



## TOWN OF HIGHLAND BEACH

# CONSTRUCTION SITE MANAGEMENT HANDBOOK

I \_\_\_\_\_, swear (affirm) that I have read the Town of Highland Beach Construction Site Management Handbook in its entirety and do hereby agree to comply with all provisions in this document. I further understand that I am responsible for all citations issued for violations of the provisions of this handbook.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Permit #

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Signature (Owner)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Contractor)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

The rules and regulations in this handbook apply to all construction sites and are a condition of all primary building permits issued by the Town or any permit for which a fee is charged on a single permitted job. Failure to follow these regulations, or any plans and documents approved by the Town pursuant to this Handbook, may result in, among other things, a Stop Work Order, and repeated violations may result in the revocation of all building permits.



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**MUST BE POSTED  
AT JOB SITE  
WITH PERMIT**

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# TOWN OF HIGHLAND BEACH CONSTRUCTION SITE MANAGEMENT HANDBOOK

## I. INTRODUCTION

This handbook has been developed by the Town of Highland Beach to familiarize contractors with the Town's rules and regulations regarding construction sites and to minimize problems and delays in completing construction projects. The Town is fully aware that building construction is a complex and difficult process even under the best of conditions. Problems do and will arise. However, through careful thought and planning prior to beginning the process, the Town believes the number and severity of problems can be reduced or avoided altogether.

This handbook addresses the most common problems experienced by contractors, residents, and the Town government, during construction projects. While the handbook is comprehensive, and its rules and regulations apply to all construction sites, the Town intends to administer it using a cooperative, common sense approach. Just as the type and degree of potential problems vary greatly from site to site, so too will the administration of these rules and regulations vary. Accordingly, all parties are encouraged to focus on the *objective* of a rule or regulation rather than on the specific *methods* suggested for achieving that goal. If there is a better method, it will be considered. With the help of all parties, the Town believes the handbook can be administered fairly, while also permitting a great deal of flexibility.

The Town Building Official or his/her representative has been charged with implementing these rules and regulations and all questions and comments should be directed to him/her. Any appeal regarding the Building Official's interpretation of these regulations may be appealed to the board of adjustment and appeal. Please note, however, that while the Building Official, or his/her representative, has the primary responsibility for enforcing these rules and regulations, the Police Department and Town Manager may also enforce these provisions. Please also review Chapter 12, entitled "Construction Sites" in the Town's Code of Ordinances, which this document supplements.

## II. APPLICABILITY

The rules and regulations in this handbook shall apply to all construction sites and **shall become a condition of the building permit**. A construction site is any real property, dwelling unit, structure or building, for which one or more building permits has been issued by the Town, including those with inactive or expired building permits where construction activities have been initiated but not completed. Failure to follow these regulations, or any plans and documents approved by the Town pursuant to them, may result in, among other things, a stop work order by the Town, and repeated violations may result in the revocation of all building permits and fines.

For purposes of administering this handbook **the contractor paying the fee and property owner shall be jointly accountable** for all responsibilities assigned by this handbook to the "contractor." However, to avoid confusion and delays, a principal contact with either the contractor or the property owner should be established with the Town at the time the primary building permit is issued.

### III. PRE-CONSTRUCTION MEETING

Prior to making an application for a building permit, contractors are encouraged to meet with Town staff (Building Official or his/her representative, Police Chief or his/her representative, Building Department Office Manager or his/her representative and Code Compliance Officer) to review the applicable rules and regulations contained in this handbook. Construction site plans, other drawings and/or documents pertinent to construction operations may be required before the building permit can be issued. Compliance with these rules and regulations shall become a condition of the building permit, **and acceptance of the building permit by the contractor shall serve as an acknowledgement of this condition.**

### IV. RULES AND REGULATIONS

#### 1. OFF-SITE DAMAGE AND DAMAGE BOND

##### Off-Site Damage

The contractor shall be responsible for all off-site damage to roads, rights-of-way, easements, utilities and private property caused by any activity related to the contractor's construction site. This includes damage by the contractor's employees, sub-contractors and suppliers.

