

ORDINANCE NO. 633

AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 30, "LICENSES AND BUSINESS REGULATIONS", ARTICLE VII, "BUSINESS PERMIT", SECTION 30-158 "FEE"; CHAPTER 54 "TRAFFIC AND VEHICLES", ARTICLE I "IN GENERAL", SECTION 54-2 "PENALTY FOR VIOLATION OF CERTAIN TRAFFIC CONTROL SIGNS; FINES"; CHAPTER 63 "GENERAL AND ADMINISTRATIVE PROVISIONS", ARTICLE III "DEVELOPMENT REVIEW PROCEDURES", SECTION 63-33 "TOWN COMMISSION ACTION"; ARTICLE VIII "LAND DEVELOPMENT FEES", SECTION 63-131 "APPLICATIONS AND PETITIONS"; CHAPTER 64 "ZONING", ARTICLE III "SUPPLEMENTAL REGULATIONS", SECTION 64-56 "ANTENNAS, MASTS, ETC."; ARTICLE V "SUBDIVISIONS", SECTION 64-104 "PREPARATION OF FINAL PLAT" AND SECTION 64-105 "FINAL PLAT SUBMISSION AND APPROVAL"; CHAPTER 67 "BUILDINGS AND BUILDING REGULATIONS", ARTICLE III "TECHNICAL CODES AND OTHER CONSTRUCTION STANDARDS", DIVISION 2 "ADMINISTRATION AND ENFORCEMENT", SECTION 67-57 "AUTHORITY TO REQUIRE ENGINEERING REVIEW AND SURVEY"; ARTICLE V "CLEARING, EXCAVATION AND FILLING OF LAND", DIVISION 3 "STANDARDS", SECTION 67-136 "SITE WORK INCIDENTAL TO CONSTRUCTION"; ARTICLE VII "BUILDING STANDARDS", DIVISION 2 "ALTERNATIVE PROCEDURES FOR DEMOLITION OR REPAIR OF UNSAFE STRUCTURES", SECTION 67-196 "NOTIFICATION"; CHAPTER 70 "SIGNS", ARTICLE I "IN GENERAL", SECTION 70-2 "PERIODIC INSPECTIONS" AND SECTION 70-8 "PERMIT FEES"; REMOVING CERTAIN FEES OR FINE AMOUNTS AND PROVIDING THAT SUCH FEES OR FINES SHALL BE AS SET FORTH ON A SCHEDULE OF FEES AS ADOPTED BY RESOLUTION OF THE TOWN COMMISSION; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Ocean Ridge, Florida (the "Town") 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 remove certain fees and fines from the Code of Ordinances to a Schedule of Fees that may be adopted by Resolution of the Town Commission; and

WHEREAS, the Town Commission has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 30 “Licenses and Business Regulations”, Article VII “Business Permit”, Section 30-158 “Fee” is hereby amended as follows:

Sec. 30-158. - Fee.

The regulatory fee for the town's rental registration program is ~~\$35.00~~ shall be as set forth by resolution of the town commission per rental application. Such fee is payable at the time of submission of the rental registration form by all persons engaged in leasing real property in a residential zoning district, unless exempted by the terms of this article or as may be otherwise exempted by law.

SECTION 3 – Amendment: Chapter 54 “Traffic and Vehicles”, Article I “In General”, Section 54-2 “Penalty for violation of certain traffic control signs; fines” is hereby amended as follows:

Sec. 54-2. - Penalty for violation of certain traffic control signs; fines.

Each owner of a motor vehicle who has affixed to the motor vehicle a notice of citation for violation of the restrictions on stopping, standing or parking in accordance with duly authorized and erected regulatory traffic control signs may pay to the town clerk as a penalty for and in full satisfaction of the violation the following penalties: as set forth by resolution of the town commission.

	Fine for each violation	If not paid along with a waiver of court appearance within ten days of citation of violation
Illegal parking in spaces designated as reserved for disabled persons	\$250.00	\$300.00
All other violations	\$30.00	\$40.00

SECTION 4 – Amendment: Chapter 63 “General and Administrative Provisions”, Article III “Development Review Procedures”, Section 63-33 “Town commission action” is hereby amended as follows:

Sec. 63-33. - Town commission action.

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(f) *Copies of records.*

(1) Prior to certifying a copy of any record of final action or portion thereof, the town clerk shall make all necessary corrections in order that the copy shall be a true and correct copy of the record or those portions requested, and shall ~~make a charge the amount of not less than~~ \$0.25 per page, instrument, map, picture or other exhibit; ~~provided the charges authorized in this~~

~~subsection are not intended to repeal or amend any fee or schedule of fees otherwise established as set forth by resolution of the town commission.~~

- (2) A transcript of the proceedings before the governing body, when certified by the reporter, may be used in any court review of the matter at issue by any party thereto.

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SECTION 5 – Amendment: Chapter 63 “General and Administrative Provisions”, Article VIII “Land Development Fees”, Section 63-131 “Applications and petitions” is hereby amended as follows:

Sec. 63-131. - Applications and petitions.

- (a) *Fee schedule.* ~~The fees town commission hereby establishes the following official fee schedule for all applications and petitions which come before the town commission, the planning and zoning commission, the zoning board of adjustment and the construction board of adjustments and appeals: shall be as set forth by resolution of the town commission.~~

Review Body	Request	Official Filing Fee	Deposit Against Extraordinary Costs and Expenses
Town commission	All petitions and applications initially submitted to the town commission	\$500.00	\$400.00
Planning and zoning commission	District boundary changes (rezoning)	500.00	400.00
	Special exceptions	500.00	400.00
	Nonconforming or grandfathered uses, structures, characteristics of use and lots	500.00	400.00
	Zoning regulations changes (ordinance amendment petitions)	500.00	400.00
	Modification of commission requirements	500.00	400.00
Administrative official	Variancees	500.00	400.00
Board of adjustment	Variancees and appeals	500.00	400.00

Construction board of adjustments and appeals-	Adjustment and appeal request	500.00-	400.00-
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SECTION 6 – Amendment: Chapter 64 “Zoning”, Article III “Supplemental Regulations”, Section 64-56 “Antennas, masts, etc.” is hereby amended as follows:

Sec. 64-56. - Antennas, masts, etc.

- (a) Permits shall be obtained for the installation of outlets, equipment, antennas and radio masts. The permit fee for installation of each antenna or mast shall be as set forth by resolution of the town commission. ~~\$10.00~~, except that reinspections caused by installation found faulty upon first examination, or when corrections have not been made when reinspection is requested, shall each be subject to a further inspection fee of ~~\$10.00~~ as set forth by resolution of the town commission.

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SECTION 7 – Amendment: Chapter 64 “Zoning”, Article V “Subdivisions”, Section 64-104 “Preparation of final plat” is hereby amended as follows:

Sec. 64-104. - Preparation of final plat.

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- (c) Upon filing an application for final subdivision plat approval, the developer shall pay a fee of ~~\$250.00~~ in an amount as set forth by resolution of the town commission to help defray the cost of administration and processing of the final subdivision plat. In addition to the administration and processing fee, the developer shall pay a fee of one percent of the estimated cost of construction of those improvements required by this article, to defray the cost of administration and inspection of the subdivision development. In order to have the final subdivision plat recorded, a separate check made payable to the clerk of the circuit court of the county shall accompany the final plat, in the amount established by the clerk's office.

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SECTION 8 – Amendment: Chapter 64 “Zoning”, Article V “Subdivisions”, Section 64-105 “Final plat submission and approval” is hereby amended as follows:

Sec. 64-105. - Final plat submission and approval.

- (a) Upon completion of the requirements set out in section 64-104, the final subdivision plat shall be submitted to the administrative official, accompanied by the following:
 - (1) Six sets of the construction plans, approved for technical compliance and having health department approval.
 - (2) A statement indicating whether the required improvements are to be constructed prior to recording of the plat or after recording of the plat.

- (3) A check payable to the town for ~~\$250.00~~ an amount as set forth by resolution of the town commission plus one percent of the cost of all required improvements.
- (4) A check made payable to the clerk of the circuit court of the county for the plat recordation, in the amount established by that office.
- (5) A copy of the property owners' association documents which shall provide for the formation of a special taxing district or town approval equivalent for maintenance of common areas and facilities.
- (6) If the developer elects to construct required improvements after recording of the plat, the following:
 - a. A contract executed in triplicate between the town and the developer for the construction of required improvements, in a form approved by the town.
 - b. Performance guarantees of 110 percent of the amount defined by section 64-106.
- (7) If the developer elects to construct the required improvements prior to recording the plat, an agreement executed in triplicate with the town for the construction of required improvements, in a form approved by the town.
- (8) Supplementary material designated by the administrative official, when access, drainage or utility service cannot be accomplished through platted right-of-way deeds or easements.

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SECTION 9 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article III “Technical Codes and Other Construction Standards”, Division 2 “Administration and Enforcement”, Section 67-57 “Authority to require engineering review and survey” is hereby amended as follows:

Sec. 67-57. - Authority to require engineering review and survey.

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- (c) In lieu of or in addition to the requirements set forth in subsections (a) and (b), the building official is authorized to have the proposed plans and specifications submitted for review and opinion by the town engineer or a consulting professional engineer selected by the town manager, the fee for which shall be charged to the applicant, in an amount as set forth by resolution of the town commission ~~not to exceed \$500.00~~. Such fee shall be paid prior to the issuance of a building permit. If fees for engineering review exceed ~~\$500.00~~ the amount set forth above, the fees shall only be assessed to the owner, architect, builder or other person when authorized by the town commission.

SECTION 10 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article V “Clearing, Excavation and Filling of Land”, Division 3 “Standards”, Section 67-136 “Site work incidental to construction” is hereby amended as follows:

Sec. 67-136. - Site work incidental to construction.

