

TOWN OF CINCO BAYOU
SPECIAL COUNCIL MEETING
MARCH 1, 1988

Mayor Laginess called the Regular Council Meeting to order at 6:05 PM.

SILENT PRAYER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL Present: Mayor Laginess
Councilwoman Buchanan
Councilman Davis
Councilwoman Dumka
Councilman Gage
Councilman Skelly

Also Present: Attorney McInnis Manager Borchik
Jim Shrine (PGDN) Secretary Kelley
Ray Touchstone Robert Altenbach
John Anderson Richard Chambers
Jeff Prescott Jerry Armstrong

1. Public Hearing - Ordinance No. 120 - An ordinance amending Chapter 1, General Provisions, of the Town of Cinco Bayou Code of Ordinances; Providing for the severability of any portion declared invalid; repealing all ordinances in conflict herewith and providing for an effective date thereof. Attorney McInnis read the ordinance by title only. Councilman Skelly made a motion to accept the first reading, seconded by Councilman Davis. The motion was unanimously approved.

2. Public hearing - Ordinance No. 121 - An ordinance amending Chapter 4, Buildings and building Regulations, of the Town of Cinco Bayou Code of Ordinances; Providing for the severability of any portion declared invalid; repealing all ordinances in conflict herewith and providing an effective date thereof. Attorney McInnis read the ordinance by title only. Councilwoman Buchanan made a motion to accept the first reading, seconded by Councilman Gage. The motion was unanimously approved.

3. Public Hearing - Ordinance No. 122 - An ordinance amending Chapter 5, Fire Prevention and Protection, of the Town of Cinco Bayou Code of Ordinances; Providing for the severability of any portion declared invalid: repealing all ordinances in conflict herewith and providing an effective date thereof. Attorney McInnis read the ordinance by title only. Councilman Gage made a motion to accept the first reading, seconded by Councilman Skelly.

4. Public Hearing - Ordinance No. 123 - An ordinance amending Chapter 7, Health, of the Town of Cinco Bayou Code of Ordinances; Providing for the severability of any portion declared invalid; repealing all ordinances in conflict herewith and providing an effective date thereof. Attorney McInnis read the ordinance by title only. Councilman Davis made a motion to accept the first reading, seconded by Councilwoman Buchanan. The motion was unanimously approved.

5. Public Hearing - Ordinance No. 124 - An ordinance amending Chapter 13, Streets and Sidewalks, of the Town of Cinco Bayou Code of Ordinances; Providing for the severability of any portion declared invalid; repealing all ordinances in conflict herewith and providing for an effective date thereof. Attorney McInnis read the ordinance by title only. Councilman Gage made a motion to accept the first reading, seconded by Councilman Skelly. The motion was unanimously approved.

6. Resolution 88-8 - "Say No to Drugs" March - Councilman Skelly made a motion to adopt Resolution 88-8 supporting the "Say No to Drugs" March and accepting the liability for the event, seconded by Councilwoman Dumka. The motion was unanimously approved.

7. Resolution 88-9 - Four Lane FL 85 North of Crestview Councilman Gage made a motion to adopt Resolution 88-9 supporting the four-laning of Florida State Road 85 north from Crestview to the Alabama border, seconded by Councilman Davis. The motion was unanimously approved.

There being no further business, the Special Meeting adjourned at 6:13 PM.

COUNCIL AS COMMITTEE MEETING

REGULAR BUSINESS

1. Minutes - February 1 & February 8, 1988 - Councilman Skelly made a motion to accept the minutes of the February 1, 1988 and February 8, 1988 Town Council Meetings as presented and to place this item on the Consent Agenda, seconded by Councilman Davis. The motion was unanimously approved

2. Laguna Landing - Mr. Ray Touchstone, attorney for Laguna Landing Partners, introduced the partners, Mr. Robert Altenbach, Mr. Rick Chambers and Mr. John Anderson. Mr. Altenbach outlined the proposed plans for the development which will include the Cuco's Restaurant, A Waffle House Restaurant, a two story office building and a three story office building. He indicated that Waffle House and Cuco's would buy their respective properties and

2. (Cont) build their buildings while the Laguna Landing Partners will build the two office buildings and complete the project, i.e., the parking area, entrance off Laguna Street and landscaping. He also indicated that all agreements made by Mr. Talley would be honored by Laguna Landing Partners. Following a lengthy discussion, Councilwoman Buchanan made a motion to remove the "red tag" from the Cuco's building, to remove the "hold" placed on issuing building permits for the previously approved Waffle House Restaurant and the two story office building and to approve the concept for the three story office building and total Laguna Landing project and to place this item on the Consent Agenda, seconded by Councilman Davis. The motion was unanimously approved.

3. Panhandle League of Cities Membership - Councilwoman Dumka made a motion to continue the Town's membership in the Panhandle League of Cities and to place this item on the Consent Agenda, seconded by Councilman Gage. The motion was unanimously approved.

COUNCILMEMBERS REPORTS/COMMENTS - None

PUBLIC REQUESTS - None

COMMITTEE REPORTS

1. Administrative Committee - None
2. Finance & Budget Committee - None
3. Comprehensive Plan Committee - None

CORRESPONDENCE

1. Letter - City of Dunedin. This letter concerned increasing the age for issuing driver's licenses along with a request from the City of Dunedin to support their position. The Council did not act on this item.

2. Letter - Panhandle LOC Meeting. The Mayor asked that anyone planning to attend notify the Town Manager/Clerk so advance reservations could be made.

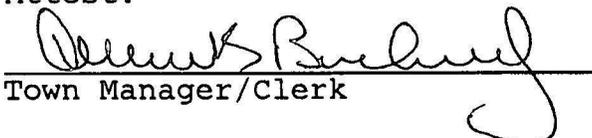
TOWN MANAGER'S REPORT - No Report

MAYOR'S ANNOUNCEMENTS - The Mayor asked that those planning to attend the Okaloosa LOC dinner contact the Town Manager/Clerk.

There being no further business, the meeting adjourned at 7:03


Mayor

Attest:


Town Manager/Clerk

NOTE: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part and is on file in the Office of the Town Manager/Clerk.

