

**AN ORDINANCE AMENDING THE PASCO COUNTY CODE OF ORDINANCES REMOVING FROM THE CODE THE FOLLOWING: SECTIONS 46-51 THROUGH 46-58 PERTAINING TO FIRE HYDRANTS, FIRE PROTECTION WATER SYSTEMS; SECTIONS 78-26 THROUGH 78-335, AND SECTIONS 110-201 THROUGH 110-340 PERTAINING TO IMPACT FEES; SECTIONS 82-26 THROUGH 82-31 PERTAINING TO STREET ADDRESSING AND NAMING; AND SECTION 114-40 PERTAINING TO DOCKS; PROVIDING FOR AMENDMENT TO CHAPTER 2, ARTICLE V, TO CREATE DIVISION 6 PERTAINING TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR AMENDMENT TO CHAPTER 50, ARTICLE V, PAIN MANAGEMENT CLINICS, PROVIDING FOR REPEALER OF SECTION 42-2 PERTAINING TO REMOVAL OF RUBBISH, AND OF SECTIONS 62-36 THROUGH 62-86 PERTAINING TO WATER SUPPLY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, Pasco County has broad home rule powers carry one county government, including to adopt ordinances to provide for the common good; and

**WHEREAS**, the Board of County Commissioners directed staff to reorganize, streamline and clarify the Pasco County Land Development Code and to incorporate therein existing local regulations pertaining to the development of land; and

**WHEREAS**, during the process to reorganize and clarify the Land Development Code, it became apparent that certain provisions of the Code of Ordinances relating to the development of land should be codified within the Land Development Code, and likewise, that provisions unrelated to the development of land contained within the Land Development Code belong in the Code of Ordinances; and

**WHEREAS**, the continued regulation of pain management clinics in order to protect the health, safety and welfare of the public, is appropriately codified within the Code of Ordinances, and due to the expiration of a moratorium on the registration of same, amendments to the Code are necessary; and

**WHEREAS**, obsolete sections of the Code of Ordinances should also be removed and repealed as a part of the ongoing effort to reorganize, streamline and clarify the Codes, and

**WHEREAS**, the Board of County Commissioners finds that passage of this Ordinance will further the interest of the health, safety, and general welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA AS FOLLOWS:**

**Section 1. Authority.**

This Ordinance is enacted pursuant to Chapter 125, Fla. Stat. (2011), and under the home rule powers of the County in the interest of the health, peace, safety and general welfare of the people of Pasco County.

**Section 2. Legislative Findings of Fact.**

The foregoing Whereas clauses, incorporated herein, are true and correct.

**Section 3. The following sections are removed from the Code of Ordinances for the purpose of codification in the Land Development Code.**

- A. Sections 46-51 through 46-58 pertaining to fire hydrants and fire protection water systems;
- B. Sections 78-26 through 78-335, and Sections 110-201 through 110-340 pertaining to impact fees;
- C. Sections 82-26 through 82-31 pertaining to street addressing and naming; and
- D. Section 114-40 pertaining to docks.

**Section 4. Chapter 50, Article V, Pain Management Clinics is amended as follows:**

Sec. 50-251. - Authority.

This article is enacted pursuant to F.S. (2011) ch. 125 and under the home rule powers of the county in the interest of the health, peace, safety and general welfare of the people of Pasco County.

Sec. 50-252. - Legislative findings of fact.

The foregoing whereas clauses of Ord. No. 10-13, incorporated herein by reference, are true and correct. The board finds and declares that in the best interest of the general public there exists a need to enact an ordinance regulating the operation of pain management clinics operating in Pasco County.

Sec. 50-253. - Intent and purpose.

It is the purpose and intent of this article to promote the health and general welfare of the residents of Pasco County.

Sec. 50-257. - Registration and display of permit.

(a) No pain management clinic shall operated in Pasco County without having been issued a pain management clinic permit by the county's development service department ("department"). Permits shall be good for 1 calendar year, and shall be renewed annually on or before September 30 of each year. All pain management clinics that were registered pursuant to Ord. No. 10-18 shall be considered legal nonconforming uses provided the registration was not revoked and the use was not abandoned for more than 180 days, and as such are not required to obtain a Conditional Use approval to continue operation, but must comply with all other regulations in this Article including the annual permitting requirement

Sec. 50-258. - Application.

(a) Application required. Prior to commencing operation as a pain management clinic, a pain management clinic permit shall be obtained. To obtain a permit, a sworn application created by the department shall be filed and shall contain the following information:

- (1) Proof that the clinic for which registration is sought was registered pursuant to Ordinance 10-18 and is a legal nonconforming use for which the registration was not revoked and the use was not abandoned for more than 180 days., or proof that the applicant has obtained a Conditional Use pursuant to Section 402.3 of the Land Development Code. Acceptable forms of proof to show that a nonconforming use has not been abandoned shall be utility bills, tax returns, evidence of payment/revenue or pay roll or such similar documents as the department may request;

