ORDINANCE NO. 18 - 38

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA, RELOCATING ARTICLE V. WATER AND NAVIGATION REGULATIONS, ARTICLE II., DIVISION 3 MANGROVE TRIMMING AND PRESERVATION, AND ARTICLE VI. SURFACE WATER MANAGEMENT OF CHAPTER 166 ENVIRONMENTAL AND NATURAL RESOURCE PROTECTION OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE TO CHAPTER 58 ENVIRONMENT OF THE PINELLAS COUNTY CODE, AND PROVIDING FOR RENUMBERING AND AMENDMENTS THERETO; AMENDING CHAPTER 110 SPECIAL ASSESSMENTS OF THE PINELLAS COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, contemporaneous with consideration of this Ordinance, the Pinellas County Board of County Commissioners (the "Board") is considering a separate ordinance that substantially amends the Pinellas County Land Development Code;

WHEREAS, as part of such substantial amendments to the Land Development Code, the Board proposes to move certain sections of the Land Development Code pertaining to water and navigation, mangroves, and surface water management to Chapter 58 (Environment) of the Pinellas County Code;

WHEREAS, the Board finds that moving such sections to Chapter 58 is prudent because such sections have a strong nexus with the environment and other sections in Chapter 58;

WHEREAS, the Board also proposes several minor revisions to the language of such sections, primarily to update outdated language and achieve consistency with the substantially amended Land Development Code;

WHEREAS, the Board also proposes to remove language pertaining to dredging assessments from such sections and consolidate such language in Chapter 110 (Special Assessments) of the Pinellas County Code; and

WHEREAS, the Board finds that consolidating such language in Chapter 110 clarifies that dredging assessments may be implemented similarly to street improvement assessments and storm sewer assessments and are subject to the uniform method for collection of non-ad valorem assessments set forth in Chapter 197 of the Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA THAT:

SECTION 1. Chapter 166, Article V. of the Pinellas County Land Development Code is hereby relocated to Chapter 58, Article XV. of the Pinellas County Code and is hereby renumbered and amended as follows:

CHAPTER 58: ENVIRONMENT

ARTICLE XV. - WATER AND NAVIGATION REGULATIONS

DIVISION 1. - GENERALLY

Sec. 58-500. - Title.

The regulations set out in this article may be known and cited as the "Pinellas County Water and Navigation Regulations."

Sec. 58-501. - Definitions.

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

Administrative hearing means a public hearing held for the purpose of discovering facts in reference to an application under this article and for the purpose of providing a forum for affected parties to express their concerns. Such hearing shall be conducted by the staff of the department designated by the county administrator to implement the article.

Aesthetics or natural beauty refers primarily to the natural beauty of the waters of the county and shall be interpreted as seen from within or upon the waters of the county.

Beach means that area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent upland vegetation (usually the effective limit of storm waves).

Board means the Pinellas County Board of County Commissioners, or its designated representative.

Board of adjustment and appeals means and refers to the board established pursuant to section 138-66 of the Pinellas County Land Development Code.

Boat lift means a device for lifting boats out of the water for storage over the water. Boat lifts shall be inclusive of all post and floating lift systems but exclusive of davits where the davit base is not within the waters of the county.

Building means any structure which has enclosing walls and was built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Clerk means the clerk to the Pinellas County Board of County Commissioners, or his or her designated representative.

Commercial dock, class A means any dock, pier, wharf, or mooring field used in connection with a hotel, motel or restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.

Commercial dock, class B means any dock, pier, wharf, or mooring field used in connection with a social or fraternal club or organization, and where use of the facility is restricted to the membership thereof.

Commercial dock, class C means any dock, pier, wharf, or mooring field constructed and maintained by a local municipality, the county or any state or federal agency.

Commercial dock, class D means any dock, pier, wharf, or mooring field where the primary function is the collection of revenue for profit. This classification shall include all commercial marinas, boatyards and commercial boat docking facilities.

Construction means new work, repairs, replacements, and extensions to structures.

County means Pinellas County, Florida, or any employee or agent thereof.

County administrator means the county administrator for the county or his or her designated representative.

Department means the County Public Works Department.

Dock means any structure, including a pier, wharf, loading platform, tie pole, mooring buoy, dolphin, accessory structure, or boat lift which is constructed on piling, over open water, or which is supported by flotation on the waters of the county.

Dredging means excavation, by any means, in the waters of the county.

Environmental seawall enhancement means the addition of living shoreline components to an existing seawall to reduce wave energy and erosion and create native shoreline habitat.

Filling means the deposition, by any means, of materials in the waters of the county.

Floating dock means any dock supported by flotation devices.

Florida Building Code means that code as adopted by the State of Florida, as that code may be amended over time.

Listed species means those flora and fauna listed by the state or the federal government as endangered, threatened, or as species of special concern.

Living shoreline means a shoreline management practice that provides erosion control benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of native plants, stone, sand, oyster shell, and other structural organic materials.

Lumber sizes means nominal sizes.

Mitigation means the creation of habitat in compensation for the adverse impacts associated with a permitted activity.

Multiuse private dock means any dock to be owned in common or used by the residents of an apartment house (more than two units), condominium, cooperative apartment, mobile home park or zero lot line attached structures. Docks serving both commercial and residential uses shall fall under the appropriate commercial dock category.

Navigable waters means and includes all tidal waters, such fresh waters as are in fact navigable, and swamp and overflow lands.

Navigation means the maneuvering of watercraft within the waters of the county, including ingress to and egress from an upland property.

New development means and includes new construction and remodeling of existing structures.

Person means any natural person, firm, corporation, county, municipality, township, or any other public agency, but shall not include the State of Florida or Pinellas County when used in this article.

Private dock means any dock which will be used by an individual owner, his family and friends, and at which the property is zoned residential, single-family; or shall mean any single structure dock facility which provides dockage for a duplex type residential unit. This definition is not intended to include docks servicing zero lot line attached units.

Project means any development, redevelopment, construction, repair, or other activity which occurs in whole or in part within the jurisdiction of the county.

Property line means those lines described in the legal description of the applicant's deed.

Protective barrier means a physical structure limiting access to a designated area and composed of wooden and/or other suitable materials which gives reasonable assurance of compliance with the intent of this article.

Public hearing means an advertised hearing before the board or board of adjustment and appeals, open to the public, for the purpose of presenting the facts of an application and for the purpose of providing a forum through which affected parties may make their concerns known to the board or board of adjustment and appeals.

Restoration means the designed creation of desirable habitat.

Riprap means the hardening of shorelines by a means other than the installation or repair of seawalls.

Seawall means any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the county. This definition specifically excludes upland retaining walls located outside of the waters of the county.

Setback means a buffer area of a size to be determined on an individual basis within which no change to existing conditions may be made without a specific permit.

Survey means a one inch equal to 200 feet scale aerial and 1:10 to 1:60 scale drawing signed and sealed by a state registered land surveyor (P.L.S.) which accurately locates either designated stands of mangroves or designated individual trees in addition to other site characteristics (such as topography, mean high water, property lines, and upland trees) required for the review of the application.

Tie piles means and includes dolphin, batter, sister, or mooring piles which are placed to provide anchorage, mooring, structural support, or space for a ship or boat.

Utility means those public and private services such as telephone, power, sanitary sewer, potable water, etc.

Waters of the county means and includes:

(1) All those waters having a measurable salinity at some point during the tidal cycle and lying within the legal boundaries of the county;

(2) The following lakes: Tarpon, Seminole, St. George, Chautauqua (Township 28 South, Range 16 East), Salt, Leisure, Taylor, and Walsingham; or

(3) All those areas associated with (1) or (2) above, which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions, as listed in the Florida Administrative Code. These waters include, but are not limited to, rivers, estuaries, bays, swamps, marshes, sloughs, bayous, and open waters, whether such waters are on private or public lands and whether such waters are manmade or natural. Where vegetation would not normally be expected due to other environmental factors, such as in the high energy zone of marine beaches, the limits of the waters of the county shall be determined by the coastal erosion control line. Where a coastal erosion control line has not been established, the limits of the waters of the county shall be set by a reasonable alternative.

All other words, terms, and phrases used in this article shall be defined according to their commonly accepted meanings.

Sec. 58-502. - Authority for article.

This article is adopted in compliance with and pursuant to Article II, Section 2.04(u) of the Pinellas County Charter.

Sec. 58-503. - Violations and penalties.

(a) Any person who shall violate the provisions of this article or any conditions imposed as a part of a permit issued pursuant to this article may be punished as provided in section 1-8.

(b) In addition to the penalties provided in subsection (a), any violation of the provisions of this article may be punished as provided for in article VIII, chapter 2 of the Pinellas County Code.

(c) In addition to the penalties provided in this section, any violation of the provisions of this article or any conditions made a part of the permit issued pursuant to this article may constitute grounds for revocation of that permit.

(d) In addition to other penalties provided in this section, the county attorney may institute or participate in any appropriate civil or administrative action or proceeding to declare, prevent, restrain, correct or abate any violation, or threat thereof, of any provision of this article. The county may also seek civil remedies pursuant to Laws of Fla. ch. 90-403, as amended, the "Pinellas County Environmental Enforcement Act" (compiled in chapter 58, article II of the Pinellas County Code).

(e) In addition to other penalties provided in this section, the county may require restoration, mitigation, or enhancement in order to ameliorate the adverse impacts of unpermitted or improperly conducted activities.

(f) The county administrator may withhold the issuance of other certificates, licenses, or permits on related developments or projects where violations of this article are outstanding until the violations of this article have been abated.

Sec. 58-504. - Purpose and intent.

(a) It is the intent of the board to exercise the special power granted to the county in Article II, Section 2.04(u) of the Pinellas County Charter. It is the further intent of the board to implement the regulations set out in this article throughout the waters of the county, except where otherwise stated in this article.

(b) It is the intent of the board to protect, through sound management and the judicious issuance of permits, the natural resources and scenic beauty of the county.

(c) It is the intent of the board to regulate all dredge and fill activity within the waters of the county in order to minimize the adverse impacts of these activities on the natural resources and scenic beauty of the county.

(d) It is the intent of the board to regulate the placement of seawalls within the waters of the county in order to minimize the adverse effects of these structures as well as assure the protection of upland lands from the erosive action of the waters of the county.

(e) It is the intent of the board to regulate the construction of commercial and private docking facilities within the waters of the county in order to minimize the adverse impacts of such activities upon the natural resources and scenic beauty of the county.

(f) It is the intent of the board to protect those species listed as endangered, threatened, or as species of special concern by federal and state agencies.

(g) It is the intent of the board to apply this article in a manner sensitive to both the property rights of the applicant and the rights of the citizens of the county to enjoy the benefits of their natural resources.

(h) It is the intent of the board that the provisions of this article be liberally construed in order to effectively carry out its purpose of protecting the public's interest and preserving natural resources.

(i) The purposes of this article are hereby declared and found to be good and valid public and county purposes.

Sec. 58-505. - Interpretation; conflicting provisions.

In interpreting and applying the provisions of this article, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the citizens of the county. It is not intended by this article to interfere with, abrogate or annul any lawful easements, covenants or other agreements between parties; provided, however, that where this article imposes a greater restriction upon the use of structures, premises or lands within the waters of the county than are imposed or required by other resolutions, rules, regulations or other lawful easements, covenants or agreements, the provisions of this article shall control.

Sec. 58-506. - Territory embraced.

Pursuant to the jurisdiction given to the county by benefit of Article II, Section 2.04(u), Pinellas County Charter, this article shall be applicable throughout the county, including both incorporated and unincorporated areas of the county.

Sec. 58-507. - Exemptions.

(a) Waters of the county shall be limited around freshwater lakes to include only those vegetated areas, per the definition of waters of the county, which immediately fringe the lake. It is specifically intended that the tributaries to such lakes not be included in such definition unless such tributaries are navigable waters.

(b) Waters of the county shall not be interpreted to include stormwater retention ponds.

(c) Dock owners and licensed marine contractors shall be allowed to repair docks that have been damaged by a natural disaster (act of God, heavy winds and/or seas), in the same configuration of the original permitted dock, without applying for an additional permit when this subsection is invoked by the county. This subsection shall not apply in instances where the destroyed or damaged dock was not originally permitted by the county. The county shall be notified by the owner of the dock of such damage within 90 days of the occurrence of such damage in order for this subsection to be in force. The county shall also be notified upon completion of the repair and the dock shall be inspected by county staff.

(d) The requirements contained in section 58-510 may not apply where the construction activity is to be conducted by the property owner. Persons undertaking activities authorized by a permit issued pursuant to this article are advised that contractor licensing requirements in the county are administered by the Pinellas County Construction Licensing Board.

(e) Licensed class A general contractors or licensed marine contractors may install or repair tie poles, sister poles, batter poles and dolphin poles without having first obtained a permit, provided that such permit is applied for within 15 days of the activity. Such installation is conducted at the contractor's risk and may be required to be removed or relocated if the permit is not approvable.

(f) Application for the repair of multiuse private or commercial docks to be made in the same configuration and to the same material specifications as were originally permitted by the county will not require the signature and seal of a state registered civil engineer.

(g) The placement of cables or pipes via directional drilling techniques which does not result in any disturbance of waters of the county is exempt from the requirement to obtain a dredge and fill permit.

(h) Federal and state projects are exempt from the requirement to obtain a permit under this article. This exemption does not include those projects where the federal or state government solely provides funds for projects undertaken by other entities.

(i) Signs, buoys, and markers posted pursuant to the State of Florida Uniform Waterways Markers program do not require a separate permit under this article.

Sec. 58-508. - Administration.

(a) The administration and enforcement of this article is vested in the county administrator, or his or her designee.

(b) The county administrator shall have the authority to issue all permits pursuant to this article without the further consent of the board and without the need for administrative or public hearings. Those permits requiring variance approval by the board or board of adjustment and appeals shall be subject to the administrative and public hearing process set forth in this article. However, the county administrator shall have the option of bringing any application for a permit under this article before the board for final action.

(c) County staff shall coordinate all permit review activities under this article and shall conduct administrative hearings.

(d) All applications, revised applications, requests for permit extension and associated fees under this article must be submitted through the clerk.

Sec. 58-509. - Enforcement procedure.

(a) All projects under this article will be subject to a final inspection by the county to assure compliance with the conditions of the permit.

(b) The county shall be notified when dredge, fill, or commercial and multiuse dock construction commences and upon the completion thereof. The county shall be notified upon completion of a private dock structure.

(c) The applicant, contractor, and/or agent will be notified by the county, in writing, of any discrepancies discovered during any inspection within ten working days. The responsible party shall have ten working days from the date of notice to correct such discrepancies.

(d) Any person may report a violation of this article to the county.

(e) Any designee of the county administrator shall have the authority to investigate violations of this article.

(f) Investigations of violations of this article may be based upon statements of the complainant or upon inspections performed by county personnel.

(g) In conducting investigations of violations of this article, departmental inspectors shall have the authority, where otherwise lawful, to inspect property, obtain the signed statements of prospective witnesses, photograph violations, and do such other gathering of evidence as is necessary for the complete investigation of a violation of this article.

Sec. 58-510. - Contractor's requirements.

(a) All construction activity involving docks or boardwalks must be conducted by a contractor possessing a valid class A general contractor's license or a marine contractor's license issued by the Pinellas County Construction Licensing Board. All such contractors and any contractor performing dredge and fill activities shall maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the Longshoremen's and Harbor Worker's Compensation Act, or the Jones Act. The county may require proof of such coverage at any time.

(b) It shall be a violation of this section to cancel any required insurance after presenting proof of such coverage to the county and obtaining a permit, unless the contractor actually performs the construction activity covered by such permit with the appropriate insurance coverage in effect.

(c) It shall be a violation of this section for a property owner to procure any permit under this article with the intent to aid or abet a contractor that does not meet the requirements set forth in subsection (a) above in performing the permitted construction, alteration or repair.

Sec. 58-511. - Building permits.

(a) It shall be the responsibility of the municipality if within municipal limits or the county building department if within unincorporated areas to set construction standards and issue building permits for seawalls. New seawalls placed within the waters of the county shall also require a fill permit from the county.

(b) Dock permits issued by the county will be for the structure only and do not include an approval or permit for other installations requiring plumbing or electrical facilities.

(c) Nothing in this section is to imply that an improperly conducted activity such as the improper placement of a seawall or riprap is not a violation of this article.

Sec. 58-512. - Protection of adjacent habitat.

