

ORDINANCE NO. 2019-1699

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AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 14, "BUILDINGS AND BUILDING REGULATIONS" OF THE TOWN'S CODE OF ORDINANCES BY CREATING SECTION 14-58, "STORM SHUTTERS AND HURRICANE PROTECTION DEVICES"; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") is committed to the health and safety of its residents, businesses, and visitors; and

WHEREAS, Chapter 14 of the Town's Code of Ordinances ("Code") pertains to buildings and building regulations; and

WHEREAS, storm shutters and hurricane protection devices provide important protection from the potentially disastrous effects of weather events; and

WHEREAS, the use of storm shutters and hurricane protection devices in times when there is not an impending storm or hurricane diminish the aesthetics of the Town's residential and commercial areas, have a detrimental effect on the Town's economy, and can create unnecessary safety risks; and

WHEREAS, the Town Commission finds that regulations should be adopted to prohibit use of these devices when severe weather events, such as tropical storms or hurricanes, are not present or looming; and

WHEREAS, the Town Commission wishes to amend Chapter 14 of the Town's Code to create Section 14-58 to regulate the use of storm shutters and hurricane protection devices; and

WHEREAS, the Town Commission finds that this Ordinance is necessary for the public health, safety and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF SURFSIDE AS FOLLOWS:¹

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double-strikethrough and double underline.

32 **Section 2. Town Code Amended.** The Code of Ordinances of the Town of Surfside,
33 Florida is hereby amended by amending by creating a new Section 14-58, which section reads as
34 follows:

35 Chapter 14 – Buildings and Building Regulations

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37 Article III. – Property Maintenance Standards

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39 **Section 14-58. Storm Shutters and Hurricane Protection Devices.**

40 (a) During the period from December 1 to May 31, no storm shutters or hurricane protection
41 devices on any non-residential structures certified for occupancy shall remain in a
42 closed/secured or partially closed/secure position so as to block or cover windows, openings,
43 or doors except in the event of severe weather conditions as announced by a watch or warning
44 issued by the National Oceanic and Atmospheric Administration (NOAA) or any of its offices
45 or successor entities for any portion of the Town. In the event of such severe weather
46 conditions as announced by a watch or warning issued by NOAA or any of its offices or
47 successor entities, storm shutters or hurricane protection devices may be used to protect non-
48 residential building/structure openings. Storm shutters or hurricane protection devices must
49 be removed within seven days following either the storm or hurricane’s passage or the
50 termination of a declared state of emergency by the Town, whichever occurs later.

51 (b) During the period of June 1 to November 30, protection from windborne debris through the
52 use of storm shutters and hurricane protection devices is encouraged for all non-residential
53 structures certified for occupancy in the Town. During this period, in the event that the upon
54 NOAA National Oceanic and Atmospheric Administration or any of its offices or successor
55 entities issues issuing a watch or warning for a named tropical storm or hurricane for any
56 portion of the Town, storm shutters or hurricane protection devices may be used to protect
57 non-residential building/structure openings. up to ten days prior to storm landfall and Storm
58 shutters or hurricane protection devices must be removed within seven days may remain in
59 place for no more than ten days following either the storm or hurricane’s passage or the
60 termination of a declared state of emergency by the Town, whichever occurs later.

61 **Secs. 14-589 – 14-75. – Reserved.**

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63 **Section 3. Codification.** It is the intent of the Town Commission that the provisions
64 of this ordinance shall become and be made a part of the Town’s Code of Ordinances, and that the
65 sections of this Ordinance may be renumbered or relettered, and the word “ordinance” may be
66 changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to
67 accomplish such intentions.

68 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable
69 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be

70 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
71 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
72 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

73 **Section 5. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of
74 resolutions, in conflict herewith, are repealed to the extent of such conflict.

75 **Section 6. Effective Date.** This Ordinance shall become effective immediately upon
76 final adoption on second reading.

77 **PASSED** on first reading on the 9th day of July, 2019.

78 **PASSED AND ADOPTED** on second reading on the 13th day of August, 2019.

79 **On Final Reading Moved By:** Commissioner Paul

80 **On Final Reading Second By:** Vice Mayor Gielchinsky

81 **FINAL VOTE ON ADOPTION**

82 Commissioner Barry Cohen	<u>no</u>
83 Commissioner Michael Karukin	<u>yes</u>
84 Commissioner Tina Paul	<u>yes</u>
85 Vice Mayor Daniel Gielchinsky	<u>yes</u>
86 Mayor Daniel Dietch	<u>yes</u>

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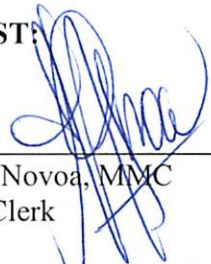
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Daniel Dietch
Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

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



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney