



THE SUNRISE CITY

**FORT PIERCE**  
CITY ATTORNEY'S OFFICE *Florida*



To: Honorable Mayor and Members of the City Commission

From: Peter J. Sweeney, City Attorney

Subject: City of Fort Pierce Code of Ordinances rewrite

Date: June 30, 2020

The City Commission tasked the City Attorney's Office with a complete review and rewrite of the Code of Ordinances for the City of Fort Pierce, which was last completed in 1983. In conjunction with the City Clerk, my office engaged Municipal Code Corporation to assist with this undertaking. Over the last several months, our two offices have coordinated with all of the City's departments, as well as invested a significant number of hours individually, in reviewing, rewriting and editing/proofing the new code.

In all, the code has been reorganized into 65 new chapters, arranged alphabetically, which includes over 1,000 pages of code text. A copy of the proof with redline edits is provided with this memo for reference.

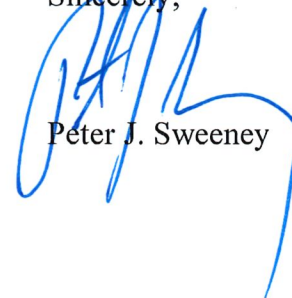
There are several noteworthy issues to advise the Commission of:

- First and foremost, by working in conjunction with Municode's assigned Senior Code Attorney Roger Merriam, ordinances that have been superseded by Florida or Federal law have been removed.
- Additionally, ordinances that are now historically inaccurate (such as former Section 11-12.1 "Sounding of train horns and whistles prohibited during certain hours at specific crossings") have also been removed.
- Fees have been removed from the code of ordinances, as much as possible, so that they can be addressed by resolution. This will allow the City Commission to move more nimbly in the event there is a need to change a fee in short-order, as a resolution only requires one reading.
- Penalties have been standardized, as much as possible, to create uniformity for infractions of the code of ordinances. There are still specific penalties for certain infractions, as requested by the individual department for particular enforcement purposes.

- Definitions have been reviewed, cross-referenced and edited to match Florida state statutes on the same subject in order to remove ambiguity and/or conflicting usage of specific terms of art.
- Several sections of the City Charter have been edited due to the application of Florida statute section 166.021. This statute identifies provisions of municipal charters that are limitations on home rule power and decrees that they should be stricken from said municipal charter. In the event the problematic charter language should instead be considered an ordinance, it was moved to the appropriate section of the code of ordinances.
- Finally, and perhaps most importantly, several other sections of the City Charter have been corrected because they included language that was not properly approved by referendum, as required by Florida statute section 166.031. As identified by Mr. Merriam, this language was added to the Charter by ordinance without a referendum and is legally null and void. As a result, the Charter language must revert back to the original Charter language from 1965.

As this is a comprehensive document with over 1,000 pages and several hundred edits, I am happy to speak with any of you individually if you have any questions.

Sincerely,



Peter J. Sweeney

Cc: Nick Mimms, City Manager  
Linda Cox, City Clerk