- (2) Proof that the applicant has registered with the state department of health as required by Florida Statute, or any successor state law, or proof that the applicant is exempt from registration with the state; and
  - (4) A sworn statement attesting to the veracity and accuracy of the information provided in the application.
- (b) Application fee. Each annual application for a pain management clinic permit shall be accompanied by an annual nonrefundable fee of \$2,500.00, or such other fee as may be set by resolution of the board. Calculation of the appropriate fee shall be based on the cost to Pasco County for implementing and enforcing the provisions of this article.
- (c) Incomplete application. If the application for a pain management clinic permit is not properly completed, the department shall notify in writing (or by email if an email address is provided by the applicant) the person designated for service in the application. Failure to provide the information necessary to complete an application within 15 calendar days of the mailing of the notification days shall result in a denial of the application.
- (g) Denial or revocation of permit. The department shall deny or revoke a pain management clinic permit in writing (or by email if an email address is provided by the applicant) on the basis of any one of the following grounds:
- (1) An applicant has submitted an application which contains material incorrect/false information.
  - (2) An applicant has failed to provide the information necessary to complete an application within 15 calendar days of the mailing (or emailing) of the notification that an application is incomplete.
  - (3) An applicant has failed to prove that the clinic is a legally nonconforming use or has failed to obtain a Conditional Use.
  - (4) An applicant is not registered pursuant to State Statute, or any successor state law, or has not proven it is entitled to an exemption from state registration.
  - (5) An applicant has had a registration issued under either State Statute, or any successor state law, suspended or revoked.
- (h) Appeals. Any applicant denied a pain management clinic permit, or any permit holder whose permit is revoked, may appeal the denial or revocation to the board.
- (1) An appeal must be filed, and an appeal fee paid, with the county administrator within 30 days of the date of the final, written decision to be appealed. Any appeal not timely filed, or any appeal fee not paid within 30 days shall result in a waiver of the right to appeal. The board shall hear the appeal. The hearing shall occur within 60 days of the receipt of the appeal, unless waived by the applicant, and a written decision shall be rendered within 30 days of the hearing.

Sec. 50-260. - Service of notice; public records.

- (a) Any notice required under this article shall be in writing and sent by certified mail or hand delivery to the mailing address set forth on the application for the business registration. If an email address is provided by the applicant, notice may be sent by email. This mailing or email address shall be considered the correct mailing address, and the mailing address for service of legal notices and process, unless the department has been otherwise notified in writing.

Sec. 50-261. - Violations and penalty.

- (a) Methods of enforcement. The requirements of this article and its sections may be enforced as follows:
- (1) By citation for civil penalties pursuant to the authority granted by F.S. § 125.69, F.S. ch. 162, pt. II, and/or section 1-11 of this Code. Each day of the

violation shall constitute a separate offense, punishable by a fine not to exceed \$500.00 per count. The County may also seek entry of a court order requiring compliance with this Code.

Section 5. The following provisions pertaining to the Affordable Housing Advisory Committee is hereby created Chapter 2, Article V, in the Code of Ordinances.

Division 6. Affordable Housing Advisory Committee.

Section 2-301. Creation. There is hereby created and established in the Affordable Housing Advisory Committee (committee).

Section 2-302. Purpose, general functions, powers and intent.

It is the intent of the Board of County Commissioners that the committee meets, operates and carries out the objective of F.S. § 420.9076, as amended, in a strictly advisory nature, and that this section shall be interpreted in accord with the same. The committee shall perform and carry out such other functions and duties of a strictly advisory nature as may be assigned by the Board of County Commissioners.

Section 2-303. Definitions.

Affordable housing shall be as defined by the most current adopted local housing assistance plan.

Section 2-304. Membership.

The committee shall consist of 11 members appointed by the Board of County Commissioners by resolution. Members shall serve until the entirety of the triennial task as defined in F.S. § 420.9076(4) is complete, unless extended by the Board of County Commissioners, and shall be composed of representatives from the following categories:

- a. One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- b. One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- c. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- d. One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- e. One citizen who is actively engaged as a for-profit provider of affordable housing.
- f. One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- g. One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- h. One citizen who actively serves on the local planning agency pursuant to F.S. 163.3174.
- i. One citizen who resides within the jurisdiction of the local governing body making the appointment.
- j. One citizen who represents employers within the jurisdiction.
- k. One citizen who represents essential services personnel, as defined in the local housing assistance plan.

The members of the committee shall elect a chairman and a vice-chairman.

Section 2-305. Meetings.

The committee shall meet, at a minimum, triennially for the purpose stated in section 2-304. The committee shall meet at the request of its chairman or vice-chairman, or the Board of County Commissioners, or the County Administrator or designee. The presence of six or more members shall constitute a quorum of the committee. In the

absence of adopted bylaws by the committee, it shall adhere to the procedures contained in Robert's Rules of Order, latest edition.

**Section 6. Repealer.**

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed to extent of such conflict. The following sections are specifically repealed:

- A. Section 42-2 pertaining to removal of rubbish.
- B. Sections 62-36 through 62-86 pertaining to water supply.

**Section 7. Severability.**

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding.

**Section 8. Inclusion in the Pasco County Code.**

The provisions of this Ordinance shall be included and incorporated in the Pasco County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pasco County Code.

**Section 9. Effective Date.**

A certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance. This Ordinance shall take effect upon filing with the Department of State.

Duly adopted this \_\_\_\_\_ day of August, 2011.

( S E A L )

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

By: \_\_\_\_\_

PAULA S O'NEIL, Ph.D., CLERK &  
COMPTROLLER

By: \_\_\_\_\_

ANN HILDEBRAND., CHAIRMAN