



## **AGENDA**

### **COMMITTEE OF THE WHOLE WORKSHOP BOARD OF COUNTY COMMISSIONERS**

Board Chambers  
Suite 100

Ernie Lee Magaha Government Building - First Floor  
221 Palafox Place

May 9, 2013  
9:00 a.m.

Notice: This meeting is televised live on ECTV and recorded for rebroadcast on the same channel. Refer to your cable provider's channel lineup to find ECTV.

1. Call to Order  
  
(PLEASE TURN YOUR CELL PHONE TO THE SILENCE OR OFF SETTING.)
2. Was the meeting properly advertised?
3. Naval Aviation Museum Foundation Presentation (BACKUP UP TO BE DISTRIBUTED UNDER SEPARATE COVER)  
(Hank Gonzales, Vice President, Development - 30 min)
  - A. Board Discussion
  - B. Board Direction
4. Chamber of Commerce Strategic Plan  
(Jim Hizer/Scott Luth - 30 min)
  - A. Board Discussion
  - B. Board Direction
5. Agreement for Natural Gas Franchise Assignment (REFERRED FROM THE 4-18-2013 AGENDA REVIEW)  
(Alison Rogers - 20 min)
  - A. Board Discussion
  - B. Board Direction
6. Perdido Easement Plan  
(Tim Day/Commissioner Valentino - 30 min)
  - A. Board Discussion
  - B. Board Direction

7. Vacating Unopened, Waterfront Right-of-Way (REFERRED FROM THE 4-11-2013 COMMITTEE OF THE WHOLE WORKSHOP) (NO BACKUP PROVIDED)  
(George Touart/Alison Rogers/Honorable Chris Jones - 30 min)
  - A. Board Discussion
  - B. Board Direction
8. Noise Ordinance  
(Alison Rogers/Commissioner Barry - 20 min)
  - A. Board Discussion
  - B. Board Direction
9. Code Enforcement Liens (REFERRED FROM THE 4-18-2013 AGENDA REVIEW) (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)  
(Amy Lovoy/Steve Littlejohn - 30 min)
  - A. Board Discussion
  - B. Board Direction
10. Land Development Code (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)  
(Larry Newsom/Matt Mooneyham/Bonita Player - 30 min)
  - A. Board Discussion
  - B. Board Direction
11. County Administrator Search Update (NO BACKUP PROVIDED)  
(Tom Turner - 15 min)
  - A. Board Discussion
  - B. Board Direction
12. Adjourn

**Committee of the Whole**

**3.**

**Meeting Date:** 05/09/2013

**Issue:** Naval Aviation Museum Foundation Presentation

**From:** George Touart, Interim County Administrator

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**Information**

**Recommendation:**

Naval Aviation Museum Foundation Presentation (BACKUP UP TO BE DISTRIBUTED UNDER SEPARATE COVER)

(Hank Gonzales, Vice President, Development - 30 min)

A. Board Discussion

B. Board Direction

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**Committee of the Whole**

**4.**

**Meeting Date:** 05/09/2013

**Issue:** Chamber of Commerce Strategic Plan

**From:** George Touart, Interim County Administrator

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**Information**

**Recommendation:**

Chamber of Commerce Strategic Plan

(Jim Hizer/Scott Luth - 30 min)

A. Board Discussion

B. Board Direction

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**Attachments**

Chamber's Presentation

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# Capturing Opportunity: The Greater Pensacola Area Economic Development Strategy 2013-2018



# VISION2015 Update

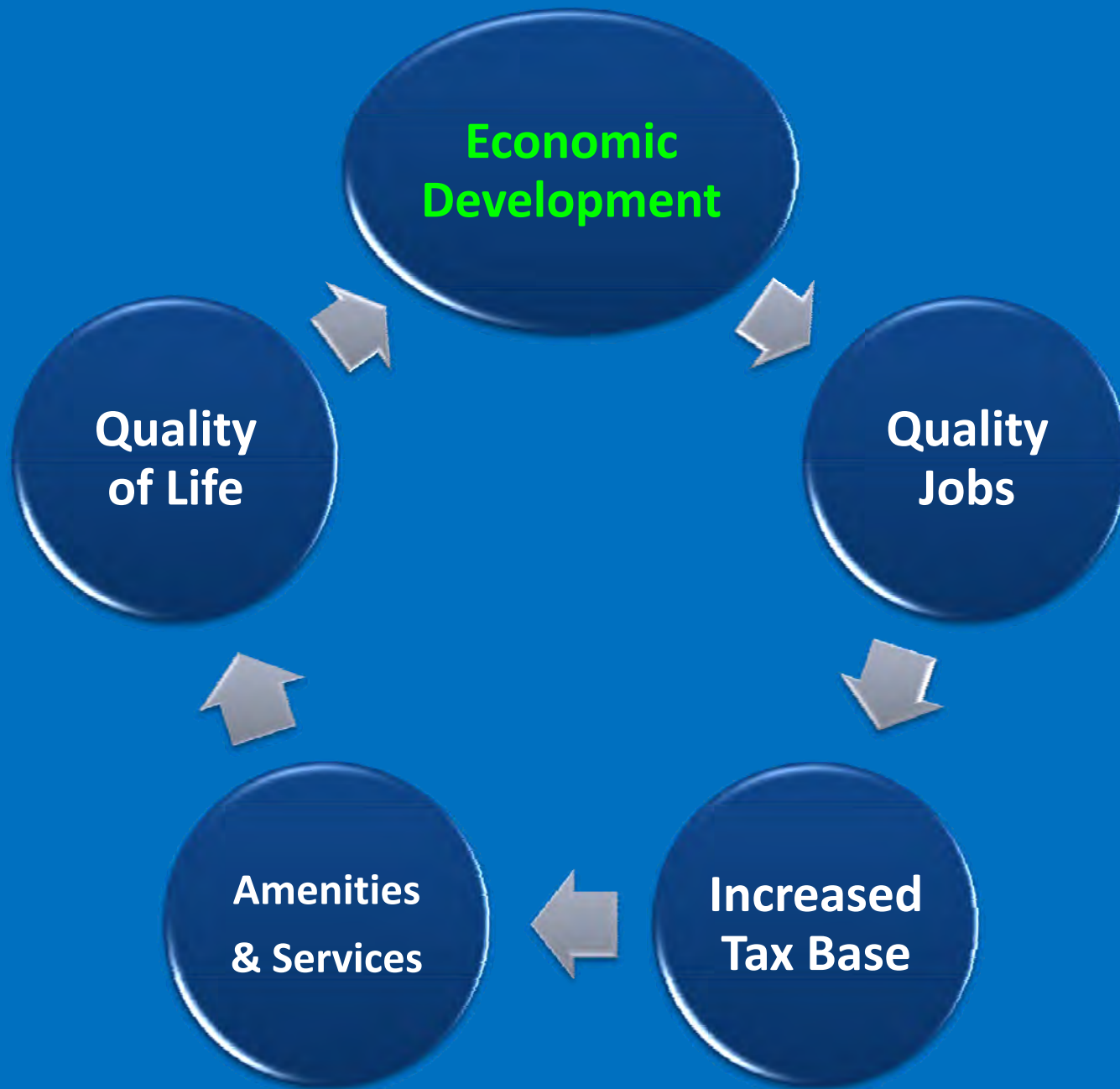
- \$8.8 million raised
- Although our goal was 3,000 jobs by 2015, 2,748 new jobs have already been announced.
- We are committed to a two-county economic development strategic plan.
- This is unprecedented.