Projects conducted within the unincorporated county are subject to all other county regulations and ordinances. Where projects are conducted in areas where the habitat management and landscaping provisions of the County Land Development Code are in effect, those habitat protection requirements will be enforced. Certain habitats will require protective barriers prior to permit issuance. The county administrator shall make provisions necessary to issue the permit pursuant to this article and the habitat management and landscape permits simultaneously where applicable. The provisions of this section may be expanded, at the discretion of the county administrator, to account for consistency with other county ordinances where applicable.

Sec. 58-513. - Signs and fences on submerged lands.

The posting of signs and placing of fences upon the submerged lands of the county will be considered an obstruction to navigation. Such signs or fences shall only be permitted if an application is submitted to the county and the issuance of a permit for such installation is approved at public hearing before the board.

Secs. 58-514—58—529. - Reserved.

DIVISION 2. - PERMITS GENERALLY

Sec. 58-530. - Permit required; review of applications.

(a) It shall be a violation of this article for any person to undertake activities regulated by this article without a permit from the county.

(b) The board and its staff shall consider, in its review of permit applications under this article, the following criteria. If any of the following questions are answered in the affirmative, the application shall be denied or modified:

(1) Would the project have a detrimental effect on the use of such waters for navigation, transportation, recreational or other public purposes and public conveniences?

(2) Would the project restrict the free use of the waterways and navigable waters?

(3) Would the project have a material adverse effect upon the flow of water or tidal currents in the surrounding waters?

(4) Would the project have a material adverse effect upon erosion, erosion control, extraordinary storm drainage, shoaling of channels, or would be likely to adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area?

(5) Would the project have a material adverse effect upon the natural beauty and recreational advantages of the county?

(6) Would the project have a material adverse effect upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest?

(7) Would the project have a material adverse effect upon the uplands surrounding or necessarily affected by such plan or development?

(8) Would the project have a material adverse effect on the safety, health and welfare of the general public?

(9) Would the project be inconsistent with adopted state plans (e.g., manatee protection, SWIM plans), county and municipal comprehensive plans, other formally adopted natural resource management plans, or any other county ordinances or regulations?

(c) If an application for a permit for any activity regulated under this article is denied, the county shall provide written notice to the applicant. Such notice shall provide citations to the applicable portions of this article under which the permit is denied.

Sec. 58-531. - Criteria for approval of permits.

(a) It shall be the burden of the applicant for a permit under this article to provide data and testimony to show the effect of the proposed plan and development on the criteria in subsection 58-530(b).

(b) Permits are required for dredging or filling (section 58-570), seawall installation (section 58-573), dock construction (section 58-543), dock repair (section 58-544), after-the-fact dock construction (section 58-545), dock construction within Lake Tarpon and Lake Seminole (section 58-546), boardwalks (section 58-547), and associated habitat impacts (section 58-512).

(c) The county shall have the option of requiring the analysis of alternative designs where such alternatives have the potential to reduce environmental impacts or navigational impacts. It shall be the burden of the applicant to prove that alternatives do not result in lesser impacts than the proposed design. An analysis of alternatives may be submitted at the time of application at the option of the applicant.

(d) The use of alternative designs, such as the use of multiuse private docks in lieu of single-family private docks, may be required where the assessment of cumulative impacts indicates that such cumulative impacts would violate the general provisions under subsection 58-530(b).

Sec. 58-532. - Mitigation and enhancement.

(a) The county may consider proposals for mitigation in the review of permit applications under this article. The replacement requirements for legally impacted wetlands shall be defined on a square footage basis and shall use, as a minimum, one acre (or portion thereof) created for each acre adversely impacted. Each acre (or portion thereof) shall contain sufficient wetland replants to reestablish the wetland habitat with 85 percent coverage within three years.

(b) Any proposal for mitigation under this article must be signed by a registered environmental professional (National Association of Environmental Professionals), a registered professional ecologist (Ecological Society of America), landscape architect, or other suitable recognized professional.

(c) The county may require the enhancement of the local habitat where such enhancement may be reasonably expected to enhance the natural functions of the local ecosystem and where such enhancement will not place an undue hardship upon the applicant under this article.

Sec. 58-533. - Criteria for issuance.

(a) In all cases, the county shall consider consistency with the comprehensive plans of the county and local municipality, if applicable, in the review of permit applications. The county shall also consider adherence to this article, the information received as a part of the application, the information gathered by staff during field or literature reviews, or information supplied during the administrative and public hearings in the issuance or denial of permits under this article.

(b) The board, board of adjustment and appeals, or county staff shall have the right to modify, amend, or alter any application brought before it, including at public hearing when, based on the criteria to be considered, modification or alteration of the permit would be necessary to bring such application into conformance with the provisions of this article.

(c) In order to provide protection for those habitats having a high degree of ecological value, proposed projects shall be specifically reviewed for adverse impacts to vegetated wetland areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species in providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the county, such as natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, bird sanctuaries, manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting sites; commercial or sport fisheries or shell fisheries areas; habitats desirable as juvenile fish habitat.

Sec. 58-534. - Special conditions.

(a) Upon issuance of any permit under this article, special conditions may be imposed for such permit. These conditions should include any item which can be reasonably expected to enhance the probability that the proposed activity will be conducted in compliance with the

intent of this article. Those conditions may include, but are not limited to, field inspections by county staff, reports, monitoring, bonding, easements, guaranteed survival of nonaffected and/or replanted vegetation, protective barriers, setbacks, protective earthwork, replants, signage, restoration and/or mitigation. Conditions may also be applied in order to assure consistency with the county and municipal comprehensive plans.

(b) It shall be unlawful for any person to deviate from the specific conditions of the permit as set forth by this article without the prior approval of the county.

Sec. 58-535. - Notice of public hearing.

(a) The county shall mail to all property owners, as listed in the property appraiser's files, within a 500-foot radius of the project, a notice of the pending application to be heard by the board or board of adjustment and appeals. The county may send notices to other interested parties upon receipt of a written request. The notice shall contain the parcel identification number and/or address of the property, a brief description of the project, and the date of the administrative and public hearings.

(b) The county may also provide notice by posting such notice on the subject property.

(c) The public hearing process shall include an administrative hearing, conducted by staff of the county and held at least two weeks prior to the public hearing before the board or board of adjustment and appeals.

Sec. 58-536. - Appeals.

(a) Permits under this article shall not be effective until 30 days after approval and, if a petition for hearing is filed, until such petition is heard and determined.

(b) Any person, including the state, aggrieved by the county's findings of fact and determination under this article, may, within 30 days of such findings and determination, petition for a hearing, stating in such petition the grounds upon which the county has erred in its findings and wherein such person is aggrieved by such findings. The board may, in its discretion, grant or deny such hearing.

(c) Any person, including the state, who is aggrieved by the board's ruling on the petition for hearing, shall have the right to have the entire cause reviewed by the Circuit Court of the Sixth Judicial Circuit of the State in and for the county. Requests for appeal shall be filed within 30 days after the public hearing date from which the board’s ruling was made.

(d) Appeals of variances granted or denied by the board or board of adjustment and appeals may be made to the Circuit Court for the Sixth Judicial Circuit of the State in and for the county. Requests for appeal shall be filed within 30 days after the public hearing date from which the decision to grant or deny the variance was made.

(e) Failure to file an appeal as provided in this section shall constitute acceptance of the permit and its conditions.

Sec. 58-537. - Acceptance of permit.

Failure to request a hearing or otherwise file a written appeal of a permit or any general or specific condition thereof which is issued under this article within 30 days of issuance shall

constitute acceptance of the permit and any conditions by the applicant and other affected parties.

Sec. 58-538. - Expiration of permits; extension or revision.

(a) All permits issued under this article shall expire one year from the date of issuance.

(b) In the event that the project is not completed within one year of the date of the issuance of a permit under this article, the county shall authorize a one-year extension upon written request to the county. A second one-year extension shall be granted upon written request if the project is not completed by the end of the second year. The county may authorize two additional one-year extensions upon written request to the county and for good reason shown. Extensions shall be requested within 90 days before or after the permit expiration date.

(c) Applications for revisions to permits issued pursuant to this article shall only be accepted within one year of the original issuance of the permit unless the applicant can demonstrate that the project has been under active review by another government agency and that the revision is a requirement of said agency.

Sec. 58-539. - Variances.

(a) The board may review and decide whether to grant variances to all permitting criteria under this article. Additionally, the board of adjustment and appeals shall have the authority to review and decide whether to grant variances to subsections 58-555(b)(1), 58-555(b)(2), and 58-556(b)(1) of this article.

(b) The county administrator, or his or her designee, may grant variances to subsections 58-532(a), 58-532(b), 58-543(f), 58-543(g), 58-543(l), 58-543(m), 58-546(1), 58-546(4), 58-546(5), 58-546(7), 58-555(a)(2), 58-555(a)(3), 58-555(a)(4), and 58-555(a)(7).

(c) In deciding whether to grant a variance, the board, board of adjustment and appeals, or county administrator, or his or her designee, shall make a positive finding of fact to all of the criteria set forth in section 138-231, Pinellas County Land Development Code, as applicable, and any variance issued shall be subject to the following:

    (1) A variance shall be necessary prior to the issuance of a permit for any project that does not comply with the criteria of this article. The granting of any variance shall not be deemed as automatic approval for any such permit.

    (2) A variance in construction materials or the minimum construction specifications may be approved by the county when, based on acceptable engineering criteria, such materials are equivalent to, or better than, that which is specified in this article.

    (3) In granting any variance, appropriate conditions, time limits, and safeguards, may be prescribed.

    (4) Variances shall not be deemed to set precedence for other applications should they be either standard applications or those requiring variances.

(d) On all proceedings held before the board or board of adjustment and appeals, the county shall review the application and file a report on each item. Such reports shall be received by

the board or board of adjustment and appeals prior to final action on any item and shall be part of the record of the application.

(e) All public hearings conducted by the board or board of adjustment and appeals shall be noticed pursuant to section 58-535. An applicant's failure to appear at such public hearing may be sufficient cause to deny the requested variance.

Sec. 58-540. - Fees.

(a) All fees and deposits required under this article for applications, permit extensions, and public hearings shall be set by the board by resolution on an annual basis. Fees shall be sufficient to cover the cost of the review, public notice, and issuance or extension of the permit.

(b) After-the-fact dock applications and permits will be subject to increased fees as set by the board annually by resolution.

(c) Fees will be levied upon the contractor, or owner if the structure is self-built, and shall be paid to the clerk.

(d) A waiver of permit application fees for governmental agencies shall be administratively granted.

(e) A waiver of permit application fees for the placement of riprap against an existing seawall shall be administratively granted.

(f) A waiver of permit application fees for projects conducted for environmental enhancement or environmental restoration, including but not limited to living shorelines and environmental seawall enhancement, shall be administratively granted.

Sec. 58-541. - Posting.

All permits issued under this article shall be prominently and openly posted in close proximity to the work allowed by the permit for the duration of the permit or until the work is complete.

Sec. 58-542. - Revocation of permits.

For any noncompliance with or for violations of its terms, any permit issued under this article may be revoked by the county after notice of the intent to do so has been furnished by the county and opportunity afforded within 30 days for the permit holder to request administrative and public hearings.

DIVISION 3. - DOCKS AND SIMILAR STRUCTURES

Sec. 58-543. - Dock permit requirements and restrictions.

(a) No person shall construct any dock or other obstruction to navigation within the waters of the county without having first obtained a permit for such construction from the county.

(b) Live-aboard facilities shall not be permitted without the appropriate infrastructure and solid waste facilities to support equivalent residential units.

(c) The county, based on the location of natural resources, encourages, and may require, the use of a single mooring facility at apartments, condominiums, zero lot line attached units, and cooperative apartments, or where cumulative impacts would invoke subsection 58-531(d).

(d) All multiuse and commercial dock installations must be consistent with the zoning of the adjacent upland riparian property.

(e) Boat lifts shall not be permitted where the installation of such lifts can reasonably be expected to have an adverse impact on the natural resources in the immediate vicinity of the installation.

(f) In tidal waters, all docks shall have at least 18 inches of water depth at the slip at mean low tide and shall have a continuous channel with a minimum of 18 inches of water depth at mean low tide to allow access to the structure from open waters.

(g) In nontidal waters, all docks shall have at least 18 inches of water depth at the slip, as measured from ordinary low water, and shall have a continuous channel with a minimum of 18 inches of water depth at ordinary low water to allow access to the structure from open water.

(h) In accordance with the comprehensive plan coastal management element, the county shall use the following criteria in the review of commercial and multiuse private dock structures:

(1) Adequate water depth to accommodate the proposed boat use.

(2) Preference shall be given to the expansion of suitable existing facilities rather than new construction.

(3) Located in areas where there is adequate flushing of the basin to prevent stagnation and water quality deterioration.

(4) No adverse impact on archaeological or historic sites as defined by state and local comprehensive plans.

(5) Reasonable access to a large navigable water body.

(6) Sufficient upland area to accommodate all needed utilities and support facilities, such as parking spaces, restrooms, dry storage, etc.

(7) Capacity of the surrounding roadways to handle boating traffic to and from the facility.

(8) Compatible land uses.

(9) Adequate wastewater treatment capacity in accordance with state standards.

(10) Commercial and multiuse private dock facility development shall be consistent with the special requirements for developing in the following areas:

a. Aquatic preserves.

b. Outstanding Florida Waters.

c. Class II waters.

d. Areas approved or conditionally approved by the state department of environmental protection for shellfish harvesting.

e. Other highly productive and/or unique habitats as determined by the state department of environmental protection based on vegetation and/or wildlife species.

(i) No commercial or multiuse private dock shall be constructed or expanded in areas determined by the state department of environmental protection to be critical to the survival of the West Indian Manatee.

(j) No new or substantial improvement to a commercial dock shall be approved until a hurricane plan for the project has been established. This requirement may be waived on projects for which the county deems a hurricane plan unnecessary.

(k) No docking facility will be permitted on the open sandy beaches of the Gulf of Mexico.

(l) No dock, boardwalk or pier will be permitted to be constructed parallel to the shoreline or seawall within the littoral zone between the mean high water line and the mean low water line.

(m) No roofed structure other than covered boat slips and no vertical walls will be allowed.

Sec. 58-544. - Dock repair and reconstruction.

(a) Where any dock permit was previously issued under this article, a variance granted under section 58-539 shall not be required for the county to issue a permit for repair, replacement, or reconfiguration of the dock where either subsection (a)(1) or (a)(2) below is satisfied:

(1) The dock is reconstructed in the same configuration approved in said permit.

(2) Said permit demonstrates nonconformance with any one or more of the following subsections in this article:

a. Depth under subsection 58-543(f), 58-543(g), or 58-546(7); or

b. Length under subsection 58-546(1), 58-555(a)(3), 58-555(a)(4), or 58-555(a)(7); or

c. Dock and slip limits under subsection 58-546(3), 58-546(4), 58-555(a)(5); or

d. Prohibited structures under subsection 58-543(k), 58-543(l), 58-543(m), 58-546(5), or 58-555(a)(2); or

e. Dock length and setback in the unincorporated county under subsection 58-555(b)(1), 58-555(b)(2), or 58-556(b)(1); or

f. Commercial and multiuse private dock width in the unincorporated county under subsection 58-556(b)(1); and

The dock is reconstructed subject to the following condition(s) relevant to any of the applicable subsections identified in this subsection (a)(2) above:

a. Depth of the slips is not decreased;

b. Total length of the dock is not increased;

c. Total nonconforming number of docks and/or slips is not increased;

d. Square footage of each category of prohibited structure is not increased;

e. The dock is reconstructed such that there are no new structures located beyond the applicable setback and length limits required in the unincorporated county;

f. Width of the multiuse or commercial dock in the unincorporated county is not increased.

This subsection (a)(2) does not permit nonconformance with any criteria, requirements, or restrictions not explicitly listed in this subsection (a)(2) above, including but not limited to the criteria set forth in section 58-530.

(b) Where no dock permit was previously issued under this article, a variance granted under section 58-539 shall not be required for the county to issue a permit for repair or replacement of that dock where the dock was originally constructed on or prior to February 26, 1990, remained in existence until two years or less prior to application submittal, and is reconstructed in the same configuration as existed on February 26, 1990. For the purposes of this subsection (b), a dock shall be considered to have "remained in existence" if at least 75 percent of the dock's pilings remain.

(c) Repairs to or replacements of permitted boat lifts shall not require a permit under this article from the county unless pilings are to be replaced. Such boat lifts are to be reconstructed without enclosed sides.

(d) Repairs to or replacement of deck boards only do not require a permit under this article from the county. This exemption does not apply to any support structure such as stringers, caps or floaters and all deck boards must meet the minimum construction criteria of subsection 58-554(7).

