

SUMTER COUNTY ORDINANCE 2010-

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, PROVIDING FOR THE AMENDMENT AND UPDATE OF CHAPTERS 2, 3, 13, 16 AND 18 OF THE SUMTER COUNTY CODE, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a result of attorney and staff review, it has been determined that specific portions of the Sumter County Code need to be updated in order to ensure consistency with state and federal law or to increase practical enforcement.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. This ordinance shall be known as the 2010 Sumter County Code Update Ordinance, and is intended to amend and update portions of Chapters 2, 3, 13, 16, and 18 of the Sumter County Code.

SECTION 2. Section 2-2(6)a of the Sumter County is hereby stricken in its entirety and replaced with the following language:

a. In a quasi judicial proceeding concerning local government land use matters, a person who appears before the decision making body who is not a party or party intervenor shall be allowed to testify before the decision making body, subject to the control of the decision making body, and may be requested to respond to questions by the decision making body, and therefore must take the oath outlined in Section 2-31 b (2) of the Sumter County Code, but such oath shall not constitute the person being sworn as a witness, and the person is not required to be subject to cross examination, and is not required to be qualified as an expert witness. The decision making body shall assign weight and creditability to such testimony as it deems appropriate. A party or party intervenor in a quasi judicial proceeding on local government land use matters, upon request by another party or party intervenor, shall be sworn as a witness, shall be subject to cross examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

SECTION 3. The current language of Section 2-2(6)b shall be recodified as Section 2-2 (6)c. Section 2-2(6)b shall hereafter read as follows:

New b. { Attorneys shall not be required to swear an oath during quasi judicial proceedings so long as their presentation is confined to legal argument, facts already of record or facts properly introduced into the record through a properly sworn party representative, witness or authenticated exhibit. Attorneys may not testify as to facts not already of record unless they are willing to be sworn as a witness.

SECTION 4. The current language of Section 2-28 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

(a) A majority of the members of the board of county commissioners shall constitute a quorum. No resolution, legally binding document or motion shall be adopted by the board of county commissioners without the affirmative vote of the majority of all members physically present.

SECTION 5. Section 2-31 b (2) of the Sumter County Code is hereby amended in the following manner:

The language: "and not inconsistent or contradictory with other statements made by me under oath" is hereby stricken in its entirety.

SECTION 6. Section 2-33 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

Each action of the board of county commissioners shall be taken by resolution, ordinance or legally binding document as appropriate under local, state or federal law, approved as to form by the County Attorney, except that approval of administrative matters may be by motion adopted and recorded in the minutes.

SECTION 7. Section 2-34 of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

A motion to adjourn shall always be in order and decided without debate, and the meeting shall be adjourned by the Chairman of the Board of County Commissioners unless a board member objects or requests additional discussion after the motion to adjourn has been made.

SECTION 8. Section 16-1(a)(1) of the Sumter County Code is amended as follows:

The language "and unprotected from the elements and" is hereby stricken in its entirety.

SECTION 9. Section 16-1(a)(2) of the Sumter County Code is amended as follows:

The phrase "code enforcement officer" shall be inserted after "law enforcement officer" with an intervening comma.

SECTION 10: Section 16-38(b) of the Sumter County Code shall be stricken in its entirety and replaced with the following language:

"Person means a human being aged five (5) years or older."

SECTION 11: The definition of "County Parks" in Section 18-16 of the Sumter County Code is hereby stricken in its entirety and replaced

with the following language:

"County parks means and includes all property owned or acquired by the county and specifically designated by the Board of County Commissioners, via resolution, as being acquired for park and recreational purposes."

SECTION 12: ~~Section 18-19(b)(1)~~ of the Sumter County Code is amended as follows:

The word "embellish" is stricken and replaced with the word "enhanced".

SECTION 13: ~~Section 18-19~~ of the Sumter County Code is amended as follows:

Throughout the section, the term "center" or "centers" shall be replaced with the term "area" or "areas" as grammatically appropriate.

SECTION 14: ~~Section 18-31~~ of the Sumter County Code is amended as follows:

Throughout the section, the term "center" or "centers" shall be replaced with the term "area" or "areas" as grammatically appropriate.