Several of the rules and regulations in this handbook are intended to prevent or minimize off-site damage. **Accordingly, the contractor needs to inform all employees, sub-contractors and suppliers of these rules and regulations and the high potential for off-site damage due to the presence of narrow streets, tight corners, and extremely soft shoulders.**

The above notwithstanding, the Town recognizes that accidents can happen. In those instances, the contractor needs to take the following actions:

- A. Inform the Town Police Department and Building Official immediately as to the location and extent of the damage.
- B. Inform the Town Police Department and Building Official as to how the incident occurred and the parties involved.
- C. Inform the Town Police Department and Building Official as to the corrective actions that will be taken and when they will be completed. (All repairs should be made within 24 hours or as soon as practical.)
- D. Inform the Town Police Department and the Building Official as to the actions to be taken to prevent the accident from occurring again in the future.

If the above actions are followed, there should be few problems. However, repeated damages, particularly of the same type, such as running off the road, will not be tolerated even if they are continually repaired. It is the Town's goal to **prevent** off-site damages, not to simply repair them when they occur.

##### Off -Site Damage Bond

Prior to beginning any work that exceeds a certain dollar amount as set forth below, the Town will require a \$5,000 or \$10,000 cash bond be posted to cover repairs to damaged road rights-of-way, utilities or Town owned property caused by activities related to the construction site. The bond amount will be commensurate with the estimated construction costs. **In no way, however, shall the**

**posting of the bond act as a transfer of responsibility for repairs from the contractor and those causing the damage to the Town.** The bond shall be used only as a last resort where the contractor refuses to correct the situation in a timely manner.

All remaining proceeds from the bond, if any, will be fully refunded upon written request from the depositor within ninety days after the Certificate of Occupancy or Completion has been issued. If the amount of the bond is not enough to cover any unrepaired damage at the end of the project, the Certificate of Occupancy/Completion shall be withheld until all damage is repaired.

Projects required to post a bond include:

- A. Those projects with improvements valued between \$10,000 and \$25,000 involving exterior alterations and which have three or more permitted sub-contractors. A \$5,000 cash bond shall be required.
- B. Those with improvements valued over \$25,000 involving exterior alterations and which have three or more permitted sub-contractors. A \$10,000 cash bond shall be required.
- C. Those projects with improvements valued at \$10,000 or more that will use heavy equipment, such as semitrailers, cranes, pile drivers, cement trucks, tree movers, dump trucks, bulldozers, backhoes, and other large earth moving equipment. A \$10,000 cash bond shall be required.
- D. Those projects with contractors or suppliers who have failed to correct damages in the past. A \$10,000 cash bond shall be required.

## **2. VEGETATION PROTECTION**

Prior to beginning any site work, all existing vegetation to be maintained or relocated shall be fenced or otherwise protected from damage, including the provision of temporary irrigation where necessary and shall be in accordance with Chapter 28 entitled “Xeriscape – Landscape requirements, Installation and Maintenance” of the Town’s Code.

## **3. PERMIT POSTING**

All Town building permits and notices of commencement shall be posted at the site, in a conspicuous location at the front of the site and in accordance with the FBC Ch. 1 section 105.7 “Placement of permit” which states that the building permit or copy shall be kept on the site of the work until the completion of the project; and in accordance with section 105.8 “Notice of commencement” which states that in accordance with Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: “WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.”

One complete set of approved plans shall be maintained on-site always.

#### 4. TRAILERS/DUMPSTERS/PORTABLE TOILETS

Construction trailers, dumpsters and/or portable toilets may be used provided the requirements listed below are met. Prior to locating any of these facilities on a site, a plan indicating their locations and other pertinent information shall be submitted to the Building Official for approval. Prior to the issuance of certificate of occupancy/completion, all such facilities shall be removed from the site.

##### Trailers

Shall be allowed in accordance with Section 12-1.5 (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), entitled “Temporary structures” and states that:

(m) *Temporary structures:*

(1) *Temporary structures.* Temporary structures may be erected in any district in connection with land development or construction projects, including real estate offices for original sales of dwelling units and construction trailers. Temporary structure shall not be used as dwelling or lodging units.

