

ORDINANCE NO. 03 - 2018

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS, ARTICLE I. IN GENERAL TO AMEND SECTIONS 4-2, 4-3 AND 4-10 TO REDESIGNATE DUTIES AND RESPONSIBILITIES OF THE BUILDING AND ZONING COMMISSIONER AND BUILDING AND ZONING COMMITTEE; BY AMENDING CHAPTER 9 NUISANCES, SECTION 9-8 FUGITIVE DUST OR BLOWING SAND TO SPECIFY THAT THE BUILDING OFFICIAL WILL PERFORM THE DUTIES AND FUNCTIONS PREVIOUSLY ASSIGNED TO THE BUILDING COMMISSIONER; BY AMENDING CHAPTER 15 SIGNS, SECTION 15-3 TO DELETE REFERENCES TO THE BUILDING COMMISSIONER IN THE PERMITTING PROCESS; BY AMENDING CHAPTER 16 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II. PUBLIC RIGHTS-OF-WAY AND EASEMENTS, DIVISION 2. PERMIT AND LICENSE, SECTION 16-38 UTILITY FACILITIES REQUIRED TO BE UNDERGROUND; PERMITS FOR OVERHEAD UTILITY FACILITIES PROHIBITED IN ORDER TO PROVIDE CONSISTENCY WITH CHAPTER 18, ARTICLE IV OF THIS CODE; BY AMENDING CHAPTER 18 UTILITIES, ARTICLE IV. UTILITIES REQUIRED TO BE UNDERGROUND, SECTIONS 18-55 AND 18-57 TO PROVIDE THAT THE PLANNING AND ZONING ADMINISTRATOR SHALL PERFORM THE FUNCTIONS PREVIOUSLY ASSIGNED TO THE BUILDING AND ZONING COMMISSIONER; PROVIDING AUTHORITY TO CODIFY; 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 THAT:

SECTION 1. Chapter 4 BUILDINGS AND BUILDING REGULATIONS, Article I. In General, Section 4-2. Term of building permits; landscape plans; fill, removal or regrading plans; plot plan, maximum height certification required. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 4-2. Term of building permits; landscape plans; fill, removal or regrading plans; plot plan, maximum height certification required.

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.

(d) Unchanged.

(e) Unchanged.

(f) At the time of making application for a residential permit for:

- 1) new construction;
- 2) a building repair or renovation that has the effect of new or relocating exterior walls of a structure; or
- 3) a repair or renovation to an existing structure the cost of which exceeds the amounts set forth in Section 9(D)(2) or (4) of Appendix A-Zoning Code,

the applicant shall submit a survey of the subject property and building plans depicting the location of all improvements on the site and clearly showing the dimensions of all required setbacks; depicting maximum building height of all structures from the average finished grade; depicting final lot grading and drainage; and showing the lot ~~coverage~~ occupancy percentage for the proposed improvements.

Such application for such submittal shall be reviewed by the ~~Building-planning and Zoning administrator Commissioner and Building and Zoning Committee or designee~~ for compliance with zoning requirements as set forth in the Zoning Code for the Town. The Building Official shall not be required to review or process building plans until such approval is granted by the ~~Building and Zoning Committee planning and zoning administrator or designee.~~

SECTION 2. Chapter 4 BUILDINGS AND BUILDING REGULATIONS, Article I. In General, Section 4-3. Times for construction restricted. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 4-3. Times for construction restricted.

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) All contractor vehicle(s), truck(s), heavy equipment, and the like shall be removed from the job site at the end of each work day; provided, heavy construction equipment may remain on the job site overnight if the building ~~commissioner-official~~ determines that the public health and safety will not be impaired and that substantial loss or hardship will result to the owner or contractor if such heavy construction equipment is required to be removed

from the job site on a daily basis. Prior to storing any heavy construction equipment on a job site at the end of a work day, an owner or contractor must file an application for and obtain a permit from the town permitting such storage. The application filing fee shall be thirty-five dollars (\$35.00). The application shall set forth the reason(s) for the request to allow the heavy construction equipment to remain on the job site, the estimated period of time that such storage will be necessary and a statement executed by the owner or contractor agreeing to remove the heavy construction equipment from the job site prior to the expiration of the permit. Any fine levied by a citation issued pursuant to Chapter 2 of this Code shall be paid prior to final inspections or issuance of a certificate of occupancy. For purposes of this section, heavy construction equipment means cranes, bulldozers, track vehicles, or other similar heavy equipment or vehicles used in the construction or demolition process.