PANHANDLE LEAGUE OF CITIES

c/o The Center for State and Local Government
The University of West Florida
Pensacola, Florida 32504

Notice: Meetings of the Legislative Committee

The Panhandle League of Cities will hold dual meetings, as announced below, for the following purposes:

1. to adopt a 1988 Legislative Policy Statement
2. to plan 1988 lobbying activities

Bill Breeze, Executive Director of the Tri-County League of Cities (Orange, Seminole, and Osceola Counties), will be present at each meeting to inform us of the Tri-County League's lobbying activities. Participants will be asked to consider the adoption of similar efforts by the Panhandle League.

Two meetings are scheduled, in order to maximize participation. The same activities will occur at both meetings; thus, an individual need attend only one of the two. The two meetings will occur as follows:

1. Blich's Restaurant, Bonifay, Thursday, March 10, 6:00-9:00 p.m. Dinner will be served.
2. Breakwater Restaurant (formerly the Holiday Lodge Restaurant), Panama City (U.S. 98, west end of Hathaway Bridge), Friday, March 11, 8:30 a.m.-12:00 noon. Lunch will be served.

There will be NO CHARGE for attendance at these meetings. All elected officials and chief administrators of member-cities are urged to attend one of these important meetings. Members of the League's Legislative Committee are especially urged to be present at one or the other meeting.

2/25/88 1181

MEMORANDUM

February 19, 1988

To: Mayors and Council Members of Member Cities of
the Panhandle League of Cities

From: Larry Walker, League Coordinator *LW*

Subject: Participation in Legislative Committee of the
Panhandle League of Cities

In order to better represent the interests of the Panhandle area's municipalities, the Panhandle League of Cities is establishing a 1988 Legislative Committee. The function of the Legislative Committee will be to communicate with the area's state legislators on legislative issues of interest to the Panhandle League's members. This responsibility will be carried out by the individual members of the committee, primarily, through direct communication with their own legislators only.

Here is how the committee will work. The Florida League of Cities will notify Larry Walker whenever action is needed on a particular legislative issue or bill, whereupon Larry Walker will contact those committee members who might be helpful in the particular issue or bill. In some instances, all members of the committee will be contacted; in others, perhaps only those who are constituents of one particular legislator. Each committee member will be expected to visit or call the legislator or legislators who represent him, regarding the particular issue at hand. In addition, all committee members may be encouraged to come to Tallahassee for one or more special occasions. .cp8

Note: expenses incurred for long-distance telephone calls and possibly for travel mileage will be reimbursed by the League! Neither you nor your municipal budget need suffer financially due to your participation in this committee.

Elected officials of your community are needed to participate in this Legislative Committee. At a minimum, we badly need at least one volunteer from each city and town. If necessary, please discuss this matter at a council meeting and choose at least one elected official to represent your community.

Please use the enclosed forms to inform us of your city's response.

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2/25/88
1183

PANHANDLE LEAGUE OF CITIES

c/o The Center for State and Local Government
The University of West Florida
Pensacola, Florida 32504

February 19, 1988

Dear City Official:

Enclosed is an invoice for renewal of your city's membership in the Pensacola League of Cities. Annual dues now are set (by action of League membership) at \$60.

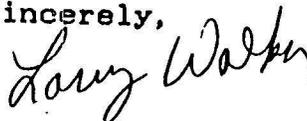
As always, the Panhandle League needs your city's continued support through membership and active participation. The League will be in its second year of fielding a Legislative Committee to represent the interests of city residents and city officials in the state legislative process. Your council is asked to participate in this effort by designating one or more elected officials to serve as members of the Legislative Committee. Forms are provided in this letter for this purpose.

As usual, the Panhandle League will offer other services to its members, their elected officials, and their administrative leaders. It will organize educational programs and social occasions, and it will represent Panhandle-area interests in the activities of the Florida League of Cities.

Your city will benefit by becoming a 1988 member of the Panhandle League; more importantly, you will benefit the cause of better local government throughout the Panhandle and the state.

To join, return the enclosed invoice with payment of \$60, made payable to the Panhandle League of Cities. If more information is desired, contact me at the address shown on the invoice, or call me at 474-2370.

Sincerely,



Larry Walker
League Coordinator

Enclosure:

RECEIVED
2/22/88



February 17, 1988

Dear City Official:

The overinvolvement of teenagers in motor vehicle crashes is well known. In the United States, nearly half of all the deaths of teenagers 16-19 years old, both males and females, are due to motor vehicle crashes. When compared to experienced adult drivers, drivers aged 16 and 17 have **more than twice** the average number of accidents in their first year of driving, and have about four times as many accidents per mile driven.

The National Highway Traffic Safety Administration developed a proposed provisional driver licensing system which was implemented and evaluated by the State of Maryland. The Maryland program showed a **5 percent reduction** in crashes and a **10 percent reduction** in traffic convictions for 16 and 17 year old drivers. The model program implemented in 1977 included the following components:

- Nighttime driving restrictions;
- Parent-supervised driving practice;
- Testing requirements for licensing (includes a violation/crash free driving period);
- Youth-oriented driver improvement actions;
- Lower legal blood alcohol concentration.

The results of the project indicate that the program, with its nighttime driving restriction and the requirement for a period of violation free driving was successful in fostering more lawful and safer driving behavior on the part of those drivers subject to the provisional license.

(813) 733-4151
P.O. BOX 1348
DUNEDIN FLORIDA
34296-1348

"The City of Dunedin does not discriminate on the basis of race, color, national origin, sex, religion, age, and handicapped status in employment or the provision of services"

California implemented a similar Provisional Licensing Program in 1983. The primary model includes a one-year provisional license, a youth-oriented driver improvement program, various restrictions for young problem drivers, the encouragement of parental participation in training new young drivers, driver's manuals for new drivers, and a variety of operational changes, including a mandatory instruction permit. An evaluation of the California program is underway and should be available later this year.

As a result of the aforementioned information and the incidents locally and through out the State of fatal crashes involving 15 and 16 year old drivers, the Dunedin City Commission unanimously urges our State Legislature to implement a Provisional Driver Licensing System for Young Drivers. This program could be modeled after either the Maryland or California program.