SECTION 15: ~~Section 18-32~~ of the Sumter County Code is amended as follows:

The phrase "owned and operated by the county" is hereby replaced with the phrase "owned and/or operated by the county".

SECTION 16: ~~Section 18-33 (b)~~ of the Sumter County Code is amended as follows:

The phrase "in any park or recreation area owned, controlled or operated by the county" shall be added to the conclusion of the existing language of ~~Section 18-33(b)~~.

SECTION 17: ~~Section 18-37~~ of the Sumter County Code is amended as follows:

The following sentence shall be added at the conclusion of the section: "Sale of alcoholic beverages in parks owned or controlled by Sumter County must conform with all applicable provisions of the Sumter County Code, including but not limited to Chapter 3 of the same."

SECTION 18: ~~Section 3-1 (d)~~ of the Sumter County Code is amended as follows:

The language "of not less than one thousand dollars (\$1,000.00)" is hereby stricken and replaced with the following language: "set via resolution by the board of county commissioners at its sole

discretion".

SECTION 19: Section 13-104(b)(3) of the Sumter County Code is amended as follows:

Section 13-104(b)(3) of the Sumter County Code is hereby stricken in its entirety and replaced with the following language:

(3) Application fees shall be set by the board of county commissioners.

SECTION 20. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 21. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given the effect without the invalid provision or application, and to this end, the provision of this act are declared severable.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect upon recording with the Secretary of State by the Sumter County Clerk, on a date no later than _____, 2010.

DONE AND ORDAINED this ____ day of _____ 2010, in regular session by the Sumter County Board of County Commissioners in Bushnell, Florida.

ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT

SUMTER COUNTY, FLORIDA

Deputy Clerk

By: Doug Gilpin
Chairman

(SEAL)

Approved as to Legal Form:

County Attorney

to grant a postponement when requested shall not be deemed prejudicial to the parties requesting the postponement, nor shall such denial be deemed to reinstate any presumption of prejudice arising out of the ex-parte communication.

- (5) No public official shall be subject to Part III of Chapter 112, Florida Statutes, for failure to comply with this section. This section shall not preclude any board or commission from adopting rules or procedures to govern its operations, so long as those rules and procedures are not inconsistent with this Section or other applicable laws.
- (6) Land regulatory matters.

a. In a quasi-judicial proceeding on local government land use matters, a person who appears before the decision making body who is not a party or party-intervenor shall be allowed to testify before the decision making body, subject to control by the decision making body, and may be requested to respond to questions from the decision making body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decision making body shall assign weight and creditability to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenor, and shall be required to be qualified as an expert witness, as appropriate.

b.
b.
c. In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decision making body by application of ex parte communication prohibitions. Such communication shall be disclosed at the hearing pursuant to other provisions of this Code. All decisions of the decision making body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective as such communications.

(Ord. No. 96-1, § 1, 1-9-96; Ord. No. 97-2, § 1, 1-31-97; Ord. No. 2007-06, § 1, 2-13-07)

Editor's note—Nonamendatory Ord. No. 96-1, § 1, adopted Jan. 9, 1996, has been included herein as section 2-2 at the discretion of the editor.

Sec. 2-3. Funding for miscellaneous expenses.

(a) There is hereby authorized funding for such things as congratulatory telegrams, flowers and/or telegraphic condolences, presentment of plaques for outstanding service, entertainment for visiting dignitaries, refreshments such as coffee and doughnuts for certain county related events, snacks and drink for meetings of county staff under certain circumstances, and decorative items such as globes, statues, potted plants, picture frames, etc., to be given or awarded to citizens, residents, staff or other entities who have performed in some way above and beyond the call of duty.

(i) Any decision by the presiding officer may be appealed and reversed upon an affirmative vote of a majority of board members.

(Ord. No. 82-6, § 1(1)(d), 5-11-82; Ord. No. 2000-3, § 3, 3-28-00)

Sec. 2-27. Call to order.

At the hour appointed for the meeting, the chairman shall immediately call the board of county commissioner to order.

(Ord. No. 82-6, § 1(1)(e), 5-11-82)

Sec. 2-28. Quorum.

