AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, April 4, 2012,
Immediately Following the
CRA Board Meeting,
Lake Park Town Hall
535 Park Avenue

James DuBois	—	**Mayor**
Kendall Rumsey	—	**Vice-Mayor**
Steven Hockman	—	**Commissioner**
Jeanine Longtin	—	**Commissioner**
Tim Stevens	—	**Commissioner**
Jamie Titcomb	—	**Interim Town Manager**
Thomas J. Baird, Esq.	—	**Town Attorney**
Vivian M. Lemley, CMC	—	**Town Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. ***Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.***

A. **CALL TO ORDER**

B. **INVOCATION**

C. **PLEDGE OF ALLEGIANCE**

D. **ROLL CALL**

E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

F. **PROCLAMATION:**

1. **In Honor of Anthony Kulinka** **Tab 1**

G. **PUBLIC and OTHER COMMENT:**

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

H. **CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.**

Recommended For Approval:

2. Regular Commission Meeting Minutes of March 7, 2012 **Tab 2**

I. **ORDINANCE ON FIRST READING:**

3. ORDINANCE NO. 05 -2012 Town Manager and Town Attorney Authority Tab 3
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

4. ORDINANCE NO. 06-2012 Establishing in the Charter the Office of the Town Attorney **Tab 4**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX, ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

5. ORDINANCE NO. 07-2012 Noise Amendment to Chapter 10 **Tab 5**
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV – (NOISE CONTROL) OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-155, TABLE 1 NOISE LEVELS BY LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

J. **PUBLIC HEARING:**
ORDINANCE ON SECOND READING:

******* OPEN PUBLIC HEARING*******

A. Staff Report

B. Public Comments

C. Commission Deliberation

6. Ordinance No. 04-2012 Update Town Code to Include the 2010 Florida Building Code Tab 6

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE AND THE NATIONAL ELECTRICAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS TO CHAPTER 1 OF THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF CERTAIN REFERENCES NOW CONTAINED IN THE CODE; ; PROVIDING FOR THE REPEAL OF PROVISIONS OF THE CODE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

***** CLOSE PUBLIC HEARING*****

K. DISCUSSION AND POSSIBLE ACTION:

7. Submittal of Proposed List of Semi-Finalist for Town Manager Position Tab 7
8. Update on Army Reserve Center Tab 8
9. Solid Waste Authority Decorative Recycling Containers for Parks Tab 9

L. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

M. ADJOURNMENT:

Proclamations

TAB 1

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 1

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA

[x] Other: Proclamation

SUBJECT: **Proclamation in Honor of Anthony Kulinka**

RECOMMENDED MOTION/ACTION: **Approval of Proclamation**

Approved by Town Manager _____ **Date:** 3/29/12

Name/Title Human Resources Director

3/29/2012
Date of Actual Submittal

Originating Department: **Mayor James DuBois**	**Costs: -0-** Funding Source: Acct. #	**Attachments:** **Copy of Proclamation**
Department Review: [ ] Attorney_____ [ ] Community Development__ [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ [ ] Town Clerk _____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ **[x] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	**Yes I have notified everyone** BMT or Not applicable in this case _____ **Please initial one.**

Summary Explanation/Background:

On January 16, 2012, the Town of Lake Park suffered the loss of one of its residents, Anthony Kulinka. Mr. Kulinka volunteered his time and artistic talent to the Lake Park Public Library and also served as a Sergeant in the Palm Beach County Sheriff's Office Citizens on Patrol Lake Park Unit #8.

The purpose of this item is to honor Mr. Kulinka posthumously for his service to this community, and to celebrate his life.

PROCLAMATION IN MEMORY OF ANTHONY KULINKA

WHEREAS; Anthony Kulinka was a resident of the Town of Lake Park; and

WHEREAS; Anthony Kulinka was a loving husband, father, grandfather and great-grandfather who was devoted to his family and to his community; and

WHEREAS; Anthony Kulinka worked as a butcher and retired after 35 years of service in this field; and

WHEREAS; Anthony Kulinka was also a talented artist who devoted his time to the Lake Park Public Library by working and interacting with the children of this community and sharing with them his art; and

WHEREAS; because of his devotion to this community and his commitment to the spirit of volunteerism, ***Anthony Kulinka*** had served since 2003 in the Palm Beach County Sheriff's Office Citizens on Patrol Lake Park Unit Number 8, held the rank of Sergeant, and was commended for his dedication to this organization; and

WHEREAS; Anthony Kulinka passed way on January 16, 2012; and

WHEREAS; the Town of Lake Park wishes to honor him and to celebrate his life.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I James DuBois, Mayor of the Town of Lake Park, do hereby publicly recognize and commend ***Anthony Kulinka*** posthumously for his service to the Town of Lake Park and express our deepest sympathies to his family and to those whom he left behind.

IN WITNESS WHEREOF, I *have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 4th day of April, 2012.*

BY: _____
Mayor

ATTEST: _____
Vivian Lemley, Town Clerk

Consent Agenda

TAB 2

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 2

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	**[X]**	**CONSENT AGENDA**
[ ]	Other:		

SUBJECT: **Regular Commission Meeting Minutes of March 7, 2012**

RECOMMENDED MOTION/ACTION: **To Approve the Regular Commission Meeting Minutes of March 7, 2012**

Approved by Town Manager _____ **Date:** 3/30/12

Shari Canada, Deputy Town Clerk
Name/Title

March 16, 2012
Date of Actual Submittal

Originating Department **Town Clerk**	Costs: **$0** Funding Source: **0** Acct. # **0**	**Attachments:** **Agenda** **Meeting Minutes**
Department Review: [ ] Attorney_____ [ ] Community Development___ [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ **[X] Town Clerk** YMC [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ **[X] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or Not applicable in this case YMC **Please initial one.**

Summary Explanation/Background:

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A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

E. ADDITIONS/DELETIONS - APPROVAL OF AGENDA

F. PUBLIC and OTHER COMMENT:
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G. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

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Recommended For Approval:

1. Special Call Commission Meeting Minutes of February 06, 2012	Tab 1
2. Resolution No. 08-03-12 Memo of Agreement Children Home Society and Lake Park Library	Tab 2
3. Authorization to Apply for Library Services and Technology Act Grant	Tab 3
4. Award Roofing Contract for Palm Beach Sheriff's Office Building	Tab 4

H. DISCUSSION AND POSSIBLE ACTION:

5. Discussion regarding Kiwanis Irish Fair	Tab 5
6. Interim Town Manager Progress Report	Tab 6
7. Report on Status of Town Manager Search	Tab 7
8. Renewal/Extension of Interim Town Manager Agreement	Tab 8

I. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:

J. ADJOURNMENT:

Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, March 7, 2012 8:03 p.m.
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, March 7, 2012 at 8:03 p.m. Present were Mayor James DuBois, Vice-Mayor Kendall Rumsey, Commissioners Steven Hockman, Jeanine Longtin and Tim Stevens, Interim Town Manager Jamie Titcomb, Town Attorney Thomas Baird, and Town Clerk Vivian Lemley.

Vice-Mayor Rumsey led the Invocation and Mayor DuBois led the Pledge of Allegiance. Town Clerk Vivian Lemley performed the Roll Call.

ADDITIONS/DELETIONS/APPROVAL OF AGENDA:

Interim Town Manager Titcomb requested that item 2, Resolution No. 08-03-12 Memo of Agreement Children Home Society and Lake Park Library be pulled from the agenda. He stated that staff is gathering additional information on the item.

Commissioner Longtin stated that she would like to look at these individually.

Mayor DuBois stated that the Commission is looking at these individually this is the Additions/Deletions/Approval portion of the Agenda. He asked if there is a motion to approve the agenda as amended.

Motion: A motion was made by Commissioner Hockman to approve the Agenda as amended; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner Longtin	X		
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 5-0

PUBLIC AND OTHER COMMENTS:

Diane Bernhard, 301 Lake Shore Drive, she stated that she wanted to remind her fellow townspeople to get involved in the committee that she has started to change the employee workbook and that she could be e-mailed at dianebernhard@aol.com. She suggested that the Town provide copied of the rules and Ordinances to all newcomers before they sign a lease or purchase property. She stated that this practice can be reassuring to residents and it can discourage bad behavior and should conflict arise it cuts out the first steps, that moment when somebody says that they did not know that they were not allowed to do that. She stated that this could also mean a quicker resolution to problems or the means to document bad faith. She stated that if Lake Park is not already doing this that the Town do this immediately. She stated that she wanted to be clear and stated that she is not suggesting that the Town condo-commando everyone's civil rights, she is suggesting that the Town make existing ordinances more visible that the Town may be able to prevent some of the problems that have been happening.

Jim Lloyd, 220 Lake Shore Drive, stated that in view of the fact that the former Town Manager resigned without cause and the Finance Director resigned without cause that he thinks that the people of Lake Park deserve that the Town and the CRA undergo a forensic audit. He stated that he is not sure that it has ever been done before and that now is the time to get it done. He stated that he is making no inferences or allegations but that this is the time in the Town's history that a forensic audit should be done.

Mayor DuBois stated that the Town and CRA have an audit done every year and last month the current audit was complete.

Susan Lloyd, 220 Lake Shore Drive, she stated that she is on a citizens committee that is reviewing the employee handbook and changes made during the former Town Manager's tenure. She stated that the committee has collected numerous handbooks from numerous communities for comparison. She stated that the committee is looking for more citizens to participate and provided her phone number as 561-222-9930. She stated that she would like to discuss grants and made a request to the "grant chasers" to give the Commission and the residents more time to review the grants that they are chasing after to determine if the grant is indeed best for the Town. She stated that in the past she has attended meetings where acceptance of a grant was on the agenda, and the question of how much will the grant really going to cost the Town. She stated that the Town Manager would state that they did not have that information or turned to the "grant chaser", who would pretty much say the same thing. She stated that the information to the Town should be provided without it being asked. She stated that all stipulations should be printed out clearly not making the Commissioners and citizens read through the grant documents to get to the Town requirements and should be the "grant chasers" responsibility. She stated an example is that the Library is going to ask for approval of grant on this agenda and that according to the documents the grant became available in November 2011 and that the grant application must be submitted by March 15, 2012. She stated that the "grant chasers" should provide more time and the Commission should just once in a while just say no. She encouraged all citizens to check out the blog onthestreetswhereyoulive.worldpress.com. She stated that the writer of the blog is very

informative and know just about everything that going on in the Town and that the blogger loves the Town.

Mayor DuBois asked Ms. Lloyd if she was calling the Commission "Grant Chasers" and if Ms. Lloyd was using the term "Grant Chaser" as a pejorative.

Ms. Lloyd stated that no that she is referring to the person that the Town has chasing grants.

Cynthia Grey, 503 Sabal Palm Drive, stated that she has stated in the past that it was important for the Town to have a mission statement and that she was directed to the Town's website to find the Town mission statement. She stated that the mission statement is general and it really can't be the Town's mission statement because a mission statement is intended to summarize the overall input as received by the Town's residents to achieve the resident's vision for the Town, such as the objectives and goals and how they are measured. She stated that she thinks it is an important time to create the Town's vision statement because the Commission will be hiring a new Town Manager and the destiny of the Town should be in the resident's hands. She stated that the residents should be able to tell the new Town Manager the resident's vision of the Town. She stated that materials should be created such as questionnaires for the residents, creation of a focus group, so that the residents can start deciding what the Town should look like. She stated that she jotted down a vision statement: "The Town of Lake Park in 2030 will maintain its family friendly, caring community working together. Forged and welded to the Intercostal Waterway with the new marina, Lake Park is unique, quiet and safe, with a strong and prosperous Town center. Our defining features offer a balance between development and open space. Lake Park values its pedestrian oriented downtown which caters to small businesses that are based to serve the Town's residents and the seniors which buys housing and services which supports their needs". She stated that the Town needs to gather information from the residents before putting together a vision statement. She also stated that there is a windshield insurance scam going around Town.

Mayor DuBois requested that Community Development Director DiTommaso provide Ms. Grey with a copy of the Town's Comprehensive Plan. He stated that was the documnents he was suggesting that Ms. Grey review when she discussed the Town's mission statement at a previous meeting.

Commissioner Longtin requested that the CRA Plan done by the University of Miami also be included in the documents provided to Ms. Grey.

Mayor DuBois concurred and stated that the documents should include the Comprehensive Plan, EAR and the CRA Plan.

Betty Ann Rowlett, Bridges at Lake Park, 1411 10th Street, stated that she is the Site Administrator for Bridges at Lake Park, and wanted to let the Commission and community know of the events that Bridges at Lake Park are holding in March 2012. She stated that there will be a community resource fair on Saturday, March 10, 2012 from 10:00 am to 2:00 pm at Cardello's Shopping Plaza, information will be presented regarding resources available to residents and activities for the children such as bounce

house and a game bus. On March 31, 2012 the Bridges of Lake Park will be hosting an "I Am Not Alone" play at 1:45 pm at the Moz'Art theatre and stated that the event is free.

Wayne Creber, 211 US 1, asked for the Commission to give staff direction regarding updating the noise ordinance and related issues in order to be up to date with neighboring communities. He stated that an updated noise ordinance would enhance the ability of some businesses to come to Lake Park and to operate a viable business. He stated that the current noise ordinance has some serious limitations.

CONSENT AGENDA ITEMS:

1. **Special Call Commission Meeting Minutes of February 06, 2012**
2. **Resolution No. 08-03-12 Memo of Agreement Children Home Society and Lake Park Library**
3. **Authorization to Apply for Library Services and Technology Act Grant**
4. **Award Roofing Contract for Palm Beach Sheriff's Office Building**

Motion: A motion was made by Vice Mayor Rumsey to approve the Consent Agenda; Commissioner Stevens made the second.

Commissioner Longtin asked what the Commission was approving.

Mayor DuBois stated that the Commission is approving the Consent Agenda.

Commissioner Longtin stated that she would like to pull items 3 and 4.

Vice-Mayor Rumsey stated that there is a motion on the table.

Mayor DuBois stated that there was a second to that motion and that the motion to approve the consent agenda is what is being discussed at this point and asked if there was any further discussion on the motion.

Commissioner Longtin stated "yes" and that the Commission pulled number 2, so the Commission is looking at 1, 3 and 4. She stated that she has questions and comments on three and four.

Mayor DuBois stated that there is a motion to approve and a second and the Commission has had discussion on the motion. He asked if there is further discussion on the motion.

Commissioner Longtin stated "no", the Commission has not had discussion.

Commissioner Stevens asked Commissioner Longtin what her comments are on 1, 3 and 4.

Commissioner Longtin stated that if the Commission is just going to approve the consent agenda and not listen then they should go ahead and approve it.

Mayor DuBois stated that there is a request to pull 1, 3 and 4.

Commissioner Longtin stated that "there is a motion on the table so let the Commission approve it and move on, that's the way it has been working around here".

Mayor DuBois stated that the Commission can decide not to approve the motion and continue discussing these items individually and called the question.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman		X	
Commissioner Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 3-2

DISCUSSION AND POSSIBLE ACTION:

5. Discussion regarding Kiwanis Irish Fair

Mayor DuBois noted that Edie McConville had a comment card on this item and asked if Ms. McConville had comments or was just advising she is available for questions.

Public Comment Opened:

Ms. McConville stated that she is available for questions from the Commission.

Betty Ann Rowlett, Bridges at Lake Park, 1411 10th Street, stated that she had no comments at this time.

Public Comment Closed.

Interim Town Manager JamieTitcomb stated that Kiwanis has made a request to hold Irish Fest on March 17, 2012 at Kelsey Park. He stated that the event will potentially have numerous visitors. He stated that he directed staff to take the request and run it through the Town Special Events Permitting System and look at all the potential impacts that the events may or may not have on the Town. He stated that staff identified areas of interest and concern and that Public Works Director Dave Hunt has been the staff person handling this request.

Public Works Director Hunt stated that he and staff from Public Works has met with Kiwanis regarding possible services the Town could provide for the Irish Fair. He stated that he laid out the services that the Town has provided for Town-sponsored events such

as the Seafood Festival. He stated that the purpose of this item is to seek direction from the Commission regarding what services would be available. He stated that the Commission has waived the fees for the rental of the park which would normally be assessed to a private event organizer. He stated that clarification was needed if the last motion by the Commission also included fees associated with the pavilion rental, the clean up, refundable deposits, and waive the parking meter. He stated that Sheriff's Office provides services for events serving alcohol. He stated that staff wanted to be prepared for any overflow parking. He suggested using the outside lanes of Park Avenue and to create parking areas. He stated the closure of lanes on Park Avenue goes hand in hand with waiving the parking meter fees as the parking along Park Avenue would not be metered. He stated that additional Sheriff's Office staff would be required if there is going to be street parking. He stated that garbage collection and rest room clean up needed to be addressed. He stated that staff is looking for ways to accommodate the event organizers so that there is enough staff present on the day of the event. He stated that Kiwanis Club of Lake Park has promised that the park will be cleaned, however if it is not clean to the satisfaction of the Sunday Market, Public Works may have to mobilize crews to clean the park at overtime rates and he has suggested that a refundable security deposit of $350.00 be charged to cover these expenses, if they are needed. He stated that he did not think the park clean up by staff would be needed, but wanted to have all the bases covered. He provided a list of typical services that the Town provides any event organizer when using Town facilities.