# Why ED Matters To the Region

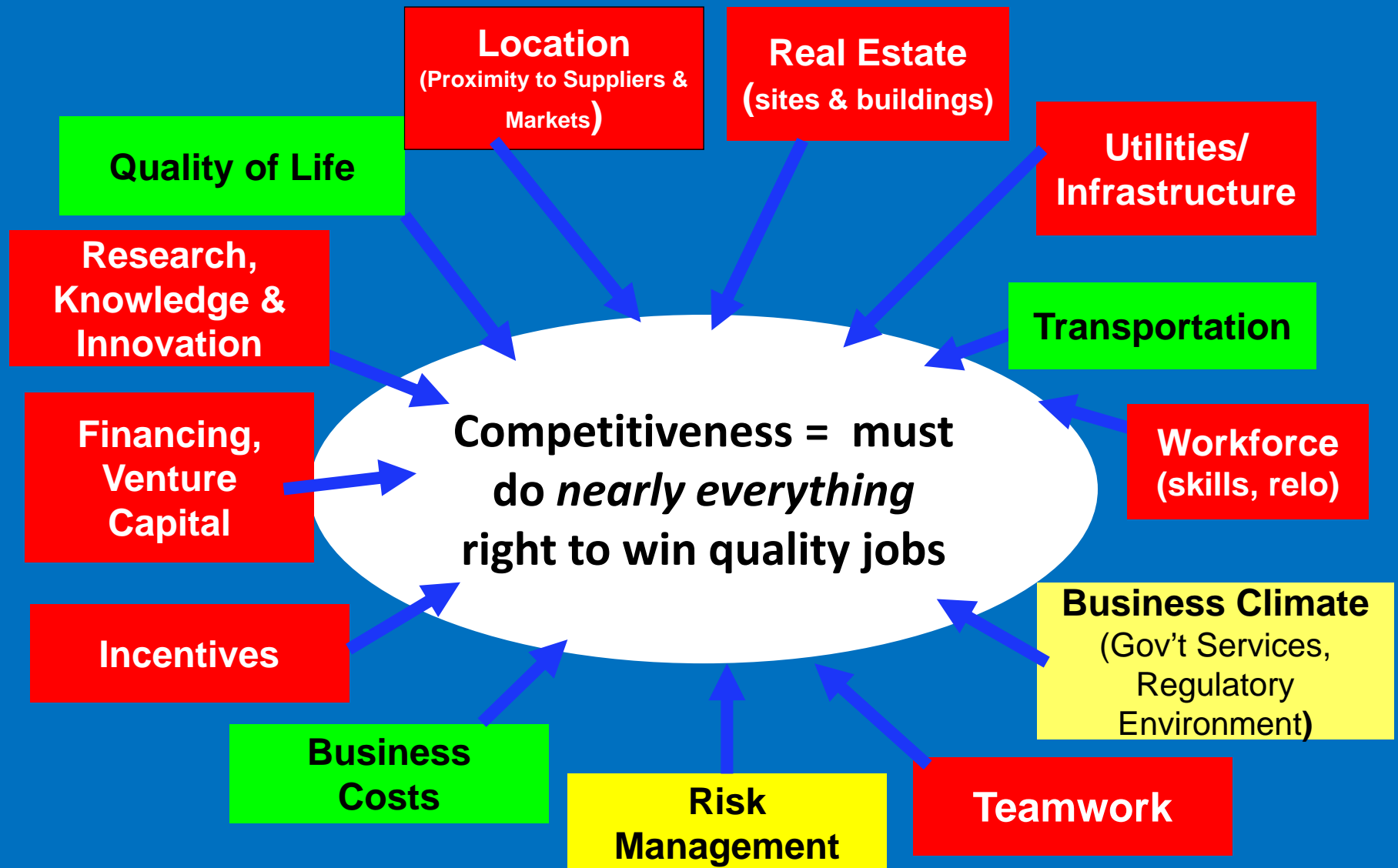
- **Projected decline in young working age**  
(20 - 35 yr. olds)
- **23.6% children in poverty**
- **Declining real household income**  
(8.5% Escambia, 4.5% SR)
- **Very low civilian average wages**  
(79% of US in Escambia, 68% in SR)
- **Military downsizing seems inevitable**