SECTION 3. Chapter 4 BUILDINGS AND BUILDING REGULATIONS, Article I. In General, Section 4-10. Issuance of building permits. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 4-10. Issuance of building permits.

- (a) No building permit for construction that has an impact on zoning issues such as setbacks, building height or elevation, building mass, sight lines, finished grade, or lot coverage occupancy shall be issued until the building planning and zoning commissioner administrator or designee and ~~no less than two (2) members of the building and zoning committee~~ have approved all plans submitted thereby certifying compliance with the provisions of the Zoning Code. Confirmation of approval shall be evidenced by signatures on the blueprint or approval form adopted by the Town Commission.
- (b) Applications for building permits for work that has no effect or impact on zoning issues such as setbacks, building height or elevation, grade or lot coverage shall only be reviewed by the building official and no consent for the issuance of a permit shall be required by the building and zoning committee.
- (c) Unchanged.
- (d) Within ten (10) days of issuance of a building or demolition permit and before construction or demolition is commenced, a contractor or owner/builder, at its own expense, at the request of the owner(s) of a property neighboring the construction site, shall install a temporary fence barrier in the swale area(s) of properties neighboring the construction site in order to prevent or impair vehicles from parking in the swale area(s). A neighboring property owner may request that no barrier be installed in the swale area abutting his/her neighboring property. The barrier(s) shall consist of a series of green posts approximately two (2) feet in height connected by

yellow chain. The barrier(s) shall be installed at such locations as required by the building ~~and zoning commissioner official~~. In the event of problems with vehicles parking in swale areas near the construction site following the commencement of construction or demolition, the building ~~and zoning commissioner official~~ may require additional barrier(s) to be installed by the contractor or owner/builder. Any such temporary barrier(s) shall be removed by the contractor or owner/builder within ten (10) days of issuance of a certificate of occupancy or conclusion of the demolition activities at the construction site. Other than barriers permitted in this section, no barriers, fences or obstructions of any type shall be installed by any individuals in the swale area(s) of the town.

SECTION 4. Chapter 9 NUISANCES, Section 9-8. Fugitive dust or blowing sand. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 9-8. Fugitive dust or blowing sand.

- (a) It shall be unlawful for any owner, tenant, contractor or other person to cause, permit, or allow the emissions of particulate matter from any source whatsoever, including, but not limited to, incidents caused by vehicular movement, transportation of materials, wind, construction, alteration, demolition or wrecking of buildings or structures, failure to plant or maintain sod or landscaping so as to control the blowing of sand or dirt, or the stockpiling of sand or dirt, without taking reasonable precautions to prevent such emissions or to preclude fugitive particulates that may trespass on neighboring properties. In the case of stockpiled particulate materials, such materials shall be stabilized by adequate covering, by wetting or by chemical application to the satisfaction of the building ~~commissioner official~~.
- (b) In addition to other remedies for violation of this Code, the violation of this section shall constitute grounds for issuance of a stop-work order by the building ~~commissioner official~~ in accordance with provisions of the building code.

SECTION 5. Chapter 15 SIGNS, Section 15-3. Application; permit; revocation of permit; permit fee. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 15-3. Application; permit; revocation of permit; permit fee.

- (a) Unchanged.
- (b) Unchanged.

- (c) ~~The town clerk or building commissioner may revoke a permit or approval issued under the provisions of this chapter if it is found that there has been any false statement, concealment or misrepresentation as to any material fact in the application for the permit required herein. The town clerk or building commissioner may also revoke a permit or approval issued under the provisions of this chapter if it is found that the sign or signs actually placed on the property do not comply with the application for permit or otherwise violate the terms of this chapter.~~

- (d) Unchanged.

SECTION 6. Chapter 16 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Article II. Public right-of-way and easements, Division 2. Permit and license, Section 16-38. Utility facilities required to be underground; permits for overhead utility facilities prohibited. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 16-38. Utility facilities required to be underground; permits for overhead utility facilities prohibited.

