

**AN ORDINANCE OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA CREATING SECTION 5-5.1, DEMOLITION OF STRUCTURES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Bay Harbor Islands is charged with protecting and preserving the public health, safety and welfare of the residents and those coming into the Town of Bay Harbor Islands; and

WHEREAS, the Town Council of the Town of Bay Harbor Islands wishes to create a new section of the Town Code to address requirements for demolition of structures in addition to those already adopted as part of the Florida Building Code;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS as follows:

**Section 1. Sec. 5-5.1 – Demolition of Structures**

- (a) **No demolition may occur within the Town without first obtaining a demolition permit from the Town that has satisfied all requirements set forth herein. For all demolition within the Town, the following items shall be completed and submitted to the Building Department prior to the issuance of a demolition permit (that is required prior to commencement of demolition activity):**
- (1) **A site management plan that includes: a plan for the demolition of the structure(s); the location of utilities; location of temporary bathroom facilities; tree identification and disposition; site grading; pedestrian protection (if applicable - when sidewalks exist); adjoining property protection; dust control; runoff control, including but not limited to, a gravel bed at the entry to the site; fencing and screening; site security; and a demolition schedule.**
  - (2) **Proof of a notice of application for the demolition permit posted in a prominent location on the site for public inspection. Proof of written notice to the owners of adjoining buildings advising them that the demolition is to occur at least five (5) days prior to the start of demolition.**
  - (3) **Proof of rodent control at the site provided by a license professional company (photographic evidence of rodent traps or other method of controlling rodents might be required at the time of the application).**
  - (4) **Proof that the demolition site is enclosed on all sides with a temporary six-foot chain link fence with screening material. (A fence permit is also required to be issued, and the fence installed, inspected, and the fence permit must be closed-out by the building department prior to a demolition permit being issued).**
  - (5) **Proof that single unit A/C systems have been evacuated to avoid Freon leaking into the atmosphere, (when applicable).**
  - (6) **Any additional documents that may be required by the building department including, but not limited to, a survey of the property, letter of disconnect from FPL, water and sewer capping, letter of disconnect from gas company (when applicable), approval of outside agencies (when applicable) such as the department of Regulatory and Economic Resources (for asbestos, when applicable), department of health, department of environmental protection, etc.**

- (b) **All demolition sites shall be dust controlled by hosing of debris with water.**
- (c) **All demolition sites shall comply with the Town's noise ordinance and hours of construction. No demolition activity is permitted on Saturdays, Sundays or legal holidays.**
- (d) **All equipment used during demolition must be contained within the site, unless the Town Manager approves an alternative location within the Town.**
- (e) **The Town Manager may require other documentation or impose additional requirements for any other matters that may relate to a particular site.**

**Section 2. Penalties**

Violation of this Ordinance shall be subject to the imposition of penalties as provided by Miami-Dade County, Florida, and under Section 1-8 and any other penalty section(s) of the Code of the Town of Bay Harbor Islands.

**Section 3. Severability**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code**

It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Bay Harbor Islands; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or any other appropriate word.

**Section 5. Effective Date**

This Ordinance shall be effective immediately upon passage by the Town Council on second reading.

**PASSED this 9<sup>th</sup> day of March, 2015 on first reading.**

**PASSED AND ADOPTED this 13<sup>th</sup> day of April, 2015 on second reading.**

  
\_\_\_\_\_  
MAYOR

**ATTEST:**

  
\_\_\_\_\_  
TOWN CLERK