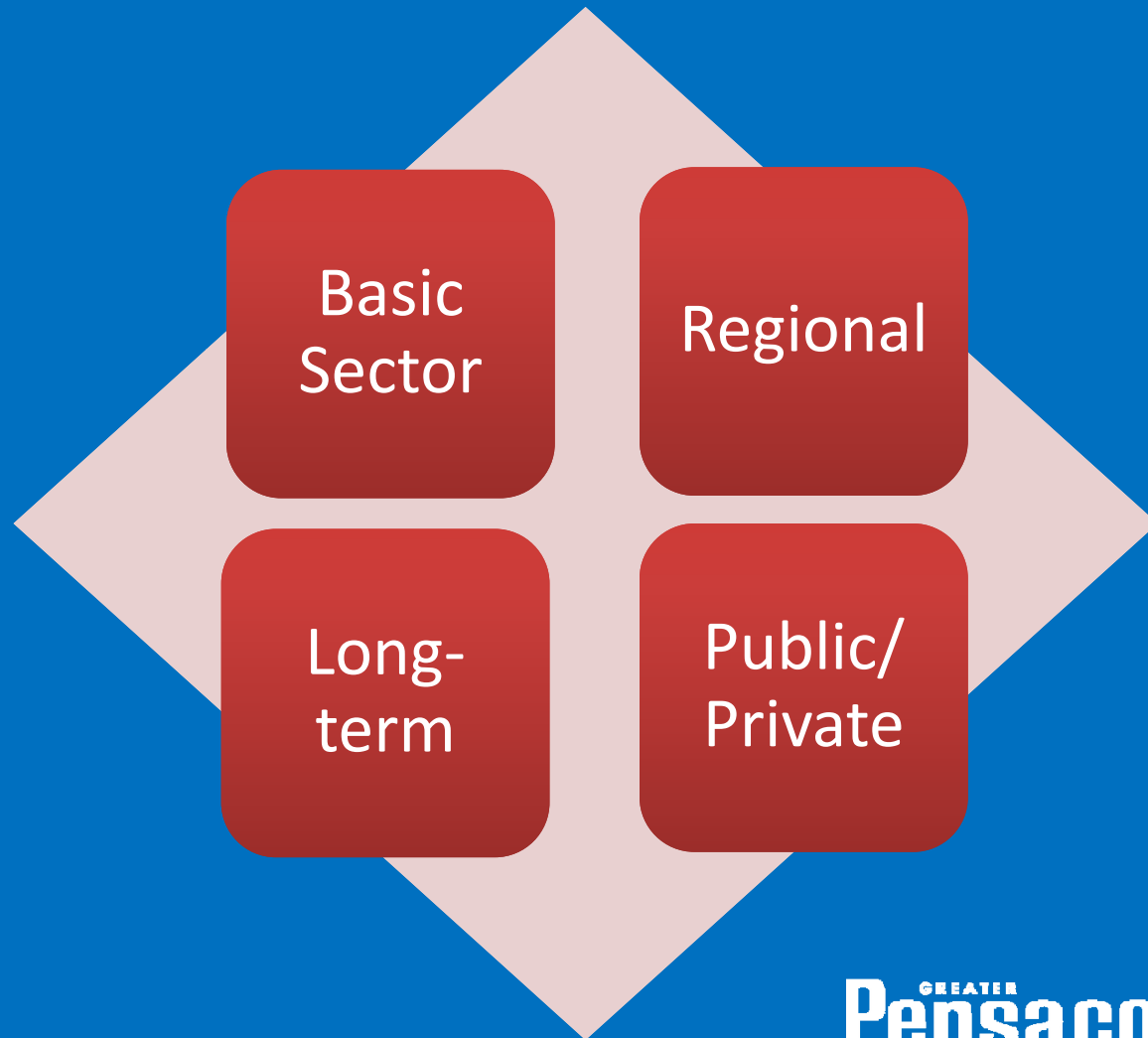
# Pensacola Region's Readiness



# Asset Readiness Way Behind

- Missing fundamental documentation & positioning
  - *need to PROVE business case with compelling facts*
- Lack of buildings
- No Certified Sites
- Proactive skill development

# Critical ED Success Factors



# Recommendations

- 2 Game Changers
- 21 Continuous Improvements
  - 54 action steps
- Influence RESTORE investments

# 1. Certified Shovel-Ready Sites

## WHY

- Want companies & site selectors want
- Helps local companies too
- Develop as differentiator

## WHAT

- Improve I-10 Business Park (90 Ac.)
- OLF8 land swap (460 dev. Ac.)
- Sector Plan site (~400 dev. Ac.)

## 2. Targeted Employment Plan

### WHY

- Build local supply of key skills
- Stronger youth opportunity

### WHAT

- Build public/private endowment
- Provide need-based *gap* loans/scholarships
- In key targeted areas
- Strongly involve PSC, UWF, George Stone, Locklin Tech, employers
- \$20 - \$25 million goal



# I. Build Competitive Advantage

- Pensacola Revitalization
- Cyber Security Cluster
- Streamline Permitting Process
- Upgrade Chamber/ED Facilities
- Help At-Risk Youth



