

ORDINANCE 11-61

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 95.21(2)(b)3, PORT ST. LUCIE CITY CODE; PERTAINING TO APPOINTMENT AND QUALIFICATIONS OF SANITATION INSPECTORS, LITTER ENFORCEMENT OFFICERS, POWERS AND DUTIES; AMENDING ORDINANCE TO REMOVE REFERENCES TO FIREARMS; PROVIDING AN EFFECTIVE DATE

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Port St. Lucie City Code Section 95.21 is hereby amended by removing references to firearms, and said section shall read as follows:

Section 95.21. Appointment and qualifications of sanitation inspectors, litter enforcement officers, powers and duties.

(1) The city manager is hereby authorized to designate and appoint, as sanitation inspectors, also referred to as "litter enforcement officers" (s. 403.413, F.S.), certain city employee(s) and volunteers who are trained and assigned to inspection functions for the purpose of enforcing this chapter and the rules and regulations pertaining thereto.

(2) Pursuant to the provisions of § 403.413, Fla. Stat., the Florida Litter Law, the city's duly appointed law enforcement officers and code enforcement officers are designated and appointed as litter enforcement officers of the city for the purposes of enforcing § 403.413, Fla. Stat. and sections 95.15 and 95.20 herein. Duly appointed law enforcement officers and code enforcement officers are exempt from the qualifications requirements set forth below.

(a) Litter enforcement officers shall have the following qualifications:

1. Satisfactory completion of a course of at least eight hours duration pertaining to the duties of litter enforcement officers, which course shall be jointly given by the directors of the city police department, department of general services administration, department of public works, law department and other relevant departments.

(b) Litter enforcement officers shall, while on duty:

1. Issue notices of noncompliance and perform such other acts for

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enforcement of this chapter.

2. Perform such additional duties as may be prescribed by ordinance or by administrative orders, regulations and directives as may be issued by the city manager\_or designee.

3. Litter enforcement officers who are not law enforcement officers or code enforcement officers shall be identified either by special uniform or badge or both. ~~Litter enforcement officers shall not carry firearms.~~

Section 2. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Roger G. Orr, City Attorney

# MEMORANDUM

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TO: JERRY A. BENTROTT, CITY MANAGER

THRU: ROGER G. ORR, CITY ATTORNEY 

FROM: GABRIELLE TAYLOR, ASSISTANT CITY ATTORNEY 

DATE: AUGUST 2, 2011

SUBJECT: ORDINANCES AMENDING SECTIONS 94.02, 95.21 AND 96.64 TO REMOVE REFERENCES TO FIREARMS

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The changes being made to the attached ordinances are to eliminate the prohibitions on shooting, carrying and possessing firearms in sections 94.02 and 96.64, lest there be any perception that we are trying to improperly regulate firearms. We are also eliminating the prohibition on possession of firearms by litter officers in section 95.21(b)3. These changes are made in order to comport with section 790.33, Florida Statutes, which will become effective October 1, 2011.

Please advise if you have any further questions in this regard.

GT/mh  
Attach.

cc: City Council  
Karen A. Phillips, City Clerk

**RECEIVED**

**AUG 03 2011**

**City Manager's Office**