



**Meeting Name:** Town Council Meeting  
**Meeting Date:** April 24, 2024  
**Prepared By:** Davila, CFM.  
**Item Title:** Ordinance No. 783 – Construction Site Standards – Second Reading

#### **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.

At the May 1<sup>st</sup>, 2024, Special Town Council meeting, Council reviewed and discussed proposed Ordinance No. 783 on first reading and recommended the following:

- Include new language to section “f” to require inspections of catch basins and reporting to the Town via affidavit; and
- Create new language for requirements to minimize airborne debris/dust.

#### **RECOMMENDATION:**

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

Attachment(s):

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

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.

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**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, AIRBORNE DUST AND DEBRIS, 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.

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 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.

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 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. It shall be the joint responsibility of any owner  
 31           of real property upon which construction is occurring, or any  
 32           contractor responsible for said construction, to submit to the  
 33           Town every thirty (30) days an affidavit indicating that all catch  
 34           basins have been inspected and remain free of eroded sand,  
 35           dirt, and other materials.

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 37           (g) If there are high winds exceeding thirty (30) miles per hour or  
 38           the building official otherwise determines that the conditions  
 39           are unsafe, all work above the first floor shall cease until  
 40           conditions improve.

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 42           (f h) Any pool under construction shall be kept clean of any debris  
 43           until such time as the pool is properly filtered. All sitting water  
 44           in pools under construction must be properly treated to  
 45           eliminate algae and insects. Where it is necessary to empty  
 46           the water from an existing pool, the water may not be

discharged directly into the street but shall be discharged on the property at a slow rate to allow percolation of the water to the greatest extent possible.

(g i) In addition to other remedies for violation of this code, the building official or his designee may issue a stop work order for violation of this section. Prior to the issuance of a stop work order, the building official or his designee shall, where practicable, attempt to provide a verbal or written notice to the owner of the real property upon which construction is occurring, or any contractor responsible for said construction. That notice shall specifically set a time period for correction of the violation. In the event the town takes emergency action to secure a property in violation of this section, the property owner shall be responsible for all costs associated therewith and shall be billed for all charges and expenses of the town.

(j) 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 provide and have available on the premises where such construction is occurring sufficient toilet facilities for all workers during the entire construction period as deemed adequate by the building official. If a temporary structure/building is used for that purpose, its construction, location, and operation shall be approved by the building official. Such temporary structure/building shall not be placed in the public right-of-way. Additionally, temporary toilet facilities shall be effectively site screened from all roads, streets, and adjoining properties by walls, hedges, buildings, fences, or other methods as approved by the building official.

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

(l) 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 when the cutting and finishing of concrete, tile, brick, stone material, fiber cement, gunite, or other material that creates dust or

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airborne debris is taking place on site, all airborne dust or debris remains on site through the use of wet saws, vacuums, and/or screening or any other effective means.

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

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

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

**Section 6.** This Ordinance shall be effective immediately upon adoption.

FIRST READING this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

SECOND, FINAL READING AND ADOPTION this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

	_____ AYE	_____ NAY	_____ PEGGY WHEELER, MAYOR
	_____ AYE	_____ NAY	_____ DD HALPERN, VICE MAYOR
	_____ AYE	_____ NAY	_____ MARIANNE HOSTA, VICE MAYOR PRO TEM
	_____ AYE	_____ NAY	_____ JACOB ROSENGARTEN, COUNCILMEMBER
	_____ AYE	_____ NAY	_____ DIANA DAVIS, COUNCILMEMBER

ATTEST: APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
CAITLIN COPELAND-RODRIGUEZ  
TOWN CLERK

\_\_\_\_\_  
LEONARD G. RUBIN  
TOWN ATTORNEY

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Juno Beach website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference:

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, AIRBORNE DUST AND DEBRIS, AND THE USE OF GENERATORS AND TEMPORARY POWER; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town of Juno Beach is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the Town of Juno Beach is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.



- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance No. 783 is proposing to amend Code Section 6-109. – Construction Site Standards to provide for the following for the protection of the public health, safety and welfare:

- 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;
- New language on requirements regarding the use of generators and temporary power;
- Include new language to require inspections of catch basins and reporting to the Town via affidavit; and
- Create new language for requirements to minimize airborne debris/dust.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Juno Beach], if any:  
 (a) An estimate of direct compliance costs that businesses may reasonably incur;  
 (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and  
 (c) An estimate of the Town of Juno Beach regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The proposed Ordinance does not create any new charges or fees for businesses, nor it is estimate for businesses to incur a direct compliance cost.

The Town is not creating any new applications or fees for any persons/businesses to be able to comply with the newly proposed requirements. Any cost that may arise are

dependent on the proposal of the work and the choices of the contractor, such as Police services for road closures, cost of materials used to screen the toilet facilities, screening material used for erosion control, etc.

The Town of Juno Beach does not expect any revenues from the proposed changes.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The proposed ordinance is crafted to be applicable to all properties that have that are engaged in construction within the Town, both residential and commercial.

4. Additional information the governing body deems useful (if any):

The proposed ordinance is not intended to solely impact businesses, it is a revision of its existing construction standards that will apply to all properties/persons within the Town of Juno Beach (individuals as well as businesses).

The Town Council has determined that the adoption of this ordinance is in the interest of the public health, safety and welfare of the residents and property owners of the Town of Juno Beach.