Sec. 58-545. - After-the-fact dock permits.

Any person who undertakes to construct a dock without obtaining the required permit from the county shall have ten days from the date of written notice from the county to file an application for an after-the-fact permit, or to remove the unpermitted structure. Such after-the-fact application must comply with all the terms and conditions of this article. In the event that the unpermitted structure has been constructed, even in part, by any person holding a valid license, the county shall copy the written notice of violation to the Pinellas County Construction and Licensing Board. Such notice shall constitute a complaint to the Pinellas County Construction and Licensing Board.

Sec. 58-546. - Special dock restrictions for Lake Tarpon and Lake Seminole.

The following restrictions apply to Lake Tarpon and Lake Seminole:

(1) No new dock and/or tie pole installation shall be allowed to penetrate into the waters of Lake Tarpon or Lake Seminole further than 100 feet from the ordinary high water line as controlled by the U.S. Army Corps of Engineers outfall weir located on the Lake Tarpon outfall canal, or the weir located at the southern terminus of Lake Seminole (Park Boulevard).

(2) Dilapidated docks shall be reconstructed in a manner which is in compliance with the provisions of this article.

(3) No more than one private dock structure can be constructed per residential property under common ownership, provided it complies with the other sections of this article. Mooring space including boat lifts and davits for two boats may be provided. The county may require boat lifts or davits to minimize adverse impacts to the natural resources of the lakes or to the navigational opportunities of the lakes.

(4) No more than one multiuse private dock or commercial dock can be constructed per 1,250 feet of lakefront property under common ownership, mooring space to be provided at the rate of two mooring spaces per each 100 feet of lakefront, except that, for property under common ownership of less than 1,250 feet of lakefront footage, one dock may be constructed with a minimum number of moorings not to exceed one space per 50 feet or fraction thereof of lakefront ownership (25 slips maximum per 1,250 feet of lakefront owned). Additional docks may be allowed at the rate of one dock per each 1,250 feet or fraction thereof of lakefront property owned. Mooring spaces shall be provided at the rate of two per 100 feet of waterfront. The dock shall be placed within the 1,250-foot increment. The space between dock structures (on waterfront in excess of 1,250 feet) shall equal or exceed 25 feet times the combined amount of mooring spaces at each structure.

(5) No building shall be permitted to be constructed over the waters of Lake Tarpon or Lake Seminole. Covered boat lifts without side walls may be permitted.

(6) No docks shall be allowed within the Lake Tarpon outfall canal.

(7) All docks within Lake Tarpon shall have at least 2½ feet of water depth at the slip as measured from ordinary low water (elevation 2.6 NGVD), except those within canals, which shall have at least 1½ feet of water depth at the slip as measured from ordinary low water.

Sec. 58-547. - Boardwalks and observation platforms on commercial and multiuse properties.

Commercial and multiuse boardwalks, observation platforms, elevated nature trails and other such structures located within the waters of the county and not intended for use as a dock facility shall not be required to comply with the criteria of subsections 58-543(f), (g), (h), (i), (j), (k) and (l); however, the structures shall be required to be built in such a manner as to deter or restrict the structure for boating use. Such requirements may include, but are not limited to, double railing, no lower landings, ladders, superelevated decks, signage, etc.

Sec. 58-548. - Disrepaired or dilapidated docks.

If any dock within the waters of the county falls into disrepair so as to become a dangerous structure involving risks to the safety and well-being of the community or individual members thereof, such structure must either be removed or repaired so as to conform with the requirements of this article. Upon determination by the county that any dock has become a dangerous structure, written notice thereof shall be given to the owner of record of the riparian upland property. Such party so informed shall have a maximum of three days from the date of the notice within which to secure the area and respond to the county indicating the intent regarding the dilapidated structure. Such party shall have an additional 60 days to remove the structure or apply for a permit to repair such structure to conform with the requirements of this

article. The entire structure must be brought into conformance with the requirements of this article.

Sec. 58-549. - Application information.

(a) All applications under this article are to be filed with the clerk. Processing fees shall be paid at the time of application.

(b) Prior to the issuance of a permit under this article, the applicant must show that the proposed activity is consistent with the county comprehensive plan or municipal comprehensive plan, as applicable.

(c) Prior to a final determination on an application under this article, the applicant may be requested to supply any other information necessary to promote sound judgment in the issuance, modification or nonissuance of a permit.

(d) All applications under this article shall expire after a 90-day period of inactivity.

(e) All applications under this article must include a statement outlining the intended use of the project facility.

Sec. 58-550. - Private dock application information.

(a) All applications for private dock permits must be submitted to the clerk on approved application forms.

(b) All applications for permits for docks to be located within a municipal limit must have municipal approval prior to submission to the county, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.

(c) Where required, signatures of no objection from adjacent property owners must be provided on the permit drawing accompanying the application for a private dock, along with the completed notarized variance forms included in the application.

(d) Adequate water depth at the slip and to navigable waters must be evidenced on applications for the expansion of existing dock facilities or the creation of new dock facilities.

(e) The following information is required for applications for private dock permits:

    (1) The application form adopted by the county, properly filled out and signed.

    (2) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).

    (3) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.

    (4) A copy of the state department of environmental protection permit application, where applicable.

    (5) A copy of the U.S. Army Corps of Engineers permit application, where applicable.

    (6) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structures, where applicable.

    (7) Permit sketches clearly depicting the proposed project. The sketches and application package must include the following:

a. Three copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).

b. The drawings must clearly show the following:

1. Name of waterway.

2. North arrow and graphic scale.

3. Existing shoreline, limits of the waters of the county, and the mean high water line (or ordinary high water) based on NGVD.

4. Sufficient water depths in the affected areas.

5. Locations of existing structures.

6. Linear footage of riparian shoreline.

7. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the county must contain the required signature and seal of a Florida registered professional engineer or land surveyor.

8. Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.

(8) Proper fee as set by the board.

(9) A completed copy of the disclosure form provided by the county.

Sec. 58-551. - Multiuse private dock application information.

The following information is required for applications for multiuse private docks:

(1) All information required under section 58-550.

(2) Except for applications for tie poles and previously approved lifts, all applications for multiuse private and commercial docks shall have the signature and seal of a state registered professional engineer affixed to the plans submitted for approval.

(3) Information shall be submitted, prepared by a state registered civil engineer, attesting to the fact that adequate flushing exists and that the project will not cause stagnation or water quality degradation.

(4) The following additional information is required:

a. A detailed statement describing the proposed activity and how it affects the waters of the county.

b. A copy of the Southwest Florida Water Management District permit application, where applicable.

c. Permit sketches must be signed and sealed by a state registered professional engineer.

(5) Location of the proposed activity, including half section, township, range, affected waterbody, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.

(6) A 1:200 scale aerial photo of the area showing the location of the property therein.

Sec. 58-552. - Commercial dock application information.

The following information is required for applications for commercial docks:

(1) All information required under sections 58-550 and 58-551.

(2) An approved hurricane plan unless waived per subsection 58-543(j).

(3) Any other information necessary to meet the criteria of this article.

Sec. 58-553. - Permitting criteria for docks.

The county shall use the criteria as contained in sections 58-530(b) and 58-533 in the issuance of dock permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

Sec. 58-554. - Minimum construction specifications for all dock construction.

The following minimum construction specifications shall be required for all dock construction:

(1) All piling shall be of precast class IV concrete, as specified by Florida Department of Transportation, Standard Specifications for Road and Bridge Construction, 1986 edition, or latest revision or superseding publication, 3,500 pounds per square inch or better in 28 days, or of Southern pine piles conforming in physical quality to American Society for Testing and Materials Specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA, type A, B, or C) in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter.

(2) When Southern pine piles treated with chromated copper arsenate, type A, B, or C, are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 to 2.0 inches from the surface. In no event shall penetration be less than six feet into the submerged bottom. If impenetrable material is encountered, the county must be contacted to seek a variance to this minimum penetration requirement.

(3) All concrete piling shall be at least eight inches square in cross section. Concrete pilings shall incorporate at least four no. 5 steel rods (five-eighths inch diameter) epoxy coated running the entire length thereof, and tied or welded in the form of a three-inch to four-inch square cage. All steel reinforcing rods shall be covered by at least two inches of concrete.

(4) Tie piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application; in no case shall this be higher than ten feet above mean high water. All such piling shall be either concrete or Southern pine piling treated in conformance with American Wood Preservers Association Standard C-

3 with chromated copper arsenate (CCA) type A, B, or C, and as approved by the county.

(5) All metal fastenings shall be hot-dip galvanized or better.

(6) All other timber shall be pressure treated.

(7) Spacing of pile bents shall not exceed 12 feet on-center. For timber decked dock construction, the second bent shall not exceed 14 feet in front of the beginning of the dock. The first bent of piling shall be located no further than two feet from the mean high water or the seawall. Outside stringer systems shall be doubled two-inch by eight-inch pressure treated timber or greater. Five-eighths inch diameter galvanized bolts or greater are to be used for attachment of stringers to piling. Intermediate stringers shall be single two-inch by eight-inch or greater, with a maximum three feet zero inches on-center spacing. Decking shall be two-inch by six-inch, or greater, pressure treated lumber. All pile bents shall have pile caps, two inches by eight inches, bearing stringers to support deck joists on main dock and only on docks with wood pilings. All intersections (stringers) shall be bolted.

(8) All floating private docks to be constructed in the waters of the county must have a minimum of 20 pounds per square foot flotation.

(9) Covered boat lifts:

a. All roof designs must conform to the Florida Building Code applicable to the type of construction being used to cover the lift.

b. Catwalks constructed in conjunction with boat lifts, will have stringers bolted to piling.

c. Vertical side walls for boat lifts are prohibited.

(10) The intersection of the main dock and finger piers will be constructed by the installation of a pile under the finger pier at the intersection, or by an approved bolted connection; in no case will nailed connection be used.

(11) Where, because of space restrictions, double stringers are abutted against the seawall, pile caps shall be installed. Such pile caps are to be doubled two inches by eight inches and bolted at each pile.

(12) Wave break devices, when necessary, shall be designed to allow for maximum water circulation and shall be built in such a manner as to be part of the dock structure or tie poles.

(13) Docks shall be constructed to allow for maximum light penetration. Special restrictions may be applied where natural resources are present on a case by case basis.

(14) Where appropriate, structures shall provide for passage of pedestrian traffic by elevation or design so as not to obstruct normal pedestrian traffic on lands along the shoreline. The dock or pier shall be constructed in a manner that would minimize harm to natural resources.

(15) Walkways to dockhead intersections not supported directly by piles under the connection must be diagonally bolted through the intersecting stringers (minimum triple

two-inch by eight-inch dock head stringers) or the use of a two-inch by four-inch by one-fourth-inch galvanized angle bracket or larger must be utilized.

(16) Catwalks supported by a single pile at each bent and cantilevered structures shall be no wider than 30 inches.

(17) Applicants are encouraged to use environmentally sustainable building practices.

Sec. 58-555. - Design criteria for private docks.

(a) Design criteria for all private docks shall be as follows:

(1) All criteria contained in section 58-554 shall also apply to private docks.

(2) No building shall be permitted to be constructed over the waters of the county.

(3) No dock structure or tie pole shall be allowed to project into the navigable portion of a waterway more than 25 percent of such waterway.

(4) No dock shall extend waterward of the seawall, mean or ordinary high water line more than 300 feet.

(5) A dock shall not be designed or constructed to accommodate more than two boats for permanent mooring. No more than one structure shall be located at a private residential site.

(6) Docks for the joint use of adjacent waterfront property owners may be centered on the extended common property line without being in variance to the setback requirements.

(7) No portion of a docking facility shall encroach closer than 150 feet to the centerline of the Intracoastal waterway.

(8) Personal watercraft lifts shall not be considered a boat slip and as such are exempt from the depth criteria of these rules. In addition, open grated personal watercraft lifts without outer piling shall not be considered when calculating dock dimensions or setbacks.

(b) The following additional design criteria shall apply only to those private docks in the unincorporated areas of the county:

(1) Private docks to be constructed in the waters of the county shall be constructed so that the length of the dock, excluding tie poles, shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at the waterfront. This requirement may be waived by the county provided that signed statements of no objection from both adjacent waterfront property owners have been submitted.

(2) Private docks and boat lifts, excluding tie poles, must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the county, provided that signed statements of no objection from the property owners encroached upon have been submitted.

Sec. 58-556. - Design criteria for commercial and multiuse private docks.

(a) Design criteria for all commercial and multiuse private docks shall be as follows:

(1) All criteria contained in subsections 58-555(a)(1), (2), (3), (4), (7) and (8) shall also apply to commercial and multiuse private docks.

(b) The following additional criteria shall apply only to commercial and multiuse private docks in the unincorporated areas of the county:

(1) Docking facilities constructed in the waters of the county, excluding tie poles, shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront. All docking facilities, excluding tie poles, must be so located that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront. Multiuse private and commercial docks abutting adjacent waterfront residential property, excluding tie poles, must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived by the county provided that signed statements of no objection from the affected property owners have been submitted.

Secs. 58-557—58-569. - Reserved.

DIVISION 4. - DREDGING AND FILLING; SEAWALLS

Sec. 58-570. - Dredge and fill—Permit required.

(a) No person shall undertake any dredging or filling in the waters of the county without first obtaining a permit from the county.

(b) There shall be in no case any dredging seaward of a bulkhead line for the sole and primary purpose of providing fill for any area landward of a bulkhead line.

(c) There shall be no drilling for oil or gas wells, excavation for minerals, except the dredging of dead oyster shells as approved by the department of environmental protection, and no erection of any structures unless such activity is associated with activity authorized by this article.

Sec. 58-571. - Same—Application information.

All dredge and fill applications submitted to the county shall consist of the following:

(1) The application form adopted by the county, properly filled out and signed.

(2) Approval of the municipal authority if within any corporate limits, except for after-the-fact applications, which may be submitted to the county and municipality simultaneously.

(3) A completed copy of the disclosure form provided by the county.

(4) Location of the proposed activity, including half section, township, range, affected water body, and a vicinity map, preferably a reproduction of the appropriate portion of the United States Geological Survey quadrangle map.

(5) A detailed statement describing the proposed activity and how it affects the waters of the county.

(6) A detailed statement describing the upland land use and activities (i.e., commercial marina, multiuse, condominium, restaurant, private single-family, etc.).

(7) An aerial photo of the area showing the location of the property therein.

(8) Satisfactory evidence of title or extent of interest of the applicant to the riparian upland ownership or submerged ownership with a copy of the trustee's deed in chain of title.

(9) A copy of the state department of environmental protection permit application, where possible.

(10) A copy of the Southwest Florida Water Management District permit application, where applicable.

(11) A copy of the U.S. Army Corps of Engineers permit application, where applicable.

(12) A copy of the state department of transportation authorization or permit, where applicable.

(13) An affidavit attesting to the dates any existing structures were built, and a copy of any prior authorization or permit for the structure or excavation, if applicable.

(14) Permit sketches, signed and sealed by a state registered professional engineer, as follows:

a. Four copies of black and white drawings of the proposed project drawn to an appropriate scale (from 1:10 to 1:60, lettering to be 0.10 inch high or greater).

b. The drawings must clearly show the following:

1. Name of waterway.
2. North arrow and graphic scale.
3. Existing shoreline, limits of the waters of the county, and the mean high water line (or ordinary high water) based on NGVD.
4. Sufficient water depths in the affected areas.
5. Proposed dredge and/or fill areas with proper dimensions (cross sections and profiles are required in addition to plan view).
6. Locations of existing structures and reference points.
7. Location and plan of spoil site, if applicable, along with detail of site.
8. Linear footage of riparian shoreline.
9. Cubic yardage of material, removed or placed within, and landward of, the waters of the county.
10. All drawings and legal descriptions pertaining to proof of ownership submitted as part of an application for a permit from the county must contain the required signature and seal of a Florida registered professional engineer or land surveyor.

(15) Legal description of dredge and/or fill and spoil areas.

(16) Any other information necessary to meet the criteria of this article.

(17) Proper fee as determined by the board.

Sec. 58-572. - Same—Permitting criteria.

The county shall use the criteria as contained in sections 58-530(b) and 58-533 in the issuance of dredge and fill permits. If any of the nine questions are answered in the affirmative, the application shall be denied or modified.

The county shall also consider, in its review of dredge and fill permit applications, the following five criteria. A minimum of one affirmative response is required.

(1) Is the dredging and/or filling connected with a public navigation or transportation project?

(2) Is the dredging and/or filling necessary for erosion control or the protection of upland riparian property?

(3) Is the dredging and/or filling necessary to improve ingress and egress with respect to upland riparian property?