(a) A majority of the members of the board of county commissioners shall constitute a quorum. No resolution, legally binding document or motion shall be adopted by the board of county commissioners without the affirmative vote of the majority of all members present.

(b) Any person appearing to provide the board of county commissioners factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:

(1) Prior to addressing the board of county commissioners, the speaker shall approach the front center of the conference table and clearly state his full name, home address, the person he represents and the subject of his address.

(2) Before providing factual information or expert opinion the speaker may ask, and any commissioner may require the speaker to be placed under the following oath with right hand upraised:

"I willfully swear under oath the facts and testimony I furnish the board of county commissioners to be the truth, the whole truth and nothing but the truth, (and not inconsistent or contradictory with other statements made by me under oath.)" *delete*

a. No person shall be required to take this oath more than once in any given day, but shall be reminded he is under oath before again addressing the board of county commissioners. Each commissioner, staff member and county employee shall take the oath one (1) time and be considered under oath during the term of his office.

b. Those asking questions or desiring to comment on a matter before the board of county commissioners shall not be required to take the oath. Any commissioner may at any time request such a speaker to take the above oath.

(c) Each person shall limit his address to five (5) minutes unless granted additional time by majority vote of the board of county commissioners. All remarks shall be to the board of county commissioners as a body and not to any individual member. No person, other than a commissioner shall discuss directly or through a commissioner, without authorization of the presiding officer.

(d) Any person making impertinent or slanderous remarks, or who becomes boisterous, shall be instructed to remain silent by the presiding officer until permission to continue is granted.

(Ord. No. 82-6, § 1(2), 5-11-82)

Sec. 2-32. Sergeant-at-arms.

The county sheriff, or his deputy, shall be the sergeant-at-arms at meetings of the board of county commissioners and shall carry out all orders of the chairman to maintain order and decorum.

(Ord. No. 82-6, § 1(3), 5-11-82)

Sec. 2-33. Action to be taken by resolution, ordinance or motion.

Each action of the board of county commissioners shall be taken by resolution, ordinance or legally binding document approved as to form by the county attorney, except approval of administrative matters may be by motion adopted and recorded in the minutes.

(Ord. No. 82-6, § 1(4), 5-11-82)

Sec. 2-34. Adjournment.

A motion to adjourn shall always be in order and decided without debate.
(Ord. No. 82-6, § 1(5), 5-11-82)

Secs. 2-35, 2-36. Reserved.

Editor's note—Ord. No. 2006-7, § 1, adopted Jan. 31, 2006, repealed sections 2-35, 2-36 in their entirety. Former sections 2-35, 2-36 pertained to reconsideration of matters generally and reconsideration of comprehensive plan requests, respectively, and derived from Ord. No. 82-6, §§ 1(6), (7), adopted May 11, 1982; Ord. No. 96-23, §§ 2—5, adopted Dec. 16, 1996.

Sec. 2-37. Procedure for handling allegations, accusations and complaints against county employees.

(a) The board of county commissioners shall not hear during any meeting any allegation or accusation of alleged wrongdoing, violation of law or ethics pertaining to any county employee. Attempts to bring before a meeting of the board of county commissioners allegations or accusations shall be immediately declared out of order by the chairman and no further discussion allowed. Persons wishing to file charges against county employees shall be referred to the appropriate state or local official who shall advise the complainant of the proper procedures to be followed. This section shall not be construed to prohibit any person from criticizing or complaining about any county employee and is intended only to proscribe discussion of allegations involving violations which are under the jurisdiction of the state attorney, the state commission on ethics, or other agency or entity which would normally investigate and resolve such complaints.

(b) County employees shall be defined as all persons in the employ of the county, including independent contractors, consultants, full- and part-time employees, permanent and temporary employees, and shall include members of all county committees, commissions, and authorities. This section does not apply to county commissioners.
(Ord. No. 82-6, § 3, 5-11-82; Ord. No. 86-5, 12-9-86)

State law reference—Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-38. Workshops.

Workshops will be agendaed or noticed as requested by the board or county administrator. The purpose of a workshop is to allow staff to make presentations to the board and to allow questions and input by the board. Public comment will be at the discretion of the chairman, but such public input will be limited by other provisions of the Code.
(Ord. No. 2000-3, § 1, 3-28-00)

Sec. 2-39. Public discussion on agenda items.

