

ORDINANCE NO. 2016 - 1451

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AMENDING “CHAPTER 14 - BUILDINGS AND BUILDING REGULATIONS ARTICLE II. - BUILDING CODE”; SPECIFICALLY CREATING SECTION 14-32; “CONSTRUCTION SCHEDULE AND NOTICE”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, residents in the Town of Surfside expect to enjoy a peaceful neighborhood without disruptions from construction; and

WHEREAS, it is in the best interest of the Town to limit construction hours, and to provide requirements for notice of construction activity to affected property owners within a radius of 300 feet of the construction site for construction projects over 10,000 square feet or valued at over \$1,000,000, and for permitted construction activity outside of the hours as prescribed herein; and

WHEREAS, the Town Commission held its first public reading on June 14, 2016 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on September 13, 2016 and further finds the proposed change to the Code necessary and in the best interest of the community; and

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA; AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance.

Section 2. Town Code Created. Section 14-32. “Construction schedule and notice” of the Surfside Town Code of Ordinances is hereby created and shall read as follows:

Sec. 14-32. – Construction schedule and notice.

- (1) The performance of construction activity which requires a building permit within the Town shall only be allowed from 8:00 a.m. until 6:00 p.m. Monday through Friday, and is not allowed on Saturday, Sunday, and on federal holidays. Construction activity under this section does not include infrastructure and utilities, roadways, other public right of way construction activities, repair and maintenance activities inside dwelling units, and painting with manual tools.

- (2) Construction activities outside regular hours: Construction activity which requires a building permit outside of the hours as stated in this section requires Town Manager or Town Manager designee approval. Emergency repairs which require a building permit are allowed as necessary, and must be approved after the fact by the Town Manager or designee.
- (3) Notice: For construction activities on projects over 10,000 square feet or valued at over \$1,000,000, or for permitted construction activity outside of the hours pursuant to subsection (2) of this section, written courtesy notices shall be sent by first class mail, by the building permit applicant, ten (10) days prior to construction to all property owners within a radius of 300 feet of the construction site stating the date of commencement and planned conclusion of the construction activity.
- (4) Activities under this Section must comply with noise regulations as stated in Chapter 54, Division 2 Noise, Sections 54-76 to 54-79 of the Town Code.
- (5) Violations of any provisions of this Section shall be enforced as provided by Section 1-8 of the Town Code.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 14th day of June, 2016.

PASSED AND ADOPTED on second reading this 13th day of September, 2016.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Commissioner Paul

FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
yes
yes
yes
yes



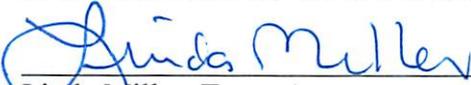
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney