

*CHARTER*  
*AND*  
*CODE OF ORDINANCES*  
*TOWN OF OCEAN BREEZE PARK, FLORIDA*



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## PREFACE

The Town of Ocean Breeze Park, Florida was duly formed pursuant to Chapter 165, Florida Statutes, 1959 on November 12, 1960. The transcript of the proceedings of the meeting creating the municipal corporation is recorded in O.R. Book 57, Page 84, public records of Martin County, Florida. The transcript and the Town Charter are also on file with the Department of State.

This Code of Ordinances was prepared in an effort to establish a primary resource for researching the ordinances of the Town. It is not intended to serve as a substitute for the original ordinances which are on file at Town Hall. This code book omits certain portions of ordinances, such as severability and repealer clauses. Ordinances which have clearly been repealed pursuant to later ordinances or statutes have also been excluded. However, any omission that may have been made through oversight shall not be deemed to be evidence of repeal.

An Ordinance of the Town of Ocean Breeze Park,  
Florida Providing for the Compilation of Select  
Ordinances and Resolutions into a Code Book to  
be known as the Code of Ordinances of the Town of  
Ocean Breeze Park, Florida Enacting General  
Provisions With Regard Thereto and Providing  
for An Effective Date

Whereas, the Town of Ocean Breeze Park, Florida desires that  
a more convenient reference mechanism for its ordinances be  
established,

BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF  
OCEAN BREEZE PARK, FLORIDA

Section 1. That the Code of Ordinances, consisting of  
Chapter 1 through 12 each inclusive, is hereby adopted as the  
primary source of reference for researching Town's ordinances.

Section 2. Ordinances and resolutions referenced in the  
Code of Ordinances have been selectively incorporated in the said  
Code, with a view to omitting certain repealed ordinances and other  
ordinance and resolutions not thought to be necessarily part of  
such a reference source.

Section 3. The Code of Ordinances is a source book for  
convenience only. Original ordinances and resolutions referenced  
therein shall be controlling.

Section 4. Sections 1-1 through Section 1-6 and Section  
1-8 of Chapter 1, General Provisions of the Code of Ordinances of  
the Town of Ocean Breeze Park are hereby adopted and enacted,  
Section 1-7 thereof having been previously made law.

Section 5. This ordinance shall become effective  
immediately upon the date of its final adoption.

\_\_\_\_\_ First Reading

\_\_\_\_\_ Final Adoption

TOWN COUNCIL OF THE TOWN OF  
OCEAN BREEZE PARK, FLORIDA

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Town Clerk

Approved as to Form:

Approved:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Mayor

# **CHARTER OF THE TOWN OF OCEAN BREEZE PARK**

## **ARTICLE I.**

### **CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER**

#### **Sec. 1.01. Corporate Existence, Form of Government, and Charter.**

The Town of Ocean Breeze Park in Martin County, Florida, which was created in accordance with the provisions of Chapter 165, Florida Statutes of 1959, shall continue as a municipal corporation with a Mayor-Council form of government and with this document as the charter for the Town.

#### **Sec. 1.02. Description of Corporate Boundary.**

The area described in Appendix A of this charter shall constitute the corporate boundary of the Town of Ocean Breeze.

#### **Sec. 1.03. General Powers of the Town.**

The Town shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as expressly prohibited by this charter or other applicable law.

The powers of the Town shall be liberally construed in favor of the Town, limited only by the constitution, general and special law, and specific limitations in this charter.

## **ARTICLE II.**

### **THE MAYOR AND THE TOWN COUNCIL**

#### **Sec. 2.01. The Form of Government.**

The Town of Ocean Breeze Park shall operate under the Mayor-Council form of

government, consisting of a mayor and six councilmen, each of whom shall be residents of the Town registered to vote and shall be elected by the people, as hereinafter provided in this charter.

### **Sec. 2.02. General Powers of the Town Council.**

All powers of the Town shall be vested in the Town Council except those powers given herein to the Mayor, the Town Clerk, heads of departments or specifically reserved by this charter to the electors of the town.

### **Sec. 2.03. The Mayor.**

A. Powers. There shall be a Mayor. The Mayor is the chief executive officer of the Town. The Mayor shall not receive a salary for service as Mayor. The mayor shall:

- 1) Enforce the laws and ordinances of the Town and see that peace, good order, safety and good morals are preserved within the Town.
- 2) Recommend to the Town Council any measures which the Mayor deems necessary and expedient for the proper governance and management of the Town.
- 3) Oversee the departments of the Town government, and the operations of the Town Clerk.
- 4) Execute or veto ordinances and resolutions submitted to the Mayor for approval.
- 5) Make appointments to boards, commissions, or other agencies, and hire employees to fill vacancies in the office of Town Clerk and the departments of the Town government, which appointments and hiring may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 6) Negotiate and execute contracts with employees and independent contractors, set salaries or other compensation for department heads, independent contractors, and employees of the Town, which contracts and salaries may be subject to subsequent confirmation by the Town Council, if required by ordinance.
- 7) Dismiss employees of the Town, terminate contracts with independent contractors, remove those serving in the office of Town Clerk and other departments of the Town government, and remove those serving on boards, commissions or other agencies of the Town government, which dismissal or removal may be subject to subsequent confirmation by the Town Council, if required by ordinance.

- 8) Attend meetings of the Town Council.
- 9) Recommend an annual budget.
- 10) Execute contracts, deeds and other legal instruments on behalf of the Town upon direction from the Town Council.
- 11) Perform ceremonial duties on behalf of the Town.
- 12) Exercise such other duties and have such other powers as may be necessary or appropriate to perform the functions of the chief executive officer of the Town.

B. Execution of Ordinances and Resolutions. All ordinances and resolutions passed by the Town Council shall be submitted before going into effect, to the Mayor or person acting as such, for the Mayor's approval. If approved, the Mayor shall sign the same, when it shall become a law. If disapproved, the Mayor shall return the same with his objections in writing to the Town Council, at their next regular meeting, who shall cause the same to be entered in full upon the record of their proceedings, and proceed to consider the Mayor's objections, and to act upon the same. If, upon consideration, the Town Council shall pass the same by a two-thirds vote of the members present, which vote shall be entered upon the records, the ordinance or resolution shall then become a law, the Mayor's objections to the contrary notwithstanding. Any ordinance which shall not be returned to the Town Council at the next regular meeting of the Council after its passage, shall become a law in like manner as if signed by the Mayor or person acting as such.

#### **Sec. 2.04. The Town Council.**

There shall be a Town Council. The Town Council is the legislative body of the Town. The Town Council shall be composed of six councilmen. No councilman shall receive a salary for service as councilman. The Town Council shall:

- 1) Pass and adopt such ordinances and resolutions as may be necessary and expedient for the proper governance and management of the Town.
- 2) Create or abolish departments, boards, commissions or other agencies of the Town government, excluding the offices of Mayor and Town Clerk. The foregoing power to abolish shall only be exercised pursuant to the unanimous vote of Town Council.
- 3) Confirm or reject the mayoral appointments, contracts with employees and independent contractors, and salaries set by the mayor, if required by ordinance.
- 4) Hold meetings at least once a month.

- 5) Exercise such other duties and have such other powers as may be necessary and appropriate to perform the function of the legislative body of the Town.

#### **Sec. 2.05. Town Council Meetings.**

- A) Time and Place. The Town Council shall meet regularly at least once a month at such time and place as the Town Council may prescribe by ordinance. A special meeting may be held at the call of the Mayor, or at the request of a majority of the councilmen and, whenever practicable, shall provide for not less than twelve (12) hours' notice to each member and the public shall be informed thereof over the Town's loudspeaker system or as otherwise provided by ordinance.
- B) Quorum and Rules. A majority of the Town Council shall constitute a quorum.

#### **Sec. 2.06 The President of the Council.**

At the first meeting after the annual election the Town council shall elect a President and a Vice-President from among its members. The Mayor shall not be president of the Town Council. The President shall preside over meetings of the Town Council. In the absence of the President, the Vice-President shall preside. In case of the absence of the Mayor for any reason including but not limited to, sickness, disability or death, the President shall act as mayor for the time being and while so acting shall be disqualified from presiding over the council. During the Mayor's absence, the Vice-President shall become acting President. In the absence of both the Mayor and the President, the Vice-President shall act as Mayor and the Town Council shall elect a president pro term who shall preside during the absence of the Mayor and the President.

#### **Sec. 2.07 Vacancies, Filling of Vacancies.**

A)Vacancies. The office of a councilman shall become vacant in accordance with general law or if a Councilman is absent from four (4) consecutive regular Town Council meetings without being excused by Town Council prior to the fourth consecutive absence.

B)Filling of vacancies. A vacancy on the Town Council shall be filled by a majority vote of the remaining members of the Town Council. Any person appointed by Council to fill a vacancy shall hold office until the next annual election in the Town. If at any time the membership of the Town Council is reduced to less than a quorum, the remaining member or members may by majority vote appoint additional members in conformity with this section or shall call for a special election to be held within sixty (60) days from the date of the vacancy which reduced the Town Council to less than a quorum. In the event that all seats on the Town Council become vacant, the Mayor shall appoint an interim Town Council which may serve until the next regular election, and in the absence of such appointments by the Mayor, the governor shall appoint the interim Town Council.

## **ARTICLE III.**

### **ADMINISTRATION**

#### **Sec. 3.01. Administrative Offices and Departments.**

There shall be such administrative offices and departments as are deemed necessary and appropriate to carry out the functions of the Town. All persons serving in administrative capacities shall serve at the pleasure of the Mayor, subject to confirmation by the Town Council, if required by ordinance.

#### **Sec. 3.02. The Town Clerk.**

There shall be a Town Clerk. The Town Clerk shall:

1. Attend meetings of the Town Council and keep the minutes of its proceedings.
2. Be custodian of this Charter, the Seal and all records of the Town.
3. Perform municipal bookkeeping functions.
4. Supervise municipal elections.
5. Keep the Town Council informed about Town business.
6. Recommend to the Town Council any measures which the Town Clerk deems necessary and expedient for the proper governance and management of the Town.
7. Act as a liaison between the Mayor, Town Council and the departments of the Town.
8. Authenticate by signature all ordinances, resolutions, and other city documents.
9. Perform such other duties as may be delegated or assigned by the Mayor or the Town Council.

#### **Sec. 3.03. Town Attorney.**

The Town shall hire such attorney, or attorneys, as may be deemed necessary, from time to time, to represent and advise the Town regarding its legal business, and to perform such professional duties as may be required.

### **Sec. 3.04. Departments.**

A. Town Manager. The Town may hire a Town Manager who shall attend Town meetings; act as a liaison to the other departments of the Town; keep the Town informed with regard to Town business; and perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

B. Town Engineer. The Town may hire a Town Engineer, or engineers, who shall perform such duties as may be delegated or assigned by the Mayor, the Town Clerk or the Town Council.

C. Town Planner. The Town may hire a Town Planner, or planners, who shall assist the Town in its planning and zoning functions and perform such other duties as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

D. Town Auditor. The Town may hire a Town Auditor, or auditors, who shall perform financial and compliance audits; assist the Town with its accounting needs; perform such other functions as may be delegated or assigned by the Mayor, the Town Clerk, or the Town Council.

E. Other Departments. There shall be such other departments as may be created, from time to time, by the Town Council. Nothing herein shall be deemed to prohibit the Town Council from abolishing any of the aforementioned departments, pursuant to Section 2.04(2) of this Charter.

## **ARTICLE IV.**

### **ELECTIONS**

#### **Sec. 4.01. Electors.**

Any person who is a resident of the Town, who has qualified as an elector of the State of Florida, and who registers in the manner prescribed by law, shall be an elector of the Town.

#### **Sec. 4.02. Nonpartisan Elections.**

All elections for the offices of Mayor or Town Councilman shall be conducted on a nonpartisan basis without any designation of political party affiliation and those elected shall be chosen at large by the electors of the Town.

#### **Sec. 4.03. Qualifying.**

No less than thirty (30) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the form required by ordinance.

#### **Sec. 4.04. Elections.**

Regular municipal elections shall be held each year on the third Tuesday in December or such other date as may be prescribed by ordinance. The election of Town Councilmen for a term of two years shall be conducted so that three members shall be elected every even-numbered year and three members shall be elected every odd-numbered year. The election of the Mayor for a term of two years shall be held every even-numbered year. In any election the candidate receiving the greatest number of votes shall be elected. In the event of a tie vote the office shall be deemed vacant and the vacancy shall be filled by vote of the Town Council. In the event a candidate for any office is unopposed, such candidate shall be considered as elected without the formality of presentation of his candidacy to the electorate as otherwise provided herein.

#### **Sec. 4.05. Oath of Office.**

After election or appointment and before taking office, the Mayor and each Town Councilman, in addition to any other oath required pursuant to Florida Law, shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, honor, protect and defend the Constitution and Government of the United States of America and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State and under the Charter of the Town of Ocean Breeze Park; and that I will faithfully perform the duties of (title of office) to the best of my abilities, so help me God.

### **ARTICLE V.**

#### **BUDGET ADOPTION**

#### **Sec. 5.01. Budget Adoption.**

The Town Council shall adopt an annual budget for the Town by resolution or ordinance before October 1 of each year. A resolution or ordinance adopting an annual budget shall constitute appropriations of amounts specified as expenditures from the funds indicated and shall constitute a levy of the property tax proposed, if any.

## **ARTICLE VI.**

### **CHARTER AMENDMENTS**

#### **Sec. 6.01. Charter Amendment.**

This Charter may be amended in accordance with the provisions for Charter Amendments as specified in the Florida Statutes. The form, content and certification of any petition to amend submitted by the electors shall be established by ordinance. Any provisions hereof which the laws of Florida permit to be amended by ordinance alone shall be subject to such amendment.

## **ARTICLE VII**

### **TRANSITION**

#### **Sec. 7.01. Repeal of Former Charter Provisions.**

All charter provisions in effect prior to the effective date of this Charter are hereby repealed except those provisions regarding the establishment of the municipal corporation known as the Town of Ocean Breeze Park.

#### **Sec. 7.02. Ordinances Preserved.**

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

#### **Sec. 7.03. Pending Matters.**

No rights, claims, actions, contracts, or legal or administrative proceedings existing on the effective date of this Charter which involve the Town shall be affected by the adoption of this Charter.

#### **Sec. 7.04. Continuation in Office.**

The Mayor and Councilmen shall continue to hold their offices for the term to which they were elected or appointed and to discharge their duties until their successors are elected and take office.

**Sec. 7.05. Effective Date.**

This Charter shall become effective on the 17th day of December, 1991.

NOTE: The effective date of revisions to Article II, Sec. 2.03 A) 9 and Section 2.05 B) was December 18, 2001.

NOTE: The effective date of revisions to Article II Sec. 2.03 A) 9 ; Article II. Sec. 2.05 B); and Article IV. Sec. 4.03 was December 16, 2003.

**CHAPTER 1**  
**GENERAL PROVISIONS**

**ARTICLE I.**

Sec. 1-1. How code designated and cited. The ordinances embraced in the following chapter and sections shall constitute and be designated the "Town of Ocean Breeze Park, Florida Code of Ordinances," and may be so cited.

Sec. 1-2. Rules of construction and definition. In the construction of this Code the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the provisions:

1. Building Official. The Town Engineer shall also be known as the Building Official. (Ordinance No. 62, 11-11-91)

2. County. The words "the county" or "this county" shall mean Martin County, Florida.

3. Gender. The masculine includes the feminine and neuter and vice versa.

4. General Rule. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law or local custom shall be construed and understood according to such peculiar and appropriate meaning.

5. Interpretation. In the interpretation and application of any provision, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision imposes greater restrictions upon the subject matter than a general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be controlling.

6. Lot Lines. In the absence of clearly defined lot lines, lots or sites are assumed to be bounded by imaginary lines midway between existing adjacent structures and/or the paved edge of existing roadways and/or the landward edge of the seawall cap in the case of waterfront sites.

7. May. "May" is always directory and not mandatory.

8. Number. The singular includes the plural and vice versa.

9. Oath. The word "oath" includes affirmations.

10. Officers, departments, agencies. Whenever reference is made herein to any office, officer, department or agency, it shall, unless otherwise specified, mean such office, officer, department of agency of the Town, and shall include the duly authorized personnel and subordinates of such office, officer, department or agency.

11. Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of part of such building or land. The word "owner" shall also be deemed to include the owner of a mobile home or cottage, even though the land upon which the same is situated is leased.

12. Person. The word "person" includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups in combinations.

13. Personal property. Personal property shall include every type of property except real property.

14. Reasonable time. In all cases where any provision requires any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such act, or compliance with such notice.

15. Shall. "Shall" is always mandatory and not directory.

16. State. The words "the state" or "this state" shall mean the State of Florida.

17. Statutory citations. Unless otherwise specified, statutory citations are to Florida Statutes, and are intended and shall be construed merely as a convenience to the user of this Code. The fact that a citation herein may be rendered no longer appropriate or correct because of subsequent enactments of the Legislature shall not invalidate or otherwise affect the meaning of the provision in which the citation appears, and such citation shall be deemed to refer to the appropriate provisions under such subsequent legislation.

18. Town. The words "the town" or "this town" shall be construed as if the words "of Ocean Breeze Park, Florida" followed the word "town", and shall extend to and include its several officers, agents and employees.

19. Town Council. The words "town council" shall be construed to mean the town council of the Town of Ocean Breeze Park, Florida.

20. Tense. The use of any verb in the present tense shall include the future when applicable.

21. Time computation. In computing any period of time prescribed or allowed by this Code, the day of the act, event of default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed, or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

22. Week. The word "week" shall be construed to mean seven (7) days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

Sec. 1-3. When rules of construction inapplicable. The rules of construction set forth in section 1-2 shall not be applied to any chapter or article of this Code which shall contain any express provision to the contrary, or when the subject matter or context of such chapter or article may be repugnant thereto.

Sec. 1-4. Titles; internal references. In addition to the rules of construction set out in section 1-2, the following rules shall be observed in the construction of this Code:

(a) Titles. The titles of the several sections of this Code which appear in boldface type preceding each section are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be a part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the titles, are amended or re-enacted.

(b) Internal references. All references to chapters, articles or sections are to the chapters, articles and sections of this Code unless otherwise specified.

Sec. 1-5. Effect of repeals. When an ordinance repealing an ordinance, clause or provision of this Code, shall be itself repealed, such repeal shall not be construed to revive such previously repealed ordinance, clause or provision, unless expressly so provided.

The repeal of an ordinance, clause or section of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance, clause or section of this Code repealed.

Sec. 1-6. Severability. If any portion of this Code shall be declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such unconstitutionality, invalidity or

unenforceability shall not affect any of the remaining portions of his Code.

Sec. 1-7. Pre-emption of Martin County Ordinances. No ordinance, rule, regulation or other enactment of Martin County shall apply within or be enforced within the incorporated limits of the Town of Ocean Breeze, Florida, unless such application and enforcement is expressly required under general or special law or expressly approved by the Town Commission through a duly enacted ordinance. (Ordinance No. 37, 11-11-85)

Sec. 1-8. Amendments to Code. From time to time as Amendments are made to this Code pursuant to ordinances and resolutions of the Town Council, such changes shall be noted by appropriate additions and deletions made to the text herein, as soon as it shall be practicable. Such changes to the text shall be made regardless of whether or not such ordinance sets forth specific authority to make additions or deletions in this Code.

## CHAPTER 2

### ADMINISTRATION

#### ARTICLE I. IN GENERAL

Sections 2-1 through 2-15 Reserved (General Provisions regarding Town Administration are delineated in the Town Charter).

#### ARTICLE II. OLD AGE AND SURVIVORS INSURANCE

Sec. 2-16. Benefits extended. It is hereby declared to be the policy and purpose of the city (or Town) of Ocean Breeze Park, Florida, to extend effective as of November 15, 1974, to the employees and officials thereof, not excluded by law, nor excepted herein, the benefits of the system of Old Age and Survivors Insurance as authorized by the Federal Social Security Act and amendments thereto, and by Chapter 650, Florida Statutes, as amended and to cover by such plan all services which constitute employment as defined in Section 650.02, Florida Statutes, performed in the employ of said City (or Town) by employees and officials thereof, except Part-time Town Clerks. (Ordinance No. 15, 10-14-75)

Sec. 2-17. Exclusions. There is hereby excluded from this article any authority to include in any agreement entered into under Section 2-18 hereof any service, position, employee, or official now covered by or eligible to be covered by an existing retirement system. (Ordinance No. 15, 10-14-75)

Sec. 2-18. Agreements. The Mayor (or other chief executive officer) is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Agency of the State of Florida, for the purpose of extending the benefits provided by said system of Old Age and Survivors Insurance to the employees and officials of this City (or Town) as provided in Sections 2-16 and 2-17 hereof, which agreement shall provide for such methods of administration of the plan by said City (or Town) as are found by the State Agency to be necessary and proper, and shall be effective with respect to the services in employment covered by such agreement performed on and after the 15th day of November, 1974. (Ordinance No. 15, 10-14-75)

Sec. 2-19. Withholding. Withholdings from salaries, wages, or other compensation of employees and officials for the purpose provided in Section 2-16 hereof are hereby authorized to be made, and shall be made, in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid over to the State Agency designated by said laws or regulations to receive such amounts. (Ordinance No. 15, 10-14-75)

Sec. 2-20. Payments to State Agency. There shall be appropriated from available funds, derived from Town Account such amounts, at such times, as may be required to pay promptly the contributions and assessments required of the City (or Town) as employer by applicable State or Federal laws or regulations, which shall be paid over to the lawfully designated State Agency at the times and in the manner provided by law and regulation. (Ordinance No. 15, 10-14-75)

Sec. 2-21. Records. The City (or Town) shall keep such records and make such reports as may be required by applicable State or Federal laws or regulations, and shall adhere to the regulations of the State Agency. (Ordinance No. 15, 10-14-75)

Sec. 2-22. Conditions. The City (or Town) does hereby adopt the terms, conditions, requirements, reservations, benefits, privileges, and other conditions thereunto appertaining, of Title II of the Social Security Act as amended, for and on behalf of all officers and employees of its departments and agencies to be covered under the agreement. (Ordinance No. 15, 10-14-75)

Sec. 2-23. Custodian. The Town Clerk of the City (or Town) is hereby designated the custodian of all sums withheld from the compensation of officers and employees and of the appropriated funds for the contribution of the City (or Town), and the Town Clerk of said City (or Town) is hereby made the withholding and reporting agent and charged with the duty of maintaining personnel records for the purposes of this ordinance. (Ordinance No. 15, 10-14-75)

### ARTICLE III. CORPORATE SEAL

Sec. 2-24. Corporate Seal Described. The following corporate seal was chosen, to-wit: A circle with the name "Town of Ocean Breeze Park, Florida" with the picture of a house trailer in the center of the circle. (Transcript of Proceeding of Meeting Creating the Municipal Corporation of the Town of Ocean Breeze Park, Fla. 11-18-60).

### ARTICLE IV. MEETINGS

Sec. 2-25. Meetings; Time and Place. Regularly scheduled meetings of the Town Council shall be held at the Town Hall at 10:30 a.m. on the second Monday of each month, unless such day is a holiday, in which such event such meeting shall take place at the aforesaid time and place upon the next following Monday which is not a holiday. Special meetings may be held as provided in the Charter.

## CHAPTER 3

### BUILDINGS AND BUILDING REGULATIONS

#### ARTICLE I. IN GENERAL

##### Sec. 3-1. Code Adopted.

There is hereby adopted by reference the Standard Building Code, 1991 Edition, a copy of which shall be on file in the Town Hall. Hereinafter, the Town Engineer shall also be known as the Building Official. (Ordinance No. 62, 11-11-91)

##### Sec. 3-2. Code Amended and Modified.

The building code adopted by reference in Section 3-1 is hereby amended and modified in the following respects:

SCHEDULE OF PERMIT FEES, is hereby deleted. Permit fees shall be established by resolution of the Town Council and shall reflect the actual cost of review and inspection as provided by the Town Engineer of his designee. (See Article IX hereof for fee schedule).

Section entitled Appointment is hereby deleted.

Chapter 17 - Wood Construction shall be amended as follows:

Strapping of studding in wood frame construction.

In wood frame construction, vertical studding must be hurricane strapped to top and bottom plates no more than 32 inches apart with approved straps or anchors. (Ordinance No. 62, 11-11-91).

##### Sec. 3-3. Permits Required.

Unless otherwise specifically provided herein, a permit shall be required for all work regulated by the provisions of this ordinance and the codes as incorporated herein by reference. Upon approval of plans and specifications by the Town Engineer, a permit shall be issued under the signature of the Town Manager or the Town Clerk to a qualifying licensed contractor or to a homeowner qualified under Section 3-4 of this code. (Ordinance No. 62, 11-11-91)

#### Sec. 3-4. Right of Homeowner to do Work on Own Premises.

Permits required by this chapter shall be issued to a bona fide homeowner of property permitting him to construct, erect, alter or repair any residence which he/she occupies or intends to occupy as a home, according to the following regulations:

(a) The homeowner shall satisfy the town as to his/her qualifications to perform such work.

