

Chapter 14 LAND FILLING¹

Sec. 14-1. Permit—Application.

Any person desiring to add to or extend any lands, areas, including submerged lands, to remove sand, rock or earth from any submerged lands, to construct a finger canal, lagoon or yacht basin within the territorial limits of the town by any means, including, but not limited to, hydraulic dredging, pumping, dragline, dynamiting or shovel, shall first make application to the town commission for permission to do so. Such written application shall be accompanied by a plan or drawing showing the area to be filled and also showing the area from which any fill material is to be dredged or removed by other means. Specifications sufficient in detail as to clearly outline how the dredging or filling procedure will take place must also accompany the application.

(Code 1972, § 15½-1)

Sec. 14-2. Same—Determination by commission, other authorities.

If an application for a permit under this chapter is found by the town commission not to be in violation of any statute, zoning law, ordinance or other restriction which may be applicable thereto, or that no harmful obstruction to or alteration of navigable waters will arise from such operations, or that no harmful or increased erosion, shoaling of channels or stagnant areas of water will result from such operations, or that no material injury or monetary damage to adjoining land or property, either public or private, will accrue therefrom, a permit shall be granted to the applicant, subject, however, to any additional requirements as may be provided by this chapter, and subject further to the approval of the trustees of the internal improvement trust fund of the state whenever required, and the United States Army Corps of Engineers whenever required and/or any other governmental regulatory agency.

(Code 1972, § 15½-2)

Cross reference(s)—Zoning, Ch. 30.

State law reference(s)—Internal improvement trust fund, F.S. § 253.01 et seq.

Sec. 14-3. Same—Issuance; fee; compliance; conditions.

- (a) No hydraulic filling of land and/or removal of sand, rock and earth from submerged lands by any means within the territorial limits of the town shall be made unless and until a permit for doing same has been issued by the town commission. No permit shall be issued until a fee has been paid to the town clerk in the amount herein set forth. The fee shall be based upon the estimated number of days in which the filling and/or dredging operation will take place. A fee of five dollars (\$5.00) per day for each day's operation will be charged. A partial day's operation will count as one full day. If the actual number of operational days exceeds the estimated number of days, adjustment of the fee shall be made in accordance to a revised

¹Cross reference(s)—Beaches and boats, Ch. 5; buildings and structures, Ch. 6; licenses and license taxes, Ch. 15; nuisances, Ch. 17; planning and development, Ch. 20; zoning, Ch. 30; franchises, App. A et seq.

State law reference(s)—Issuance of permits for certain activities, F.S. § 403.813; municipal ordinances, rules and regulations pertaining to explosives, F.S. § 552.25.

estimate. If in the opinion of the town manager this filling and/or dredging operation does not comply with the requirements set forth in the permit, or is in any way in violation of this chapter, he shall be authorized to employ any number of inspectors to inspect any phase of the operation at any time of the day or night. Such costs of additional inspection shall be charged to the applicant and thereby become a part of the permit fee due the town. Any continued breach of the permit and/or violation of this chapter shall result in the revocation of the permit by order of the town commission and all work shall cease immediately. A permit for the construction of a finger canal, lagoon or yacht basin shall be issued only in conjunction with and upon a concurrent issuance of a building permit for a permanent building.

- (b) Sand or fill generated by excavation, leveling or site preparation for construction on oceanfront properties under development within the town shall be deposited on beachfront property and not removed from the town. Disturbed or destroyed vegetation shall be restored within sixty (60) days after written notification by the town.

(Code 1972, § 15½-3)

Cross reference(s)—Buildings and structures, Ch. 6.

Sec. 14-4. Bond.

If in the opinion of the town commission damage to public or private property is likely to occur from any act or omission connected in any way or manner with both the dredging and filling operation, including but not limited to the operation as specified in the application for a permit under this chapter, the applicant may be required to furnish an indemnity bond protecting the public or private property. The form and amount of the bond as well as the sureties shall be subject to the approval and acceptance by the town commission. The cost of any such bond whenever required shall be borne by the applicant.

(Code 1972, § 15½-4)