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3 **ORDINANCE NO. 210562**

4 **An ordinance of the City of Gainesville, Florida, revising city charter and city**
5 **code sections to conform to the charter amendment approved by voters on**
6 **November 3, 2020 changing "clerk of the commission" to "city clerk";**
7 **updating or deleting obsolete provisions; correcting scrivener's errors;**
8 **providing directions to the codifier; providing a severability clause; providing**
9 **a repealing clause; and providing an immediate effective date.**

10 **WHEREAS**, by adoption of Ordinance No. 191051, the City Commission directed that a
11 proposed charter amendment to change the name of the charter officer "clerk of the commission"
12 to "city clerk" be submitted to the electors for approval or disapproval at the November 2020
13 election; and

14 **WHEREAS**, the City Commission then adopted Resolution No. 200500 which adopted
15 the report of the Alachua County Board of Canvassers for the City of Gainesville election held on
16 November 3, 2020, which report shows that the City Charter Amendment to change the name of
17 the charter officer "clerk of the commission" to "city clerk" passed; and

18 **WHEREAS**, in order to implement the Charter Amendment, certain sections of the Charter
19 referencing "clerk of the commission" must be changed to "city clerk"; and

20 **WHEREAS**, in order to conform the Code of Ordinances to the Charter, certain sections
21 of the Code referencing "clerk of the commission" must be changed to "city clerk"; and

22 **WHEREAS**, during the preparation of this ordinance, the City Attorney's Office also
23 made other revisions in the sections of this ordinance to correct scrivener's errors and delete/revise
24 obsolete provisions, including making language gender neutral; and

25 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
26 newspaper of general circulation notifying the public of this proposed ordinance and of public
27 hearings; and

28 **WHEREAS**, the public hearings were held pursuant to the notice described above at which
29 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
31 **CITY OF GAINESVILLE, FLORIDA:**

32 **Section 1.** Subsection (2) of 3.05 titled “City internal auditor” of Article III of the
33 Charter of the City of Gainesville is amended to read as follows. Except as amended herein, the
34 remainder of 3.05 remain in full force and effect.

35 **3.05. - City internal auditor.**

36 (2) All financial and compliance audits and other reports of the city internal auditor shall be
37 filed in the office of the city clerk ~~of the commission~~.

38 **Section 2.** Subsections (2)(d), (2)(f), and (2)(g) of 5.01 titled “Charter Amendments” of
39 Article V of the Charter of the City of Gainesville are amended to read as follows. Except as
40 amended herein, the remainder of 5.01 shall remain in full force and effect.

41 **5.01. – Charter Amendments.**

42 This act may be amended pursuant to this section or as otherwise provided by general law.

43 (2) *City charter review commission.*

44 (d) The city clerk ~~of the commission~~, or designee, shall serve as the clerk and
45 administrator of the CCRC. The city attorney, or designee, shall serve as legal counsel to the
46 CCRC. The city manager, general manager for utilities, city auditor and equal opportunity
47 director shall provide staff to assist the CCRC in its work, as necessary.

48 (f) No later than six (6) months prior to the November general election, the CCRC
49 shall deliver its proposed charter amendments to the city commission. The city commission may
50 veto a proposed charter amendment by a two-thirds vote of the membership of the city
51 commission. For all proposed amendments that are not vetoed, the city commission shall adopt
52 an ordinance requesting the county supervisor of elections place those proposed amendments on
53 the next November general election ballot. The city clerk of the commission shall deliver the
54 ordinance to the county supervisor of elections no later than four (4) months prior to the
55 November general election.

56 (g) If it does not submit any proposed charter amendments or revisions to the city
57 commission at least six (6) months prior to the November general election, the CCRC shall be
58 automatically dissolved. Otherwise, the CCRC shall be automatically dissolved on the date of
59 the November general election. Upon dissolution of the CCRC, all city property used by the
60 CCRC shall be turned over to the city clerk of the commission.

61 **Section 3.** Section 2-141 of Chapter 2, Article III, Division 1 of the Code of Ordinances
62 is amended to read as follows.

63 **Sec. 2-141. – Residence requirements for city manager, general manager for utilities, city**
64 **attorney, city clerk of the commission.**

65 Except as provided below, the city manager, the general manager for utilities, the city
66 attorney and the city clerk of the commission shall be and remain bona fide residents of the City
67 of Gainesville. If at any time the city manager, the general manager for utilities, the city
68 attorney, or the city clerk of the commission fail to be and remain a resident of the city, such
69 person shall be automatically disqualified and ~~removed from such office or board~~ their

70 employment shall be terminated for cause. ~~Ap~~Persons may be appointed as city manager, the
71 general manager for utilities, the city attorney and the city clerk ~~of the commission~~ even though
72 ~~he/she is~~ they are not a resident of the city at the time of appointment provided, however, that
73 such person shall have six months after ~~his/her~~ their appointment as city manager, the general
74 manager for utilities, the city attorney and the city clerk ~~of the commission~~ to become a bona fide
75 resident of the city, unless upon good cause shown ~~he/she is~~ they are granted additional
76 extensions by the city commission.

77 **Section 4.** Portions of Division 2 of Chapter 2, Article III, of the Code of Ordinances are
78 amended to read as follows. Except as amended herein, the remainder of Division 2 shall remain
79 in full force and effect.

80 DIVISION 2. – CITY CLERK OF THE COMMISSION

81 **Sec. 2-161. – Duty to attend meetings of commission and record proceedings; minute book.**

82 It shall be the duty of the city clerk ~~of the commission~~ to attend all meetings of the city
83 commission and to take and keep correct minutes of the proceedings of the commission. The
84 proceedings shall be recorded as soon as practicable in a book to be known as the minute book.

85 **Sec. 2-162. – Authority to appoint and remove subordinate employees.**

86 In order to fulfill and discharge the duties of the city clerk ~~of the commission~~ as required
87 by the Charter, this Code and by the city commission, the city clerk ~~of the commission~~ shall
88 appoint and remove all subordinate employees in the office of the city clerk ~~of the commission~~.

89 **Sec. 2-163. – Duty as to ordinances.**

90 The city clerk of the commission shall record all ordinances passed by the commission
91 and shall make the following certificate on the original: “I hereby certify that a true record of
92 this ordinance was made by me in Ordinance Book No. _____ on this ____ day of _____,
93 2019__.” The city clerk shall also certify that the title of the ordinance was published, giving
94 the date and length of time. The original ordinances shall be filed, noting date of filing.

95 **Sec. 2-164. – Custodian of city seal and certain city records; duty to give copies of records;**
96 **fee.**

97 The city clerk of the commission is hereby made the custodian of the city seal; records of
98 the city commission, including but not limited to resolutions, ordinances, proclamations,
99 minutes, agendas, meeting notices, digital/audio recordings of city commission meetings, and
100 correspondence; lobbyist registration records; domestic partnership registration records; the
101 records of any board or committee for which the clerk is appointed secretary; and any other
102 records designated by the city commission. The city clerk of the commission shall at any time
103 give certified copies of any of the records to any persons desiring the same, for which there shall
104 be charged the same fees as are allowed the clerk of the circuit court under the then current
105 Florida Statutes. ~~The clerk of the commission upon request shall also make and furnish~~
106 ~~uncertified copies or duplicates of any public records in the clerk’s office without charge;~~
107 ~~provided however, no one person is entitled to receive more than ten copies per week without~~
108 ~~charge; and provided further, that all further copies shall be at the rates allowable by Florida law.~~

109 **Section 5.** Section 2-265 of Chapter 2, Article V, Division 2 of the Code of Ordinances is
110 amended to read as follows.

111 **Sec. 2-265. – Reports required.**

112 On or before the first day of November of each year, the city beautification board shall
113 cause to be filed with the city clerk ~~of the commission~~ a written report of the work performed
114 and the results accomplished by the board, including the receipt and disbursement of all funds
115 handled by the board.

116 **Section 6.** Section 2-308 of Chapter 2, Article V, Division 4 of the Code of Ordinances is
117 amended to read as follows.

118 **Sec. 2-308. - City resources.**

119 (a) The council may request information from the city manager and other city charter
120 officers as necessary. At the direction of the city charter officers, city staff shall prepare
121 such reports, analysis, and recommendations as are reasonably requested by the council
122 to allow it to carry out its functions and duties as set forth in this division.

123 (b) The city attorney, or designee, shall serve as legal advisor to the council.

124 (c) The city manager, or designee, shall designate a staff member to serve as clerk to the
125 council. The clerk may prepare an agenda, shall prepare minutes of each council
126 meeting and shall work with the ~~clerk of the commission~~ city clerk to properly notice
127 each meeting and retain records in the city's legislative system.

128 **Section 7.** Subsection (d) of Section 2-361 of Chapter 2, Article V, Division 7 of the
129 Code of Ordinances is amended to read as follows. Except as amended herein, the remainder of
130 Section 2-361 shall remain in full force and effect.

131 **Sec. 2-361. - City resources**

132 (d) The city clerk ~~of the commission~~ shall designate a staff member to serve as clerk
133 to the utility board. The clerk shall prepare notices of meetings, shall prepare an
134 agenda and shall record and keep minutes of each utility board meeting.

135 **Section 8.** Subsection (b) of Section 2-407 of Chapter 2, Article V, Division 9 of the
136 Code of Ordinances is amended to read as follows. Except as amended herein, the remainder of
137 Section 2-407 shall remain in full force and effect.

138 **Sec. 2-407. – Annual work plan; annual report; action requiring county commission**
139 **approval.**

140 (b) On or before April 1 of each year, the city shall provide to the county commission an
141 annual report of its community redevelopment activities within the GCRA for the
142 preceding calendar year and shall make such report available for inspection during
143 business hours in the office of the city clerk ~~of the city commission~~.

144 **Section 9.** Subsection (a) of Section 2-430.53 of Chapter 2, Article V, Division 15 of the
145 Code of Ordinances is amended to read as follows. Except as amended herein, the remainder of
146 Section 2-430.53 shall remain in full force and effect.

147 **Sec. 2-430.53. – Attendance requirements, legal counsel.**

148 (a) Student members attending less than 50 percent of student community relations
149 advisory board meetings for a six-month period commencing January 1 and July 1
150 and ending June 30 and December 31, respectively, shall be automatically removed
151 from the board upon filing the attendance record with the city clerk ~~of the~~
152 ~~commission~~. This requirement supersedes section 2-247 of this Code where there is a
153 conflict.

154 **Section 10.** Subsections (f)(2), (h) and (l) of Section 2-527 of Chapter 2, Article VII,
155 Division 5 of the Code of Ordinances are amended to read as follows. Except as amended
156 herein, the remainder of Section 2-527 shall remain in full force and effect.

157 **Sec. 2-527. – Administration of the plan.**

158 (f) *Retirement plan officers:*

159 (2) The city clerk ~~of the commission~~ shall act as secretary of the board.

160 (h) *Administrative regulations and plan description.* The board, after consulting with the
161 advisory committee, may promulgate by resolution written rules and regulations not in
162 conflict with the terms of this division or the Charter to cover the operation of any phase
163 or part of the plan that is defined in this division. Copies of the rules and regulations
164 shall be furnished to any member of the plan upon request and at least one copy thereof
165 shall be kept available in the office of the city clerk ~~of the city commission~~ for
166 examination by any interested person at any time during ordinary business hours,
167 otherwise a copy of this division shall fully meet the provisions herein. The provisions of
168 the plan shall be contained in a written plan description. A report of pertinent financial
169 and actuarial information on the solvency and actuarial soundness of the plan shall be
170 kept available in the office of the city clerk ~~of the city commission~~ for examination and
171 shall be provided at no cost to the plan members upon their request. The plan description
172 shall be furnished to a member of the plan upon initial employment or participation in the
173 plan.

174 (l) *Duties of the secretary.* It shall be the duty of the secretary to keep minutes and records
175 of the acts of the board under this plan separate and apart from minutes of the city

176 commission meetings, and these shall be maintained in the office of the city clerk ~~of the~~
177 ~~city commission~~.

178 **Section 11.** Subsection (h) of Section 2-602 of Chapter 2, Article VII, Division 8 of the
179 Code of Ordinances is amended to read as follows. Except as amended herein, the remainder of
180 Section 2-602 shall remain in full force and effect.

181 **Sec. 2-602. – Administration of the plan.**

182 (h) *Administrative regulations and plan description.* The board, after consulting with the
183 advisory committee, may promulgate, by resolution, written rules and regulations not in conflict
184 with the terms of this division or the requirements of law to cover the operation of any phase or
185 part of the plan that is defined in this division. Copies of such rules and regulations shall be
186 furnished to any member of the plan upon request and at least one copy thereof shall be kept
187 available in the office of the city clerk ~~of the city commission~~ for examination by any interested
188 person at any time during ordinary business hours, otherwise a copy of this division shall fully
189 meet the requirements of this subsection. The material provisions of the plan shall be contained
190 in a written plan description. The plan description shall be furnished to members upon their
191 initial employment or participation and, thereafter, upon the request of the member.

192 **Section 12.** A definition within Section 2-610 of Chapter 2, Article VIII of the Code of
193 Ordinances is amended to read as follows. Except as amended herein, the remainder of Section
194 2-610 shall remain in full force and effect.

195 **Sec. 2-610. – Definitions.**

196 *Declaration of registered domestic partnership* means the document that is filed with the city
197 clerk's ~~of the commission's~~ office according to the procedures established in section 2-611.

198 **Section 13.** Section 2-611 of Chapter 2, Article VIII of the Code of Ordinances is
199 amended to read as follows.