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(e) *Fill material; contours.*

- (1) Fill material shall consist of clean sand and soil free of organic deposits, construction debris, rubble or rock; except that rock shall be permitted as provided in this section. Fill material containing asphalt and/or hazardous waste as defined by F.S. § 403.703(21) is prohibited as fill material. The building official may require professional analysis or testing of any or all fill material to ascertain compliance with this section. The cost of such analysis shall be paid by the permittee, and the town may charge an reasonable administrative fee, not to exceed \$25.00 as set forth by resolution of the town commission, per test, in addition to the cost of analysis.
- (2) Finished contours for spreading of fill shall include landscape berms, drainage retention areas and slopes, so long as such contours do not impede the natural flow of drainage from the lot, other than as required by law, or cause such drainage to adversely impact adjacent lots and shall otherwise comply with the drainage provisions of this land development code.

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SECTION 11 – Amendment: Chapter 67 “Buildings and Building Regulations”, Article VII “Building Standards”, Division 2 “Alternative Procedures for Demolition or Repair of Unsafe Structures”, Section 67-196 “Notification” is hereby amended as follows:

Sec. 67-196. - Notification.

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- (c) In addition, a copy of the notice, as outlined in this subsection, shall be published simultaneously for two consecutive weeks in a newspaper of local circulation. Such notice shall be substantially in the following form:

NOTICE OF INTENT TO DEMOLISH OR SUBSTANTIALLY
REPAIR AND INSPECT
(Insert Date of Notice)

The owner or other interested parties for the structure located at (address), are hereby notified that the Town of Ocean Ridge, Florida, will proceed to have the structure repaired, demolished or removed thirty days after the date of this Notice if said structure is not substantially repaired by this date. All costs incurred by the Town in connection with the repair, demolition or removal will be assessed against the property.

If, as a result of this Notice, the structure is substantially repaired by the owner, notice is hereby given that the structure may be inspected by the Town. A ~~\$50.00~~ _____ fee will be charged for each inspection and the fees will be assessed against the property.

To request an extension of time, the owner should contact (Contact person and phone number) within ten (10) days of the date of this Notice. Said request must be in writing pursuant to subsection 67-195(c), Code of Ordinances, Town of Ocean Ridge.

An affected owner has the right to seek judicial relief from this action. The appropriate petition should be filed in the court of jurisdiction by the affected owner within thirty (30) days of the date of this Notice, pursuant to Section 67-199, Code of Ordinances, Town of Ocean Ridge.

The fee required in the notice shall be as set forth by resolution of the town commission.

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SECTION 12 – Amendment: Chapter 70 “Signs”, Article I “In General”, Section 70-2 “Periodic inspection” is hereby amended as follows:

Sec. 70-2. - Periodic inspection.

The administrative official shall cause to be inspected annually, or at such additional times as he/she deems necessary, each sign or advertising structure regulated by this chapter for the purpose of ascertaining if it is in compliance with this article. A reinspection fee of ~~\$5.00~~ as set forth by resolution of the town commission will be paid by the owner of the sign for any required reinspections after notification in writing by the administrative official of an alleged violation of this article.

SECTION 13 – Amendment: Chapter 70 “Signs”, Article I “In General”, Section 70-8 “Permit fees” is hereby amended as follows:

Sec. 70-8. - Permit fees.

Sign permit fees regulated by this chapter shall be as set forth by resolution of the town commission. ~~follows:-~~

- ~~(1) — Where the valuation does not exceed \$100.00, there shall be a \$5.00 fee.~~
- ~~(2) — For a valuation over \$100.00, up to and including \$500.00, the fee shall be \$10.00.~~
- ~~(3) — For a valuation over \$500.00, up to and including \$1,000.00, the fee shall be \$20.00.~~
- ~~(4) — For a valuation over \$1,000.00, the fee shall be \$20.00 for the first \$1,000.00, plus \$5.00 for each additional \$1,000.00 or any fraction thereof.~~
- ~~(5) — A double fee shall be paid for any sign erected without a permit if approved.~~

SECTION 14 - Codification: The ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

SECTION 15 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 16 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 17 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this 6th day of August, 2018.

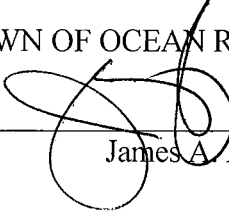
SECOND AND FINAL READING this 6th day of September, 2018.

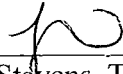
Commissioner Besler offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner MaGruder and upon being put to a vote, the vote was as follows:

JAMES A. BONFIGLIO, Mayor	<u>Aye</u>
DON MAGRUDER, Vice Mayor	<u>Aye</u>
PHILIP BESLER, Commissioner	<u>Aye</u>
STEVE COZ, Commissioner	<u>Aye</u>
KRISTINE DE HASETH, Commissioner	<u>Aye</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 6th day of September, 2018.

TOWN OF OCEAN RIDGE, FLORIDA

BY:  _____
James A. Bonfiglio, Mayor

ATTEST:  _____
Tracey L. Stevens, Town Clerk