A provisional driver licensing program is designed to ease young persons into the mainstream of driving through more controlled exposure to progressively more difficult driving situations. Therefore, this program should be considered for adoption by the State of Florida. We **urgently** request your support in lobbying your State Representatives to initiate and support this critical legislation to save the lives of our young drivers.

Sincerely yours,



Mary Bonner
Mayor/Commissioner



Mary Melton
Vice-Mayor/Commissioner



Manuel Koutsourais
Commissioner



Don Shaffer
Commissioner



Bob Barber
Commissioner

RECEIVED
2/25/88
MSB

ROBERT E. ALTENBACH, P.C.

ATTORNEY AT LAW
TWO RAVINIA DRIVE
SUITE 1150
ATLANTA, GEORGIA 30346
(404) 394-7200
TELEX 80-4468 ATL
TELECOPIER (404) 395-4439

February 23, 1988

The Honorable Mayor
Charles Laginess
Cincou Bayou
35 Kelly Avenue
Fort Walton Beach, Florida 32548-4411

RE: Laguna Landing Partners

Dear Mayor Laginess:

I am writing this letter as a principal of Laguna Landing Partners, the entity formed for the purpose of acquiring and developing the site within the City Limits of Cincou Bayou and located on the East Side of Eglin Parkway and the North Side Yacht Club Drive, Fort Walton Beach, Okaloosa County, Florida.

You are of course, aware of the delays in the construction of the restaurant building as well as the planned office buildings on the site. To bring you and the members of the City Council up to date, I would appreciate the opportunity to attend the City Council meeting on March 1, 1988. At this meeting I will request the City to reinstate the building permits on the restaurant and first office building and make application for the building permit for the second office building. Specifics as to the date of the acquisition and loan closing, names and addresses of lenders, names and addresses of General Contractors, and dates of proposed commencement for construction and occupancy dates will be provided.

I look forward to the opportunity to meet with you and the Council Members and to establish a positive rapport for the development of the project.

February 23, 1988
Page Two

By copy of this letter to Mr. Albert Borchik, I am requesting that his office advise me of your decision to allow me to appear before you on March 1, 1988.

Very truly yours,

A handwritten signature in cursive script, appearing to read "RE Altenbach".

ROBERT E. ALTENBACH

REA:tm

cc: Albert Borchik
Rick Chambers
John Anderson
Jeffrey Prescott

ORDINANCE NO. 120

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. The paragraph entitled Official Time under Section 1-2, Chapter 1, General Provisions, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

Official Time. - Whenever certain hours are named herein, they shall mean Central Standard Time or daylight saving time as may be in current use in the Town.

SECTION 2. Section 1-8, Chapter 1, General Provisions, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

SECTION 1-8. GENERAL PENALTY; CONTINUING VIOLATIONS; VIOLATIONS AS PUBLIC NUISANCE.

Whenever in this Code, or in any ordinance or resolution of the town, or rule or regulation or order promulgated by any officer or agency of the Town under authority duly vested in him or it, any act is prohibited or is declared to be unlawful, or the doing of any act is required or the failure to do any act is declared unlawful and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation or order may be fined an amount not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

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

SECTION 3. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this ____ day of March, 1988.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

ORDINANCE NO. 121

AN ORDINANCE AMENDING CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS, OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 4, Buildings and Building Regulations, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

ARTICLE I. IN GENERAL

SECTION 4-1. Building Inspection.

In accordance with the provisions of an interlocal agreement with the Board of County Commissioners, Okaloosa County, Florida, the Okaloosa County Zoning and Inspection Department performs all construction permitting and inspections in and for the Town of Cinco Bayou.

SECTION 4-2. Building Permits.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, authorized by the Town and issued by the Okaloosa County Zoning and Inspection Department. No building permit shall be authorized except in conformity with the provisions of this ordinance and the Town's zoning ordinance, unless an order is received from the Town's Planning & Zoning Board granting a special exception or a variance for the proposed construction.

SECTION 4-3. Planning & Zoning Board.

Ordinance No. 112 establishes the Town's Planning & Zoning Board and their duties and responsibilities. In addition, the ordinance appoints the Mayor and Councilmembers as members of the Board.

SECTION 4-4. Permit Fees.

The building permit fees due the Town shall be as presently established or as hereafter amended by resolution of the Council. Permit fees due Okaloosa County shall be as presently established or as hereafter amended by the Board of County Commissioners, Okaloosa County.

SECTION 4-5. Application for Building Permit.

All applications for building permits shall be accompanied by plans and a survey or plot plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location on the lot of the buildings or improvements already existing if any; the location of any existing easements; and the location and dimensions of the proposed buildings or alteration. In addition, the application shall include existing and proposed use of the building and land, the number of families, housekeeping units or rental units the building is designed to accommodate and such other information as may be necessary to determine conformance with and provide for the enforcement of this ordinance. The application will be certified as correct by the Applicant and shall be sworn to or affirmed before a Notary Public. Complete plans are not required for buildings which are exempt from requiring an architect's signature & seal by Florida Statutes. Architect's affidavits are required in accordance with Florida Statutes.

SECTION 4-6. Expiration of Building Permit.

Any building permit issued pursuant to this ordinance shall become void unless the work authorized shall have been actually begun within six (6) months of the date of issuance, or, if begun and before completion, such work is suspended or abandoned for a period of sixty (60) days, or, if the work described in the building permit is not substantially complete within one (1) year. In the above cited cases, a new building permit must be obtained.

SECTION 4-7. The Town Manager/Clerk will be responsible for establishing the specific forms and procedures for complying with the requirements set forth in Section 4-2 through Section 4-5 above.

SECTIONS 4-8 - 4-10. Reserved

ARTICLE II. BUILDING CODE

SECTION 4-11. Adoption of Standard Building Code

There is hereby adopted by the Town for the purpose of establishing rules and regulations for the construction, maintenance and repair of buildings, including permits and penalties, that certain code known as the Standard Building Code, being particularly the 1985 edition as amended in 1986 and 1987, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Building Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-12 -4-20. Reserved

ARTICLE III. ELECTRICAL CODE

SECTION 4-21. Adoption of National Electrical Code.

There is hereby adopted by the town the terms and conditions set forth and embraced within the booklet entitled "1987 National Electrical Code" and the whole thereof as published by the National Fire Protection Association. All future revisions or amendments and future editions of the National Electrical Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTION 4-22. Definition.

The term "electrical construction" as used in this article shall include and govern all work and materials used in installing, maintaining and extending a system of electrical wiring for light, heat, power or advertising and all appurtenances thereto and all apparatus or equipment used in conjunction therewith, inside or attached to any building or structure, lot or premises; provided, however, none of the provisions of this article shall apply to the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed.

SECTION 4-23. Plans and Specifications

The electrical wiring and installation of electrical apparatus or equipment for light, heat, power or advertising, within or attached to all buildings or structures, both public and private, shall be done in accordance with plans and specifications submitted to and approved by the Okaloosa County Zoning and Inspection Department.

SECTION 4-24. Permits

A permit will be required to do any electrical construction of any character, install any electrical wiring, apparatus or equipment or make any extensions or changes to existing systems of wiring for light, heat, power or advertising within the limits of the Town, excepting the repairing of damaged or broken fixtures, apparatus or equipment and the ordinary work necessary for the proper maintenance of same; provided, however, that no permit shall be required for the replacement of lamps or the connection of portable devices to suitable receptacles which have been properly installed.

SECTIONS 4-25 - 4-30. Reserved

ARTICLE IV. PLUMBING CODE

SECTION 4-31. Adoption of Standard Plumbing Code

There is hereby adopted by the Town for the purpose of establishing rules and regulations for the construction, maintenance and repair of plumbing, including permits and penalties, that certain code known as the Standard Plumbing Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Plumbing Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-32 - 4-40. Reserved

ARTICLE V. MECHANICAL CODE

SECTION 4-41. Adoption of Standard Mechanical Code

There is hereby adopted by the Town that certain code known as the Standard Mechanical Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Mechanical Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-41 - 4-50. Reserved

ARTICLE VI. GAS CODE

SECTION 4-51. Adoption of Standard Gas Code.

There is hereby adopted by the Town that certain code known as the Standard Gas Code, being particularly the 1985 edition as amended in 1986, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Gas Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-52 - 4-60. Reserved

ARTICLE VII. SWIMMING POOL CODE

SECTION 4-61. Adoption of Standard Swimming Pool Code

There is hereby adopted by the Town that certain code known as the Standard Swimming Pool Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Swimming Pool Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town.

SECTIONS 4-62 - 4-70. Reserved

ARTICLE VIII. UNSAFE BUILDING ABATEMENT CODE

SECTION 4-71. Adoption of Standard Unsafe Building Abatement Code

There is hereby adopted by the Town that certain code known as the Standard Unsafe Building Abatement Code, being particularly the 1985 edition, as published by the Southern Building Code Congress International, Inc. All future revisions or amendments and future editions of the Standard Building Code shall be automatically adopted hereby and incorporated herein, subject to any future ordinances enacted by the Town Council deleting, modifying or amending such future revisions and editions. The Code is hereby adopted and incorporated as fully as if set out at length herein and from the effective date of this section, the provisions contained therein shall be controlling within the limits of the Town except that the provisions of Section 4-72 herein shall be controlling in regard to Dangerous Buildings.

SECTION 4-72 - Dangerous Buildings.

(1) Dangerous Buildings Defined. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings":

- (a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle half of its base.

- (b) Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
 - (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - (d) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Town.
 - (e) Those which have become or are so dilapidated, so decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
 - (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
 - (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
 - (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 - (i) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Town.
 - (j) Those buildings existing in violation of any provision of this chapter.
- (2) Standards for repair, vacation or demolition. The following standards shall be followed in substance by the building inspector and the Town Council in ordering repair, vacation or demolition:
- (a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this section it shall be ordered repaired.
 - (b) If the dangerous building is in such a condition that it endangers the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
 - (c) In any case where a dangerous building is seventy five percent (75%) damaged by fire, explosion or other casualty, or act of God, or the public enemy, or deterioration, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this section or any statute of this state, it shall be demolished.

(3) Nuisances. All dangerous buildings within the terms of this section are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

(4) Duties of the Building Inspector. For the enforcement of the provisions of this article the building inspector shall:

- (a) Inspect or cause to be inspected semi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render any such place a dangerous building within the terms of Section 4-72 (1).
- (b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this section.
- (c) Inspect any building, wall or structure reported by the fire or sheriff's departments as probably existing in violation of the terms of this section.
- (d) Inspect annually buildings in blighted areas within the Town.
- (e) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such buildings as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, of any building found by him to be a dangerous building within the standards set forth in Section 4-72 (1) that:
 1. The owner must vacate, or repair, or demolish such building in accordance with the terms of the notice and this section.
 2. The occupant or lessee must vacate such building or may have it repaired in accordance with the notice and remain in possession.
 3. The mortgagee, agent or other person having an interest in such building as shown by the land records of the clerk of circuit court of Okaloosa County, Florida, may at his own risk repair, vacate, or demolish such building or have such work or act done.Any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- (f) Set forth in the notice provided for in Section 4-72 (4)(e), a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building, and an order requiring the same to be put in such condition as to comply with the terms of this section within such length of time, not exceeding thirty (30) days, as is reasonable.
- (g) Report to the Town Council any noncompliance with the notice provided for in Sections 4-72 (4)(e) and (f).
- (h) Appear at all hearings conducted by the Town Council and testify as to the condition of dangerous buildings.