(a) No member of the public shall be entitled, as a matter of right, to address the board on any item listed on the agenda which is not scheduled for public hearing or discussion, except during the public forum portion of the agenda.

Chapter 16

MISCELLANEOUS PROVISIONS AND OFFENSES

- Art. I. In General, §§ 16-1—16-20
- Art. II. Loitering for the Purpose of Drug-Related Activity, §§ 16-21—16-35
- Art. III. Public Nudity, §§ 16-36—16-50
- Art. IV. Regulation of Bingo, §§ 16-51—16-70
- Art. V. Litter, §§ 16-71—16-100
- Art. VI. Noise Control, §§ 16-101—16-130
- Art. VII. Sexual Offenders and Sexual Predators, §§ 16-131—16-150
- Art. VIII. Fireworks, §§ 16-151—16-158

ARTICLE I. IN GENERAL

Sec. 16-1. Abandoned property.

(a) *Definitions.* In this section:

- (1) *Abandoned property* means wrecked or derelict property which has been left abandoned and unprotected from the elements and shall include wrecked, inoperative, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has been left abandoned and unprotected from the elements.
- (2) *Enforcement officer* means any full-time law enforcement officer, ^{L.E.O.} pollution control inspector or officer or zoning inspector employed within the county.
- (3) *Nominal salvage value* means that an article of abandoned or derelict property shall be deemed to have a nominal salvage value unless a reasonably prudent man would be led to believe that the fair market value of the property, taking into consideration its useful life, earning capacity depreciation and items of general or special depreciation, would be greater than the costs of salvage including the removal, transportation, storage and sale of same.
- (4) *Private property* means all lands and improvements other than public lands and improvements.
- (5) *Public property* means canals, all waterways, lands and improvements owned by a governmental body or any governmental agency including but not limited to easements and rights-of-way but excluding the campus of any institution of the state university system.

(b) *Application.* This section applies to the unincorporated and incorporated areas of the county and shall be cumulative to all state, county and municipal ordinances now or hereafter enacted.

ARTICLE III. PUBLIC NUDITY*

Sec. 16-36. Title.

This article shall be entitled the Sumter County Public Nudity Ordinance.
(Ord. No. 92-5, § 1, 4-21-92)

Sec. 16-37. Intent.

It is the intent of this article to protect the health, safety, welfare and morals of the citizens of the county by proscribing nudity in public places and in other places which may reasonably be expected to be observed by the public, except places where such nudity is (a) related to any live act, demonstration, exhibition, performance, or entertainment which is protected by the United States or Florida constitutional provisions guaranteeing freedom of expression, or (b) in a place provided or set apart for nudity.
(Ord. No. 92-5, § 2, 4-21-92)

Sec. 16-38. Definitions.

The following definitions shall be used in this article:

(a) *Nude* means insufficiently clothed so that the person has not covered any of the following with a fully opaque covering:

- (1) The male or female genitals.
- (2) The male or female pubic area.
- (3) Any portion of the female breast below the top of the areola.
- (4) The entire cleft of the male or female buttocks.

Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs.

(b) *Person* means a human being aged ten (10) years or older.

(c) *Places provided or set apart for nudity* includes public restrooms, bathing and locker room facilities, and those places in which nudity or exposure is necessarily expected outside of the home and the sphere of privacy protected therein.

(d) *Public place* refers to any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by others.

(Ord. No. 92-5, § 3, 4-21-92)

*Editor's note—Ord. No. 92-5, adopted Apr. 21, 1992, amended this Code by adding provisions designated by the editor as ch. 16, art. III, §§ 16-36—16-42.

Cross reference—Nudity on premises selling alcoholic beverages, § 3-4.

Chapter 18

PARKS AND RECREATION*

- Art. I. In General, §§ 18-1—18-15
Art. II. County Parks And Recreation Areas, §§ 18-16—18-41
Div. 1. Generally, §§ 18-16—18-30
Div. 2. Park Rules, §§ 18-31—18-41

ARTICLE I. IN GENERAL

Secs. 18-1—18-15. Reserved.