200 **Sec. 2-611. – Registration, amendment, termination and administration procedures.**

201 (a) *Registration.*

202 (1) *Declaration of registered domestic partnership.* A declaration of registered
203 domestic partnership shall be filed with the city clerk ~~of the commission~~ and shall
204 contain the names and addresses of the applicants who shall swear or affirm under
205 penalty of perjury that each partner:

- 206 a. Is at least 18 years old and competent to contract;
- 207 b. Is not married to, or a member of another registered domestic
208 partnership or civil union, with anyone other than the co-applicant.
- 209 c. Agrees to share the common necessities of life and to be responsible for
210 each other's welfare.
- 211 d. Considers the mutual residence to be ~~his or her~~ the applicant's primary
212 residence.
- 213 e. Considers ~~himself or herself~~ the co-applicant to be a member of the
214 applicant's immediate family ~~of the other partner~~; and
- 215 f. Agrees to mutually support the other by contributing in some fashion,
216 not necessarily equally, to maintain and support the registered domestic
217 partnership.

218 g. Are not related by blood to one another in any way which would prohibit
219 legal marriage in the State of Florida.

220 (2) Each partner agrees to immediately notify the city clerk of the commission, in
221 writing, if the terms of the registered domestic partnership are no longer
222 applicable or one of the domestic partners wishes to terminate the domestic
223 partnership.

224 (b) *Amendment.* Registered domestic partners may amend a registered domestic partnership
225 previously filed with the city clerk of the commission to show a change in his or her their
226 household address or to add or delete dependents. Amendments shall be signed by both
227 members of the registered domestic partnership under penalty or perjury.

228 (c) *Termination.*

229 (1) *Termination statement.* A registered domestic partner may terminate the registered
230 domestic partnership by filing a termination statement with the city clerk of the
231 ~~commission~~. The person filing the termination statement shall swear or affirm
232 under penalty of perjury that:

233 a. The registered domestic partnership is to be terminated; and

234 b. If the termination statement is not signed by both registered domestic
235 partners, a copy of the termination statement shall be served, by certified or
236 registered mail, on the other registered domestic partner, and proof of
237 service shall be filed with the city clerk of the commission, and/or other
238 good faith efforts are made to notify the other registered domestic partner,
239 as described in an affidavit filed with the city clerk of the commission.

240 (2) *Effective date.* The termination shall become effective on the date of filing of the
241 termination statement signed by both registered domestic partners or if the
242 termination statement is not signed by both parties, on the date proof of service or
243 a good faith efforts affidavit is filed with the city clerk ~~of the commission~~ pursuant
244 to subsection (c)(1)(b) above.

245 (3) *Automatic termination.* A registered domestic partnership shall automatically
246 terminate upon the following events:

- 247 a. One of the domestic partners marries;
- 248 b. One of the domestic partners dies;
- 249 c. One of the domestic partners enters into a civil union with someone other
250 than ~~his or her~~ their registered domestic partner; or
- 251 d. Registers with another domestic partner.

252 (d) *Administration.*

253 (1) *Forms.* The city clerk ~~of the commission~~ shall provide forms for the
254 establishment, amendment, and termination of registered domestic partnerships,
255 and otherwise be responsible for implementing and interpreting the provisions of
256 this article.

257 (2) *Certificate of registered domestic partnership.* The city clerk ~~of the commission~~
258 shall issue to the registered domestic partners a certificate of registered domestic
259 partner no later than ten business days after the declaration of registered
260 domestic partnership is filed.

261 (3) *Maintain records.* The city clerk of ~~the commission~~ shall maintain copies of the
262 declaration of registered domestic partnerships, any and all amendments thereto,
263 certificates of registered domestic partnership, and termination statements filed
264 by registered domestic partners.

265 **Section 14.** Subsections (f)(2), (h) and (l) of Section 2-648 of Chapter 2, Article XII of
266 the Code of Ordinances is amended to read as follows. Except as amended herein, the remainder
267 of Section 2-648 shall remain in full force and effect.

268 **Sec. 2-648. Administration of the program.**

269 (f) *Retirement program officers:*

270 (2) The city clerk of ~~the city commission~~ shall be the secretary of the board.

271 (h) *Administrative regulations.* The program administrator may promulgate
272 regulations not in conflict with the terms of this ~~division~~ article to cover the
273 operation of any phase or part of the retiree health insurance program that is
274 defined in this ~~division~~ article. Copies of the rules and regulations shall be
275 furnished to any eligible retiree or dependent participant upon request and at
276 least one copy thereof shall be kept available in the office of the city clerk of ~~the~~
277 ~~city commission~~ for examination by any interested person at any time during
278 ordinary business hours. The most current report of pertinent financial and
279 actuarial information on the solvency and actuarial soundness of the retiree
280 health insurance program shall be kept available in the office of the city clerk of
281 ~~the city commission~~ for examination and shall be provided at no cost to the
282 program members upon their request.

283 (l) *Duties of the secretary.* It shall be the duty of the secretary to keep minutes and
284 records of the acts of the board under this program separate and apart from minutes
285 of the city commission meetings and these shall be maintained in the office of the
286 city clerk of the city commission.