- (i) Place a notice on all dangerous buildings reading as follows:
- "This building has been found to be a dangerous building by the building inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida. It is unlawful to remove this notice until such notice is complied with."
- (5) Duties of the Town Council. The Town Council shall:
- (a) Upon receipt of a report of the building inspector as provided for in Section 4-72 (4)(g), give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to appear before it on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated, or demolished, in accordance with the statement of particulars set forth in the building official's notice provided pursuant to Section 4-72 (4)(f).
- (b) Hold a hearing and hear such testimony as the building inspector or the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, shall offer relative to the dangerous building.
- (c) Make written findings of fact from the testimony offered pursuant to Section 4-72 (5)(b) as to whether or not the building in question is a dangerous building within the terms of Section 4-72 (1).
- (d) Issue an order based upon findings of fact made pursuant to Section 4-72 (5)(c) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to repair, vacate or demolish any building found to be a dangerous building within the terms of this section; provided, However, that any person so notified, except the owners, shall have the privilege of either vacating or repairing such dangerous building, or any person not the owner of such dangerous building but having an interest in such building as shown by the land records of Okaloosa County, Florida, may demolish such dangerous building at his own risk to prevent the acquiring of a lien by the Town against the land upon which such a dangerous building stands, as provided in Section 4-72 (5)(e).
- (e) If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Section 4-72 (5)(d) within thirty (30) days the Town Council shall cause such building or structure to be repaired, vacated, or demolished as the facts may warrant, under the standard provided for in Section 4-72 (2) and shall have the cost of such repair, vacation, or demolition charged against the land on which the building existed, as a municipal lien, or cause such costs to be added to the tax certificate as an assessment, or levied as a special tax against the land upon which the building stands or did stand, or may recover such costs in a suit at law against the owner;

provided, however, that in cases where such procedure is desirable, and any delay caused thereby is not dangerous to the health, morals, safety, or general welfare of the people of this Town, the Town Council may notify the Town Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

(f) Report to the Town attorney the names of all persons not complying with the order provided for in Section 4-72 (5)(d).

(6) Duties of the Town Attorney. The Town Attorney shall:

(a) Appear at all hearings conducted by the Town Council in regard to dangerous buildings.

(b) Bring suit to collect all municipal liens, assessments, or costs incurred by the Town Council in repairing or causing to be vacated or demolished dangerous buildings.

(c) Take such other legal action as is necessary to carry out the terms and provisions of this section.

(7) Emergency Cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building, as defined in Section 4-72 (1) herein is immediately repaired, vacated, or demolished, the building official shall report such facts to the Town Council which shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 4-72 (5)(e).

(8) Where Owner Absent From Town. In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in such building as shown by the land records of the clerk of the circuit court of Okaloosa County, Florida, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

(9) Administrative Liability. No officer, agent, or employee of the Town, acting in good faith, shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this section. Any suit brought against any officer, agent, or employee of the Town, as a result of any act required or permitted in the discharge of his duties under this section shall be defended by the Town Attorney until the final determination of the proceedings therein.

(10) Duties of the Fire and Sheriff's Departments. The employees of the fire and sheriff's departments shall make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be dangerous buildings within the terms of this section. Such reports must be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by any such employee.

(11) Violations; penalty for disregarding notices or orders. The owner of any dangerous building who shall fail to comply with any notice or order to repair, vacate, or demolish such building given by any person authorized by this section to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day that such failure to comply

continues beyond the date fixed for compliance shall be considered a separate offense.

The occupant or lessee in possession who fails to comply with any notice to vacate or who fails to repair such building in accordance with any notice given as provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day that such failure to comply continues beyond the date fixed for compliance shall be considered a separate offense.

Any person removing the notice provided for in Section 4-72 (5)(i) hereof, shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense.

SECTIONS 4-73 - 4-80. Reserved

ARTICLE IX. DAMAGED OR DESTROYED BUILDINGS

SECTION 4-81. Compliance required.

It shall be unlawful to reconstruct, enlarge or use any damaged or destroyed building or structure in the Town except in compliance with all of the provisions of this article.

SECTION 4-82. "Buildings or structures" defined.

The term "building or structure" is hereby defined as a residential home, commercial building, warehouse, storage shed, outbuilding, carport, patio or any similar structure.

SECTION 4-83. Inspection and estimation of damages.

Upon being notified of any damage or destruction to any building or structure, the building inspector shall inspect the same and make an estimate of the damages. It shall be the affirmative duty of the sheriff's department, fire department or owner of a building or structure which becomes damaged or destroyed to immediately notify the building inspector so that he can make an inspection.

SECTION 4-84. Permit required.

It shall be unlawful to proceed with the reconstruction, enlargement or alteration of any damaged or destroyed building which has sustained, in the opinion of the building inspector, damage in excess of one thousand dollars (\$1,000.00) unless permits therefor shall have first been obtained from the building inspector. The Town Manager/Clerk shall notify the owner by registered mail in those instances where damages exceed one thousand dollars (\$1,000.00) and inform the owner of the necessity of obtaining a permit prior to reconstruction.

SECTION 4-85. Cost of permit.

Each permit for reconstruction shall be secured from the Okaloosa County Building Inspection Department with the fee to be determined by the building inspector at the time of issuance of permit.

SECTION 4-86. Plans to be presented to the building inspector.

(a) All drawings and plans for the reconstruction, enlargement or alteration of any damaged or destroyed building or structure shall first be submitted to the building inspector for review and approval prior to being issued a permit for construction.

(b) All buildings or structures shall be reconstructed in conformity with the approved plans.

SECTION 4-87. Inspections.

The building inspector will inspect reconstruction as he deems appropriate at reasonable times to ensure that the reconstruction complies with the plans. Construction methods, techniques, materials and workmanship which fail to meet Town standards or codes shall be cause for rejection. Work must cease on any rejected efforts until the same, or cause for rejection, have been remedied to the satisfaction of the inspector.

SECTION 4-88. Violations; penalty.

Any person violating any provision of this article shall, upon conviction, be fined an amount not less than five hundred dollars (\$500.00), or by up to ninety (90) days in jail, or both, for each offense. Every day the violation is allowed to continue shall be considered a separate offense.

SECTIONS 4-89 - 4-90. Reserved.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this ____ day of March, 1988.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

ORDINANCE NO. 122

AN ORDINANCE AMENDING CHAPTER 5, FIRE PREVENTION AND PROTECTION, TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 5, Fire Prevention and Protection, of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

ARTICLE I. IN GENERAL

SECTION 5-1. Adoption of Fire Prevention Codes

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion within the Town of Cinco Bayou; certain codes known as the NFPA 101, Life Safety Code, NFPA, National Fire Codes, Standard Building Code by Southern Building Code Congress International, Standard Fire Prevention Code by the Southern Building Code Congress International, National Electric Code, Florida State Fire Marshal Rules and Regulations, also known as the Florida Fire Prevention Code, and any and all subsequent editions or amendments of the latest published editions of these codes. Where code requirements differ, the code with the most restrictive life safety requirements will be applied.

