



## TOWN OF HIGHLAND BEACH

### ORDINANCE NO 16-001 O

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 12, "CONSTRUCTION SITES", SECTION 12-4, "CONSTRUCTION FENCES" TO MODIFY THE REQUIREMENTS REGARDING FENCING OF CONSTRUCTION SITES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission wishes to modify the requirements regarding the fencing around construction sites; and

**WHEREAS**, the Town Commission determines that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the citizens and residents of the Town of Highland Beach.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Commission of the Town of Highland Beach, Florida, as follows:

**Section 1.** The foregoing Whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** The Town Commission hereby amends Chapter 12, "Construction Sites", Section 12-4, "Construction fences" of the Town Code of Ordinances to read as follows (additional language underlined and deleted language ~~stricken through~~):

**Sec. 12-4. - Temporary cConstruction fences.**

- (a) ~~All construction sites where a permit is required and where construction is visible and/or accessible from a public road shall have a construction fence installed across all sides of the site where access can be gained by the public. Such fence shall remain and be kept in good condition throughout the duration of the construction job.~~
- (b) ~~At a minimum, construction fences must be constructed of solid wood or chain link with a scrim. Fences must be a minimum of three (3) feet and a maximum of six (6) feet in height.~~
- (c) ~~The number and location of gates allowed for construction site access shall be determined by the contractor and approved by the building official prior to erection of the fence. Any unresolvable dispute between the contractor and the building official regarding either the number or location of gates shall be resolved by the town manager. The town manager's determination shall be final and binding.~~

A temporary construction fence is required on all construction sites undergoing land disturbing construction or land development activities. All construction/demolition activities as well as all dumpsters, portable toilets, storage facilities, materials and any other item related to the construction must be located inside the temporary construction fence area. Before the temporary construction fence may be erected, a site plan depicting the materials, location and access gates must be approved as part of the fence permit issuance. At a minimum, the construction site must be completely enclosed, on all sides, by temporary construction fencing to prevent public access.

- (a) Temporary construction fences shall be six (6) feet in height and shall be constructed of chain link with screening material (scrim).
- (b) Temporary construction fences shall not be erected until the town has issued a demolition permit or building permit for the land disturbing construction or land development activities. In no event may a temporary fence be erected more than ten (10) days prior to the commencement of land disturbing construction or land development activities.
- (c) In the event that the demolition permit or building permit expires, all temporary construction fences shall be removed within ten (10) days of the permit expiration date. Within fifteen (15) days of removal of the fences, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with this Code, regarding landscaping requirements. Alternate forms of ground cover may be approved by the building official.
- (d) Temporary construction fences shall comply with the following requirements:
  - (1) Temporary construction fences shall be installed in accordance with all Florida Building Code and Occupational Safety and Health Administration (OSHA) standards. Temporary construction fences installed pursuant to this section shall be subject to any visibility at intersections requirements of this Code.
  - (2) All temporary construction fencing shall be maintained in a satisfactory manner by the permittee or landowner during the entire period of the land disturbing construction and land development activities to ensure adequate performance, to prevent nuisance conditions and to maintain the public health, safety and welfare.

- (3) Gates shall be secured and locked with a lock substantial enough to ensure closure and security when workers are not on the job site.
- (4) No temporary construction fence may encroach beyond the subject property line. No fence may encroach upon the public right-of-way without obtaining the appropriate permit(s).
- (5) Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun and shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of this Code and shall be subject to the limitations on temporary signs set forth in Section 23-9 of this Code.
- (6) All wind screening materials shall be removed upon the issuance of a hurricane warning for an area including the town. Screening materials shall be reinstalled not more than ten (10) days after the hurricane threat has ended.
- (7) The building official may grant the use of a temporary movable construction fence as part of a phased construction or phased demolition permit. Within ten (10) days of the completion of the phase of construction or demolition, the temporary movable fence shall be removed, and may be replaced by another temporary construction fence meeting the provisions of this section.
- (8) "No Trespassing" signage shall be placed on the construction site under the direction of the building official and in accordance with Section 810.09, Florida Statutes, as amended.
- (e) The building official may grant, in writing, a restriction or extension to the time frames for the erection or removal of temporary construction fences when necessary to maintain the public health, safety and welfare.

**Section 3.** It is the intention of the Town Commission of the Town of Highland Beach that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Highland Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other word or phrase in order to accomplish such intention.

**Section 4.** All Ordinances or parts thereof and Resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.



**Section 5.** Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion thereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or application of this Ordinance.

**Section 6.** This Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH ON THIS 1<sup>st</sup> DAY OF March, 2016.**

ATTEST:

By: Valerie Oakes  
Valerie Oakes, Town Clerk

02-02-2016  
First Reading

02-02-2016  
Posted after First Reading

02-14-2016  
Published

03-01-2016  
Final Reading

03-01-2016  
Posted after Final Reading

**TOWN OF HIGHLAND BEACH, FLORIDA**

Bernard Featherman  
Bernard Featherman, Mayor

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Louis P. Stern  
Louis P. Stern, Commissioner

Rhoda Zelniker  
Rhoda Zelniker, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: Glen J. Torevia  
Glen J. Torevia, Town Attorney  
Town of Highland Beach, Florida