Mayor DuBois stated that there is a refundable security deposit and asked what the other mechanisms are.

Public Works Director Hunt stated that the security deposit was to cover any overtime expenses for cleaning the park on Sunday morning in advance of the Sunday Market if needed.

Mayor DuBois requested the other costs for services.

Public Works Director Hunt stated that there are upfront labor costs to set up for the event. He stated that Town staff will not be working at the event on Saturday, except for Sheriff's Office personnel.

Commissioner Hockman stated that he feels that the deposit for the pavilion should be paid. He stated that he is sure that the Kiwanis Club of Lake Park will clean the park and the deposit would be refunded and if not the Town can deduct the cost for staff to do the work. He stated he thought that Kiwanis would agree to that provision. He stated that as for Sheriff's Office staff he would request that Kiwanis take care of that because Kiwanis will be serving alcohol. He agreed that a dumpster for the trash be provided. He recommended that Kiwanis contact the local Boy Scout troops so that the Boy Scouts could come out and provide community service hours. He stated that he is leaning towards the waiving of the parking meters. He stated that the intent of waiving the parking meter fees is to attract people to the Town and he wants the Town to be known as a good community involved Town and he cannot see why the Town cannot have free parking. He stated that he knows the intent of the parking meters is to make money, but at the same time he wants to get people to come back to the Town and that's key. He stated

that Kiwanis can remove the barricades from Park Avenue at the end of the event so that the road is open on Sunday. He stated that he hopes Kiwanis would leave the facility in good shape. He stated he has seen the way Kiwanis groups have worked in the past and Kiwanis has always left the facilities in good shape.

Vice-Mayor Rumsey stated that he agrees with Commissioner Hockman regarding the security deposit. He asked Lieutenant Palenzuela, Palm Beach Sheriff's Office District 10 Commander, if the Sheriff's Office uses a formula in determining the number of officers needed for events.

Lieutenant Palenzuela stated that yes; the Sheriff's Office would look at the size of the event. He stated that the estimated size is approximately 250 people and with alcohol being served at the event he would recommend at least two Deputy Sheriff's.

Vice-Mayor Rumsey asked Lieutenant Palenzuela if the event was large enough to close down two lanes along Park Avenue and would the service be provided through officers assigned to Lake Park or through special assignment.

Lieutenant Pete Palenzuela stated that it depends on the Commission's direction. He stated that with the amount of time from now until the event that he should be able to marshal the resources to help out Kiwanis. He stated that if the Town does not want to provide the service then Kiwanis would have to contact the overtime permit office and hire officers. He stated that he could attempt to find reserve deputies to work the event, but his preference is to get as many volunteers as possible to assist Kiwanis. He stated that he is in support of this event.

Vice-Mayor Rumsey stated that he is in favor of waiving the fees for the parking meters. He stated that the parking meter fees should be waived for these types of events.

Commissioner Longtin stated that she "will let you three decide what is happening with this one". She stated that she wants staff to stress to all groups that vehicles are prohibited from parking on the grass for any reason.

Commissioner Stevens stated that the refundable deposit fee to cover clean up and any Public Works staff overtime should be paid by Kiwanis. He stated that the parking meter fees should be waived for the event. He asked if there are meter bags to place over the meters.

Ms. McConville advised that Kiwanis can provide the meter bags.

Interim Town Manager Titcomb stated that staff has been evaluating getting meter bags for the Town for such events. He stated that it is important that everyone understand that when the Town suspends parking that it is free parking for everyone. He stated that there have been issues when competing events or competing businesses in Town and other events have competed over those free parking spaces. He stated that if it is free parking it is free parking for everyone regardless whether the person is going to the Irish Fest, a local business or walking down to the waterfront and there is no real way to police between the different uses.

Commissioner Stevens stated "so the parking is free to everybody for any purpose". He stated that is great that the Palm Beach Sheriff's Office is willing to work with Kiwanis to provide security. He stated that closure of the curbside lanes along Park Avenue is a good idea and thinks it is a great event and glad it is being brought back to the Town. He stated that he is offering his volunteer services at the event.

Mayor DuBois recapped that Kiwanis would be paying a $350.00 refundable security deposit, one dumpster and Boy Scouts for clean-up, parking meter fees would be waived, two PBSO officers, and closure of two curb-side lanes on Park Avenue. He stated that he is very happy to have this event. He stated that he thinks that when an organization comes to the Town with a first year event that the Town should meet them halfway and do all that the Town can to help the event. He stated that next year the Town should try to go a little more by the book and as the organization is able to provide more to the charity there should be an opportunity to provide a fuller service compliment and he would say this for other groups that are trying to start out in the community in that way. He stated that the Town should provide the event with assistance the first year.

The Commissioner reached consensus as follows:

- Kiwanis is to pay a $350 refundable deposit for clean-up and Public Works staff overtime if needed,
- Waive all parking meter fees for the day of the event,
- Lieutenant Pete Palenzuela to work with Kiwanis Club of Lake Park to provide Reserve Deputy Sheriff Officers to volunteer the day of the event,
- Closure of the curbside lanes along Park Avenue for parking
- Parking in the grass is prohibited
- Kiwanis Club is responsible for all sanitation and clean-up during and after the event
- Public Works to provide the following tasks during regular working hours on Thursday and Friday: walk the park with event organizer in order to identify all of the electric outlet locations, mark the sprinkler heads, shut down sprinkler systems, locate a clear spot for the set-up of a large beverage tent, place a 4 cubic yard dumpster in the tennis court parking lot for garbage collection, barricade the length of Lake Shore Drive along Kelsey Park, barricade the curbside lanes along Park Avenue for event parking, deliver Department of Public Works garbage "picker sticks" to a designated Kiwanis person.

Public Works Director Hunt thanked the Commission for providing direction and that it will be a nice event.

Ms. McConville stated that she is delighted that the Commission is in support of the event. She stated that Kiwanis has tried to incorporate the entire community. She stated that there are ten food vendors, ten art vendors and ten not for profit vendors and all the vendors are from the community. She stated that letters were sent to the local High Schools for students who need community service hours. She stated that twenty students will be at the event using the garbage pickers throughout the day to pick up garbage. She stated that the members of the Lake Park Kiwanis care about the park and care that the event is a success. She stated that the Kiwanis Club is asking a lot of support from the

Town but remember every dollar Kiwanis puts out takes away from what Kiwanis can give to the children. She stated that as an example Howell L. Watkins Middle School has a field trip and it costs $75.00 per child. She stated that most families in Lake Park cannot afford to pay for the field trip. She stated that Palm Beach Gardens High School has a field trip and it costs $80.00 per child. She stated that families with children in middle school and high school have a difficult time paying for both. She stated that the proceeds from this event will go to pay for children to go on these field trips. She stated that Kiwanis is trying to make the Irish Fair a community event.

Commissioner Stevens asked if Kiwanis is a 501(c)(3).

Ms. McConville stated "yes".

Betty Ann Rowlett, Site Administrator, Bridges of Lake Park, offered assistance to Kiwanis for the event.

6. Interim Town Manager Progress Report

Interim Town Manager Titcomb stated that a performance evaluation form was included in the agenda package for use by each Commissioner. He stated that one of the most notable issues in the Town is the major positions that are currently open. He stated that all of the positions are in various stages of active search and that he would address those individually. Additionally there are other full and part-time positions available, including four major positions for Town Manager, Finance Director, Recreation Director and Marina Director. He stated that he has invited the Sheriff's Office and Palm Beach Fire Department to participate in senior staff meetings to increase communication Town-wide. He stated that he has had numerous meeting with department directors and staff individually, to get up to speed on the Town and to interact on a one-on-one basis with the staff. He stated that he has an open door policy and happy to meet with anyone. He stated that he has attended meetings regarding the Marina Village, parking policies and other issues. He stated that all event requests that come in through the Town Manager's office are processed through a special events vetting process so that the impacts to the Town can be quantified. He stated that the information gathered in the process can then be used by the Town to develop policies and procedures relating to future special events. He stated that he is working with staff regarding policies and procedures and ensuring they are enforced equally. He stated that staff has been working on developing one form for facility rentals with all the amenities available and the associated cost included rental fees, clean-up fees and whether other Town resources are necessary and those impacts. He stated that he has attended other meeting with parties interested in Lake Park and the CRA such as Florida Department of Transportation, Rail Transit Authority, and investors and businesses interested in locating in the CRA. He stated that he is looking for feedback regarding the Recreation Director position. He stated that he has reviewed and vetted the applications and is ready to short list the applications. He stated that the Finance Director position was advertised and ten applicants applied by the deadline and he recommended that the Town request volunteer professionals in the field participate in a selection committee to evaluate the applicants and make recommendations for the short list. He stated that the Finance Director position is highly specialized and critically

important to the Town. He stated that through the Human Resources Department the Marina Director job description has been prepared for advertising.

Human Resources Director Turner stated that the deadline for the submittal for applications for the Town Manager position is March 14, 2012 and so far the Town has received twelve applications. She stated that she did reach out to all the individuals who previously submitted their resume before the Town Manager advertisement was published to advise them of the application requirements. She stated that so far the Town has received three applications from these individuals. She stated that the Finance Director position closed on March 2, 2012. She stated that the Recreation Director applications are ready to be short listed. She stated that the Marina Director position advertisement went out on March 7, 2012 and the submittal deadline is March 21, 2012. She stated that the Marina Director position is advertised on the Lake Park website, channel 18, Florida League of Cities, which includes Florida City/County Management Association publications, Florida League of Cities Datagram, and Ken Small's CM's, which is a daily e-mail publication, Palm Beach County League of Cities website, and it has been submitted to Workforce Alliance and other free websites. She stated that the Event Assistant position deadline closed on January 25, 2012, however staff is holding off on that position until the Recreation Director is hired.

Mayor DuBois asked how long the Finance Director advertisement ran.

Human Resources Director Turner stated about ten business days and it closed on March 2, 2012.

Mayor DuBois asked for the number of applicants for the Finance Director position.

Human Resources Director Turner advised eleven.

Mayor DuBois asked how long the Recreation Director position was advertised.

Human Resources Director Turner stated ten business days and that the Town standard is ten business days.

Commissioner Stevens asked for procedure purposes if the selection committee is going to create a short list from the eleven applicants for the Finance Director position and then present the short list to the Commission.

Interim Town Manager Titcomb stated that his intention is to seek permission from the Commission to allow him to assemble three to four local finance professionals for the purpose of vetting the list of applicants for the Finance Director position. He stated that the committee would make sure the applicants had the required credentials, identify any issues, and then recommend a short list. He stated then the short list would be brought to the Commission.

Commissioner Stevens stated that under the Charter the Town Manager has full authority to hire staff and that Interim Town Manager Titcomb is providing the short list of candidates for the Finance Director position as a courtesy to the Commission.

Interim Town Manager Titcomb stated yes as a courtesy and because he is the Temporary Interim Town Manager and does not want to make life changing, decade lasting decisions in his short interim time here that this Commission and this community would not be comfortable with. He continued by saying that in the spirit of collaboration and involvement of the legislative body he wants to make sure the Commission is comfortable with the choices that are made for these critical and key Town positions. He stated that he will make the final decision on who is hired.

Commissioner Hockman stated that he is in favor of having a committee of professionals evaluate the applications and that the Commission would have an opportunity to review the committees evaluation and provide input.

Vice-Mayor Rumsey asked who is presently acting as the Finance Director.

Interim Town Manager Titcomb stated Deborah Doiron and that Ms. Doiron was the Assistant to the Finance Director. He stated that the department functions are being operated by the Finance Department staff currently. He stated that there really is no Finance Director per say performing those specific duties and functions in terms of the leadership decision. He stated that those functions have been handled by him and that the Finance Department staff has been handling the day to day operations.

Vice-Mayor Rumsey asked what checks the Finance Director signs.

Assistant to the Finance Director Doiron stated that she had former Finance Director Costello's name removed from signing checks and that Commissioner Stevens came in signed and a signature stamp was created. She stated a fourth signer can be added if the Commission wanted, but a Resolution would be required and suggested that the Commission wait until a Finance Director is hired. She stated that the Finance Director signs accounts payable and payroll checks.

Vice-Mayor Rumsey stated that he commended Interim Town Manager Titcomb for including the Sherriff's and Fire Department in the senior staff meetings. He stated that he appreciates that Interim Town Manager Titcomb has requested to meet with all the Commissioners individually and find those meeting to be very helpful. He stated that he is in favor of giving the authority to Interim Town Manager Titcomb to hire the Recreation Director and to set up a committee of volunteers to assist in the hiring of the Finance Director. He stated that he thinks the members of the selection committee for the Finance Director are in the industry. He stated that at some point the Commission needs to determine if Interim Town Manager Titcomb can apply for the permanent Town Manager position. He stated that he thinks Interim Town Manager Titcomb is doing a commendable job.

Mayor DuBois stated that he supports a Finance Director selection committee being formed and the hiring of a Recreation Director by Interim Town Manager Titcomb. He requested that the next report be provided in written form and requested that language be inserted in the renewal agreement. He stated a bullet point format would be fine and then filled in the detail when the report is presented.

Commissioner Longtin asked Commissioner Stevens how he became a signatory on the Town accounts.

Commissioner Stevens stated that the Commission voted to make him a signatory the first day he was on the Commission.

Commissioner Longtin asked if it is necessary to have the Finance Director be a signatory on the Town's bank account.

Commissioner Hockman stated that he is in favor of Interim Town Manager Titcomb hire a Recreation Director.

Interim Town Manager Titcomb commended the Town staff and stated that all the staff members are friendly, dedicated, hardworking, and professional people.

7. Report on Status of Town Manager Search

Interim Town Manager Titcomb stated that the deadline is March 14, 2012 and that was timed so that all the applications could be received in time for the March 21, 2012 Commission meeting. He stated that he believes the number of applicants will increase as the deadline grows nearer. He stated the entire list of applicants will be presented to the Commission at the March 21, 2012 meeting. He stated that the Commission would then provide the mechanics for short listing the applicants.

Vice-Mayor Rumsey stated that the Commission needs to determine if Interim Town Manager Titcomb would be able to apply for the permanent Town Manager position. He stated that if the Commission is going to allow Interim Town Manager Titcomb to apply then Interim Town Manager Titcomb needs to be removed from the process. He stated that the Commission also needs to find out if Interim Town Manager Titcomb is interested in being the permanent Town Manager.

Commissioner Stevens stated that if Interim Town Manager Titcomb were to apply he would be on the list of applicants that the Commission receives on March 21, 2012.

Interim Town Manager Titcomb stated that the Commission would receive the list before that because it would be provided with the agenda package for the March 21, 2012 meeting. He stated that he is not going to submit an application to be the permanent Town Manager. He stated that is was not because he is not interested and not be because he does not love the Town because he does and he loves what he is doing. He stated that in order for the Commission to have the best possible candidate for the position of Town Manager and in order for him to facilitate the most ethical, open, transparent and efficient system to deliver to the Commission proper candidates that he needs to be out of that equation. He stated that he is being considered in other cities and that he believes that it is better for the whole process that he does not submit his name for the permanent position at Lake Park.

Commissioner Stevens stated that he appreciated Interim Town Manager Titcomb's comments. He stated that it was probably better for the Commission that he did not apply

because of any appearances of impropriety. He thinks there are ways to bifurcate the process and could have insulated the Commission for appearances of impropriety, but that he thinks it is a lot easier that Interim Town Manager Titcomb is not applying.

Interim Town Manager Titcomb stated that he thought this was the best way and that he would make it easier on the Commission just to work on the process and to work on the things that the Commission has assigned to him and to stay as long as the Commission needs him to stay, but not to put himself in the conflict of running for the permanent Town Manager position.

8. Renewal/Extension of Interim Town Manager Agreement

Interim Town Manager stated that the Commission hired him as the Temporary Interim Town Manager with a 30 day contract. He stated that the reason that the renewal of the contract is on the agenda is because the next meeting will be after the 30 days. He stated that the Town Attorney has prepared an addendum to the agreement that would essentially extend the time of the agreement.

Commissioner Longtin asked where was the addendum to the contract.

Interim Town Manager Titcomb stated that Attorney Baird would explain.