(b) In the event the residence is located in a mobile home park, the homeowner shall obtain written consent to make the improvements from the mobile home park owner.

(c) The homeowner shall secure the required permits before commencing such work.

(d) Such work shall be done by the homeowner. Permits issued to property owners shall not be used as a subterfuge to hire unlicensed contractors. (Ordinance No. 62, 11-11-91)

#### Sec. 3-5. Certification Required.

Except for work done by a homeowner in accordance with Section 3-4, work regulated by this code may only be done by, and a permit may only be issued to a person who has either taken and passed the H & H Block proctored examination in the classification for which certification is sought, or has taken and passed an examination sponsored by the Florida Construction Industry Licensing Board in the classification for which certification is sought. (Ordinance No. 62, 11-11-91)

#### Sec. 3-6. Minor Repairs and Improvements.

The town may establish and define by resolution or ordinance a category of minor repairs and improvements for which no permit shall be required. (Ordinance No. 62, 11-11-91)

#### Sec. 3-7. Permission Required to Move Building.

Any person desiring to move a building or mobile home into or within the town limits must obtain a permit from the town prior to doing so. (Ordinance No. 62, 11-11-91)

Sec. 3-8. Notice When Work Ready for Inspection.

Notice of readiness for inspection shall be given to the Town Clerk for each of the following stages of construction and the clerk will notify the Town Engineer's office thereof:

(a) At the juncture of complete steel tie-in for footers prior to pouring of footers.

(b) At the juncture of complete steel tie-in and setting of forms prior to pouring of lentil.

(c) Rough and final electric inspections.

(d) Rough and final plumbing inspections.

(e) At the stage of construction prior to close-in.

(f) At completion of building, an overall inspection shall be made, where upon a certificate of occupancy shall be issued if approved by the Town Engineer. (Ordinance No. 62, 11-11-91)

Sec. 3-9. Screen Rooms and Canopy Enclosures.

Screen room and canopy enclosures are hereby classified as structures and shall be required to meet the design load specifications of Chapter 12 of the Standard Building Code, 1991 Edition. (Ordinance No. 62, 11-11-91)

Sec. 3-10. Cleaning of Site Prerequisite to Certificate of Occupancy.

All debris from construction, alteration or repair shall be removed prior to issuance of a certificate of occupancy. (Ordinance No. 62, 11-11-91)

Sec. 3-11. Proof of Insurance Required.

Each contractor shall furnish to the Town Clerk, prior to the issuance of any permit, a certificate of insurance which states that he/she is insured for property damage and public liability and that he/she has obtained workman's compensation insurance in accordance with Florida law. (Ordinance No. 62, 11-11-91)

Sec. 3-12. Allowing Use of Name By Another.

No certified or licensed contractor shall allow his name to be used by any person, directly or indirectly, for the purpose of obtaining a permit to do work under his/her certificate or license. (Ordinance No. 62, 11-11-91)

Sec. 3-13. Appeals.

Appeals of any provision contained in this building code, shall be determined by the Town Council. The Town Clerk shall process all appeals and shall make such appeals known to the Town Council in a timely manner. Wherever an application for building permit has been denied by the building official, or any other authorized officer of the Town, any Notice of Appeal of such denial must be filed with the Town Clerk within 30 days of such denial. (Ordinance No. 62, 11-11-91)

Sec. 3-14. Impact Fees.

Issuance of a building permit for improvements, repairs or renovations of existing structures, including mobile homes, or replacement of existing mobile homes within the town shall not give rise to the payment of any impact fees. (Ordinance No. 62, 11-11-91)

**ARTICLE II. ELECTRICITY**

Sec. 3-15. Definitions.

Electrical contractor means a person engaging in the business of electrical contracting as defined by Florida Statutes.

Master Electrician means a person who possesses the necessary qualifications, training and technical knowledge to plan, lay out and supervise the installation of electrical wiring, apparatus or equipment for light, heat or power, as defined by Florida Statutes. (Ordinance No. 62, 11-11-91)

Sec. 3-16. Work to be Supervised by Master.

All electrical work performed by an electrical contractor shall be under supervision of a master electrician. No master electrician shall employ any person to work in the capacity of electrician unless such employee is certified or licensed to do so. (Ordinance No. 62, 11-11-91)

Sec. 3-17. Enforcement.

The Town Engineer or his designee is hereby established as the chief electrical inspector. (Ordinance No. 62, 11-11-91)

Sec. 3-18. Inspections.

The Town Engineer, at his discretion, may designate a licensed master electrician, doing business in Martin County, to perform all necessary electrical inspections within the Town of Ocean Breeze. Said electrician shall submit a record of inspections to the Town Engineer and shall not be eligible to do electrical work within the town limits. Fees for this service shall be paid by the applicant and shall be established by resolution of the Town Council. (Ordinance No. 62, 11-11-91)

Sec. 3-19. Code Adopted.

The 1990 National Electrical Code is hereby adopted as the electrical code for the Town of Ocean Breeze. (Ordinance No. 62, 11-11-91)

Sec. 3-20. Wiring in Commercial Buildings.

All wiring or rewiring of commercial buildings shall be done in rigid galvanized metal conduit or electrical metallic tubing. (Ordinance No. 62, 11-11-91)

Sec. 3-21. Ground Wire From Meter Can.

All ground wires extending from the meter can to the soil shall be shielded by metal conduit. All services shall be grounded. (Ordinance No. 62, 11-11-91)

Sec. 3-22. Service Drop Mast.

For service drop up to eighty (80) feet, mast shall be one and one-fourth (1 1/4) inches. For a service drop greater than eighty feet, mast shall be two (2) inches or larger. (Ordinance No. 62, 11-11-91)

**ARTICLE III. PLUMBING**

Sec. 3-23. Definitions.

Plumbing Contractor means a person engaged in the business of plumbing contracting as defined by Florida Statutes.

Master Plumber means a person who possesses the necessary qualifications, training and technical knowledge to plan, lay out

and supervise the installation of plumbing for domestic or public use. (Ordinance No. 62, 11-11-91)

Sec. 3-24. Code Adopted.

There is hereby adopted the Standard Plumbing Code, 1991 Edition, which shall be the plumbing code for the Town of Ocean Breeze. (Ordinance No. 62, 11-11-91)

Sec. 3-25. Installation of Septic Tanks.

No person shall install or cause to be installed any septic tank within the town without first obtaining a permit from the Martin County Public Health Unit or other governmental agency having jurisdiction, and such installation shall comply in all respects with the requirements of the Florida Administrative Code. Nothing herein shall be deemed to prohibit repairs, including replacements of existing septic tanks provided such repairs comply with applicable law. (Ordinance No. 62, 11-11-91)

Sec. 3-26. Town Engineer to Enforce Plumbing Code.

The Town Engineer or his designee shall be the plumbing official for the Town of Ocean Breeze Park. (Ordinance No. 62, 11-11-91)

**ARTICLE IV. MECHANICAL REGULATIONS**

Sec. 3-27. Code Adopted.

The Standard Mechanical Code, 1991 Edition, is hereby adopted as the mechanical code of the Town of Ocean Breeze Park. (Ordinance No. 62, 11-11-91)

Sec. 3-28. Enforcement.

The Town Engineer or his designee shall be the mechanical inspector for the Town of Ocean Breeze Park. (Ordinance No. 62, 11-11-91)

Sec. 3-29. Manner of Installation of Window-Type Units.

(a) All individual air conditioning units installed in walls or windows shall be securely anchored by approved methods. Units installed over paths of ingress or egress, or more than ten (10) feet above grade shall be secured to the structure by bolts or screws to resist horizontal wind loads.

(b) Such units cantilevering more than eight (8) inches on the exterior of a building shall be supported by steel angle brackets secured by bolting. Bolts to masonry shall be set in lead shields or adequately secured.

(c) Any air conditioning units installed through walls or windows shall not encroach upon public walkways unless such encroachment is a minimum of seven and one-half (7 1/2) feet above the walkway. (Ordinance No. 62, 11-11-91)

**ARTICLE V. EXCAVATION AND FILLING**

Sec. 3-30. Permit Required.

It shall be unlawful for the owner, occupant or person in control of a lot, parcel or tract of land within the Town of Ocean Breeze Park to alter, excavate, fill or remove any of the land on its surface without first obtaining a permit from the Town Engineer. Provided, however, that a separate excavation permit is not required if excavation is to be done in the course of a construction project for which a building permit has been issued. The necessity of a permit may be waived by the Town Engineer if, in his opinion, the nature of the project is minor, such as leveling a private driveway or yard area. (Ordinance No. 62, 11-11-91)

**ARTICLE VI. FENCES AND WALLS**

Sec. 3-31. Construction.

Fences and walls installed or constructed within the Town of Ocean Breeze Park must be built to withstand a wind velocity as specified in the referenced standard building code or other applicable ordinance. (Ordinance No. 62, 11-11-91)

Sec. 3-32. Obstruction of Drainage.

In no case shall a fence or wall restrict the natural flow of drainage water. (Ordinance No. 62, 11-11-91)

Sec. 3-33. Obstruction of Traffic Visibility.

No fence or wall shall obstruct traffic visibility.  
(Ordinance No. 62, 11-11-91)

Sec. 3-34. Who May Install.

Fences or walls shall be installed only by licensed contractors or homeowners as defined in Section 3-4. (Ordinance No. 62, 11-11-91)

**ARTICLE VII. UNSAFE BUILDINGS**

Sec. 3-35. Declared Public Nuisance.

A building within the town limits shall be considered unsafe when, because of fire, age, decay, deterioration, structural defects, improper design, termites, obsolescence, neglect, abandonment, or other causes, the Mayor determines it may cause or aid the spread of disease; vermin or rodents; constitutes a fire hazard; is likely to collapse; is available for use by trespassers; is otherwise dangerous to the health and safety of neighboring persons and property; or creates an attractive nuisance that may harm the public. Any such building is hereby declared to be a public nuisance. As used in this Article VII and elsewhere in this ordinance, a mobile home shall be deemed to be a building.  
(Ordinance No. 62, 11-11-91)

Sec. 3-36. Maintenance and/or Occupancy Prohibited.

It is hereby declared to be unlawful for any person to maintain or permit the existence of any unsafe building within the Town of Ocean Breeze Park. It is further declared to be unlawful for the owner, tenant, or occupant of any unsafe building to permit said building to remain in an unsafe condition or to permit said building to be occupied. (Ordinance No. 62, 11-11-91)

Sec. 3-37. Notice to Owner; Appeal.

(a) Upon determination that a building is unsafe, the Town Engineer shall give the owner, tenant, or person in possession of such a building, mortgagee, or other persons having interest in the property written notice, by certified mail, return receipt requested, or by hand delivery stating the defects in the building and requiring the owner to begin within thirty (30) days, and to complete within sixty (60) days specified repairs or improvements, or to demolish and remove the unsafe building.

(b) If the owner of an unsafe building can not be located for the purpose of notification, the Mayor shall cause to be published for three (3) consecutive weeks, in a newspaper of general circulation within the Town, a notice of unsafe building. In order to determine the identity and address of the owner and all persons entitled to notice, the Town shall check the latest available tax records and also order and obtain a title certificate from a local title company, at owner's expense.

(c) Right of appeal. The notice required by this section shall inform the owner, tenant, occupant or such other persons entitled to notice of their right to appeal the finding of the Town Mayor to the Town Council. Notice of appeal must be filed with the Town Clerk within ten (10) days of the date of service of this notice. Within thirty (30) days of receipt of the Notice of Appeal, the Town Council shall hold a public hearing on the matter. At such hearing, the Council shall hear testimony from personnel having knowledge of the building's condition, and shall permit the owner and such other persons entitled to notice to testify and produce witnesses and evidence on their own behalf. All relevant evidence shall be considered. In the event that the Town Council affirms the finding of the Mayor, it may, in its discretion, grant an extension of time within which the building must be removed or the defects remedied.

(d) Town abatement of nuisance. The notice required by this section shall also inform all persons entitled to notice, hereunder, that if the specified repairs and improvements are not accomplished, or if the building is not demolished within the time specified, the town has the authority to, and will, have the building demolished and removed at the owner's expense.

