COUNCIL ITEM 8H
DATE 8/22/11

COUNCIL ITEM ~~10H~~
DATE ~~8/8/11~~

ORDINANCE 11-62

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION 94.02, PORT ST. LUCIE CITY CODE; PERTAINING TO DEFINITIONS; AMENDING ORDINANCE TO REMOVE REFERENCES TO FIREARMS; PROVIDING AN EFFECTIVE DATE

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Port St. Lucie City Code Section 94.02 is hereby amended by removing references to firearms, which said section shall read as follows:

Section 94.02. Definitions.

(a) The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates or requires a different meaning:

A-weighted sound of pressure level. The sound pressure level as measured with a sound level meter using the A-weighting network method of decibel measurement (hereinafter dBA).

Ambient Noise. The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far, independent of any single, identifiable noise source.

Boat. Every description of watercraft, barge and airboat used or capable of being used as a means of transportation on water, mode of habitation or a place of business or professional or social association on the waters within the city including, but not limited to foreign and domestic watercraft engaged in commerce, passenger or other cargo-carrying watercraft, privately owned recreational watercraft, airboats and seaplanes, and houseboats or other floating homes.

Emergency vehicle. A motor vehicle belonging to a fire department or certified private vehicle belonging to a volunteer firefighter, or firefighting association, partnership or corporation, an ambulance, a motor vehicle belonging to a private security agency, or a motor vehicle belonging to a federal, state, county or municipal law enforcement agency; provided the vehicles are in use as an emergency vehicle by one authorized to use the vehicle for that purpose.

Additions to text are indicated by underline; deletions by ~~strikeout~~

Emergency work. Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

Impulsive sound or noise of an impulsive character. Any sound of short duration, usually less than one second, with an abrupt onset and rapid decay, such as hammering~~,~~ and blasting ~~and discharge of firearms~~.

Land use category. The classification of an area as residential, commercial or industrial, according to its use. For purposes of land use categories, the following provisions shall apply to this chapter. All premises containing habitually occupied sleeping quarters shall be considered in residential use. Hospitals, nursing homes, schools, libraries and churches shall be considered in residential use. All premises containing transient-commercial sleeping quarters shall be considered in commercial use. All premises containing businesses where sales, professional or other commercial use is legally permitted shall be considered in commercial use. Parks shall be considered in commercial use. All premises where manufacturing is legally permitted shall be considered in industrial use. Any area not otherwise classified shall be considered in commercial use. In cases of multiple use, the more restrictive use category shall prevail.

Person. Any person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

Powered model vehicle. Any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle which is not designed to carry persons including, but not limited to any model airplane, boat, car or rocket.

Real property line. An imaginary line along the real property surface, and its vertical plane extension, which separates the real property owned, rented or leased by a person from that owned, rented or leased by another person, including intrabuilding real property divisions.

Sound level. The A-weighted sound pressure level obtained_by use of a sound level meter as specified in the American National Standards Institute specifications for sound level meters (ANSI SI 4-1983, as amended).

Sound level meter. An instrument, including a microphone, an amplifier, an output meter and frequency weighting networks, for the measurement of noise and sound levels in a manner specified by the American National Standards Institute (ANSI).

(b) All terminology used herein and not defined shall be in conformance with applicable publications of the American National Standards Institute (ANSI).

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

H:\GABY\Ordinance\amending section 94.02 - definitions - remove reference to firearms.doc

MEMORANDUM

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

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