



TOWN OF HIGHLAND BEACH PROPOSED ORDINANCE

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 12, "CONSTRUCTION SITES," OF THE TOWN CODE OF ORDINANCES, TO MODIFY THE PERMITTED CONSTRUCTION HOURS AND ADOPT NEW REGULATIONS FOR CONSTRUCTION ACTIVITIES ON SATURDAYS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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 Commission wishes to amend Chapter 12 of the Town Code to modify the permitted hours for construction activities in residential districts, provide for work on certain holidays, and adopt new regulations for construction activities occurring on Saturdays; and

WHEREAS, the Town Commission has determined that the amendments to the Code of Ordinances are in the best interest 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 Chapter 12, "Construction Hours," of the Town of Highland Beach Code of Ordinances as follows (deleted language is ~~stricken through~~ and additional language is underlined):

Sec. 12-6. - Hours of construction.

(a) The construction (including excavation), demolition, alteration or repair of any building or structure that requires a permit ~~in a residential district~~ is prohibited on weekdays before 8:00 am or after 6:00 pm, ~~between the hours of 5:00 p.m. and 8:00 a.m., and 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. For the purposes of this subsection, "holiday" shall be defined as any full day when the administrative offices of the town are closed except for the day after Thanksgiving, President's Day, Columbus Day, Veteran's Day, and Martin Luther King Jr. Day.

(b) ~~Notwithstanding the above, construction on Saturdays (that are not holidays) shall be allowed by the homeowner between the hours of 9:00 a.m. and 3:00 p.m. 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 county's property appraiser's office for the preceding year. This section does not apply to developers. 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.

Section 4. 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 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Section 6. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading and shall only apply prospectively.

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

VOTES:	YES	NO
Mayor Douglas Hillman		
Vice Mayor Greg Babij		
Commissioner Peggy Gossett-Seidman		
Commissioner Evalyn David		
Commissioner John Shoemaker		

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2021.

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

VOTES:	YES	NO
Mayor Douglas Hillman		
Vice Mayor Greg Babij		
Commissioner Peggy Gossett-Seidman		
Commissioner Evalyn David		
Commissioner John Shoemaker		

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2021.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