ARTICLE II. COUNTY PARKS AND RECREATION AREAS

DIVISION 1. GENERALLY

Sec. 18-16. 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:

Community school area means any area developed or to be developed under the provisions of F.S. ch. 228.

County parks means and includes all property owned or acquired by the county and specifically designated by resolution as being acquired for park and recreational purposes.

Dedicated parks and recreational areas means all parks and recreational areas designated and set apart on plats recorded in the plat books of the county and plats or recreational areas so designated on plats recorded in deed books of the official records of the county, subject to the restrictions of use contained in the dedicatory language therein set forth.

Private parks means any area set aside for park and recreational purposes by an individual, corporation or association not intended for use of the general public.

Recreational leases means all lands leased by the county for use as park and recreational purposes.

(Ord. No. 77-9, § 3, 8-17-77)

*Cross reference—Boats, docks and waterways, Ch. 5.

State law reference—Authority to for parks, playgrounds, etc., F.S. § 125.01(1)(f).

Sec. 18-17. Application of article.

This article shall apply to all county-owned or -operated or -supervised parks and recreational areas under the jurisdiction, control and supervision of the board of county commissioners. This article does not apply to private parks or community school areas.

(Ord. No. 77-9, §§ 2, 4, 8-17-77)

Sec. 18-18. Provisions supplementary.

This article is not intended to abrogate any laws of the United States, the state, or any municipal or political subdivision wherein the park or recreation facility is located, but is supplementary thereto.

(Ord. No. 77-9, § 9, 8-17-77)

Sec. 18-19. General authority of board of county commissioners.

(a) The board of county commissioners is hereby authorized and empowered to establish, acquire and operate public parks and recreational areas, and to designate, acquire and improve, extend, operate and maintain lands, buildings and other facilities for public parks, parkways, playgrounds, recreational centers and for other recreational purposes, and to conduct a program of recreational activities as hereinafter provided, and to levy taxes and appropriate same for such use and to make disbursements as authorized by law.

(b) The board of county commissioners shall have the custody, control and management of all real and personal property heretofore or hereafter designated or acquired by the county for parks, parkways, playgrounds, recreational centers and for other recreational purposes, and may:

- (1) Plan, lay out, improve, develop, embellish, preserve, and maintain all such parks, parkways, playgrounds, and recreational centers and facilities.
- (2) Construct and reconstruct, alter and renew buildings and other structures and facilities and equipment and maintain same.
- (3) Employ and fix the compensation of qualified superintendents, engineers, architects, recreational directors, play leaders, and such other officers or employees as may be deemed necessary.
- (4) Provide, conduct and supervise the program or recreational activities.
- (5) Charge and collect reasonable fees for the use of such facilities, privileges and conveniences as may be provided.
- (6) Operate revenue facilities and accommodations in and upon properties owned and controlled by said county for the purposes aforesaid and to rent out the same upon such terms and conditions as are deemed to be in the public interest.

(Ord. No. 77-9, §§ 5, 6, 8-17-77)

Secs. 18-20–18-30. Reserved.

DIVISION 2. PARK RULES*

Sec. 18-31. Application of division.

The provisions of this division shall apply to all parks, parkways, playgrounds, and recreational centers in the county. It shall be unlawful for any person to do any of the acts specified in this division within the limits of any park or recreational center owned or operated by the county.

(Ord. No. 77-9, § 7, 8-17-77)

Sec. 18-32. Hours of operation.

The hours of operation for all parks and recreation areas owned and operated by the county shall be set from time to time by resolution adopted by the board of county commissioners. Appropriate signage shall be installed at each facility notifying the public of the hours the park or recreation area is open to the public.

(Ord. No. 80-4, § 3, 6-11-80; Ord. No. 2006-24, § 1, 8-15-06)

Sec. 18-33. Operation of vehicles.

(a) No automobile, motorcycle, motorscooter, bicycle, or other mode of conveyance shall be driven or parked on any park or recreational center except in those areas specifically designated therefor by signs; provided however, that the board of county commissioners or its designated agent may from time to time, issue written permission granting special parking privileges, upon application therefor, to persons suffering from active physical disabilities, which permits shall specifically recite on the face thereof, the exact extent of the special privilege and the area or areas to be involved.