(4) Will such filling be accomplished by the use of material brought in from sources other than from the dredging of lands regulated by the county?

(5) Is dredging and/or filling necessary to enhance the quality or utility of the submerged lands or the public health, safety and welfare generally?

Sec. 58-573. - Seawalls—Placement restrictions.

Placement of seawalls shall be governed by the following restrictions:

(1) New seawalls placed within the waters of the county shall require a dredge and fill permit from the county. The construction permit for the seawall shall be obtained from the municipality if within municipal limits or the county building department if within unincorporated areas.

(2) Existing seawalls may be repaired or replaced without a dredge and fill permit from the county. Replacement seawalls can be placed no further than one foot in front of the face of an existing seawall. The construction permit for the replacement or repair of a seawall shall be obtained from the local government.

(3) Seawalls shall not be placed upon a shoreline which generally supports wetland vegetation. Exceptions may be authorized by the county where the project site lies between two existing seawalls, where the length of the new seawall is less than 100 feet, and where the project qualifies for an administrative permit.

(4) The county may require the installation of riprap at the base of new seawalls, replacement seawalls, or where more than 25 percent of the face of the seawall is to be repaired.

(5) Riprap shall be utilized in lieu of seawalls, where possible, as a protection to existing upland properties. All riprap must consist of clean concrete or natural rock and must

generally range in size from six inches to three feet in diameter. Riprap is to be placed on a slope no steeper than two to one (horizontal to vertical).

(6) The use of seawalls or riprap to increase the usable upland area of properties shall not be allowed, the provisions of subsection (3) of this section notwithstanding.

(7) Stabilization by the use of vegetation shall be required in lieu of shoreline hardening wherever possible.

(8) It shall be the burden of the applicant to show that the vegetative option of shoreline stabilization is not viable.

Sec. 58-574. - Same—Permit application information.

All criteria in sections 58-549, 58-571 and 58-573 shall apply to applications for a seawall permit.

Sec. 58-575. - Same—Placement criteria.

The criteria for placement of seawalls shall be the same as those found in sections 58-530(b) and 58-533. In addition, no seawall shall be approved unless it is proven by the applicant that no other alternative is reasonable.

Sec. 58-576. - Same—Design criteria.

All seawalls, bulkheads, and retaining walls constructed or altered, projected or prolonged, on or adjacent to waters of the county, other than those of the Gulf of Mexico, shall be of concrete, aluminum, or wood construction in compliance with the following minimum standards:

(1) *Concrete seawalls.*

a. All seawalls, retaining walls and bulkheads may be of concrete, utilizing the tongue and groove, or other approved method of sheet pile-type construction, with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of two inches concrete.

b. The concrete sheet piling shall have a minimum thickness of 5 5/8 inches and contain vertical steel reinforcement equivalent in cross-sectional area to one no. 4 deformed reinforcing bar spaced at eight inches on-center. Each slab shall have two no. 4 steel hairpins extending into the cap a minimum of three inches.

c. The poured-in-place concrete cap shall not be less than 9½ inches in thickness, nor less than 16 inches in width.

d. The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed reinforcing bars. All splices shall be lapped not less than 40 diameters; provided, however, that the steel shall not be continuous through expansion joints. Expansion joints shall normally be provided every 40 feet.

e. All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall have two or more coats of an approved protection material. The

length of all tie rods shall be equal to, or greater than, two times the height of the seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 12 feet.

f. All anchors shall be poured-in-place concrete, containing not less than 4.5 cubic feet of concrete, and have not less than 4.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot, in each direction.

g. The penetration of each seawall slab into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the slab, whichever is greater. In no case shall the seawall slab be of shorter length than eight feet.

h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation 5.0 feet USCGS datum mean sea level.

(2) *Aluminum seawalls.*

a. Aluminum seawalls shall not have an exposed height of more than five feet.

b. Sheet piles shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B209 alloy 6061-T6 for chemical composition; also having a minimum thickness of 0.125 inch and minimum tensile strength of 35,500 psi. Corrugations shall have nominal nine-inch pitch, and nominal 2.5-inch depth. The penetration into firm ground shall be equal to 0.67 times the height of the wall above the ground line, or 0.4 times the total length of the sheet, whichever is greater. In no case shall the total sheet be less than six feet in length. Where sheet lengths required are more than 8.5 feet, and when soil conditions, surcharges and other factors exceed the scope of these standard specifications, a special design shall be submitted, signed and sealed by a state registered professional engineer.

c. Cap and joint extrusion shall be fabricated from aluminum alloy 6063-T6, conforming to ASTM designation B221 alloy 6063 for chemical composition; and shall have a minimum thickness of 0.15 inch and a minimum tensile strength of 30,000 psi. The cap shall be a minimum of six inches wide and 5.75 inches deep.

d. Anchor rods and deadman anchor plates shall be fabricated from aluminum alloy 6061-T6, conforming to ASTM designation B221 alloy 6061 for chemical composition; and shall have a minimum thickness of anchor plates of 0.10 inch and minimum tensile strength of 38,000 psi. The anchor plates shall not be less than 1.5 by 2.5 feet equipment with a three-inch by 2.25-inch backing channel 0.25-inch thick and 1.5 feet long. Anchor plates shall be placed with the top at least two feet below the elevation of the wall cap. The anchor rods shall be not less than 0.75 inch in diameter and equipped with a rod sleeve, nut and curved washer where it passes through the cap. Anchor rods shall be installed continuously along the wall at a maximum spacing of 6.5 feet. The normal length shall be 12 feet. One tieback system shall be constructed at each end of the wall, and thereafter one tieback system shall be constructed six feet six inches on-center throughout. All tie rods shall be pretensioned after placement of backfill around anchor plates, but before

final backfill of sheeting. Such pretensioning shall not tend to move the sheets or anchors. Tie rods shall be placed in the coping so that the anchor pull brings the coping in direct contact with a bayside corrugation of the wall sheeting.

e. Surcharge from fill behind the wall shall be controlled by limiting the slope to a maximum of ten degrees, and prohibiting objects other than landscaping to be located closer than five feet from the wall cap. The minimum standards described above assume sandy soil with an angle of repose of 30 degrees for soil against the wall. They also assume that the environment is not highly alkaline or acidic. If conditions require a design in excess of the limitations specified in this subsection, the wall shall be of concrete construction in accordance with subsection (1) of this section.

f. If the aluminum material is brought in contact with mortar or concrete, a coating of clear methacrylate lacquer shall be applied to the aluminum contact surface to prevent corrosion. There shall be no dissimilar metals or metal systems bonded to the wall.

(3) *Wooden seawalls.*

a. All wood shall be rough cut Southern pine pressure treated with a minimum retention and distribution of solid preservative chromated copper arsenate (CCA); salt water 2.5 CCA Round piles will be a minimum of nine inches in diameter or square posts six inches by six inches, minimum. Boards used must be two inches by eight inches minimum, rough cut Southern pine, pressure treated. The wall must penetrate the ground by 50 percent of its total length. Piles or posts are to be placed eight feet on-center. All steel used must be hot-dipped galvanized. A single tieback rod shall be installed at every post or pile through the wall whalers and piles or posts with the connection being through a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted. A single two-inch by eight-inch board will be used as a cap. A strip of tarpaper is to be installed underneath the capboard. Filter fabric material will be placed vertically between the back of the wall and soil or backfill.

b. All tieback rods shall be hot-dipped galvanized or epoxy-coated PVC encased steel and have a cross-sectional area equal to, or greater than, a no. 8 reinforcing bar. All such rods shall be spaced on eight-foot centers. The ends shall be threaded. They must pass through the wall, whaler and piling or post and fastened with a three-inch by three-inch by one-fourth-inch hot-dipped galvanized steel plate and bolted three inches below the top of the piling or post.

c. All anchors shall be poured-in-place concrete, three feet eight inches by 12 inches by 18 inches, containing not less than 4.5 cubic feet of concrete, and have not less than 4.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot in each direction. All steel reinforcement shall be epoxy coated.

d. Southem pine piles conforming in physical quality to American Society for Testing and Materials specifications D 25-55, which have been treated in conformance with

American Wood Preservers Association Standard C-3 with chromated copper arsenate type A, B, or C, in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter. When Southern pine piles treated with chromated copper arsenate type A, B, or C are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 inches to 2.0 inches from the surface.

Sec. 58-577. - Same—Fronting the Gulf of Mexico.

All seawalls, bulkheads or retaining walls constructed, altered, projected or prolonged on the Gulf of Mexico shall be of masonry construction in compliance with the following minimum standards:

(1) All seawalls and bulkheads shall be of concrete, utilizing the tongue and groove, or other approved method of sheet pile type construction with poured-in-place concrete cap and tieback anchors. The concrete shall have a minimum test strength of 3,500 psi at 28 days, and all reinforcing steel shall be covered with a minimum of 2½ inches of concrete.

(2) The concrete sheet piling shall have a minimum thickness of 7½ inches and contain vertical steel reinforcement equivalent in cross-sectional area to no. 6 deformed reinforcing bars spaced at six inches on-center. Each slab shall have two no. 6 steel hairpins extending into the cap a minimum of three inches. All reinforcing steel shall be epoxy coated.

(3) The poured-in-place concrete cap shall not be less than 12 inches in thickness, nor less than 18 inches in width.

(4) The cap shall contain continuous horizontal steel reinforcement equivalent in cross-sectional area to four no. 5 deformed epoxy-coated reinforcing bars. All splices shall be lapped not less than 40 diameters; provided, however, that the steel shall not be continuous through expansion joints. The cap shall also contain not less than four no. 2 stirrups that encircle the horizontal steel, spaced equally, 12 inches on centers. Expansion joints shall normally be provided every 40 feet.

(5) All tieback rods shall be steel and have a cross-sectional area equal to, or greater than, a no. 9 reinforcing bar. All such rods shall be spaced not more than ten feet on-center and shall be encased in concrete with a minimum coverage of three inches. The length of all tie rods shall be equal to, or greater than, two times the height of seawall slab projecting above the ground line. In no case shall the tie rods be of shorter length than 16 feet.

(6) Tieback anchors shall be poured-in-place concrete, containing not less than 7.5 cubic feet of concrete, and have not less than 7.5 square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain horizontal steel reinforcement equivalent in cross-sectional area to four no. 4 deformed epoxy-coated reinforcing bars and be provided with no. 2 steel stirrups, 12 inches on centers.

(7) The penetration of each seawall slab into firm ground shall be equal to, or greater than, 0.5 times the total length of the slab. In no case shall the seawall slab be of shorter length than 12 feet.

(8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to, or greater than, elevation 6.0 feet USCGS datum mean sea level.

Sec. 58-578. - Standards for seawall construction.

(a) The Standard Specifications of the Florida State Department for Road and Bridge Construction, dated edition of 1986, or latest revision or superseding publication, shall govern seawall construction, covering materials and workmanship where applicable.

(b) The minimum standards in the seawall design criteria assume sandy soil with an angle of repose of 30 degrees for soil against the wall.

(c) No tiebacks shall be cut or removed in connection with the construction of facilities other than seawalls, or otherwise, without making provisions in some manner to secure the stability of the installation, and such plans shall be approved by the building director prior to the cutting or removing of any tiebacks.

SECTION 2. Chapter 166, Article II, Division 3 of the Pinellas County Land Development Code is hereby relocated to Chapter 58, Article XVI. of the Pinellas County Code and is hereby renumbered and amended as follows:

CHAPTER 58: ENVIRONMENT

ARTICLE XVI. - MANGROVE TRIMMING AND PRESERVATION

Sec. 58-600. - Findings.

(a) The board finds that there are over 555,000 acres of mangroves now existing in Florida. Of this total, over 80 percent are under some form of government or private ownership or control and are expressly set aside for preservation or conservation purposes. The board also finds that the vast majority of these mangroves are located at the southern end of the state and do not provide the direct ecological benefits to the county that the local mangroves do, estimated at 18,800 acres for the Tampa Bay area and 6,500 acres for Pinellas County.

(b) The board finds that mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support. The mangrove forest is a tropical ecosystem that provides nursery support to the sports and commercial fisheries. Through a combination of functions, mangroves contribute to the economies of many coastal counties in the state, including Pinellas County, which has an economy strongly dependent on tourism and a variety of marine-related industries, most of which are closely correlated to a healthy natural environment and strong fisheries. In addition, the county's

coastal environment and natural resources are a strong attractant for both businesses and residents.

(c) The board finds that since 1950, approximately half of the Tampa Bay area's natural shoreline has been adversely impacted, with some areas of Pinellas County having lost almost half of their mangroves in that same time frame.

(d) The board finds that the Pinellas County Comprehensive Plan and the Comprehensive Conservation and Management Plan for Tampa Bay ("Charting the Course") both support the protection, conservation and restoration of marine resources and habitats, including mangroves.

(e) The board finds that the pruning of mangroves can affect their productivity and habitat value.

(f) The board finds that many areas of mangroves occur as narrow riparian mangrove fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.

(g) The board finds that water views are important to waterfront property owners and that scientific studies have shown that mangroves are amenable to standard horticultural treatments and that waterfront property owners can live in harmony with mangroves by incorporating such treatments into their landscaping systems.

(h) The board finds that the trimming of mangroves by professional mangrove trimmers has a significant potential to maintain the beneficial attributes of mangrove resources and that professional mangrove trimmers should be authorized to conduct mangrove trimming, as contained herein, without prior government authorization.

Sec. 58-601. - Intent.

(a) It is the intent of the board to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.

(b) It is the intent of the board that no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with management plans approved by the state, county or municipality.

(c) It is the intent of the board to provide waterfront property owners their riparian right of view, and other rights of riparian property ownership as recognized by F.S. § 253.141, and any other provision of law, by allowing mangrove trimming in riparian mangrove fringes without prior government approval when the trimming activities will not result in the removal, defoliation, or destruction of the mangroves.

(d) It is the intent of the board to also allow mangrove trimming at waterfront properties with mangroves that do not qualify as riparian mangrove fringes, where such trimming can be done consistent with the specific criteria of this division.

(e) It is the intent of the board that this division shall be administered so as to encourage waterfront property owners to voluntarily maintain mangroves, encourage mangrove growth, and plant mangroves along their shorelines.

(f) It is the intent of the board that all trimming of mangroves pursuant to this act conducted on parcels having multifamily residential units result in an equitable distribution of the riparian rights provided herein.

(g) It is the intent of the board to grandfather certain historically established mangrove maintenance activities.

Sec. 58-602. - Authority for division.

The Florida Department of Environmental Protection (FDEP) has delegated its authority to regulate the trimming and alteration of mangroves to the county which requested such delegation and demonstrated to the FDEP that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove-regulatory program. The county may, through interlocal agreement, further delegate the authority to administer and enforce regulation of mangrove trimming and alteration to municipalities that can also demonstrate that they have sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove regulatory program. In no event shall more than one permit for the alteration or trimming of mangroves be required within the jurisdiction of any delegated local government.

The county shall issue all permits required by law and in lieu of any FDEP permit provided for by F.S. §§ 403.9321 through 403.9333. The availability of the exemptions to trim mangroves in riparian mangrove fringe areas provided in F.S. § 403.9326, may not be restricted or qualified in any way by any local government. This subsection does not preclude a delegated local government from imposing stricter substantive standards or more demanding procedural requirements for mangrove trimming or alteration outside of riparian mangrove fringe areas. References in this article to the department shall include a delegated local government if the context permits.

Sec. 58-603. - Territory embraced.

This article shall be effective in the incorporated as well as unincorporated areas of the county.

Sec. 58-604. - Definitions.

For the purposes of this division, the term:

Alter means anything other than trimming of mangroves including removal, destruction or defoliation of mangroves.

Board means the Pinellas County Board of County Commissioners.

County means Pinellas County, Florida, or an employee or agent thereof.

Defoliate means the removal of leaves by cutting or other means to the degree that the plant's natural functions have been severely diminished or which results in the death of all or part of the tree.

Department means the Pinellas County Public Works Department.

Local government means a county or municipality.

Maintenance means the first and subsequent trimming intended to maintain the height and configuration of a mangrove area that was legally trimmed either pursuant to a valid exemption or a previously issued permit from the appropriate governmental agency. However, where a pattern of trimming has stopped such that the view or use otherwise intended and obtained by the trimming has been broken or lost for a prolonged period of time, further trimming will not be considered maintenance.

Mangrove means any specimen of the species *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).

