to the Commission.

Mr. Fields reported on the success of the number of events that recently took place around town. He said it was a busy time for public works and parks' staff, the weather was nice, there was a great turnout, and a lot of people that came to the events gave a good report. He welcomed everyone to come to Friday night's monthly movie night at the James P. Austin Community Center and reminded everyone that the event is free to the public.

Mr. Fields reported to the Commission that he will be out of the office next week on vacation but will be back in the office between Christmas and New Years and will be out of the office again the Monday after News Years and will be back in the office on the day of the next Commission meeting.

Agenda Item 11.III. Other Meetings & Events Calendar

Agenda Item 11.IV. Information: Boards, Commissions, and Committees

12. CITY COMMISSION COMMENTS

The City Commission wished everyone a Merry Christmas and a Happy New Year.

13. MAYOR COMMENTS

The Mayor said he also attended the recent special events that took place throughout the City and that he enjoyed the ones he was able to attend.

The meeting was adjourned at 6:08 p.m.

Mayor/Deputy Mayor

ATTEST:

City Clerk Clara VanBlargan, MMC

MEMORANDUM

December 21, 2015

To: Honorable Mayor and City Commissioners

Via: Kenneth Fields, City Manager

From: Teresa Allen, Assistant Public/Support Services Director

Subject: Grant of Distribution Easement to Duke Energy

Synopsis: The City Commission will consider granting Duke Energy Florida, Inc. a 10-foot Easement for the City property located 440 South Airport Road.

RECOMMENDATION

Staff recommends that the City Commission take the following actions:

1. Grant Duke Energy Florida, Inc. a 10-foot distribution easement for the City property located at 440 South Airport Road (Lake Wales Municipal Airport).

BACKGROUND

In July 2015, the City Commission approved a ground lease at the Lake Wales Municipal Airport with Terry Short Aircraft Services to build a hangar. In addition to building the hangar Mr. Short is wanting to have three (3) street light poles installed for the hangar.

There are existing street lights in this section but according to Duke Energy records, there was never an easement granted for this section.

Duke Energy Florida, Inc. informed the Terry Short Aircraft Services that in order to move forward with the installation of the light poles, they are requiring a 10-foot distribution easement.

FISCAL IMPACT

None, all cost associated with the installation and monthly electric bill is the responsibility of Terry Short Aircraft Services.

OTHER OPTIONS

None

ATTACHMENT

Easement document

POLK COUNTY, FLORIDA

STR: 04-30S-27E

Work Request #: 1093698

Address: 440 S. AIRPORT ROAD

LAKE WALES 33859

Municipal Airport

EASEMENT

THIS EASEMENT ("Easement") is made this _____ day of _____, 2015 ("Effective Date"), from CITY OF LAKE WALES ("GRANTOR," whether one or more) to DUKE ENERGY FLORIDA, LLC., a Florida Limited Liability Company, d/b/a DUKE ENERGY, Post Office Box 14042, St. Petersburg, Florida 33733, and its successors, lessees, licensees, transferees, permittees, apportionees, and assigns ("GRANTEE");

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto GRANTEE, the perpetual right, privilege, and easement to install, operate and maintain in perpetuity, such Facilities as may be necessary or desirable for providing electric energy and for communication purposes over, under, upon, across, through and within the following described lands in Polk County, Florida, and referred to hereinafter as the Easement Area to wit:

A 10.00 foot wide Easement Area lying 5.00 feet on each side of GRANTEE's Facilities to be installed at mutually agreeable locations over, under, across and through the following described property to accommodate present and future development:

A parcel of land lying in Sections 8 and 9, Township 30 South, Range 27 East, Polk County, Florida; being more particularly described as follows:

Commence at a concrete monument found at the Northwest corner of said Section 9 and run thence South 00°25'23" East, along the West line of the Northwest 1/4 of said Section 9, a distance of 1301.56 feet to the POINT OF BEGINNING of the herein described parcel; thence South 59°18'40" West, a distance of 277.66 feet to an iron rod set; thence South 00°25'23" East, a distance of 1214.99 feet to an iron rod set at the Westerly extension of the South line of said Northwest 1/4 of Section 9; thence North 89°53'15" East, along said Westerly extension, a distance of 239.82 feet to an iron rod found at the Southwest corner of said Northwest 1/4, thence continue North 89°53'15" East, along the South line of said Northwest 1/4, thence continue North 89°53'15" East, along the South line of said Northwest 1/4, a distance of 1321.42 feet to an iron rod found at the Southeast corner of the West 1/2 of said Northwest 1/4; thence North 00°26'51" West, along the East line of said West 1/2, a distance of 2133.97 feet to an iron rod set; thence South 59°18'40" West, a distance of 1528.88 feet to the West line of said Northwest 1/4 and the said POINT OF BEGINNING. Containing 60.001 acres, more or less.

Tax Parcel Number: 04-30-27-000000-021010

The rights herein granted to GRANTEE by GRANTOR specifically include the right: (a) for GRANTEE to patrol, inspect, alter, improve, add to, repair, rebuild, relocate, and remove said Facilities; (b) for GRANTEE to increase or decrease the voltage and to change the quantity and type of Facilities; (c) ingress and egress over the Easement Area and over portions of GRANTOR's adjoining property for the purpose of exercising the rights herein granted; (d) to trim, cut or remove from the Easement Area, at any time, trees, limbs, undergrowth, structures or other obstructions; (e) to trim, cut or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of GRANTEE, might interfere with or fall upon the

Facilities; (f) to allow third parties to attach equipment to the Facilities including but not limited to wires, cables and other apparatus; (g) and all other rights and privileges reasonably necessary or convenient for **GRANTEE's** safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement for the purposes described herein. Failure to exercise the rights herein granted to **GRANTEE** shall not constitute a waiver or abandonment.

GRANTOR shall have the right to use the Easement Area in any manner that is consistent with the rights granted to **GRANTEE** herein; provided however, without the prior written consent of **GRANTEE**, **GRANTOR** shall not (a) place, or permit the placement of, any obstructions within the Easement Area including but not limited to, any building, house, or other above-ground or underground structure, or portion thereof. If obstructions are installed adjacent to the Easement Area, they shall be placed so as to allow ready access to **GRANTEE's** facilities and provide a working space of not less than ten (10) feet on the opening side, six (6) feet on the back for working space and three (3) feet on all other sides of any pad mounted equipment; (b) excavate or place, or permit the excavation or placement of any dirt or other material upon or below the Easement Area; or (c) cause, by excavation or placement of material, either on or off the Easement Area, a pond, lake, or similar containment vehicle that would result in the retention of water in any manner within the Easement Area. **GRANTEE** shall have the right to remove any such obstruction(s) at **GRANTOR's** expense. Excluding removal of vegetation and obstructions as provided herein, any physical damage to the surface of the Easement Area and/or **GRANTOR's** adjoining property caused by **GRANTEE** or its contractors shall be repaired to a condition reasonably close to the previous condition. The rights and easement herein granted are exclusive as to entities engaged in the provision of electric energy service and **GRANTOR** reserves the right to grant rights to others affecting said Easement Area provided that such rights do not create an unsafe condition or conflict with the rights granted to **GRANTEE** herein.

GRANTOR hereby warrants and covenants (a) that **GRANTOR** is the owner of the fee simple title to the premises in which the above described Easement Area is located, (b) that **GRANTOR** has full right and lawful authority to grant and convey this easement to **GRANTEE**, and (c) that **GRANTEE** shall have quiet and peaceful possession, use and enjoyment of this easement. All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the heirs, successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, this Easement has been executed by Grantor on this _____ day of _____, 2015, and is effective as of the Effective Date herein.

GRANTOR:

City of Lake Wales
Name of Corporation

ATTEST:

Secretary

President

Print or Type Name

Print or Type Name

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Grantor(s) mailing address:

Signature of First Witness

Print or Type Name of First Witness

Signature of Second Witness

Print or Type Name of Second Witness

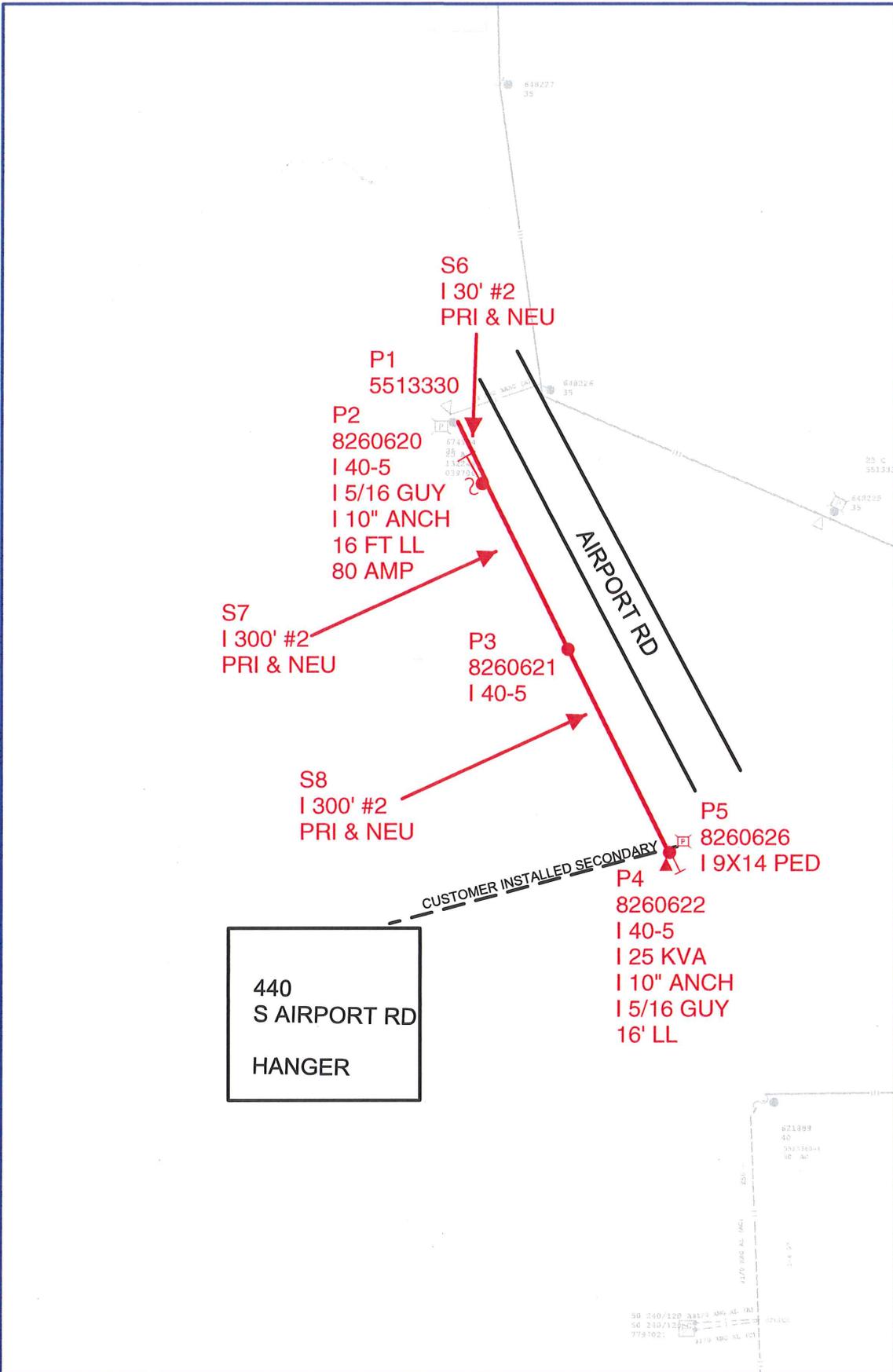
State of _____)
County of _____) ss

The foregoing Easement was acknowledged before me this _____ day of _____, 2015, by _____ and _____, its President and its Secretary, respectively of _____, a _____ (State) Corporation, on behalf of the Corporation who is/are personally known to me or who has/have produced _____ as identification.

CORPORATE SEAL

NOTARY SEAL

Name:
Notary Public
Serial Number:
My Commission Expires:



440
S AIRPORT RD
HANGER

CUSTOMER INSTALLED SECONDARY

Duke Energy - Florida Region		PRE-JOB SAFETY BRIEFING REQUIRED BEFORE STARTING WORK		
440 S AIRPORT RD LAKE WALES, FL 33859	DRAWN BY: Donaldson, Jeremy DATE: 12/4/2015 TRUCK ACCESS: OPEN TAKING AUTHORITY: LAKE WALES S-T-R: undefined	BREAKER: K56 UPSTREAM PROTECTION DEVICE FUSE 5513283	WORK REQUEST: 1093698 OPERATION CENTER: LAKE WALES TA: LW74 LAT LONG: 27.89956, -81.62021	SHEET 1 OF 1

MEMORANDUM

December 21, 2015

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance 2016-01 – 1st Reading
Amendments to *Zoning, Land Use and Development Regulations*

SYNOPSIS

This ordinance addresses housekeeping issues related to Board membership, Lots and Structures, Fences and Hedges, as well as miscellaneous scrivener's errors.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-01 after first reading. A public hearing is not required.

The Planning and Zoning Board held a public hearing on December 9, 2015 and recommended favorably for the approval of the proposed amendments.

BACKGROUND

Most of the amendments are housekeeping in nature. They correct misspellings and insert words that were inadvertently left out.

Section 1 of the ordinance proposes an amendment increasing the number of Planning Board members that can reside outside the city, but must own property within the city limits, from one (1) to three (3) members. The Board is made up of seven (7) members therefore the majority of the membership would still require residency. The Planning Board discussed this amendment at length and on a three (3) to one (1) vote recommended approval.

Section 2 proposes an increase in the number of principal buildings on a lot that can be approved as a major site plan from two (2) to four (4). This will streamline some of the approval process and may encourage development. The Planning Board unanimously supported this amendment.

Sections 3, 4, 5, 6, and 8 deal with scrivener's errors such as misspelling and omitted words.

