



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 18-007 O**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 12 “CONSTRUCTION SITES”, BY AMENDING SECTION 12-1 “CONSTRUCTION SITE PARKING; STORAGE OF MATERIALS” TO PROVIDE NEW REGULATIONS FOR PARKING RELATED TO CONSTRUCTION ACTIVITIES; BY AMENDING SECTION 12-2 “CONSTRUCTION SITE CLEANLINESS; CONSTRUCTION SITE SAFETY” TO PROVIDE FOR ENHANCED PENALTIES; BY AMENDING SECTION 12-6 “HOURS OF CONSTRUCTION” TO REGULATE CONSTRUCTION HOURS AND DAYS; BY CREATING A NEW SECTION 12-11 “CONSTRUCTION SITE MANAGEMENT HANDBOOK; APPLICATION OF CODE; APPEALS”; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has had a significant number of safety issues arise related to construction work and sites within the Town; and

WHEREAS, the Town Commission wishes to modify and clarify its regulations related to construction site parking and hours of work in the Town; and

WHEREAS, the Town Commission determines that the adoption of this Ordinance serves a public purpose and is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town Commission hereby amends the Town’s Code of Ordinances, Chapter 12, “Construction Sites”, by amending Section 12-1 “**Construction Site Parking; Storage of Materials**” to read as follows (additional language underlined and deleted language ~~stricken through~~):

Chapter 12 - CONSTRUCTION SITES

Construction means any site preparation, assembly, erection, demolition, substantial repair, alteration or similar action for or on public or private property and rights-of-way, structures, utilities or similar property. Construction does not include general maintenance activities.

Sec. 12-1. – Construction site parking; storage of materials.

~~(a) During construction, whenever possible, the contractor shall arrange to provide off-street parking.~~

(a) On-site construction parking.

On street parking is prohibited. All vehicles associated with the construction or construction personnel must be parked completely on the construction site and/or an alternate location approved by the Building Official. On-site parking areas must be completely off the pavement and should be covered with a suitable, compacted material to prevent dirt and mud from being tracked or washed onto adjacent streets and properties. Washing or repairing vehicles associated with the construction or construction personnel is prohibited anywhere in the Town.

(b) Off-site construction parking.

1. Alternate Parking Sites. Alternate parking sites within the Town may be approved by the Building Official and/or Police Chief provided the following requirements are met:

- i. The owner of the alternate parking site has granted written permission.
- ii. The alternate parking area is composed of a suitable, compacted surface.
- iii. The parking area is prepared in such a manner to prevent erosion and stormwater runoff onto streets and neighboring properties.
- iv. No significant vegetation (non-invasive trees or shrubs with a caliper of 4 inches or greater) or topographic features shall be removed or disturbed.
- v. Alternate parking sites shall be used for parking only. Washing or maintaining construction-related vehicles is prohibited as are all other activities related to the construction site.
- vi. Alternate parking sites shall be kept free of litter and other debris.
- vii. A plan shall be prepared showing the number and location of vehicle parking spaces.
- viii. Use of the alternate parking site shall not cause a traffic hazard or cause a significant disruption to the privacy and peaceful enjoyment of neighboring properties.
- ix. Prior to the issuance of certificate of occupancy/completion for the construction site, the alternate parking site shall be restored to a condition and appearance better than or equivalent to the condition and appearance prior to the use as an alternate parking site.

2. Parking in the Public Right of Way on A1A. Parking on A1A is prohibited by the Town. However, there may be some instances when the Florida Department of Transportation will

allow it. To be able to park in the public right of way on A1A, the developer/owner or developer/owner's contractor must copy the Building Department with the letter to the Florida Department of Transportation requesting the right to park on A1A. The Town may or may not comment on the request. If a permit from the Florida Department of Transportation is granted, the permit, along with a parking plan, which will include a remote location for overflow parking, must be submitted to the Town. The Florida Department of Transportation permit must be provided to the Town before any building permits from the Building Department will be released. All vehicles must be parked completely off the paved road.

- (a) (c) It shall be unlawful to place or use on premises in the town any portable, fixed or mobile grout plants or concrete (batching) mixing plants where the capacity of the plants exceeds two (2) cubic yards.
- (b) (d) All temporary construction trailers and storage containers must be approved by the building official prior to placement and must comply with section 30-68(m).

Section 3. The Town Commission hereby amends the Town's Code of Ordinances, Chapter 12, "Construction Sites", by amending Section 12-2 "**Construction Site Cleanliness; Construction Site Safety**", subsection (i) to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 12-2. - Construction site cleanliness; construction site safety.

