

PART II
CITY CODE

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the City Code of Satellite Beach, Florida, and may be so cited.

(Code 1976, § 1-1)

Charter references—Ordinances and resolutions generally, § 2.12; emergency ordinances, § 2.13; designation and citation of Code, § 2.15; requirement that city codify ordinances every five years, § 2.15; requirement that city Code be placed on file in certain public offices, § 2.15.

Sec. 1-2. Definitions and rules of construction.

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

Charter. The term "Charter" shall mean the Charter of the City of Satellite Beach, Florida, printed as part I of this Code.

City. The word "city" shall be construed as if the words "of Satellite Beach" followed the word "city," and shall extend to and include its several officers, agents and employees.

City council. The words "city council" shall be construed to mean the city council of the City of Satellite Beach.

Code. The word "Code" shall mean and refer to the City Code of Satellite Beach, Florida.

Charter reference—Codification, title of code of ordinances, § 2.15.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted, except that if the last day is Sunday it shall be excluded; and when any such time is expressed in hours the whole of Sunday from midnight to midnight shall be excluded.

State law reference—Computation of time, Florida Rules of Civil Procedure, rule 1.090(a).

County. The word "county" shall mean Brevard County, Florida.

State law reference—Brevard County described, F.S. § 7.05.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

F.S. Whenever the abbreviation "F.S." is used, it shall refer to the latest edition or supplement of the official Florida Statutes.

Gender. Any word importing the masculine gender shall extend to and be applied to females and to firms, partnerships, corporations, etc., as well as to males.

Interpretation. In the interpretation and application of any provision, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. When any provision imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be controlling.

Joint authority. All words purporting to give a joint authority to three or more city officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the provisions giving the authority.

May. "May" is always directory and not mandatory.

Number. Every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

Oath. The word "oath" shall include an affirmation in all cases in which, by law, an affirma-

tion may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officials or officers. Whenever reference is made to officials, officers, boards, commissions, departments, employees, etc., by title only, they shall be deemed to refer to the officials, officers, boards, commissions, employees and departments of the City of Satellite Beach, Florida.

Or, and. "Or" may be read "and" and "and" may be read "or" if the sense requires.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of part of such building or land.

Person. The word "person" shall extend and be applied to firms, corporations, voluntary associations and every other entity as well as to individuals, unless obviously inapplicable.

Personal property. Personal property shall extend and be applied to every species of property except real property.

Shall. "Shall" is always mandatory and not directory.

State. The word "state" shall mean the State of Florida.

Tense. The use of any verb in the present tense shall include the future and past tense when applicable.

Week. The word "week" shall be construed to mean seven days; but publication in a newspaper or any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

(b) *Construction generally.* All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(c) *Acts by agents.* When any provision of this Code requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

(d) *Inapplicability.* The rules of construction set forth in this section shall not be applied to any chapter or article of this Code which shall contain any express provision excluding such construction, or when the subject matter or context of such chapter or article may be repugnant thereto. (Code 1976, § 1-2)

Sec. 1-3. Catchlines.

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

(Code 1976, § 1-3(a))

Sec. 1-4. References to chapters or sections.

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

(Code 1976, § 1-3(b))

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

Sec. 1-7. Effect of repeal of ordinances.

(a) When any ordinance repealing a former ordinance, clause or provision of this Code shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provi-

sion of this Code, unless it shall be expressly so provided.

(b) The repeal of an ordinance, clause or section of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance, clause or section of this Code repealed.

(Code 1976, § 1-4)

Sec. 1-8. Certain ordinances not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds of the city or any evidence of the city's indebtedness or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city.
- (3) Any administrative ordinance or resolution of the city not in conflict or not inconsistent with this Code.
- (4) Any right or franchise granted by any ordinance or any regulations regarding franchises or any ordinance expressing the city's intent to or regulations regarding cable television or other franchisee.
- (5) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city.
- (6) Any appropriation ordinance.
- (7) Any ordinance levying or imposing taxes.
- (8) Any ordinances establishing charges, rates or fees.
- (9) Any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load of vehicles or loading zones.
- (10) Any rezoning ordinance or amendment to the zoning map.
- (11) Any ordinance establishing and prescribing the street grades of any street in the city.
- (12) Any ordinance regulating or accepting plats, subdivisions or dedication of land.
- (13) Any personnel rules or policies or ordinance establishing compensation or employee benefits.
- (14) Any ordinance regarding local improvements and assessments for improvements.
- (15) Any ordinance annexing territory or discontinuing territory as a part of the city or amending or describing the boundaries of the city.
- (16) Any temporary or special ordinance.
- (17) Any ordinance calling elections or prescribing the manner of conducting the election in accordance with state law.
- (18) Any ordinance regarding storm drainage.
- (19) Any ordinance or code provision regarding impact fees.
- (20) Any ordinance adopting the county sanitary sewer ordinance by reference.

All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code and are on file in the city clerk's office.

Sec. 1-9. Amendments to Code.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect any section or subsection of this Code shall be numbered in sequence and shall refer specifically to the numbering system of this Code and shall be printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions shall be excluded from the Code by omission from

reprinted pages. The subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the city council.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the City Code of Satellite Beach is hereby amended to read as follows:" The new provisions shall then be set out in full.

(c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the City Code of Satellite Beach is hereby amended by adding a new section to be numbered section _____, which section shall read as follows:" The new section shall then be set out in full.

(d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number in the following language: "That section (chapter or article) _____ of the City Code of Satellite Beach is hereby repealed."

(Code 1976, § 1-6)

State law reference—Minimum procedural requirements for adoption of ordinances and resolutions, F.S. § 166.041.

Sec. 1-10. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adop-

tion of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code.
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-11. Severability of parts of Code.

If any phrase, clause, sentence, paragraph, section or subsection of this Code shall be declared unconstitutional by a court of competent jurisdiction, such unconstitutionality shall not affect any

of the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Code.

(Code 1976, § 1-5)

Sec. 1-12. Altering Code.

No person in the city shall change or amend, by additions or deletions, any part or portion of this Code, or insert or delete pages or portions thereof, or alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(Code 1976, § 1-7)

Sec. 1-13. General penalty; continuing violations.

(a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. Each day a violation of any provision of this Code shall continue shall constitute a separate offense, and each act in violation of the provisions of this Code shall be considered a separate and distinct offense.

(b) In addition to the penalties provided in this section, any conditions caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be abated by the city, as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(c) Enforcement methods may also include, but are not limited to, the issuance of a citation, a summons or a notice to appear before the code enforcement board as provided in this Code or in county court, or arrest for violation of a municipal ordinance as provided in F.S. ch. 901.

(Code 1976, § 1-8)

Cross reference—Code enforcement, § 2-301 et seq.

State law reference—Enforcement of municipal ordinances, F.S. § 162.22.