Section 7 proposes to allow an administrative approval of an increase in fence height from four (4) feet up to six (6) feet in a functional side yard. This would be applicable for corner lots that by design have two front yards by regulatory definition, but one functions as a side yard.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

ATTACHMENTS

Ordinance 2016-01

ORDINANCE 2016-01

(Zoning Amendment – Chapter 23 Zoning, Land Use and Development)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO PLANNING BOARD MEMBERSHIP; LOTS AND STRUCUTRES; CERTIFICATE OF APPROPRIATENESS; EXEMPTION FROM PAYMENT OF REVIEW FEES; APPEALS AND VARIANCES; TOWER AND TELECOMMUNICATIONS FACILITIES; FENCES AND HEDGES; AND CONCURRENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1: *Sec. 23-205.2 Composition of planning board and terms of members.*

Sec. 23-205.2.a is amended as follows:

- a. The planning board shall consist of seven (7) regular members who shall be appointed by the governing body. At least ~~six (6)~~ four (4) must be residents of the city, and ~~one (1)~~ three (3) members must either reside in or own property in the city.

SECTION 2: *Sec. 23-301.2 General regulations for structures.*

Sec. 23-301.2.a.3 is amended as follows:

3. Up to ~~two (2)~~ four (4) principal buildings on a lot are permitted in non-residential and mixed use developments through the site plan approval process for major projects (section 23-222).

Sec. 23-301.2.a.4 is amended as follows:

4. Non residential and mixed use projects with **more** than ~~two (2)~~ four (4) principal buildings on a lot may be permitted through the planned development project process (section 23-224).

SECTION 3: *Sec. 23-227.3. Review of application for certificate of appropriateness.*

Section 23-227.3 a Administrative review is amended as follows:

2. Upon a finding that an application is complete, the administrative official, in consultation with other department as necessary, shall review the application for compliance with the purpose and intent of these regulations including the provisions of article IV, Resource Protection Standards, division 5, Historic Preservation (section 23-651 et seq.). The administrative official may request modifications or additional information if necessary.

Sec. 23-227.3.b *Historic board review and action* is amended as follows:

1. Except for application for demolitions, the board shall approve with stated conditions or stipulations, or deny an application with specific reference to the requirements for this chapter and standards adopted by the historic regulatory board. The board may continue the hearing until the next regularly scheduled meeting if further information or modifications to plans for proposed work are requested. However, the board shall make a decision at the continued hearing unless the applicant ~~assents~~ agrees to further delay.

SECTION 4: *Sec. 23-243. Exemption from payment of review fees.*

Sec. 23.243.d is amended as follows:

- d. Exemption from payment of board fees shall not apply to advertising costs or other costs which may ~~be~~ be necessary to provide public notice if such notice is required.

SECTION 5: *Sec. 23-244. Appeals and variances.*

Sec. 23-244.c is amended as follows:

- c. The concurring vote of at least ~~four (4)~~ three (3) members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or planning board or to decide in favor of the applicant on any matter upon which the board of appeals is required to pass under this chapter.

SECTION 6: *Sec. 23-354. Tower and telecommunication facilities.*

Sec. 23-354.1 Definitions is amended as follows:

Permitted uses means specific permitted uses as listed in section ~~23-356.4~~ 23-354.4 of this article.

SECTION 7: *Sec. 23-524 Fences and hedges*

Sec. 23-524.b. Dimensional requirements is amended as follows:

- a. The planning board may waive the height requirements for a valid purpose related to compatibility with the character of the neighborhood, addressing problems with slope or architecture, or screening ~~and~~ an adjacent land use. Fences required for compliance with a permit granted by an agency for structures such as retention ponds are exempt from height restrictions. The administrative official may grant a waiver for fence height in a "functional" side-yard from 4 feet up to 6 feet in height.

SECTION 8: *Sec. 23-701. Purpose and intent; definitions*

Sec. 23-701(d) is amended as follows:

Concurrency facilities: Public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline as mandated in the City of Lake Wales Comprehensive Plan pursuant to F.S. ch. 163 and ~~9J-5.005, FAC~~, shall include: Sanitary Sewer, Potable Water, solid Waste, Roads, Public Schools, Recreation & open Space, and Drainage.

SECTION 9: Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 10: Effective date: this ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016.

By: _____
Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____
City Clerk

MEMORANDUM

December 21, 2015

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangle, Director of Planning and Development

RE: Ordinance 2016-02 – 1st Reading
Amendments to Chapter 12 – Health Sanitation, Nuisances, and Minimum
Property Maintenance Standards

SYNOPSIS

This ordinance addresses housekeeping issues such as numbering, code enforcement oversight, redundancies, clarification of responsibilities, reference to the International Property Maintenance Code, addition of sections for dead trees and conditions dangerous to children.

RECOMMENDATION

Staff recommends the approval of Ordinance 2016-02 after first reading. A public hearing is not required.

BACKGROUND

In 2012 when the last amendment to Chapter 12 was initiated the numbering was not integrated as well as it could have been. This is being corrected with this amendment. The Code Enforcement Division has been made part of the Department of Planning and Development so this is reflected in the amendment.

An effort has been made to remove redundancies from the chapter and to clarify responsibilities of all parties including staff and citizenry.

Staff is recommending additional detail for dead trees as well as conditions that may pose a danger to children.

FISCAL IMPACT

The amendments have no identifiable fiscal impact themselves.

OTHER OPTIONS

City Commission may modify the proposed amendments as determined appropriate.

ATTACHMENTS

Ordinance 2016-02

ORDINANCE 2016-02

(Amendments to Chapter 12, Health, Sanitation, Nuisances, and Minimum Property Maintenance Standards)

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 12, HEALTH, SANITATION, NUISANCES, AND MINIMUM PROPERTY MAINTENANCE STANDARDS; RENUMBERING SECTIONS TO FIT OVERALL CODE NUMBERING SYSTEM, CLARIFYING RESPONSIBILITIES; REMOVING REDUNDANCIES; UPDATING CROSS REFERENCES WITH OTHER SECTIONS OF CODE; ADDING DEAD TREES AND PROHIBITING CONDITIONS DANGEROUS FOR CHILDREN; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1 ARTICLE IV. MINIMUM PROPERTY MAINTENANCE STANDARDS is amended as follows:

ARTICLE IV. DIVISION 4. MINIMUM PROPERTY MAINTENANCE STANDARDS

~~Sec. 12-226. International property maintenance code adopted.~~

~~The International Property Maintenance Code, 2009 Edition, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference as the minimum property maintenance standards of the city subject to and including by reference such additions and amendments that may be adopted by the city by ordinance.~~

~~Sec. 12-227. Conflicts.~~

~~In the event of a conflict between the provisions of the International Property Maintenance Code, adopted by the provisions of this article, and the provisions of this Code of Ordinances, the Code of Ordinances shall prevail.~~

~~Sec. 12-228. Modifications, amendments, deletions.~~

~~The International Property Maintenance Code, 2009 edition, incorporated by reference in section 12-226 is modified as specified hereunder:~~

§ 12-226. INTENT

PART 1. SCOPE AND APPLICATION

~~(a) Section 101.1 is amended to read:~~

~~*101.1 Title.* These regulations shall be known as the Minimum Property Maintenance Standards of the City of Lake Wales, hereinafter referred to as "this code."~~

~~*101.2 Scope.* (a) The provisions of this code Division shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from~~

fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

~~101.3 Intent.~~ (b) This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

~~101.4 (c) Severability.~~ If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, or otherwise unenforceable such decision shall not affect the validity of the remaining portions of this code.

SECTION 102. § 12-227. APPLICABILITY

~~(b) Section 102.1 is amended to read:~~

~~102.1 General.~~ Where there is a specific conflict between a general requirement of this code and a specific requirement of this code, the specific requirement shall govern. Where differences occur between provisions of this code, and any referenced standard in this code, this code shall generally govern. Chapter 553, Florida Statutes, the Florida Building Code and all referenced standards in the Florida Building Code shall control all matters relating to new building construction, repair and remodeling. The Florida Fire Prevention Code / Florida Life Safety Code shall control all matters relating to fire safety. Where, in a specific case, different sections of this code specify different requirements, the most restrictive will govern.

~~102.2 12-227.1 Maintenance.~~ Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from, shut off from, or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

~~(c) Section 102.3 is amended to read:~~

~~102.3 12-227.2 Application of other codes.~~ Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Chapter 553, Florida Statutes, and any applicable building codes, including, but not limited to, the Florida Building Code. Nothing in this code shall be construed to cancel, modify or set aside any of the provisions of Chapter 553, Florida Statutes, or any applicable building codes to a particular project, including, but not limited to, the Florida Building Code or any referenced standard therein.

~~102.4 12-227.3 Existing remedies.~~ The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

~~102.5~~ 12-227.4 *Workmanship*. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

~~(d) Section 102.6 is amended to read:~~

~~102.6~~ 12-227.5 *Historic Buildings*. The provisions of this code shall not be mandatory for existing buildings or structures that are designated as historic by the National Park Service and listed on the National Register of Historic Places when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety, and welfare.

~~(e) Section 102.7 is amended to read:~~

~~102.7~~ 12-227.6 *Referenced codes and standards*. The codes and standards referenced throughout this code shall be considered part of this code and are accordingly adopted and incorporated herein by reference to the prescribed extent of such reference. Where differences occur between provisions of this code and the referenced standards, the more stringent standard shall apply.

~~(f) Section 102.8 is amended to read:~~

~~102.8~~ 12-227.7 *Requirements not covered by code*. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, not specifically covered by this code shall be determined by the Code Official using the following:

a. Reference to the International Property Maintenance Code, 2009 edition;

- (1) b. Reference to the manufacturer's suggested guidelines or instructions for installation and use;
- (2) c. Reference to the Florida Building Code or any other applicable building code;
- (3) d. Reference to primary law (including federal, state, and local sources);
- (4) e. Reference to any generally accepted practice in the industry, occupation, or general use for which the existing fixture, structure or equipment is primarily designated for, or which the public health, safety, and welfare requires; or
- (5) f. Reference to any other suitably acceptable source of custom or practice reasonably accepted by society and sufficiently reliable in nature such that the requirement would be generally known and accepted in the community.

The Code Official, upon observing a deficiency in a requirement necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health, and general welfare, shall, in addition to regular enforcement protocol, issue along with the first notice a written determination including the basis for requirement and the necessary steps to correct the deficiency observed to meet the requirement.

~~102.9~~ *Application of references*. ~~References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.~~

~~102.10 Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.~~

~~(g) Section 103 is renamed "Code Enforcement Unit"~~

~~(h) Section 103.1 is amended to read:~~

~~PART 2. ADMINISTRATION AND ENFORCEMENT~~

~~103.1 12-227.8 Code Officials. Each Code Enforcement Officer and Building Official of the City is deemed a "Code Official" for purposes of this code. A code official may only exercise authority in enforcing this code for which the said code official is duly licensed. The Lake Wales Building Official is the official in charge of the Code Enforcement Unit. Code Enforcement is a division of the Department of Planning and Development. Any notices required to be delivered to the Code Official under this code shall be delivered to the responsible Code Official for the case.~~

~~(i) Sections 103.2 and 103.3 are deleted.~~

~~(j) Section 103.4 is amended to read:~~

~~103.4 12-227.9 Liability. In accordance with § 768.28(9)(a), Florida Statutes, a City official or employee charged with the enforcement of this code shall not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.~~

~~(k) Section 103.5 is deleted.~~

§ 12-228. SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this Division is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these regulations shall continue in full force and effect, it being the intent of the city commission to have adopted these regulations without such unconstitutional or invalid section, subsection, paragraph, sentence, clause or phrase.

~~SECTION 104. § 12-229. DUTIES AND POWERS OF THE CODE OFFICIAL~~

~~(l) Section 104.1 is amended to read:~~

~~104.1 General. The Code Official shall enforce the provisions of this code.~~

~~(m) Section 105.1 is amended to read:~~

~~104.2 12-229.1 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such~~

expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

~~104.3~~ 12-229.2 *Right of entry.* Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

~~104.4~~ 12-229.3 *Identification.* The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

~~104.5~~ 12-229.4 *Notices and orders.* The code official shall issue all necessary notices or orders to ensure compliance with this code.

~~104.6~~ 12-229.5 *Department records.* The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

~~SECTION 105. APPROVAL~~

~~105.1~~ 12-229.6 *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications to structures for individual cases as may be deemed necessary in his or her discretion. Should a modification be denied, the requester may appeal the Building Official's decision to the Board of Adjustment and Appeals. No modification from the terms of this code shall be issued unless the Board of Adjustment and Appeals finds, based on competent substantial written evidence submitted to the Planning & Development Department at least seven (7) business days before the day of the scheduled meeting of the Board of Adjustment and Appeals, that all of the following conditions are met:

- ~~(1)~~ a. The requested modification is in compliance with the intent and purpose of this code;
- ~~(2)~~ b. The requested modification does not lessen health, life, safety and fire requirements;
- ~~(3)~~ c. The circumstances giving rise to the requested modification are peculiar to the structure and do not arise from the actions of a structure owner or occupant;
- ~~(4)~~ d. The requested modification, if approved, will not confer any special privilege that is denied by the provisions of this code to other similarly situated structures;
- ~~(5)~~ e. Literal interpretation of the provisions of this code would deprive the structure owner or occupant of rights commonly enjoyed by other similarly situated structures; and
- ~~(6)~~ f. The requested modification, if approved, is the minimum modification that will allow reasonable use of the structure.

All requests for modifications must be submitted to the City in writing. It is the requester's responsibility to include a proper mailing address with the written request for modification.

While it is preferred that the requester provide evidence supporting the modification to the Board of Adjustment and Appeals at the time of making the written request, to ensure that the requester is given adequate opportunity to provide the Board of Adjustment and Appeals with all relevant evidence, the Planning & Development Director shall, upon receipt of a request for modification, forward a notice, along with a copy of this Section, to the address supplied by the requester that identifies the Board meeting date and the deadline for document submittal.

Should a modification to this code be approved, the Board of Adjustment and Appeals shall draft a modification order and shall forward a copy of the modification order to the Code Official for placement in the Code Official's files and a copy of the modification order to the Building Official for placement in the Building Official's files.

Modifications to this code granted by the Board of Adjustment and Appeals are not variances and do not run with the land, and upon the application for a building permit from the City for the subject building, structure or premises by the owner or occupant thereof, such modifications shall cease to be in existence and the subject building, structure or premises must be brought into compliance with this code as a condition of issuance of the permit.

Any aggrieved person adversely affected by a decision of the Board of Adjustment and Appeals made pursuant to this Section shall, within thirty (30) days of rendition of the decision, make appeal to an applicable Court of law in accordance with the Florida Rules of Appellate Procedure by filing with such Court a petition for writ of certiorari. Such an appeal shall be in the nature of that from a final administrative decision.

~~105.2~~ 12-229.7 *Alternative materials, methods and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

~~(n) Section 105.3 is amended to read:~~

~~105.3~~ 12-229.8 *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority, but not the obligation, to require tests to be made as evidence of compliance at the property owner's expense.

~~(o) Sections 105.3.1, 105.3.2 and 105.6 are deleted.~~

~~105.4~~ 12-229.9 *Used material and equipment.* The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

~~105.5 12-229.10~~ *Approved materials and equipment.* Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

SECTION ~~106.~~ VIOLATIONS

~~106.1 Unlawful acts.~~ It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

~~(p)~~ Section 106.2 is amended to read:

~~106.2 Enforcement Protocol.~~ The Code Official shall enforce the provisions of this Code in any manner or protocol available including, but not limited to, issuance of a citation pursuant to § 162.21, Florida Statutes and § 12-211 et seq., Lake Wales Code of Ordinances, a "Notice of Hearing" pursuant to § 162.12, Florida Statutes and § 12-216 et seq., Lake Wales Code of Ordinances, a "Notice to Appear" pursuant to § 162.23, Florida Statutes, a "Demand for Correction" pursuant to § 106.3 of this code, or referral to the City Attorney for filing a civil enforcement action. The enumeration of remedies and protocols herein does not constrain the Code Official who, as an officer of a Florida municipality endowed with home rule authority, may use any lawful means necessary to bring a code violation into compliance, to restrain, correct, or to prevent illegal occupancy of any building, structure or premises, or to stop an illegal act, conduct, business or utilization of any building, structure or premises.

~~(q)~~ Section 106.3 is amended to read:

~~106.3 Declaration of nuisance; demand for correction.~~ A violation of any provision of this code is deemed to be a nuisance affecting the public health, safety and welfare, and accordingly, the Code Official is hereby authorized and empowered to notify, in writing, the owner or agent of such owner, of any building, structure or premises within the City, to make such repairs as may be required to abate the nuisance condition and bring such building, structure or premises into compliance. Notice shall be provided to the owner or agent of such owner either (a) in the manner described in § 162.12, Florida Statutes, or (b) in the manner described in § 12-216, Lake Wales Code of Ordinances.

The notice required to be given herein shall set forth the legal description of the property underlying the building, structure or premises as is set forth in the latest tax roll prepared by the county, and shall specify a reasonable time in which the owner or agent of the owner shall abate the condition and bring such building, structure or premises into compliance. Such notice shall have attached thereto a true copy of this section. Included in the notice shall be a statement informing the owner that all costs incurred by the City in abating the nuisance condition and repairing the condition and bring such building, structure or premises into compliance shall be billed to the property owner.

Upon the failure, neglect or refusal of any owner or the agent of such owner so notified to abate the nuisance condition and make repairs within the reasonable time specified after posting the building, structure or premises, the Code Official is hereby authorized to order the repair of the building, structure or premises and bill the owner for the work.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which such owner was given to abate the nuisance. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 201 W. Central Avenue, Lake Wales, Florida. In the event the time for

~~owner to abate the nuisance expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Board meeting or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance of the action appealed from until after the hearing is held. Any appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. If not, the City shall proceed with the abatement.~~

~~After abatement and billing by the City, where the full amount due the City is not paid by the owner of the building, structure or premises within thirty (30) days after the billing date, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.~~

~~This provision is supplemental in nature and is not intended to be the exclusive remedy by which this code may be enforced.~~

~~(r) Section 106.4 is amended to read:~~

~~*106.4 Violation penalties; remedies additional and supplemental.* Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by general or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Each remedy provided for in this code is an additional and supplemental means of enforcing city codes and ordinances and may be used for the enforcement of this code singularly or in tandem. Nothing contained herein shall prohibit the city from enforcing its codes and ordinances by any other means.~~

~~(s) Section 106.5 is amended to read:~~

~~*106.5 Abatement of violation.* The imposition of the penalties herein shall not preclude the Code Official from referring a particular case to the City Attorney to institute an appropriate action to restrain, correct, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

SECTION 107. NOTICES

~~(u) Sections 107.2, 107.3 and 107.5 are deleted.~~

~~(t) Section 107.1 is amended to read:~~

~~*107.1 Notices.* Notice of a violation of this code shall be delivered in accordance with the substantive law governing the Code Official's chosen enforcement protocol or protocols.~~

~~107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.~~

~~(v) Section 107.6 is amended to read:~~

~~107.6 Transfer of ownership. It shall be unlawful for the owner of any building, structure or premises who has received a citation, a notice of violation, a demand for removal or a demand for correction to sell, transfer, mortgage, lease, or otherwise dispose of such building, structure, or premises until the provisions of the citation, notice of violation, demand for removal or demand for correction have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of the citation, notice of violation, demand for removal or demand for correction and then provide to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such citation, notice of violation, demand for removal or demand for correction and fully accepting the responsibility without condition for making the corrections or repairs required thereby.~~

~~A true and correct copy of this section shall be attached to all citations, notices of violation, demands for removal and demands for correction issued pursuant to this code, although the failure to attach a copy thereto will not affect the validity of the instrument, nor shall it affect the validity of this section.~~

~~Any person violating this section shall be subject to the penalty found in § 12-225, of the Lake Wales Code of Ordinances.~~

~~SECTION 108. §12-230 UNSAFE STRUCTURES AND EQUIPMENT~~

~~108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.~~

~~108.1.1 12-230.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.~~

~~108.1.2 12-230.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.~~

~~108.1.3 12-230.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.~~

~~108.1.4~~ 12-230.4 *Unlawful structure*. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

~~(w) Section 108.1.5 is amended to read:~~

~~108.1.5~~ 12-230.5 *Dangerous structure or premises*. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous.

- 1- a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the requirements for existing buildings identified in Chapter 553, Florida Statutes, the Florida Building Code, the Florida Fire Prevention Code or the Florida Life Safety Code.
- 2- b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- 3- c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
- 4- d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- 5- e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- 6- f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- 7- g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- 8- h. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- 9- i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for habitation or in such a condition that is likely to cause sickness or disease.

40. j. Any building or structure, because of lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
44. k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

~~(x) Section 108.2 is amended to read:~~

~~108.2~~ 12-230.6 *Closing of vacant structures.* If a structure is vacant and unfit for human habitation and occupancy, and is not in danger for structural collapse, but is open such that the interior of the structure is easily accessible through open or broken windows, open or broken doors, or missing structural elements, the Code Official is authorized to issue a demand for correction in accordance with ~~§ 106.3~~ Sec. 12-211 of this code.

Alternatively, should the vacant structure

- (1) pose an imminent danger to the health, safety, and welfare of the general public;
- (2) be occupied periodically by transients or itinerants; or
- (3) be utilized for illegal conduct in violation of any federal, state or local law,

the Code Official is authorized to have the structure immediately closed up so as not to be an attractive nuisance by posting a notice at each entrance to the building entitled "Notice of Section ~~408.2~~ 12-230.6 Closing" and by sealing each accessible entrance. A "Notice of Section ~~408.2~~ 12-230.6 Closing" shall be in substantially the following form:

"NOTICE OF SECTION ~~408.2~~ 12-230.6 CLOSING

This vacant structure is uninhabitable and has been closed by Order of the City of Lake Wales Code Enforcement Unit pursuant to Section ~~408.2~~ 12-230.6 (1), (2), and/or (3) of the Minimum Property Maintenance Standards of the City.

For information, please call (863) 678-4182 X714".

When the Code Official elects to post a "notice of closing" on a vacant structure at each accessible entrance, in accordance with subsection (1), (2) or (3) above, the Code Official shall send a bill for the City's expense in closing the structure to the owner of the property underlying the structure or the agent of such owner of the property underlying the structure by United States certified mail, return receipt requested. Should the City's bill be returned unclaimed, the City may then post the bill on the closed structure and at a conspicuous location at City Hall for ten (10) days, which, on the tenth day after posting, shall constitute the equivalent of delivery. After billing by the City, if the full amount due the City is not paid by the owner of the structure or the agent of the owner of the structure within thirty (30) days after receipt of the bill or after the expiration of ten (10) days after posting the bill, the Code Official shall cause to be recorded in the public records of the county, a sworn statement showing the cost and expense incurred for the work and the date, place and property on which such work was done, and an affidavit of constructive service by posting, if any, and the recordation of such sworn statement shall constitute a special assessment lien on the property equivalent to the lien of municipal taxes and taking precedence over all other recorded liens, and shall remain in full force and effect for the amount due on principal

and interest, plus costs of court, if any, for collection, until final payment has been made. Such special assessment lien may be foreclosed in the manner provided for by general law.

Any owner aggrieved by the findings and order of the Code Official shall have the right to appeal said decision prior to the expiration of the time within which to pay the bill for closing the structure due the City. Any appeal taken must be requested, in writing, and timely received by the City Clerk at 201 West Central Avenue, Lake Wales, Florida. In the event the time for owner to pay expires on a weekend, evening or a holiday, the owner shall have until 5:00 p.m. the next business day to file the request for appeal. Such written notice or request may be in any form which clearly notifies the City of the owner's request. The Code Official shall place the appeal on the agenda of the next scheduled Code Enforcement Board Hearing or may request a special meeting to hear the appeal. Any appeal shall stay all proceedings in furtherance with the action appealed from until after the hearing is held. It shall be the responsibility of the owner of the property in question to show that the City's actions are without reason. The Code Enforcement Board shall determine whether the appeal is justified. The appeal hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes. If it is determined by the Code Enforcement Board, based on competent substantial evidence in the record, that the City's actions are without reason, the cost for closing the structure shall be borne by the City.

No structure closed by the City pursuant to this section may be reopened unless said structure is wholly compliant with this code or unless it is shown during a timely appeal after hearing that the City's actions in closing the structure were without reason.

~~408.2.4~~ 12-230.6.1 *Authority to disconnect service utilities.* The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section ~~402.7~~ 12-227.6 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to the disconnection the owner or occupant of the building, structure, or service system shall be notified in writing as soon as practical thereafter.

~~(y)~~ Section 108.3 is amended to read:

~~408.3~~ 12-230.7 *Notice.* Whenever the Building Official has reason to condemn a structure or equipment under the provisions of this section, a notice of violation shall be posted in a conspicuous place on or about the structure affected by such notice and served on the owners of land, the agent of such owners, or the person or persons responsible for the structure or equipment by United States certified mail, return receipt requested. If the notice pertains to equipment, it shall also be placed on the equipment in violation. The notice shall specify a reasonable time in which the structure or equipment owner or the person or persons responsible for the structure or equipment shall abate the condition and bring such structure or equipment into compliance.

~~408.4~~ 12-230.8 *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

~~108.4.1~~ 12-230.8.1 *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

~~(z) Section 108.5 is amended to read:~~

~~108.5~~ 12-230.9 *Prohibited occupancy.* Any occupied structure condemned by the Building Official and placarded by a Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, agent of such owner, or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be subject to the penalty in § 12-225, Lake Wales Code of Ordinances.

~~108.6~~ 12-230.10 *Abatement methods.* The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

~~108.7~~ 12-230.11 *Record.* The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

~~(aa) Section 108.8 is added to read as follows:~~

~~108.8~~ 12-230.12 *Boarded up structures.* No vacant structure may be boarded up by its owner for a period of time exceeding one hundred twenty (120) days unless:

- (1) the owner is granted a written waiver signed by the Building Official and the Code Official; or
- (2) the structure has been closed in accordance with ~~§ 108.2~~ Sec. 12-230.6 of this code.

All vacant structures shall be maintained in accordance with ~~§ 304.6~~ Sec. 12.235.6 of this code ("Exterior walls"), and all materials used to enclose the building must be neatly fitted within window and door openings and must be painted to blend in with the rest of the building. Closing a structure in accordance with ~~§ 108.2~~ Sec.12-230.6 of this code does not relieve the owner from complying with this provision.

~~SECTION 109. §12-231~~ EMERGENCY MEASURES

~~(bb) Section 109.1 is amended to read:~~

~~109.1~~ Sec. 12-231.1 *Emergency closing.* When,

- (1) a. in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or
- (2) b. any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or
- (3) c. in the opinion of either the Code Official or Building Official, there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes,

gases or materials or operation of defective or dangerous equipment; both the Code Official and the Building Official are authorized and empowered to order and require the occupants to vacate the premises forthwith. The official ordering the vacation of the premises shall immediately thereafter post, at each entrance to the structure, a notice in substantially the following form:

"DANGER! THIS STRUCTURE IS CLOSED TO THE PUBLIC! DANGER!
NOTICE OF EMERGENCY CLOSING
IMMEDIATE ORDER OF CLOSURE

This structure is unsafe and has been closed by Order of the City of Lake Wales pursuant to ~~Section 109.1~~ Sec. 12-231.1 of the ~~Minimum Property Maintenance Standards of the city.~~ Lake Wales Code of Ordinances.

For information, please call the Code Enforcement ~~Unit~~ Division at (863) 678-4182 X714 or the Building Official at (863) 678-4182 X714".

Any person ordered to take emergency measures shall comply with such order forthwith. It shall be unlawful for a person to enter a posted structure except for the purpose of securing the structure, making the required inspections and repairs, removing the hazardous condition, or to demolish the structure. Any such person in violation of this provision is subject to the penalty found in ~~§~~ Sec. 12-225, Lake Wales Code of Ordinances and may be immediately removed from the structure by City personnel.

~~(cc)~~ Section 109.2 is amended to read:

~~109.2~~ Sec. 12-231.2 *Safeguards*. Whenever, in the opinion of the Code Official or Building Official as the situation may require, there is an emergency situation warranting an emergency closing of a structure pursuant to ~~§~~ 109.4 Sec. 12-231.7 (1), (2), or (3) of this code, the City and the official ordering the closing of the structure is authorized to order that work be done in an attempt to secure the structure such that it may be rendered temporarily safe. Neither the City nor the official ordering the closing of the structure however is under any obligation under this Section to perform any work to ensure that the structure is rendered safe. Further, should the City or the official ordering the closing of the structure choose to order that work be done in an attempt to secure the structure, neither the City nor the official ordering the closing of the structure shall be liable for any damage done to the structure during the performance of such safeguard work.

