

ORDINANCE NO. 2023 - 1763

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 14-28, "ISSUANCE OF BUILDING PERMITS," AND SECTION 62-1, "GARAGE SALES," TO SIMPLIFY AND REVISE THE TOWN'S NON-CRITICAL PERMITTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
2 Florida Statutes, provide municipalities with the authority to exercise any power for
3 municipal purposes, except where prohibited by law, and to adopt ordinances in
4 furtherance of such authority; and

5 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission")
6 finds it periodically necessary to amend its Code of Ordinances ("Code") in order to
7 update regulations and procedures to maintain consistency with state law and to
8 implement municipal goals and objectives for the general health, safety and welfare of
9 the Town residents and occupants; and

10 **WHEREAS**, at a regular meeting of the Town Commission held on September 12,
11 2023, the Town Commission directed the Town Attorney to present an ordinance
12 amending the Town Code to simplify and revise non-critical permitting requirements; and

13 **WHEREAS**, specifically, the Town Commission desires to amend Section 14-28(b)
14 of the Town Code to allow individuals to perform general maintenance or repairs without
15 a permit where such work or repair does not exceed \$500.00 in labor and material; and

16 **WHEREAS**, the Town Commission further desires to amend Section 62-1, "Garage
17 Sales," of the Town Code to allow individuals to hold up to two garage sales on their
18 property without a permit and remove garage sale permit fees; and

19 **WHEREAS**, the Town Commission held its first public hearing on October 10, 2023
20 and, having complied with the notice requirements in the Florida Statutes, recommended
21 approval of the proposed amendments to the Code; and

22 **WHEREAS**, the Town Commission has conducted a second duly noticed public
23 hearing on these Code amendments as required by law on November 14, 2023 and
24 further finds the proposed changes to the Code are necessary and in the best interest of
25 the Town.

26 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
27 **TOWN OF SURFSIDE, FLORIDA**¹:

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29 **Section 1. Recitals.** The above Recitals are true and correct and are
30 incorporated herein by this reference.

31 **Section 2. Town Code Amended.** Section 14-28. – “Issuance of Building
32 Permits,” of the Town Code of Ordinances is hereby amended as follows:

33 Section 14-28. – Issuance of Building Permits.

34 ***

35 (b) No permit shall be required for general maintenance or repairs where such work or
36 repair does not change the occupancy, use, alter the outside appearance of the structure
37 and the value of which does not exceed \$2500.00 in labor and material as determined by
38 the building official. No permit shall be required for roof maintenance or repairs where: (i)
39 the work is valued at less than \$500; (ii) the work is of a maximum size of 50 square feet
40 or is less than 20 linear feet of fascia board and soffit, as applicable; and (iii) the work is
41 pre-authorized by the Building Official.

42 **Section 3. Town Code Amended.** Section 62-1. – “Garage Sales” of the Town
43 Code of Ordinances is hereby amended as follows:

44 Section 62-1. - Garage sales.

45 (a) No person shall hold an outdoor sale of any type of articles, commonly known
46 as a garage sale, without a permit from the town manager. ~~The permit fee shall~~
47 ~~be \$10.00, and no more than one such permit shall be issued for any one~~
48 ~~property within any 12 calendar months.~~ The permit shall be for one two-day
49 sale between the hours of 9:00 a.m. and 5:00 p.m. Notwithstanding the
50 foregoing, a person may hold up to two garage sales on their property within a
51 calendar year without a permit.

52 (b) Items to be sold shall consist solely of used possessions of the person who
53 permanently resides on such property.

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.

54 (c) The posting of signs, notices, placards or any other form of written notice or
55 advertising is prohibited on any public property or right-of-way.

56 **Section 4. Severability.** If any section, sentence, clause or phrase of this
57 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
58 then said holding shall in no way affect the validity of the remaining portions of this
59 Ordinance.

60 **Section 5. Inclusion in the Code.** It is the intention of the Town Commission,
61 and it is hereby ordained that the provisions of this Ordinance shall become and made a
62 part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may
63 be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may
64 be changed to "Section" or other appropriate word.

65 **Section 6. Conflicts.** Any and all ordinances and resolutions or parts of
66 ordinances or resolutions in conflict herewith are hereby repealed.

67 **Section 7. Effective Date.** This ordinance shall become effective upon adoption
68 on second reading.
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70 **PASSED** on first reading on the 10th day of October, 2023.

71 **PASSED AND ADOPTED** on second reading on the 14th day of November, 2023.

72 **First Reading:**

73 Motion by: Vice Mayor Rose

74 Second by: Commissioner Landsman

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76 **Second Reading:**

77 Motion by: Vice Mayor Rose

78 Second by: Commissioner Landsman

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81 **FINAL VOTE ON ADOPTION**

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83 Commissioner Fred Landsman Yes

84 Commissioner Marianne Meisheid Absent

85 Commissioner Nelly Velasquez Yes

86 Vice Mayor Jeff Rose Yes

87 Mayor Shlomo Danzinger Yes

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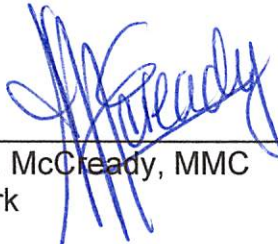
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Shlomo Danzinger, Mayor

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ATTEST:



Sandra N. McCready, 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