Mangroves on lands that have been set aside as mitigation means mangrove areas on public or private land which have been created, enhanced, restored, or preserved as mitigation under a dredge and fill permit issued under F.S. §§ 403.91 through 403.929 (1984 Supplement, as amended), or a dredge and fill permit, management and storage of surface waters permit, or environmental resource permit issued under [F.S.] part IV of chapter 373, applicable dredge and fill licenses or permits issued by a local government, a resolution of an enforcement action, or a conservation easement that does not provide for trimming.

Professional mangrove trimmer means a person who meets the qualifications set forth in section 58-608.

Public lands set aside for conservation or preservation means:

(1) Conservation and recreation lands under chapter 259, Florida Administrative Code;

(2) State and national parks;

(3) State and national reserves and preserves, except as provided in F.S. § 403.9326(3);

(4) State and national wilderness areas;

(5) National wildlife refuges (only those lands under federal government ownership);

(6) Lands acquired through the Water Management Lands Trust Fund, Save Our Rivers Program;

(7) Lands acquired under the Save Our Coast Program;

(8) Lands acquired under the Environmentally Endangered Lands Bond Program;

(9) Public lands designated as conservation or preservation under a local government comprehensive plan;

(10) Lands purchased by a water management district, the Fish and Wildlife Conservation Commission, or any other state agency for conservation or preservation purposes;

(11) Public lands encumbered by a conservation easement that does not provide for the trimming of mangroves; and

(12) Public lands designated as critical wildlife areas by the Fish and Wildlife Conservation Commission.

Riparian mangrove fringe means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward

mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation, if the permit, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.

Trim means to cut mangrove branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy the mangroves.

Sec. 58-605- Exemptions.

(a) The following activities are exempt from the permitting requirements of this division and any other provision of law if no herbicide or other chemical is used to remove mangrove foliage:

(1) Mangrove trimming in riparian mangrove fringe areas that meet the following criteria:

a. The riparian mangrove fringe must be located on lands owned or controlled by the person who will supervise or conduct the trimming activities or on sovereign submerged lands immediately waterward and perpendicular to the lands.

b. The mangroves that are the subject of the trimming activity may not exceed ten feet in pretrimmed height as measured from the substrate and may not be trimmed so that the overall height of any mangrove is reduced to less than six feet as measured from the substrate.

This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(2) Mangrove trimming supervised or conducted exclusively by a professional mangrove trimmer, as defined in section58-604, in riparian mangrove fringe areas that meet the following criteria:

a. The riparian mangrove fringe must be located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities, or on sovereign submerged lands immediately waterward and perpendicular to such lands.

b. The mangroves that are the subject of the trimming activity may not exceed 24 feet in pretrimmed height and may not be trimmed so that the overall height of any mangrove is reduced to less than six feet as measured from the substrate.

c. The trimming of mangroves that are 16 feet or greater in pretrimmed height must be conducted in stages so that no more than 25 percent of the foliage is removed annually.

d. A professional mangrove trimmer that is trimming red mangroves for the first time under the exemption provided by this paragraph must notify the department in writing at least ten days before commencing the trimming activities.

This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(3) Mangrove trimming in riparian mangrove fringe areas which is designed to reestablish or maintain a previous mangrove configuration if the mangroves to be trimmed do not exceed 24 feet in pretrimmed height. The reestablishment of a previous mangrove configuration must not result in the destruction, defoliation, or removal of mangroves. Documentation of a previous mangrove configuration may be established by affidavit of a person with personal knowledge of such configuration, through current or past permits from the state or local government, or by photographs of the mangrove configuration. Trimming activities conducted under the exemption provided by this paragraph shall be conducted by a professional mangrove trimmer when the mangroves that are the subject of the trimming activity have a pretrimmed height which exceeds ten feet as measured from the substrate. A person trimming red mangroves for the first time under the exemption provided by this paragraph must notify the department in writing at least ten days before commencing the trimming activities.

(4) The maintenance trimming of mangroves that have been previously trimmed in accordance with an exemption or government authorization, including those mangroves that naturally recruited into the area and any mangrove growth that has expanded from the area subsequent to the authorization, if the maintenance trimming does not exceed the height and configuration previously established. Historically established maintenance trimming is grandfathered in all respects, notwithstanding any other provisions of law. Documentation of established mangrove configuration may be verified by affidavit of a person with personal knowledge of the configuration or by photographs of the mangrove configuration.

(5) The trimming of mangrove trees by a state-licensed surveyor in the performance of her or his duties, if the trimming is limited to a swath of three feet or less in width.

(6) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company, or by a federal, state, county, or municipal agency, or by an engineer or a surveyor and mapper working under a contract with such utility company or agency, when the trimming is done as a governmental function of the agency.

(7) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company in or adjacent to a public or private easement or right-of-way, if the trimming is limited to those areas where it is necessary for the maintenance of existing lines or facilities or for the construction of new lines or facilities in furtherance of providing utility service to its customers and if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(8) The trimming of mangrove trees by a duly constituted communications, water, sewerage, or electrical utility company on the grounds of a water treatment plant, sewerage treatment plant, or electric power plant or substation in furtherance of providing utility service to its customers, if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(9) The removal of dead portions of mangroves that have been freeze-damaged provided the following criteria are met:

a. A period of six months has elapsed since the freeze event.

b. All trimming of trees in excess of ten feet in height and all trimming below six feet from the substrate is conducted by or under the direct supervision of a professional mangrove trimmer.

c. All trimmed branches and trunks are removed from the wetlands.

d. The department is notified in writing of the trimming and the professional mangrove trimmer to be used (if applicable) a minimum of ten days in advance of the trimming.

(b) Any rule, regulation, or other provision of law must be strictly construed so as not to limit directly or indirectly the exemptions provided by this section for trimming in riparian mangrove fringe areas except as provided in section 58-608(f), (g) and (h). Any rule or policy of the department, or local government regulation, that directly or indirectly serves as a limitation on the exemptions provided by this section for trimming in riparian mangrove fringe areas is invalid.

(c) The designation of riparian mangrove fringe areas as aquatic preserves or Outstanding Florida Waters shall not affect the use of the exemptions provided by this section.

(d) Trimming that does not qualify for an exemption under this section requires a permit as provided in section 58-606.

Sec. 58-606. - Trimming of mangroves; permit requirement.

(a) The department shall authorize mangrove trimming via a permit issued pursuant to this section, provided the trimming is consistent with the following criteria:

(1) The mangroves to be trimmed are located on lands owned or controlled by the applicant or on sovereign submerged lands immediately waterward and perpendicular to such lands;

(2) The mangroves to be trimmed are not located on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with management plans approved by the state, county or municipality.

(3) The trimming of mangroves over ten feet in height is supervised or conducted exclusively by a professional mangrove trimmer;

(4) The mangroves subject to trimming under the permit do not extend more than 500 feet waterward as measured from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline;

(5) No more than 65 percent of the area (footprint) of mangroves at the subject site will be trimmed. Also, at least 25 percent of the mangroves in the trimmed area that are over 16 feet in pre-trimmed height may not be reduced in height. These trees, however, may be

laterally trimmed provided that no portion of their canopies above 12 feet from the substrate is trimmed.

(6) No mangrove will be trimmed so that the overall height of any mangrove is reduced to less than six feet as measured from the substrate;

(7) No herbicide or other chemical will be used for the purpose of removing leaves of a mangrove;

(8) The trimming does not result in the removal, destruction, or defoliation of the mangroves;

(9) All trimming of mangroves in excess of 16 feet in height must be conducted in stages so that no more than 25 percent of the pretrimmed foliage or height of the trees is removed annually. Regrowth from the previous year's trimming may be trimmed in addition to the 25 percent mentioned above;

(10) Trimming may only be conducted from March 1 through November 30;

(11) Only non-petroleum based lubricants must be used in chainsaws; and

(12) All Brazilian pepper trees (*Schinus terebinthifolius*), punk trees (*Melaleuca quinquenervia*) and Chinese tallow (*Sapium sebiferum*) that are within 25 feet of the mangrove canopy must be removed from the applicant's property. Where the removal is to a degree that a potential for erosion is created, the area must be restabilized. Stumps and roots may be killed and left in place if desired.

(13) All trimmed branches and trunks are removed from the wetlands.

(b) The height and configuration of mangroves trimmed under permits issued pursuant to this section may be maintained under section 58-605(a)(4).

(c) Requests for permits to trim mangroves must be submitted on the department's application form and must contain sufficient information to enable the department to determine the scope of the proposed trimming and whether the activity will comply with the conditions of this section.

(d) The department shall grant or deny in writing each request for a permit within 30 days after receipt of a complete application, unless the applicant agrees to an extension. If the applicant does not agree to an extension and the department fails to act on the request within the 30-day period, the request is approved. The department's denial of a request for a permit is subject to appeal under section58-611.

Sec. 58-607. - Alteration of mangroves; permit requirement.

(a) The department, when deciding to issue or deny a permit for mangrove alteration under this section, shall use the criteria in F.S. § 373.414(1) and (8) as follows:

(1) Whether the activity will adversely affect the public health, safety, or welfare or the property of others;

(2) Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(3) Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

(4) Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

(5) Whether the activity will be of a temporary or permanent nature;

(6) Whether the activity will adversely affect archaeological resources under the provisions of F.S. § 267.061;

(7) The current condition and relative value of functions being performed by areas affected by the proposed activity; and

(8) The cumulative impact of similar activities pursuant to F.S. § 373.414(8).

(b) If the applicant is unable to meet these criteria, the department and the applicant shall first consider measures to reduce or eliminate the unpermittable impacts. If unpermittable impacts still remain, the applicant may propose, and the department shall consider, measures to mitigate the otherwise unpermittable impacts.

(c) A request for a permit to alter mangroves must be submitted on the department's application form and with sufficient specificity to enable the department to determine the scope and impacts of the proposed alteration activities.

(d) The use of herbicides or other chemicals for the purposes of removing leaves from a mangrove is strictly prohibited.

(e) A permit from the department is not required under this article to trim or alter mangroves if the trimming or alteration is part of an activity that is permitted under [F.S.] part IV of chapter 373 or the County Water and Navigation Regulation set forth in article XV of chapter 58 of the County Code, as may be amended. The procedures for permitting under [F.S.] part IV of chapter 373 or the County Water and Navigation Regulations will control in those instances.

Sec. 58-608. - Professional mangrove trimmers.

(a) For purposes of this article, the following persons are considered professional mangrove trimmers:

(1) Certified arborists, certified by the International Society of Arboriculture;

(2) Professional wetland scientists, certified by the Society of Wetland Scientists;

(3) Certified environmental professionals, certified by the Academy of Board Certified Environmental Professionals;

(4) Certified ecologists certified by the Ecological Society of America;

(5) Landscape architects licensed under [F.S.] part II of chapter 481. Only those landscape architects who are certified in the state may qualify as professional mangrove trimmers under this division, notwithstanding any reciprocity agreements that may exist between this state and other states;

(6) Persons who have conducted mangrove trimming as part of their business or employment and who are able to demonstrate to the department , as provided in

subsection (b), a sufficient level of competence to assure that they are able to conduct mangrove trimming in a manner that will ensure the survival of the mangroves that are trimmed; and

(7) Persons who have been qualified by the county through a mangrove-trimming qualification program as provided in subsection (b).

(b) A person who seeks to assert professional mangrove trimmer status under subsection (a)(6) or (7) to trim mangroves under the exemptions and permits provided in sections 58-605 and 58-606, must request in writing professional mangrove trimmer status from the department. The department shall grant or deny any written request for professional mangrove trimmer status within 30 days after receipt of a complete application. If professional mangrove trimmer status has been granted by the department, no additional requests for professional mangrove trimmer status need be made to the department to trim mangroves under the exemptions provided in section 58-605. Persons applying for professional mangrove trimmer status must provide to the department a notarized sworn statement attesting:

(1) That the applicant has successfully conducted trimming on a minimum of ten mangrove-trimming projects authorized by the Florida Department of Environmental. Protection or a local government program. Each project must be separately identified by project name, professional mangrove trimmer and permit number where applicable;

(2) That a mangrove-trimming or alteration project of the applicant is not in violation of F.S. §§ 403.9321 through 403.9333, this division, or any lawful rules adopted thereunder; and

(3) That the applicant possesses the knowledge and ability to correctly identify mangrove species occurring in this state.

(c) The department may deny a request for professional mangrove trimmer status if the department finds that the information provided by the applicant is incorrect or incomplete, or if the applicant has demonstrated a past history of noncompliance with the provisions of F.S. §§ 403.9321 through 403.9333, this division, or any adopted mangrove rules.

(d) A professional mangrove trimmer status granted by the department may be revoked by the department for any person who is responsible for any violations of F.S. §§ 403.9321 through 403.9333, this article, or any adopted mangrove rules.

(e) The department's decision to grant, deny, or revoke a professional mangrove trimmer status is subject to appeal under section 58-611.

(f) All professional mangrove trimmers working in the county must register with the department by paying an annual registration fee and by demonstrating that they meet the criteria of section 58-608. The fee for first time registration shall be $50.00 and annual renewals thereafter shall be $25.00.

(g) All professional mangrove trimmers working in the county must notify the department prior to conducting any mangrove trimming or alteration including those activities authorized under the exemptions provided by section 58-605.

(h) All professional mangrove trimmers working in the county must be on site when mangrove trimming activities are performed under their supervision.

(i) Any local governmental regulation imposed on professional mangrove trimmers that has the effect of limiting directly or indirectly the availability of the exemptions provided by section 58-605 is invalid.

Sec. 58-609. - Mitigation and enforcement.

(a) A person may not alter or trim, or cause to be altered or trimmed, any mangrove within the landward extent of wetlands and other surface waters, as defined in chapter 62-340.200(19), Florida Administrative Code, using the methodology in F.S. § 373.4211, and chapter 62-340, Florida Administrative Code, when the trimming does not meet the criteria in section 58-605 except under a permit issued under section 58-606 or 58-607 by the department or as otherwise provided by this article. Any violation of this article is presumed to have occurred with the knowledge and consent of any owner, trustee, or other person who directly or indirectly has charge, control, or management, either exclusively or with others, of the property upon which the violation occurs. However, this presumption may be rebutted by competent, substantial evidence that the violation was not authorized by the owner, trustee, or other person.

(b) Any area in which five percent or more of the trimmed mangrove trees have been trimmed below six feet in height, except as provided in section 58-605(a)(3), (4), (6), (7), (8) and (9), destroyed, defoliated, or removed as a result of trimming conducted under sections 58-606 or 58-607 must be restored or mitigated. Restoration must be accomplished by replanting mangroves within six months, in the same location and of the same species as each mangrove destroyed, defoliated, removed, or trimmed, to achieve within five years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed; or mitigation must be accomplished by replanting offsite, in areas suitable for mangrove growth, mangroves to achieve within five years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed. Where all or a portion of the restoration or mitigation is not practicable, as determined by the department, the impacts resulting from the destruction, defoliation, removal, or trimming of the mangroves must be offset by donating a sufficient amount of money to offset the impacts, which must be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the department; or by purchasing credits from a mitigation bank created under F.S. § 373.4135, at a mitigation ratio of no less than two-to-one and no greater than five-to-one credits to affected area. The donation must be equivalent to the cost, as verified by the department, of creating mangrove wetlands at no less than a two-to-one and no greater than a five-to-one, created versus affected ratio, based on canopy area. The donation may not be less than $4.00 per square foot of created wetland area.

(c) In all cases, the applicant, permittee, landowner, and person performing the trimming are jointly and severally liable for performing restoration under subsection (b) and for ensuring that the restoration successfully results in a variable mangrove community that can offset the impacts caused by the removal, destruction, or defoliation of mangroves. The applicant, landowner, and person performing the trimming are also jointly and severally subject to penalties.

(d) If mangroves are to be trimmed or altered under a permit issued under section 58-607, the department may require mitigation. The department shall establish reasonable mitigation

requirements that must include, as an option, the use of mitigation banks created under F.S. § 373.4135, where appropriate. The department's mitigation requirements must ensure that payments received as mitigation are sufficient to offset impacts and are used for mangrove creation, preservation, protection, or enhancement.

(e) Any replanting for restoration and mitigation under this subsection must result in at least 80 percent survival of the planted mangroves one year after planting. If the survival requirement is not met, additional mangroves must be planted and maintained until 80 percent survival is achieved one year after the last mangrove planting.

(f) The department shall enforce the provisions of this article in the same manner and to the same extent provided for in F.S. §§ 403.141 and 403.161, for the first violation, which includes, but is not limited to, the imposition of a civil penalty in an amount of not more than $10,000.00 per offense along with restoration of the mangroves consistent with the criteria of subsection (b) above.