Attorney Baird stated that the addendum extends the term at 30 day intervals and still provides for the termination by either party within seven days written notice.

Commissioner Longtin asked where is the addendum.

Commissioner Stevens asked what language is being added to the agreement.

Attorney Baird stated that the addendum is an amendment to Section 3, (Term) and extends the term 30 days and renews automatically after the next 30 days unless either party terminates with seven days written notice. He stated that it is a month to month contract.

Vice-Mayor Rumsey recapped that the agreement will not come back every month the agreement will just roll over.

Attorney Baird stated "that's correct". He stated the agreement would roll over unless the Commission or Mr. Titcomb terminates the agreement with seven days written notice.

Interim Town Manager Titcomb stated none of the other terms and conditions changed it is only an addendum to extent the time.

Mayor DuBois requested that the word "written" be inserted in Section 8 and that it read as follows: "Interim Town Manager shall produce a written Performance Progress Report prior to the expiration of the 30 day term."

Vice-Mayor Rumsey asked Mayor DuBois if a monthly progress report is needed but the Commission would not need to come back each month and renew the agreement.

Mayor DuBois stated that he thinks that the Commission will come back in 30 days if a new Town Manager has not been appointed and renew the agreement another 30 days.

Attorney Baird stated that unless either party provides seven days written notice of termination of the contract, the contract renews automatically.

Commissioner Longtin stated that it is not what the agreement says.

Mayor DuBois stated that he does not mind the 30 day report however he would give up the 30 day report for a final report. He stated that he wants a report every 30 days or on departure.

Commissioner Stevens stated that he thinks there is consensus to have 30 day progress reports.

Interim Town Manager Titcomb stated that providing 30 day progress reports is fine.

Vice-Mayor Rumsey stated he is in agreement with the 30 day report as long as the Commission does not have to vote every month to continue the contract and it just rolls over.

Mayor DuBois stated that was fine with him.

Commissioner Longtin stated that the agreement states "This Agreement may be renewed upon the mutual agreement of the Parties for an additional 30 days, or other period upon the execution of a written amendment by the parties". She stated that the Commission does not have a written amendment.

Interim Town Manager Titcomb stated that the reason the Commission does not have a written addendum is because what the addendum includes will be determined by what the Commission decides at this meeting.

Motion: A motion was made by Vice-Rumsey to amend the contract with Jamie Titcomb for Temporary Interim Town Manager to provide a 30 day renewal and at the end of the 30 days of the contract to automatically renew at 30 day intervals, a written monthly report will be provided by the Temporary Interim Town Manager and that both parties have a seven day written notice termination clause; Commissioner Stevens made the second.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Hockman	X		
Commissioner			

Longtin		X	
Commissioner Stevens	X		
Vice-Mayor Rumsey	X		
Mayor DuBois	X		

Motion passed 4-1

Mayor DuBois stated that he accidently missed a comment card from Susan Lloyd regarding the Consent Agenda item of Library Services and Technology Act Grant and offered Ms. Lloyd the opportunity to make comments.

Susan Lloyd, 220 Lake Shore Drive, stated that she is concerned about one of the grant stipulations. She stated that the grant stipulation is that "large assistance must be provided to those that may not be proficient with the English language". She asked what is meant by large assistance. She asked how many years will the Town be required to provide large assistance to those who may not be proficient in the English language if the grant is awarded. She asked if anyone knew what the stipulation means before applying for the grant. She asked why the Library or the Town is putting itself into a position that would make it the Town's responsibility to teach non-English speaking people how to speak English. She stated that the public schools offer free classes for people to attend to learn English and the Town could simply guide people to those services. She stated that she realizes that there is a large number of non-English speaking people that have moved into Lake Park who frequent the Library and she asked if it is the Town's responsibility to teach these people to speak English. She stated that she is not against helping people learn English, but she does not want it to be the Town's responsibility. She stated that she thinks the Commission should not approve applying for this grant. She stated that she did not hear any questions regarding the grant and asked if the Commission knows the answers to her questions.

Mayor DuBois stated that he read the information in the agenda package and that the item has to do with teaching English as a second language. He stated that English as a second language means that you teach people who don't know English as a first language, so the answer to the question is yes.

Ms. Lloyd asked what does "large assistance must be provided to those that may not be proficient with the English language" mean.

Mayor DuBois stated that means that English is taught as a second language.

Ms. Lloyd asked if the Town provides this service now and how long would the grant require that the Town provide the service.

Library Director Karen Mahnk stated that this is an application for the grant that will be awarded in July and the award must come back before the Commission to accept or decline the grant. She stated that the program focuses on literacy. She stated that there is a large group of Lake Park residents whose English is very limited. She stated that

literacy is an issue for children and parents reading to their children. She stated that the program is a two part program storytelling and storytellers in bilingual style is the first part. She stated that the second part is a self-service self-paced program using software, e-books and similar technology. She stated the program will improve the overall literacy of the children that use the library and it encourages bilingualism. She stated that the program also assists first generation parents who let their children speak for them to participate in reading to their children promoting literacy amongst adults. She stated that the grant is an annual grant. She stated that because the grant is for less than $10,000.00 there is no requirement for the Town to provide a match.

COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY

Commissioner Longtin stated that she thought that Attorney Baird suggested that the Commission review the Town Manager contract before the Town Manager is hired.

Attorney Baird clarified that Commission Longtin is asking that a sample of the contract for the permanent Town Manager.

Commissioner Longtin stated "yes".

Attorney Baird stated that a sample would be provided to the Commission.

Commissioner Stevens stated that he does not know what the CRA provides businesses as far as a welcome package but that can be looked into. He stated that as far as it goes for housing, the rules that apply for sober houses apply for all houses and it is a constitutional issue. He stated that the Commission is addressing the issue legislatively and are using the Town Code and Sheriff's Office to try to protect resident's rights. He stated in regards to the request for a forensic audit he is not sure what the cost would be for that type of audit. He asked staff to get the numbers on how much a forensic audit would cost. He stated that he is interested in the Town having a forensic audit done. He stated that he thought it was great that residents have formed a citizens committee to review the employee handbook. He stated that he thinks the Bridges of Lake Park does a great job for the Town. He asked for a status update on the noise ordinance.

Interim Town Manager Titcomb stated that either Attorney Baird or Mayor DuBois will be providing an update.

Commissioner Stevens stated that he is in favor of the Town's ability to provide services to residents with grant money especially grant money that does not require matching funds. He stated that he is in favor of helping the Town's kids and families learn how to read English. He stated that he seconded the motion to approve the consent agenda because the minutes were accurate and the library grant is to teach the Town's kids how to read and had no requirement for matching funds. He stated that he spoke with Interim Town Manager Titcomb before the meeting to ensure the loan for the Sheriff's roof was approved by the 2009 Town Commission and that an ombudsman is in place in ensure that the 20 percent contingency dollars will be returned to the Town if the concrete deck is not damaged, and the plywood is not rotted. He stated that he also supports the item because the contract is going to the lowest bidder. He stated that he appreciated the

thoroughness of Interim Town Manager Titcomb's report and that he wanted to applaud him for his management style and efforts to build consensus. He stated that the Finance Director position is a critical position to the Town. He stated that a forensic audit might be helpful, but that the Town's budget is such a mess that a forensic audit may not be feasible. He stated that a Finance Director is needed for development of austerity budgets for the CRA and the Town's general fund. He stated that with the Tax Increment Financing (TIF) interest running out and commercial ad valorem taxes continuing to fall that his projections for future budgets for the CRA and general fund are quite dire. He stated that in order to provide the highest level of services funds are needed because they are looking worse and worse. He felt the Town needs to get out in front instead of waiting until July to address the budget.

Vice-Mayor Rumsey stated that Mike Pisano, Marina Director, was a good guy and that he will be missed. He requested that a proclamation be given to the family in gratitude to the service Mike Pisano provided to the Town. He stated that April is a busy month for activities at the Marina and requested that a calendar and report be provided regarding upcoming events at the Marina and how the Town is going to handle the events at the next Commission meeting. He thanked Betty Ann Rowlett and Edie McConville for all they do for the community. He stated that presently he does not see a need to increase the sound ordinance. He stated that if an applicant wants to go through the process and the Planning and Zoning Board request a waiver from the noise ordinance that it is up to the applicant to apply for the waiver, but that he is not interested in increasing the sound ordinance. He stated that the Town's staff has been through way too much in the last several months and thanked the staff for all that they do and that he appreciates the Town's staff.

Commissioner Hockman thanked Ms. Bernhard and Ms. Lloyd for the efforts regarding the employee handbook. He suggested that Ms. Bernhard and Ms. Lloyd get the employees involved in the discussion regarding the Handbook. He requested that Lt. Palenzuela have the deputies keep an eye out for people in the neighborhoods going door to door soliciting. He stated that he is not sure what the cost would be for a forensic audit. He requested that staff provide a basic cost for a forensic audit. He stated that he knows things have happened at Lake Worth, a separate person was brought in that worked directly for the Commission, not for the Town Manager, to go through the books a few years ago. He stated that the Commission might want to consider doing the same. He stated that the Bridges of Lake Park has done a lot for the community and encouraged residents to participate in their events. He stated that he is glad to see the Irish Fair is coming back. He suggested that the Town work with the Kiwanis Club and bring back the July 4th Festival. He stated that he thinks that in regards to the approval of items 1, 3 and 4 that the Commission jumped the gun and that he had concerns regarding item 4. He stated that one of the things he noticed is that the roof is not up to today's code and that there is nothing in the plans that call for the overflow scuppers. He stated that the overflow scuppers are now required by the Florida Building Code. He stated the scuppers are used in case the roof drain clogs, the scuppers drain into one pipe. He stated that if the roof drain clogs the roof could pile up with a foot of water. He stated that several building in South Florida have collapsed because the roof drain clogged and the roofs collapsed because of the rain water. He stated that he did not know if it was too late to add the scuppers to the contract. He stated that adding the roof scuppers is something the Town

should do as a safety precaution. He stated that he was asked about the Marina Village noise variance and that he does not know anything about it. He stated that Community Development Director DiTommaso called him about the issue and that he was told that it was a general housekeeping item, but he has not received any complaints from residents that it is too quiet and that the noise level needs to be increased. If the development being proposed requires an increase in the noise level, then the request needs to go before the Planning and Zoning Board and go through the proper channels at the developer's expense not the Town's. He stated that he knows a sound guy has been hired and was referred to the Town by the developer and it is something that should have been pushed off.

Mayor DuBois stated that he attended a meeting with County Commissioner Marcus and provided a recap of the meeting. He stated that the following items were discussed at the meeting; the sound ordinance and how the Town is addressing the Interlocal Agreement. He stated that the Town has an annual audit and he thinks the annual audit is very through. He stated that he signed the letter stating the audit has been completed. He stated that he asked the auditor to have individual meetings with each Commissioner to go over the Town and CRA audit. He read the following statement regarding the consent agenda, "I would prefer to have discussion on consented items as may be needed. I voted in favor of the motion because I spent a substantial amount of time with staff in preparing by reading the agenda and the agenda packet and to discuss these items. Therefore I feel that I have provided the Town with the due diligence required to approve these items. If I have not prepared myself I think I should have voted no. I urge my fellow Commissioners to prepare themselves and communicate with staff to address their concerns with each individual item and get the responses that they need for their concerns. The next time I might not vote in favor of the consent agenda items if I don't feel that I have prepared myself. I felt that I was prepared and I had my questions answered on these items".

Commissioner Longtin asked Mayor DuBois if he is suggesting that by asking question that she is unprepared.

Mayor DuBois stated that he was prepared.

Commissioner Longtin stated that she was prepared and that she had read the agenda package all the way through and that Mayor DuBois negated all that. She stated that Mayor DuBois could not say that she is not doing the work.

Mayor DuBois stated that he would be very happy to support a proclamation for Mike Pisano. He stated that Mike Pisano was a great guy and will be missed. He suggested that if the flag pole at the Marina is not dedicated at this time that it be dedicated to Mike Pisano.

Attorney Baird stated that he attended the meeting with County Commissioner Marcus regarding the Marina Interlocal Agreement. He stated that the Marina Village application is in a quasi-judicial process. He stated that the quasi-judicial process is intended to give the citizens of the Town the opportunity to voice any concerns that they may have about a proposed project and to give the applicant a fair hearing regarding proposed development

or redevelopment on a particular piece of property. He stated that taking a particular position on an application at this point is probably premature, but in the interest of trying to move things along and facilitate some discussion with the County the meeting with Commissioner Marcus was held. He stated that Commissioner Marcus' biggest concern was in regards to the Town's plans for the promenade. He stated that the discussion regarding the promenade was regarding whether it would be a half promenade or a full promenade. He stated that ultimately the Commission would decide the character and use of the promenade. He stated that Mr. Creber was at the meeting with his planner and those present at the meeting from the Town made no commitments. He stated that the understanding was that Mr. Creber would be withdrawing placement of the tiki bar and fire pit in the right-of-way and that any activity of that nature would be contained on the developer's property. He stated that Town staff was questioned about whether a mini golf course was a permitted use in the existing zoning. He stated that Community Development Director DiTommaso stated that a mini golf course is a permitted use under the current zoning category. He stated that the reason that is important is because the Interlocal Agreement states that uses for that private investment of $2,000,000.00 are restaurants and retail and did not describe the type of retail. He stated that mini golf is one of many retail uses allowed by the Code. He stated that it was his understanding that Town staff was not going to pursue the noise ordinance at this time. He stated that his feeling was that the noise ordinance was one more obstacle to trying to address the concerns of the citizens that live nearby and in order to facilitate a showing of good faith that perhaps holding back on any changes to the noise ordinance, which effect all properties in the Town, would be appropriate. He stated that was his understanding that Commissioner Marcus was satisfied that the Town is honoring its commitment to the Interlocal Agreement, which was Commissioner Marcus' primary concern and not necessarily the exact uses of the property. He stated that he provided to the Commission a report on litigation, and a memo regarding the Town Manager powers and duties as stated in the Charter, Code and Employee Handbook. He stated that he will be out of Town on March 16, 2012 and returning on March 19, 2012. He stated that he sent an e-mail to the Commission and that he will be responding to Mr. Garcia and that he has spoken to Commissioner Hockman regarding the contents of the e-mail.

Mayor DuBois asked if the memo regarding the Town Manager's powers and duties should be an agenda item for discussion and possible action.

Attorney Baird stated that at some point the Commission needs to provide some direction.

Mayor DuBois suggested placing the item on the April 4, 2012 or April 18, 2012 agenda.

Attorney Baird stated that the discussion is important and because candidates for the Town Manager are going to want to know what the Town Manager authority is. He stated that if the Commission is contemplating changes to the powers and duties of the Town Manager it is crucial to let the applicants that are applying know about these possible changes. He stated that he would encourage the Commission to have the discussion and if after the discussion the Commission wants to accept some of the recommendations that he has made to direct staff at that time to draft an Ordinance.

Vice-Mayor Rumsey asked if the changes would require two readings of an ordinance to adopt the changes.

Attorney Baird stated yes.

Vice-Mayor Rumsey stated that if the Commission waited to have the discussion on the item under April that the ordinances would not be considered until May.

Mayor DuBois stated that he is looking at the March 21, 2012 agenda.

Commissioner Longtin stated that as long as the Commission makes it known to the applicants that this discussion is pending it should be fine. She stated that the Commission could make these changes at any time.

Mayor DuBois stated that he is fine with March 21, 2012 or April 4, 2012 and to make it known to the applicant that these are pending changes.

Commissioner Stevens stated that the changes to Code, Charter, Town Manager contract and the Employee Handbook are all ways to address some of the Commission's past problems. He stated that he thinks it would be a really good step moving forward.

Interim Town Manager Titcomb stated that it is his understanding that Commissioner Marcus is looking for a written letter from the Town regarding whether the Town is comfortable regarding the retail usage that is being conceptually proposed at the Marina Village development.

Attorney Baird stated that he thinks that Commissioner Marcus wanted to know if the use was a permitted use in the current zoning category.

Mayor DuBois stated that it was his understanding that the County was satisfied that all the uses that were described were permitted by the Town Code.

Commissioner Stevens stated that whether any of the proposed uses actually come into effect that an application must go through the process. He stated that first the application must go to staff, then to the Planning and Zoning Board and then to the Commission.

Mayor DuBois stated that Commissioner Marcus was not challenging what is happening.

Interim Town Manager Titcomb asked if any correspondence is required from the Town at this time.

Mayor DuBois stated that the County did not ask for any correspondence.

Interim Town Manager Titcomb thanked the Commission for the opportunity to serve the Town.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Stevens and seconded by Commissioner Hockman, and by unanimous vote, the meeting adjourned at 10:18 p.m.