(2) *Installation.* A temporary structure shall not be installed without site plan review and approval and the issuance of a building permit for the temporary structure. The planning board shall have the final authority to approve a site plan for a temporary structure visible from a public right-of-way, and the building official shall have final authority to approve a site plan for a temporary structure not visible from a public right-of-way and for all temporary trailers or storage containers to be located on construction sites. Approval for a temporary structure shall be subject to the standards listed below.

a. The approved site plan and building permit for the temporary structure shall specify the location, type of construction, maintenance requirements, and the period for which the temporary structure shall be required.

b. Any building permit issued for a temporary structure shall expire after a period of six (6) months, unless renewed by the building official for one or more additional periods of six (6) months.

c. A temporary structure, whether it is visible from the public right-of-way or not, shall not be allowed for more than two (2) years, including any renewal periods, unless approved by the town commission.

d. A certificate of occupancy shall be issued before the structure is occupied.

e. Land development or construction activities on the site must commence within one year after the building permit for the temporary structure is issued. If land development or construction activities do not commence within the required time period, the building

official may initiate code enforcement proceedings and/or any other lawful action to require removal of the temporary structure from the site.

### Dumpsters

Roll-off dumpsters shall be provided on all sites as follows:

- A. All dumpsters shall be positioned inside temporary fence or otherwise be screened from view from the street.
- B. To the extent practical, dumpsters shall be located at least 10 feet from all property lines.
- C. Trash piles, other than vegetation outside dumpster, are prohibited and must be removed within 24 hrs.
- D. All dumpsters must be emptied within 48 hrs.

### Portable Toilets

Portable toilets may be permitted provided the following are met:

- A. They shall not face the street.
- B. To the extent practical, they shall be located at least 10 feet from all property lines.
- C. They shall be screened from the public.
- D. They shall not be installed on site until the master building permit has been issued by the Town.

## **5. SIGNS**

Signs shall be posted in accordance with the Town's sign code.

## **6. EROSION AND STORMWATER CONTROL**

Appropriate erosion and storm water control plans must be set in place during construction to prevent adverse impacts to neighboring properties and adjoining streets and shall be in accordance with Section 30-68(r) of the Town Code which provides:

(r) *Stormwater management:*

(1) *Stormwater management.* Stormwater management shall be required for all land development activities, including single-family residential dwellings, within the town in order to control runoff, ensure maintenance of appropriate water quality standards, protect groundwater resources, and prevent erosion. Stormwater management systems shall be designed by an engineer registered in the State of Florida.

(2) *Applicable regulations.* The stormwater management regulations applicable within the town shall be those administered by the South Florida Water Management District set forth in chapter 40E, Florida Administrative Code, as amended.

(3) *Additional standards.* All development activities within the town shall comply with the additional standards listed below:

- a. Completed construction and improvements shall not impede the flow of stormwater runoff to points of collection, retention, or detention.
- b. Completed construction and improvements shall retain onsite the first one inch of stormwater runoff generated by a three-year storm event.

The contractor will take necessary measures to prevent flooding of rights-of-way, shoulders and travel lanes of public thoroughfare. This may necessitate the creation and maintenance of temporary swales, retention areas and/or berms. Furthermore, the contractor must show that all drainage structures located in the public rights-of-way that are located within 300 feet of the property must be protected by appropriate filter fabric in accordance with **National Pollutant Discharge Elimination System (NPDES)** regulations and must be checked and cleaned, at a minimum, once every week. The contractor is required to install silt fences or other protective measures around such drainage structures if required by the Town. **All applicable sections of the NPDES requirements applicable to the Town are incorporated as requirements hereto.**

To prevent dirt from being tracked onto adjoining streets, parking areas should be covered with appropriate, compacted materials. Dirt and mud or construction material tracked onto adjoining streets shall be immediately removed in accordance with Code Section 12-2(e) "All areas surrounding construction sites which are affected by dust, dirt and debris from the construction site shall be swept clean of such dust, dirt and debris a minimum of two times per day; at least one of which must be at the conclusion of work for that day." In addition, the parking areas shall be swept daily and hosed or mechanically cleaned weekly if necessary.