(g) For second and subsequent violations, the department, in addition to the provisions of F.S. §§ 403.141 and 403.161, shall impose additional monetary penalties for each mangrove illegally trimmed or altered as follows:

(1) Up to $100.00 for each mangrove illegally trimmed; or

(2) Up to $250.00 for each mangrove illegally altered.

(h) In addition to the penalty provisions provided in subsections (b) through (g), for second and all subsequent violations by a professional mangrove trimmer, the department shall impose a separate penalty upon the professional mangrove trimmer up to $250.00 for each mangrove illegally trimmed or altered.

(i) Violations of this article are also subject to the provisions of section 1-8 which includes, but is not limited to, a fine not to exceed $500.00 for violation of local ordinance.

(j) Each day of the violation of the provision(s) of this article shall constitute a separate offense.

(k) In addition to the sanctions contained in this section, the county may take any other appropriate legal action, including, but not limited to, emergency injunctive action, to enforce the provisions of this article.

Sec. 58-610. - Variance relief.

Upon application, the department may grant a variance from the provisions of this article if compliance therewith would impose a unique and unnecessary hardship on the owner or any other person in control of the affected property. Relief may be granted upon demonstration that such hardship is not self-imposed and that the grant of the variance will be consistent with the general intent and purpose of this article. The department may grant variances as it deems appropriate.

Sec. 58-611. - Appeals.

Any person aggrieved by the findings of the department under this article may, within 30 days of such findings, petition for a hearing before the board, stating in such petition the grounds upon which the department has erred in its findings and wherein such person is aggrieved by

such findings. The board may, in its discretion, grant or deny such hearing. Failure to file an appeal as provided in this section shall constitute acceptance of the department's findings.

Sec. 58-612. - Notice of public hearing.

All public hearings scheduled before the board pursuant to this article shall be advertised in a newspaper of general circulation at least two weeks prior to the public hearing. The cost of said advertisement will be the responsibility of the person requesting the hearing.

Sec. 58-613. - Fees.

All applications for mangrove trimming permits shall be accompanied by a fee to be set by the board by resolution on an annual basis. Fees shall be sufficient to cover the cost of the review and issuance of the permit.

Sec. 58-614. - Administration.

(a) Permits issued pursuant to sections 58-606 and 58-607 shall expire one year from permit issuance if the project has not been completed, or if the initial trim has not been completed for those projects where trimming is to be phased in annually. Extensions may be granted by the department for good cause shown.

(b) The department may revoke any permit issued pursuant to sections 58-606 and 58-607 for fraud, misrepresentation or violation of the conditions imposed on the permit. Written notice of the intent of the department to revoke a permit shall be provided to the applicant, setting forth the specific reasons for the revocation. Upon notice of the department's intent to revoke the permit, the applicant shall immediately cease all trimming and alteration activities on site. The applicant shall have 30 days to show cause why the permit should not be revoked.

(c) The department may issue a cease and desist order for any site where trimming or alteration has commenced and a permit has not been obtained but is required pursuant to this article. Any person receiving such an order for cessation of operations shall immediately comply with the requirements thereof. It shall be a violation of this article for any person to fail or to refuse to comply with a cease and desist order issued under the provisions of this section.

(d) The regulation of mangrove protection under this article is intended to be complete and effective without reference to or in compliance with other statutory or code provisions.

SECTION 3. Chapter 166, Article VI. of the Pinellas County Land Development Code is hereby relocated to Chapter 58, Article XVII. of the Pinellas County Code and is hereby renumbered and amended as follows:

CHAPTER 58 – ENVIRONMENT

ARTICLE XVI. - SURFACE WATER MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 58-650. - Definitions.

When used in this article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Assessed property means all parcels of real property included on the surface water roll that receive a benefit from the surface water improvements and surface water management services.

Board means the Board of County Commissioners of Pinellas County, Florida.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a building.

Capital cost means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of surface water improvements under generally accepted accounting principles and including reimbursement to the county for any moneys advanced for capital cost and interest on any interfund or intrafund loan for such purposes.

Clerk means the Clerk of the Circuit Court for Pinellas County, Florida or the ex-officio clerk of the board.

Comprehensive plan means the most recent version of the comprehensive plan adopted by the board pursuant to Chapter 163, Part II, Florida Statutes.

Condominium common area parcel means a parcel of developed property including one or more "common elements," as defined in F.S. § 718.103, of a condominium, the taxable value of which has been attributed to either condominium residential unit parcels or condominium nonresidential unit parcels by the property appraiser.

Condominium complex means a condominium community created by a declaration of condominium pursuant to F.S. ch. 718.

Condominium residential unit parcel means a parcel of developed property constituting a condominium "unit," as defined in F.S. § 718.103, which contains a dwelling unit and is assigned a land use code of 0430, 0431, 0436, 3937, 3944, or the functional equivalent thereof, together with those parcels that the surface water utility coordinator has determined should be treated as condominium residential unit parcels based upon an individual verification of property use.

Condominium nonresidential unit parcel means a parcel of developed property constituting a condominium "unit," as defined in F.S. § 718.103, which does not contain a dwelling unit and is assigned a land use code of 1134, 1738, 4148, or the functional equivalent thereof, together with those parcels that the surface water utility coordinator has determined should be treated as condominium nonresidential unit parcels based upon an individual verification of property use.

County means Pinellas County, Florida.

County administrator means the chief administrative officer of the county or such person's designee.

Developed property means property that has been developed with impervious or semi-impervious area including, but are not limited to, rooftops, sidewalks, walkways, patio areas,

driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.

Drainage basin means a part of the earth's surface that contributes stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

Dwelling unit means a building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only.

ERU means "equivalent residential unit," the standard unit used to express the stormwater burden expected to be generated by each parcel of property.

ERU value means the impervious area for a typical single family parcel within the surface water service area. Based upon a median impervious area derived from all single family parcels (calculated from the total base subarea plus extra features information on the tax roll), the county has computed an "ERU value" of 2,339 square feet, which shall be used to calculate the number of ERUs attributable to each parcel.

Fiscal year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the county.

General parcel means a parcel of developed property that is not a single-family parcel, a condominium common area parcel, a condominium residential unit parcel, a subdivision common element, a residential subdivision parcel, or a condominium nonresidential unit parcel.

Government property means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Impervious area means hard surfaced areas which either prevent or severely restrict the entry of water into the soil mantle and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly affect the natural infiltration or runoff patterns which existed prior to development.

Land use codes means the four-digit codes assigned by the property appraiser to properties within the county designating the predominant use of the property.

Large single-family parcel means a single-family parcel with an estimated impervious area between 4,368 and 10,000 (inclusive) square feet.

Maximum rate means the maximum rate of the assessment or fee established by a surface water rate resolution.

Medium single-family parcel means a single-family parcel with an estimated impervious area between 1,576 and 4,367 (inclusive) square feet.

Mitigation credit means a credit applied to a surface water assessment or surface water fee for a developed property in consideration of the on-site management of the stormwater burden as a consequence of the location of a mitigation facility or in consideration of discharge to a private

stormwater system or for the conveyance and/or treatment of stormwater or as otherwise required by law.

Mitigation facility means a manmade facility or structure on the site of a developed property which, by its design and function, retains or detains stormwater on-site and thus generates less volume of stormwater from the site or produces stormwater runoff at a lower rate and/or with less pollutants than would be the case in the absence of such facilities or structure.

Net ERU means the standard unit used to express the stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the stormwater burden that results from privately maintained stormwater management facilities and other factors affecting the quantity, quality, or rate of stormwater runoff.

Obligations means a series of bonds or other evidence of indebtedness including, but not limited to, notes, commercial paper, capital leases or any other obligations of the county issued or incurred to finance any portion of the capital cost of a surface water improvement and secured, in whole or in part, by proceeds of the surface water improvement assessments or surface water fee.

Ordinance means this surface water utility ordinance as amended from time to time.

Parcel means a parcel of property which the property appraiser has assigned a distinct ad valorem property tax identification number.

Pledged revenue means, as to any series of obligations:

(a) The proceeds of such obligations, including investment earnings,

(b) Proceeds of the surface water improvement assessments and surface water fees pledged to secure the payment of such obligations, and

(c) Any other legally available non-ad valorem revenue pledged to secure the payment of such obligations, as specified by the resolution authorizing such obligations.

Project cost means:

(a) The capital cost of a surface water improvement,

(b) The transaction cost associated with the obligations to finance the surface water improvement,

(c) Interest accruing on such obligations for such period of time as the board deems appropriate,

(d) The debt service reserve fund or account, if any, established for the obligations which financed the surface water improvement, and

(e) Any other costs or expenses related thereto.

Property appraiser means the Pinellas County Property Appraiser.

Residential subdivision parcel means a single-family parcel within a platted residential subdivision as defined in F.S. § 193.0235, or its statutory successor in function, that also has subdivision common elements associated therewith, together with those parcels that the surface water utility coordinator has determined should be treated as residential subdivision parcels based upon an individual verification of property use.

Single-family parcel means a parcel of developed property assigned a land use code of 0000, 0090, 0110, 0260, 0261, 0810, or the functional equivalent thereof, together with those parcels that the surface water utility coordinator has determined should be treated as single-family parcels based upon an individual verification of property use.

Small single-family parcel means a single-family parcel with an estimated impervious area between 200 and 1,575 (inclusive) square feet.

Stormwater means any surface runoff and drainage of water from land surfaces, including the surfaces of buildings and other hardened surfaces on the land.

Subdivision common element means property within a platted residential subdivision as defined in F.S. § 193.0235, or its statutory successor in function, the taxable value of which has been attributed to single-family parcels within that platted residential subdivision.

Surface water means waters on the surface of the Earth, contained in bounds created naturally or artificially, including the Gulf of Mexico, bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries, and other watercourses.

Surface water assessment means either a surface water improvement assessment, a surface water service assessment, or both.

Surface water fee means a fee reasonably related to service provided by the county to government property to fund all or any portion of the surface water service cost for government property at a just, fair, reasonable, and equitable rate based upon such property's stormwater burden, the reasonable relationship to benefits received, and the reasonable cost of providing surface water management services or surface water improvements to such property. The surface water fee imposed against government property is not a special assessment; it is a regulatory fee imposed for the surface water management service provided to government property as developed property by the county's surface water utility.

Surface water improvement means land, capital facilities and improvements acquired or provided to detain, retain, convey or treat stormwater and other surface waters within the county that have been impacted by stormwater from developed property.

Surface water improvement area means one or more drainage basins, or any portion or portions thereof, as identified in a surface water rate resolution, encompassing those parcels of property specially benefited by the construction, reconstruction or installation of all or any portion of a surface water improvement that removes, detains, retains or treats, in whole or in part, the stormwater burden expected to be generated by the physical characteristics and use of the assessed property. Each surface water improvement area will include either:

(a) The property which is hydrologically connected, directly or indirectly, to the surface water improvement, or

(b) All property located within a hydrologically defined area in which the county constructs one or more surface water improvements pursuant to a watershed management plan to correct existing deficiencies with respect to a specific level of service and provide a consistent level of surface water management.

Surface water improvement assessment means a special assessment imposed by the board within a surface water improvement area to fund the surface water improvement cost of a surface water improvement.

Surface water improvement cost means the cost to fund the capital cost or debt service and related obligations issued to finance the project cost of a surface water improvement.

Surface water management service means:

(a) Management and administration of the county's surface water utility;

(b) Surface water program engineering;

(c) Drainage basin planning;

(d) Surface water improvements to be acquired or constructed within a reasonable time horizon without the issuance of any debt or borrowing;

(e) Operating and maintaining the county's capital facilities for surface water management, including extraordinary maintenance;

(f) Billing and collection of surface water assessments and surface water fees, including customer information and educational services and reserves for statutory discounts; and

(g) Legal, engineering and other consultant services.

Surface water master plan means a combination of policy documents adopted by the board which identifies the levels of service for water quality and quantity management in the county, based upon the criteria in the comprehensive plan and applicable state and federal law, and the methods for prioritizing expenditures within the county. The surface water master plan includes, but is not limited to, the surface water element of the comprehensive plan and the related provisions of the county Code.

Surface water rate resolution means a resolution imposing surface water assessments, surface water fees or both.

Surface water roll means the property roll relating to surface water improvements or surface water management services approved by a final surface water rate resolution or an annual surface water rate resolution pursuant to section 58-702 hereof.

Surface water service area means the entire unincorporated area of the county, unless explicitly defined otherwise in a surface water rate resolution.

Surface water service assessment means a special assessment imposed by the board within the surface water service area to fund surface water service costs.

Surface water service cost means the estimated amount for any fiscal year of all expenditures and reasonable reserves that are properly attributable to surface water management services provided within the surface water service area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the county for any moneys advanced for surface water management services, and interest on any interfund or intrafund loan for such purpose.

Surface water utility means the entity established by section 58-661 hereof to implement the surface water management program of the county.

Surface water utility coordinator means the county's surface water utility manager or such other person as designated by the county administrator.

Tax collector means the Pinellas County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Transaction cost means the costs, fees and expenses incurred by the county in connection with the issuance and sale of any series of obligations, including, but not limited to:

(a) Rating agency and other financing fees;

(b) The fees and disbursements of bond counsel;

(c) The underwriters' discount;

(d) The fees and disbursements of the county's financial advisor;

(e) The costs of preparing or printing the obligations and the documentation supporting issuance of the obligations;

(f) The fees payable in respect of any municipal bond insurance policy; and

(g) Any other costs of a similar nature incurred in connection with issuance of such obligations.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Very large single-family parcel means a single-family parcel with an estimated impervious area greater than 10,000 square feet.

Watershed management plan means a plan that is developed by the county for each drainage basin or hydrologic subarea thereof in which surface water improvements are proposed and that provides for implementation of the surface water master plan.

Sec. 58-651. - Interpretation.

Unless the context indicates otherwise, words importing the singular number include the plural number and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this article; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this article. Words of any gender include the correlative words of the other genders, unless the context indicates otherwise.

Sec. 58-652. - General findings.

It is hereby ascertained, determined, and declared that:

(a) Pursuant to Article VIII, section 1(g), Florida Constitution, F.S. §§ 125.01 and 125.66, and the Pinellas County Charter, the county has all powers of local self-government to perform county functions and render county services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of county ordinances.

(b) Pursuant to section 2.04(g) of the Pinellas County Home Rule Charter, the county has the special and necessary power to provide for the design, construction, and maintenance of major drainage systems in both the unincorporated and all incorporated areas of the county.

(c) Florida Statutes, § 403.0893, specifically authorizes and encourages the county to provide surface water management services and create stormwater programs and adopt surface water charges sufficient to plan, construct, operate and maintain stormwater and surface water management systems.

(d) The purpose of this article is to:

(1) Provide procedures and standards for the imposition of surface water assessments and surface water fees under the constitutional and statutory power of the county;

(2) Authorize a procedure for the funding of surface water management services, facilities, or programs providing special benefit and reasonably related to assessed property within the surface water service area;

(3) Authorize a procedure for the funding of surface water improvements providing special benefit and reasonably related to assessed property within a surface water improvement area;

(4) Legislatively determine the special benefit provided to assessed property from the surface water utility; and

(5) Provide procedures and standards to determine the fair, equitable, and reasonable charge for the surface water fees charged to government property to fund the regulation of surface water management services provided to such properties and surface water improvements serving such properties.

(e) The Florida Legislature has mandated that local governments in the State of Florida, including the county, have the responsibility for developing mutually compatible stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection and the water management districts and the stormwater management programs established and maintained by other local governments.

(f) The county is responsible for the management and maintenance of the county's surface water management system which has been developed for the purpose of collection, storage, treatment, and conveyance of stormwater and the management and treatment of associated surface waters. The county has, pursuant to F.S. ch. 163, adopted the surface water management element of the Pinellas County Comprehensive Plan which sets forth goals that make it necessary and essential to construct improvements and extensions to the existing stormwater system so the collection, storage, treatment, and conveyance of stormwater and associated surface waters within the county adequately protects the health, safety, and welfare of the citizens. The creation and maintenance of the surface water utility is designed to implement the surface water management element and other municipal, federal and state policies mandating stormwater management programs by local governments.

(g) Through the National Pollutant Discharge Elimination System Stormwater permitting program, the U. S. Environmental Protection Agency, as implemented by the Florida Department of Environmental Protection, has mandated the county to implement and fund a comprehensive surface water management program to reduce the contamination to surface waters of stormwater runoff and prohibit illicit discharges.

(h) The surface water assessments and surface water fees authorized herein are consistent with the authority granted in F.S. § 403.0893. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to the county.