## II. Promote Local Job Growth

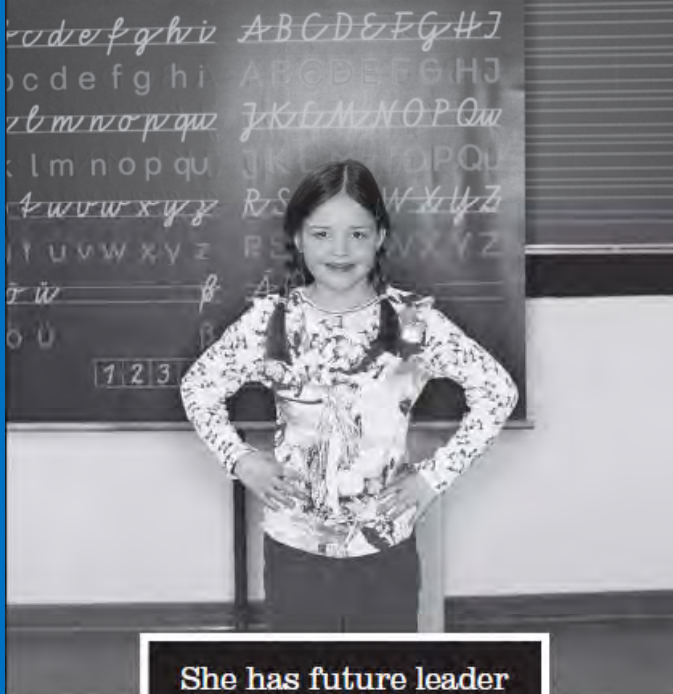
### First Order of Priorities:

- 1) Retain, Attract Key Armed Services Commands
  - ✓ Build community product
  - ✓ Prepare for next BRAC
- 2) Accelerate Entrepreneurship
  - ✓ UWF develop a Center for Entrepreneurship
  - ✓ Business plan & funding strategy for 2<sup>nd</sup> incubator
  - ✓ Venture forum/Angel Network
- 3) Narrow the Workforce Gap





# “Why Economic Development?” Campaign



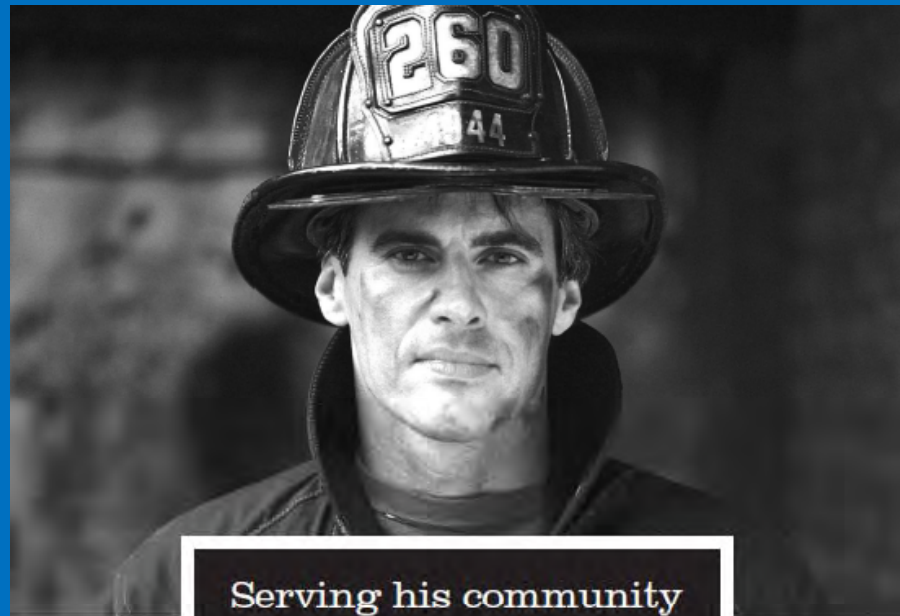
**She has future leader  
written all over her.**

But she will never fulfill her potential without a great education.

The caliber of our schools is directly tied to the health of our economy. More and better jobs mean more money for the things that matter most—like a well-funded school system.

**Discover how Jobs Work for our communities.  
Call 970.667.0905, or visit [jobs.leadership2010.com](http://jobs.leadership2010.com)**

Northern Colorado Economic Development Corporation  
Enhancing economic vitality in Northern Colorado



**Serving his community  
is a dream come true.**

But without funds for training, equipment, and personnel, that dream can become a nightmare.

The quality of our public services is directly tied to the health of our economy. More and better jobs mean more money for the things that matter most — like continued support for fire protection and law enforcement.

**Discover how Jobs work for our communities.  
Call 970.667.0905, or visit [jobs.leadership2010.com](http://jobs.leadership2010.com).**

Northern Colorado Economic Development Corporation  
Enhancing economic vitality in Northern Colorado

# Chamber Re-focus



# The Path to Success

## Maintaining and Enhancing the Public/Private Partnership

- Broad recognition
- 65% private sector funding
- Confidentiality
- Teamwork
- Cooperation mandate
- Business/Education Partnerships



# Questions

**Committee of the Whole**

**5.**

**Meeting Date:** 05/09/2013

**Issue:** Agreement for Natural Gas Franchise Assignment

**From:** Alison Rogers, County Attorney

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**Information**

**Recommendation:**

Agreement for Natural Gas Franchise Assignment (REFERRED FROM THE 4-18-2013

AGENDA REVIEW)

(Alison Rogers - 20 min)

A. Board Discussion

B. Board Direction

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**Attachments**

Report of the 2-14-2013 COW Workshop - Natural Gas Issue

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PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-2. Approval of Various Consent Agenda Items – Continued

2. Continued...

C. Report of the February 14, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

7. Continued...

A. Continued...

(2) Heard Interim County Administrator Touart suggest that the Board place a two-year moratorium to maintain current tipping fees, which would give the County an opportunity to research the technology ECUA is interested in; and

B. Board Direction – None.

COMMISSIONER ROBINSON WAS ABSENT DURING DISCUSSION OF THIS ITEM

\* 8. City of Pensacola and Gulf Breeze Agreement for Natural Gas Franchise Assignment

A. Board Discussion – The C/W discussed City of Pensacola and Gulf Breeze Agreement for Natural Gas Franchise Assignment, and the C/W:

(1) Was advised by County Attorney Rogers that:

(a) The City of Pensacola (City) is requesting that the Board "bless" the *Agreement for Natural Gas Franchise Assignment* between the City of Pensacola and the City of Gulf Breeze, as provided in the backup; furthermore, within the Agreement is the City's request for reaffirmation from the Board of the City's exclusive gas franchise for all unincorporated portions of Escambia County, with the exception of Santa Rosa Island and the Town of Century;

(Continued on Page 17)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-2. Approval of Various Consent Agenda Items – Continued
2. Continued...
- C. Report of the February 14, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

A. Continued...

(1) Continued...