287 **Section 15.** Subsection (b) of Section 4-40 of Chapter 4, Article II, Division 2 of the
288 Code of Ordinances is amended to read as follows. Except as amended herein, the remainder of
289 Section 4-40 shall remain in full force and effect

290 **Sec. 4-40. - Revocation**

291 (b) Should the city manager revoke a bottle club license pursuant to the authority
292 hereinabove set forth, the aggrieved party, whether the owner or operator, may appeal the written
293 notice of revocation to the city commission. An appeal shall be filed within ten days of the
294 execution of the written notice by the city manager and such notice of appeal shall be filed with
295 the city clerk of the commission. The city commission shall consider either initially or finally
296 the appeal at its next meeting. The city commission may continue final action on the appeal for a
297 reasonable period to facilitate the presentation of the matter to the city commission.

298 **Section 16.** A definition within Section 11-1 of Chapter 11, Article I of the Code of
299 Ordinances is deleted. Except as amended herein, the remainder of Section 11-1 shall remain in
300 full force and effect.

301 **Sec. 11-1. – Definitions.**

302 *City clerk* ~~means the clerk of the city commission.~~

303 **Section 17.** Subsection (a) of Section 11-34 of Chapter 11, Article II of the Code of
304 Ordinances is amended to read as follows. Except as amended herein, the remainder of Section
305 11-34 shall remain in full force and effect.

306 **Sec. 11-34. – Notice by publication.**

307 (a) Upon completion of the initial assessment roll, the city clerk ~~of the city commission~~ shall
308 publish, or direct the publication of, once in a newspaper of general circulation within the
309 city a notice stating that at a meeting of the city commission on a certain day and hour,
310 not earlier than 20 calendar days from such publication, which meeting shall be a regular,
311 adjourned, or special meeting, the city commission will hear objections of all interested
312 persons to the final assessment resolution which shall establish the rate of assessment and
313 approve the aforementioned initial assessment roll.

314 **Section 18.** Section 14.5-114 of Chapter 14.5, Article V of the Code of Ordinances is
315 amended to read as follows.

316 **Sec. 14.5-114. – Appeals.**

317 If the city manager denies the issuance or renewal of a permit, suspends or revokes a
318 permit, the chief of police shall send the applicant or permittee, by certified mail, return
319 receipt requested, written notice of the action and the right to an appeal. The aggrieved party
320 (applicant or permittee only) may appeal the decision of the city manager to the city
321 commission in accordance with the following procedures. The filing of an appeal stays the
322 action of the city manager in suspending or revoking a permit until the city commission
323 makes a final decision.

- 324 (1) The aggrieved party may, not later than ten calendar days after receiving notice of the
325 denial, file with the city clerk of the commission a written request for a hearing before
326 the city commission. Such request shall constitute notice of appeal.
- 327 (2) If a written request is filed under subsection (1) hereof with the city clerk of the
328 ~~commission~~ within the ten-day limit, the city commission shall consider the request.
329 The city clerk of the commission shall set a date for the hearing within 30 days from
330 the date the written request is received.
- 331 (3) The city commission shall hear and consider evidence offered by any interested
332 person to determine whether the city manager properly denied issuance or renewal, or
333 properly suspended or revoked the permit in accordance with the provisions of this
334 division. The formal rules of evidence do not apply.
- 335 (4) The city commission shall grant or deny the appeal by majority vote. Failure to reach
336 a majority vote will result in denial of the appeal. Any dispute of fact must be
337 decided on the basis of a preponderance of the evidence. The decision of the city
338 commission is final.
- 339 (5) If the city commission denies the appeal, the aggrieved party may not re-apply until at
340 least 12 months have elapsed since the date of the commission's action.

341 **Section 19.** Subsection (c)(1) of Section 14.5-140 of Chapter 14.5, Article VI, Division 2
342 of the Code of Ordinances is amended to read as follows. Except as amended herein, the
343 remainder of Section 14.5-140 shall remain in full force and effect.

344 **Sec. 14.5-140. – Forfeiture or revocation.**

345 (c) *Procedure prior to revocation.*

346 (1) The city shall make written demand that the grantee comply with any such requirement,
347 limitation, term, condition, rule or regulation or correct any action deemed cause for
348 revocation. If the failure, refusal or neglect of the grantee continues for a period of 30
349 days following such written demand, the city may place its request for revocation of the
350 franchise upon a city commission meeting agenda. The city shall cause to be served upon
351 such grantee at least seven days prior to the date of such commission meeting reasonable
352 notice of its intent to request such revocation, and the time and place of the meeting,
353 notice of which shall be published by the city clerk ~~of the commission~~ in a newspaper of
354 general circulation in accordance with state law and customary procedures.