Except as otherwise specifically provided in this article, all facilities for providing electrical power, telecommunications, video, cable television, internet, broadband, and similar services (collectively, as used herein, "utility facilities") located within the jurisdiction of the town shall be placed underground. Poles, overhead wires, and associated overhead structures shall not be permitted except as specifically provided in ~~this article~~ Chapter 18 UTILITIES, Article IV. Utilities required to be underground.

~~The town's building planning and zoning commissioner administrator and the town's building and zoning committee official are hereby expressly prohibited from issuing any permits that will allow: (a) the installation of any new overhead wiring, electric supply conductors, fiber optic cable, telephone or other communications cable, or similar utility facilities, or (b) the installation of any overhead facilities in connection with any relocation, refurbishment, upgrading, reconstruction, or restoration of utilities already located within the town; excepting, in either case, only those facilities that are expressly and specifically permitted pursuant to section 18-51 and section 18-56 of this article. The town's building planning and zoning commissioner administrator and the town's building and zoning committee official are hereby expressly prohibited from issuing any permits that will be otherwise contrary to the terms and purposes of this article.~~

SECTION 7. Chapter 18 UTILITIES, Article IV. Utilities required to be underground, Section 18-55. Permits for new overhead utility facilities prohibited. And Section 18-57. Penalties. of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida is hereby amended to read as follows:

Sec. 18-55. Permits for new overhead utility facilities prohibited.

The town's ~~building planning and zoning commissioner~~ administrator and the town's ~~building and zoning committee~~ official are hereby expressly prohibited from issuing any permits that will allow:

- (a) the installation of any new overhead wiring, electric supply conductors, fiber optic cable, telephone or other communications cable, or similar utility facilities, or
- (b) the installation of any overhead facilities in connection with any relocation, refurbishment upgrading, reconstruction, or restoration of utilities already located within the town; excepting, in either case, only those facilities that are expressly and specifically permitted pursuant to section 18-51 and section 18-56 of this article.

The town's ~~building planning and zoning commissioner~~ administrator and the town's ~~building and zoning committee~~ official are hereby expressly prohibited from issuing any permits that will be otherwise contrary to the terms and purposes of this article.

Sec. 18-57. Penalties.

- (1) Any utility company violating the terms of this article shall be subject to having its permit revoked, shall remove any overhead structures, conductor, cable, conduit, wiring or other facilities which are in violation hereof, and shall be subject to the penalties set forth in section 1-11 of this Code and subject to section 24, penalties, of the Town's Zoning Code, ~~and subject to the jurisdiction and penalties of the town's building and zoning committee~~, and also subject to other appropriate legal or equitable remedies at law. For purposes of this section, each pole, wire, transformer or other object placed above ground in violation of this article shall be considered a separate violation.
- (2) Any property owner in violation of this Code shall be subject to the penalties and provisions set forth in section 1-11 of the Town Code, chapter 2, article VII of the Town Code and in section 24 of the Town's Zoning Code, ~~and shall also be subject to the jurisdiction and penalties of the town's building and zoning committee~~ and also subject to other appropriate legal or equitable remedies at law, including, without limitation, a mandatory injunction to require compliance with this article. The town shall be entitled to recover its court costs and attorney's fees incurred in any litigation or administrative proceeding filed to require a property owner to connect to the underground facilities or to otherwise comply with the provisions of this article.
- (3) Unchanged.

(4) Unchanged.

SECTION 8. Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony.

SECTION 9. That all ordinances or parts or ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 10. 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 12. This Ordinance shall become effective upon its passage and adoption.

FIRST READING this 6th day of March, 2018.

SECOND READING and FINAL PASSAGE this 20th day of March, 2018.

TOWN OF JUPITER INLET COLONY, FLORIDA

MAYOR DANIEL J. COMERFORD, III

VICE-MAYOR MILTON J. BLOCK

COMMISSIONER JEROME A. LEGERTON

COMMISSIONER SAEED A. KHAN

COMMISSIONER RICHARD D. BUSTO

ATTEST:

TOWN CLERK JUDE M. GOUDREAU