## **7. WORKING HOURS**

The working hours specified in Section 12-6, entitled "Hours of construction" of the Town Code shall be strictly observed. The Code provides:

### **Sec. 12-6. - Hours of construction.**

(a) The construction (including excavation), demolition, alteration or repair of any building or structure that requires a permit is prohibited on weekdays before 8:00 am or after 6:00 pm, on Saturdays before 9:00 am or after 3:00 pm, on Sundays and on the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day, 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 hours or with a permit from the 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.

(b) Construction activities on Saturdays that are not a holiday listed in subsection (a) above are subject to each of the following restrictions:

(1) The construction activity shall not involve the use or operation of tools or equipment, in any fashion, that creates a noise disturbance across the property line of the permitted job site.



For the purposes of this subsection, "noise disturbance" shall be defined as any noise, sound, vibration or signal which unreasonably disturbs the comfort, peace or repose of any person.

(2) The following activities are strictly prohibited:

- a. The placement and/ or cleaning or removal of dumpsters or portable restrooms;
- b. The large- scale delivery of construction materials requiring unloading by a forklift or similar mechanical equipment;
- c. Concrete deliveries and concrete pumping;
- d. The use of dump trucks, backhoes, bulldozers, cranes and similar equipment;
- e. The use of compressors, generators, nail guns and similar equipment;
- f. Jack-hammering and hammer-drilling into concrete or a similar surface; and
- g. Any other construction activity creating a noise disturbance.

(c) No construction workers associated with a construction project may arrive on-site more than one-half (0.5) hour before or leave said site more than one-half (0.5) hour after the construction hours listed in subsection (a) above.

d) Property owners holding a valid Town building permit may seek relief from the restrictions of this this section by applying for and receiving a waiver from the Town Commission. An application for a waiver shall consist of a written communication to the Town Clerk detailing the requested relief and the reasons for the request. Upon receipt of the waiver application, a notice sent by first class mail shall be mailed to property owners within three hundred (300) feet at least fourteen (14) days prior to the Town Commission meeting at which the request will be considered. The Town Clerk shall make all reasonable efforts to ensure the request is heard at the first available meeting following the required notice period.

## **8. PARKING**

### **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, maintaining or repairing vehicles associated with the construction or construction personnel is prohibited anywhere in the Town.

### **Alternate Parking Sites**

Alternate parking sites in the Town may be approved by the Building Official and/or Police Chief provided the following requirements are met:

- A. The owner of the alternate parking site has granted written permission.
- B. The alternate parking area is composed of a suitable, compacted surface.
- C. The parking area is prepared in such a manner to prevent erosion and stormwater runoff onto streets and neighboring properties.

- D. No significant vegetation (non-invasive trees or shrubs with a caliper of 4 inches or greater) or topographic features shall be removed or disturbed.
- E. 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.
- F. Alternate parking sites shall be kept free of litter and other debris.
- G. A plan shall be prepared showing the number and location of vehicle parking spaces.
- H. 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.
- I. 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.

### **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 rights-of-way on A1A, the owner or 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/alternate parking site for overflow parking, must be submitted to the Town and approved by the Building Official. 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.

## **9. TRUCKS AND CRANES**

### **Trucks**

Due to the narrow streets, tight corners, very soft shoulders, and unstable road-base conditions in Town, semi-trailers and trucks over 9 tons (when loaded) are discouraged on all Town streets. Accordingly, contractors are strongly encouraged to use smaller vehicles and notify their suppliers to do likewise. In the event an alternate delivery vehicle cannot be arranged, all semi-trailers and trucks over 9 tons (when loaded) shall notify the Police Department of their pending arrival at least 24 hours in advance. Further, the drivers of such vehicles and the general contractor shall be responsible for all damage caused to rights-of-ways, roads, utilities, and private properties.

Failure to comply with this section may interfere with the Town's performance of final inspections and/or the issuance of a certificate of occupancy and/or certificate of completion.

### **Cranes**

The Police Department shall be notified at least two hours in advance of the arrival of any crane performing work in the Town. All cranes performing work in the Town require a police escort and may not enter the Town without one.