SECTION 5-2. Fire Protection

In accordance with the conditions of an agreement between the Ocean City/Wright Fire Control District and the Town of Cinco Bayou, the Ocean City/Wright Fire Control District agrees to provide fire protection service to the Town of Cinco Bayou comparable to that service furnished to the residents of the Ocean City/Wright Fire Control District. For this service, the Town of Cinco Bayou agrees to pay a sum equal to a millage rate established by the Ocean City/Wright Fire Control District times the assessed evaluation of the real property located in the Town on January 1st of each year.

SECTION 5-3. Fire Prevention Inspections

The Ocean City/Wright Fire Department Fire Inspectors shall be permitted to make inspections of businesses and residences in the Town of Cinco Bayou as they deem necessary to determine compliance with the fire prevention codes as listed in Section 5-1. All residents, property owners, entrepreneurs, contractors, builders or others related to the subject matter of, and to the areas of jurisdiction of this ordinance, or their representatives, shall be governed by the intent of this ordinance and they shall recognize the need for access to their properties at reasonable hours for the purpose of performing required fire inspections. They shall provide said access upon request by the Chief of the Ocean City/Wright Fire Department.

EXCEPTION: One and two family dwellings: Courtesy fire inspections will only be performed at the request of the owner.

SECTION 5-4. Fire hydrants

(a) Within the boundaries of the Town, new commercial buildings shall be constructed only within 300 feet of an operational fire hydrant meeting the requirements of this ordinance. New one or two family detached dwelling units shall be constructed only within 500 feet of an operational fire hydrant meeting the requirements of this ordinance. All hydrants shall be supplied by

water mains no less than six inches in diameter if on a looped system or no less than eight inches if not on a looped system. All planned building groups must comply with NFPA 1141.

(b) Water mains supplying fire hydrants shall have sufficient flow rate and pressure to meet at least the minimum standards required by the American Water Works Association Manual M-17 and the National Fire Codes.

(c) All site/plot plans submitted to the Ocean City/Wright Fire Department for approval shall indicate the location(s) of installed fire hydrant(s) and/or the proposed location(s) of new fire hydrants, to include the size of water main(s) supplying the hydrant(s).

(d) No person shall obstruct or place or keep any fence, growth, trash or other materials near any fire hydrant that would prevent such hydrant from being immediately visible or in any manner hinder the fire department from gaining immediate access to a hydrant.

(e) No person shall use or operate any fire hydrant, unless such person(s) first secure a permit for such use.

SECTION 5-5. Connection of Fire Protection System

All fire protection systems shall be connected in accordance with the provisions set forth by the Chief of the Ocean City/Wright Fire Department or his designated representative, and only after obtaining written approval. Such connection shall comply with the National Fire Codes and the Standard Building Code.

SECTION 5-6. Installation of Wet Standpipe System

Approved standpipe systems shall be installed in all buildings, regardless of the type of construction, which exceed three (3) stories in height. All wet standpipe systems shall be installed in accordance with all applicable provisions of the National Fire Codes for the Installation of Standpipe and Hose Systems, NFPA #14, and the Standard Building Code. The utilization of plastic pipe or fittings in the construction of the standpipe system is strictly prohibited. Only "single jacket" rubber lined hose shall be used in all standpipe applications. Existing wet standpipe systems currently utilizing unlined linen hose shall replace such hose with "single jacket" rubber lined hose when the hose is deemed unserviceable by the inspecting authority.

SECTION 5-7. Installation of Automatic Sprinkler Systems

(a) All new buildings, multistory and/or multifamily, regardless of construction type, constructed within the Town of Cinco Bayou with more than two (2) stories and/or exceeding 35 feet in height, shall be protected throughout by an approved automatic sprinkler system.

(b) All new buildings, regardless of height or type of construction, shall be protected throughout by an approved automatic sprinkler system as follows:

- (1) All buildings with a single story over 12,000 sq. ft. in area, regardless of interior separations.
- (2) All multi-story buildings exceeding 24,000 sq. ft. in gross area.
- (3) Throughout stories below the level of exit discharge when stories have an area exceeding 2,500 sq. ft.

(c) All approved automatic sprinkler systems shall be installed in strict accordance with the standards set forth by the National Fire Codes, NFPA #13; and the Standard Building Code, to include section entitled "Automatic Sprinkler Alternate".

(d) The builders, building owners or their agents shall submit the plans for proposed sprinkler systems to the Ocean City/Wright Fire Control District Fire Inspection Department for approval prior to installation.

SECTION 5-8. Alarm Systems

(a) All new structures requiring alarms systems shall submit plans and specifications to the Ocean City/Wright Fire Department for review and approval prior to the start of installation.

(b) Fire alarms equipment, devices and wiring used in the installation of fire alarm systems shall be of the approved type for its intended use and bear one of the recognized seals of approval.

(c) Fire alarm system connections to a central receiving station (fire department, remote station, security service, etc.) shall be in accordance with the provisions set forth by the Ocean City Fire Control District. All connections of a fire alarm system to a receiving station shall comply with the National Fire and Standard Building Codes.

(d) All required tests shall be completed by the appropriate contractor or subcontractor, witnessed and approved by the fire inspector, and all reports shall be delivered to the fire inspector.

SECTION 5-9. Smoke Alarms/Detectors.

(a) Smoke alarms/detectors shall be installed in all new residential buildings in the Town of Cinco Bayou. Existing homeowners are encouraged to install smoke alarms/detectors in all residences within the Town that were built prior to the effective date of this ordinance. Battery type detectors may be used in existing buildings, providing that they are an approved type, installed in accordance with NFPA 101 and with Section 1125 of the Standard Building Code.

(b) Smoke alarms/detectors shall be installed in all other type new buildings within the Town when early warning fire detection is deemed necessary.

SECTION 5-10. Outdoor Burning

(a) All contractors, landowners and residents within the Town of Cinco Bayou shall notify the Ocean City/Wright Fire Department dispatcher anytime outdoor burning is to be conducted within the Town. Outdoor burning shall only be conducted between the hours of 9:00 AM and 6:00 PM daily with the following provisions:

1. The fire will be attended at all times.
2. The fire will be contained, i.e., wire basket, drum, etc.
3. Water will be immediately available to put out the fire if necessary.

