

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 9. NUISANCES, SECTION 9-7 OF ITS CODE OF ORDINANCES BY DELETING THE CURRENT SECTION 9-7 *HURRICANE WATCH; SECURING OF CONSTRUCTION SITES* IN ITS ENTIRETY AND BY ADOPTING A NEW SECTION 9-7. *TROPICAL STORM PREPAREDNESS; SECURING OF CONSTRUCTION SITES* IN ORDER TO PROVIDE ADDITIONAL REGULATIONS PERTAINING TO THE SECURING OF CONSTRUCTION SITES IN THE EVENT OF A DECLARED TROPICAL STORM WATCH OR WARNING OR HURRICANE WATCH OR WARNING IN PALM BEACH COUNTY OR MARTIN COUNTY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 9. NUISANCES, Section 9-7. *Hurricane watch; securing of construction sites* of the Code of Ordinances is hereby repealed in its entirety and a new Section 9-7. *Tropical Storm Preparedness; Securing of Construction Sites* is adopted as set forth below:

~~Sec. 9-7. Hurricane watch; securing of construction sites.~~

- ~~(a) In the event any construction is being performed upon any property within the town and a hurricane watch is issued for an area encompassing the town, the owner of the property and contractor who obtained the building permit shall, within twenty four (24) hours of issuance of the hurricane watch, be responsible to insure that all construction materials, equipment, debris or other items located or stored on that property are removed, stored or secured so as to not, in the discretion of the building official, present a danger in the event of high winds or hurricane.~~
- ~~(b) In the event the owner and contractor fail to adequately remove, store or secure such materials, equipment, debris or other items as provided in paragraph (a), the building official may have such items removed, stored or secured, and the cost of any such work, including storage fees, may be imposed as a lien against the real property upon which the construction is being performed.~~

Section 9-7. Tropical Storm Preparedness; Securing of Construction Sites

- (a) When the National Weather Service, National Hurricane Center or appropriate weather agency shall declare a tropical storm watch or warning or a hurricane watch or warning for any portion of Palm Beach County or Martin County, Florida, all construction materials, including roof tiles, and debris on all building and construction sites within the Town shall be secured, stored or removed so as not to create a safety hazard because of hurricane or tropical storm force winds.
- (b) Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a tropical storm watch or warning or a hurricane watch or warning shall be deemed sufficient notice to the owner of real property upon which construction is occurring or any contractor responsible for said construction to secure, store or remove

loose construction debris and loose construction materials against the effects of high winds.

- (c) Materials stockpiled on top of any structure under construction shall be permanently installed by the property owner or contractor upon issuance of a tropical storm watch or warning or a hurricane watch or warning; provided, however, in the event such installation cannot be timely completed, then the property owner or contractor shall:
 - (1) Band together the construction materials and mechanically fasten them to the top of the structure in such a manner so as not to present a threat of their becoming airborne during a tropical storm or hurricane; or
 - (2) Remove the construction materials from the top of the structure and mechanically tie down to the ground; or
 - (3) Remove the construction materials from the job site; or
 - (4) Store the construction materials inside a protected structure.
- (d) Scaffolding, tools, materials and supplies located on the exterior of a structure shall be removed or otherwise secured on site.
- (e) If possible, structures shall be secured from potential water intrusion. Roofing, windows, doors and all exterior elements must be watertight if any materials inside the structure would be damaged by water intrusion. In the event the interior of a structure cannot be secured, all materials shall be removed or secured to prevent materials from becoming airborne.
- (f) All trash and debris on a construction site shall be placed in a dumpster or other commercial container. Commercial containers, dumpsters and portable toilets must be removed from the construction site or securely tied to the ground.
- (g) Silt erosion control fences shall be in place and piles of dirt, sand and stone shall be located away from streets, swales, inlet grates and adjoining properties.
- (h) Construction materials or debris shall remain secured, stored or removed from the property until the National Weather Service, National Hurricane Center or other appropriate weather agency has removed all portions of Palm Beach County and Martin County from those areas included in a tropical storm watch or warning or a hurricane watch or warning.
- (i) From June 1 to November 30 of each calendar year, construction or roofing materials shall be loaded on a roof no earlier than ten working days prior to the permanent installation of the materials.
- (j) It shall be the joint responsibility of the owner and general contractor to remove, secure or to see to the removal or securing of all construction materials and debris as set forth in this Section.

(k) In the event of a violation of this Section, in addition to all other remedies provided in the Code of Ordinances and otherwise by law, the Town may take whatever emergency action it deems necessary to secure, store or remove all loose construction materials and debris including, but not limited to, roof tiles and roofing materials. In such circumstances, the Town shall bill the property owner or his agent for all charges and expenses incurred whether incurred by the utilization of Town personnel and equipment or other outside contractors retained by the Town for such purposes. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the Town to utilize a competitive bid process to select a contractor or contractors. Should the bill for such services remain unpaid for a period of thirty (30) days or more, the Town may record a claim of lien encumbering the property and thereafter proceed according to law to enforce said lien.

SECTION 2. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 3. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and adoption.

* FIRST READING this 11th day of October, 2022.

SECOND READING and FINAL PASSAGE this 14th day of November, 2022.

TOWN OF JUPITER INLET COLONY, FLORIDA

Mayor-Daniel J. Comerford, III

ATTEST:

Vice-Mayor Milton J. Block

Town Clerk

Commissioner Lisa H. Hines

Commissioner Marie Rosner

Commissioner Richard D. Busto