(e) Vacation of occupied nuisance; posting notice. If necessary, such notice shall also require the unsafe building to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Town Engineer. The Town Engineer shall cause to be posted at each entrance to such unsafe building a notice containing boldface lettering which states as follows:

**THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE TOWN OF OCEAN BREEZE PARK.**

Such notice shall remain posted until required repairs are made or demolition is completed. After such notice has been posted, it shall be unlawful for any person, firm or corporation or their agents or their servants to remove such a notice without written permission of the Town Engineer or for any person to enter the unsafe building except for the purpose of making the required repairs or of demolishing same. (Ordinance No. 62, 11-11-91)

#### Sec. 3-38. Factors to Determine Unsafe Buildings.

In determining whether a building is unsafe, the Mayor shall consider, among other things and in accordance with the definition

of unsafe buildings as set out in Section 3-35, the availability, adequacy and structural integrity of the following, and direct the Town Engineer to make such inspections as may be necessary and provide a report on his findings:

- (1) Plumbing and plumbing fixtures, including bathroom facilities, sinks and running water;
- (2) Electricity and electrical fixtures;
- (3) Heat and ventilation;
- (4) Rodent-proofing and water-tightness;
- (5) Water supply, to include hot water;
- (6) Foundations;
- (7) Walls and windows;
- (8) Doors and door frames;
- (9) Roofs; and
- (10) Stairways and porches.

(Ordinance No. 62, 11-11-91)

**Sec. 3-39. Report if Owner Fails to Correct Defects.**

If, within sixty (60) days from service or posting of notice, or within such time as may be provided by the Town Council on appeal, the owner shall fail or refuse to remove the building, or to take such steps as to render it no longer unsafe or a menace to the health or safety of the people of the town or to render it no longer a fire hazard, the Town Engineer shall report the facts to the Council, with a written statement of reasons for the giving of such notice. (Ordinance No. 62, 11-11-91)

**Sec. 3-40. Town Mayor to Cause Removal.**

Upon receipt of a report by the Town Engineer as required by Section 3-38, together with a written statement of reasons for the giving of such notice, the Council shall determine if the building should be demolished and removed, secured or remain vacant and shall not take the necessary steps to enforce his decision. All costs for removal shall be the responsibility of the owner. A lien may be filed against the property if these costs are not paid. (Ordinance No. 62, 11-11-91)

## ARTICLE VIII. PARKING LOT CONSTRUCTION

### Sec. 3-41. Construction Standards for Parking Lots.

1. This Article is enacted for the purpose of establishing minimum sound design and construction criteria so as to achieve improvements that will be compatible with the public need and at minimum long range cost to the taxpayers of the Town. These specifications do not relieve the engineer or contractor of the responsibility of correcting local deficiencies resulting from conditions not covered herein, which come to light before the Town gives final approval of the construction. Criteria not covered herein shall conform to good engineering and construction practice.

2. Prior to commencing the installation of construction of a parking lot, the owner of the property or the person desiring to install or construct it shall submit plans thereof to the town for approval. Such plans shall show proposed finished grades, adjacent floorslab elevations, pavement cross-section, drainage, elevations of adjacent streets, etc. Stall and aisle dimensions must be shown. Plans that do not show the previous mentioned items will not be accepted for approval. Minimum plan size shall be eight and one-half (8-1/2) inches by fourteen (14) inches.

Parking lot plans shall be submitted to the Town for approval with sufficient time for study.

3. A parking lot space shall not be less than ten (10) by twenty (20) feet, exclusive of maneuvering area and driveways. It shall be connected with a street or alley which affords satisfactory ingress and egress.

The minimum width in feet of stalls and aisles shall be:

	<u>Para.</u>	<u>30°</u>	<u>45°</u>	<u>60°</u>	<u>90°</u>
One-way traffic stalls, one side	20	30	32	38	46
One-way traffic stalls, both sides	32	44	50	56	64
Two-way traffic stalls one side	28	40	42	44	48
Two-way traffic stalls, both sides	38	54	60	62	66

The minimum curb length for stalls shall be:

Para.:      Number of cars x 23' + 0' = curb length

30°:        Number of cars x 20' + 2' = curb length

- 45°:        Number of cars x 14' + 8' = curb length  
60°:        Number of cars x 12' + 7' = curb length  
90°:        Number of cars x 10' + 0' = curb length

Paving may be reduced two (2) feet per side when cars will overhang landscaped areas or sidewalks located on the property. This shall not be construed to permit overhangs on adjacent or public property.

4. Parking lots, regardless of size, shall provide for proper drainage in accordance with the following:

a. Gradient:

The minimum longitudinal gradient shall be three-tenths (.03) percent.

b. Structures and Drainage Pipe:

Materials and construction shall be in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction (Latest Edition).

The minimum pipe diameter shall be fifteen (15) inches.

c. Retention/Detention and Offsite Discharge:

For projects requiring review by the South Florida Water Management District, a Surface Water Management Permit from the District shall be evidence of compliance with the drainage requirements of this code. For those projects which qualify for exemption from the South Florida Water Management District permitting requirements, the following minimum drainage criteria shall be met.

1) Water Quality Retention/Detention:

Retention/detention shall be provided for a minimum of the first one inch of runoff from the developed site.

2) Water Quantity and Offsite Discharge:

Retention/Detention areas and outfall discharge structures shall be designed to limit any offsite discharge rates to pre-development conditions. Rainfall data and runoff computations shall be in accordance with South Florida Water Management District Criteria. The design storm shall be the 10 Year, 24 Hour storm event, where a legal positive outfall exists. If no legal positive outfall exists, the design storm shall be the 100 Year, 24 Hour storm event.

5. Pavement shall be required for all off-street parking areas with the exception of those areas provided for single family

residences and duplexes. Special establishments will be allowed to provide grassed areas for parking for a portion of the required parking as follows: Recreational facilities, approved storage areas, churches and other establishments which are subject to occasional or periodic use shall only be required to provide paved parking for spaces that are used on a regular daily basis.

6. Asphalt paved parking lots must comply with the following minimum requirements. All construction materials and methods are to be in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction (Latest Edition).

a. Surface Course:

Minimum one inch of Type S-1 (modified) asphaltic concrete surface course.

b. Base Course:

Minimum six (6) inches of compacted limerock or cemented Coquina shell material with a density of not less than ninety-eight (98) percent of the maximum density as determined by AASHTO T 180. Base course to extend a minimum six (6) inches beyond limited of surface course.

c. Subgrade:

Minimum six (6) inches of stabilized subgrade with a minimum Florida Bearing Value of fifty (50) P.S.I. and with a density of not less than ninety-eight (98) percent of the maximum density as determined by AASHTO T 180. Subgrade to extend a minimum of twelve (12) inches beyond limit of base course.

7. Concrete pavement shall consist of a minimum six (6) inches of three thousand (3000) P.S.I. concrete constructed on a compacted subgrade with a density not less than ninety-eight (98) percent of the maximum density as determined by AASHTO T 180. All construction materials and methods are to be in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction (Latest Edition).

8. Tests shall be run by a certified testing laboratory. all testing costs shall be borne by the contractor. Testing results shall be submitted to the Town Engineer prior to final approval of completion. The following tests shall be made:

(a) Florida bearing value and density tests shall be taken for every five thousand (5,000) square feet for lots up to and including ten thousand (10,000) square feet in size. For lots over ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet in size, tests shall be taken every ten thousand (10,000) square feet. Lots in excess of fifty thousand (50,000) square feet in size shall have tests taken as required by

the Town Engineer. Representative AASHO T 180 shall be taken in all lot sizes as required.

(b) Base Course: Field density tests shall be taken at the same rate as specified in subsection (a) above.

(c) Asphaltic Concrete Surface Course. The Town Engineer shall reserve the right to require testing of the asphaltic concrete surface course.

(d) Concrete Pavement. Representative test cylinders shall be made in accordance with AASHTO T-23 and compression tests conducted in accordance with AASHTO T-22.

9. As a prerequisite for the Town Engineer's final inspection for all parking lots, the engineer shall submit a certification that all of the required improvements are complete; that he has inspected these improvements during their construction in accordance with the current Town specifications; that improvements conform to approved plans, except for any deviations noted on the "as-built" drawings and enumerated hereafter and that such deviations will not result in functional, structural, maintenance or nuisance problems. The engineer shall submit signed "as-built" drawings and a complete set of test reports. (Ordinance No. 62, 11-11-91)

## ARTICLE IX. FEE SCHEDULE

### Sec. 3.42 Construction Fees.

#### A. BUILDING PERMIT FEES

Schedule of permit fees.

All buildings, structures or alterations requiring a building permit, as set forth in the ordinances of the Town, fee shall be paid as required at the time of filing application, in accordance with the following schedule:

Where the valuation does not exceed \$100.00, no fee shall be required, unless an inspection is necessary, in which case there shall be a \$35.00 fee.

For valuation over \$100.00 up to and including \$50,000.00, the fee shall be \$35.00 for the first \$1,000.00 or fraction thereof, plus \$6.00 per each additional thousand or fraction thereof.

For valuation over \$50,000.00 up to and including \$100,000.00, the fee shall be \$329.00 for the first \$50,000.00 plus \$3.00 per each additional thousand or fraction thereof.

For valuation over \$100,000.00 up to and including \$500 000.00, the fee shall be \$479.00 for the first \$100,000.00 plus \$1.50 per each additional thousand or fraction thereof.

For valuation over \$500,000.00, the fee shall be \$1,079.00 for the first \$500,000.00 plus \$.75 for each additional thousand or fraction thereof.

**B. OTHER PERMIT FEES**

Fire Safety Inspection Fee - \$35.00

Electrical - 1/10 .1% of Building Valuation.

Plumbing Minimum - \$35.00

Per Fixture - \$ 3.00

Sewer - \$35.00

Paving, A/C & excavation, Use Building Permit Fee Schedule.

Roofs - \$55.00

Screen Enclosures - \$55.00

Fences - \$55.00

Sheds - \$55.00

Carport - \$55.00

Patio - \$75.00

Demolition - \$55.00

**C. ELECTRICAL PERMIT FEE**

The minimum electrical permit fee is thirty-five (\$35.00) Dollars, which shall cover any repair, addition or installation costing no more than ten thousand (\$10,000.00) dollars. Exceeding such amount, the permit fee shall be one-tenth of one percent of the cost of construction.

**D. REINSPECTION FEE**

Whenever it is necessary for an inspector to reinspect work regulated by this chapter for any of the following reasons, a reinspection fee of fifteen dollars (\$15.00) shall be charged:

- (a) work not ready for inspection at time inspection requested;

(b) work failed to pass earlier inspection;  
(Resolution No. 64, 11-11-91)

## CHAPTER 4

### FIRE PROTECTION AND PRESERVATION

#### ARTICLE I. IN GENERAL

Sec. 4-1 National Fire Code Adopted. This chapter shall be known as the Fire Code of the Town. The Town hereby adopts NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association and listed in Annex A of the NFPA Fire Prevention Code and being particularly the 1987 edition thereof, save and except those portions such as are hereinafter deleted, modified, or amended by Section 4-15 of this chapter. The same are hereby adopted and incorporated as fully as if set out at length herein. A copy of the adopted issue of NFPA 1, Fire Prevention Code, of the National Fire Protection Association, and the adopted standards and codes of the National Fire Codes shall be filed in the office of the Town Clerk, or in such other place as may be directed by the Town Clerk, and the provisions thereof shall be controlling within the limits of the Town. (Ordinance No. 59, 9-9-91)

Sec. 4-2. Unlawful Acts. It shall be unlawful for any person to violate this Fire Code, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Town's Building Official in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or person in control of the premises. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others. (Ordinance No. 59, 9-9-91)

Sec. 4-3. Mobile Home Owner. Where the premises consist of a mobile home or cottage, the term "Owner" as used herein shall be deemed to be the owner of such mobile home or cottage. (Ordinance No. 59, 9-9-91)

#### ARTICLE II. ENFORCEMENT

Sec. 4-4. Appointment of Inspectors/Assistants. The Building Official of the Town shall be responsible for the enforcement of the Fire Code of the Town. The Building Official may designate or appoint such qualified individual(s) as inspector(s) as shall from time to time be necessary to assist in the performance of the responsibilities and duties placed upon the Building Official. (Ordinance No. 59, 9-9-91)

Sec. 4-5. Duties of Building Official. It shall be the duty of the Building Official, and those individuals duly appointed by the Building Official, to enforce all laws and ordinances of the Town covering the following:

1. The prevention of fires;
2. The storage, sale and use of combustible and flammable or explosive materials;
3. The installation and maintenance of automatic and other fire alarm systems and fire extinguishing equipment;
4. The maintenance and regulation of fire escapes;
5. The means and adequacy of exit in case of fire, from shopping centers, halls, theaters, and all other places in which numbers of persons work, live, or congregate from time to time, for any purpose;

They shall have such other powers and perform such other duties as are set forth in other sections of this ordinance, and as may be conferred and imposed from time to time by law. The Building Official of the Town may delegate any powers or duties under this ordinance to qualified individual(s) as he deems necessary. (Ordinance No. 59, 9-9-91)