355 **Section 20.** Section 16-50 of Chapter 16, Article III of the Code of Ordinances is
356 amended to read as follows. Except as amended herein, the remainder of Section 16-50 shall
357 remain in full force and effect.

358 **Sec. 16-50. – Abatement procedure.**

359 The enforcing official shall regularly inspect all lots, tracts or parcels of land within the
360 city to determine the existence of any perilous land, as defined herein. Whenever the enforcing
361 official finds any perilous land ~~he/she~~ the enforcing official shall institute public nuisance
362 abatement proceedings as set forth in this section for the removal of any excessive accumulation
363 or untended growth of weeds, undergrowth or other dead or living plant life. However, no tree
364 with a trunk diameter of at least six (6) inches shall be removed; trees with a trunk less than six
365 (6) inches in diameter shall be removed selectively; and foliage shall be trimmed up to six (6)
366 feet. Any such land found by the enforcing official may be summarily abated pursuant to the
367 following emergency procedures:

- 368 (1) *Notice.* The enforcing official shall notify the owner and resident of the perilous
369 land by all of the following methods, where applicable:
- 370 a. Posting of notice adjacent to the main driveway entrance to the property or
371 in any other conspicuous place;
- 372 b. Posting of notice upon the main entrance of the principal residence or
373 business building located upon the property;
- 374 c. Sending notice by certified mail, return receipt requested, to the person(s)
375 listed on the current tax assessor's tax roll;
- 376 d. Sending notice by certified mail, return receipt requested, to the occupant
377 of the principal residence upon the property, addressed to the street
378 address thereof.
- 379 (2) *Abatement by city when no protest filed.* If no protest has been filed with the city
380 ~~clerk of the commission~~ by the owner or resident of the property within ten (10)
381 days of the mailing of the letters and posting of the notices (excluding Saturdays
382 and Sundays), the city or its agent may enter upon the property and abate the
383 perilous land. The costs of abatement shall be assessed as a special assessment
384 against the property.
- 385 (3) *Protest.* If the owner or resident files a protest within the ten-day period, the city
386 commission shall meet at the next regular session, or in emergency session if
387 necessary, to determine whether or not the excessive accumulation or untended
388 growth of weeds, undergrowth or other dead or living plant life constitutes ~~#~~
389 perilous land as defined in this article. The decision of the city commission shall
390 be final and the city may proceed with the summary abatement of the perilous

391 land; provided, however, that the city shall first deliver written notice of its
392 intention to proceed with abatement to any adult person found at the residence
393 address within the city given by the owner or resident in the protest; and, further
394 provided, that the summary abatement shall not commence until at least three (3)
395 regular working days after the delivery of the notice. The costs of abatement shall
396 be assessed as a special assessment against the property.

397 (4) *Documentation.* Before the city summarily commences any abatement under the
398 provisions of this article, the enforcing official shall prepare and file with the city
399 ~~clerk of the commission~~ a detailed report setting forth the reasons for the finding
400 of the existence of perilous land. Wherever possible, photographs and other
401 official reports should be provided to augment the report.

402 **Section 21.** Section 19-94 of Chapter 19, Article IV of the Code of Ordinances is
403 amended to read as follows.

404 **Sec. 19-94. – Revocation of permit/license.**

405 Permits issued under this article may be revoked by the city manager or designee after
406 written notice and opportunity for hearing for any of the following reasons:

- 407 (1) Fraud, misrepresentation or false statement contained in the application for permit.
408 (2) Any violation of this article.
409 (3) Conviction of a felony by a court of competent jurisdiction of the operator, or any
410 shareholder, partner or member of a business entity holding a 50 percent or greater
411 interest in the vending booth or game day vending booth for any of the following:
412 homicide, rape, aggravated battery, burglary, aggravated assault, kidnapping, robbery,

413 child molestation, lewd and lascivious acts, criminal solicitation to commit any of the
414 above, criminal attempt to commit any of the above, or possession, sale or
415 distribution of narcotic drugs, barbituric acid derivatives or central nervous system
416 stimulants.

417 (4) Conducting business in an unlawful manner or in such a manner as to constitute a
418 breach of the peace or to constitute a menace to the health, safety or general welfare
419 of the public.

420 (5) With respect to a vending booth, failure to operate for more than 14 days during the
421 period from May 1 through September 30 of each year.

422 (6) Refusal to remove the vending booth or game day vending booth from the site at the
423 end of each business day.

424 (7) The vending booth or game day vending booth vendor has been adjudicated guilty of,
425 been found guilty of with adjudication withheld, waived the right to contest, or pled
426 no contest to, three or more violations of city ordinances with respect to vending
427 operation.