## **10. LOADING AND UNLOADING**

Loading, unloading and delivering materials shall be in accordance with Section 12-8 of the Town Code which provides:

### **Sec. 12-8. – Ingress and egress.**

- (a) All vehicles delivering materials to or picking up materials from any construction site within the town limits shall follow the legal rules of the road.
- (b) Any vehicle which will be obstructing the normal flow of traffic for a period greater than three (3) minutes shall have a flag person present to assist in the safe passage of other motor vehicles. Such flag person shall wear a reflective vest.
- (c) Any case where traffic is known to be disrupted for a period in excess of five minutes must be approved, in advance, by the Highland Beach Police Department and a police officer must be on-site during the disruption.

## **11. BUILDING MATERIALS STORAGE AND SITE MAINTENANCE**

Storage and site maintenance shall be in accordance with Section 12-2 of the Town Code which provides:

### **Sec. 12-2 – Construction site cleanliness; construction site safety.**

- (a) During the course of construction or demolition work being done on any premises, it shall be unlawful for any 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, construction, alteration, demolition or wrecking of buildings or structures, 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 during dry and windy weather. In the case of stockpiled particulate materials, such materials shall be stabilized by adequate coverings, by wetting or by chemical application to the satisfaction of the building official.
- (b) Construction sites and neighboring properties are to be maintained in a clean condition at all times and any papers, litter, dirt, dust and/or construction materials are to be disposed of and/or secured at the end of each day's work.
- (c) It shall be unlawful to unload and/or store any material used or required on any construction site without a permit having been issued for construction and/or demolition at that specific site.

(d) It shall be unlawful to store any material in an unsecured area which is deemed unsafe or a danger to those accessing the site. It shall be unlawful to store any construction materials in any manner whereby the material or a portion of the materials is stored outside the legal boundaries of the site. Reasonable exceptions to this subsection, for a reasonable period of time, may be considered on a case-by-case basis by the town commission.

(e) All areas surrounding construction sites which are affected by dust, dirt and debris from the construction site shall be swept clean of such dust, dirt and debris a minimum of two times per day; at least one of which must be at the conclusion of work for that day. WHEN REMOVING DEBRIS AT THE END OF THE WORK DAY, THE STREET MUST BE SWEEPED WITH A MAGNETIC STREET CLEANER.

(f) Any pool under construction shall be kept clean of any debris until such time as the pool is properly filtered. All sitting water in pools under construction must be properly treated to eliminate algae, insects, etc.

(g) All construction debris not placed in a dumpster shall be removed from the construction site within forty-eight (48) hours.

(h) The contractor shall be responsible for placement and emptying of adequate disposal containers for food, wrappers and other nonconstruction related garbage.

(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.

## **12. NOISE**

Noise restrictions shall be in accordance with Section 12-7 of the Town Code which provides:

### **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.

## **13. OCCUPANCY**

Occupancy of any structure without a certificate of occupancy is prohibited. This prohibition includes the temporary occupation of the structure under construction by security or other personnel.

#### **14. EMERGENCY MEASURES DURING STORM EVENTS**

Removal and securing of construction materials during tropical storm and hurricane warning or watch shall be in accordance with Section 12-5 of the Town Code which provides:

##### **Sec. 12-5 Hurricane preparedness.**

- (a) All construction materials on-site shall be properly secured and fastened upon a hurricane watch being issued and/or notification by the building official that the town has declared an emergency situation.
- (b) Any roof tiles placed on the roof but not yet fastened before the issuance of a hurricane warning shall be removed from the roof or properly secured and fastened.
- (c) Failure to follow the directive of the building official or his/her designee with regard to securing such building and/or construction material may result in a stop-work order being issued and/or a maximum five thousand dollar (\$5,000.00) fine, such amount to be determined following the hurricane by the town commission. Failure to pay such fine, if assessed, will result in a certificate of occupancy or a final inspection being withheld.

#### **15. TEMPORARY FENCING**

Fencing shall be installed in accordance with Section 12-4 of the Town Code which provides:

##### **Sec. 12.4. – Temporary construction fences.**

A temporary construction fence is required on all construction sites undergoing land disturbing construction or land development activities. All construction/demolition activities as well as all dumpsters, portable toilets, storage facilities, materials and any other item related to the construction must be located inside the temporary construction fence area. Before the temporary construction fence may be erected, a site plan depicting the materials, location and access gates must be approved as part of the fence permit issuance. At a minimum, the construction site must be completely enclosed, on all sides, by temporary construction fencing to prevent public access.