Sec. 4-6. Permits, Inspection Required. Before building or occupancy permits may be issued as required by the laws of the Town, the Building Official or his designee shall inspect and approve the mobile homes, buildings, receptacles, or storage places to be used for which a permit is sought. Permits for minor repairs or improvements as the same may be hereafter defined by Resolution or Ordinance of the Town shall not be deemed to require such inspection and approval. Upon a change of tenant occupancy in a commercial structure, the Building Official or his designee(s) shall inspect and approve the condition of the leased premises. Upon a transfer of a mobile home or cottage, the Building Official or his designee(s) shall inspect and approve the condition of the mobile home or cottage. (Ordinance No. 59, 9-9-91)

Sec. 4-7. Time of Inspection. The Building Official or his designee(s) shall inspect or cause to be inspected all premises from time to time, as may be deemed appropriate by the Town, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and safeguarding of life and property from fire. (Ordinance No. 59, 9-9-91)

Sec. 4-8. Dangerous Conditions. Whenever the Building Official or his designee(s), shall find in any building, or any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulations of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, or any other such hazardous conditions and which is so situated as to endanger property; or shall find

obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the Fire Department or egress of occupants in case of fire, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for in this ordinance.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any adult person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. When it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address. (Ordinance No. 59, 9-9-91)

Sec. 4-9. Recommendations of Building Official. The Building Official of the Town or his designee(s) shall also recommend any amendments to the Fire Code of the Town or ordinance that shall be desirable. (Ordinance No. 59, 9-9-91)

Sec. 4-10. Application. The provisions of the Fire Code of the Town shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified herein. (Ordinance No. 59, 9-9-91)

Sec. 4-11. Police Powers. This act shall be deemed in exercise of the police powers of the Town for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Fire Code shall be liberally construed for that purpose. (Ordinance No. 59, 9-9-91)

### ARTICLE III. VIOLATIONS

Sec. 4-12. Penalties. Any person who shall violate any of the provisions of the Code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal is pending; or who shall fail to comply with such an order affirmed or modified by the Building Official or his designee(s) or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment for not less than three (3) days nor more than thirty (30) days or by both such fines and imprisonment.

The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day a violation of any provision of this Code shall continue shall constitute a separate offense and each act in violation of the provisions of this Code shall be considered a separate and distinct offense. (Ordinance No. 59, 9-9-91)

Sec. 4-13. Appeals. The Town Council shall serve as a Board of Appeals. Any person having received an order or notice of violation from the Building Official may take an appeal of such order or notice of violation to the said Board of Appeals. Such appeal must be filed with the Town Clerk within 30 days of the date of such order or notice of violation. Nothing herein shall be deemed to prevent the Town from taking such emergency measures as may be necessary to abate a condition which it deems to be an immediate threat to the public health, peace, safety or welfare. (Ordinance No. 59, 9-9-91)

### ARTICLE IV. FEES

Sec. 4-14. Fees. The Town shall hereafter establish fees by Resolution or Ordinance for the inspections, permits, certificates, approvals, and other functions performed under this ordinance and the same shall be payable to the Town as provided in such Resolution(s) or Ordinance(s). Such fees shall accompany each application for such permit, approval, certificate, or other fee-related Code provision. (Ordinance No. 59, 9-9-91)

## ARTICLE V. INCORPORATED CODES

Sec. 4-15. Incorporated Codes. The Appendixes of NFPA 1, Fire Prevention Code of the National Fire Protection Association referenced in Annex A attached hereto and made a part hereof are hereby included as a part of this Fire Code save and except those portions that are deleted, modified, or amended as set forth in the said Annex A. The same are hereby adopted and incorporated as fully as if set out at length herein. (Ordinance No. 59, 9-9-91)

## CHAPTER 5

### MISCELLANEOUS OFFENSES (PENAL CODE)

#### ARTICLE I. IN GENERAL

Sec. 5-1. Disorderly House. Whoever shall permit persons of disorderly character to assemble in any house or trailer or other place under his possession, custody or control shall be deemed guilty of keeping a disorderly house and a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-2. Drunkenness. Whoever shall become drunk or intoxicated or shall be found in a state of intoxication in the Town, shall be deemed guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-3. Fires - Building or Streets, Etc. Whoever shall build a fire on any lot, street, alley, park or other public place within the town, without first obtaining a permit from the Mayor or Town Marshal shall be deemed guilty of a misdemeanor, provided, however, small fires in proper enclosures shall be permitted for heating water and burning small quantities of debris, provided in no event such burning shall become a neighborhood nuisance. (Ordinance No. 1, 2-12-61)

Sec. 5-4. Disturbing Religious Worship. Whoever shall disturb any congregation met for religious worship, by any noise, rude or indecent language, or profane discourse in any place of worship, or so near thereto as to disturb the order and solemnity of the meeting shall be deemed guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-5. Gambling. Whoever shall play at any game of chance for money or other thing of value; or set up or keep any gambling devises, implements, apparatus, or paraphernalia by, upon or with which any game of chance for money or other thing of value shall be played; or whoever shall keep a place for or allow consent or submit to a place under his custody or control, being used for the purpose of gambling; or whoever shall lease to another a house, booth, room, shed or other structure or enclosure in which gambling shall be carried on by or with the consent or knowledge of the lessor, shall be deemed guilty of a misdemeanor. The Town Marshal or other officer making the arrest shall seize all gambling implements, apparatus, paraphernalia or other evidence to be found at the place of gambling, and if it be proved that gambling has been carried on by means of such implements, apparatus, paraphernalia or any of them, the chief of police shall destroy them. In any prosecution under this section, evidence of the general reputation of a house, room or other place, that such house, room or other place is a gambling house, gambling room or

a place kept for gambling, shall be sufficient to establish a prima facie case against the defendant. (Ordinance No. 1, 2-12-61)

Sec. 5-6. Indecent Books, Pictures, etc. Whoever shall sell, exhibit or have in his possession any indecent book, picture or other thing shall be guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-7. Indecent Exposure; Improper Dress, etc. Whoever shall be found in a state of nudity, or shall make any indecent exposure of his person, or shall be guilty of any indecent or lewd behavior shall be guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-8. Prostitution - Soliciting or Attempting to Solicit. Any female guilty of prostitution, or soliciting or attempting to solicit for the purpose of prostitution, shall be guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-9. Keeping or Leasing Houses of Ill-Fame. Whoever shall keep or maintain a house of ill-fame, or a house or other place resorted to for the purpose of prostitution; or whoever shall lease to another a house, room or structure, or a portion thereof, to be used for the purpose of prostitution, or any other lewd, lascivious or immoral purpose, the lessor knowing or having reason to believe that the place is to be used for any of such purposes, shall be deemed guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-10. Spitting on sidewalks or other Public Places. It shall be unlawful for any person to spit upon any public sidewalk or public way or in any public building, within this Town. (Ordinance No. 1, 2-12-61)

Sec. 5-11. State Misdemeanors. It shall be unlawful to commit, within the limits of the Town, any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor, and the commission of such acts is hereby forbidden. (Ordinance No. 1, 2-12-61)

Sec. 5-12. Vagrants - Defined. Rogues and vagabonds, idle or dissolute persons who go about begging, common gamblers, common drunkards, common night walkers, thieves, pilferers, traders in stolen property, lewd, wanton and lascivious persons, common railers and brawlers, persons who neglect their calling or their employment or are without reasonable continuous employment or regular income and who have not sufficient property to sustain them, and mispend what they earn without providing for themselves or the support of their families, habitual loafers, idle and disorderly persons, and all able bodied male persons over the age of eighteen years who are without means of support and remain in idleness, shall be deemed vagrants. (Ordinance No. 1, 2-12-61)

Sec. 5-13. Vagrants - Arrest. Upon proper information made upon oath before the Town Clerk, the Clerk shall issue a warrant for the arrest of any person therein named or described who is charged therein with being a vagrant under any of the provisions of Section

5-12 of this Penal Code, and such warrant shall be executed by any policeman or by a private person duly authorized therein by the officer issuing the warrant. Any policeman may arrest any vagrant described in Section 5-12 of this Penal Code, without a warrant. (Ordinance No. 1, 2-12-61)

Sec. 5-14. Petit Larceny. Whoever shall steal any money, thing of value, goods or chattels of another, of value less than fifty dollars, shall be deemed to be guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-15. Private Property - Definitions. The term "private property" shall include any land or buildings which are not owned by or dedicated to the public, within the town limits of the Town, whether enclosed or unenclosed, and the term "posted" is hereby defined to mean the displaying upon such property of a sign containing the word or words "posted", or "no trespassing", "private property", or any other word or expression of a similar meaning. (Ordinance No. 1, 2-12-61)

Sec. 5-16. Trespassing Upon. It shall be unlawful for any person to enter upon any posted private property of another or nonposted private property of another when told to stay off, or to place or store any personal property thereon, or drive or park any automobile or other vehicle thereon without the consent of the owner, lessee or person having such property in charge. (Ordinance No. 1, 2-12-61)

Sec. 5-17. Unnecessary Noises Prohibited. The creation of any unreasonably loud, disturbing and unnecessary noise in the Town is unlawful and prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is unlawful and prohibited. (Ordinance No. 1, 2-12-61)

Sec. 5-18. Disturbance of the Peace. Whoever willfully disturbs the peace of another by violence, tumultuous or offensive demeanor, loud or unusual noise, profane, obscene or offensive language, or other conduct, calculated to provoke a breach of the peace, or by assaulting, striking, threatening or frightening another; or shall permit the same to be done upon premises in his possession, custody or control so that others in the vicinity are disturbed thereby, shall be guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

Sec. 5-19. Profane Language. It shall be unlawful for any person to publicly use or utter any indecent, vulgar, obscene or profane language within the Town. (Ordinance No. 1, 2-12-61)

Sec. 5-20. Filth - Prevent Accumulation Thereof. It shall be unlawful for the owner or occupant of any lot or piece of ground in the Town to suffer or permit any stagnant water, filth, refuse, matter, animal or vegetable, or any putrid or unwholesome substance to accumulate thereon, or to suffer or permit any stable, pig pen, hen house, dog kennel or any place where any animals are kept, or any water closet or privy thereon to become in such a condition as

to emit offensive odors and be injurious or dangerous to the health of the neighborhood. (Ordinance No. 1, 2-12-61)

Sec. 5-21. Barricades. It shall be unlawful for any person to block off, fence or in anywise appropriate to his own use, or attempt so to do, any publicly dedicated street, sidewalk or alley within the Town. (Ordinance No. 1, 2-12-61)

Sec. 5-22. Concealed Weapons. It shall be unlawful for any person to carry concealed on or about his person any pistol, revolver, dirk, bowie knife, metallic knuckles, or any other dangerous or deadly weapon in the Town; provided, however, that the provisions of this section shall not apply to any other peace officer or officer of the law, while carrying such weapons in the discharge of their official duties. (Ordinance No. 1, 2-12-61)

Sec. 5-23. Impersonating Officer. It shall be unlawful for any person to exercise, or assume to exercise, any of the powers conferred upon any police officer, or other law enforcement officer, sheriff, deputy sheriff or detective, or to represent or hold himself out as such officer. (Ordinance No. 1, 2-12-61)

Sec. 5-24. Resisting Officer. It shall be unlawful for any person to resist, obstruct or oppose any police officer in the discharge of his duty, in the Town. (Ordinance No. 1, 2-12-61)

Sec. 5-25. Discharging Firearms, Fireworks, etc. It shall be unlawful for any person to discharge firearms, explosives, firecrackers or fireworks within the Town. This shall not apply to police officers and other peace officers in the lawful discharge of their duty, nor to persons granted permits so to do by the town, nor to persons defending persons or property against unlawful attack. (Ordinance No. 1, 2-12-61)

Sec. 5-26. Breaking Glass. Whoever knowingly or willfully breaks, places or leaves any glass or other dangerous substance or material upon any of the streets, alleys or other public ways of the Town shall be deemed guilty of a misdemeanor. (Ordinance No. 1, 2-12-61)

## ARTICLE II. PENALTIES

Sec. 5-27. Fines and Incarceration. Any person violating any of the provisions of this Penal Code, upon conviction thereof, may be fined in a sum not to exceed One Hundred (\$100.00) Dollars, or may be imprisoned in the Town jail or such jail as may be used by said Town or sentenced to hard labor upon the public works of the Town for a period not to exceed thirty (30) days, or may be both so fined and imprisoned within the discretion of the Court. Any act which is a violation of this Penal Code and which by its nature may be continuous, shall be deemed a separate violation for each day such violation continues. (Ordinance No. 1, 2-12-61)

## CHAPTER 6

### TRAFFIC REGULATIONS (PENAL CODE CONTINUED)

#### ARTICLE I. STATE LAWS CONTROL

Sec. 6-1. Adoption of State Law re Regulation of Traffic. All of the provisions and requirements of Florida Statutes 1951, sections 317.01 to 317.98, as amended, in regard to regulation of traffic on highways, as such provisions are applicable to the driver of a vehicle except those which by their very nature could have no application in a Town, or which are not consistent herewith, are hereby adopted as and made a part of this Penal Code as fully as though set out herein. (Ordinance No. 1, 2-12-61)

Sec. 6-2. State License Tags. From and after the date this ordinance becomes effective no vehicle which requires a state license tag shall be operated on the streets of the Town unless such state license tag for the current year will be attached to the vehicle in such a manner as required by law and to be visible at all times. (Ordinance No. 1, 2-12-61)

Sec. 6-3. Adoption of State Law - State Driver's License. From and after the date this ordinance becomes effective, no person, except those exempted by Section 322.04 Florida Statutes, shall drive a motor vehicle upon a street in this Town unless such person has a valid state license as an operator or chauffeur. (Ordinance No. 1, 2-12-61)

Sec. 6-4. Adoption of State Law - Age of Drivers. No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any street in the Town of Ocean Breeze Park, Florida, when such minor is not authorized under the provisions of Chapter 322, Florida Statutes. (Ordinance No. 1, 2-12-61)

Sec. 6-5. Adoption of State Law - Drivers of Motor Vehicles. No person shall authorize, or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street of the Town of Ocean Breeze Park, Florida, by any person who is not authorized by the provisions of the applicable State Law (Chapter 322, Florida Statutes). (Ordinance No. 1, 2-12-61)

#### ARTICLE II. LOCAL TRAFFIC REGULATIONS

Sec. 6-6. Duty of Police as to School Zones. The police department of the Town shall determine, upon the basis of a traffic investigation, the portions of the streets of the Town which should be included within school zones in order to protect children approaching or leaving both public and private schools located within the Town, and shall place at the outside limits of such

school zones, during the hours such portions of such streets are likely to be used by school children, appropriate signs giving notice of such school zone, and of the speed limit permitted therein. (Ordinance No. 1, 2-12-61)

Sec. 6-7. Parades, Public Gatherings and Celebrations. Whenever the Town gives a permit for any parade, public gathering, or celebration, the Chief of Police may order any street to be cleared of all vehicles during such parade, public gathering or celebration. No person shall fail to comply with the directions of any police officer in carrying out such orders. (Ordinance No. 1, 2-12-61)

Sec. 6-8. Blind or Partially Blind Pedestrians. It shall be unlawful for any person, except those partially or totally blind, to carry or use on the public sidewalks or streets in the Town any cane or walking stick which is white with a red end or bottom. Such cane or walking stick may be used on the sidewalks or streets only by a person who is partially or totally blind as a means of protection from vehicles and pedestrians. (Ordinance No. 1, 2-12-61)

Any driver or operator of a vehicle, or any pedestrian who is not partially or totally blind, who approaches or comes in contact with a person partially or totally blind carrying a cane or walking stick which is white with a red end or bottom, shall come to a full stop and permit such partially or totally blind person to cross such sidewalk or street of the Town before proceeding. Such driver, operator or pedestrian shall also take such other precautions before proceeding as may be necessary to avoid accident or injury to the person carrying such walking stick. (Ordinance No. 1, 2-12-61)

Sec. 6-9. Traffic Control Devices or Signals - Legend. At street intersections where official traffic control devices or signal indicates right of way, the showing of an orange light indicates caution and the showing of a red light shall require a full stop. Upon approaching any such intersection, if the red light or orange light is showing, the driver of any vehicle shall stop before the first pedestrian line and remain until the green light shows. If the lights shift from green to orange after the vehicle has passed the pedestrian line, the vehicle may continue. It shall be unlawful for any vehicle to stop so as to obstruct the space reserved for pedestrians. (Ordinance No. 1, 2-12-61)

Sec. 6-10. Same - Duty of Drivers. All vehicles approaching an intersection where official traffic control devices or signs are installed shall come to a full stop back of the first pedestrian line unless the traffic control device or signal indicates that they have the right of way at that point. (Ordinance No. 1, 2-12-61)

Sec. 6-11. Driving Across Sidewalk or Other Walkway to Cross Private Property, to Cut Corners or Take a Short Cut. It shall be unlawful for any person driving or operating any vehicle to cross any sidewalk or other walkway in the Town for the purpose of driving across private property in order to cut corners or to take short cuts whether or not there shall be a driveway constructed across such sidewalk or walkway at the place of crossing. This section shall not render it illegal to cross any sidewalk or walkway at any place where a driveway has been constructed for the purpose of entering private property for the transaction of any lawful business thereon.

If any person shall so drive any vehicle across any sidewalk or walkway the fact that he shall not bring the vehicle to a full stop upon such private property shall be prima facie evidence that he did not enter such private property for the purpose of transacting any lawful business thereon. (Ordinance No. 1, 2-12-61)

Sec. 6-12. Manner of Parking Generally; Parallel Parking. No person shall stand or park a vehicle in a street of the Town other than parallel with the edge of the curb or paved roadway, and with the curb side wheels of the vehicle within twelve inches of the curb or paved edge of the roadway, except as provided in the following paragraphs:

a. Upon those portions of streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs, and within said mark or signs, with a wheel against the curb.

b. In places where stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or material shall park so as not to block traffic, except by permission of the Chief of Police or Town Marshal. (Ordinance No. 1, 2-12-61)

Sec. 6-13. Stop Streets - Designated. The following streets, roads and avenues shall be known as, and are hereby designated as "stop streets" and vehicular traffic thereon shall have the right-of-way except where traffic lights are in operation, to wit:

1. State Road #707

(Ordinance No. 1, 2-12-61)

Sec. 6-14. Police Take Possession of Vehicles. The police may take possession of any vehicle abandoned with the Town, or any vehicle parked in violation of this Penal Code and Ordinance. (Ordinance No. 1, 2-12-61)

Sec. 6-15. Funeral Procession. It shall be unlawful for any vehicle to be driven through or in and out of a funeral procession or parade, except by permission of a police officer or town marshal and under his direction. Provided, this shall not apply to Fire

Department, Police Department vehicles and ambulances answering emergency calls. (Ordinance No. 1, 2-12-61)

Sec. 6-16. Junked Vehicles. It shall be unlawful for any person to leave or abandon any disabled or junked vehicle on the streets of this Town and fail or refuse to remove the same upon twenty-four (24) hour notice from the Police Department or Town Marshal. (Ordinance No. 1, 2-12-61)

Sec. 6-17. Regulations Regarding Approaching and Passing a School Bus. Every person using, operating or driving a motor vehicle upon or over the public streets and highways of the Town of Ocean Breeze Park, approaching in the same or opposite direction any bus or other motor vehicle used in transporting school children to or from school, while such bus or other motor vehicle is stopped or engaged in taking on or discharging school children therefrom upon the streets and highways of the Town of Ocean Breeze Park, is required to bring such motor vehicle to a full stop before passing such school bus or other motor vehicle, provided such school bus or such motor vehicle used in transporting school children is clearly marked for identification with the words "SCHOOL BUS". (Ordinance No. 1, 2-12-61)

Sec. 6-18. Operation of School Buses Regulated. All school bus drivers are hereby required to stop such school bus on the right hand side of any road or street as close to the curb or edge of the road as practicable. (Ordinance No. 1, 2-12-61)

Sec. 6-19. Reckless Driving. It shall be unlawful for any person to operate any motor vehicle or other thing or vehicle over the streets, alleys or sidewalks of the Town in such a manner as to damage said streets, alleys or sidewalks.

Sec. 6-20. Disabled Motor Vehicles. It shall be unlawful for any person or persons to park or leave any disabled automobiles, trucks or other motor driven vehicles, or other vehicles not in running order upon the streets of the Town.

Section 6-27 (Reserved).

### ARTICLE III. BICYCLES, GOLF CARTS, MOTOR BIKES, ETC.

Sec. 6-28. Bicycles. Every bicycle while in use on any street in the Town of Ocean Breeze Park shall be provided with a suitable bell or horn. Every bicycle shall, from one-half hour after sunset to one-half hour before sunrise, be provided with one lighted lamp showing a white light at least one hundred (100) feet in the direction toward which such bicycle is proceeding, and shall also exhibit a red light at the rear end. Riding a bicycle in a careless and reckless manner so as to endanger the lives of persons traveling on or using the public streets is hereby prohibited. No person riding any bicycle shall hold onto or hitch onto any motor vehicle while the same is in motion. No person shall ride a bicycle upon any sidewalk or parkway or park lawn in the Town of

Ocean Breeze Park, and bicycle riders shall observe all directional vehicular traffic regulations. (Ordinance No. 1, 2-12-61)

Sec. 6-29. Prohibitions. No person or persons other than residents of the Town of Ocean Breeze Park, their guests or invitees, shall operate or use a bicycle, motorcycle or moped upon any street, roadway or path in the Town of Ocean Breeze Park. That this Ordinance shall not apply to Ocean Breeze Drive and that portion of Indian River Drive which lie within the town limits. Any person or persons who shall violate, or cause to be violated, any provision of this Ordinance, shall, upon conviction therefore, be fined a sum not to exceed One Hundred (\$100) Dollars, or be imprisoned for a period not to exceed Thirty (30) days, or may be both fined or imprisoned at the discretion of the Court. (Ordinance No. 19, 9-12-77)

Sec 6-30. Operation of Golf Carts Permitted. Golf carts may be operated upon all of the streets within the residential areas of the Town of Ocean Breeze Park, Florida. This ordinance shall be subject to such applicable laws and restrictions as may exist or be established from time to time by the State of Florida. (Ordinance 58, 6-10-91)

Sections 6-31 through 6-34 (Reserved).

#### ARTICLE IV. PENALTIES

Sec 6-35. Any person violating any of the provisions of this Penal Code, upon conviction thereof, may be fined in a sum not to exceed One Hundred (\$100) Dollars, ,or may be imprisoned in the Town jail or such jail as may be used by said Town or sentenced to hard labor upon the public works of the Town for a period not to exceed thirty (30) days, or maybe both so fined and imprisoned within the discretion of the Court. Any act which is a violation of this Penal Code and which by its nature maybe continuous, shall be deemed a separate violation for each day such violation continues. (Ordinance 1, 2-12-61)

## CHAPTER 7

### FLOOD PREVENTION

#### ARTICLE I. DEFINITIONS

Sec. 7-1. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. (Ordinance No. 52, 9-11-89)

(1) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls in new construction.

(2) "Appeal" means a request for a review of The Town's interpretation of any provision of this ordinance or a request for a variance.

(3) "Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(4) "Area of special flood hazard" is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

(5) "Base flood" means the flood having a one percent (1%) change of being equaled or exceeded in any given year.

(6) "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

(7) "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(8) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

(9) "Coastal High Hazard Area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designed on a FIRM as Zone V1 - 30, VE or V.

(10) "Development" means any man-made change to improve on any unimproved real estate, including, but not limited to,

buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(11) "Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

(12) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

(13) "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(14) "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation of runoff of surface waters from any source.

(15) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

(16) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(17) "Flood Insurance Study" is the official report provided by Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

(18) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(19) "Floor" means any floor (including basement usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof.

(20) "Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(21) "Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(22) "Mangrove stand" means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemosa*) and buttonwood (*Conocarpus Erecta*).