428 Such revocation may be appealed directly to the city commission provided such appeal is
429 filed with the city clerk ~~of the commission~~ within 15 days of the time of the revocation by the
430 city manager. The clerk shall schedule the hearing on the appeal at the next regular meeting of
431 the city commission scheduled to be at least ten days from the date the appeal is filed. The clerk
432 shall inform the city manager of the appeal, and the city manager shall forward the evidence used
433 to determine the revocation, including minutes of the hearing, ~~o~~if any, to the clerk. No new
434 evidence or testimony may be introduced before the city commission, which shall render its

435 decision based upon the record. The city commission may reinstate the permit only if it finds an
436 abuse of discretion in the decision of the city manager or designee.

437 **Section 22.** Section 26-162 of Chapter 26, Article IV of the Code of Ordinances is
438 amended to read as follows.

439 **Sec. 26-162. – Established; map.**

440 There is hereby established within the city the truck routes shown on the map attached to
441 the original of this section and on file in the office of the city clerk of ~~the city commission~~. The
442 streets and roadways indicated on the map as truck routes and no others shall be used for truck
443 traffic within the corporate limits of the city except as otherwise provided in this article.

444 **Section 23.** Section 27-5 of Chapter 27, Article I of the Code of Ordinances is amended
445 to read as follows.

446 **27-5. – Energy conservation policy.**

447 (a) It is hereby declared to be the policy of the city to minimize the consumption of energy
448 required to provide adequate, safe, economic, reliable and environmentally sound utility
449 services. It is also policy of the city to develop and provide cost effective services,
450 information, and incentives which will reduce the consumption of and demand on utility
451 resources by utility customers.

452 (b) Copies of the energy conservation policy and its objectives, procedures, planning
453 guidelines, program standards and future studies have been duly deposited with the city
454 clerk of ~~commission~~ and the general manager for utilities or ~~his~~/~~her~~ designee and shall be
455 kept in these offices for public use, inspection and examination.

456 (c) The general manager for utilities or ~~his/her~~ designee may designate procedures for the
457 provision of financial incentives and loans to utility customers for the installation of
458 conservation and demand-side management measures, which are consistent with the
459 energy conservation policies and objectives of the city. Financial incentives or loans may
460 also be used to facilitate the implementation or acceptance of consistent conservation and
461 demand-side management measures within the city's combined utility system service
462 area. To receive the benefits of any such incentive or loan, the participating utility
463 customer must enter into a written agreement with the city providing the terms and
464 conditions thereof.

465 **Section 24.** Section 27-182 of Chapter 27, Article IV, Division 3 of the Code of
466 Ordinances is amended to read as follows.

467 **Sec. 27-182. – Private wastewater disposal system – Approved by county; compliance with**
468 **state standards required.**

469 If any building or structure is to be constructed upon property, the nearest property line of
470 which is more than 200 feet from an available public wastewater line, no building permit therefor
471 shall be issued unless an official representative of the county health department shall have first
472 issued a permit to construct a private wastewater disposal system for the building or structure.
473 Before any such permit, the health department representative shall investigate the soil conditions,
474 drainage, size of lot and any other factors, bearing thereon in the interest of public health and
475 shall afterward inspect the construction of the private wastewater disposal system to determine
476 that the same has been built in compliance with the provisions of Chapter 64E-6, F.A.C.,
477 entitled, "Standards for Onsite Sewage Treatment And Disposal Facilities," which is by this

478 reference made a part of this section, a copy of which shall be retained in the office of the city
479 clerk ~~of the commission~~ as required by law.

480 **Section 25.** Chapter 29 of the Code of Ordinances is amended to read as follows.

481 **Chapter 29 – LOBBYIST REGISTRATION ACT**

482 **Sec. 29-1. - Intent and purpose.**

483 The city commission of the City of Gainesville, Florida, hereby determines and declares
484 that the operation of responsible government requires that the fullest opportunity be afforded to
485 the people to petition their municipal government for the redress of grievances and to express
486 freely to the elected officials their opinions on legislation and other actions and issues; and that
487 to preserve and maintain the integrity of the governmental decision-making process, it is
488 necessary that the identity and activities of certain persons who engage in efforts to influence
489 city commissioners ~~or board members of the community redevelopment agency (CRA)~~, on
490 matters within their official jurisdictions, either by direct communication or by solicitation of
491 others to engage in such efforts, be publicly and regularly disclosed.

492 **Sec. 29-2. - Definitions.**

493 *Agency* means any federal, state, regional, county, local, or municipal government entity of
494 this state, whether executive, judicial, or legislative; any department, division, bureau,
495 commission, authority, or political subdivision of this state therein; or any public school,
496 community college, or state university.

497 *Employer* means any person providing compensation of any kind to a lobbyist in
498 consideration for ~~his or her~~ their performance of lobbying activities.