_____
Mayor James DuBois

_____
Deputy Town Clerk, Shari Canada

_____
Town Clerk, Vivian Lemley, CMC

Town Seal

Approved on this _____ of _____, 2012

Ordinance on First Reading

TAB 3

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 3

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[x]	**ORDINANCE ON FIRST READING**	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: **An Ordinance amending Sections 2-82 and 2-87 of the Code of Ordinances of the Town of Lake Park Pertaining to Powers and Duties of the Town Manager and Town Attorney.**

RECOMMENDED MOTION/ACTION: **Approval**

Approved by Town Manager _____ **Date:** 3/30/12

Name/Title HUMAN RESOURCES DIRECTOR

3/29/2012
Date of Actual Submittal

Originating Department: Town Attorney	**Costs:** $ -0- Funding Source: Acct. #	**Attachments:** Copy of Ordinance
Department Review: [ ] Attorney TJB [ ] Community Development [ ] Finance [ ] Fire Dept	[ ] Grants [ ] Human Resources [ ] Information Technology [ ] Library [ ] Marina	[ ] PBSO [ ] Public Works [ ] Recreation [ ] Town Clerk [ ] Town Manager
Advertised: Date: Paper: **[x] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or **Not applicable in this case** **BMT** **Please initial one.**

Summary Explanation/Background:

The purpose of this agenda item is as follows:

- First, it is to revise Section 2-82 of the Code of Ordinances to provide to Town Department Heads the same due process protections afforded to other Town employees as set forth in the Handbook of Procedures for Employees of the Town of Lake Park ("Employee Handbook") which was adopted by Town Resolution 12-04-09 on April 1, 2009;

- Second, it is to revise Section 2-82 of the Code of Ordinances to amend the threshold from $10,000 to $5,000 whereby the Town Manager may enter into contracts without Commission approval. It also amends the town manager's duties to temper his/her absolute authority over employees and clarifies some of the responsibilities of the town manager ;

- Third, amends Section 2-87 of the Code of Ordinances to clarify the Town Attorney's duties and responsibilities and to clarify that the Town Attorney is responsible to the Commission for recommending the retention of attorneys to represent the Town as Special Counsel, or in the event of a conflict.

ORDINANCE _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE, ENTITLED "OFFICERS AND EMPLOYEES"; PROVIDING FOR THE AMENDMENT OF SECTION 2-82 ENTITLED "TO POWERS AND DUTIES OF TOWN MANAGER"; PROVIDING FOR THE AMENDMENT OF SECTION 2-87 ENTITLED "POWERS AND DUTIES OF TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("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, Chapter 2, Article III, of the Town Code establishes certain powers and duties of the Town Manager and Town Attorney; and

WHEREAS, Section 2-82 of the Code of Ordinances of the Town of Lake Park sets forth the specific powers and duties of the Town Manager; and

WHEREAS, the Town Commission has determined that it is necessary and advisable to amend Section 2-82 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Manager; and

WHEREAS, Section 2-87 of the Code of Ordinances of the Town of Lake Park sets forth the powers and duties of the Town Attorney; and

WHEREAS, the Town Commission has determined that it is necessary and advisable to amend Section 2-87 of the Code of Ordinances of the Town of Lake Park with respect to the powers and duties of the Town Attorney.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct.

Section 2. Section 2-82 of the Code of Ordinances of the Town of Lake Park is hereby amended to read as follows:

The town manager shall be the chief administrative officer of the municipal government under the general supervision of the town commission. The town

manager shall abide by the policies established by the town commission through ordinances, resolutions and specific motions. The town manager shall:

(1) Appoint, hire, discipline and remove all employees and department heads of the town, in accordance with the town's established employee policies and procedures.

(2) Direct and supervise the administration of all departments, and provide staffing for the appointed boards, committees, and agencies of the town, as necessary or directed by the Commission.

(3) Prepare, with the assistance of the Finance Director an annual budget and present same to the town commission with a message describing the important features, and be responsible for its administration after adoption.

(4) Prepare and submit to the town commission at the end of each fiscal year a complete report on the preceding year's finances and administrative activities, which report shall include an annual audit for the preceding fiscal year prepared by an independent auditor retained by the town commission.

(5) Keep the town commission advised of the financial condition and future needs of the town, and make such recommendations as may be desirable on a timely basis. The town manager shall actively seek out potential grant monies that may be available to support town projects.

(6) Recommend to the town commission a standard schedule of pay for all town positions, including minimum and maximum rates of pay. Recommend in consultation with the Town Attorney appropriate action with respect to negotiation, approval and/or rejection of labor agreements with public employee organizations acting on policy directives provided by the commission in proper sessions.

(7) Recommend to the town commission, from time-to-time, adoption of such ordinances and policies as may be necessary or expedient for the health, safety or welfare of the community, or for the improvement of administrative services.

(8) Organize, reorganize, consolidate, combine or abolish positions, offices, department divisions or departments of the town with the approval of the town commission.

(9) Attend meetings of the town commission, town committees and boards, and other town meetings, as the town manager deems necessary, or as directed by the town commission. At such meetings, the town manager shall have the right to take part in the discussion, but without having a vote.

(10) Serve as purchasing agent for the town, responsible for overseeing the purchase of equipment and supplies; with the exception of attorneys, recommend to the Commission the retention of such engineering, consulting and other professionals to provide contractual services for the town; and the disposal of surplus personal property. Contracts for goods and services exceeding $5,000.00 require approval of the town commission.

(11) Provide staff support services for the mayor and commission members. These services are limited to those necessary in support of town activities.

(12) In consultation with the Town Attorney, enforce the Town's laws and ordinances .

(13) Investigate the affairs of the town, or complaints regarding any department or division; investigate all complaints in relation to matters concerning administration; investigate complaints regarding service maintained by public utilities, and see that all terms and conditions imposed in favor of the town in any franchise, contract or agreement are faithfully observed.

(14) Devote all working time to the discharge of official duties.

(15) Perform such other duties as may be required by the commission not inconsistent with the town Charter, state law or applicable ordinances.

Section 3. Section 2-87 of the Town Code is hereby amended as follows:

Section 2-87. Powers and Duties of the Town Attorney

The Town Attorney shall be appointed and removed at the sole discretion of the town commission by a four – fifths majority vote . The terms of the Town Attorney's employment shall be established by a contract. The town attorney shall act as the legal advisor of the Commission and shall be responsible for all of the town's legal affairs, including , its appointed boards or committees and officers and employees concerning their official duties. The Town Attorney shall be responsible to the Commission for recommending the retention of any Special Counsel he determines to be necessary and in the best interests of the town, or in the event of a conflict. The Town Attorney shall review the form of all contracts, resolutions and ordinances for legal sufficiency and approve of same before the document is acted upon by the Commission.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be renumbered or relettered to accomplish codification, and the words "ordinance," "section," "article," or "paragraph" may be changed to provide for continuity.

Section 6. Severability. If any section, subsection, sentence, clause, phase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. This ordinance shall take effect immediately upon adoption.

p:\docs\26508\00001\doc\1cr866502.doc

TAB 4

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 4

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[x]	**ORDINANCE ON FIRST READING**	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: **This Ordinance establishes in the Charter the Office of the Town Attorney and sets forth the minimum qualifications for the Town Attorney.**

RECOMMENDED MOTION/ACTION: **Approval**

Approved by Town Manager _____ **Date:** _____

Name/Title Human Resources Director

3/29/2012
Date of Actual Submittal

Originating Department: **Town Attorney**	**Costs: $ -0-** Funding Source: Acct. #	**Attachments:** **Copy of Ordinance**
Department Review: [ ] Attorney TJB [ ] Community Development [ ] Finance [ ] Fire Dept	[ ] Grants [ ] Human Resources [ ] Information Technology [ ] Library [ ] Marina	[ ] PBSO [ ] Public Works [ ] Recreation [ ] Town Clerk [ ] Town Manager
Advertised: Date: Paper: **[x] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or **Not applicable in this case** **BMT** **Please initial one.**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN CHARTER AT ARTICLE IX, ENTITLED "DUTIES OF CERTAIN TOWN OFFICERS" TO CREATE A NEW SECTION 7, TO BE ENTITLED "TOWN ATTORNEY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having the power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, prior to July 1, 1973 the Town Commission adopted a municipal Charter, which contains among other matters, provisions pertaining to the operation of the Town under a Town Commission-Town Manager form of government; and

WHEREAS, both Section 166.021(4) and Section 166.031, Fla. Stat. (2007), set forth the procedures to be followed in amending municipal charters adopted prior to July 1, 1973, and which charters have not been subsequently readopted; and

WHEREAS, pursuant to the provisions of Section 166.021(4), Fla. Stat. (2007), amendments to municipal charter provisions which were adopted prior to July 1, 1973, such as the Town's Charter, may be made by ordinance if the proposed changes do not affect the basic organizational and administrative structure of the municipal government, and if the proposed changes do not fall within any of the statutorily excluded areas which expressly require a referendum in order to adopt the proposed charter amendment; and

WHEREAS, the Town Commission has determined that Article IX of the Town Charter be amended to create a new Section 7 creating the Office of the Town Attorney

consistent with Section 2-87 of the Town Code; and

WHEREAS, this proposed Charter amendment does not fundamentally alter the Commission-Manager form of government set forth in the Town Charter, the creation of this office may be effectuated through the adoption of an Ordinance a referendum.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as the legislative findings of the Town Commission.

Section 2. The municipal Charter for the Town of Lake Park, Article IX, entitled "Duties of Certain Town Officers" is hereby amended to read as follows:

Section 7. Town Attorney.

The Commission shall appoint a Town Attorney who shall be responsible for the town's legal affairs and act as legal counsel for the commission, its officers, employees and appointed boards or committees in the performance of their official duties. The Town Attorney shall be properly qualified, the minimum qualifications being a member in good standing of the Florida Bar, and at least five years experience as a full time county or municipal attorney. The responsibilities and duties of the Town Attorney and his appointment and removal shall be as set forth in section 2-87 of the Town's Code of ordinances .

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in

conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

TAB 5

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab S

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[X]	**ORDINANCE ON FIRST READING**	[ ]	DISCUSSION/POSSIBLE ACTION
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: ORDINANCE TO AMEND CHAPTER 10, ARTICLE IV – NOISE ORDINANCE.

RECOMMENDED MOTION/ACTION: APPROVAL ON FIRST READING.

Approved by Town Manager _____ **Date:** 3/29/12

Name/Title: **Nadia Di Tommaso**, *Community Development Director* Date of Submittal: **03/27/2012**

Originating Department: **COMMUNITY DEVELOPMENT**	Costs: $ N/A Funding Source: Acct. #	**Attachments:** **Ordinance** _____
Department Review: **[X] Attorney** *TJB* **[X] Community Development** *ND* [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ [ ] Town Clerk _____ [ ] Town Manager _____
Advertised: Date: N/A Paper: [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case *ND* **Please initial one.**

Summary Explanation/Background:
At the March 21st, 2012 Town Commission meeting, staff was directed to bring back the Noise Ordinance in an attempt to raise the daytime hours which reflect a higher receiving decibel level. Currently, Town Code Section 10-155, Table 1 delineates the receiving land uses and their respective times for certain sound level limits. Pursuant to the request made by the Town Commission, staff amended the Table to reflect the daytime cutoff hours in the Residential receiving land use and the Residential/Office (i.e. Residential/Commercial, and Downtown) receiving land use from 7am-7pm to 7am-10pm at the higher decibel levels. The Office/Business (i.e. Commercial, *which includes such uses as general retail and restaurant*); Industrial/Utilities (i.e. Commercial/Industrial) receiving land uses already maintain the same decibel level *at all times* per Table 1. The Agricultural land use was not amended as the Town does not currently have an Agricultural land use, but rather only has a Conservation Area on the north side of Silver Beach Road, between Congress Avenue and Old Dixie Highway. The Community Facilities (i.e. Public Buildings/Grounds and Other Public Facilities) receiving land use, as well as the Recreation/Open Space/Commercial Recreation (i.e. Recreation Lands) receiving land use, already include the suggested hours.

Staff is proposing the following amended Table below. Additional research from other Palm Beach County municipalities has been included on pages 3 through 6 to additionally justify this request which is being made to the hours only. *An additional recommendation to modify the receiving land use designation titles is being proposed and is at the discretion of the Town Commission. A copy of the Town's Future Land Use Designation Map is included on page 7 to further justify this change is labeling.*

Table 1 Sound Levels by Receiving Land Use

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

Receiving Land Use	Time	Sound Level Limit dBA
~~Agricultural~~Conservation	6:00 a.m. – 7:00 p.m. 7:00 p.m. – 6:00 a.m.	55 50
Residential	7:00 a.m. – ~~7~~10:00 p.m. ~~7~~10:00 p.m. – 7:00 a.m.	55 50
~~Residential/Office~~Commercial/Residential and Downtown	7:00 a.m. – ~~7~~10:00 p.m. 10~~7~~:00 p.m. – 7:00 a.m	55 50
~~Office/Business~~Commercial	At all times	60
~~Industrial/Utilities~~Commercial/Light Industrial	At all times	65
~~Community Facilities~~Public Buildings/Grounds and Other Public Facilities	7:00 a.m. – 10:00 p.m.	60
~~Recreation/Open Space/Commercial Recreation~~ Recreation and Open Space	10:00 p.m. – 7:00 a.m.	55

Staff is recommending approval of the Ordinance on First Reading. Staff is also willing to modify the labeling of the Receiving Land Uses to the current labeling outlined in the Town's Comprehensive Plan, if this is the Town Commission's desire. For example, the Office/Business land use would be replaced with *Commercial*. This would eliminate any confusion when applying the decibel levels to the various land use designations.

MUNICIPALITY RESEARCH *(for comparison only – does not include a comparison of the method of measuring noise to determine compliance due to the modification of only the hours which is being proposed)*

DELRAY BEACH

Sound Levels by Receiving Land Use.

		L50 Sound Level Limit, Decibel	
Receiving Land Use	**Time**	**Exterior**	**Interior**
Residential Area	**7:00 a.m. through** 10:00 p.m.	**60**	**45**
	10:00 p.m. through 7:00 a.m.	**55**	**45**
Commercial Area	**At all times**	**65**	**45**
Industrial Area	**At all times**	**75**	**45**

NORTH PALM BEACH

Daytime: 7am-10pm
Nighttime: 10pm-7am

Residential: 55 dBA – Day
50 dBa – Night

Commercial: 60 dBA – Day and Night

(3)

For any source of sound which emits a discrete tone, the sound level limits set in subparagraphs a. and b. of this section shall be reduced by five (5) dB.

(4)

For any source of sound measured at the source, the maximum sound levels shall not exceed the sound level limits in subparagraphs a. through c. of this section by:

a.

Ten (10) dBA from 7:00 a.m. to 10:00 p.m. in a residential area.

b.

Five (5) dBA from 10:00 p.m. to 7:00 a.m. in a residential area.

c.

Ten (10) dBA at all times in commercial, manufacturing, industrial or agricultural land use work."

JUPITER

Table 1:
Allowable exterior sound levels per sound zone

Zone	Daytime Sound Level (7:00 a.m. to 10:00 p.m.)	Nighttime Sound Level (10:00 p.m. to 7:00 a.m.)
Residential sound zone	Leq 55 dB(A)	Leq 45 dB(A)
Mixed use sound zone	Leq 60 dB(A)	Leq 50 dB(A)
Commercial sound zone	Leq 65 dB(A)	Leq 55 dB(A)
Industrial sound zone	Leq 70 dB(A)	Leq 60 dB(A)

Table 2:
Allowable exterior sound levels per sound zone for outdoor venues approved with extended hours

Zone	Daytime Sound Level (7:00 a.m. to 11:00 p.m.)	Transitional Nighttime Sound Level (11:00 p.m. to 12:00 a.m.)	Nighttime Sound Level (12:00 a.m. to 7:00 a.m.)
Residential sound zone	Leq 55 dB(A)	Leq 45 dB(A)	Leq 45 dB(A)
Mixed use sound zone	Leq 60 dB(A)	Leq 50 dB(A)	Leq 50 dB(A)
Commercial sound zone	Leq 65 dB(A)	Leq 55 dB(A)	Leq 50 dB(A)
Industrial sound zone	Leq 70 dB(A)	Leq 60 dB(A)	Leq 55 dB(A)

PALM BEACH GARDENS

Noise. Equivalent sound levels shall not exceed the standards listed below when measured at the property line.

(1)

Residential. If the source creating the noise is residential:

a.

Between 8:00 a.m. and 11:00 p.m.: 60 dBA; and

b.

Between 11:00 p.m. and 8:00 a.m.: 50 dBA.

(2)

Commercial. If the source creating the noise is commercial:

a.