(23) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, mobile homes, and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

(24) "Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(25) "National Geodetic Vertical Datum (NGVD)", as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

(26) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

(27) "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

(28) "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(29) "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act ([P.O. 97-348])), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

(30) "Structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

(31) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvements of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(32) "Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

## ARTICLE II. GENERAL PROVISIONS

Sec. 7-2. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town. (Ordinance No. 52, 9-11-89)

Sec. 7-3. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated December 15, 1983, and any revision thereto are adopted by reference and declared to be a part of this ordinance. (Ordinance No. 52, 9-11-89)

Sec. 7-4. Establishment of Development Permit. A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. (Ordinance No. 52, 9-11-89)

Sec. 7-5. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. (Ordinance No. 52, 9-11-89)

Sec. 7-6. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ordinance No. 52, 9-11-89)

Sec. 7-7. Interpretation. In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under state statutes. (Ordinance No. 52, 9-11-89)

Sec. 7-8. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of The Town or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ordinance No. 52, 9-11-89)

Sec. 7-9. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who

violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than One Hundred Dollars (\$100.00), and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense. Nothing herein contained shall prevent The Town from taking such other lawful action as is necessary to prevent or remedy any violation. (Ordinance No. 52, 9-11-89)

### ARTICLE III. ADMINISTRATION

Sec. 7-10. Designation of Administrator. The Town building inspector is hereby appointed to administer and implement the provisions of this ordinance. (Ordinance No. 52, 9-11-89)

Sec. 7-11. Permit Procedures. Application for a Development Permit shall be made to the town building inspector on forms furnished by him, prior to any development activities, and may include, but shall not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Provide a certificate from a registered professional engineer or architect that the non-residential, flood-proofed structure meets the flood-proofing criteria in SECTION 7-15(2).
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. Provide a flood elevation or flood proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Town Building Inspector a certificate of the elevation of the lowest floor, flood proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built in relation to mean sea level. Said certification shall be prepared by or under the direct

supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21)-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The town building inspector shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. (Ordinance No. 52, 9-11-89)

Sec. 7-12. Duties and Responsibilities of the Town Building Inspector. Duties of the Town Building Inspector shall include, but shall not be limited to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Treasure Coast Regional Planning Council prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article III, Sec. 7-11, Paragraph 5.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article III, Sect. 7-11, Paragraph 5.
7. In Coastal High Hazard Areas certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

8. In Coastal High Hazard Areas, the town building inspector shall review plans for the adequacy of breakaway walls in accordance with Article III, Section 7-11.

9. When floodproofing is utilized for a particular structure, the town building inspector shall obtain certification from a registered professional engineer or architect.

10. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the town building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article III.

11. When base flood elevation data has not been provided in accordance with Article III, Sec. 7-11, then the town building inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer the provisions of Article IV.

12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the town building inspector and shall be open for public inspection. (Ordinance No. 52, 9-11-89)

#### Sec. 7-13. Variance Procedures.

1. The Board of Zoning Adjustment as established by The Town shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Board of Zoning Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the town building inspector in the enforcement or administration of this ordinance.

3. Any person aggrieved by the decision of the Board of Zoning Adjustment, or any taxpayer may appeal such decision to the Circuit Court as provided in Chapter 163, Florida Statutes.

4. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Sec. 7-13.

5. In passing upon such applications, the Board of Zoning Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance; and

a. the danger that materials may be swept onto other lands to the injury of others;

b. the danger to life and property due to flooding or erosion damage;

c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. the importance of the services provided by the proposed facility to the community;

e. the necessity to the facility of a waterfront location, where applicable;

f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. the compatibility of the proposed use with existing and anticipated development;

h. the relationship of the proposed use to the comprehensive plan and flood plan management for that area;

i. the safety of access to the property in times of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8. Conditions for variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (i) a showing of good cause and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

d. The town building inspector shall maintain the records of all appeal actions and report any variance to the Federal Emergency Management Agency upon request. (Ordinance No. 52, 9-11-89)

#### ARTICLE IV. PROVISIONS FOR FLOOD HAZARD PROTECTION

Sec. 7-14. General Standards. In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

8. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ordinance No. 52, 9-11-89)

Sec. 7-15. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided, as set

forth in Section 7-3, or Section 7-12 (11), the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water tight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 7-11, Paragraph 3.

3. Manufactured or Mobile Homes.

a. No manufactured or mobile home shall be placed in a floodway or Coastal High Hazard Area, except in an existing mobile home park or existing mobile home subdivision.

b. All manufactured or mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

(1) over-the-top ties shall be provided at each end of the manufactured or mobile home, with one additional tie per side at an intermediate location on manufactured or mobile homes of less than fifty feet and one additional tie per side for mobile homes of fifty feet or more.

(2) frame ties shall be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured or mobile homes less than fifty (50) feet long and one additional tie for manufactured or mobile homes of fifty (50) feet or longer.

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) any additions to the manufactured or mobile home shall be similarly anchored.

c. New mobile home parks and subdivisions; expansions to existing mobile home parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads

equal or exceed fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and manufactured or mobile homes not placed in a mobile home park or subdivision shall require:

(1) stands or lots to be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(2) adequate surface drainage and access for a hauler; and

(3) in the instance of elevation on pilings, (i) lots shall be large enough to permit steps; (ii) piling foundations shall be placed in stable soil no more than ten (10) feet apart; and (iii) that reinforcement shall be provided for pilings more than six (6) feet above the ground level.

4. Elevated Buildings. New construction or substantial improvements of elevated building that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) the bottom of all openings shall be no higher than one foot above grade; and

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation;

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

5. Floodways. Located within areas of special flood hazard established in Section 7-3 are areas designated as floodways. Since the floodway is an extremely hazardous area due

to the ferocity of flood waters which carry debris and potential projectiles, and since the floodway has erosion potential, the following provisions shall apply:

a. Encroachments, including fill, new construction, substantial improvements and other developments--unless certification (with supporting technical data) by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge--shall be prohibited.

b. If Section 7-15, Paragraph 4.a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.

c. The placement of manufactured or mobile homes, except in an existing manufactured or mobile home park or subdivision shall be prohibited. A replacement manufactured or mobile home may be placed on a lot in an existing manufactured or mobile home park or subdivision provided the anchoring standards of Section 7-15(3) and its subparagraphs, and the elevation standards of Section 7-15(1) are met.

6. Coastal High Hazard Areas (V Zones). Located within the areas of special flood hazard established in Section 7-3 are areas designated as Coastal High Hazard Areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:

a. All buildings or structures shall be located landward of the reach of the mean high tide.

b. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 7-15(5)(h).

c. All buildings or structures shall be securely anchored on pilings or columns.

d. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the one hundred (100)-year mean recurrence interval (one percent [1%] annual chance flood).

e. A registered professional engineer or architect shall certify that the design, specifications, and plans for construction are in compliance with the provisions contained in this Section 7-15, (5)(b), (5)(c) and (5)(d), of this ordinance.

f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The town building inspector shall approve design plans for landscaping aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered.

(1) particle composition of fill material does not have a tendency for excessive natural compaction;

(2) volume and distribution of fill will not cause wave deflection to adjacent properties; and

(3) slope of fill will not cause wave run-up or ramping.

g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

h. Lattice work or decorative screening shall be allowed below the base flood elevation provided the lattice work or decorative screening is designed to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which such lattice work or decorative screening is to be used and provided the following design specifications are met:

(1) no solid walls shall be allowed, and

(2) material shall consist only of lattice or mesh screening.

i. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, for access to building, or for limited storage of maintenance equipment used in connection with the premises.

j. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the town building inspector for approval.

k. Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the

west floor except with lattice work or decorative screening as provided for in Section 7-15(5)(h) and (i).

1. The placement of manufactured or mobile homes, except in an existing manufactured or mobile home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 7-15(3), and its subparagraphs, and the elevation standards of Section 7-15(1) are met. (Ordinance No. 52, 9-11-89)

**Sec. 7-16. Standards for Areas of Shallow Flooding (A0 Zones).**

Located within the areas of special flood hazard established in Section 7-3 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:

a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (Ordinance No. 52, 9-11-89)

**Sec. 7-17. Standards for Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.  
(Ordinance No. 52, 9-11-89)

## CHAPTER 8

### ELECTIONS

#### ARTICLE I

**Sec. 8-1. Time of Holding Elections - Primary and Regular.**

Regular municipal elections shall be held each year on the third Tuesday in December. Primary elections shall be held on the last Tuesday in November of each year. Regularly scheduled municipal elections in the Town of Ocean Breeze Park shall be held at the Town Hall, or such other place as may be designated by the Town Council or such person as may be granted such authority by the laws of Florida, on the third Tuesday in December of each year. Primaries shall be held when necessary at the aforesaid location, on the last Tuesday in November of each year. Special elections may be held as provided by law. (Ordinance No. 2, 2-12-61)

**Sec. 8-2. Elections; How Arranged For; Inspectors and Clerks; Publishing Notice.**

The Town Council shall make all necessary arrangements for holding all Town elections, and shall declare the result thereof. Inspectors and Clerks of election shall be appointed by the Town Council except that if the Council shall fail to appoint them, at least five days before the date of any election, the Mayor may appoint them. The Town Council shall issue a proclamation calling any general, primary or special election, except as herein otherwise provided for, stating therein where the same shall be held, and naming the different offices to be filled or questions to be decided and shall cause the same to be posted not less than thirty days prior to said election in two public places in the Town. (Ordinance No. 2, 2-12-61)

**Sec. 8-3. Canvass of Returns; Certificate of Election.** The result of the voting when ascertained, shall be certified by return in duplicate, signed by the Clerk and a majority of the Inspectors to the Mayor and the other to the President of the Town Council, both of whom shall transmit such returns to the Town Council at a meeting to be held at 10:00 o'clock a.m. on the day following the election. At such meeting the Town Council shall canvass the returns and the result as shown by such returns shall be by the town Council declared to be the result of the election. The Town Clerk shall, not later than noon of the second day after the election, furnish a certificate of election to each person shown to have been elected. (Ordinance No. 2, 2-12-61)

**Sec. 8-4. Qualifying.** No less than seven (7) days before the election, candidates for the offices of Mayor or Town Councilman shall qualify by filing a written notice of candidacy with the Town Clerk, taking and subscribing to an oath or affirmation substantially in the following form:

State of Florida)  
County of Martin)

Before me, an officer authorized to administer oaths, personally appears (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he is a candidate for the office of \_\_\_\_\_; that he is a qualified elector of Martin County, Florida; that he is qualified under the Constitution and the laws of Florida to hold the office to which he desires to be nominated or elected; that he has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he seeks; and that he has resigned from any office from which he is required to resign pursuant to s. 99.012, Florida Statutes.

(signature of candidate)

(address)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at Martin County, Florida.  
(Ordinance No. 2, 2-12-61)

(signature and title of officer administering oath)

**Sec. 8-5. Ballots.** The ballots shall conform as nearly as possible to the form of ballot prescribed by the general election law of the State. The Commission shall place upon the ballot, the names of any candidate for Town Commission who possesses the qualifications as prescribed under the provisions of this Ordinance for such office, and who shall file with the Town Clerk, not more than three weeks nor less than seven days prior to the day of the primary election an oath or affirmation in writing in which he shall state title of the office for which he is a candidate; that he is qualified under the Constitution and laws of Florida, and laws and ordinances of the Town of Ocean Breeze Park to hold the office for which he desires to be nominated; and that he has not violated any of the laws of the State, or Town of Ocean Breeze Park relating to elections or registration of voters. (Ordinance 2, 2-12-61)

**Sec. 8-6. Nomination and Election Procedure .** The candidates for nomination to the office of Town Council who shall receive the greatest vote in said primary election shall be placed upon the ballot at the next regular municipal election in number not exceeding twice the number of vacancies in the Town Council to be filled and the candidate at the regular municipal election not exceeding the number of places to be filled who shall receive the greatest number of votes at such regular municipal election shall be declared elected. When a number of candidates of said office shall not exceed twice the number of vacancies existing in said office, then and in that event no primary shall be held and the

Town Council shall declare the candidate as aforesaid as nominated for the office of Town Council at the regular municipal election. However, if there are more than twice the number of candidates than vacancies for the office aforesaid, then it shall be the duty of the town Council to hold a primary election as aforesaid. (Ordinance No. 2, 2-12-61)

Sec. 8-7. When Term of Office Commences. Officers elect shall assume their duties on the 1st Monday following the date of their election.

Sec. 8-8. One Precinct for Entire Town. There shall be one (1) precinct which shall consist of the entire Town of Ocean Breeze Park. (Ordinance No. 2, 2-12-61)

Sec. 8-9. General Laws to Apply. All elections shall be conducted, except as otherwise specifically provided under this Act, under the rules and conditions prescribed by law, and subject to the general election laws of the State. (Ordinance No. 2, 2-12-61)

Sec. 8-10. Unopposed Elections. If there is no opposition for a Regular Municipal Election, the election procedure need not be held. (Resolution 39, 12-9-85)

## CHAPTER 9

### ZONING AND LAND DEVELOPMENT\*

#### ARTICLE I.

Sec. 9-1. General. For the purpose of this Chapter, certain terms or words used herein shall be interpreted and defined as follows: Words used in the present tense include the future tense. The singular shall include the plural. The word "person" includes a corporation, partnership or other entity as well as an individual. The term "shall" is always mandatory. The term "may" is permissive. The word "building" shall include the word "structure". The word "land" shall include surface and land under water.

Sec. 9-2. Definitions. For the purpose of this Code, the following terms shall have the following meanings:

1. Abandon: To discontinue a use for more than twelve (12) consecutive months.
2. Accessory Building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building.
3. Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities or an enlargement thereof, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
4. Area, Lot: The term "lot area" shall mean the total area within the property lines, excluding external streets.
5. Building: A structure with or without a roof, intended for shelter, housing or enclosure other than a boundary wall or fence.
6. Building, Accessory: An "accessory building" shall mean a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.
7. Building Line: The line established by law, beyond which a building shall not extend, except as specifically provided herein. Also referred to herein as "setback line".