~~109.3~~ Sec. 12-231.3 *Closing streets*. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

~~(dd)~~ Section 109.4 is amended to read:

~~109.4~~ Sec. 12-231.4 *Notification of Emergency Closing to City Commission*. The City Manager shall provide the City Commission notice of any emergency closing actions taken by the City pursuant to this Code. The failure to provide such notice shall have no effect on the validity of enforcement actions taken hereunder.

~~(ee)~~ Section 109.5 is amended to read:

~~109.5~~ 12-231.5 *Costs of safeguard work*. Costs incurred in the performance of safeguard work shall be paid by the City of Lake Wales, but shall be assessed against the owner of

the structure, as a special assessment on the real property underlying the structure, upon a showing at the mandatory hearing described in § 109.6 of this code, by competent substantial evidence, that the safeguard work was required by exigencies of the situation, given the totality of the circumstances.

~~(ff) Section 109.6 is amended to read:~~

~~109.6 Sec. 12-231.6 Mandatory Hearing; appeal. Immediately after closing a structure pursuant to Section ~~409.4~~ 12-231.1 of this code, the official closing the structure shall request a hearing as soon as possible before the Code Enforcement Board for the purpose of reviewing the decision of the official to determine whether it was reasonable under the totality of the circumstances. Such hearing shall be conducted in accordance with the provisions of Chapter 162, Florida Statutes, and any decision rendered by the Code Enforcement Board as to the propriety of the closure must be based on competent substantial evidence. Any appeal from the decision of the Code Enforcement Board under this provision shall be taken by filing a petition for certiorari with the appropriate court under the Florida Rules of Appellate Procedure. The nature of such an appeal shall be from a final administrative order of the City.~~

~~(gg) Sections 110, 111 and 112 are deleted in their entirety.~~

~~SECTION 201. DEFINITIONS~~

~~201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.~~

~~201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.~~

~~(hh) Section 201.3 is deleted.~~

~~201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.~~

~~201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~SECTION 202. GENERAL DEFINITIONS~~

~~(ii) Term Definitions. Certain term definitions in Section 202 are revised to read as follows:~~

~~(1) Easement. Deleted.~~

~~(2) Equipment Support. Deleted.~~

~~(3) Strict Liability Offense. Deleted.~~

~~(4) Ultimate Deformation. Deleted.~~

~~All term definitions in Section 202 not modified by this subsection shall remain as published in the International Property Maintenance Code, 2009 edition. Terms not defined in Section 202 shall, for purposes of this code, have the corresponding meanings assigned to them by the City's Code of Ordinances.~~

Sec. 12-232. Definitions

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

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its owner power.

LABELED. Equipment, materials or products to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

~~SECTION 301. GENERAL REQUIREMENTS~~

~~301.1 Scope.~~ The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

~~301.2 Responsibility.~~ The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

~~301.3 Vacant structures and land.~~ All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

~~SECTION 302. Sec. 12-233 EXTERIOR PROPERTY AREAS~~

~~(jj) Section 302.1 is amended to read:~~

~~302.1 12-233.1 Sanitation and storage of materials.~~ All exterior property and premises shall be maintained in a clean, safe and sanitary condition. It shall be the duty of each property owner or household in this city to remove all debris, weeds, or other noxious growth from his or her property, including the streets, alleys, and sidewalks bordering thereon, and keep same in good, clean, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

No owner or occupant shall permit old or broken lumber, rusted or unused equipment, discarded refrigerators, discarded stoves, old pipe, scrap metal, or other used, discarded and worn, unsightly articles or materials to remain in any yard or open area owned, occupied or in the possession of such person for a period of more than ~~five (5)~~ ten (10) days.

Further, unless authorized by the zoning category of the property, no owner or occupant of a building, structure or premises may utilize such property for the open storage of abandoned, untagged, or inoperative motor vehicles, iceboxes, refrigerators, stoves, glass, building material, rubbish or similar items.

~~302-2~~ 12-233.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

~~302-3~~ 12-233.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(kk) ~~Section 302.4 is amended to read:~~

~~302-4~~ 12-233.4 Weeds, grass and overgrowth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the Code Official; provided further however that all noxious weeds shall be prohibited.

12-233.5 Dead trees, limbs, branches and accumulated landscaping materials. It shall be the responsibility of the owner and or occupant to remove and/or properly dispose of dead trees, limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintenance of a parcel of land or lots. Stumps resulting from the removal of dead trees will be ground to or below grade level as to prevent a hazardous condition.

~~302-5~~ 12-233.6 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

~~302-6~~ 12-233.7 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

~~302-7~~ 12-233.8 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

~~302-8~~ 12-233.9 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

~~302-9~~ 12-233.10 *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

12-233.11 *Conditions Dangerous to Children.* No person shall abandon or store any refrigeration unit, derelict vehicle or other condition that could trap a child in such a place as to be easily accessible to children without first having made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access.

~~SECTION 303.~~ Sec. 12-234 SWIMMING POOLS, SPAS AND HOT TUBS

~~303-1~~ 12-234.1 *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

~~303-2~~ 12-234.2 *Enclosures.* Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the poolside of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXCEPTION: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

~~SECTION 304.~~ Sec. 12-235 EXTERIOR STRUCTURE

~~304-1~~ *General.* ~~The exterior of a structure shall be maintained in good pair~~ repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

~~(H)~~ ~~Section 304.1.1 is deleted.~~

~~304-2~~ 12-235.1 *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

~~(mm)~~ ~~Section 304.3 is amended to read:~~

~~304.3~~ 12-235.2 Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of three (3) inches (76.2 mm) high with a minimum one-half (.5) inch (12.7 mm) stroke width.

~~304.4~~ 12-235.3 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

~~304.5~~ 12-235.4 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

~~304.6~~ 12-235.5 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

~~304.7~~ 12-235.6 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

~~304.8~~ 12-235.7 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

~~304.9~~ 12-235.8 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

~~304.10~~ 12-235.9 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

~~304.11~~ 12-235.10 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

~~304.12~~ 12-235.11 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every exterior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

~~304.13~~ 12-235.12 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

~~304.13.1~~ 12-235.12.1 *Glazing*. All glazing materials shall be maintained free from cracks and holes.

~~304.13.2~~ 12-235.12.2 *Openable windows*. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

~~(nn)~~ Section 304.14 is amended to read as follows:

~~304.14~~ 12-235.13 *Insect screens*. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per one (1) inch (25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. All screens shall be maintained free from open rips, tears, or other defects.

Exception: Screens shall not be required where other approved means, such as central air conditioning, air curtains, or insect repellent fans are employed.

~~(oo)~~ Section 304.15 is amended to read:

~~304.15~~ 12-235.14 *Doors*. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

~~304.16~~ 12-235.15 *Basement hatchways*. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

~~304.17~~ 12-235.16 *Guards for basement windows*. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

~~304.18~~ 12-235.17 *Building security*. Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

~~304.18.1~~ 12-235.17.1 *Doors*. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

~~304.18.2~~ 12-235.17.2 *Windows*. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

~~304.18.3~~ 12-235.17.3 *Basement hatchways*. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

~~(pp)~~ Section 304.19 is created to read:

~~304.19-12-235.18~~ *Skirting around foundations.* Latticework or similar approved material must be installed along continuous openings on the outside perimeter of buildings with floors elevated above the ground and where more than twelve (12) inches of vertical opening area exists from the ground to the building wall. The installation must be performed in an approved aesthetic manner in accordance with typical construction methods in practice. Existing skirting shall be maintained in good repair and free from broken or missing sections, pieces or cross members.

SECTION ~~305.~~ 12-236 INTERIOR STRUCTURE

~~(qq)~~ Section 305.1 is amended to read:

~~305.1~~ *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

~~(rr)~~ Section 305.1.1 is deleted.

~~305.2~~ 12-236.1 *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

~~305.3~~ 12-236.2 *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

~~305.4~~ 12-236.3 *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

~~305.5~~ 12-236.4 *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

~~305.6~~ 12-236.5 *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION ~~306.~~ RESERVED

~~(ss)~~ Section 306 is deleted in its entirety.

SECTION 307. HANDRAILS AND GUARDRAILS

~~(tt)~~ Section 307.1 is amended to read as follows:

~~307.1~~ *General* Every exterior and interior flight of stairs shall have handrails and guardrails installed in accordance with Chapter 553, Florida Statutes and applicable portions of the Florida Building Code.

SECTION 308. Sec. 12-237 RUBBISH AND GARBAGE

~~(uu) Sections 308.2.1 and 308.3.1 are deleted.~~

~~308.1 12-237.1 Accumulation of rubbish or garbage.~~ All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

~~308.2 12-237.2 Disposal of rubbish.~~ Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

~~308.2.2 12-237.2.1 Refrigerators.~~ Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first securing or removing the doors. (See also Sec. 12-233.11.)

~~308.3 12-237.3 Disposal of garbage.~~ Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

~~308.3.2 12-237.3.1 Containers.~~ The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

~~SECTION 309. Sec. 12-238 PEST EXTERMINATION~~

~~309.1 12-238.1 Infestation.~~ All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

~~309.2 12-238.2 Owner.~~ The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

~~309.3 12-238.3 Single occupant.~~ The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

~~309.4 12-238.4 Multiple occupancy.~~ The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

~~309.5 12-238.5 Occupant.~~ The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

~~LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS~~

~~SECTION 401. GENERAL~~

~~401.1 Scope.~~ The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

~~401.2 Responsibility.~~ The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(vv) Section 401.3 is amended to read:

~~401.3 Alternative devices.~~ In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

SECTION 402. LIGHT

~~402.1 Habitable spaces.~~ Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

~~Exception:~~ Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.

~~402.2 Common halls and stairways.~~ Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

~~402.3 Other spaces.~~ All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403. VENTILATION

~~403.1 Habitable spaces.~~ Every habitable space shall have at least one operable window. The total operable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

~~Exception:~~ Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

~~403.2 Bathrooms and toilet rooms.~~ Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be re-circulated.

~~403.3 Cooking facilities.~~ Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

- ~~1. Where specifically approved in writing by the code official.~~
- ~~2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.~~

~~403.4 Process ventilation.~~ Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be re-circulated to any space.

~~403.5 Clothes dryer exhaust.~~ Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exceptions: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404. OCCUPANCY LIMITATIONS

~~(ww)~~ Section 404.1 is amended to read:

~~404.1 Privacy.~~ Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

~~404.2 Minimum room widths.~~ A habitable room, other than a kitchen, shall not be less than 7 feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

~~404.3 Minimum ceiling heights.~~ Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2,134 mm).

Exceptions:

- ~~1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1,219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.~~
- ~~2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2,033 mm) with not less than 6 feet 4 inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.~~
- ~~3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7~~

feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1,524 mm) or more shall be included.

~~404.4 Bedroom and living room requirements.~~ Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

~~404.4.1 Room area.~~ Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom shall contain at least 70 square feet (6.5 m²).

~~404.4.2 Access from bedrooms.~~ Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

~~404.4.3 Water closet accessibility.~~ Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

~~404.4.4 Prohibited occupancy.~~ Kitchens and non-habitable spaces shall not be used for sleeping purposes.

~~404.4.5 Other requirements.~~ Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

~~404.5 Overcrowding.~~ The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

~~404.6 Efficiency unit.~~ Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- ~~1.~~ A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by items 2 and 3.
- ~~2.~~ The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
- ~~3.~~ The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- ~~4.~~ The maximum number of occupants shall be three.

~~404.7 Food preparation.~~ All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary

manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(xx) Section 502.3 is deleted.

Sec. 502.3. Reserved.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(yy) Section 502.5 is amended to read:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503. TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(zz) Section 503.2 is amended to read:

503.2 Location. Toilet rooms and bathrooms serving rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

~~503.3 Location of employee toilet facilities.~~ Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

(aaa) Section 503.4 is amended to read:

~~503.4 Floor surface.~~ Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504. PLUMBING SYSTEMS AND FIXTURES

~~504.1 General.~~ All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

~~504.2 Fixture clearances.~~ Plumbing fixtures shall have adequate clearances for usage and cleaning.

~~504.3 Plumbing system hazards.~~ Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the effects to be corrected to eliminate the hazard.

SECTION 505. WATER SYSTEM

(bbb) Section 505.1 is amended to read:

~~505.1 General.~~ Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In dwelling units, housekeeping units, rooming units and dormitory units all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with both hot or tempered running water and cold running water.

~~505.2 Contamination.~~ The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

~~505.3 Supply.~~ The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

~~505.4 Water heating facilities.~~ Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is

~~provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.~~

~~SECTION 506. Sec. 12-239 SANITARY DRAINAGE SYSTEM~~

~~506.1 *General.* All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.~~

~~506.2 12-239.1 *Maintenance.* Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.~~

~~(ccc) Section 506.3 is deleted.~~

~~SECTION 507. Sec. 12-240 STORM DRAINAGE~~

~~507.1 *General.* Drainage of roofs and paved areas, yards and courts, and other open areas of the premises shall not be discharged in a manner that creates a public nuisance.~~

~~MECHANICAL AND ELECTRICAL REQUIREMENTS~~

~~SECTION 601. GENERAL~~

~~601.1 *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.~~

~~601.2 *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.~~

~~SECTION 602. HEATING FACILITIES~~

~~602.1 *Facilities required.* Heating facilities shall be provided in structures as required by this section.~~

~~(ddd) Section 602.2 is amended to read:~~

~~602.2 *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

~~(eee) Section 602.3 is amended to read:~~

~~602.3 *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to March 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.~~

~~(fff) Section 602.4 is amended to read:~~

~~602.4 *Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to March 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.~~

Exceptions:

- ~~(1) Processing, storage and operation areas that require cooling or special temperature conditions.~~
- ~~(2) Areas in which persons are primarily engaged in vigorous physical activities.~~

~~602.5 Room temperature measurement.~~ The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603. MECHANICAL EQUIPMENT

~~603.1 Mechanical appliances.~~ All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

~~603.2 Removal of combustion products.~~ All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

~~Exception:~~ Fuel-burning equipment and appliances which are labeled for unvented operation.

~~603.3 Clearances.~~ All required clearances to combustible materials shall be maintained.

~~603.4 Safety controls.~~ All safety controls for fuel-burning equipment shall be maintained in effective operation.