- (b) Prior to any Board action concerning this issue, she recommends that the County obtain a release from both the City of Pensacola and the City of Gulf Breeze that releases the County from any litigation or claims;
- (c) The Board, at a Public Hearing, needs to make a decision on authorizing the assignment or the sublease of the City's exclusive franchise rights to the City of Gulf Breeze for Santa Rosa Island only;
- (d) It is her opinion that it is not in the County's best legal interest to reaffirm the City's exclusive natural gas rights for unincorporated Escambia County because Okaloosa Gas currently provides a significant number of customers with natural gas in the Molino area and of the possibility of legal arguments should any other provider attempt to provide natural gas services in areas where Pensacola is unable or unwilling to provide natural gas services; and

(Continued on Page 18)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-2. Approval of Various Consent Agenda Items – Continued

2. Continued...

C. Report of the February 14, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

A. Continued...

(1) Continued...

(e) If the Board chooses to move forward with the Agreement, the Board, at a Public Hearing, should adopt a new Ordinance "blessing" Gulf Breeze's provision of natural gas services to Pensacola Beach;

(2) Was advised by Commissioner Robinson that his concerns with the affirmation relate to the City's capability and/or willingness to provide natural gas services in the Molino area; and

(3) Was advised by Don Suarez, Pensacola Energy Director, that Pensacola Energy has the ability to serve any part of Escambia County, with the exception of Pensacola Beach; and

(Continued on Page 19)



PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

I. CONSENT AGENDA – Continued

1-2. Approval of Various Consent Agenda Items – Continued

2. Continued...

C. Report of the February 14, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

B. Board Direction – The C/W recommends that the Board take the following action concerning the City of Pensacola (*d/b/a Pensacola Energy, f/k/a Energy Services of Pensacola [ESP]*) and Gulf Breeze Agreement for Natural Gas Franchise Assignment:

(1) Approve obtaining the releases from the two municipalities (*the City of Pensacola and the City of Gulf Breeze*); and

(2) Schedule the following three Public Hearings:

(a) A Public Hearing for consideration of authorizing the *Agreement for Natural Gas Franchise Assignment* between the City of Pensacola and the City of Gulf Breeze;

(b) A Public Hearing for consideration of adopting a new Ordinance to provide natural gas services to Pensacola Beach, to repeal and replace the existing Ordinance (*Number 2012-7, granting the City of Gulf Breeze, Florida, a non-exclusive franchise to construct, maintain, and operate a natural gas distribution system on the portion of Santa Rosa Island located in Escambia County, Florida*); and

(Continued on Page 20)

PUBLIC FORUM WORK SESSION AND REGULAR BCC MEETING MINUTES – Continued

CLERK OF COURTS & COMPTROLLER'S REPORT – Continued

- I. CONSENT AGENDA – Continued
- 1-2. Approval of Various Consent Agenda Items – Continued
- 2. Continued...
- C. Report of the February 14, 2013, C/W Workshop – Continued

AGENDA NUMBER – Continued

8. Continued...

B. Continued...

(2) Continued...

(c) A Public Hearing for consideration of the City of Pensacola's request for reaffirmation *(of its exclusive gas franchise for all portions of Escambia County except the previously excepted areas within the Town of Century and Santa Rosa Island)*.

**Recommended 4-0, with Commissioner Valentino abstaining *(and filing Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers)***

(Continued on Page 21)

**Committee of the Whole**

**6.**

**Meeting Date:** 05/09/2013

**Issue:** Perdido Easement Plan

**From:** Keith Wilkins, Department Director

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**Information**

**Recommendation:**

Perdido Easement Plan

(Tim Day/Commissioner Valentino - 30 min)

A. Board Discussion

B. Board Direction

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**Attachments**


Perdido Key Easements Presentation

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C/W Item #6  
May 9, 2013

## Perdido Key Beach Nourishment Project History & Private Easement Discussion

Community & Environment Department  
Water Quality & Land Management Division



## Project History

- 2004 – Hurricane Ivan
- 2005 – Hurricanes Dennis/Katrina
- 2006 – Beach Nourishment Feasibility Study Completed
- 2006 – Off-shore Sand Search Completed
- 2007 – Erosion Control Line (ECL) Hearings Held by FDEP
- 2008 – Hurricane Gustav
- 2009 – ACOE and FDEP Environmental Permits Obtained
- 2010 – Deepwater Horizon Oil Spill
- 2011 – ECL Recorded by BCC Action
- 2011 – Construction Easements Sent Out to Private Landowners

## Project Status

- Project is fully permitted and designed
- Opportunity to utilize forthcoming NRDA or Restore funds for construction
- Remaining hurdle is obtaining construction and maintenance easements

## Proposed Project

**Plan View**



**Profile View**



## Beach Restoration, Nourishment, and Erosion Control Easement

- Access for the County to restore critically eroded shoreline
- Access for the County to maintain and monitor the restoration post-construction
- Increase storm protection for infrastructure
- Protect and enhance coastal habitat
- Temporary – Expires December 31, 2026

## Easement History

- January 18, 2007 (BCC COW discussion)
- June 10, 2010 (BCC COW – RFP for obtaining easements)
- October 21, 2010 (BCC tasked Legal to prepare easements)
- January 6, 2011 (BCC suspended easement work per Administrator)
- July 7, 2011 (BCC – Legal to resume easement work)
- November 7, 2011 (public meeting Perdido Sun)
- March 8, 2012 (PKA annual meeting)
- May 7, 2012 (West End Advisory)
- June 21, 2012 (Public meeting)
- November 15, 2012 (Mailing to registered owners)
- February 25, 2013 (West End Advisory)
- March 18, 2013 (West End Advisory)
- March 23, 2013 (PKA annual meeting)
- April 15, 2013 (West End Advisory)

## Progress and Challenges

- ❖ To date 163 easements have been sent to owners.
- ❖ 15 remaining easements still need to be provided to owners due to ownership challenges (i.e. bankruptcy)
- ❖ 3 owners have rejected providing an easement.
- ❖ 40 easements have been returned properly executed
- ❖ Many owners out of state or country
- ❖ A supplemental direct mailing was provided to 450 property owners associated with properties that have not granted an easement (Nov 2012)

## Funds Lost or At-Risk

- FDEP Grant H5ES1 - \$809,374
- FDEP Grant 06ES1 - \$1,266,000  
\$2,075,374 Lost
- FEMA Hurricane Gustav - \$1,631,334
  - At-Risk
- NRDA Dune Restoration - \$600,000
  - Newly Awarded

## Recommendations/Discussion

- ❖ Letter from West End Advisory Committee (WEAC) dated February 25, 2013 requesting the BCC to "consider all legal remedies to facilitate and move forward this vital project and capitalize on the unique funding opportunities resulting from the Deepwater Horizon Oil Spill."
- ❖ Consider reducing overall duration of easement from 13 years to 7 years based on discussion at WEAC (expire Dec. 31, 2021). This is the absolute minimum required time presuming the project is built in 2014.

**Committee of the Whole**

**7.**

**Meeting Date:** 05/09/2013

**Issue:** Vacating Unopened, Waterfront Right-of-Way

**From:** George Touart, Interim County Administrator

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**Information**

**Recommendation:**

Vacating Unopened, Waterfront Right-of-Way (REFERRED FROM THE 4-11-2013  
COMMITTEE OF THE WHOLE WORKSHOP) (NO BACKUP PROVIDED)

(George Touart/Alison Rogers/Honorable Chris Jones - 30 min)

A. Board Discussion

B. Board Direction

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**Committee of the Whole**

**8.**

**Meeting Date:** 05/09/2013

**Issue:** Noise Ordinance

**From:** George Touart, Interim County Administrator

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**Information**

**Recommendation:**

Noise Ordinance

(Alison Rogers/Commissioner Barry - 20 min)

A. Board Discussion

B. Board Direction

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**Attachments**

Noise - Code of Ordinances

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**Sec. 42-35. Moratorium.**

(a) Subsequent to August 30, 1990, the burning of hazardous waste in the county is prohibited, except as provided below until such time as the United States Congress and the United States Environmental Protection Agency adopt standards regulating such burning and requiring appropriate controls and limits to the emissions necessarily resulting from such burning. Further, permits for the construction and operation of hazardous waste facilities ancillary to the burning of hazardous waste proposed to be located in the county will not be issued subsequent to August 30, 1990, nor will the burning of hazardous waste be allowed, except in the following circumstances:

- (1) The applicant has obtained all necessary state department of environmental protection permits for the construction and/or operation of such facility, including hazardous waste and air pollution permits; and
- (2) The state department of environmental protection air permit establishes that the burning of hazardous waste will result in no (zero) emissions of air toxics; or
- (3) The state department of environmental protection air permit establishes that the burning of hazardous waste will meet all requirements contained in proposed regulations of the United States Environmental Protection Agency found at 52 Fed. Reg. 16982 et seq., 54 Fed. Reg. 43718 et seq., and 55 Fed. Reg. 17862 et seq.; and
- (4) The administrator of United States Environmental Protection Agency has promulgated emission and ambient standards for all toxic air pollutants proposed to be emitted and the state department of environmental protection air permit establishes that the facility will comply with such standards.

(b) The standards specified in subsection (a)(3) of this section may be revised to reflect changes in the proposed regulations which are proposed and noticed by the United States Environmental Protection Agency.

(Code 1985, § 1-13.7-55)

**Sec. 42-36. Applicability.**

This article shall not apply to any currently operating hazardous waste incinerator in the county. No currently operating hazardous waste incinerator may be expanded after August 30, 1990, without approval of the board of county commissioners. Any industrial facility now or in the future may operate a hazardous waste incinerator providing that it produces a product that is not the result of the incineration process and meets all applicable federal, state and local rules and regulations and receives operating permits from the board of county commissioners.  
(Code 1985, § 1-13.7-56)

**Secs. 42-37—42-60. Reserved.****ARTICLE III. NOISE\*****Sec. 42-61. Short title.**

This article shall be known as the "County Noise Abatement Ordinance."  
(Ord. No. 2001-8, § 3, 3-1-2001)

**Sec. 42-62. Authority and purpose.**

This article is adopted pursuant to the general laws of the state to protect the health, safety and welfare of the residents and citizens of the county.  
(Ord. No. 2001-8, § 3, 3-1-2001)

**Sec. 42-63. Definitions.**

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*County administrator* means the county administrator of Escambia County or the county administrator's designee.

*dba's* means decibels shown in a reading made on a decibel A scale.

**\*Editor's note**—Section 3 of Ord. No. 2001-8, adopted March 1, 2001, repealed §§ 42-61—42-67 and enacted similar provisions to read as herein set out. Former §§ 42-61—42-67 derived from §§ 1-20.3-1—1-20.3-7 of the 1985 Code. Section 4 of said ordinance created additional provisions pertaining to the same subject matter and designated as §§ 42-68—42-70.



*Decibel (dB)* means a unit for measuring the volume of a sound equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

*Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

*Emergency work* means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

*Noise sensitive area* includes, but is not limited to, a posted area where a school, hospital, nursing home, church, court, public library, or similar institution is located.

*Person* means any individual, firm, association, partnership, joint venture, or corporation.

*Public right-of-way* means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

*Public space* means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

*Residential area* means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of Escambia County's zoning ordinance.

*Sound level meter* means an instrument used for measurement of the intensity of sound and accurately calibrated in decibels. Readings shall be made on a dbA scale.  
(Ord. No. 2001-8, § 3, 3-1-2001)

#### **Sec. 42-64. General prohibition.**

(a) No person shall make, continue, or cause to be made or continued:

- (1) Any unreasonably loud or raucous noise; or
- (2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of Escambia County; or
- (3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to create unreasonable adverse effects on such residences or places of business.

(b) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- (1) The proximity of the sound to sleeping facilities, whether in residential or commercial structures;
- (2) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) The time of day or night the sound occurs;
- (4) The duration of the sound; and
- (5) Whether the sound is recurrent, intermittent, or constant.

(Ord. No. 2001-8, § 3, 3-1-2001; Ord. No. 2003-55, § 1, 12-11-2003)

#### **Sec. 42-65. Noises prohibited.**

The following acts are declared to be per se violations of this article. This enumeration does not constitute an exclusive list:

- (a) *Unreasonable noises*: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unrea-

sonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

- (b) *Vehicle horns, signaling devices, and similar devices:* The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of Escambia County, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.
- (c) *Nonemergency signaling devices:* Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or for traffic control purposes are exempt from the operation of this provision.
- (d) *Emergency signaling devices:* The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2) below.
  - (1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use

only the minimum cycle test time. In no case shall such test time exceed five minutes, testing of the emergency signaling system shall not occur more than once in each calendar month.

- (2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within 15 minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this article.
- (e) *Radios, televisions, boomboxes, phonographs, stereos, musical instruments and similar devices:* The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passers-by, or is plainly audible at a distance of 100 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multifamily or single-family dwellings.
- (f) *Loudspeakers, amplifiers, public address systems, and similar devices:* The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of

10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

- (1) Within or adjacent to residential or noise-sensitive areas; and
- (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from Escambia County.

- (g) *Yelling, shouting and similar activities:* Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons or ordinary sensitivities.
- (h) *Animals and birds:* Unreasonably loud or raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels are exempt from this subsection.
- (i) *Loading or unloading merchandise, materials, equipment or commodities:* The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle or vessel at a place of business or residence. In times of emergency, whether declared or undeclared, such hours of loading and unloading shall be governed by the emergency operating hours provision of subsection 42-66(i).
- (j) *Construction or repair of buildings, excavation of streets and highways:* The construction, demolition, alteration or repair

of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the county administrator may issue a permit, upon application, if the county administrator determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m., will not be impaired, and if the county administrator further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

- (k) *Noise sensitive areas; school, courts, churches, hospitals, and similar institutions:* The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.
- (l) *Blowers, and similar devices:* In residential or noise sensitive areas, between the hours of 10:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- (m) *Commercial establishments adjacent to residential property:* Unreasonable loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the

control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. when such noise creates unreasonable adverse effects on adjacent or nearby residences.

(Ord. No. 2001-8, § 3, 3-1-2001; Ord. No. 2003-55, § 1, 12-11-2003; Ord. No. 2005-43, § 2, 9-8-2005)

#### **Sec. 42-66. Exemptions.**

Sounds caused by the following are exempt from the prohibitions set out in sections 42-64 and 42-65 and are in addition to the exemptions specifically set forth in section 42-65:

- (a) *Motor vehicles on traffic ways* of Escambia County, provided that the prohibition of section 42-65(b) continues to apply.
- (b) *Repairs of utility structures* which pose a clear and immediate danger to life, health, or significant loss of property.
- (c) *Sirens, whistles, or bells* lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in section 42-65(d) continues to apply.
- (d) *Emergency alerting sounds.* The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (e) *Repairs or excavations of bridges, streets or highways* by or on behalf of Escambia County, the state, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- (f) *Outdoor school and playground activities.* Reasonable activities conducted on public playgrounds and public or private school playgrounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- (g) *Special outdoor events.* Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit authorizing a limited waiver of the restrictions in the noise abatement ordinance has been obtained from the Escambia County Board of County Commissioners pursuant to the following procedure:
  1. The applicant shall file a permit application with the county administrator on a form prepared by the county which shall set forth at the minimum:
    - a. The name and address of the applicant.
    - b. The address of the site for the event.
    - c. The dates and time of the event.
    - d. The activity which will exceed the limits established by the noise abatement ordinance.
    - e. The steps that will be taken to minimize the disturbance to the surrounding or neighboring properties.
  2. The county administrator shall provide the permit application as well as any other available information, to the board of county commissioners for consideration at a meeting of the board of county commissioners.
  3. A permit granted by the board of county commissioners shall indicate the dates and times during which noise at the subject event may exceed the limits established by the noise abatement ordinance. However, if a permit does not indicate the applicable times for the waiver, then the permit shall not allow the excessive noise to begin earlier than 12:00 noon or to extend beyond 10:30 p.m. or to continue for a period of more than four hours between the hours of 12:00 noon and 10:30 p.m.
  4. The board of county commissioners may impose any other conditions on

the permit as it deems necessary to reduce the disturbance to surrounding or neighboring properties.