(b) The burning of garbage is prohibited

(c) Authorization to conduct burning operations within the Town does not release the individual from criminal or civil liabilities for damages caused or costs for suppression of such fires.

(d) Reported unauthorized burning or nuisance fires shall be extinguished by the responsible person(s) when directed to do so by a member of the Ocean City/Wright Fire Department. Starting and maintaining an illegal fire is a second degree misdemeanor, punishable as provided in Section 5-14.

SECTION 5-11. Building Identification

(a) All buildings and businesses in the Town shall be identified with the current postal address displayed in a visible location.

(b) The numbers and letters used for building or business addresses shall be a minimum of two (2) inches in height and displayed at the building/business main entrance door, in the main display window, at the curbside or on the postal mail box.

SECTION 5-12. Building Permits

(a) Before any and all building permits are authorized by the Town of Cinco Bayou or issued by the Okaloosa County Building Inspection Department for any new construction or modification to any existing structure within the limits of the Town of Cinco Bayou, the plans and specifications for the structure will be reviewed by the Chief, Ocean City/Wright Fire Department or his designated representative for compliance with the existing codes. When approved, the plans will be annotated with the approving officials signature, date and the department "seal" or stamp.

(b) The requirements for fire hydrants outlined in Section 5-4 must also be satisfied prior to the issuing of any permits.

SECTION 5-13. Certificate of Occupancy

Prior to the issuing of a "Certificate of Occupancy" by the Okaloosa County Building Inspection Department, the Fire Inspector shall be satisfied that the structure fully meets all codes and regulations required by the Ocean City/Wright Fire Control District. A "Fire District Approval Certificate" will be issued to the builder/contractor for delivery to the inspection department.

SECTION 5-14. Enforcement, violation and penalties.

The Chief of the Ocean City/Wright Fire Department shall have the authority to cause these codes and this ordinance to be enforced. Any person who shall violate any of the provisions of this ordinance or of the codes hereby adopted, or fail to comply herewith, or who shall violate or fail to comply with any order made thereunder within the time fixed herein by the authority having jurisdiction shall, upon conviction, severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor of the second degree and shall be punished if found guilty by a fine not exceeding \$500.00, or by up to ninety (90) days in jail, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that the prohibited condition(s) is maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. The Chief of the Ocean City Fire Department shall exercise the right to "close" or restrict the use of any premises in which safety hazards that create imminent danger to life or major destruction to property are found to exist.

SECTIONS 5-15 - 5-20. Reserved

ARTICLE II. SPECIAL RESTRICTIONS

SECTION 5-21. Storage of Explosives and Blasting Agents

The storage of explosives and blasting agents is prohibited in the Town.

SECTION 5-22. Storage of Flammable Liquids/Gases

(a) The storage of flammable liquids in outside aboveground tanks is prohibited in the Town.

(b) Bulk plants for flammable or combustible liquids are prohibited in the Town.

(c) Bulk storage of liquified petroleum gas more than 100 pounds is prohibited in the Town.

SECTION 5-23. Motor Vehicle Routes for Transporting Dangerous Materials

(a) The routes for vehicles transporting explosives, blasting agents, hazardous chemicals and other dangerous articles are hereby established as all state roads within the town.

SECTION 5-24. Modifications.

The Chief of the Ocean City/Wright Fire Department shall have power to modify any of the provisions of the fire prevention code adopted by this Chapter, upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Ocean City/Wright Fire Department thereon shall be entered upon the records of the Town and the department and a signed copy shall be furnished the applicant.

SECTION 5-25. Appeals.

Whenever the Chief of the Ocean City/Wright Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision to the town council within thirty (30) days from the date of the decision appealed.

SECTIONS 5-26 - 5-30. Reserved.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this, _____ day of March, 1988.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

ORDINANCE NO. 123

AN ORDINANCE AMENDING CHAPTER 7, HEALTH, OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 7, Health of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

SECTION 7-1. STATE SANITARY CODE ADOPTED.

The rules and regulations promulgated by the State of Florida Department of Health and Rehabilitative Services, pursuant to Florida Statutes, Chapter 381 (1987) and known as the "Sanitary Code of Florida" and Florida Statutes, Chapter 386 (1987) are hereby adopted as the sanitary code of the Town.

SECTION 7-2. VIOLATIONS OF THE SANITARY CODE.

Any person violating the provisions of the sanitary code adopted by this chapter shall be punished, upon conviction, in accordance with the provisions of Section 1-8 of this code.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions therof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this ____ day of March, 1988.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

ORDINANCE NO. 124

AN ORDINANCE AMENDING CHAPTER 13, STREETS AND SIDEWALKS, OF THE TOWN OF CINCO BAYOU CODE OF ORDINANCES; PROVIDING FOR THE SEVERABILITY OF ANY PORTION DECLARED INVALID; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

SECTION 1. Chapter 13, Streets and Sidewalks, of the Town of Cinco Bayou Code of Ordinances is hereby amended to read as follows:

SECTION 13-1. Harmful Chemicals on Streets

No person shall spill, pour, splash upon the streets of the Town any oil, gasoline or other chemicals.

SECTION 13-2. Removing Material From or Deposits On Streets

No person shall remove grass, earth or sand from, or dig up, any street, or deposit material of any kind on any street or right-of-way, without the permission of the Town Manager/Clerk.

SECTION 13-3. Excavations

After any paved street or sidewalk has been laid under the provisions of any ordinance, no person shall dig into or disturb any such paved street or sidewalk or any part of same or the right-of-way, for any purpose, without first obtaining a written permit therefor from the Town Manager/Clerk. The request will specify the contractor who will do the work, the work to be done, the time period for accomplishing the work, any road or lane blockage and the name of the responsible individual. In addition, the request will guarantee the return of the work site to its original condition to include any street, curb or sidewalk repairs and the raking and seeding of the right-of-way. Upon completion of the work, the site will be inspected by the Town Manager/Clerk to insure the work site has been cleaned up and returned to its original condition.