499 *Lobbying* means communicating directly or indirectly, either in person, by telephone or by
500 letter, or any other form of communication, with any city commissioner ~~or board member~~
501 ~~of the CRA~~, where the lobbyist seeks to encourage the passage, defeat, modification, or
502 repeal of any item which may be presented for a vote before the city commissioner ~~or the~~
503 ~~CRA~~.

504 *Lobbyist* means any person who is employed and receives payment, or who contracts for
505 present or future economic consideration of any kind, for the purpose of lobbying.

506 *Person* means any individual, business, corporation, association, firm, partnership, not-for-
507 profit organization, or other organization or group.

508 **Sec. 29-3. – Registration of lobbyist required; registration statements.**

509 (a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with
510 the city clerk ~~of the commission~~ a registration statement containing the following
511 information:

512 (b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement
513 for each employer on whose behalf ~~he or she~~ the lobbyist lobbies before the city
514 commissioner ~~or the CRA~~.

515 (c) *List of current lobbyists.* The city clerk ~~of the commission~~ shall maintain a current
516 list of registered lobbyists and the registration statements required under this section,
517 all of which shall be open for public inspection.

518 **Sec. 29-4. - Exceptions.**

519 The following persons are not required to register as a lobbyist pursuant to this chapter:

- 520 (1) Any employee, public officer or appointee of an agency, acting in the normal
521 course of ~~his or her~~ their duties;
- 522 (2) An attorney, or any person, who represents a client in a quasi-judicial hearing
523 before an agency, board, ~~CRA~~ or commission;
- 524 (3) Those persons who, in their individual capacity and without compensation of any
525 kind, merely communicate with the city commission ~~or board members of the~~
526 ~~CRA~~ for the purpose of self representation;
- 527 (4) Any person who appears as a representative of a not-for-profit community based
528 organization for the purpose of requesting a grant, funds or in-kind services.

529 **Sec. 29-5. – Penalties.**

- 530 (a) If the city clerk of the commission, or their designee, becomes aware of any person
531 engaged in lobbying who has failed to comply with the requirements of this chapter,
532 ~~he or she~~ the city clerk or designee shall mail a notice of violation by certified mail,
533 return receipt requested, to the person informing them of the requirements of this
534 chapter, outlining the process by which they may comply with the chapter, and
535 providing them with the right to contest the violation.
- 536 (b) There shall be no penalty assessed against a lobbyist the first time any registration
537 statement for which the lobbyist is responsible is not filed. However, to receive the
538 one-time penalty waiver, the registration statement must be filed within 14 days of
539 receipt of the notice of violation.
- 540 (c) If the required registration statement is not filed within 14 days of receipt of the
541 notice of violation, the matter will be brought before the commission for a hearing
542 after reasonable notice. The lobbyist will be afforded notice of the hearing and an

543 opportunity to be heard regarding the failure to comply with this chapter. At the
544 conclusion of the hearing, the city commission may warn, reprimand, or censure the
545 violator or may suspend or prohibit the violator from appearing on behalf of any
546 employer before the commission ~~or the CRA~~ for a period of time not to exceed one
547 year. The city commission may also rescind the notice of violation if it deems
548 appropriate.

549 (d) The intentional failure or refusal of any lobbyist to comply with any order of the
550 commission suspending or prohibiting the lobbyist from lobbying shall subject the
551 lobbyist to such civil remedies as the city may pursue, including the issuance of a
552 civil citation and/or injunctive relief.

553 (e) The validity of any action taken by the city commission ~~or the CRA~~ shall not be
554 affected by the failure of any person to comply with the provisions of this Chapter.

555 **Section 26.** It is the intention of the City Commission that the provisions of Sections 1
556 through 25 of this Ordinance shall become and be made a part of the Charter and the Code of
557 Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this
558 Ordinance may be renumbered or relettered in order to accomplish such intentions.

559 **Section 27.** If any word, phrase, clause, paragraph, section or provision of this ordinance
560 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
561 finding shall not affect the other provisions or applications of this ordinance that can be given
562 effect without the invalid or unconstitutional provision or application, and to this end the
563 provisions of this ordinance are declared severable.

564 **Section 28.** All ordinances or parts of ordinances in conflict herewith are to the extent of
565 such conflict hereby repealed.

566 **Section 29.** This ordinance shall become effective immediately upon adoption.

567 **PASSED AND ADOPTED THIS 16th DAY OF JUNE, 2022.**

568



569

LAUREN POE
MAYOR

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574 ATTEST:

Approved as to form and legality

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OMICHELE D. GAINNEY
CITY CLERK

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581



DANIEL M. NEE
INTERIM CITY ATTORNEY

582

583 This ordinance passed on first reading this 2nd day of June, 2022.

584

585 This ordinance passed on second reading this 16th day of June, 2022.