5. Violation of the terms or conditions set forth in the permit shall constitute a violation of the Escambia County Noise Abatement Ordinance.
  - (h) *Pensacola Interstate Fair*. The Pensacola Interstate Fair, a traditional two-week event held each October at the Pensacola Fair Grounds, is exempt from the restrictions of this noise ordinance. This exemption applies only to the Pensacola Interstate Fair and does not exempt an other event or activity held at the Pensacola Fair Grounds.
  - (i) *Emergency operating hours*. During times of emergency, whether declared or undeclared, the prohibited operating hours established by this noise ordinance for those commercial/industrial activities necessary to the public health, safety, and welfare may be temporarily suspended by resolution of the board of county commissioners.
  - (j) *Firearms*. Noise caused by the discharge of firearms. However, this exemption shall not be construed to authorize the discharge of any firearm in contravention of state law.
- (Ord. No. 2001-8, § 3, 3-1-2001; Ord. No. 2001-36, § 1, 8-2-2001; Ord. No. 2005-43, § 3, 9-8-2005; Ord. No. 2011-19, § 3, 8-4-2011)

#### **Sec. 42-67. Regulations for Santa Rosa Island and Perdido Key.**

Recognizing the unique tourist, recreational and entertainment characteristics of Santa Rosa Island (Pensacola Beach) and the Perdido Key areas of the county, the provisions of sections 42-64 and 42-65 shall not apply to these geographic areas. For these geographic areas, the following standards shall apply:

- (a) *Santa Rosa Island (Pensacola Beach)*: In no event shall a person operate or cause to be operated or create any source of sound in such a manner so as to create a sound

level which exceeds 70 dbA (sound level measurement) when measured by a sound level meter at or within the property boundary of the receiving land use.

- (b) *Perdido Key*: In no event shall a person operate or cause to be operated or create any source of sound in such a manner so as to create a sound level which exceeds an average of 70 dbA (sound level measurement) when measured by taking four sound readings over a continuous 15-minute period, with the four readings taken at approximately at equal intervals. Those sound readings shall be taken at or within the property boundary of the receiving land use. With regards to sound measurements of live music performances, when possible, none of the four readings shall be taken during a break, intermission or other period when no music is emanating from the sound equipment.

(Ord. No. 2001-8, § 3, 3-1-2001; Ord. No. 2011-18, § 1, 7-21-2011)

#### **Sec. 42-68. Enforcement.**

(a) The following individuals shall enforce this article: the Escambia County Sheriff's Department will have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this article shall prevent the Escambia County Sheriff's Department from obtaining voluntary compliance by way of warning, notice or education.

(b) If a person's conduct would otherwise violate this article and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

(Ord. No. 2001-8, § 4, 3-1-2001)

#### **Sec. 42-69. Penalties.**

(a) A person who violates a provision of this article is guilty of a misdemeanor which is punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 60 days or both.



(b) Each occurrence of a violation, or, in the case of continuous violation, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(c) In lieu of making an arrest or issuing a notice to appear, a law enforcement officer or a code enforcement officer may issue a citation pursuant to section 30-63 of the Escambia County Code of Ordinances. Each violation of any provision of this article shall constitute a separate offense.

Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083. A written warning to this effect shall be provided at the time any citation is issued hereunder. (Ord. No. 2001-8, § 4, 3-1-2001; Ord. No. 2009-21, § 3, 7-23-2009)

#### **Sec. 42-70. Effective area.**

This article is enforceable in the unincorporated areas of Escambia County, Florida. (Ord. No. 2001-8, § 4, 3-1-2001)

#### **Secs. 42-71—42-90. Reserved.**

### **ARTICLE IV. NUISANCES**

#### **DIVISION 1. GENERALLY**

#### **Sec. 42-91. Maintenance of property leased by Santa Rosa Island Authority.**

Any lessee of property from the Santa Rosa Island Authority shall maintain the property as follows:

- (1) There shall not be erected, constructed, suffered, permitted, committed, maintained, used or operated any nuisance of any kind or character, or any illegal trade, business or operation of any kind.

- (2) All leased premises shall be kept in good repair, properly painted, clean and sanitary at all times, free from trash, debris and obstructions.

(Code 1985, § 1-24-3)

#### **Secs. 42-92—42-110. Reserved.**

#### **DIVISION 2. EXCAVATIONS, HOLES, PITS, DEAD OR DYING TREES ON PRIVATE PROPERTY**

#### **Sec. 42-111. Conditions constituting nuisances.**

The following conditions existing on real property in the unincorporated areas of the county shall constitute prima facie evidence of maintaining a nuisance injurious to the health, safety and welfare which is a violation of this division:

- (a) The existence of any excavation, hole or pit which by reason of the condition in which the same is found, or permitted to be or remain, shall or may endanger the health, safety, life, limb or property or cause any hurt, harm, damage or injury to any one or more individuals or their property in the community in which the condition exists.
- (b) The existence of any dead or dying trees on private property which, if permitted to remain, is likely to endanger the health, safety, limb or property or cause any hurt or harm, damage or injury to any one or more individuals or their property while using county roads or rights-of-way.

(Ord. No. 2007-1, § 1, 1-4-2007)

#### **Sec. 42-112. Methods of abatement.**

- (a) For excavations, holes or pits:
  - (1) Fill the excavation, hole or pit with dirt, soil or clay fill; or
  - (2) Obtain necessary permits and install a fence no less than four feet in height around the excavation, hole or pit to safeguard the public from injury or harm to life, limb or property; or

**Committee of the Whole**

**9.**

**Meeting Date:** 05/09/2013

**Issue:** Code Enforcement Liens

**From:** Amy Lovoy, Department Head

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**Information**

**Recommendation:**

Code Enforcement Liens (REFERRED FROM THE 4-18-2013 AGENDA REVIEW) (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

(Amy Lovoy/Steve Littlejohn - 30 min)

A. Board Discussion

B. Board Direction

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**Committee of the Whole**

**10.**

**Meeting Date:** 05/09/2013

**Issue:** Land Development Code

**From:** Larry Newsom, Assistant County Administrator

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**Information**

**Recommendation:**

Land Development Code (BACKUP TO BE DISTRIBUTED UNDER SEPARATE COVER)

(Larry Newsom/Matt Mooneyham/Bonita Player - 30 min)

A. Board Discussion

B. Board Direction

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**Committee of the Whole**

**11.**

**Meeting Date:** 05/09/2013

**Issue:** County Administrator Search Update

**From:** Thomas Turner, Department Director

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**Information**

**Recommendation:**

County Administrator Search Update (NO BACKUP PROVIDED)

(Tom Turner - 15 min)

A. Board Discussion

B. Board Direction

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