



Meeting Name: Town Council Meeting
Meeting Date: February 28, 2024
Prepared By: Davila, CFM.
Item Title: Ordinance No. 783 – Construction Site Standards

DISCUSSION:

At the July 2023, Town Council meeting, Town Council gave unanimous consensus to have staff review the establishment of Construction Site Standards as provide by Vice Mayor Wheeler. (see attachment #1).

Staff, including the Town’s Building Official and Code Enforcement Officer, are proposing to amend Code Section 6-109. – Construction Site Standards to provide for the following:

- Modification to existing code regarding the conditions rights-of-way during construction;
- Modification to existing code regarding the parking of vehicles within the site or on adjacent rights-of-way;
- New language on requirements regarding proposed road closures;
- Modification to existing code regarding waste and construction material;
- Modification to existing code regarding wind mitigation and erosion control;
- Modification to existing code regarding pool discharges;
- New language on requirements regarding the screening of toilet facilities; and
- New language on requirements regarding the use of generators and temporary power.

RECOMMENDATION:

Staff recommends that the Town Council review and consider Ordinance No. 783 on first reading.

Attachment(s):

1. Vice Mayor Wheeler letter.
2. Ordinance No. 783.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

TOWN OF JUNO BEACH

ORDINANCE NO. 783

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA, AMENDING ARTICLE V, "PROPERTY MAINTENANCE AND CONSTRUCTION SITE STANDARDS," OF CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-109, "CONSTRUCTION SITE STANDARDS," TO MODIFY EXISTING STANDARDS AND ADD NEW REGULATIONS REGARDING PROPOSED ROAD CLOSURES, WIND MITIGATION, EROSION CONTROL, SCREENING OF TOILET FACILITIES, AND THE USE OF GENERATORS AND TEMPORARY POWER; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to revise the construction site standards within the Town to modify existing regulations regarding the condition of rights-of-way during construction; the parking of vehicles within the site or on adjacent rights-of-way; waste and construction material; wind mitigation and erosion control; and pool discharges; and

WHEREAS, the Town Council wishes to adopt new construction site standards regarding proposed road closures; the screening of toilet facilities; and the use of generators and temporary power; and

WHEREAS, the Town Council determines that the adoption of this Ordinance is in the interests of the public health, safety and welfare of the residents and property owners of the Town of Juno Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUNO BEACH, FLORIDA as follows:

Section 1. The foregoing recitals are hereby ratified as true and correct and incorporated herein.

Section 2. The Town Council hereby amends Article V, "Property Maintenance and Construction Site Standards," of Chapter 6, "Buildings and Building Regulations," of the Town Code of Ordinances by amending Section 6-109 to read as follows (additional language underlined):

ARTICLE V. PROPERTY MAINTENANCE AND CONSTRUCTION SITE STANDARDS

* * *

Sec. 6-109. Construction site standards.

- (a) For the purposes of this section, the term "construction" shall include lot clearing, grading, stockpiling of soil, demolition, and building construction, reconstruction, alteration or addition.
- (b) It shall be the joint responsibility of any owner of real property upon which construction is occurring, or any contractor responsible for said construction, to ensure that all rights-of-way remain free at all times of all construction waste, trash, or other materials, such as liquid or particulate matter associated with the construction activity.
- (c) It shall be the joint responsibility of any owner of real property upon which construction is occurring, or any contractor responsible for said construction, to ensure that all construction vehicles are parked in such a manner so as to ensure the free flow of traffic utilizing generally accepted traffic maintenance techniques, the ingress and egress of emergency vehicles, and access to all driveways, mailboxes, and residences located along public and private rights-of-way. All vehicles belonging to personnel working on or visiting a construction site from the date of the issuance of a building permit to the date of the issuance of a certificate of occupancy/completion shall be parked on the construction site at all times. If the site cannot accommodate such vehicles, then the contractor may initiate car and/or truck pooling or may request to park the construction vehicles on the street in front of the construction site to prevent unnecessary congestion adjacent to the construction site. Requests to park construction vehicles on the street shall be made during building permit submittal and shall be reviewed and approved by the public works department and the police department. If vehicle and/or truck parking is expected to overflow beyond the parallel limits of the construction site, permission must first be obtained from the adjacent property owner(s) and must also be authorized by the public works department and the police department.

1 (d) All road closures requests shall be reviewed and approved by
 2 the public works department and the police department. All
 3 requests shall be made seventy-two (72) hours prior to the
 4 road closure, and all fees associated with the road closure
 5 shall be paid prior to the road closure. It shall be the joint
 6 responsibility of any owner of real property upon which
 7 construction is occurring, or any contractor responsible for
 8 said construction, to provide written notification of the
 9 upcoming road closure to affected residents.

10
 11 (d e) It shall be the joint responsibility of any owner of real property
 12 upon which construction is occurring, or any contractor
 13 responsible for said construction, to ensure that all waste,
 14 trash, or other materials, such as liquid or particulate matter
 15 associated with the construction activity is contained on the
 16 real property upon which the construction is occurring.
 17 Construction waste and trash shall be secured within an
 18 enclosed containment structure. In the case of stockpiled
 19 particulate materials, such materials shall be stabilized in a
 20 manner satisfactory to the building official.