(i) The county maintains a system of stormwater and surface water management facilities, including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways. Those elements of the county stormwater and surface water management system that provide for the collection, storage, treatment, and conveyance of stormwater and the treatment and conveyance of associated surface waters are of benefit and provide services to all developed property within the county.

(j) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate stormwater and surface water management practices. All developed property either uses the stormwater management system or benefits from the provision and operation of the surface water management services.

(k) The cost of operating and maintaining the stormwater and surface water management system and providing surface water management services in accordance with existing permits and the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused therefrom.

(l) Property owners within the county are eligible for flood insurance through the National Flood Insurance Program (NFIP), which enables these property owners to acquire federally backed flood insurance protection. To ensure that this coverage is available, the county is required to meet the minimum FEMA requirements for participation in the NFIP and failure to meet these requirements could result in flood insurance being either unavailable or prohibitively expensive to property owners within the county.

(m) New and dedicated funding for the stormwater and surface water management program of the county is needed to maintain compliance with state and federal requirements, for participation in the NFIP, and the levy of surface water assessments and surface water fees is the most equitable method of providing this funding.

Sec. 58-653. - Legislative determinations of special benefit and reasonable apportionment.

It is hereby ascertained and declared that surface water assessments and surface water fees to be imposed in accordance with this article provide an equitable method of funding surface water management services and surface water improvements by fairly and reasonably allocating surface water service costs and surface water improvement costs to specially benefitted developed property classified on the basis of stormwater burden expected to be generated by the physical characteristics and use of such property. Accordingly, surface water assessments and

surface water fees as authorized to be calculated and charged herein bear a reasonable relationship to the cost of providing surface water management services and surface water improvements to assessed property. Surface water management services and surface water improvements provide a special benefit to assessed property based upon the following legislative determinations:

(1) The surface water utility and the services and facilities provided thereby possess a logical relationship to the use and enjoyment of developed property by treating and controlling contaminated stormwater generated by improvements constructed on developed property.

(2) Substantially all of the stormwater burden managed, controlled and treated by the surface water utility is generated by the impervious area of developed property and the amount of stormwater generated by property in its natural state that is managed, controlled and treated by the surface water utility is inconsequential. Accordingly, it is fair and reasonable to impose surface water assessments and surface water fees only against developed property containing at least 200 square feet of impervious area. Further in accordance therewith, it is the board's intent that when impervious area improvements located on government property are under private ownership or when government property is leased to a private entity, the government property lessee or owner of the impervious area improvements located on government property shall be subject to surface water assessments and surface water fees, as applicable. The burden is on the governmental entity owning the underlying, natural land of the government property to notify the property appraiser of such a lessee or owner of impervious area improvements.

(3) All parcels within the unincorporated area of the county containing developed property with at least 200 square feet of impervious area receive a special benefit from the provision of surface water management services.

(4) The special benefits provided by the surface water management services and surface water improvements to all developed property include, but are not limited to:

   (a) The provision of surface water management services and the availability and use of surface water improvements by the owners and occupants of developed property to properly and safely detain, retain, convey and treat stormwater discharged from developed property;

   (b) Stabilization of or the increase of developed property values;

   (c) Increased safety and better access to developed property;

   (d) Rendering developed property more adaptable to a current or reasonably foreseeable new and higher use;

   (e) Alleviation of the burdens caused by stormwater runoff and accumulation attendant with the use of developed property; and

   (f) Fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the surface water service area and surface water improvement area.

(5) The surface water fees provide a reasonable method of funding the surface water service costs and surface water improvement costs attributed to government property because such costs provide a reasonable estimation of the costs of providing surface water management services and surface water improvements to government property and managing the burden generated by the use of government property as individually classified on the basis of the stormwater burden expected to be generated.

(6) Any shortfall in the expected proceeds from surface water service assessments and surface water fees due to any reduction or exemption from payment of the surface water service assessment or surface water fee required by law or authorized by the board shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the surface water service assessment or surface water fee. In the event a court of competent jurisdiction determines any exemption or reduction by the board is improper or otherwise adversely affects the validity of the surface water service assessment or surface water fee imposed, the sole and exclusive remedy shall be the imposition of a surface water service assessment or surface water fee upon each affected parcel in the amount of the surface water service assessment or surface water fee that would have been otherwise imposed save for such reduction or exemption afforded to such parcel.

(7) The Pinellas Park Water Management District is responsible for managing the primary stormwater drainage system in its approximately 15 square mile jurisdictional area, which is partially located within the unincorporated area of the county. However, the secondary drainage systems, including street drainage, curb and gutter inlets, and the associated stormwater conveyance systems are maintained by the county if within the unincorporated area. Accordingly, there is no duplication of services between the two entities and it is fair and reasonable to impose surface water service assessments and surface water fees within the unincorporated area portion of the Pinellas Park Water Management District.

Secs. 166-425—166-450. - Reserved.

DIVISION 2. - SURFACE WATER UTILITY

Sec. 58-661. - Established.

There is hereby established a surface water utility, which shall be the operational means of implementing the surface water master plan and otherwise carrying out the functional requirements of the county's surface water management system, to construct, acquire, and maintain surface water improvements and provide surface water management services. The surface water utility shall provide administration and management services in the operation and maintenance of the county's capital facilities for stormwater and surface water management; the implementation of the county's comprehensive surface water management system; the preparation of watershed management plans and the implementation of the surface water utility; and the repair, replacement, improvement and extension, of the county's capital facilities for stormwater and surface water management. The surface water utility shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which

are complementary to other regional, state and federal programs. The surface water utility coordinator shall be responsible for administration of the surface water utility.

Sec. 58-662. - Surface water utility fund.

The board intends to fund the cost of providing services and capital facilities for surface water management through surface water assessments and surface water fees. The board has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of services and capital facilities for surface water management will enhance accountability and management control of the county's surface water utility and will facilitate implementation of the board's funding policy for surface water management. Accordingly, there shall be established a surface water utility fund. From an accounting perspective, the surface water utility fund shall be established as a "special revenue fund." Proceeds of surface water service assessments and surface water fees associated therewith shall be used for payment of surface water service costs. Proceeds of surface water improvement assessments and surface water fees associated therewith shall be used for payment of the capital cost of surface water improvements and the payment of debt service on obligations issued to finance surface water improvements.

Secs. 166-453—166-475. - Reserved.

DIVISION 3. - SURFACE WATER CHARGES

Sec. 58-671. - Surface water service charges.

(a) The board is hereby authorized to impose surface water service assessments and surface water fees against property located within the surface water service area.

(b) Surface water service costs may be assessed against developed property located within the surface water service area at a rate based upon the benefit accruing to such property from the surface water management services provided by the county, measured by the number of ERUs attributable to each parcel or classification of property.

(c) Notwithstanding the foregoing, if the board specifically determines that any portion of the surface water service area receives a distinct special benefit from any component of surface water management services that is materially different in kind or degree from the special benefit received by other portions of the surface water service area, the surface water service costs related to such component shall be assessed against the portion of the surface water service area receiving the distinct special benefit.

Sec. 58-672. - Surface water improvement charges.

(a) The board is hereby authorized to impose surface water improvement assessments and surface water fees against property located within a surface water improvement area to fund all or any portion of the surface water improvement cost of a surface water improvement.

(b) Surface water improvement assessments and surface water fees to fund the surface water improvement cost of a surface water improvement may be imposed against all parcels of property within a surface water improvement area at a rate based upon the benefit accruing

to such property from the surface water improvement, measured by the number of ERUs attributable to each parcel or classification of property.

(c) If surface water improvement assessments and surface water fees are imposed to fund the surface water improvement cost of a surface water improvement, the surface water improvement assessments and surface water fees may include amounts required to fund any amounts withdrawn during the prior fiscal year from any debt service reserve account established for obligations and the amount of any principal of and interest on obligations that has become due and remains unpaid.

Sec. 58-673. - Apportionment methodology.

That certain report entitled "Pinellas County, Surface Water Governance Study," dated as of June, 2013, and prepared by CDM Smith, Inc. is hereby adopted and incorporated herein by reference, including the assumptions, conclusions, and findings in such study as to the determination of the surface water service assessments and surface water fees.

Each parcel located within the surface water service area shall be assigned to one of the following classifications: small single-family parcels, medium single-family parcels, large single-family parcels, very large single-family parcels, condominium residential unit parcels, condominium nonresidential unit parcels, condominium common area parcels, subdivision common elements, residential subdivision parcels, or general parcels.

(a) *Single-family parcels.*

(1) The impervious area information on the tax roll is the most comprehensive and recent data available for single-family parcels within the surface water service area. The cost of individually measuring or verifying impervious area for each single-family parcel greatly exceeds any benefit to be derived from individual measurement and verification.

(2) The impervious area derived from the total base subarea plus all extra features information included for each single-family parcel on the tax roll constitutes a reasonable approximation for the total impervious area for each single-family parcel.

(3) Based upon an analysis of all single-family parcels within the surface water service area, it has been determined that the typical single-family parcel within the surface water service area contains 2,339 square feet of impervious area.

(4) As provided above, the county has an estimated 2,339 square feet of impervious area for a typical medium single-family parcel within the surface water service area. Accordingly, the number of net ERUs attributable to each medium single-family parcel shall be computed by multiplying one ERU by the appropriate mitigation credit factor.

(5) The county has estimated 1,315 square feet of impervious area for a typical small single-family parcel within the surface water service area. Accordingly, the number of net ERUs attributable to each small single-family parcel shall be computed by multiplying 0.6 ERUs by the appropriate mitigation credit factor.

(6) The county has estimated 5,411 square feet of impervious area for a typical large single-family parcel within the surface water service area. Accordingly, the number of net ERUs attributable to each large single-family parcel shall be computed by multiplying 2.3 ERUs by the appropriate mitigation credit factor.

(7) The number of net ERUs attributable to each very large single-family parcel shall be computed as a general parcel, in accordance with subsection (d) of this section 166-478 below.

(b) *Condominium parcels and residential subdivision parcels.*

(1) A residential condominium constitutes a unique form of real property ownership comprised of condominium residential unit parcels, to which there may be an appurtenant undivided share in condominium common area parcels

(2) It is fair and reasonable and in accordance with F.S. § 718.120, to attribute the impervious area of condominium common area parcels to the condominium residential unit parcel to which such condominium common area parcels are appurtenant.

(3) Similarly a single-family parcel located within a platted residential subdivision as defined in F.S. § 193.0235, may share an interest in appurtenant subdivision common elements.

(4) It is fair and reasonable and in accordance with F.S. § 193.0235, to attribute the impervious area of subdivision common elements to the residential subdivision parcels to which such subdivision common elements are appurtenant.

(5) The number of net ERUs attributable to each condominium residential unit parcel in a condominium complex shall be the amount computed by:

a. Calculating the total aggregate impervious area of the condominium complex in which the condominium residential unit parcel is located, including any condominium common area parcels,

b. Divided by the total number of condominium residential unit parcels located within such condominium complex,

c. Divided by the ERU value, and

d. Multiplying the result by the appropriate mitigation credit factor.

(6) The number of net ERUs attributable to each residential subdivision parcel shall be the amount computed by:

a. Calculating the impervious area derived from the total base subarea plus all extra features information included for each residential parcel on the tax roll,

b. Adding the result to the portion of the common areas obtained by dividing the common impervious area of the platted residential subdivision in which the residential subdivision parcel is located, divided by the total number of residential subdivision parcels located within such platted residential subdivision, and

c. Multiplying by the appropriate mitigation credit factor.

Single-family residential parcels as defined in section58-650, which are located in a residential subdivision, shall then be attributed an ERU value based on the tier distribution described in subsection 166-478(a) above.

(c) *Nonresidential condominium parcels.*

(1) A nonresidential condominium constitutes a unique form of real property ownership comprised of condominium nonresidential unit parcels, to which they may be an appurtenant undivided share in condominium common area parcels.

(2) It is fair and reasonable and in accordance with F.S. § 718.120, to attribute the impervious area of condominium common area parcels to the condominium nonresidential unit parcels to which such condominium common area parcels are appurtenant.

(3) The number of net ERUs attributable to each condominium nonresidential unit parcel in a condominium complex shall be the amount calculated by:

a. Calculating the impervious area of the condominium complex in which the condominium nonresidential unit parcel is located, including any condominium common area parcels,

b. Multiplying the total impervious square footage assigned to the condominium complex by the percentage of building square footage allocated to all condominium nonresidential unit parcels,

c. Divide by the ERU value, and

d. Multiplying that figure by the appropriate mitigation credit factor.

(d) *General parcels.* The number of net ERUs attributable to each general parcel shall be determined by:

(1) Dividing the impervious area of the general parcel by the ERU value; and

(2) Multiplying the result by the appropriate mitigation credit factor.

(e) *Private stormwater mitigation facilities.* The board recognizes the benefits provided by privately maintained stormwater mitigation facilities. Accordingly, the board may adopt a mitigation credit policy at its discretion. If a policy is so adopted, it shall be the exclusive authority designating the mitigation credit factor to be used in determining the number of net ERUs designated to a parcel in accordance with the above methodology set forth in this section58-673. A copy of the effective mitigation credit policy, if one exists, shall be kept on file with the surface water utility coordinator and open to public inspection.

Secs. 166-479—166-500. - Reserved.

DIVISION 4. - IMPLEMENTATION PROCEDURES

Sec. 58-701. - Surface water rate resolutions generally.

The board may authorize surface water assessments, surface water fees or both through adoption of surface water rate resolutions consistent with the provisions in this section 58-701 below:

(a) All surface water rate resolutions shall:

(1) Contain a brief, and general description of the services, facilities, or programs to be provided;

(2) Identify the applicable surface water service areas or surface water improvement areas;

(3) Describe the surface water improvements or surface water management services proposed for funding;

(4) Estimate the surface water improvement costs or surface water service costs;

(5) Establish the maximum rate, if desired by the board and set the rate(s) to be imposed in the upcoming fiscal year(s);

(6) Describe with particularity the proposed method of apportioning the surface water improvement costs or surface water service costs among the parcels of property located within the surface water improvement area or surface water service area, as applicable, such that the owner of any parcel of property can objectively determine the amount of the charge;

(7) Include specific legislative findings that recognize the equity provided by the apportionment methodology and specific legislative findings that recognize the special benefit provided by the surface water improvement or surface water management service;

(8) Determine the method of collection; and

(9) Direct the certification of applicable surface water rolls to the extent required by the Uniform Assessment Collection Act or otherwise by law.

(b) Where required by the Uniform Assessment Collection Act or otherwise by law, a surface water rate resolution shall be adopted by the board at a public hearing. Notice of such public hearing shall be provided by publication and first class mail to the assessed property owners as provided by law and substantially conform with the notice requirements set forth in sections 58-703and 58-704 hereof. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of applicable surface water rolls nor release or discharge any obligation for payment of a surface water assessment or surface water fee imposed by the board pursuant to this article.

Sec. 58-702. - Surface water rolls.

(a) For every fiscal year a surface water assessment is imposed, the surface water utility coordinator shall prepare, or direct the preparation of, a surface water roll for each surface water assessment imposed, in accordance with the apportionment methodology set forth in section 58-673hereof, that contains the following information:

(1) A summary description of each parcel of property (conforming to the description contained on the tax roll) subject to the surface water assessment or surface water fee;

(2) The name of the owner of record of each parcel as shown on the tax roll, if available;

(3) The number of ERUs attributable to each parcel;

(4) The estimated maximum surface water improvement assessment to become due in any fiscal year for each ERU and each parcel;

(5) The estimated maximum annual surface water service assessment to become due in any fiscal year for each ERU and each parcel;

(6) The estimated maximum surface water fee to become due in any fiscal year for each ERU and each parcel; and

(7) Any additional information required by the Uniform Assessment Collection Act or otherwise by law.

(b) Copies of the ordinance and all surface water rate resolutions adopted and surface water rolls certified pursuant thereto shall be on file in the office of the surface water utility coordinator and open to public inspection. The foregoing shall not be construed to require that the surface water roll be in printed form if the amount of the surface water assessment for each parcel of property can be determined by use of a computer terminal available for use by the public.

(c) In the event a surface water fee is imposed against government property, the surface water utility coordinator shall prepare a separate surface water roll for government property in conformance with subsection (a) above.

(d) Surface water rolls shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in sections 166-562 or 166-564 hereof is used to collect the surface water assessments, surface water fees, or both, the board shall designate such other official by resolution. If a surface water assessment or surface water fee against any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the surface water roll.

Sec. 58-703. - Notice by publication.

(a) Where required by the Uniform Assessment Collection Act or otherwise by law, prior to adoption of a surface water rate resolution, the surface water utility coordinator shall publish, or direct the publication of, once in a newspaper of general circulation within the county a notice stating that at a meeting of the board on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the board will hear objections of all interested persons to the surface water rate resolution.