Between 8:00 a.m. and 11:00 p.m.: 65 dBA; and

b.

Between 11:00 p.m. and 8:00 a.m.: 60 dBA.

(3)

Industrial. If the use receiving noise is industrial: anytime, 75 dBA.

(4)

Exemption. Noises from temporary construction and maintenance activities between 7:00 a.m. and 9:00 p.m., except Sundays and federal holidays, are exempt from this standard.

RIVIERA BEACH

Daytime: 7am-8pm
Nighttime: 8pm-7am

Residential: Fixed mechanical equipment, day and night, 55 dBA.
All others: Day, 50 dBA; Night, 45 dBA.

Commercial: Fixed mechanical equipment, day and night, 65 dBA.
All others: Day, 60 dBA; Night, 55 dBA.

Industrial: Fixed mechanical equipment, day and night, 65 dBA.
All others: Day, 65 dBA; Night, 60 dBA.

WELLINGTON

Table A
Prohibited Sound Levels

Receiving Land	Noise Source	Time of Day	Sound Level Limit
Residential	Fixed mechanical equipment	Any time 7:00 a.m. to 8:00 p.m.	60 dBA 60 dBA
Residential	All other sources	8:00 p.m. to 11:00 p.m. 11:00 p.m. to 7:00 a.m.	55 dBA 50 dBA
Commercial	All sources	Any time	70 dBA

ROYAL PALM BEACH

Table 1

Maximum Permissible Sound Levels for Inhabited Residential and Commercial Receiving Land:

Receiving Land	Noise Source	Time	Sound Level Limit (dBA)
Inhabited residential land	Fixed mechanical equipment (excluding permanent emergency power generators)	Anytime	60
	Permanent and portable emergency power generators	See Note 1 below	85
	All others	7:00 a.m.–8:00 p.m.	60
		8:00 p.m.–11:00 p.m.	55
		11:00 p.m.–7:00 a.m.	50
Inhabited commercial property	All noise	Anytime	70

Note:

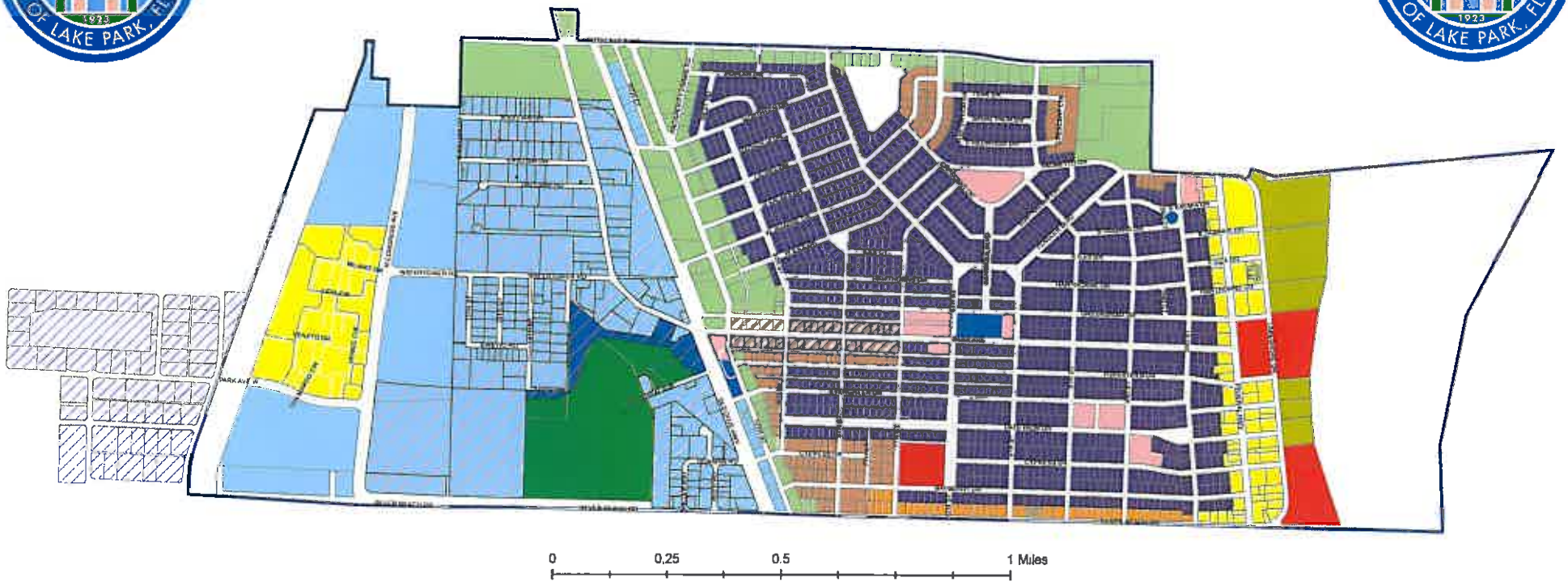
1.
Permanent and portable emergency power generators may be allowed, subject to the following restrictions:

A.
The property owner must obtain a building permit from the village for the installation of the permanent emergency unit. The building department shall review all such permit applications to ensure that such installation minimizes the visual and acoustic impact on adjacent properties. Additionally, special attention shall be paid to the placement of the generator, the use of sound attenuating materials and the reasonable containment of sounds which will be created by the operation of any emergency use generator.

B.
The permanent and portable generator's maintenance cycle run shall only be permitted between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday only, and shall continue for no more than 30 minutes per cycle.

C.
Permanent and portable generators being utilized to allow normal residential and business functions to continue during a power outage may only be operated for nonmaintenance purposes when a state of emergency has been declared by the village or whenever there is a power outage.

Lake Park Future Land Use Map



11-30-2011

Nadia Di Tommaso - Director
Community Development Department
Town of Lake Park
535 Park Ave Lake Park FL 33403
561-881-3319 561-881-3323 (fax)
nditommaso@lakeparkflorida.gov

ORDINANCE _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 10, ARTICLE IV – (NOISE CONTROL) OF THE LAKE PARK CODE, PROVIDING REVISIONS TO SECTION 10-155, TABLE 1 NOISE LEVELS BY LAND USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statute; and

WHEREAS, the Town staff has recommended to the Town Commission that Chapter 10, Article IV be revised; and

WHEREAS, the Town Commission of the Town of Lake Park, Florida has determined a need to update and revise the provisions of the Town Code relating to Noise Control; and

WHEREAS, the Town Commission finds that the Ordinance will promote the health, safety and welfare of the citizens of the Town by providing for revised decibel levels and additional requirements;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the findings of the Town Commission.

Section 2. Chapter 10, Article IV, Section 10-155 is hereby amended to change the daytime hours and correct the receiving land use designation titles as follows:

ARTICLE IV. – NOISE CONTROL

No person shall operate or cause to be operated any source of sound in such manner as to create a sound level which exceeds the limits set forth for the receiving land use district in Table 1, for more than 50 percent of any period of observation which shall not be less than ten minutes, when measured at the boundary of the receiving land use and as a result of a source of sound being located on some other property.

Table 1 Sound Levels by Receiving Land Use

Receiving Land Use	Time	Sound Level Limit dBA
~~Agricultural~~Conservation	6:00 a.m. – 7:00 p.m. 7:00 p.m. – 6:00 a.m.	55 50
Residential	7:00 a.m. – ~~7~~10:00 p.m. ~~7~~10:00 p.m. – 7:00 a.m.	55 50
~~Residential/Office~~Commercial/Residential and Downtown	7:00 a.m. – ~~7~~10:00 p.m. 10~~7~~:00 p.m. – 7:00 a.m	55 50
~~Office/Business~~Commercial	At all times	60
~~Industrial/Utilities~~Commercial/Light Industrial	At all times	65
~~Community Facilities~~Public Buildings/Grounds and Other Public Facilities	7:00 a.m. – 10:00 p.m.	60
~~Recreation/Open Space/Commercial Recreation~~ Recreation and Open Space	10:00 p.m. – 7:00 a.m.	55

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

Section 5. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

Ordinance on Second Reading

TAB 6

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 6

[X]	**PUBLIC HEARING**	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	[ ]	DISCUSSION/POSSIBLE ACTION
[X]	**ORDINANCE ON SECOND READING**	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: **UPDATING CHAPTER 54 OF THE CODE OF ORDINANCES TO INCLUDE THE UPDATED LANGUAGE TO THE FLORIDA BUILDING CODE 2010.**

RECOMMENDED MOTION/ACTION: **ADOPTION ON SECOND READING**

Approved by Town Manager _____ **Date:** 3/29/12

Name/Title: **Nadia Di Tommaso,** *Community Development Director* Date of Actual Submittal **03/27/2012**

Originating Department: **Community Development**	Costs: $ **175.44** Funding Source: Acct. #	**Attachments:** **Legal Ad** **Ordinance 04-2012**
Department Review: **[x]** Attorney *JLB* **[x]Community Development** *ND* [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ [ ] Town Clerk _____ [ ] Town Manager _____
Advertised: Date: **03-25-2012** Paper: **Palm Beach Post** [ ] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone *ND* **(Building Official's assistant will be in attendance at the meeting)** or Not applicable in this case **Please initial one.**

Staff Summary Explanation/Background:

The Town of Lake Park Building Official, Mike Crisafulle, presented staff with the amendments to Chapter 1 of the Florida Building Code. The Palm Beach County Building Code Advisory Board prepared these local amendments to Chapter 1, Administration, of the 2010 Florida Building Code. These changes are more stringent than the minimum state administrative standards, and the Palm Beach County Building Code Advisory Board recommends that all local jurisdictions adopt the local amendments, which is the purpose of this agenda item. The Florida Building Code 2010 went in full effect on March 15, 2012. In addition to adopting the updated Chapter One of the Florida Building Code 2010 into Section 54-8 of the Town Code of Ordinances, the most updated version of the National Electrical Code, as well as the establishment of the wind speed lines have been included with the updated language in the newly proposed Section 54-8.1 and 54-8.2 of the Town of Lake Park Code of Ordinances. **Staff is recommending adoption of the Ordinance on second reading.**

NO. 6625860
LEGAL NOTICE OF
PROPOSED ORDINANCE
TOWN OF LAKE PARK

Please take notice that on Wednesday, April 4, 2012 at 7:00 p.m. the Town Commission of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinances on second reading and proposed adoption thereof:

ORDINANCE NO. 04-2012

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" TO UPDATE REFERENCES TO THE FLORIDA BUILDING CODE AND THE NATIONAL ELECTRICAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS TO CHAPTER 1 OF THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF CERTAIN REFERENCES NOW CONTAINED IN THE CODE; PROVIDING FOR THE REPEAL OF PROVISIONS OF THE CODE IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez Lemley, Town Clerk at 561-881-3311.

Vivian Mendez Lemley, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
March 25, 2012

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WHEREAS, in 2010, the Florida Legislature enacted an updated version of the Florida Building Code, which provides a minimum building construction standards which must be adopted and applied by all local governments in Florida; and

WHEREAS, the Florida Building Code enacted by the Legislature has been codified at Section 553.73 Florida Statutes; and

WHEREAS, Section 553.73(4)(A) Florida Statutes, provides that local governments may adopt local amendments to the administrative provisions of the Florida Building Code that are more stringent than the minimum state administrative standards; and

WHEREAS, The Palm Beach County Building Code Advisory Board has prepared local amendments to Chapter 1 of the 2010 Florida Building Code which are more stringent than the minimum state administrative standards, and recommends all local jurisdictions adopt said local amendments; and

WHEREAS, the Town's Building Official recommends the town adopt the local amendments prepared by the Palm Beach County Building Code Advisory Board; and

WHEREAS, in conjunction with the implementation of the 2010 Florida Building Code, the Town's Building Official has recommended that the Commission enact this Ordinance to update Chapter 54 of the Town Code, entitled, "Buildings and Building Regulations" including the most recent version of the National Electrical Code and Wind Speeds, and repealing obsolete provisions of the Building Code; and

WHEREAS, the Town Commission has determined that the amendments incorporated herein will promote the health, safety and general welfare of the residents and businesses of the Town of Lake Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, THAT:

Section 1: Chapter 54. Buildings and Building Regulations of the Code of Ordinances of the Town of Lake Park is hereby amended to update references to the Florida Building Code, the International Property Maintenance Code and the National Electrical Code, and to adopt local amendments to Chapter 1 of the Florida Building Code; providing that Chapter 54 shall hereafter read as follows:

Section 54-8 – Chapter one amendments adopted.

CHAPTER ONE-ADMINISTRATION

Section 101. GENERAL

101.1 Title. These regulations shall be known as the Florida Building Code hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures in the Town.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (Townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the Florida Building Code, Residential.
2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall comply with the Florida Building Code, Existing Building.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

~~101.2.1 Unsafe buildings shall be abated using the International Property Maintenance Code current edition, promulgated by the International Code Commission, Inc., subject to all amendments, modifications or deletions hereinafter contained.~~

101.2.2 Florida Building Code, Residential. Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress

facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters, code officials, and emergency responders during emergency operations.

101.3.1 Quality Control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting and inspection of any building, system, or plan by the Town, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan, or their adequacy. The Town shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no Building Department or ~~Community Development Department~~ employee shall be liable in tort for damage from such conditions, in accordance with *Section 768.28(9)(a)* F.S., as may be amended.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Gas. The provisions of the International Fuel Gas Code with the Florida Fuel Gas Code Supplement shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.4 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

~~101.4.5 Residential. The provisions of the *Florida Building Code, Residential* shall apply to the construction, alteration, movement, enlargement, replacement, repair,~~

~~equipment, use and occupancy, location, removal and demotion of detached one and two-family dwellings and multiple single family dwellings (Townhouses) not more than three stories in height with a separate means of egress and their accessory structures.~~

101.4.5 Property maintenance. Reserved.

101.4.6 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.7 Energy. The provisions of ~~Chapter 13~~ the Florida Building Code, ~~Building~~ Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Accessibility. For provisions related to accessibility, refer to ~~Chapter 11~~ Florida Building Code, Accessibility. ~~Building.~~

~~Existing Buildings. The provisions of the *Florida Existing Building Code* shall apply to the repair, alternation, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building that has not been previously occupied or used for its intended purpose shall comply with the provisions of the *Florida Building Code* for new construction.~~

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 428, Florida Building Code, Building, and Rule 9B-1 F.A.C.

SECTION 102-APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.1.1 The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but

not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law. ~~In addition to the requirements of this code, there may be other regulations by other agencies affecting details of development, building design and construction, such as, but not limited to:~~ ~~REMOVE TABLE~~

102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code and the Florida Building Code, Existing Building. The following buildings, structures and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

(a) Building and structures specifically regulated and preempted by the federal government.

(b) Railroads and ancillary facilities associated with the railroad.

(c) Nonresidential farm buildings on farms.

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of Part V ~~Part II~~(*Section 553.501-553.513,* F.S.) relating to accessibility by persons with disabilities, and permits shall be required for structural support and tie down, electrical supply, and ~~all other such~~ utility connections to such mobile or modular structures ~~as required by this jurisdiction.~~

(f) Those structures or facilities of electric utilities, as defined in *Section 366.02*, F.S., which are directly involved in the generation, transmission or distribution of electricity.

(g) Temporary sets, assemblies or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

(h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, ~~and that does not incorporate any electrical, plumbing, or other non-wood features.~~

Exception: Electrical or plumbing work or connection, or other non-wood features shall not be exempted from this code.

(i) Service provider water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

102.2.1 In addition to the requirements of *Section 553.79 and 553.80, F.S.*, facilities subject to the provisions of *Chapter 395,* F.S. (Hospital Licensing and

Regulation), and ~~Part II of~~ *Chapter 400,* F.S. Parts II and VIII (Nursing Homes), shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of *Chapter 395,* F.S., and Part II of *Chapter 400,* F.S., ~~Parts II and VIII~~, and the certification requirements of the federal government.

102.2.2 Buildings or structures for residential uses moved into or ~~within a County or municipality~~ the Town shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound ~~meeting the wind speed requirements of the new location~~ and is in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas and plumbing systems meet the codes in force at the time of original construction and are operational and safe for reconnection;
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the applicable Florida Statutes for all buildings or structures of the same residential occupancy class; and
7. The requirements of Florida Building Code, Existing Building are also satisfied.

102.2.3 The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. ~~The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.~~

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

a. Addition, alteration, or repairs performed by the property owner upon his or her own, provided any addition or alteration shall not exceed 1,000 square foot or the square footage of the of the primary structure, whichever is less.

b. Addition, alteration, or repairs by a non-owner within a certain cost limitation set by rule, provided the total cost shall not exceed $5,000 within any 12 month period.

c. Building inspection fees.

2. However, the exemptions under subparagraph 1. do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless

the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

3. Each code exemption, as defined in sub-subparagraphs 1.a., b., and c., shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

4. However, each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this Code and all such work is reported as required in Section 105,1.2 of this Code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

~~102.2.5 At its own option, each enforcement district or local enforcement agency may promulgate rules granting to the owner of a single family residence one or more exemptions from the Florida Building Code relating to replacing non-structural components of building systems in the residence.~~

~~102.2.5.1 The resident of an existing single family dwelling shall be exempt from permitting and inspection requirements when replacing non-structureal components of building systems in the residence, without connection to electric power or pressure piping. A licensed contractor performing component replacemtn work on residential properties shall be exempt from individual permits and inspections if under a valid Annual Permit per Section 105.1.1 of this Code and all such work is reported as required in Section 105.1.2 of this Code for compliance evaluation. But no added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision, for any person.~~

102.2.6 This Code does not apply to swings and other playground equipment accessory to a one- or two-family dwelling ~~except as provided for in the Town's land development regulations.~~

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Reserved.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Codes referenced in Section 101.4, or the Florida Fire Prevention Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable

~~**102.8**~~

~~*Rules of Construction.* The rules set out in this section shall be observed, unless such construction is inconsistent with the manifest intent of this chapter. The rules of construction and definitions set out here shall not be applied to any section of this chapter which contains any express provisions excluding such construction, or where the subject matter or content of such section would be inconsistent with this section.~~

~~**102.8.1**~~

~~*Generally.* All provisions, terms, phrases and expressions contained in this division shall be liberally construed in order that the true intent and meaning of the administration of the jurisdiction may be fully carried out. Terms used in this division, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of this state for the same terms.~~

~~**102.8.2**~~

~~*Text.* In case of any difference of meanings or implication between the text of this division and any figure, the text shall control.~~

~~**102.8.3**~~

~~*Delegation of authority.* Whenever a provision appears requiring the building official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the building official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.~~

~~**102.8.4**~~

~~*Month.* The word "month" shall mean a calendar month.~~

~~**102.8.5**~~

~~*Shall, may.* The word "shall" is mandatory; "may" is permissive. The word "shall" takes precedence over "may".~~

~~102.8.6~~

~~*Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures whether by printing or otherwise.~~

~~102.8.7~~

~~*Year.* The word "year" shall mean a calendar year, unless a fiscal year is indicated.~~

~~102.8.8~~

~~*Interpretation.* Interpretations of this chapter shall be made by the building official.~~

102.8 Existing mechanical equipment. The Town may not require that existing mechanical equipment on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced.

~~102.9~~

~~Words Defined.~~

~~*Abandon or abandonment.*~~

~~(1)~~

~~Termination of a construction project by a contractor without just cause or proper notification to the owner including the reason for termination.~~

~~(2)~~

~~Failure of a contractor to perform work without just cause for ninety (90) days.~~

~~(3)~~

~~Failure to obtain an approved inspection within one hundred eighty (180) days from the previous approved inspection.~~

~~*Appraised value.* For the purpose of this section, appraised value is defined as either (1) one hundred and twenty (120) percent of the assessed value of the structure as indicated by the Palm Beach County Property Appraiser's Office or (2) the value as indicated in a certified appraisal from a certified appraiser.~~

~~*Assessed value.* The value of real property and improvements thereon as established by the Palm Beach County Property Appraiser.~~

~~*Authorized agent.* A person specifically authorized by the holder of a certificate of competency to obtain permits in his stead.~~

~~*Basis Wind Speed Line.* The basis wind speed line for the jurisdiction shall be as established by the wind speed contour map attached to, and made part of, this chapter is applicable.~~

~~*Board.* The Town of Lake Park Board of Adjustments and Appeals, unless otherwise specifically stated herein or unless the Town contracts with another local government through an interlocal or other agreement to use another local government's board to function as the Town's board.~~

~~*Building official.* The Town's building official or his/her authorized designee.~~

~~*Building shell.* The structural components that completely enclose a building, including, but not limited to, the foundation, structural frame, floor slabs, exterior walls and roof system.~~

~~*Building system.* A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.~~

~~*Certificate of occupancy (C.O.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the occupancy of a building.~~

~~*Certificate of Completion (C.C.).* An official document evidencing that a building satisfies the requirements of the jurisdiction for the completion of a building.~~

~~*Change of occupancy.* A change from the *Florida Building Code* occupancy classification or subclassification to another.~~

Commercial building. Any building, structure, improvement or accessory thereto, other than a one- or two-family dwelling.

Demolition. The act of razing, dismantling or removal of a building or structure, or portion thereof, to the ground level.

Examination. An exam prepared, proctored and graded by a recognized testing agency unless otherwise implied in context or specifically stated otherwise.

Imminent Danger. Structurally unsound conditions of a structure or portion thereof that is likely to cause physical injury to a person entering the structure; or due to structurally unsound conditions, any portion of the structure is likely to fall, be carried by the wind, or otherwise detach or move, and in doing so cause physical injury or damage to a person on the property or to a person or property nearby; or the condition of the property is such that it harbors or is inhabited by pests, vermin, or organisms injurious to human health, the presence of which constitutes an immediate hazard to people in the vicinity.

Inspection warrant. A court order authorizing the official or his designee to perform an inspection of a particular property named in the warrant.

Intensification of use. An increase in capacity or number of units of a residential or commercial building.

Permit. An official document authorizing performance of a specific activity regulated by this chapter.

Permit card or placard. A document issued by the jurisdiction evidencing the issuance of a permit and recording the inspections.

Site. The physical clearing of the site in preparation for foundation work including, but not limited to, site clearing, excavation, dewatering, pilings and soil testing activities.

SECTION 103-BUILDING DEPARTMENT ~~BUILDING DIVISION OF COMMUNITY DEVELOPMENT DEPARTMENT~~

103.1 **Establishment.** There is hereby established a department to be called the Building Department ~~Community Development Department~~ and the person in charge ~~of the building division~~ shall be known as the Building Official. All code officials employed by the ~~community development~~ department shall be certified in accordance with *Chapter 468*, Part XII, F.S.

~~103.2~~

~~*Employee qualifications.*~~

~~103.2.1~~

~~Building official's qualifications. The building official shall have at least ten years combined experience as an architect, engineer, construction code official, contractor, or construction superintendent, with at least five years of such experience in supervisory positions. The building official shall be certified (active and in good standing) as a building official or building code administrator by the State of Florida.~~

~~103.2.2~~

~~Chief inspector qualifications. The building official, with the approval of the Town Manager, may designate chief inspectors to administer the provisions of the Building, Electrical, Gas, Mechanical, Plumbing, Residential, and Existing Building Codes. Each chief inspector shall have at least ten years combined experience as an architect, engineer, construction code official, contractor, or construction superintendent with at least five years of such experience in supervisory positions.~~

~~403.2.3~~

~~Plans examiner and inspector qualifications. The building official, with the approval of the Town Manager, may appoint or hire such number of officers, plans examiners, inspectors, assistants and other employees as shall be authorized from time to time. A person shall not be appointed or hired as a plans examiner or inspector of construction who has not had at least five years' experience as a building inspector, engineer, architect, or as a superintendent, foreman, or competent mechanic in charge of construction, in the corresponding trade. The plans examiners and inspectors shall be certified, through the State of Florida for the appropriate trade.~~

~~403.2.4~~

~~Deputy building official qualifications. The building official may designate as a deputy an employee in the community development department who shall, during the absence or disability of the building official, exercise all the powers of the building official. The deputy building official shall have the same qualifications listed in 103.2.1.~~

103.2 ~~103.3~~ **Restrictions on employees.** An officer or employee connected with the department, except one whose only connection is as a member of the board established by this code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with their duties or conflict with the interests of the ~~community development~~ department, except as instructors.

~~403.4~~

~~*Records.* The building official shall keep, or cause to be kept, a record of the business of the community development department. The records of the community development department shall be open to public inspection.~~

~~403.5~~

~~*Reports.* The building official may submit annually a report covering the work of the community development department during the preceding year. He/she may incorporate in said report a summary of the decisions of the Construction Board of Adjustments and Appeals during said year.~~

SECTION 104-DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code, and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. ~~The building official is further authorized to render interpretations of this code and adopt policies and procedures in order to clarify the application of its provisions. Such~~

~~interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.~~

104.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings, structures, and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The building official shall carry proper identification, as issued by the Town, when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry.

104.6.1 Where it is necessary to make an inspection to enforce any of the provisions of this code, or where the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, or premises, unsafe, dangerous or hazardous, the building official is authorized to enter the building, structure or premises at all reasonable times to inspect or to perform any duty imposed by this code, provided that if such building, structure or premises are occupied, that credentials be presented to the occupant and entry requested. If such building, structure, or premises are unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, or premises, and request entry. If entry is refused, the building official shall have recourse to every remedies provided by law to secure entry.

104.6.2 When the building official shall have first obtained a proper inspection warrant in accordance with *Chapter 933*, F.S. or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The Town's building department shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and

notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per *Chapter 119*, F.S.

104.8 Liability. The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the Town in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee or member because of an act performed by that officer or employee or member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the Town until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

~~**104.2**~~

~~*Right of entry.*~~

~~**104.2.1**~~

~~Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code. If such building or premises are occupied, he/she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.~~

~~**104.2.2**~~

~~When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.~~

~~**104.3**~~

~~*Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to their agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.~~

~~**104.4**~~

~~*Revocation of permits.*~~

~~**104.4.1**~~

~~Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any~~

~~false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.~~

~~104.4.2~~

~~Violation of code provisions. The building official or his designee may revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code and all other pertinent laws and ordinances as adopted by the State of Florida, the Town of Lake Park, or any agency with jurisdiction.~~

~~104.5~~

~~*Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this code. The extent of repairs shall be determined by the building official. When the building official or his designee determines that an unsafe building, structure or service system cannot be reasonably repaired in accordance with this or the technical codes, it shall be demolished in accordance with this section.~~

~~104.5.1~~

~~When the building official or his designee determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this code he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof.~~

~~104.5.2~~

~~If necessary, such notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove such notice without written permission of the building official, or for any person to enter the building, or use such systems except for the purpose of making the required repairs or of demolishing same.~~

~~104.5.3~~

~~The owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.~~

~~104.5.4~~

~~In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, after having ascertained the cost, shall cause such~~

~~building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, or required to remain vacant or unused.~~

~~104.5.5~~

~~The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.~~

~~104.5.6~~

~~Costs incurred under 104.5.4 and 104.5.5 shall be charged to the owner of the premises involved. If charges are not paid within a ten (10) day period following the billing notification sent by certified mail, the owner of the premises will be charged in the following manner.~~

~~1.~~

~~The building official shall assess the entire cost of such vacation, demolition, or removal against the real property upon which such cost was incurred, which assessment shall include but not be limited to, all administrative costs specifically including professional and legal fees and expenses, postal expenses, newspaper publication, and shall constitute a lien upon such property superior to all others except taxes.~~

~~2.~~

~~The Clerk of the Circuit Court shall file such lien in Palm Beach County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall be effective from the date of filing and recite the names of all persons notified and interested persons. After three (3) months from the filing of any such lien which remains unpaid, the Town may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date of abatement of nuisance at the rate of eleven (11) percent per annum or at the current statutory rate, whichever is greater, and shall be enforceable if unsatisfied as other liens may be enforced by the Town.~~

~~104.6~~

~~*Requirements not covered by code.* Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this code may be set in writing by the building official and may be posted electronically for public access.~~

~~104.7~~

~~*Reserved.*~~

~~104.8~~

~~*Reserved.*~~

104.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used, recycled, or reclaimed materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

~~104.10~~

~~*Reserved.*~~

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the building department.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the Florida Building Code, Accessibility ~~Section 11.2.2.~~

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the building official.

SECTION 105-PERMITS

105.1 Required. Any contractor, owner, or agent authorized in accordance with *Chapter 489*, F.S. who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical, plumbing or fire protection system, or accessible or flood resistant site element, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

~~105.1~~

~~*Required.* Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.~~

~~105.1.1~~

~~Food permit. As per Section 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.~~

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems, or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility sites as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. The building official is authorized to revoke or withhold the issuance of the future annual permits if code violations are found to exist.

105.1.3 Food permit. As per *Section 500.12*, F.S., a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having value of less than $1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.
4. Swings and other playground equipment accessory to detached one- and two-family dwellings, but they may be subject to Zoning permits.
5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
6. Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Repair or replacement of *like* common household electrical fixtures, switches, and outlets on the load side of the electrical source. Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.

3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of common household plumbing fixtures to existing supply lines and outlets. This does not include water heaters.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. ~~Prior~~ Notification shall be given to the building official including the work address, nature of emergency and scope of work immediately, or by next business day.

105.2.2 Minor repairs. Ordinary minor repairs or installation of replacement parts may be made with the approval of the building official, without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

~~105.2.2~~

~~Reserved~~

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the ~~Community Development~~ department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must otherwise comply with the requirements of *Sections 713.135(5) and (6),* F.S. Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the Town on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

105.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use ~~a local government's~~ the Town's code enforcement offices, fees charged by the ~~counties and municipalities~~ Town for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to ~~the enforcing agency which issues the permit~~ Town any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under *Chapter 471*, F.S.:

1. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system:
   A. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value of over $125,000; and
   B.
   1) Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system.
   2) Requires a plumbing system with 250 fixture units or more.

3) Requires Heating, ventilation and air-conditioning system that exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate over 100 persons.

2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II or Contractor IV, certified under Section 633.521, *Florida Statutes*, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than $5,000.

~~1.~~

~~Electrical documents for any new building or addition which requires an aggregate service capacity of 600 amperes (240 volts) or more on a residential electrical system or 800 amperes (240 volts) or more on a commercial or industrial electrical system and which costs more than $50,000.~~

~~2.~~

~~Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than $50,000.~~

~~3.~~

~~Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. A Contractor I, Contractor II, or Contractor IV, certified under Section 633.521, Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.~~

~~4.~~

~~Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than $50,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.~~

~~An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of $50,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent~~

~~duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.~~

~~Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.~~

~~Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is $47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system. It therefore could not be designed by a mechanical or air conditioning contractor.~~

~~NOTE: It was further clarified by the Florida Building Commission that the limiting criteria of 100 persons and $50,000 apply to the building occupancy load and the cost for the total air conditioning system of the building.~~

~~5.~~

~~Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than $5,000.~~

Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and sealed such document as provided in *Section 471.025*, F.S.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned and invalid, six months after the date of filing, or for any 180-day period of abandonment or suspension during the application process, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding three months each. The extension shall be requested in writing prior to the abandonment date and justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth on the Town's fee schedule adopted by resolution of the Town Commission. There may be fees or requirements from other government agencies for permit application extensions and renewals.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE:

In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county such as the requirement for Home or Property Owners Association approval, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the Town's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in *Chapter 440,* F.S., Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in *Sections 440.10 and 440.38,* F.S.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 180 days of the contract's execution. The contract is subject to verification by the Department of Community Affairs.

105.3.8 Public right of way. A permit shall not be given by the building official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the Town. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the Town shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the Town.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid ~~expire~~ unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. ~~Permits issued for the demolition of a structure shall expire sixty days from the date of issuance. For a justifiable cause, one extension of time for a period not exceeding thirty days may be allowed. Such request shall be in writing to the building official.~~

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit, or revalidation of the original permit, covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or revalidation of the original permit, is not obtained within six months from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due

directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 The fee for renewal, reissuance, and extension of a permit shall be set forth on the Town's fee schedule adopted by resolution of the Town Commission. There may be fees or requirements from other government agencies for permit extensions and renewals ~~by the administrative authority.~~

105.5 Expiration. Reserved
~~**105.6 Reserved**~~

105.6 Suspension or Revocation of permits

105.6.1 Misrepresentation of application. The building official may suspend or revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.6.2 Violation of code provisions. The building official may suspend or revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

~~**106.7**~~

~~*Placing of permit.* Work requiring a permit shall not commence until the permit holder or his agent places the permit card and all related documents in a conspicuous place on the premises. The permit and all related documents shall be protected from the weather and located in such position as to allow the building official or representative to conveniently make the required entries thereon. The permit and all related documents shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the building official.~~

105.8 Notice of commencement. As per *Section 713.135,* F.S., when any person applies for a building permit, the Town shall print on the face of each permit card in no less than ~~18 point~~ 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The Town shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of *Section 469.003,* F.S., and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal" above, for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates shall be provided as each required protective treatment is completed, supplying one copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for re-inspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon written request and approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. This provision is only for the Florida Building Code; all other Agency approvals necessary for construction must be secured prior to this provision being applied.