~~603.5 Combustion air.~~ A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

~~603.6 Energy conservation devices.~~ Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604. ELECTRICAL FACILITIES

~~604.1 Facilities required.~~ Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

~~(ggg) Section 604.2 is deleted.~~

~~604.3 Electrical system hazards.~~ Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

~~(hhh) Sections 604.3.1, 604.3.1.1, 604.3.2, and 604.3.2.1 are deleted.~~

SECTION 605. 12-241 ELECTRICAL EQUIPMENT

~~605.1 12-241.1 Installation.~~ All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

~~605.2 12-241.2 Receptacles.~~ Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

~~605.3 Luminaires.~~ Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

~~(iii) Section 606 is deleted in its entirety.~~

~~SECTION 607. DUCT SYSTEMS~~

~~607.1 General.~~ Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Sec. 12-242 FIRE SAFETY REQUIREMENTS

~~(jjj) Section 701 is deleted.~~

~~(kkk) Section 702.1 is amended to read:~~

~~702.1 General.~~ a. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Florida Fire Prevention Code.

~~(lll) Section 702.2 is deleted.~~

~~(mmm) Section 702.3 is amended to read:~~

~~702.3 Locked doors.~~ b. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

~~(nnn) Section 702.4 is deleted.~~

~~(ooo) Section 703 is deleted.~~

~~SECTION 704. Sec. 12-243 FIRE PROTECTION SYSTEMS~~

~~(ppp) Section 704.1 is amended to read:~~

~~704.1 General.~~ a. A person shall not occupy as owner-occupant nor shall let to another for occupancy, any building or structure which is not equipped with adequate fire prevention equipment in accordance with the Florida Fire Prevention Code. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Florida Fire Prevention Code.

~~(qqq) Section 704.1.1 is deleted.~~

~~(rrr) Section 704.2 is amended to read:~~

~~704.2 Smoke Alarms.~~ b. Every dwelling unit shall be provided with an approved listed smoke alarm, installed in accordance with the manufacturer's recommendations and listing. When activated, the device shall provide an audible alarm.

~~(sss) Section 704.3 and 704.4 are deleted.~~

SECTION 2: Severability: If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

SECTION 3: Effective date: This ordinance shall become effective immediately upon its passage by the city commission.

CERTIFIED AS TO PASSAGE this ____ day of _____ 2016.

By: _____

Mayor/Commissioner
City of Lake Wales, Polk County, FL

ATTEST: _____

City Clerk

MEMORANDUM

December 21, 2015

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Kathy Bangley, Director of Planning and Development

RE: Ordinance D2016-01, CPA/Zoning: 1st Reading and Public Hearing
American Garden Perlite Property – 31 Airport Road

SYNOPSIS

The proposed amendment will designate land use and zoning for approximately 10.62 acres of property located at 31 Airport Road.

RECOMMENDATION

Staff recommends that the City Commission approve, following a public hearing, a first reading of Ordinance D2016-01.

Notice requirements for a public hearing have been met.

The Planning and Zoning Board held a public hearing on December 9, 2015 and voted unanimously to recommend a change in land use designation on the subject property from Polk County Future Land Use designation BPC-2 Business Park Center-2 to City of Lake Wales Future Land Use designation of I-Industrial.

BACKGROUND

The ordinance proposes land use designation changes for approximately 10.62 acres of property located at 31 Airport Road and owned by American Garden Perlite, LLC. The property was annexed into the city by Ordinance 2015-15.

See Attachment A to the ordinance for location and land use designations.

Surrounding land use designations:

North: County – IND Industrial

South: City – IND Industrial and CON Conservation

East: County – BPC-2 Business Park Center

West: County BPC-2 Business Park Center

Proposed development impact:

The owner intends to redevelop the existing facility and will connect to city utilities when they become available.

ATTACHMENTS

Ordinance D2016-01 with Attachment A.

ORDINANCE D2016-01

(CPA/Zoning American Garden Perlite – 10.62 Acres – 31 Airport Road)

AN ORDINANCE OF THE CITY OF LAKE WALES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND THE ZONING MAP TO CHANGE THE LAND USE DESIGNATION ON 10.62 ACRES OF LAND LOCATED ON AIRPORT ROAD FROM POLK COUNTY DESIGNATION BPC-2 - BUSINESS PARK CENTER-2 TO CITY OF LAKE WALES FUTURE LAND USE DESIGNATION I – INDUSTRIAL AND ZONING DESIGNATION I-2 – INDUSTRIAL INFILL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1 The Future Land Use Map (FLUM) of the Comprehensive Plan and the Zoning Map are hereby amended to change the land use designation on approximately 10.62 acres of property, owned by American Garden Perlite LLC and annexed by Ordinance 2015-15, as follows:

10.62 acres located at 31 Airport Road, Lake Wales, FL

Polk County Future Land Use Map designation BPC-2 – Business Park Center-2 to City of Lake Wales Future Land Use Map designation I – Industrial and City of Lake Wales Zoning map designation I-2 Industrial Infill.

The property and land use designations are shown on “Attachment A,” hereby made part of this ordinance.

SECTION 2 The applicability and effect of the Lake Wales Comprehensive Plan, as amended, shall be as provided by the Local Government Planning and Land Development Regulations Act, Section 163.3215, Florida Statutes, and this ordinance.

SECTION 3 If any clause, section or provision of this ordinance or any fee imposed pursuant to this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance or remaining fees shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4 Certified copies of the enacting ordinance, the City of Lake Wales comprehensive Plan and any amendment thereto, and the Lake Wales Code of Ordinances shall be located in the Office of the City Clerk of Lake Wales. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 5 This amendment shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining the amendment in compliance.

CERTIFIED AS TO PASSAGE this _____ day of _____ 2016.

Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:

City Clerk

MEMORANDUM

December 18, 2015

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Tina Peak, Library Director

RE: Resolution 2016-01, Polk County Board of County Commissioners
Library Municipal Services Taxing Unit

SYNOPSIS: The adoption of Resolution 2016-01 urges Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

RECOMMENDATION

Staff recommends that the City Commission adopt Resolution 2016-01 requesting the Polk County Board of County Commissioners to return the Library MSTU funding level to .25 mils.

BACKGROUND

In 1997, thirteen Polk County cities entered into an Interlocal Agreement with the Polk County Board of County Commissioners to provide public library services to residents of unincorporated Polk County. There are no public libraries in unincorporated Polk County. The 1997 Interlocal Agreement stipulated that library service to non-city residents be provided by the 16 municipally funded public libraries.

Revenues from the Polk County BOCC for the operation of the Polk County Library Cooperative totaled \$600,000 annually for the first three years. Minimal increases in funding followed, but the per capita support from the Polk County BOCC fell drastically behind what city residents in all 13 municipalities were assessed per capita.

In 2005, Polk County BOCC took action and instituted a Library Municipal Services Taxing Unit on unincorporated residences in Polk County. The Library millage rate was set at .25 by the BOCC, and then rolled back to .2109 two years later in 2007.

The Lake Wales Library Board requests that the Lake Wales City Commission adopt the attached Resolution supporting the Polk County Board of County Commissioners return to a minimum of .25 mils assessed for the Library Municipal Services Taxing Unit.

Staff recommends approval.

OTHER OPTIONS

None

FISCAL IMPACT

Increased revenues for the Lake Wales Public Library's operation if .25 millage rate is restored. Exact dollar amount varies each year.

ATTACHMENTS

Resolution 2016-01

RESOLUTION 2016-01

A RESOLUTION OF THE CITY OF LAKE WALES OPPOSING CONTINUED REDUCTION IN THE LIBRARY MUNICIPAL SERVICES TAXING UNIT FROM THE 2007 ROLLBACK AND SUPPORTING THE REINSTATEMENT OF THE POLK COUNTY LIBRARY MUNICIPAL SERVICES TAXING UNIT ON UNINCORPORATED RESIDENCES TO THE PRE-ROLL BACK LEVEL OF .25 MILS TO CREATE A MORE EQUITABLE FUNDING COMMITMENT FOR POLK COUNTY LIBRARY SERVICES TO ALL POLK COUNTY, FLORIDA RESIDENTS.

WHEREAS, all citizens should be assured the continued excellent services of public libraries in Polk County, wherever they reside in the county; and

WHEREAS, the Polk County Library Cooperative, comprised of thirteen municipalities and the Polk County Board of County Commissioners, has provided excellent library services to all residents of Polk County since its inception in 1997; and,

WHEREAS, the City Commission recognizes the enormous impact public library service has on people of all ages, races and economic levels proving a return on investment of \$10.18 for every \$1 spent on library services in our state; and,

WHEREAS, the City Commission recognizes the Board of County Commissioners' commitment to providing library service to all their residents through the adoption of a Municipal Services Taxing Unit in 2005; and,

WHEREAS, the City Commission is opposed to the continued reduction in the Library Municipal Services Taxing Unit from the 2007 rollback rate;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Lake Wales, Polk County, Florida, to support the reinstatement of the Polk County Library Municipal Services Taxing Unit on unincorporated residences to the pre-roll back level of .25 mils creating more equitable funding commitment for library services to all Polk County, Florida residents. It is this body's recognition that all residents, current and future, should continue to receive excellent public library services with adequate revenues generated from all resources.

Eugene Fultz, Mayor

ATTEST:

Clara VanBlargan, MMC, City Clerk

CITY OF LAKE WALES PROJECT TRACKING LIST 2015-2016					
PROJECT	BUDGET	COMMISSION	SCHEDULED	CURRENT	STATUS
NAME		APPROVAL	COMPLETION	STATUS	UPDATED
AIRPORT					
Runway Extension	\$5,300,000 - \$4,300,000	Yes		Plans at 98%. Project is being market priced. Mitigation bank property acquired. Review to follow. Funding from various sources under investigation, i.e. FAA and FDOT. All white papers complete. See Airport Master Plan. Both FAA and FDOT have indicated support for funding.	12/22/2015
Airfield Improvements (Task Order #15)	\$161,000	yes - 7/2/13	9/30/2015	Project is completed. Closeout in progress. Closeout documents submitted to FAA & FDOT at the end of November.	12/22/2015
RECREATION					
Electrical system upgrades to event area of Lake Wailes park	\$20,000			Project Complete	12/22/2015
New park signage in all City parks	\$13,000			Currently getting quotes	12/22/2015
ADA access and handicap parking installation at the soccer complex.	\$30,000		1/31/2016	Work to begin 1/4/16. Should be completed by 1/8/16	12/22/2015
Additional exercise stations in Lake Wailes park.	\$10,000			Project Complete	12/22/2015
SEWER SYSTEM					

C Street Project	\$6,695,751	yes -11/3/2015 phase 2		Close out Documents have been submitted for Phase I. Bid opening was 10/7/2015. Grant application ranked too low for funding. Will submit again next year. Award of Bid to commission on 11/3/2015. Contracts sent to Contractor for signature.	12/22/2015
Relocation of Water/Sewer Lines on HWY 27 near Vanguard	\$300,000	10/20/2015		Preconstruction meeting held on 11/12/2015.	12/22/2015
Other items approved or discussed at Commission Meetings					
Cemetery			4/30/2015	Project complete - need closeout	12/22/2015
Spook Hill Sign		12/18/12 - Sign		Delivered the bas relief to the Walesbilt. The draftsman is meeting with builder any day now, then engineer approves drawings for stamps-permits.	12/22/2015
Preservation of Spook Hill				Sunrise Apartments have planted oaks along the retention pond and roadway. In Phase 2, they will build the emergency entrance and fence, and put in additional landscaping with the rest of the buffer.	12/22/2015
Library Statistics (Nov)				Total Circulation Books-by-Mail: 7,421 Total Circulation BookMobile: 1406 Total In-house circulation: 41,980 Total new borrowers: 256 Total attendance at programs: 2,177 Computer users: 8,195 People Counter: 29,128	12/22/2015

COMPLETED PROJECTS					
Skate Park Improvements	\$50,000	7/15/2014	9/30/2015	This project is complete.	12/22/2015
Road Improvements (N Market ST & W. Central Ave.)	\$91,253	7/7/2015	8/17/2015	Project is completed.	12/22/2015
Resurfacing of the Scenic Highway from Mt. Lake Cutoff to Ray Martin Rd.			10/31/2015	This Project is complete.	12/22/2015
Gym Floor Replacement	\$68,212	6/2/2015	9/30/2015	Project is Complete. Gym is reopened.	12/22/2015
CITY COMMISSION ITEMS - STATUS REPORT					
TASK	MEETING DATE	RESPONSIBLE PERSON	REQUEST MADE BY	COMMENTS	DATE OF STATUS

Building Official assessing city's recreation/community buildings	10/30/2012	Cliff Smith, Don Porter & James Slaton	Commission	Due to recent organizational restructuring, the scope of the remaining facility assessments will be re-evaluated. A new schedule of assessments will be presented later in the year.	12/22/2015
Renaming of Washington Avenue to Obama Avenue	12/2/2014	James Slaton	Howell	Commission voted to approve a street to be named after Obama but voted down the resolution to change Washington Avenue. Suggestions for alternative streets for renaming are being solicited.	12/22/2015
Depot Museum	3/2/2015	Kenneth Fields	Thornhill	Open House was held, 10/23/15, approximately 50 people in attendance.	12/22/2015
COMPLETED ITEMS					
STRATEGIC PLAN ITEMS - STATUS REPORT					
TASK	MEETING DATE	RESPONSIBLE PERSON	REQUEST MADE BY	COMMENTS	DATE OF STATUS

Green Initiatives	1/12/2013	Slaton		<ol style="list-style-type: none"> 1. Police department arrest packets are now digitally transmitted. 2. Traffic crash reports are now digitally transmitted. 3. Traffic citations are in the testing phase of being digitally transmitted. (These will save paper & eliminate the need to drive to Bartow to deliver them) 4. Human Resources/Finance is transitioning to electronic time sheets. 	12/22/2015
Capital Replacement Policy	1/12/2013	Ecklund		Deferred by City Manager so as to include capital financing approaches. Will be revisited during the budget process.	12/22/2015

Approximate Seating Capacity:

- Commission Chamber **110**
- Employee Break Room **30**
- CM Conference Room **10**

CITY COMMISSION MEETING CALENDAR



[Regular City Commission meetings are held at 6:00 p.m. on the first and third Tuesday of each month in the Commission Chambers. Workshops & Special meetings to be scheduled accordingly. Meeting dates & times are subject to Change.]