(b) It is prohibited to drive or operate any motor vehicle in excess of fifteen (15) miles per hour, unless otherwise posted.

(Ord. No. 77-9, § 7(a), (j), 8-17-77)

Sec. 18-34. Control, protection of animals.

(a) Dogs, cats and other animals are prohibited from and shall not be allowed on or in the confines of any county park or recreational area, except in areas set aside for such animals, unless such animals are kept on a leash and under the control of the owner. If the animal is on a leash, then there are no restrictions on such animals being in county parks or recreation areas.

(b) It is unlawful for any person to catch, injure, destroy or interfere in any way with birds, squirrels or any wild animals, except poisonous reptiles.

(Ord. No. 77-9, § 7(b), (i), 8-17-77)

***Cross reference**—Consumption of alcoholic beverages in public buildings and grounds, § 3-1.

Sec. 18-35. Overnight camping.

Overnight camping of any type shall not be allowed at any county park or recreational area, which shall include house trailers, travel trailers, mobile campers, tents or any other shelter used in association with camping, except upon issuance of a permit by the board of county commissioners or its delegate, except where areas are specifically provided and designated in a park for overnight camping.

(Ord. No. 77-9, § 7(f), 8-17-77)

Sec. 18-36. Fires restricted.

No person shall make or kindle any fire for any purpose except in places specifically provided therefor.

(Ord. No. 77-9, § 7(d), 8-17-77)

Sec. 18-37. Retail sales restricted.

The sale of candy, ice cream, food of any kind, soft drinks, beer and intoxicating beverages, athletic and sporting equipment or parts thereof or any other items that may be offered for sale in any county park or recreational area is prohibited; however, the board of county commissioners or its delegate, may from time to time, issue permits for the sale of any of the above on such terms and conditions as it shall deem proper and in the best interest of the citizens of the county.

(Ord. No. 77-9, § 7(e), 8-17-77)

Sec. 18-38. Litter, garbage control.

No paper, waste, garbage, trash or debris or any other litter shall be left or disposed of on any county park or recreational area, in any other place other than appropriate receptacles provided therefor. Under no circumstances shall any household or personal garbage be brought in and disposed of in any park or recreational area.

(Ord. No. 77-9, § 7(c), 8-17-77)

Sec. 18-39. Picnicking, eating restricted.

It is unlawful for any person to picnic or lunch in a place other than in areas designated for that purpose, or leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse is placed in the disposal receptacles provided therefor.

(Ord. No. 77-9, § 7(k), 8-17-77)

Sec. 18-40. Malicious mischief, vandalism.

It is unlawful for any person to cut, break into, injure, deface or disturb any tree, shrub, plant, building, wall, fence, bench or other structure, apparatus or property; or to pluck, pullup, cut, take or remove any shrub, tree, bush, plant, flower or sign; or mark or write upon any building, fence, bench, sign or other structure.

(Ord. No. 77-9, § 7(h), 8-17-77)

Chapter 3

ALCOHOLIC BEVERAGES*

Sec. 3-1. Consumption in public buildings or on public property.

It shall be unlawful for anyone to consume any alcoholic beverages, including intoxicating liquor, wines or beer in, on or around the confines of any building owned by the county, including public buildings owned by the county, community building, or in or upon any other structures or property owned by Sumter County or titled in the name of the board of county commissioners, including the land upon which a county building is located, or upon any vacant lands owned by the county, including parks, unless the board of county commissioners specifically approves, at its sole discretion, such consumption at a sanctioned event by a petitioning individual or corporate entity. Such approval will be evidenced and conveyed in writing and may only be granted upon the satisfaction of the following requirements:

- (a) Proof to the satisfaction of the county administrator that the petitioner, if a corporate entity, is properly organized and operating in good standing with the Secretary of State of the State of Florida. If the petitioner is an individual, he or she must agree to submit to a criminal background check.
- (b) Evidence of a liability insurance policy covering the petitioning individual or corporate entity and the activities of the sanctioned event in an amount valued at not less than two million dollars (\$2,000,000.00), with Sumter County named as an additional insured.
- (c) Execution by the petitioning individual or entity of an agreement holding the county harmless from liability for any injuries occurring at or resulting from the sanctioned event and completion of a petition form. The content of the hold harmless agreement and the petition shall be at the discretion of the county administrator.
- (d) Payment by the petitioning individual or corporate entity of a petition fee of not less than one thousand dollars (\$1,000.00). The board of county commissioners may waive this fee at its sole and absolute discretion, but is under no obligation to offer such waiver under any circumstances.
- (e) The petitioning individual or corporate entity must provide proof, concurrent with the application, that he or it has satisfied all Florida state licensing requirements related to the dispensation of alcohol. Failure to provide such proof will result in a rejection of the petition without exception.

(Ord. No. 84-09, § 1, 2-21-84; Ord. No. 2009-01, § 1, 1-27-09)

***Cross references**—Licenses, taxation and miscellaneous regulations, Ch. 24; collection of additional costs in misdemeanor cases involving drugs or alcohol; § 16.2.

State law reference—The Beverage Law, F.S. chs. 561—568.

persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary permit, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request.

c. Building permits. Applications may only be submitted by those persons or entities eligible to perform the work under Chapter 489, Part I, Florida Statutes, or Chapter 6, Article II of this Code, or their authorized agent (who shall make application in the name of such eligible person). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the application.

1. Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit, or prior to a Certificate of Occupancy being issued.
2. Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.
3. The Building Official shall not accept any application from any person who does not have the proper credentials.

(3) Application fees. A fee is required for each amendment or permit application as specified in the schedule of fees established by the Commission. See Appendix B for application fees.

(4) Application materials. An application-form, in a format provided by the director, and other materials, as specified in Appendix A, are required for each amendment or permit application. The position taken by the commission is that all of the information specified in the application form and Appendix A, as required for each amendment or permit, is necessary to satisfy the requirements of completeness, and the burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by Appendix A of this chapter. Notwithstanding the above, it is recognized that each development is unique, and therefore the authority may allow less information or require more information to be submitted according to the needs of the particular application. For applications to be approved by the commission, ZAB and DRB, the applicant may rely in the first instance on the recommendations of the director as to whether more or less information than that set forth in this chapter should be submitted.

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(c) *Application processing.*

(1) *Application identification.* Upon filing, an application shall be assigned a unique identification number reflecting the nature of the requested action, and if applicable, the year and month assigned for public hearing and the order of receipt.

persons who have contracted to purchase or lease the property contingent upon their ability to acquire the necessary permit, or the authorized agents of such persons (who shall make application in the name of such owner, lessee, or contract vendor). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the request.

c. Building permits. Applications may only be submitted by those persons or entities eligible to perform the work under Chapter 489, Part I, Florida Statutes, or Chapter 6, Article II of this Code, or their authorized agent (who shall make application in the name of such eligible person). The director may require an applicant to submit evidence of his/her authority to submit an application. If property is jointly owned, the director may require that all owners initiate the application.

1. Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit, or prior to a Certificate of Occupancy being issued.
2. Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.
3. The Building Official shall not accept any application from any person who does not have the proper credentials.

(3) Application fees. A fee is required for each amendment or permit application as specified in the schedule of fees established by the Commission. See Appendix B for application fees.

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(4) Application materials. An application-form, in a format provided by the director, and other materials, as specified in Appendix A, are required for each amendment or permit application. The position taken by the commission is that all of the information specified in the application form and Appendix A, as required for each amendment or permit, is necessary to satisfy the requirements of completeness, and the burden of presenting a complete application shall be upon the applicant. An application is presumed complete when it contains all of the information required by Appendix A of this chapter. Notwithstanding the above, it is recognized that each development is unique, and therefore the authority may allow less information or require more information to be submitted according to the needs of the particular application. For applications to be approved by the commission, ZAB and DRB, the applicant may rely in the first instance on the recommendations of the director as to whether more or less information than that set forth in this chapter should be submitted.

(c) *Application processing.*

(1) *Application identification.* Upon filing, an application shall be assigned a unique identification number reflecting the nature of the requested action, and if applicable, the year and month assigned for public hearing and the order of receipt.