21
 22 (e f) All areas surrounding the construction site which are affected
 23 by dust, dirt and debris from the construction site shall be
 24 swept clean of such dust, dirt and debris on a daily basis. The
 25 planning and zoning director or designee may require an
 26 erosion control plan and/or a construction screening plan.
 27 Adjacent or nearby catch basins shall be equipped with
 28 filtration media beneath the grate or other mechanisms to
 29 prevent the deposit of eroded sand, dirt, and other materials
 30 inside the basin. If there are high winds exceeding thirty (30)
 31 miles per hour or the building official otherwise determines
 32 that the conditions are unsafe, all work above the first floor
 33 shall cease until conditions improve.

34
 35 (f g) Any pool under construction shall be kept clean of any debris
 36 until such time as the pool is properly filtered. All sitting water
 37 in pools under construction must be properly treated to
 38 eliminate algae and insects. Where it is necessary to empty
 39 the water from an existing pool, the water may not be
 40 discharged directly into the street but shall be discharged on
 41 the property at a slow rate to allow percolation of the water to
 42 the greatest extent possible.

43
 44 (g h) In addition to other remedies for violation of this code, the
 45 building official or his designee may issue a stop work order
 46 for violation of this section. Prior to the issuance of a stop work

1 order, the building official or his designee shall, where
2 practicable, attempt to provide a verbal or written notice to the
3 owner of the real property upon which construction is
4 occurring, or any contractor responsible for said construction.
5 That notice shall specifically set a time period for correction of
6 the violation. In the event the town takes emergency action to
7 secure a property in violation of this section, the property
8 owner shall be responsible for all costs associated therewith
9 and shall be billed for all charges and expenses of the town.

10
11 (i) It shall be the joint responsibility of any owner of real property
12 upon which construction is occurring, or any contractor
13 responsible for said construction, to provide and have
14 available on the premises where such construction is
15 occurring sufficient toilet facilities for all workers during the
16 entire construction period as deemed adequate by the
17 building official. If a temporary structure/building is used for
18 that purpose, its construction, location, and operation shall be
19 approved by the building official. Such temporary
20 structure/building shall not be placed in the public right-of-
21 way. Additionally, temporary toilet facilities shall be effectively
22 site screened from all roads, streets, and adjoining properties
23 by walls, hedges, buildings, fences, or other methods as
24 approved by the building official.

25
26 (j) The building official may issue a permit for the use of a
27 portable generator for a period not to exceed four (4) days
28 provided the permit applicant provides proof that neither
29 permanent nor temporary electrical power is available at the
30 work location. The portable generator shall be operated only
31 during the times for permissible construction activities as set
32 forth in section 12-127 of this code. No fee shall be required
33 for the issuance of such a permit.

34
35 **Section 3.** The provisions of this Ordinance shall become and be made a part
36 of the Code of Ordinances of the Town of Juno Beach, Florida.

37
38 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this
39 Ordinance is for any reason held by a court of competent jurisdiction to be
40 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
41 Ordinance.

42
43 **Section 5.** All ordinances or parts of ordinances of the Town of Juno Beach,
44 Florida, which are conflict with this Ordinance, are hereby repealed to extent of such
45 conflict.

Establishment of Construction Site Management Rules in
Residential Neighborhoods
Study item for Planning and Zoning

Neighboring residents of new construction or significant remodels have to endure over a year of noise, debris, and stress during the construction of these homes. There are things the Town should enforce to provide neighboring residents some peace during this time period. Some of the things the P&Z Board could review and possibly have the Town Council implement are a contractor checklist and enforcement of:

- Construction screening
- Mandate Temporary Power so generators are not used to supply power and add to the construction noise.
- Maintenance and location of toilet facilities for workers
- Extra protection for the dust and debris from pool gunite work
- Erosion control measures for adjoining property protection
- Proper garbage cans for food disposal rather than in dumpster to prevent attracting rats and racoons.
- Ensure that dumpsters are emptied and building materials including roof tiles are secure in the event of a hurricane.
- Possible limitations on Saturday work (quiet work only and/or shorter times)

These rules could be enforced with warnings then fines for abuse.



Meeting Name: Town Council
Meeting Date: February 28, 2024
Prepared By: L. Rubin, Town Attorney
Item Title: Ordinance 784 (Modifying the Procedures for Appointment of Planning and Zoning Board Members) (First Reading)

DISCUSSION:

At the direction of the Town Council, this office has drafted an Ordinance modifying the procedures for the appointment of five regular members and one alternate member to the Planning and Zoning Board. Section 20-23(c) of the Town Code currently provides that each member of the Town Council shall nominate a member to the Planning and Zoning Board, subject to approval of the Town Council, with the alternate member nominated by any member of the Town Council. The proposed Ordinance revises Section 20-23(c) of the Town Code to provide for the appointment of the Board members by the Town Council collectively and provides as follows:

The town council shall appoint the regular and alternate members to the planning and zoning board on an annual basis at the first town council meeting after the town general election and the swearing in of any newly elected mayor or council members.

Additionally, the proposed Ordinance cleans up existing language in Section 20-23(a) (to clarify that there is only one alternate member) and Section 20-23(b) (to delete transitional language adopted in 2007 relating to the terms of the members).

The method of selection is not specified and left to the discretion of the Council.

RECOMMENDATION:

Staff recommends Town Council consideration of Ordinance No. 784, modifying the procedures for appointment of Planning and Zoning Board members, on first reading.