~~Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits, shall be subject to a penalty of two hundred percent (200%) of the regular permit fee in addition to the required permit fees.~~

105.13 Phased permit approval. After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

105.14 Permit issued on basis of an affidavit. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical

codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall inspect such work. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed. In addition, they shall certify conformity to the permit, and upon completion of the structure, electrical, gas, mechanical or plumbing systems make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under *Chapter 468,* F.S., Part XII and that any person conducting inspections is qualified as a building inspector under *Chapter 468,* F.S. Part XII. Nothing aforesaid shall preclude plan review or inspections by the building official. ~~Nothing aforesaid shall preclude plan review or inspections by the Building Official.~~

105.15 Opening protection. When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is $50,000 or more for a site built single family detached residential structures that is located in the wind borne debris region as defined in this Code and that has an insured value of $750,000 or more, or, if the site built single family detached residential structures is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of $750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

Exception: Single family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

SECTION 106-FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m2), such design live loads shall be conspicuously posted by the owner in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 ~~106~~ SUBMITTAL ~~CONSTRUCTION~~ DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by *Chapter 471*, F.S. & 61G-15 F.A.C. or *Chapter 481*, F.S. & 61G-1 F.A.C. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted when required by the building official, and may require only one set of submittals.

~~*Submittal documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a design professional where required by the statutes. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a design professional.~~

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

If the design professional is an architect, interior designer, landscape architect, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in *Chapter 481*, F.S., Part I, or landscape architecture as provided for in *Chapter 481*, F.S., Part II, or engineering as provided for in *Chapter 471*, Florida Statutes, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

~~If the design professional is an architect or engineer legally registered under the laws of this state regulating the practice of architecture as provided for in Chapter 481, Florida Statutes, Part I, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal, original signature and date to said drawings, specifications and accompanying data, as required by Florida Statute. If the design professional is a landscape architect registered under the laws of this state regulating the practice of landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, then he or she shall affix his or her seal, original signature and date to said drawings, specifications and accompanying data as defined in Section 481.303(6)(a)(b)(c)(d), FS.~~

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.5.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents shall be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (See also Section 107.3.5). ~~106.3.5~~

107.2.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.1.2 For roof assemblies required by the code, the construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer for the specific site must be submitted with the construction documents.

107.2.1.3 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be affixed with their official seal, signature and date as state law requires.

107.2.1.4 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium. The building official may establish through departmental policy, other standards for plans and specifications, in order to provide conformity to its record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

107.2.2 Reserved.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in

compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

107.2.5 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.5.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

107.3 Examination of documents. The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to *Section 553.77(5),* F.S., and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to 9B-1.009, F.A.C., shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriate licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official,

from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be noted, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within ~~180 days~~ 180 days after the effective date of this code and has not been abandoned.

~~**106.3.3**~~

~~Product approvals. Those products which are regulated by the Department of Community Affairs ("DCA") Rule 9B-72 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.~~

~~**106.3.4**~~

~~Reserved.~~

~~**106.3.4.1**~~

~~Reserved.~~

~~**106.3.4.2**~~

~~Reserved.~~

107.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge.

107.3.4.1 General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the

original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by Chapter 9N-3 F.A.C. shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

107.3.4.3 Certifications by contractors authorized under the provisions of *Section 489.115* F.S., shall be considered equivalent to sealed plans and specifications by a person licensed under *Chapter 471,* F.S., or *Chapter 481* F.S., by the ~~local enforcement agencies~~ Town for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one and two-family dwellings. ~~Local enforcement agencies~~ The Town may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, ~~local government~~ the Town's code enforcement officer may accept or reject plans sealed by persons licensed under *Chapters 471,481 or 489,* F.S.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the building official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

107.3.5.1 Commercial Buildings:

107.3.5.1.1 Building

1. Site requirements:
   Parking

Fire access
Vehicle loading
Driving/turning radius
Fire hydrant/water supply/post indicator valve (PIV)
Set back/separation (assumed property lines)
Location of specific tanks, water lines and sewer lines
Flood hazard areas, flood zones, and design flood elevations.

2. Occupancy group and special occupancy requirements shall be determined.
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
   Fire-resistant separations
   Fire-resistant protection for type of construction Protection of openings and penetrations of rated walls
   Fire blocking and draft-stopping and calculated fire resistance
5. Fire suppression systems shall include:
   Early warning smoke evacuation systems
   Schematic fire sprinklers
   Standpipes
   Pre-engineered systems
   Riser diagram
   ~~Same as above~~
6. Life safety systems shall be determined and shall include the following requirements:
   Occupant load and egress capacities
   Early warning
   Smoke control
   Stair pressurization
   Systems schematic
7. Occupancy load/egress requirements shall include:
   Occupancy load
   Gross
   Net
   Means of egress
   Exit access
   Exit
   Exit discharge
   Stairs construction/geometry and protection
   Doors
   Emergency lighting and exit signs
   Specific occupancy requirements
   Construction requirements
   Horizontal exits/exit passageways
8. Structural requirements shall include:
   Soil conditions/analysis
   Termite protection

Design loads
Wind requirements
Building envelope
Structural calculations (if required)
Foundation
Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
Wall systems
Floor systems
Roof systems
Threshold inspection plan
Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:
Wood
Steel
Aluminum
Concrete
Plastic
Glass
Masonry
Gypsum board and plaster
Insulating (mechanical)
Roofing
Insulation

10. Accessibility requirements shall include the following:
Site requirements
Accessible route
Vertical accessibility
Toilet and bathing facilities
Drinking fountains
Equipment
Special occupancy requirements
Fair housing requirements

11. Interior requirements shall include the following:
Interior finishes (flame spread/smoke development)
Light and ventilation
Sanitation

12. Special systems:
Elevators
Escalators
Lifts

107.3.5.1.2 Electrical

1. Electrical:
Wiring

Services
Feeders and branch circuits
Overcurrent protection
Grounding
Wiring methods and materials
GFCIs

2. Equipment.
3. Special occupancies.
4. Emergency systems.
5. Communication systems.
6. Low voltage.
7. Load calculations.
8. Design flood elevation.

107.3.5.1.3 Plumbing

1. Minimum plumbing facilities.
2. Fixture requirements.
3. Water supply piping.
4. Sanitary drainage.
5. Water heaters.
6. Vents.
7. Roof drainage.
8. Back flow prevention.
9. Irrigation.
10. Location of water supply line.
11. Grease traps.
12. Environmental requirements.
13. Plumbing riser.
14. Design flood elevation.

107.3.5.1.4 Mechanical

Energy Calculations

1. Exhaust systems:
   Clothes dryer exhaust
   Kitchen equipment exhaust
   Specialty exhaust systems
2. Equipment.
3. Equipment location.
4. Make-up air.
5. Roof-mounted equipment.
6. Duct systems.
7. Ventilation.
8. Combustion air.
9. Chimneys, fireplaces and vents.

10. Appliances.
11. Boilers.
12. Refrigeration.
13. Bathroom ventilation.
14. Laboratory.
15. Design flood elevation.

107.3.5.1.5 Gas

1. Gas piping.
2. Venting.
3. Combustion air.
4. Chimneys and vents.
5. Appliances.
6. Type of gas.
7. Fireplaces.
8. LP tank location.
9. Riser diagram/shutoffs.
10. Design flood elevation.

107.3.5.1.6 Energy Calculations

107.3.5.2 Demolition

1. Asbestos removal.

107.3.5.3 Residential (One and Two-Family)

1. Site requirements.
   Set back/separation (assumed property lines)
   Location of septic tanks
2. Fire-resistant construction (if required) .
3. Smoke detector locations.
4. Egress.
   Egress window size and location stairs construction requirements
5. Structural requirements shall include:
   Wall section from foundation through roof, including assembly and materials connector tables ~~wind requirements structural calculations (if required)~~
   Termite protection
   Design Loads
   Wind requirements
   Building envelope
   Structural calculations (if required)
   Foundation
   Wall systems
   Floor systems

Roof systems
6. Accessibility requirements: show/identify accessible bath.
7. Impact resistant coverings or systems.
8. Required Florida Product Approvals.
9. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials.
10. Electrical:
Electric service riser with wire sizes, conduit detail and grounding detail.
Complete load calculations, Panel schedules
11. Mechanical:
~~Energy Calculations~~, Equipment and location. Duct systems
12. Plumbing:
Plumbing riser
13. Gas:
Gas piping
Venting
Combustion air
Chimneys and vents
Appliances
Type of gas
Fireplaces
LP tank location
Riser diagram/shutoffs
14. Energy Calculations.

107.3.5.4 Swimming Pools

1. Barrier requirements.
2. Spas.
3. Wading pools.

107.3.5.5 Exemptions.

Plans examination by the building official shall not be required for the following work:
1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Minor electrical, plumbing and mechanical repairs.
3. Annual maintenance permits.
4. Manufactured buildings or prototype building plans except for local site adaptations and foundations of buildings, which are constructed on site, and modifications or structures that require waiver.
   a. Site requirements
      setback/separation (assumed property lines)
      location of septic tanks (if applicable)
   b. Structural
      wind zone

anchoring
blocking

c. Plumbing
List potable water source and meter size (if applicable)

d. Mechanical
exhaust system
clothes dryer exhaust
kitchen equipment exhaust

e. Electrical
exterior disconnect location

~~3.~~

~~Prototype plans~~

~~Except for local site adaptations, siding, foundations and/or modifications.~~

~~Except for structures that require waiver.~~

~~4.~~

~~Manufactured building plans except for foundations of buildings which are constructed on site.~~

107.4 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

107.5 Retention of construction documents. One set of official construction documents shall be retained by the building official as required by Florida Statutes.

~~106.6 Reserved~~

107.6 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under *Chapter 468*, F.S., Part XII and that any person conducting inspections is qualified as a building inspector under *Chapter 468*, F.S. Part XII.

SECTION 108 ~~107~~ TEMPORARY STRUCTURES AND USES

108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than ~~180 days~~ 6months. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

108.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of the Florida Building Code, Building.

108.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109~~108~~ FEES

109.1 Prescribed fees. A permit shall not be issued until fees authorized under *Section 553.80*, F.S., have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems has been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, ~~in accordance with the schedule as established by the Town~~ as set forth on the Town's fee schedule adopted by resolution of the Town Commission.

~~108.2.1~~

~~Types of Fees Enumerated. Fees may be charged for but not limited to the following:~~

- ~~Permits~~
- ~~Plans Examination~~
- ~~Inspection~~
- ~~Certificates of Competency (including fees for applications, examinations, renewal late renewal)~~
- ~~Impact fees~~
- ~~Planning and Zoning review fees~~
- ~~Administrative fees~~
- ~~Variance requests~~
- ~~Administrative appeals~~
- ~~Violations~~

~~• Other fees established by local ordinance~~

109.3 Building permit valuations. If, in the opinion of the building official, the claimed valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed, quantity estimates, and/or bona fide signed contracts (excluding land value) to meet the approval of the building official. For permitting purposes, valuation of buildings and systems shall be total replacement value to include structural, electric, plumbing, mechanical, interior finish, relative ~~normal~~ site work ~~(excavation and backfill for buildings),~~ architectural and design fees, marketing costs, overhead and profit; excluding only land value. Valuation references may include the latest published data of national construction cost analysis services (Marshall-Swift, Means, etc.), ~~or as published by International Code Congress bi-annually, with regional adjustments for locations.~~ Final building permit valuation shall be set by the building official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty fee in addition to the required permit fees, as set in approved fee schedule forth on the Town's fee schedule adopted by resolution of the Town Commission. ~~Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits, shall be subject to a penalty of two hundred percent (200%) of the regular permit fee in addition to the required permit fees.~~

~~**108.5**~~

~~*Reserved.*~~

~~**108.6**~~

~~*Reserved.*~~

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law

109.6 Refunds. The building official is authorized to establish a refund policy.

SECTION 110 ~~109~~ INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the

Town. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the Town shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the Town shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

~~**109.1.2**~~

~~Inspection Service. The building official may make, or cause to be made, the inspections required by Section 109. He or she may accept reports of inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure. Qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be licensed in accordance to Part XII, Chapter 468, Florida Statutes.~~

~~**109.1.3**~~

~~Resident Inspection Services. The building official may require the owner to employ an inspection service who although compensated by the owner shall report to the building official. Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or engineer, or a person licensed under Chapter 468, Part XII, Florida Statutes. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector. At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawings and specifications. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.~~

110.1.1 Manufacturers and fabricators. When deemed necessary by the building official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.2 Preliminary inspection. Subject to the limitations of *Chapter 553*, F.S., before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. ~~Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.~~

110.2.1 Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He/she may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. He/she shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in ~~Chapter 34~~ the Florida Building Code, Existing Building may apply.

110.3 Required inspections. The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey, or special purpose survey may be required before an inspection is approved.

A. Building

1. Foundation inspection. To be made after trenches are excavated and forms erected and required reinforcing steel is in place and, shall at a minimum include the following building components:
   - Stem-wall
   - Monolithic slab-on-grade
   - Pilings and pile caps
   - Footings/grade beams

1.1. Slab/Floor Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel or framing members installed and all building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

~~To be made after the reinforcement is in place, all concealed conduit, piping, ducts and vents are installed and the electrical, plumbing and mechanical work is complete. Slab shall not be poured until all required inspections have been made and passed.~~

A foundation/Form board survey prepared and certified by a registered surveyor ~~shall~~ may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector.

~~3.~~

~~Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place.~~

~~4.~~

~~Gypsum Board Nailing Inspection~~

1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification, required in Section 1612.5, shall be submitted to the building official.

2. Construction Inspections:

2.1. Lintel/tie beams/columns/masonry units. To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.

2.2. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:

- Roof sheathing
- Wall sheathing
- Floor sheathing
- Sheathing fasteners
- Roof/wall dry-in.
- Gypsum board, as required
- Sheathing/cladding inspection

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be corrected prior to installation of the dry-in material.

2.3. Framing inspection. To be made after the roof deck or sheathing, all framing, fire blocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and shall at a minimum include the following building components:

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments
- ~~Vertical Cells/columns~~
- Lintel/tie beams complete, if applicable.
- Framing/trusses/bracing/connectors (including truss layout drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Fire resistant assemblies, joints and penetrations, as required
- Accessibility.

3. Roofing inspection. Shall at a minimum include the following building components:
   - Dry-in
   - Insulation
   - Roof coverings (including in-progress)
   - Flashing

4. Energy insulation, thermal and ignition barriers.
5. Lath/Drywall. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

   Exception: Gypsum board that is not part of a fire-resistance- rated assembly or a shear assembly, unless otherwise determined by the building official.

6. Final inspection. To be made after the building is completed and ready for occupancy.

   6.1. Lowest floor elevation. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. Swimming pool inspection.
   - First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain, and prior to placing of concrete shell.
   - Underground electric inspection
   - Underground ~~plumbing~~ piping inspection including a pressure test
   - Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in placed.
   - Final electric inspection to be made prior to filling the swimming pool with water.
   - Final permanent barrier inspection is to be made prior to filling the swimming pool with water.
   - In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17.
   - Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
8. Demolition inspections.
   - First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations
   - Final inspection to be made after all demolition work is completed
9. Manufactured building inspections. The building department ~~official or his designee~~ shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (See Section 423.27.20).
10. Where impact-resistant coverings or impact resistant systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact-resistant coverings or impact resistant systems to determine the following:
    - The system indicated on the plans was installed.

- The system is installed in accordance with the manufacturer's installation instructions and the product approval.

B. Electrical

1. Underground inspection (including bonding and ground). To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the building is dried-in, framing, fire-blocking and bracing is in place, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.
3. Low Voltage: To be made for security, alarm, elevator, and special uses ~~prior to being covered from view.~~
4. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

C. Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping is installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of insulation (if applicable), or wall or ceiling membranes.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

D. Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.

Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of insulation (if applicable), or wall or ceiling membranes. ~~Rough-in inspection. To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.~~

2.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

F. Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles prior to receiving final inspection approval. Construction job sites must be kept clean, ~~such that accumulation of construction debris must not remain on the property for a period of time exceeding 14 days.~~
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

~~**109.3.1**~~

~~Written release. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the building official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.~~

~~**109.3.2**~~

~~Reserved.~~

110.3.1 Footing and foundation inspection. Reserved.

110.3.2 Concrete slab and under-floor inspection. Reserved.

110.3.3 Reinforcing steel and structural frames. Reinforcing steel or structural frame work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

110.3.4 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.6, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the building official has been received. (Also refer to Sections 105.10 and 105.11)

110.3.5 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

110.3.6 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.7 Threshold building.

110.3.7.1 The Town ~~enforcing agency~~ shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the Town prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.3.7.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the Town. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under *Section 553 .71*, F.S. may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.3.7.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the Town. The inspector shall be a person certified, licensed or registered under *Chapter 471*, F.S. as an engineer or under *Chapter 481*, F.S. as an architect.