- (a) Temporary construction fences shall be six (6) feet in height and shall be constructed of chain link with screening material (scrim).
- (b) Temporary construction fences shall not be erected until the town has issued a demolition permit or building permit for the land disturbing construction or land development activities. In no event may a temporary fence be erected more than ten (10) days prior to the commencement of land disturbing construction or land development activities.

(c) In the event that the demolition permit or building permit expires, all temporary construction fences shall be removed within ten (10) days of the permit expiration date. Within fifteen (15) days of removal of the fences, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with this Code, regarding landscaping requirements. Alternate forms of ground cover may be approved by the building official.

(d) Temporary construction fences shall comply with the following requirements:

(1) Temporary construction fences shall be installed in accordance with all Florida Building Code and Occupational Safety and Health Administration (OSHA) standards. Temporary construction fences installed pursuant to this section shall be subject to any visibility at intersections requirements of this Code.

(2) All temporary construction fencing shall be maintained in a satisfactory manner by the permittee or landowner during the entire period of the land disturbing construction and land development activities to ensure adequate performance, to prevent nuisance conditions and to maintain the public health, safety and welfare.

(3) Gates shall be secured and locked with a lock substantial enough to ensure closure and security when workers are not on the job site.

(4) No temporary construction fence may encroach beyond the subject property line. No fence may encroach upon the public right-of-way without obtaining the appropriate permit(s).

(5) Screening details shall be submitted with the temporary construction fence permit application. Screening material shall be substantial enough to avoid rips or tears due to wind or sun and shall be maintained in good condition at all times. Screening material shall be of one color, either green or black, with the entire fence consisting of the same shade of green or black and approved by the building official with no signage, artwork or pictures of any kind as part of the screening material or affixed to the fence.

(6) All wind screening materials shall be removed upon the issuance of a hurricane warning for an area including the town. Screening materials shall be reinstalled not more than ten (10) days after the hurricane threat has ended.

(7) The building official may grant the use of a temporary movable construction fence as part of a phased construction or phased demolition permit. Within ten (10) days of the completion of the phase of construction or demolition, the temporary movable fence shall be removed, and may be replaced by another temporary construction fence meeting the provisions of this section.

(8) "No Trespassing" signage shall be placed on the construction site under the direction of the building official and in accordance with F.S. § 810.09, as amended.

(e) The building official may grant, in writing, a restriction or extension to the time frames for the erection or removal of temporary construction fences when necessary to maintain the public health, safety and welfare.

## **16. LITTER**

Litter of any type is prohibited. Contractors shall ensure that all litter, garbage and trash generated by on-site personnel and suppliers are disposed of properly. Repeated violations shall result in tickets and fines for littering to both the offending party and the general contractor.

## **V. FINES AND PENALTIES**

Failure to comply with the rules and regulations contained in this handbook, or with the plans and documents approved by the Building Official pursuant to this handbook, may result in fines assessed against the property, a stop work order being issued or revocation of building permits. For the purposes of this handbook, uncorrected violations shall be considered separate violations for each day they go uncorrected.

### **FIRST OFFENSE/WARNING**

1. A verbal warning;
2. A written warning; and/or
3. A Stop Work Order.

### **SECOND OFFENSE/WARNING**

Any of the actions listed under First Offense/Warning; and/or

1. Cashing of damage bonds; and/or
2. A written notice to appear before the Town of Highland Beach Code Enforcement Board or Special Magistrate which may result in fines being imposed against the property.

### **THIRD OR MORE OFFENSES/WARNINGS**

Any of the actions listed under First or Second Offenses/Warnings; and/or

1. Revocation of Town Occupational Registration; and/or
2. Liens against the property for all expenses incurred by the Town to mitigate any violations.

The above may be issued by the Building Official, any Town Police Officer, Code Enforcement/Compliance Officer, the Town Manager or the Town Clerk; however, all offenses/warnings shall be cumulative regardless of who issued them.

**The above notwithstanding, nothing herein shall preclude the Town or its employees from taking all actions permissible under federal, state and local laws to enforce, cite or correct violations of federal, state or local laws which may or may not be covered in this Handbook.**