(i) In addition to other remedies for violation of this Code, including the imposition of fines by the code enforcement board or special magistrate, the violation of this section shall constitute grounds for the cashing of damage bonds, the issuance of a revocation of building permits and/or the issuance of a stop work order issued by the building official in accordance with the provisions of the building code.

Section 4. The Town Commission hereby amends the Town's Code of Ordinances, Chapter 12, "Construction Sites", by amending Section 12-6 "**Hours of Construction**" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 12-6. - Hours of construction.

(a) The ~~erection~~ construction (including excavation), demolition, alteration or repair of any building in a residential district is prohibited between the hours of 6:00 p.m. and 8:00 a.m., and on Saturdays, Sundays and holidays, except in the case of urgent necessity or in the interest of public safety and then only with notification to the police department after Town working

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hours or with a permit from the proper town officials, building official during Town working hours, which permit may be renewed for a period of three (3) days or less while the emergency continues. Approval by the police department allowing after hours construction work must be reviewed by the building official on the next available work day and the contractor or owner must apply for a permit even if the work is completed. For the purposes of this subsection, "holiday" shall be defined as any full day when the administrative offices of the Town of Highland Beach are closed except for the day after Thanksgiving.

(b) Notwithstanding the above, construction on Saturdays (that are not holidays) shall be allowed by the homeowner when the homeowner is making repairs or renovations to the homeowner's single family residence as the "owner-builder," so long as the project construction cost is less than fifty (50) percent of the total market value of the existing building. For the purposes of this section, the total market value shall be the amount established by the Palm Beach County's Property Appraiser's Office for the preceding year. This section does not apply to developers.

(c) No construction workers associated with a construction project may arrive on-site more than one-half hour before or leave said site more than one-half hour after the construction hours listed in subsection (a) above.

Section 5. The Town Commission hereby amends the Town's Code of Ordinances, Chapter 12, "Construction Sites", by amending Section 12-7 "**Construction site noise**" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 12-7. - Construction site noise.

It shall be unlawful for any person to make, continue, or cause to be made any loud or raucous noise; any noise that tends to annoy the community or injure the health of the citizens in general; or any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. Further, it shall be unlawful for the contractor or the contractor's employees or agents to play music at any time at the construction site.

Section 6. The Town Commission hereby amends the Town's Code of Ordinances, Chapter 12, "Construction Sites", by creating Section 12-11 "**Construction Site Management Handbook**" to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 12-11. - Construction site management handbook; application of code; appeals.

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(a) In addition to the regulations set forth in this section, the town commission will create and adopt a construction site management handbook by resolution, which may be amended from time to time by the town commission. The construction site management handbook shall supplement this section and provide detailed instructions for an owner and/or contractor to manage a construction site, and shall impose restrictions, bond requirements, and other standards for the health and safety of town residents. Upon such adoption, the construction site management handbook shall have the same force and effect as a town ordinance.

(b) Notwithstanding any other provisions in the code relating to parking, this Chapter shall govern all parking for construction sites and construction related activities.

(c) An appeal of an interpretation of the building official or other town official regarding the provisions of this chapter shall be heard by the board of adjustment and appeals. A request for appeal must be filed with the town clerk within ten (10) business days of the date that the interpretation was rendered.

Section 7. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 8. Repeal of Laws in Conflict. All ordinances or parts of ordinances, or all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. Codification. It is the intention of the Town Commission that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Highland Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section”, “Article” or other word or phrase in order to accomplish such intention.

Section 10. Effective Date. This Ordinance shall be effective immediately upon final adoption. However, for those contractors who have already received building permits prior to the effective date of this Ordinance, the Town shall not apply the Ordinance to those contractors for six (6) weeks following its adoption. During those six (6) weeks, Town staff shall notify those contractors who have already received permits of the impending application and enforcement of this Ordinance.

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The foregoing Ordinance was moved by Commissioner Riesa, seconded by Commissioner Zelniker and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Carl Feldman</u>
Vice Mayor Alysén A. Nila	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Alysén Nila</u>
Commissioner Rhoda Zelniker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Peggy Gossett-Seidman</u>

PASSED on first reading at the Regular Commission meeting held on this 3rd day of July, 2018.

The foregoing Ordinance was moved by Commissioner Riesa, seconded by Commissioner Gossett-Seidman and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Carl Feldman</u>
Vice Mayor Alysén A. Nila	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Alysén Nila</u>
Commissioner Rhoda Zelniker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Peggy Gossett-Seidman</u>

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 7th day of August, 2018.

ATTEST

By: Lanelda Gaskins
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: Pamala H. Ryan
Pamala H. Ryan, Town Attorney