City Commission Meetings – January 2016

Tues, January 5, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, January 19, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – February 2016

Tues, February 2, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, February 16, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – March 2016

Tues, March 1, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, March 15, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – April 2016

*Tues, April 5, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, April 19, 2016	Regular	6:00 p.m.	Commission Chambers

(*Tuesday, April 5, 2016 regular meeting date will be changed due to the City election)

City Commission Meetings – May 2016

Tues, May 3, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, May 17, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – June 2016

Tues, June 7, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, June 21, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Meetings – July 2016

Tues, July 5, 2016	Regular	6:00 p.m.	Commission Chambers
Tues, July 19, 2016	Regular	6:00 p.m.	Commission Chambers

City Commission Agenda Packets for workshop and regular meetings are generally posted on the City's website by 12:00 p.m., the Wednesday before the scheduled meeting.

Minutes of City Commission meetings can be obtained from the City Clerk's Office. The minutes are recorded, but are not transcribed verbatim. Persons requiring a verbatim transcript may arrange with the City Clerk to duplicate the recording, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be the expense of the requesting party.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 5:00 p.m. on the day prior to the meeting.

Appeals concerning decisions on issues requiring a public hearing:

Persons who wish to appeal any decision made by the City Commission with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

OTHER MEETINGS & EVENTS

DATE	TIME	TITLE	DESCRIPTION	LOCATION	Event/Location Map; Agendas
Regular BOCC Meetings & Hearings	9am reg. meetings & 1:30pm public hearings	Polk County Board of County Commissioners Meetings	Regular BOCC meetings & public hearings are usually held Monthly; 1 st & 3 rd Tuesdays	Neil Combee Administration Bldg., 330 West Church Street, Bartow	Public Hearing / Work Session List (Note: Check Website Daily for Updates) Information: 863-534-6090 http://www.polk-county.net
January 14-18, 2016	Varies Parade 3pm	MLK Jr Day Celebration	Includes celebration & parade	Austin Community Center / Lincoln Ave	
January 22, 2016	6:30pm	Movie night	Showing Minions	Austin Community Center	
February 5-6, 2016	Friday 6pm - 12am; Saturday 6am - 11pm Parade sat - 3pm	Mardi Gras Celebration & Parade	Downtown Celebration w/ Parade	Downtown Lake Wales - Park/Stuart	
February 13, 2016	10am – 8pm	Heritage Fest	Green & Gold Foundation & Black Leaders & Entrepreneurs Coalition	Downtown Lake Wales	
February 27 th & 28 th	8am – 8pm	Lake Wales Arts Festival	45 th Anniversary	Lake Wailes Park	
April 9 th - 10 th	Sat 1pm - 9pm Sun 10- 5:30pm	Jewel of the Ridge Jazz Festival	Music concert	Lake Wailes Park	

**BOARDS, COMMITTEES & COMMISSIONS
2015 REPORTING SCHEDULE**
[Reporting Dates are Subject to Change]

BOARD, COMMITTEE & COMMISSION	ANNUAL REPORTING DATE	REGULAR MEETING SCHEDULE
Airport Authority Board	Tuesday, February 17 th ✓	1 st Monday; 5:30pm, Chamber
Citizens & Police Community Relations		3 rd Thursday; 6pm; City Hall Lunch Room
Code Enforcement Board	Tuesday, July 7 th ✓	2 nd Monday; 5pm; Chamber
CRA Citizen Advisory Committee		2 nd Thursday; 3:30pm, Chamber
Historic District Regulatory Board		3 rd Thursday; 5:30pm, Chamber
Housing Authority	Tuesday, July 21 st ✓	3 rd Wednesday, 6pm, Housing Authority
Library Board	Tuesday, June 16 th ✓	2 nd Wednesday; 11am, Library
Recreation Commission	Tuesday, May 19 th ✓	3 rd Monday; 12pm, CM Conference Room

IN-ACTIVE BOARDS

Bicycle/Pedestrian Advisory Commission
Drug & Prostitution-Related Nuisance Abatement Board
Enterprise Zone Development Agency
Historic Preservation Board
Lakes Advisory Commission
Parks & Community Appearance Advisory Board

**RESIDENT REQUIREMENTS, CURRENT MEMBERS & VACANCIES
CITY BOARDS, COMMISSIONS, COMMITTEES**

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

Airport Authority (City Code Sec. 2-41) – The board consists of seven (7) voting members and one (1) non-voting member who is a City Commissioner. At least four (4) voting members must be qualified electors of the City (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: None

Current Members: Charles Keniston, resident	03/06/12 - 07/01/18, 2
Katherine Rogers, resident, chairman	09/18/12 - 07/01/18, 2
Charles Loomis, resident	11/03/10 - 07/01/16, 2
Robert Kelly, resident	07/03/07 - 07/01/16, 3-Final
Dale Marks, resident	06/17/08 - 07/01/17, 3
Robert Wood, resident	05/19/15 - 07/01/17, 1
Erick Farewell, resident	08/18/15 - 07/01/18, 1
Commissioner Perez, non-voting member	05/19/15 - 05/02/17, 1

Airport Manager (City Code Sec. 2-41(f)(5)) - City Manager

Meetings (City Code Sec. 2-41(r)) - The Lake Wales Airport Authority shall hold regular meetings at least once every month and at such other times as the authority shall determine to be reasonably necessary from time to time.

Current Meeting Schedule: - 1st Monday @ 5:30 PM; Commission Chamber

Duties/Powers (City Code Sec. 2-41(f)) - The Lake Wales Airport Authority exercises its powers and jurisdiction over the property known as the Lake Wales Airport and properties in addition to the Lake Wales Airport so long as they are exercised pursuant to contract with other governmental entities for the operation and supervision of other airports, airfields, and related facilities. The Lake Wales Airport Authority, subject to approval by the Lake Wales City Commission, is hereby authorized and empowered:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure
3. To maintain an office at such place or places as may be designated by the City of Lake Wales.
4. To sue and be sued in its own name, plead, and be impleaded.
5. To provide oversight of airport operations for the purpose of input and advice to the city manager in his capacity as Airport Manager.
6. To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain, and operate any airport which may be located on the property of the authority. Nothing in Ordinance 2007-07 shall exempt the Lake Wales Airport Authority from the provisions of chapter 333, Florida Statutes.
7. To issue bonds of the authority, as hereinafter provided, to pay the cost of such acquisition, construction, reconstruction, improvement, extension, enlargement, or equipment.
8. To issue refunding bonds of the authority as hereinafter provided.
9. To fix and revise from time to time and to collect rates, fees, and other charges for the use of or for the services and facilities furnished by any airport facilities or tenant.

10. To acquire in the name of the authority by gift, purchase, or the exercise of the right of eminent domain, in accordance with the laws of the state which may be applicable to the exercise of such powers by municipalities, any lands or rights in land, and to acquire such personal property as it may deem necessary in connection with the acquisition, construction, reconstruction, improvement, extension, enlargement, or operation of any airport facilities, and to hold and dispose of all real and personal property under its control.
11. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Ordinance, including a trust agreement or trust agreements securing any bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, and attorneys, and such employees and agents as may, in the judgment of the authority, be deemed necessary, and to fix their compensation; provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this Ordinance.
12. To accept grants or money or materials or property of any kind for any airport or other facilities from any federal or state agency, political subdivision, or other public body or from any private agency or individual, upon such terms and conditions as may be imposed.
13. To issue revenue certificates of the authority as hereinafter provided.
14. To do all acts and things necessary or convenient to carry out the powers granted by this Ordinance.
15. To contract with other governmental entities to operate airports, airfields, and other related facilities and services, including providing all personnel, tools, equipment, supervision, and other materials and services required therefore.

Bicycle/Pedestrian Advisory Commission (City Code Sec. 2-199) – The commission consists of seven (7) regular members and three (3) alternate members. The city manager, planning and development director, and police chief or their respective designees shall serve as ex officio members. At least five (5) regular members and two (2) alternate members must reside within the City limits. Members who are not City residents must reside within the City’s utilities service area in a residence served by the City’s utilities system, receiving either water or sewer service. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **3 regular vacancies; 2 alternate vacancies; 1 expired term**

Current Members: Jacqueline Williams, resident	09/16/08 – 07/01/15, P+2
Vacant, resident	– 07/01/15
Evelyn Pabon, resident	08/21/12 – 07/01/16, P+1
Lorraine McIntosh, resident	06/15/10 – 07/01/16, 2
Roberto Maldonado, resident	07/17/12 – 07/01/17, 2
Jaime Rivera, resident	03/05/13 – 07/01/16, 1
Jose Fco Joglar-Gaya, resident (alt)	06/18/13 – 07/01/15, 1
Vacant, Regular	– 07/01/17
Vacant, Alternate	– 07/01/17
Vacant, Alternate	– 07/01/17

Meetings (City Code Sec. 2-199.2) - The commission shall meet at regular intervals, but in any event at least once each quarter. Meetings shall be called by the chairperson. The mayor and the city manager shall have the authority to call special meetings of the commission.

Current Meeting Schedule: 1st Thursday @ 5:30 PM; Commission Chamber

[The Bicycle/Pedestrian Advisory Commission is not currently meeting]

Duties (City Code Sec. 2-199.3) – The Commission shall:

1. Make recommendations regarding implementation of roadway and transportation improvements as it pertains to bicycle and pedestrian needs;

2. Promote safe and convenient enjoyment of the city's bicycle/pedestrian facilities through safety/educational programs and activities, community events and clinics, and other activities as necessary;
3. Promote communication and exchange of ideas and concerns among users of the city's bicycle/pedestrian facilities, city staff and the city commission;
4. Make reports and recommendations to the city commission and city staff with respect to the development and management of bicycle/pedestrian facilities;
5. Receive public input pertaining to bicycle and pedestrian transportation and infrastructure issues;
6. Make recommendations regarding the allocation of funds for capital expenditures relating to bicycle and pedestrian transportation;
7. Assist the planning & development department and the planning board in the preparation and adoption of an up-to-date bicycle/pedestrian facilities master plan;
8. Assist in the design of the Lake Wales Trailway and provide a public forum for citizens to participate in the planning effort for the trail;
9. Help ensure that the Lake Wales Trail (around Lake Wailes) continues to serve the needs of the many citizens who use it;
10. Suggest changes in the land development regulations that ensure that we become a city that welcomes walking and bicycling;
11. Have such other duties and responsibilities granted by the mayor and city commission consistent with the bicycle and pedestrian needs of the city.

Board of Zoning Adjustment and Appeals (BOA) (City Code Sec. 23-206.1) – The board consists of five (5) members. Members must be residents. (3 year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **3 vacancies**

Current Members: James Boterf, resident	10/04/11 – 07/01/16, 2
Vacant, resident	– 07/01/16,
Harold Weigand, resident	06/20/06 – 07/01/17, 4-Final
Vacant, resident	- 07/01/16
Vacant, resident	- 07/01/16

Meetings (City Code Sec. 23-206.2(c)) - The board of appeals shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: 3rd Thursday @ 9:00 AM; Commission Chamber
 [The meeting time can be changed to accommodate members who work during the day.]

Duties (City Code Sec. 23-206.3) – The Board of Appeals shall:

1. Hear and decide appeals where it is alleged that there is an error in any order, decision or determination of the administrative official in the enforcement of these zoning regulations;
2. Authorize such variance from the terms of these zoning regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship. A variance from the terms of these zoning regulations shall not be granted until a public hearing is held before the board of appeals;
3. Hear and decide appeals where the planning board has denied an application for a special exception use permit or site plan approval;
4. Perform any other duties which are lawfully assigned to it by the city commission.

Citizens & Police Community Relations Advisory Committee (Resolution 2012-03) – The committee consists of three (3) members with a quorum requirement of two (2) members. One (1) member shall be an

active Lake Wales police officer appointed by the Police Chief and two (2) members must be residents serving no more than two consecutive terms. (2-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy

Current Members: Nathan Minton, resident	05/03/11 – 07/01/16, P+2
Vacant, resident	– 07/01/18
Joseph VanBlarcom, police officer	05/03/11 – 07/01/17, 3

Meetings – Regular meetings shall be held monthly in the Municipal Administration Building or other locations as deemed appropriate by the committee.

Current Meeting Schedule: 3rd Thursday @ 6:00 PM; City Hall Lunch Room

Duties - The Committee shall:

1. Provide a forum for citizens to express their opinions about police procedures, and to receive informal information from the police department regarding police procedures;
2. Provide a forum for citizens and the police department to openly and respectfully discuss issues of concern with the hope that concerns can be positively resolved;
3. Provide a forum for citizens and the police department to engage in a dialogue that will be positive and productive and that will continue to foster a climate of trust and mutual respect.

Code Enforcement Board (City Code Sec. 2-56) – The board consists of seven (7) members. Whenever possible, membership shall include an architect, a businessperson, an engineer, a general contractor, a subcontractor and a realtor. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 vacancies

Current Members: Melissa Konkol, resident	01/19/10 – 07/01/18, 3
Wilena Vreeland, resident	10/04/11 – 07/01/18, P+2
Vacant, resident	– 07/01/18
Vacant, resident	– 07/01/18
Murray Zacharia, resident	06/18/13 – 07/01/16, 1
William Follett, resident	07/03/07 – 07/01/16, 3-Final
Jean Kincaid Scott, resident	06/17/08 – 07/01/17, 3

Current Meeting Schedule: 2nd Monday @ 5:00 PM; Commission Chamber

Powers (City Code Sec. 2-57) - The Code Enforcement Board imposes administrative fines and other noncriminal penalties to enforce city health and sanitation, local business tax receipt, fire, building, zoning and sign ordinances when it finds that a pending or repeated violation continues to exist.

In accordance with F.S. 162.08, The Code Enforcement Board has the power to:

1. Adopt rules for the conduct of its hearings.
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Community Redevelopment Agency (CRA) Board – The city commission serves as the CRA board. However, the CRA and City Commission are entirely two separate entities. The CRA Board is created in accordance with F.S. ch. 163, part III for the purpose of implementing the community redevelopment plan for the expanded community redevelopment area approved by Resolution 99-6 of the city commission.

