

COUNCIL MEMORANDUM

Council Meeting Date: December 12, 2013



LEGISLATIVE ACTION ITEM

Charles L. Bare
SPONSOR: Charles L. Bare, Council Member

SUBJECT: Official Motto of the City of Pensacola

RECOMMENDATION:

That City Council amend Section 1-1-3 of the city code to include language designating the city's official motto as "The City of Five Flags" and renumber current sections 1-1-3 through 1-1-10 to 1-1-4 through 1-1-11.

AGENDA: X Regular Consent

Hearing Required: Public Quasi-Judicial No Hearing Required X

SUMMARY:

The City of Pensacola has a rich history dating back to 1559 when Spanish settlers first landed on the shores of Pensacola Bay. Although the first settlement was short-lived, it established Pensacola as America's oldest European settlement. Since that time, five different flags have flown over Pensacola. While some of these periods were short in duration, they all affected the city as we know it today. Long before European settlement, Native Americans lived in what would one day be our city.

The history of Pensacola is unique and should be celebrated. While not every flag has the same significance, they are all part of our story. The recent unveiling of the "Pensacola: City of Five Flags" exhibit at the T.T. Wentworth, Jr. Museum is further testament to the significance our history has played in creating the city we live in today.

Our City motto should be a reflection of how we feel about this city. Designation of Pensacola as the City of Five Flags provides the link to our rich history and demonstrates our ability to thrive under often tumultuous conditions.

Incorporation in the city code preserves the governing body's role in designating the motto. It also maintains the council's power to legislate future changes to the motto.

PRIOR ACTION: None

FUNDING: None

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FINANCIAL

IMPACT: None

STAFF CONTACT: None

ATTACHMENTS: Proposed Ordinance

PRESENTATION: None

PROPOSED
ORDINANCE NO. xx-13

AN ORDINANCE
TO BE ENTITLED:

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF PENSACOLA,
FLORIDA; AMENDING SECTIONS 1-1-3, 1-1-4, 1-1-5, 1-1-6, 1-1-7, 1-1-8, 1-1-9 AND 1-1-
10 AND ADDING SECTION 1-1-11; PROVIDING FOR SEVERABILITY; REPEALING
CLAUSE; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Pensacola City Council recognizes the rich history of our city beginning with the first European settlement in 1559; and

WHEREAS, five different flags flew over Pensacola since the first settlement in 1559; and

WHEREAS, our unique history combined with our ability to adapt to the rule of five different governments demonstrates our city's ability to thrive even under tumultuous conditions; and

WHEREAS, the designation of an official motto provides our city with a true identity.

NOW THEREFORE, be it ordained by the City of Pensacola, Florida:

SECTION 1. Sections 1-1-3 through 1-1-11 of the Code of the City of Pensacola, Florida are amended as follows:

Sec. 1-1-3. – City Motto

The official motto of the City of Pensacola shall be “The City of Five Flags.”

Sec. ~~1-1-3~~ 1-1-4. - Section catchlines.

- (a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of the sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or re-enacted.
- (b) No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any title, chapter, article or division.

Sec. ~~1-1-4~~ 1-1-5. - History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. ~~1-1-5~~ 1-1-6. - Effect of repeal of ordinances.

- (a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.
- (b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. ~~1-1-6~~ 1-1-7. - Provisions considered as continuation of existing ordinances.

The provisions appearing in this and the following titles, chapters, articles, divisions and sections, so far as they are the same as those of the "Code of the City of Pensacola, Florida," adopted by Pensacola Ordinance No. 18-70 or of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Sec. ~~1-1-7~~ 1-1-8. - Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (3) Any administrative ordinances;
- (4) Any right of franchise granted by any ordinance of the council to any person, firm or corporation;
- (5) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, repairing, or establishing and describing street grades or traffic and parking regulations of any street or public way in the city;
- (6) Any appropriation ordinance;
- (7) Any ordinance levying or imposing taxes, assessments or other fees or charges not included herein;

- (8) Any land use or zoning ordinance or map or any amendment thereto;
- (9) Any ordinance or resolution relating to salaries of city officers or employees or other personnel matters;
- (10) Any ordinance pertaining to water and sanitary sewer or other utilities;
- (11) Any ordinance providing for local improvements and assessing taxes therefor;
- (12) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (13) Any ordinance annexing territory or excluding territory or extending or otherwise redefining the boundaries of the city;
- (14) Any temporary or special ordinances;
- (15) Any ordinance giving the city the authority to regulate taxicabs or other for-hire vehicles;
- (16) Any ordinance authorizing the purchase of real property;

And all such ordinances are hereby recognized as continuing in full force and effect as if set out at length herein.

Sec. ~~1-1-8~~ 1-1-9. - Penalty for violations.

Whenever in this Code or in any ordinances of the city any act is prohibited or is made or declared to be unlawful or an offense or whenever in such Code or any ordinances the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both the fine and imprisonment. Each day any violation of any provision of this Code shall continue shall constitute a separate offense.

Sec. ~~1-1-9~~ 1-1-10. - Severability.

It is hereby declared to be the intention of the council that if any of the sections, paragraphs, sentences, clauses and phrases of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. ~~1-1-10~~ 1-1-11. - Altering or tampering with Code; penalties for violation.

It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of the Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

SECTION 2. Should a court of competent jurisdiction declare any part of this ordinance invalid, the remaining parts shall not in any way be affected by such determination as to the invalid part.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.