(b) The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

(1) A geographic depiction of the property subject to the surface water assessment and surface water fee;

(2) A brief and general description of the services, facilities, or programs to be provided;

(3) The rate of assessment including a maximum rate if applicable;

(4) A statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within 20 days of the publication of the notice;

(5) The method by which the surface water assessment and surface water fee will be collected;

(6) A statement that the surface water roll is available for inspection at the office of the surface water utility coordinator and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the surface water utility coordinator;

(7) A statement identifying the Pinellas County Board of County Commissioners as the local governing board;

(8) A statement that the tax collector will collect the surface water assessment; and

(9) A schedule for the surface water assessment and surface water fee if applicable.

Sec. 58-704. - Notice by mail.

(a) Where required by the Uniform Assessment Collection Act or otherwise by law, prior to adoption of a surface water rate resolution, in addition to the published notice required by section58-703, the surface water utility coordinator shall provide notice, or direct the provision of notice, of the proposed surface water assessment and surface water fee by first class mail to the owner of each parcel of property subject to the surface water assessment and surface water fee.

(b) Such notice shall include:

(1) The purpose of the surface water assessment and surface water fee;

(2) The rate to be levied against each parcel of property, including a maximum rate in the event one was adopted;

(3) The number of ERUs applied to determine the surface water assessment and surface water fee;

(4) The number of such ERUs contained in each parcel of property;

(5) The total revenue to be collected by the county from the surface water assessment and surface water fee;

(6) A statement that failure to pay the surface water assessment or surface water fee will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;

(7) A statement that all affected owners have a right to appear at the hearing and to file written objections with the board within 20 days of the notice; and

(8) The date, time, and place of the hearing.

(c) The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each

owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The surface water utility coordinator may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the surface water roll nor release or discharge any obligation for payment of a surface water assessment or surface water fee imposed by the board pursuant to this article.

(d) At the time named in such notice or to such time as an adjournment or continuance may be taken by the board, the board shall receive any written objections of interested persons and may then, or at any subsequent meeting of the board, adopt the surface water rate resolution. All written objections to the surface water rate resolution shall be filed with the surface water utility coordinator at or before the time or adjourned time of such hearing.

(e) Nothing herein shall preclude the board from providing annual notification to all owners of assessed property in the manner provided in sections 58-703 and 58-704 hereof or any other method as provided by law.

Sec. 58-705. - Effect of adoption of surface water rate resolutions.

The adoption of a surface water rate resolution by the board shall:

(a) Constitute a legislative determination that all parcels assessed derive a special benefit from the services, facilities, or programs to be provided or constructed and a legislative determination that the surface water assessments and surface water fees are fairly and reasonably apportioned among the properties that receive the special benefit.

(b) Constitute the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate, the certification of applicable surface water rolls, and the levy and lien of the surface water assessments and surface water fees), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of board adoption of the surface water rate resolution. Nothing contained in this article shall be construed or interpreted to affect the finality of any surface water assessment or surface water fee not challenged within the required 20-day period for those charges previously imposed against assessed property by the inclusion of the assessed property on a surface water roll approved in a surface water rate resolution.

Sec. 166-506. - Reserved.

Sec. 166-507. - Reserved.

Secs. 166-508—166-530. - Reserved.

DIVISION 5. - ADMINISTRATION

Sec. 58-721. - Lien of surface water assessments.

(a) Upon adoption of a surface water rate resolution, surface water assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal

taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the board of the surface water rate resolution and shall attach to the property included on applicable surface water rolls as of the prior January 1, the lien date for ad valorem taxes.

(b) Upon adoption of the a surface water rate resolution, surface water assessments to be collected under the alternative method of collection provided in section 58-742hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Pinellas County, Florida.

Sec. 58-722. - Revisions to surface water charges.

If any surface water assessment or surface water fee made under the provisions of this article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the board is satisfied that any such surface water assessment or surface water fee is so irregular or defective that the same cannot be enforced or collected, or if the board has failed to include any property on a surface water roll that should have been so included, the board may take all necessary steps to impose a new surface water assessment or surface water fee against any such property, following as nearly as may be practicable, the provisions of this article and in case such second surface water assessment or surface water fee is annulled, the board may obtain and impose other surface water assessments or surface water fee until a valid surface water assessment or surface water fee is imposed.

Sec. 58-723. - Procedural irregularities.

Any irregularity in the proceedings in connection with the levy of any surface water assessment or surface water fee under the provisions of this article shall not affect the validity of the same after the approval thereof, and any surface water assessment or surface water fee as finally approved shall be competent and sufficient evidence that such surface water assessment or surface water fee was duly levied, that the surface water assessment or surface water fee was duly made and adopted, and that all other proceedings adequate to such surface water assessment or surface water fee were duly had, taken and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this section, any party objecting to a surface water assessment or surface water fee imposed pursuant to this article must file an objection with a court of competent jurisdiction within the time periods prescribed in section 58-705of this article.

Sec. 58-724. - Correction of errors and omissions.

(a) No act of error or omission on the part of the board, surface water utility coordinator, property appraiser, tax collector, clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any surface water assessment or surface water fee imposed by the board under the provisions of this article.

(b) The number of ERUs attributed to a parcel of property may be corrected at any time by the surface water utility coordinator. Any such correction which reduces a surface water assessment or surface water fee shall be considered valid from the date on which the surface water assessment or surface water fee was imposed and shall in no way affect the enforcement of the surface water assessment or surface water fee imposed under the provisions of this article. To the extent required by the Uniform Assessment Collection Act or otherwise by law, any such correction which increases a surface water assessment or surface water fee or imposes a surface water assessment or surface water fee on omitted property shall first require notice to the affected owner in the manner described in section 58-704hereof, providing the date, time and place that the board will consider confirming the correction and offering the owner an opportunity to be heard.

(c) After the surface water roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Sec. 58-725. - Interim surface water charges.

(a) An interim surface water assessment or surface water fee may be imposed against all property, for which a mobile home tie-down permit or building permit is issued after adoption of a surface water rate resolution. If imposed, the amount of the interim surface water assessment or surface water fee shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the surface water rate resolution for the fiscal year for which the interim surface water assessment or surface water fee is being imposed. Such monthly rate shall be imposed for each partial and full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim surface water assessment or surface water fee shall also include an estimate of the subsequent fiscal year's surface water assessment or surface water fee if the parcel will not be assessed as developed property on the tax roll for that year.

(b) No mobile home tie-down permit or building permit shall be issued until full payment of the interim surface water assessment or surface water fee is received by the county if an interim charge is imposed. Issuance of the mobile home tie-down permit or building permit without the payment in full of the interim surface water assessment or surface water fee shall not relieve the owner of such property of the obligation of full payment. Any interim surface water assessment or surface water fee not collected prior to the issuance of the mobile home tie-down permit or building permit may be collected pursuant to the Uniform Assessment Collection Act as provided in section 58-741 of this article or by any other method authorized by law.

(c) If imposed, any interim surface water assessment shall be deemed due and payable on the date the mobile home tie-down permit or building permit was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the mobile home tie-down permit or building permit.

(d) In the event a building permit expires prior to the substantial commencement of the construction activities for which it was issued, and the applicant paid the interim surface water assessment or surface water fee at the time the building permit was issued, the applicant may within 90 days of the expiration of the building permit apply for a refund of the interim surface water assessment or surface water fee. Failure to timely apply for a refund of the interim surface water assessment or surface water fee shall waive any right to a refund.

(e) The application for refund shall be filed with the surface water utility coordinator and contain the following:

(1) The name and address of the applicant;

(2) The location of the property and the parcel identification number for the property which was the subject of the building permit;

(3) The date the interim surface water assessment or surface water fee was paid;

(4) A copy of the receipt of payment for the interim surface water assessment or surface water fee; and

(5) The date the building permit was issued and the date of expiration.

(f) After verifying that the building permit has expired and that the construction has not been substantially commenced, the county shall refund the applicable portion of the interim surface water assessment or surface water fee paid.

(g) A building permit which is subsequently issued for a building on the same property which was subject of a refund shall pay the interim surface water assessment or surface water fee as required by this section.

Sec. 58-726. - Authorization for exemptions and hardship assistance.

(a) The board, in its sole discretion, shall determine whether to provide exemptions from payment of a surface water assessment or surface water fee for government property or property whose use is wholly or partially exempt from ad valorem taxation under Florida law.

(b) The board, in its sole discretion, shall determine whether to provide a program of hardship assistance to county residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of a surface water assessment or surface water fee.

(c) The board shall designate the funds available to provide any exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the board. Any funds designated for exemptions or hardship assistance shall be paid by the county from funds other than those generated by the applicable surface water assessments or surface water fees.

(d) Any shortfall in the expected surface water assessment or surface water fee proceeds due to any hardship assistance or exemption from payment of the surface water assessments or

surface water fees required by law or authorized by the board shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the charges. In the event a court of competent jurisdiction determines any exemption or reduction by the board is improper or otherwise adversely affects the validity of a surface water assessment or surface water fee imposed, the sole and exclusive remedy shall be the imposition of an assessment or fee upon each affected property in the amount of the surface water assessment or surface water fee that would have been otherwise imposed save for such reduction or exemption afforded to such property by the board.

Secs. 166-537—166-560. - Reserved.

DIVISION 6. - COLLECTION

Sec. 58-741. - Method of collection of surface water assessments.

Unless directed otherwise by the board, surface water assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the county shall comply with all applicable provisions thereof. Any hearing or notice required by this ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

Sec. 58-742. - Alternative method of collection of surface water assessments.

In lieu of using the Uniform Assessment Collection Act, the county may elect to collect a surface water assessment by any other method which is authorized by law or under an alternative collection method provided by this section.

(a) The county shall provide surface water assessment bills by first class mail to the owner of each affected parcel of property, other than government property. The bill or accompanying explanatory material shall include:

(1) A brief explanation of the surface water assessment,

(2) A description of the ERU calculation used to determine the amount of the assessment,

(3) The number of ERUs attributed to the parcel,

(4) The total amount of the parcel's surface water assessment for the appropriate period,

(5) The location at which payment will be accepted,

(6) The date on which the surface water assessment is due, and

(7) A statement that the surface water assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(b) A general notice of the lien resulting from imposition of the surface water assessments shall be recorded in the Official Records of Pinellas County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

(c) The county shall have the right to appoint or retain an agent to foreclose and collect all delinquent surface water assessments in the manner provided by law. A surface water assessment shall become delinquent if it is not paid within 30 days from the date any installment is due. The county or its agent shall notify any property owner who is delinquent in payment of his or her surface water assessment within 60 days from the date the surface water assessment was due. Such notice shall state in effect that the county or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent surface water assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

(d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the county may be the purchaser to the same extent as an individual person or corporation. The collection of surface water assessments against any or all property assessed in accordance with the provisions hereof may be joined in one foreclosure action by the county. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county and its agents, including reasonable attorney fees, in collection of such delinquent surface water assessments and any other costs incurred by the county as a result of such delinquent surface water assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(e) In lieu of foreclosure, any delinquent surface water assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that:

(1) Notice is provided to the owner in the manner required by law and this article, and

(2) Any existing lien of record on the affected parcel for the delinquent surface water assessment is supplanted by the lien resulting from certification of the surface water roll to the tax collector.

Sec. 58-743. - Responsibility for enforcement.

The county and its agent, if any, shall maintain the duty to enforce the prompt collection of surface water assessments and surface water fees by the means provided herein. The duties related to collection of surface water assessments and surface water fees may be enforced at the suit of any holder of obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

Sec. 58-744. - Collection of surface water fees.

(a) If surface water fees are imposed against government property, the county shall provide surface water fee bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:

(1) A brief explanation of the surface water fee,

(2) A description of the ERUs used to determine the amount of the surface water fee,

(3) The number of ERUs attributed to the parcel,

(4) The total amount of the parcel's surface water fee for the appropriate period,

(5) The location at which payment will be accepted, and

(6) The date on which the surface water fee is due.

(b) Surface water fees imposed against government property shall be due on the same date as all surface water assessments and, if applicable, shall be subject to the same discounts for early payment.

(c) A surface water fee shall become delinquent if it is not paid within 30 days from the date any installment is due.

(d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action pursued to recover delinquent surface water fees shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the county, including reasonable attorney fees, in collection of such delinquent surface water fees and any other costs incurred by the county as a result of such delinquent surface water fees including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(e) As an alternative to the foregoing, a surface water fee imposed against government property may be collected on the bill for any utility service provided to such government property. The board may contract for such billing services with any utility not owned by the county.

Secs. 166-565—166-590. - Reserved.

DIVISION 7. - GENERAL PROVISIONS

Sec. 58-751. - Applicability.

This article and the county's authority to impose surface water assessments and surface water fees pursuant hereto shall be effective in the unincorporated areas of the county.

Sec. 58-752. - Alternative method.

This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.

Sec. 58-753. - Severability.

The provisions of this article are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this article shall not be affected thereby.

SECTION 4.1. The title of Chapter 110, Article II. of the Pinellas County Code is hereby amended as follows:

CHAPTER 110. – SPECIAL ASSESSMENTS

ARTICLE II. – STREET IMPROVEMENTS, STORM SEWERS, AND DREDGING

SECTION 4.2. Section 110-31 of the Pinellas County Code is hereby amended as follows:

Sec. 110-31. - Initial proceedings.

(a) By a written petition setting forth the legal description of the boundaries of the proposed special improvement district, the owners of 60 percent of the land area of the proposed district, abutting upon the proposed improvements or otherwise specially benefited thereby, may request the board of county commissioners to establish a special improvement district and construct any one or a combination of the following improvements:

(1) Street improvements, which may include the grading, widening, drainage, paving, curbing, roadway underdrain, or guttering of any continuous portion of a street, or two or more connecting streets. Sidewalks and bike paths may be included, where feasible, at the option of the board of county commissioners.

(2) Drainage improvements, which may include pavement, the construction of storm sewers and related stormwater attenuation and treatment facilities, the reconstruction where necessary of streets and sidewalks necessarily damaged in the course of such construction, the building of culverts or enclosing streams where necessary or advisable to carry off stormwater.

(3) Dredging improvements consistent with Section 2.04(u) of the Pinellas County Charter.

The petition shall also request the board of county commissioners to assess the entire cost of such improvements, or such portion thereof as the board may designate against the properties specially benefited thereby. Governmental entities with a statutory exemption from ad valorem taxes shall be excluded from the assessment procedure, and their proportionate share may be included in the overall assessment or paid from the general fund, as the board may decide.

(b) The board, upon finding that the petition for improvements under this section is sufficient in form, substance and execution and finding a public purpose for the proposed improvements may by preliminary resolution order the improvements to be made and may assess against the benefited properties that portion of the cost which the board designates, paying as a county charge any remaining cost. Such special assessments shall be levied upon the benefited properties in general proportion to the benefits to be derived. Such special benefits may be determined and prorated according to the foot frontage of the properties or by such other method as the board may prescribe.

(c) The adoption of an assessment roll by the board of county commissioners under this section shall constitute a legislative determination that all assessed parcels of real property on the assessment roll derive a special benefit from the improvements funded thereby, and a

legislative determination that the assessments are fairly and reasonably apportioned among the benefitted properties.

(d) All assessments levied pursuant to this section shall be levied and collected as non-ad valorem assessments pursuant to and in compliance with the Uniform Assessment Collection Act of F.S. ch. 197.

SECTION 4.3. Section 110-56 of the Pinellas County Code is hereby added as follows:

Sec. 110-56. – Areas embraced.

Improvements authorized under sections 110-31(a)(1) and (2) and special improvement districts thereof shall lie wholly in unincorporated areas of the county. Notwithstanding, if any part of such improvement or any parcel of such special improvement district lies in an incorporated area of the county, the board of county commissioners shall be authorized to make such improvement or assess such parcel, so long as, prior to the board of county commissioners' adoption of the preliminary resolution ordering the improvements to be made, the governing body of the affected incorporated area consents at public hearing to the adoption of such resolution. Improvements authorized under section 110-31(a)(3) and special improvement districts thereof may lie in unincorporated areas of the county, incorporated areas of the county, or both.

SECTION 5. Severability

If any Section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered.

SECTION 6. Inclusion in Code

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

SECTION 7. Filing of Ordinance; Effective Date

Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within 10 (ten) days after enactment by the Board of County Commissioners. This Ordinance shall become effective on January 1, 2019.

APPROVED AS TO FORM

By: _____

Office of the County Attorney