Governing body as CRA Board of Commissioners (City Code Sec. 2-72):

1. The city commission serves as the CRA Board and exercises all rights, powers, duties, privileges, and immunities vested in a community redevelopment agency by Chapter 163, Part III, Florida Statutes, as it may be amended from time to time;
2. In its capacity as CRA board, the commission constitutes the head of a legal entity that is separate, distinct and independent from the city commission as governing body of the City of Lake Wales.
3. The CRA board meets annually to designate a chairperson and vice-chairperson from among its members.
4. The CRA board meets as necessary to conduct the business and exercise the powers of the agency.
5. A majority of the members of the CRA Board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the CRA Board upon the vote of a majority of the members present.

Current Members: City Commission

CRA Citizen Advisory Committee (City Code Sec. 2-73) – The committee consists of five (5) members. One member is nominated by each city commissioner. Members must reside, own property or operate a business within the voting district represented by the commissioner provided that the property, residence or business of the nominee is within the boundaries of the CRA. (2 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **2 vacancies (Seat 1; A-Large & Seat 4, District 27)**

Current Members:	***Vacant*** (Seat 1 – At Large)	– 07/01/16
	Mark Bennett (Seat 2 – District 19)	04/21/15 – 07/01/16, 1
	Narvell Peterson, (Seat 3 – District 122)	12/07/10 – 07/01/17, P+3
	Vacant, (Seat 4 – District 27)	– 07/01/17
	Robin Gibson, (Seat 5 – District 28)	04/08/15 - 07/01/18, P+1

Meetings (City Code Sec. 2-73) - The CRA citizen advisory committee shall meet at the call of the chairman of the CRA board or upon the request of city staff but shall meet no less than once each year.

Current Meeting Schedule: 2nd Thursday @ 3:30 PM; Commission Chamber

Duties (City Code Sec. 2-73) – The Committee assist the CRA board in implementing redevelopment activities within the redevelopment area and to provide advice and recommendations to the CRA board on redevelopment matters as necessary.

Drug & Prostitution-Related Nuisance Abatement Board (City Code Sec. 15-10) – The board consists of seven (7) members. Members must be residents. (3-year term)

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **7 residents**

Current Members: None / Inactive Board

Vacant, resident	– 12/01/15
Vacant, resident	– 12/01/15

Vacant, resident	- 12/01/15
Vacant, resident	- 12/01/15
Vacant, resident	- 12/01/15
Vacant, resident	- 12/01/16
Vacant, resident	- 12/01/16

Meetings (City Code Sec. 15-10(g)) – The members of the drug and prostitution-related nuisance abatement board shall meet annually and elect a chair, who shall be a voting member, from among the members of the board. The presence of four (4) shall constitute a quorum.

Current Meeting Schedule: Inactive Board

Powers (City Code Sec. 15-10) - Adopt rules for the conduct of its hearings and establish procedures; issue orders having the force of law consistent with authority contained herein; and take testimony under oath.

Enterprise Zone Development Agency (City Code Sec. 2-194; Sec. 2-191, F.S 290.001 – 290.016 (2001))

The Agency consists of eight (8) commissioners with a quorum requirement of five (5) members, and at minimum; six (6) commissioners must be residents of the City of Lake Wales. The commissioner seats shall be designated as seat #1 through #8 respectively. Each agency commissioner shall be appointed to a specific designated seat by majority vote of the city commission. A certificate of appointment or reappointment of any commissioner shall be filed immediately with the city clerk (3 year term)

The city commission shall appoint one (1) representative from each of the following groups: (One (1) individual may represent more than one (1) of the groups.) (3-year term)

- a. The local Chamber of Commerce;
- b. A local financial or insurance entity;
- c. The businesses operating within the area;
- d. The residents residing within the area;
- e. A non-profit community-based organization operating within the area;
- f. The local private industry council;
- g. The local police department;
- h. The local code enforcement agency.

- An interview process is necessary for new applicants only.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 8 vacancies (Seats 1–8)

Current Members: None / Inactive Board

Vacant, (Seat 1)	- 12/01/15
Vacant, (Seat 2)	- 12/01/15
Vacant, (Seat 3)	- 12/01/18
Vacant, (Seat 4)	- 12/01/18
Vacant, (Seat 5)	- 12/01/17
Vacant, (Seat 6)	- 12/01/16
Vacant, (Seat 7)	- 12/01/16
Vacant, (Seat 8)	- 12/01/16

(City Code Sec. 2-194(3,4),

(3). The city commission may, by majority vote, remove a commissioner for inefficiency, neglect of duty, or misconduct in office, providing the commissioner has been given a copy of written charges at least ten

(10) days prior to a hearing in which the commissioner is given an opportunity to be heard on said charges in person or by counsel.

(4) A seat on the agency shall be deemed vacant when a member has more than three (3) consecutive absences or five (5) absences within a calendar year, or because of death, resignation, removal, or completion of the term by any commissioner. A seat vacated prior to the expiration of its term shall be filled for its unexpired term by majority vote of the city commission.

Meetings (City Code Sec. 2-195(c):

- a. A majority of the appointed commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action taken by the agency shall be upon a vote of a majority of the commissioners present.
- b. The city commission, by majority vote, shall designate a chairperson and vice chairperson of the agency, and the chair and vice chair shall serve in such capacity for one (1) year. The chair and vice chair may succeed themselves.
- c. In addition to the foregoing, the agency shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the article. Meetings shall be held at the call of the chairperson and at such other times as a majority of the commissioners may determine. All meetings shall be open to the public. The agency shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed with the city clerk for the agency.

Current Meeting Schedule: Inactive Board

Powers & Responsibilities (City Code Sec. 2-196):

The agency may only exercise those powers and responsibilities expressly granted to it by the city commission and/or state law. Absent from such an express grant, the city commission hereby reserves all other powers and duties including, but not limited to those powers delegated to the city commission under the Act. The agency shall have the following powers and responsibilities:

1. To assist in the development and implementation of the strategic plan for the area (*A Strategic plan shall mean the enterprise zone development plan adopted by the city commission in accordance with the Act*);
2. To oversee and monitor the implementation of the strategic plan. The agency shall make quarterly reports to the city commission evaluating the progress in implementing the strategic plan;
3. To identify and recommend to the city commission ways to remove regulatory barriers; and
4. To identify to the city commission the financial needs of, and local resources or assistance available to, eligible businesses in the area.

Expenditure of Funds (City Code Sec. 2-197):

The expenditure of funds by the agency shall comply with the following requirements:

1. The agency shall have no authority to obligate or expend any funds, including grant funds, without the authorization of the city commission.
2. The agency shall perform its functions and responsibilities within the resources made available by the city, and shall not exceed its budget approved by the city.
3. The agency shall not incur any expense, debt, or obligation to be paid by the city, unless such expense, debt, or obligation is previously authorized by the city commission.
4. The agency commissioners shall not receive any compensation for service, but are entitled to payment of necessary and reasonable expenses incurred in the discharge of their duties if said expenses comply with the agency's approved budget.

Historic District Regulatory Board (City Code Sec. 23-208.2) – The board consists of five (5) regular members (appointed in accordance with section 2-26). At least 50% of the members shall reside or own property within the City. Members shall be chosen to provide expertise in the following disciplines to the extent such professionals are available in the community: historic preservation, architecture, architectural

history, curation, conservation, anthropology, building construction, landscape architecture, planning, urban design, and regulatory procedures. (3-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **1 vacancy, resident or own property in City**

Current Members: Lawrence (Larry) Bossarte, business owner	11/01/11 – 07/01/17, 2
Diane Armington, owns property in the City	03/15/11 – 07/01/16, 2
Leah Bartholomay, resident	05/06/14 – 07/01/18, P+1
Erika B. Schindler, business owner	10/06/15 - 07/01/18, 1
Vacant	– 07/01/18

Meetings (City Code Sec. 23-208.3(c)) – The historic board shall hold regular meetings at the call of the chairman and at such other times as the board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice. No less than four (4) meetings shall be held each year.

Current Meeting Schedule: 3rd Thursday @ 5:30 PM; Commission Chamber

Functions, powers, and duties (City Code Sec. 23-208.4)

1. To hear and decide upon applications for certificates of appropriateness as required under this chapter;
2. To adopt guidelines for the review and issuance of certificates of appropriateness consistent with the purposes of this chapter, the historic preservation element of the comprehensive plan, and the Secretary of the Interior's standards for historic properties;
3. To make recommendations to the city commission on matters relating to the establishment of historic districts and regulation of such districts;
4. To make recommendations to the planning board and the city commission for amendments to the code of ordinances and the comprehensive plan on matters relating to historic preservation;
5. To make recommendations to the planning board and city commission regarding special permits for properties within an historic district in cases in which the special permit involves work requiring a certificate of appropriateness;
6. To perform any other duties which are lawfully assigned to it by the city commission

Historic Preservation Board (City Code Sec. 2-182) – (inactive) The board consists of nine regular members. At least four (4) members must be residents of the City. Up to four (4) members may be non-residents but must own property within the City limits or hold an occupational license issued by the City as required by sec 2-26). One member shall be a member of the City Commission. Up to four ex-officio members who are not residents and do not meet the other requirements of section 2-26 may also serve on the Board provided they meet the professional qualifications requirement of paragraph (c) of sec. 2-182. Appointments shall be for three years or until their successors are qualified and appointed. The Commissioner member shall be appointed for the duration of his or her term on the City Commission. Ex-officio members shall be appointed for three years. (3 year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **9 vacancies**

Current Members: None

Meetings (City Code Sec. 2-185(a)) – The board shall hold regular meetings, but no less than four (4) times per year.

Current Meeting Schedule: **Inactive Board**

Powers & duties (City Code Sec. 2-185) - Make recommendations on applications for nomination to National Register of Historic Places; conduct ongoing survey and inventory of historic buildings, areas and sites in the city; make recommendations to city commission on potential landmark sites in the city.

Reporting (City Code Sec. 2-185(b)) – The board shall, on a bi-annual basis, make a written report to the city commission on its activities.

Housing Authority (F.S. 421.04) – The board consists of five (5) members. Members must reside in the City, own property in the City, or hold a valid occupational license issued by the City. One (1) member must be a resident of the housing project who is current in rent payment or a person of low income who is receiving a rent subsidy through a program administered by the Authority. No member may be an officer or employee of the City. (4-year term)

- An interview process is necessary for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **None**

Primary Duties: Manage and control the city's low-rent housing units.

Current Meeting Schedule: 3rd Wednesday @ 6:00 PM; Housing Authority

Current Members: Janice Snell, resident	04/17/12 – 07/01/18, 2
Eddy Rivers, resident	07/01/08 – 07/01/16, 2
Wanda Lawson, resident	06/18/13 – 07/01/17, 1
Mellissa Montgomery, resident of housing project	06/21/11 – 07/01/17, 2
Helen Walters, resident	11/04/14 – 07/01/18, 1
Albert Kirkland, Jr., Ex-officio	n/a
Commissioner Jonathan Thornhill, City Liaison	06/04/13 – 05/02/17

Lakes Advisory Commission (City Code Sec. 2-171; 2-172) - The commission consists of seven (7) members. City Manager or his designee serves as an ex officio member. At least six (6) members must reside in the City. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **6 residents; 1 non-resident with city utilities**

Meetings (City Code Sec. 2-173) - The Board shall meet at regular intervals, but in any event at least once each quarter. Meetings are called by the chairman. Special meetings are called by the Mayor.

Current Meeting Schedule: **Inactive Board**

Duties (Sec. 2-174) - Advise the City Commission on matters involving the restoration, preservation or maintenance of lakes and waterways found within the city; To seek and solicit and make applications for any grants or funds offered by any entity, public or private, if such funds could be used by the city in the preservation, restoration and maintenance of the lakes and waterways found in the city. Any decision to accept offered funds or grants shall remain within the city commission.

Library Board (City Code Sec. 2-26,(b)) – The board consists of five (5) members. Four members must reside in the City, own property in the City or hold a valid business tax receipt issued from by the City. One member shall be a resident of the unincorporated Greater Lake Wales area having a Lake Wales address or a resident of the City of Lake Wales if the Lake Wales Public Library is a member of the Polk County Cooperative and receives operating funds from Polk County Board of County Commissioners (Ordinance 2008-07; 02/19/08). (5-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests

- Current Vacancies: **None**

Current Meeting Schedule: 2nd Wednesday @ 11:00 a.m.; Lake Wales Library

Primary Duties: Operate the public library; control expenditures of all monies collected or donated to the Library Fund; appoint the library staff and establish rules and regulations for operation and use of the Library subject to the supervision and control of the City Commission.

Current Members:

Glenda Morgan, outside	08/06/96 – 07/01/16, 4-Final
Donna Geils, resident	12/02/14 – 07/01/17, 1
Michalkiewicz, Brystal, resident	08/04/15 - 07/01/16, P
Cheryl Garnett, resident	03/05/13 – 07/01/18, 1
Beverly Lamar, resident	07/01/04 – 07/01/19, 3-Final

Parks and Community Appearance Advisory Board (City Code Sec. 2-131) - The board consists of seven (7) members. A majority of the members shall reside or own property within the City limits. The Director of Planning or designee and Public Services Director or designee shall serve as ex-officio members. The board shall elect a chairman at its first meeting after the first day of July in each year. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **5 vacancies**

Meetings (2-133) – The Board shall meet at regular meetings at least six (6) times per year.

Current Meeting Schedule: - 4th Monday @ 5:00 PM; Commission Chamber

[INACTIVE BOARD – The Parks Board is not currently meeting]

Current Members:

Heidi Gravel, outside, business owner	05/15/07 – 07/01/16, 3-Final
Jean Kincaid Scott, resident	09/16/08 – 07/01/17, 3-Final
Vacant	– 07/01/16
Vacant	– 07/01/16
Vacant	– 07/01/17
Vacant	– 07/01/18
Vacant	– 07/01/18

Duties (Sec. 2-134) - The parks and community appearance advisory board shall, in coordination with the planning board and other boards, committees and civic groups of the city, prepare plans and make recommendations to the city manager and city commission regarding the following matters:

1. *Lake Wailes Park System.* Maintaining and upgrading the park around Lake Wailes and nearby parks including adjacent athletic facilities, Crystal Lake Park, North Lake Wailes Park, and Lake Alta.
2. *Neighborhood park system.* Maintaining and expanding the neighborhood park system to provide neighborhood and mini parks to all existing neighborhoods within the city in compliance with the policies of the comprehensive plan; establishing guidelines for developers regarding neighborhood and mini parks required in new developments.
3. *Community parks.* Maintaining and upgrading existing community parks and facilities; developing new community parks and facilities to serve the expanding population of the city in compliance with the policies of the comprehensive plan; budgeting recreation impact fees in compliance with city ordinances and policies; securing grants and other funding to provide such facilities.
4. *Streets and city entrances.* Upgrading the appearance of city streets through landscaping, signage control and other measures; creating attractive entrances to the city through

landscaping and signage; providing consistent and attractive signage to guide visitors to landmarks, parks, civic buildings, and other features throughout the city.

