

## ORDINANCE NO. 28-2021

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, BY CREATING ARTICLE VII. - CONSTRUCTION SITE MANAGEMENT, AND BY ADDING SECTIONS 18-309 AND 18-310; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 18, Buildings and Building Regulations, at Article VII, by creating Article VII. - Construction Site Management, and by adding Sections 309 and 310, to read as follows:

**“ARTICLE VII. – CONSTRUCTION SITE MANAGEMENT**

**Sec. 18-309. – Maintenance of construction sites.**

Property owners and their contractors shall be responsible for the implementation, installation, and maintenance of all required demolition and construction screening, perimeter landscaping and screening, on-job toilet facilities, truck logistics and staging, and other required site matters required by this chapter (see Sections 18-2, 18-3, 18-86, 18-111, and 18-201).

Any Town-documented lack of required item(s) or lack of maintenance of the item(s) shall be a violation of this chapter and each violation will constitute one strike under the “3 Strike Rule”, which is detailed in the Town Right of Way Manual, Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management. Compliance with the Town Right of Way Manual is mandated by Section 18-111.

**Sec. 18-310. – Noise and Construction hours.**

Property owners and their contractors shall be responsible for complying with the noise regulations and hours for construction work, contained in Chapter 42, Environment, Sections 42-197 through 42-199.

Each Town-documented violation of these sections will constitute one strike under the “3 Strike Rule”, which is detailed in the Town Right of Way Manual, Chapter XII, Miscellaneous Provisions, Construction Parking & Construction Site Management. Compliance with the Town Right of Way Manual is mandated by Section 18-111.”

**Section 2.** Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of December, 2021, and for second and final reading on this 11th day of January, 2022.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Edward Cooney, Town Council Member

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Pat Gayle-Gordon, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member