

ORDINANCE NO. 1041

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BAY HARBOR ISLANDS, FLORIDA, AMENDING CHAPTER 5 ENTITLED BUILDINGS AND CONSTRUCTION OF THE TOWN'S ADOPTED CODE OF ORDINANCES AND SPECIFICALLY ADDING A NEW SECTION 5.3.1 TO REQUIRE A DEMOLITION BOND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council is charged with the protection of the health, safety and welfare of the Town's residents; and

WHEREAS, the Town Council periodically studies and amends the Buildings and Construction Code Accordingly; and

WHEREAS, the Town has had certain projects that have had their permit expire, the project becomes abandoned, remains uncompleted for an indefinite period of time and, thus, becoming a nuisance and a hazard to the residents of the Town; and

WHEREAS, it has become evident to the Town Council that to ensure that projects to not remain uncompleted, abandoned, and a nuisance and hazard, a demolition bond should be required to obtain a building permit for an approved site plan; and

WHEREAS, the Town Council desires to amend the Buildings and Construction Code to require a demolition bond to obtain a building permit for an approved site plan; and

WHEREAS, the Town Council held a duly advertised public meeting(s) to consider the proposed modification to the Town's Buildings and Construction Code.

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

Section 1: That the Town of Bay Harbor Islands Buildings and Construction Code is hereby amended to add a new Section 5-3.1 to require a demolition bond in order to obtain a building permit for an approved site plan, as more fully set forth in the attached Exhibit "A", and by reference is made a part hereof.

Section 2: That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.


Section 3: That it is the intention of the Town Council of the Town of Bay Harbor Islands, Florida, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Bay Harbor Islands' Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4: That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and take effect one hundred and eighty (180) days upon its passage and adoption.

PASSED on First Reading this 7th day of October 2019.

PASSED AND ADOPTED on Second Reading this 12th day of November 2019.


STEPHANIE BRUDER,
MAYOR

ATTEST:


MARLENE M. SIEGEL
TOWN CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


FRANK C. SIMONE, ESQ.
ASSISTANT TOWN ATTORNEY

EXHIBIT A

Amendments to the Town of Bay Harbor Islands, Florida Code of Ordinances

CHAPTER 5 – BUILDINGS AND CONSTRUCTION

ARTICLE I. – IN GENERAL

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Sec. 5-3.1 Demolition Bond. A demolition bond shall be required to obtain a building permit on an approved site development plan for single-family, multi-family and commercial projects. The demolition bond shall be in an amount required to demolish the project and, in a form, acceptable to the Town Manager. The demolition bond may be used by the Town in order to demolish the project in the event that: a) the work authorized by a building permit is suspended or abandoned for six (6) months after the time that the construction work commenced (and, thus, the building permit expires), or the building permit is revoked, or the building permit becomes null and void; and b) a new building permit is not obtained within six (6) months after the building permit expired, was revoked, or became null and void. The demolition bond shall not be used by the Town if the building permit has received an approved inspection within six (6) months or if the construction of the project was halted as a direct result of an injunction or court order.