5. *Maintenance programs.* Systems for regular maintenance of parks, streetscapes, and entrances, including facilities, landscaping, and signage to ensure high quality appearance; regulations for use of parks.

Planning & Zoning Board (City Code Sec. 23-205.2) – The board consists of seven (7) members. At least six (6) members must reside in the City and one (1) member must either reside in or own real property in the city. (3 year term)

- An interview process is required for new applicants only.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 vacancy

Current Members: Joanne Fuller, resident	09/19/06 – 07/01/18, 4-Final
Mark Bennett, resident	05/07/13 – 07/01/18, 2
Charlene Bennett, resident	02/16/10 – 07/01/16, 2
Vacant, resident	- 07/01/16, P
Sharon Allen, resident	07/01/04 – 07/01/17, P+4-Final
Warren Turner, resident	07/21/15 – 07/01/17, 1
John Gravel, property owner	05/06/14 – 07/01/16, 1

Meetings (2-133) – The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.

Current Meeting Schedule: - 4th Tuesday @ 5:00 p.m.; Commission Chamber

Rules of procedure (City Code Sec. 23-205.3):

The planning board shall elect from its **membership** one (1) member to serve as chairman and one (1) to serve as vice-chairman.

- a. The term of the chairman and vice-chairman named by the planning board shall be for a period of one (1) year with eligibility for re-election.
- b. The planning board shall hold regular meetings at the call of the chairman on the fourth Tuesday of each month and at such other times as the planning board may determine. Special meetings may be called by the chairman or vice-chairman with twelve (12) hours of notice.
- c. The planning board shall adopt rules for transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations which record shall be filed with the official records of the city. The planning board may set a limit on the number of applications which may be scheduled for review on an agenda.

Functions, powers and duties (City Code Sec. 23-205.4) - To act as Local Planning Agency pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, F.S., ch 163, part II, and perform all functions and duties prescribed therein:

1. To advise and make recommendations to the city commission regarding applications for amendments to the official zoning map and comprehensive plan, rezoning of property, preliminary planned development projects and subdivisions;
2. To consider the need for revision or addition of regulations in these land development regulations and recommend changes to the city commission;
3. To hear and decide applications for special exception use permits and site plans in compliance with these regulations;
4. To perform any other duties which are lawfully assigned to it by the city commission

Recreation Commission (City Code Sec. 2-161) – The recreation commission consist of thirteen (13) members from community organizations providing a recreation program for the community and three (3) citizen members representing the citizens at large. A quorum shall consist of six (6) members. (3-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 citizen vacancies; 11 organizational vacancies

Organizational members have not been reappointed by the board since Seats expired in 2014.

Current Meeting Schedule: - 3rd Monday; 12:00 p.m., City Manager's Conference Room
A quorum shall consist of six (7) members.

Current Members: Keri Hunt, citizen	11/01/11 - 07/01/17, 2
Vacant	- 07/01/18
Vacant	- 07/01/18
Eileen Farchmin, Webber Internt'l University	09/19/11 - 07/01/14, 2
Robbie Shields, Lake Wales Soccer Club	09/19/11 - 07/01/14, 2
Patty McKeeman, Lake Wales Pram Fleet	09/19/11 - 07/01/14, 2
Deborah Rheiner/Linda Kimbrough, PAL	09/19/11 - 07/01/14, 2
Helen Petersen, Green & Gold Foundation	09/19/11 - 07/01/14, 2
Norm Rainey, Tennis Program	09/19/11 - 07/01/14, 2
John Abel, YMCA/Softball	09/19/11 - 07/01/14, 2
Clark Heter, YMCA	10/17/11 - 07/01/14, 2
Mimi Hardman, Historic Lake Wales Society	09/19/11 - 07/01/14, 2
Curt, Boys & Girls Club	09/19/11 - 07/01/14, 2

Membership (City Code Sec. 2-161):

Each community organization named in this paragraph shall be entitled to a seat on the recreation commission and shall appoint one (1) delegate who shall serve for a term of three (3) years. A citizen member shall serve no more than three (3) consecutive terms.

- (1) Green and Gold Foundation
- (2) Historic Lake Wales Society
- (3) Lake Wales Boys and Girls Club
- (4) Lake Wales Charter Schools
- (5) Lake Wales Little League
- (6) Lake Wales PAL
- (7) Lake Wales Pram Fleet
- (8) Lake Wales Public Library
- (9) Lake Wales Soccer Club
- (10) Lake Wales YMCA
- (11) Polk County School Board
- (12) Steelers Football and Cheerleading
- (13) Webber International University

A Community organization that is formed for the purpose of providing a recreation program for the youth of the community shall be entitled to one (1) delegate on the recreation commission provided that a majority of the existing members vote to expand the commission to include a delegate from said organization. (3-year term)

Powers (City Code Sec. 2-161) - The recreation commission shall have the power to adopt by-laws, set meeting times and dates, and decide other matters of procedure.

Duties (City Code Sec. 2-162):

- (a) During budget cycles **when the city funds a municipal recreation program** that includes a recreation director, the recreation commission shall:

- (1) In coordination with public school officials, all local church organizations, all local service organizations and all local civic clubs, assist in any manner possible the recreation director in matters of public relations between all organizations and the general public.
 - (2) Aid and assist the recreational director in the carrying out of all of the director's powers and duties.
- (b) During budget cycles when the city is unable to fund a municipal recreation program that includes a recreation director, the recreation commission shall:
- (1) Serve as a steering committee to:
 - a. Coordinate publication of and participation in recreation programs currently run by various parent, church, or other community organizations;
 - b. Identify recreation needs that are not currently being met; and
 - c. Facilitate development of programs by various parent, church, or other community organizations to meet those unmet needs.
 - (2) Serve as liaison between the various parent, church, and other community organizations that provide recreation programs and city staff for the maintenance and improvement of the city's recreation facilities.
 - (3) Make recommendations to city staff for recreation improvements to be included in the city's capital improvement plan.
 - (4) Make recommendations to city staff for program funding assistance to be included in the city's operating budget.
- (c) The recreation commission shall also have the duty to review rules and regulations for use of recreation facilities and make recommendations to the city commission for approval or disapproval of said rules.

PENSION BOARDS

Firefighters' Retirement Board (City Code Sec. 16-163) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **1 vacancy, 5th Seat**

Current Members: *Vacant***, 5th Seat**

Glen Gest, resident	01/04/07 - 09/30/18, 3
James (Jerry) Brown, resident	03/18/14 - 09/30/18, 1
Joe Jenkins, Fire Chief	10/01/98 - 09/30/18, 4
Christopher Whidden, Firefighter	09/15/14 - 09/30/18, 1

Meetings (City Code Sec. 16-163,(O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers and duties (City Code Sec. 16-163 (I)) – The powers, duties and responsibilities of the board shall include the power and duty to:

- (1) Construe the provisions of the system and determine all questions arising thereunder;
- (2) Determine all questions relating to eligibility and participation;
- (3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
- (4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
- (5) Distribute to members at regular intervals information concerning the system;
- (6) Receive and process all applications for participation and benefits;

- (7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
- (8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
- (9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
- (10) Enforce the terms of the plan and the rules and regulations it adopts;
- (11) Direct the crediting and distribution of the trust;
- (12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
- (13) Furnish the city with information which the city may require for tax or other purposes;
- (14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
- (15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
- (16) Perform such other duties as are specified in this document; and
- (17) Appoint an administrator of the system if deemed appropriate by the board.

General Employees' Retirement Board (City Code Sec. 16-43) – The board consists of five (5) trustees. Two (2) members must be employees of the plan elected by a majority of the actively employed members of the retirement system, two (2) members must be a resident of the City, own property in the City or have a business tax issued from the City of Lake Wales, and one member is a voting Mayor and/or City Commissioner. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **None**

Current Members: Linda Kimbrough, resident	06/17/08 - 04/01/19, 3
Violeta Salud, resident	04/01/04 - 04/01/16, 4
Sarah Kirkland, general employee	01//05/10 - 04/01/19, 3
James Slaton, general employee	04/26/12 - 04/01/16, 1
Commissioner Jonathan Thornhill, voting member	03/18/14 - 05/07/17, 1

Meetings (City Code Sec. 16-43(O)) – The board of trustees may hold meetings, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 8:30 a.m.; City Manager's conference room

Powers & Duties (City Code Sec. 16-43 (I)): The powers, duties and responsibilities of the board of trustees shall include the power and duty to:

- (1) Construe the provisions of the system and determine all questions arising thereunder;
- (2) Determine all questions relating to eligibility and participation;
- (3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
- (4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
- (5) Distribute to members at regular intervals information concerning the system;
- (6) Receive and process all applications for participation and benefits;
- (7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
- (8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;

- (9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city.
- (10) Enforce the terms of the plan and the rules and regulations it adopts;
- (11) Direct the crediting and distribution of the trust;
- (12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
- (13) Furnish the city with information which the city may require for tax or other purposes;
- (14) Engage the services of an investment manager or managers (as defined in act section 3(38)), each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
- (15) Establish and maintain a funding standard account and make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
- (16) Perform such other duties as are specified in this document.

Police Officers' Retirement Board (City Code Sec. 16-233) – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth trustee member is chosen by a majority of the previous four members and as a ministerial duty, such person is appointed by the City Commission. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 1 expired term

Current Members: Joe Elrod, 5 th Trustee	02/03/15 - 09/30/15, partial term
Robert Plummer, resident	11/17/15 - 09/30/18
Anthony Elrod, resident	04/01/14 - 09/30/18
Joseph VanBlarcom, police officer	09/16/14 - 09/30/18
William Raebig, police officer	05/05/14 - 09/30/18

Meetings (City Code Sec. 16-233 (O)) – The board shall hold meetings, at least quarterly, determining the notice, place and time of each. A majority of its members shall constitute a quorum.

Current Meetings – Quarterly @ 4p.m.; Fire Department meeting room

Powers & Duties (City Code Sec. 16-233 (I)) - The powers, duties and responsibilities of the board shall include the power and duty to:

- (1) Construe the provisions of the system and determine all questions arising thereunder;
- (2) Determine all questions relating to eligibility and participation;
- (3) Determine and certify the amount of all retirement allowances or other benefits hereunder;
- (4) Establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system;
- (5) Distribute to members at regular intervals information concerning the system;
- (6) Receive and process all applications for participation and benefits;
- (7) Authorize all payments whatsoever from the fund, and to notify the disbursing agent, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund;
- (8) Have performed actuarial studies and annual actuarial valuations and make recommendations regarding any and all changes in the provisions of the system;
- (9) Select a secretary, who shall keep a complete minute book of the actions, proceedings, or hearings of the board and who shall keep a record of all persons receiving pension payments, noting the time of commencement and cessation thereof. Minutes prepared by the secretary shall be filed with the city clerk and made part of the official records of the city;
- (10) Enforce the terms of the plan and the rules and regulations it adopts;

- (11) Direct the crediting and distribution of the trust;
- (12) Review and render decisions respecting a claim for (or denial of a claim for) a benefit under the plan;
- (13) Furnish the city with information which the city may require for tax or other purposes;
- (14) Engage the services of an investment manager or managers (as defined in § 3(38)) of the act, each of whom shall have such power and authority to manage, acquire or dispose of any plan asset under its control as authorized by the board;
- (15) Establish and maintain a funding standard account and to make credits and charges to the account to the extent required by and in accordance with the provisions of the Code;
- (16) Perform such other duties as are specified in this document; and
- (17) Appoint an administrator of the system if deemed appropriate by the board.

FINANCE BOARDS

Finance Committee – The committee consists of the City Manager, Finance Director and Finance staff, and two City Commissioners. City Commissioners serve for the duration of their term as a Commission or until no longer desire to serve, whichever comes first.

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **2 city commissioners**

Current Members: Kenneth Fields, City Manager
 Dorothy Ecklund, Finance Director
 Finance Staff

Vacant, city commissioner – 07/01/17
 Vacant, city commissioner – 07/01/17

Vacant Commissioner Jonathan Thornhill (commission term ended 5/5/2015, will need to be reappointed)
 Vacant (Betty Wojcik served until 5/5/2015, duration of term as city commissioner)

Establishment & Duties - In 2002, the Finance Committee was established to review the City's financial position on a monthly basis to closely monitor the progress in resolving the City's current financial problems. Close monitoring was to facilitate a more timely identification of new problems should they occur. The establishment of the Finance Committee was endorsed by the City's auditors.

Meetings - Right now, the Finance Committee has only been meeting annually to review the annual City Auditor's Report.

Investment Committee - The committee consists of the City manager, a City Commissioner, the Finance Director, and two (2) members of the public who are residents of the City of Lake Wales or owners of property located in the City of Lake Wales or persons having a business tax receipt issued from the City of Lake Wales. (Public members serve 4-yr terms)

- There is no interview process requirement for appointment to this board.
- Members are not required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: **2 residents, or property owners, or has business tax receipt ; 1 city commissioner**

Current Members: Inactive Board

Vacant, resident – 07/01/19
 Vacant, resident – 07/01/17
 Vacant, city commissioner – 07/01/17

Commissioner Jonathan Thornhill served for duration of his term as city commissioner. Term ended 5/5/2015. New appointment is necessary

Meetings – The board meets when necessary if there is a quorum. **[INACTIVE BOARD]**

Establishment & Duties – In 2009, the Investment Committee was established in accordance with City Code Section 2-502 for the purpose of formulating alternative investment strategies and short-range directions and for monitoring the performance and structure of the portfolio within established policies. The committee will formulate and recommend change, if necessary, to the investment policies.