SECTION 13-4. Structures or Fences on Town Property

No person shall have, maintain, occupy or use, or cause to be maintained, occupied or used, any fence, enclosure, building, house, shed, tent or other structure or obstruction, on any street, right-of-way, park or other property, or on any part thereof, of the Town, without the written permission of the Town Manager/Clerk, authorized by a resolution of the Town Council.

SECTION 13-5. Use of Streets for Business Purposes

No person shall use any portion of the streets, right-of-way or sidewalks of the Town for the location and operation of any private business, unless such person first obtains a permit or franchise for such use from the Town Council.

SECTION 13-6. Removal of Curb for Driveway Access

A driveway permit will be required for anyone proposing to remove existing curb to provide driveway access. The removal of the existing curb or curb back and the installation of the driveway turnout curb and driveway apron will be performed by a qualified contractor at the requester's expense. The driveway apron and turnout curb will meet Florida Department of Transportation specifications.

SECTION 13-7. Driveway Access

Driveway entrance aprons and driveways will be constructed with concrete, asphalt or clay-based stone or shell where they join the street, curb and sidewalk to prevent damage to the street, curb and sidewalk by vehicle traffic. This type construction will provide support and reduce the effects of the elements of nature and heavy vehicular traffic that cause the driveway to erode away below the level of the street, curb or sidewalk. It shall be the responsibility of the property owner to maintain his driveway in such a manner so as to prevent damage from occurring. In the event the street, curb or sidewalk is damaged, it shall be repaired by the Town at the property owners expense. When repairs are made, the property owner will be notified in writing of the cost. Failure to reimburse the Town within 30 days after being notified may result in a lien being placed upon the property, or cause such costs to be added to to the tax certificate as an assessment, or levied as a special tax against the property, or the recovery such costs in a suit at law against the property owner.

SECTION 13-8. Code Enforcement

The provisions of this chapter are to be enforced under the provisions of Section 1-8 of this Code.

SECTION 2. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All ordinances and resolutions of the governing body in conflict herewith are repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its final passage and adoption.

Adopted this ____ day of March, 1988.

APPROVED:

Mayor

ATTEST:

Town Manager/Clerk

RESOLUTION NO. 88-8

A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA PURSUANT TO HOUSE BILL 477 OF THE 1986 FLORIDA STATE LEGISLATIVE SESSION REQUIRING A RESOLUTION BY LOCAL GOVERNING AUTHORITIES TO ASSUME RESPONSIBILITY AND LIABILITY FOR STATE ROAD CLOSING BY THE PUBLIC ENTITY; PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, House Bill 477 of the Florida State Legislative Session became effective as law on July 1, 1986, and;

WHEREAS, House Bill 477 requires Public Entities desiring to close a State road for parade or other like purpose to submit a resolution or excerpts of the minutes in which the public entity assumes liability and responsibility for the foreseeable consequences of said closing.

NOW THEREFORE, on a motion duly made, seconded and unanimously approved, the following resolution is adopted by the Town Council of the Town of Cinco Bayou, Florida.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA:

That the Town of Cinco Bayou, Florida, hereby expressly assumes responsibility and liability for all foreseeable consequences of the requested State Road closing for the "SAY NO TO DRUGS" march scheduled for Saturday, May 7, 1988.

This resolution shall become effective immediately upon its adoption.

Adopted this 1st day of March, 1988.

Approved:

Mayor

Attest:

Town Manager/Clerk

RESOLUTION NO. 88-10

A RESOLUTION OF THE TOWN OF CINCO BAYOU, FLORIDA, IN SUPPORT OF THE FOUR LANING OF STATE ROAD 85 FROM THE CITY OF CRESTVIEW, FLORIDA, NORTHWARD THROUGH THE CITY OF LAUREL HILL, FLORIDA, TO THE CITY OF FLORALA, ALABAMA; ASKING FOR THE SUPPORT OF THE OTHER MUNICIPALITIES IN OKALOOSA COUNTY, THE OKALOOSA COUNTY BOARD OF COMMISSIONERS, THE FORT WALTON BEACH URBANIZED AREA METROPOLITAN PLANNING ORGANIZATION, THE PANHANDLE LEGISLATIVE DELEGATION AND THE STATE OF ALABAMA AND FLORIDA DEPARTMENTS OF TRANSPORTATION IN SECURING THE FUNDING FOR THIS URGENT AND NECESSARY PROJECT.

WHEREAS State Road 85 is presently a heavily traveled two lane highway extending south from the Alabama State line through the City of Laurel Hill to the City of Crestview; and

WHEREAS, State Road 85 is the primary north-south thoroughfare serving the commercial, public and private interests in Okaloosa County, the City of Crestview and the remaining municipalities of the Okaloosa County and adjoining counties; and

WHEREAS, State Road 85 is the primary route for northbound vehicle traffic leaving Okaloosa County during hurricane or other disaster evacuations; and

WHEREAS, State Road 85 is the route used by tourists traveling to and from the beach areas along the Gulf of Mexico; and

WHEREAS, the Town of Cinco Bayou Town Council is concerned with the present traffic conditions on this two lane highway and the potential for increased traffic congestion during emergency evacuations thereby delaying evacuation and threatening the life and well being of all individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CINCO BAYOU THAT:

1. The Town of Cinco Bayou Town Council unanimously supports the effort to widen State Road 85 to four lanes extending from the City of Crestview, Florida, northward through the City of Laurel Hill, Florida, to the City of Florala, Alabama.

2. The Town of Cinco Bayou Town Council urges the Okaloosa County Board of Commissioners and all of the other municipalities in Okaloosa County and the surrounding counties to support this project.

3. The Town of Cinco Bayou Town Council urges the formation of a Select Committee to secure the support of the Fort Walton Beach Urbanized Area Metropolitan Planning Organization, the area Chambers of Commerce, The Committee of 100, the area's Legislative Delegation and all other concerned groups and agencies and then have this committee to make a formal request to the Alabama and Florida Departments of Transportation.

4. Copies of this resolution shall be forwarded to the Chairman of the Okaloosa County Board of Commissioners and the Mayors of all Okaloosa County municipalities.

Adopted this 1st day of March, 1988.

Approved:

Mayor

Attest:

Town Manager/Clerk