110.3.7.4 The Town ~~enforcement agency~~ shall require that, on every threshold building:

110.3.7.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the Town in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the ~~enforcement agency~~ Town."

110.3.7.4.2 Any proposal to install an alternate structural product or system to which building codes apply shall be submitted to the Town for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

110.3.7.4.3 All shoring and reshoring procedures, plans and details shall be submitted to the Town for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.3.7.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the Town in accordance with this section and *Chapter 633*, F.S.

110.3.7.5 The ~~enforcing agency~~ Town may not issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in *Section 489.105(3)(a)*, F.S., or to a licensed building contractor, as defined in *Section 489. 105(3)(b)*, F.S., within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

110.3.7.6 The building ~~official~~ department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, *Section 553.73*, F.S., without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under *Chapter 468*, F.S., Part XII or certified as a special inspector under *Chapter 471 or 481*, F.S.. Inspections of threshold buildings required by *Section 553.79(5)*, F.S., are in addition to the minimum inspections required by this code.

~~**409.3.8**~~

~~Plaster fire protection. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the building official after all lathing and backing is in place. Plaster shall not be applied until the release from the building official has been received.~~

~~**409.3.8**~~

~~Fire resistant joints and penetrations. The protection of joints and penetrations in required fire resistant construction assemblies shall not be covered or concealed from view without first obtaining a release from the building official.~~

110.3.8 Reserved.

110.3.9 Other inspections services. The building official may make, or cause to be made by others, the inspections required by Section 109. He/she may accept reports of inspectors of recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service. The building official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction.
2. For all major structural alterations.
3. Where the concrete design is based on compressive strength (f 'c) in excess of 3000 pounds per square inch.
4. For pile driving.
5. For buildings with area greater than 20,000 square foot.
6. For buildings more than 2 stories in height.
7. For buildings and structures of unusual design or methods of construction.

Such inspectors shall be adequately present at times work is underway on the structural elements of the building. Such inspectors shall be a registered architect, or engineer, or a person licensed under *Chapter 468*, Part XII, F.S. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, such inspectors shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.3.9.1 Affidavit for Inspection. With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled inspection. If the photographs are found to be insufficient by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the inspector shall require the contractor to obtain the services of a Registered Florida Professional Engineer to inspect and certify the installation and/or construction.

110.3.10 Inspections prior to issuance of Certificate of Occupancy or Completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

110.4 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building inspector. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

110.7 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage run-offs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111-CERTIFICATES OF OCCUPANCY AND COMPLETION

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

~~Building occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the building official has issued a Certificate of Occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.~~

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2.

111.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department or other agency whose approval is inherent in the building permitting process, the building official shall issue a Certificate of Occupancy that contains the following:

~~Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, the building official shall issue a Certificate of Occupancy that contains the following:~~

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building department.
7. The name of the building official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.

12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

~~110.1.3~~

~~Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulations or any provisions of this code.~~

111.3 Temporary/partial occupancy. A temporary/partial Certificate of Occupancy or Certificate of Completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to one hundred ten percent (110%) of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of Completion, the jurisdiction retains the right to have the applicant surrender the cash surety. The jurisdiction then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashier's check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official. This provision is only for the Florida Building Code; all other Agency approvals necessary for construction must be secured prior to this provision being applied.

111.4 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

111.5 Revocation. The building official is authorized to, in writing, suspend or revoke a Certificate of Occupancy or Completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 112- SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official and a Certificate of Occupancy or Completion

is issued. The servicing utility company shall not connect the power supply until notified by the building official.

112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life, or property, or unsafe condition, or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

~~**110.4**~~

~~***Posting floor loads.***~~

~~**110.4.1**~~

~~Occupancy. An existing or new building shall not be occupied for any purpose that will cause the floors thereof to be loaded beyond their safe capacity. The building official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he/she is satisfied that such capacity will not thereby be exceeded.~~

~~**110.4.2**~~

~~Storage and factory-industrial occupancies. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the building division.~~

~~**110.4.3**~~

~~Signs required. In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the building official on the plan, shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.~~

~~***Section 111. Tests.***~~

~~The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.~~

SECTION 113~~112~~-BUILDING ~~CONSTRUCTION~~ BOARD OF ADJUSTMENT AND APPEALS

113.1 Appointment. There is hereby established a board to be called the ~~Construction~~ Building Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Town Commission shall appoint the Board ~~unless the Town Commission contracts with another local government to use their Board as the Town's Board.~~

113.2 Membership and Terms

113.2.1 Membership. The ~~Construction~~ Building Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest, or otherwise in violation of Florida and Palm Beach County ethics codes.

113.2.2 Terms. The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

113.2.4 Secretary of board. The Town clerk or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3 Powers. The Building Board of Adjustments and Appeals shall have the power, as further defined in ~~112.4~~ 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes. ~~The Board shall constitute the Contractor Regulatory Board of the Town of Lake Park pursuant to Chapter 489 F.S. for hearings on the performance of state licensed certified contractors.~~

113.4 Appeals

113.4.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Building Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 Variances. The ~~Construction~~ Building Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official and the Town attorney.

~~112.4.3~~

~~Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision failing which, the appeal shall~~

be rendered untimely and summarily dismissed by the Board and may not be heard by the Board.

112.4.4

Application for appeal. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the Town together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the Town Commission and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the Town form. The appeal shall specify at a minimum the following:

1.

A detailed description of the decision, interpretation, requirement or determination which is being appealed;

2.

A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the building official;

3.

The form of relief that the aggrieved party ("appellant") is requesting;

4.

A statement as to whether any code enforcement proceedings have been initiated by the Town that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Town's special magistrate.

5.

The sections of the Town **Code and/or the Florida Building Code that** are at issue.

6.

The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal sufficiency by the Town Attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the Town attorney.

7.

Attach all documents and **other tangible evidence to support your** position in the appeal.

8.

If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the Town, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30 days appeal period, and unless a sufficient appeal is received with the 30-day period, the appeal will be forever time barred.

9.

~~All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.~~

~~10.~~

~~Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.~~

~~112.4.5~~

~~Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.~~

113.5 Procedures of the board.

113.5.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 Decisions. The Building Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every

decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in *Section 489.113,* F.S. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the board has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the board represents. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the local construction regulation board decides to deny the permit.

~~*Section 113. Severability.*~~

~~If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.~~

SECTION 114-VIOLATIONS ~~AND PENALTIES~~

Any person, firm, corporation or agent who shall fail to comply with a provision of this code, or, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a ~~misdemeanor~~ violation. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the ~~authority having jurisdiction~~ Town from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of *Chapter 162* F.S. Part I ~~may be employed if building work begins without payment of all required fees~~ shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under *Chapter 468,* F.S., Part XII are deemed "Code Inspectors", as defined in *Section 162.04,* F.S.

~~*Section 115. Reserved.*~~

SECTION 115-STOP WORK ORDER

115.1 Stop work orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116-UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be ordered by the building official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the this Code. The extent of repairs shall be determined by the building official.

116.1.1 When the building official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the Town, the processes and procedures for code enforcement under *Chapter 162* F.S. may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the building official shall act in the role of code inspector to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.

116.1.2 If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall post at each entrance to the building a placard stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING

OFFICIAL. This placard shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove the posting without written permission of the building official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

116.1.3 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, acting as a code inspector, shall notify an enforcement board or special magistrate and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the building official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the building official or the Town to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 The decision of the building official shall be final in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.2 Enforcement proceedings; hearings. Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in *Chapter 162*, F.S.. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in *Chapter 162*, F.S. before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.3 Administrative fines; costs to repair; liens. All costs associated with taking a case before the enforcement board or special magistrate shall be recovered where the Town prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 116.1.3 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator.

116.4 Appeal. An aggrieved party, including the Town, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117- TESTS

The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

SECTION 118-RESERVED

SECTION 119-SEVERABILITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Sec. 54-8.1 Establishment of wind speed lines ~~Technical code amendments~~.
[This section is repealed in its entirety and replaced with the following text]
As required by paragraph 1609.3 of the Florida Building Code, wind speed lines in the area of jurisdiction of the Town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth in this section, of which copies have been and are now filed in the office of the building official of the Town. Pursuant to Figures 1609A, B and C of the Florida Building Code, design wind speeds are as follows:

Category I buildings–	160 mph
Category II buildings-	170 mph
Category III and IV buildings -	180 mph

Sec. 54-8.2 National Electrical Code adopted.
The most current edition of the National Electrical Code, of which copies have been and are now filed in the office of the building official of the Town, is hereby adopted and incorporated as if set forth at length in this section.

Secs. 54-9 – 54-30. Reserved.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Codification. The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

Discussion And Possible Action

TAB 7

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 7

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	[x]	**DISCUSSION/POSSIBLE ACTION**
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: **Submittal of Proposed List of Semi-Finalists for the Position of Town Manager**

RECOMMENDED MOTION/ACTION: **Approval**

Approved by Town Manager _____ **Date:** 3/29/12

Name/Title Human Resources Director

3/29/2012
Date of Actual Submittal

Originating Department: **Human Resources**	**Costs: $ -0-** Funding Source: Acct. #	**Attachments: None**
Department Review: [ ] Attorney_____ [ ] Community Development___ [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ [ ] Town Clerk _____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ **[x] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or **Not applicable in this case** **BMT** **Please initial one.**

Summary Explanation/Background:

At its March 21, 2012 meeting, the Commission directed that the 46 resumes submitted by applicants for the position of Town Manager be reviewed by two Range Riders and the Town's Human Resources Director for the purpose of selecting and presenting to the Commission by April 4, 2012 a proposed list of ten to 12 semi-finalists for consideration. Such list of semi-finalists will be provided to the Commission under separate cover prior to the April 4, 2012 Commission meeting.

TAB 8

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 8

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	**[X]**	**DISCUSSION/POSSIBLE ACTION**
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: UPDATE ON ARMY RESERVE CENTER

RECOMMENDED MOTION/ACTION: For discussion only.

Approved by Town Manager _____ **Date:** 3/29/12

Name/Title: **Nadia Di Tommaso,** *Community Development Director* Date of Actual Submittal: **03/27/2012**

Originating Department: Community Development	Costs: **$ 0** Funding Source: Acct. #	**Attachments:** **N/A**
Department Review: [ ] Attorney_____ **[x]Community Development** ND [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ [ ] Public Works_____ [ ] Recreation _____ [ ] Town Clerk _____ [ ] Town Manager _____
Advertised: Date: _____ Paper: _____ **[X] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone) or Not applicable in this case ND **Please initial one.**

Staff Summary Explanation/Background:

At the March 21st Town Commission meeting, Vice-Mayor Kendall Rumsey requested an update on the Army Reserve Center which is scheduled to be located on the northeast corner of Congress Avenue and Silver Beach Road. In my recent conversations with US Army Engineer Mr. Stephen Crosby, I was informed that the Army Reserve Center remains stagnate due to some issues with awarding the contract which will hopefully be resolved soon. The design charrettes would get scheduled as soon as the contract issues get settled, and the Town would be able to participate when this occurs. On the flipside, Mr. Michael Brady, Army Lieutenant, is in charge of producing a ground breaking ceremony schedule as soon as parcels of land have been purchased and closed. Thus far, the ground breaking ceremony has been scheduled for May 19, 2012 at 10:00am. Official invitations to the Town Commission and Staff are forthcoming. The ground breaking ceremony will simply serve to inaugurate the site as a future Army Reserve Center and the ceremony will include guest speakers, illustrations of typical finished projects, and shoveling of the dirt. The design and construction efforts are independent of the ground breaking ceremony and although they do not have official information regarding a timeline for design, they are hoping to proceed within the next few weeks. The design update was confirmed by US Army Engineer Mr. Stephen Crosby via email on March 21, 2012, and the ground breaking ceremony was confirmed by Army Lieutenant Mr. Michael Brady via email on March 27. 2012.

TAB 9

Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: April 4, 2012 **Agenda Item No.** Tab 9

[ ]	PUBLIC HEARING	[ ]	RESOLUTION
[ ]	ORDINANCE ON FIRST READING	**[X]**	**DISCUSSION/POSSIBLE ACTION**
[ ]	ORDINANCE ON SECOND READING	[ ]	BID/RFP AWARD
[ ]	PRESENTATION/PROCLAMATION	[ ]	CONSENT AGENDA
[ ]	Other:		

SUBJECT: **The American Beverage Association's Proposed Public Space Recycling Pilot Project in Conjunction with Palm Beach County's Solid Waste Authority.**

RECOMMENDED MOTION/ACTION: **Approval**

Approved by Town Manager _____ **Date:** 3/29/12

David Hunt / Public Works Director

March 28, 2012
Date of Actual Submittal

Originating Department: Public Works	**Costs: Staff time** **Funding Source: Current Budget**	**Attachments: None**
Department Review: [ ] Attorney_____ [ ] Community Development___ [ ] Finance _____ [ ] Fire Dept _____	[ ] Grants _____ [ ] Human Resources_____ [ ] Information Technology ____ [ ] Library _____ [ ] Marina _____	[ ] PBSO _____ **[X] Public Works** _____ [ ] Recreation _____ [ ] Town Clerk _____ **[X] Town Manager** _____
Advertised: Date: _____ Paper: _____ **[X] Not Required**	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone_____ or **Not applicable in this case** JSH **Please initial one.**

Summary Explanation/Background: The American Beverage Association (ABA) has contracted with StewardEdge USA Inc. to implement a Pilot Public Space Recycling Program in South Florida. The Palm Beach County Solid Waste Authority (SWA) has agreed to assist StewardEdge and the two agencies shall serve as the Project Administrators. The SWA and StewardEdge will select appropriate sites within the County for participation in the pilot. The Town of Lake Park is being recommended as one of the sites. Outlined below is a description of the planned pilot and the proposed roles and responsibilities for each of the host jurisdictions as well as StewardEdge in this pilot program.

The proposed role of the Town is as follows:
- Participate in the identification of sites for each recycling receptacle and selection of the receptacles to be provided by ABA/StewardEdge. Staff has suggested placing decorative recycling containers that complement the existing park and streetscape trash containers in Kelsey and Lake Shore Parks and Park Avenue to the Program Administrator;
- Assist with public space recycling promotion, using available recycling programs and other communication channels as appropriate;
- Install the recycling receptacles at each site;
- Service the receptacles in a timely fashion for the duration of the pilot. After installation, the contents of the receptacles will be audited for one month and a spot audit will be performed approximately six months later.
- Continue to service (empty, dispose, and maintain) the recycling receptacles after the ABA pilot period ends;
- Authorize the ABA to publicize the pilot and associated results so that other jurisdictions can benefit from the key learnings.

Project goals that the ABA seeks to achieve through this pilot are as follows:
- Measure and improve public space recycling performance;
- Create an effective, attractive, and sustainable recycling system for beverage containers generated in each host jurisdiction;
- Create opportunities for the public to manage their beverage containers to reduce the amount of litter;
- In consultation with the ABA and relevant authorities from each host jurisdiction, identify and demonstrate the use of functional and aesthetically pleasing recycling receptacles;
- Increase public awareness of the opportunities and convenience of recycling in the host jurisdiction.

The following items are the specific objectives for the pilot project (these tasks would be performed by the Program Administrators):
- Identify current recycling and disposal behaviors;
- Assess recycling systems already in place including measurement of baseline volumes of beverage containers being recycled and landfilled;
- Integrate the messaging with the communications related to host jurisdiction residential recycling programs;
- Document the capital and operating costs of the pilots;
- Recommend bin signage options;
- Measure the contamination rate of non-recyclables in the recycling stream, pre- and post-implementation;
- Document the increased rate of recycling achieved by measuring the pre- and post-implementation recycling rates achieved in each selected host jurisdiction.

The role of the ABA, to be coordinated by its consultant, StewardEdge, will be to:
- Provide at no charge to each host jurisdiction up to 20 recycling receptacles for each site to be located on public property and donated to the host jurisdiction upon completion of the pilot;
- Provide signage for the recycling receptacles also to be donated to the host jurisdiction upon completion of the pilot;
- Promote public use of the recycling receptacles;
- Perform pre-start and post-start waste and recyclables audits;
- Share the audit data with the host jurisdictions, upon request, as well as with the Palm Beach County SWA.

Town Staff is seeking consensus approval from the Commission to allow the Town to participate in this program. The decorative containers and signage shall be donated by the ABA and installed at appropriate sites by the Town's Public Works employees. The containers shall be emptied at the same time that the existing trash receptacles are currently being serviced by the Public Works Grounds Maintenance crews. There shall be no unbudgeted Town funds expended for participation in this pilot program. At the end of the study period, the Town will have gained 20 new, decorative recycling containers at no charge.