\*Unless otherwise noted, all Sections referenced herein were adopted pursuant to ordinance No. 54, 8-3-90)

8. Building, Front Line of: The line of that face of the building nearest the front line of the lot. The front line of a waterfront or riverfront lot shall be the line abutting the street serving the lot, and the lot line bounded by water shall be considered the rear line.
9. Building, Height of: The vertical distance measured from the average elevation of the existing natural grade at the building to the highest point of the roof. Where fill is required by a governmental regulation (whether of the Town of Ocean Breeze Park, Florida or other governmental regulation), the vertical distance shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.
10. Court: An unoccupied open space, other than a yard which is bounded on three or more sides by walls in excess of three (3) feet in height, at least one, but not more than three (3) of which are the walls of a building.
11. Coverage: The percentage of the plot or lot area covered by the building area.
12. Dwelling, Single Family: Any building used wholly for habitation and occupancy by one family.
13. Excavations: Removal of earth material for purposes other than that incidental to and used on the site of authorized construction.
14. Existing Use: Lots, structures, uses, characteristics of use, or a combination thereof where lawful as of the date of adoption of this Ordinance, which uses may continue unconditionally and are deemed to be consistent herewith.
15. Family: Any number of individuals related by blood, marriage or legal adoption, and not more than two (2) persons not so related living together as a single housekeeping unit.
16. Foster Home: A "Foster Home" is licensed and supervised by HRS. It provides a family living environment including supervision and care necessary to meet physical, emotional, and social life needs of clients. A Foster Home may serve only adults. Excluding the foster parents, there should not be

more than two other residents in the home, including HRS clients.

17. Garage, Private: An enclosed space for the storage of one (1) or more motor vehicles, provided that no business occupation or service is conducted for profit therein.
18. Grade, Established: The elevation of the center line of the streets as officially established by the Town Authorities.
19. Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.
20. Greenhouse: A structure constructed, in part, with glass, plastic or other transparent or translucent material designed for and/or utilized for the growing of plants and flowers.
21. Hedge: A fence or boundary formed by a row of shrubs or low trees planted close together; a thicket when planted as a fence or boundary.
22. Home Occupations: Occupations carried on entirely within a dwelling and only by members of the family permanently living therein, where products are not offered for sale from the premises and no commercial vehicles are kept on the premises or parked overnight on the premises.
23. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.
24. Lot, Interior: Any lot which is not a corner lot.
25. Lot, Through: Any lot having frontage on two (2) parallel or approximately parallel streets of highways.
26. Lot Lines: The lines abounding a lot as defined herein:
  - a) Front Lot Line - The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line; provided, where the length of a shorter street line is less than ninety (90) percent of the length of the longer street lot line, the shorter line shall be considered the front lot line.
  - b) Rear Lot Line - The lot line opposite the front lot line. In case of an irregular, triangular or gore-shaped lot, it shall mean a line within the lot, ten (10) feet long, parallel to and

at the maximum distance from the front lot line.

- c) Side Lot Line - Any lot line which is not a front lot line or a rear lot line.

27. Manufactured Housing Community: Same as "Mobile Home Park".
28. Mobile Home Lot (Space): A parcel of land within a Mobile Home Park which is designed to accommodate one (1) Mobile Home, Trailer or Manufactured Housing Unit and accessory buildings or structures, including the open spaces required under this code.
29. Mobile Home - Manufactured Home: A structure transportable in one or more sections, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.
30. Mobile Home Park: A use of land in which lots or spaces are offered for rent or lease for the placement of Mobile Homes (Manufactured Homes) and in which the primary use of the Park is residential. Same as Manufactured Housing Community.
31. Open Space - Yard: An unoccupied space open to the sky on the same lot with a building.
32. Owner: A person, firm or corporation (including duly authorized agent, attorney, guardian, conservator or trustee) who or which owns or controls property, or in case of a leased premises, the legal holder of the lease, contract or his legal representative, assignee or successor.
33. Off-Street Parking Commercial (B-1 District): The term "off-street parking" shall mean a minimum net area of 9 feet in width by 20 feet in depth, exclusive of access drives or aisle thereto, for the parking of one automobile. Off-street parking facilities, including access drives and aisles shall be paved according to specifications of A.A.S.H.T.O. and/or State Department of Transportation and as approved the Town Engineer, and shall be marked either by painted lines, precast curbs, or in a similar fashion to indicate the individual parking space.
34. Off-Street Parking, Residential (M.H.P.-1 & M.H.P.-2 District): Each off-street space available for motor vehicle parking shall be at least ten (10) feet wide and twenty (20) feet long (200 square

feet). The off-street space(s) for motor vehicle parking may include the driveway, carport or garage.

35. Pool Structure: A structure, whether screened in whole or part, or enclosed in whole or in part by material other than insect screening, surrounding or enclosing (in whole or in part) a pool or wading pool.
36. Porch: A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features or glass, wood or other materials more than thirty (30) inches above the floor thereof, except awnings or screening or the necessary columns to support the roof.
37. Public Utility: Any organization, either private or governmental, which owns and/or operates facilities for the rendering of services to the general public, such as electric, gas, communications, transportation, water supply, sewage disposal, water conservation and drainage and garbage or refuse disposal.
38. Restaurant: Every building or other structure and all outbuildings in connection therewith and any room or rooms within any building or other structure or any place of location kept, used, maintained and advertised as or held out to the public to be a place where food is prepared and served, either gratuitously or for consideration.
39. Setback: Setback shall be synonymous with the words "building line".
40. Sign or Signs: A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of any announcement, direction or advertisement. However a sign shall not include a similar structure or device located within the buildings if said sign or structure is invisible from outside the building.
41. Signs - Electric: The terms "Electric sign" and "illuminated sign" shall apply to any sign with electric wiring and lighting therein or thereon or used in conjunction with the sign, including the use of neon tubing.
42. Square Footage: The term "square footage" shall apply to the size of a lot or site and is determined by multiplication of the width of the lot or site by

the depth of the lot or site. The "square footage" of a building, structure or mobile home shall be determined by the multiplication of the exterior width of the building, structure or mobile home by the exterior depth of such unit.

43. Space: Same as "lot", a parcel of land within a Mobile Home Park designed to accommodate one (1) Mobile Home, trailer or Manufactured Housing Unit.
44. Story: That part of a building contained between any floor and the floor or roof next above.
45. Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, road and other thoroughfares, except an alley.
46. Structure: Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land. A driveway shall not be considered a "structure" for the purpose of this Ordinance; however, any concrete, asphalt or other permanent surfacing placed upon a lot such as, but not limited to, an open patio, air conditioning pad, or an apron adjacent to a swimming pool shall be considered a structure for the purpose of this Ordinance and for the purpose of determining setback lines. A mobile home or manufactured housing affixed to a lot shall be considered a structure.
47. Temporary Structure: Anything constructed or erected, the design or which or intended use of which, is other than long term, indefinite life design or use.
48. Terrace: An unoccupied open space, which is contiguous to and bounded on at least one (1), but not more than two (2) sides by the walls of a building. It may be bounded on one (1) or more of the other sides by a wall or similar enclosure having a height of three (3) feet or less.
49. Trailer: Same as mobile home park.
50. Trailer Park: Same as mobile home park.
51. Trailer Site: A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home, trailer, or manufactured housing unit.

52. Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
53. Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
54. Yard, Rear: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and rear line of the building.
55. Yard, Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard and to the rear yard. Any line not a rear line or front line shall be deemed a side line.

## ARTICLE II. DISTRICT BOUNARIES AND EXISTING USES

Sec. 9-3. Establishment of Use Districts. For the purpose of promoting the public health, safety, morals and general welfare of the community, and to preserve the residential character of the community created in part by the unique geography of the Town, the Town of Ocean Breeze Park, Florida is hereby divided into the following designated zoning districts:

Mobile Home Park	M.H.P.-1
Mobile Home Park	M.H.P.-2
Mobile Home Park	M.H.P.-3
Business	B-1
Multi-Family/Mobile Home Planned Development	

Sec. 9-4. Designation of District Boundaries. The boundaries of each district are designated and established as shown on the Future Land Use Plan - Year 2000 of the Town of Ocean Breeze Park, Florida. The boundaries of the districts shown upon the Future Land Use Plan are hereby adopted and approved and the regulations of this Code governing the use of land and water, buildings and structures, the height of buildings, lot areas, setbacks, floor areas, lot coverage, parking and loading requirements are hereby declared to be in effect upon all land and water included within

the boundaries of each and every district shown upon the Future Land Use Plan.

Zoning districts are shown on the Future Land Use plan - Year 2000 and the map is and shall be maintained as identical with the map of the same title in the Ocean Breeze Park Comprehensive Plan.

Sec. 9-5. Rules for Interpretation of District Boundaries. When uncertainty exists as to boundaries of the districts on the Future Land Use Plan, the following rules shall apply.

Location of District Boundary Lines:

- (1) Center Lines: Boundaries indicated as approximately following the center lines of streets and highways shall be construed as following such lines.
- (2) Lot, Section and Tract Lines: Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines.
- (3) Political Boundaries: Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.
- (4) Railroad Lines: Boundaries indicated as following railroad lines shall be construed to be following the centerline of the railroad right-of-way.
- (5) Shorelines: Boundaries indicated as following shorelines shall be construed as following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- (6) Uncertainties: Where physical or other features on the ground are at variance with those on the Future Land Use Plan - Year 2000, or in case of other uncertainty, the Town Council shall interpret the intent of the Future Land Use Plan.
- (7) Street Abandonments: Where public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, or alley.
- (8) Excluded Areas: Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, said parcels shall be classified as M.H.P.-2 until changed, if at all, by public hearing.

Sec. 9-6. Existing Use.

- (1) Purpose and Intent: It is the purpose and intent of the Section to permit the continuation of those lots, structures, uses, characteristics of use, or combinations thereof, which were lawful before the passage of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments thereto. For purposes of this Section, an existing use is defined as a lot, structure or use or combination thereof that was legally established and in existence before the effective date of this Code. Any structure in an "Existing Use" area may from time to time be repaired, restored, replaced and/or improved, provided however that any repair, restoration, replacement and/or improvement shall not reduce the amount of open space or the setback that existed prior to such repair, restoration, replacement and/or improvement. An existing use shall not be deemed to be a non-conforming use.
- (2) Intent: It is the further intent and purpose of this Ordinance to accept and approve the use, lots, structures and all characteristics of use of those mobile home units which exist prior to the enactment of this Ordinance and are located within the district designated as M.H.P.-1 as shown of the Future Land Use Plan - Year 2000 of the Town of Ocean Breeze Park.

### ARTICLE III. ZONING USE DISTRICTS

Sec. 9-7. M.H.P.-1 Zoning Classification/Residential Districts.  
One family residential district consisting of Mobile Home Units established and in place prior to the enactment date of this ordinance.

- (1) It is the purpose and intent of this district to accommodate the housing and use as it lawfully existed in this district prior to the enactment of this Ordinance and to provide adequate shelter for those seeking an alternative to newer and more expensive housing and to preserve the character, quality and historical nature of the existing community, in accordance with the adopted Future Land Use Plan for the Town of Ocean Breeze Park.
- (2) Uses Permitted:
  - A. Single family, one story mobile home (manufactured housing) units affixed to a foundation.
  - B. Customary accessory uses and building provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business.

- C. Any accessory building shall be located on the same lot with the principal building and may include private garages and storage structures, however, no greenhouse or slathouse shall be permitted.
- D. Rental of spaces for mobile home occupancy.
- E. Sale of mobile home units located on rental spaces, provided a certificate of occupancy had previously been issued.
- F. Civic and/or community centers for the sole use of Ocean Breeze Park residents.
- G. Single family Foster Home use.

(3) Uses Permitted Conditionally:

- A. Public buildings and facilities, either publicly or privately owned, which accommodate the basic public service needs of the community. This is intended to provide for and include other major improvements and uses as may be approved by the Town Council to provide for the needs of Ocean Breeze Park. Such public buildings and uses shall be effectively screened from any adjacent residential use.
- B. Recreation facilities for residents provided that any structures or uses are effectively screened.
- C. Utility substations and transmission lines and pipes proved such uses are effectively screened.
- D. Self service laundry and drying area for the residents of a mobile home park.

(4) Site Development Standards:

- A. Minimum Lot Area - 2,500 square feet
- B. Minimum Lot Width - 40 feet
- C. Minimum Yard Setbacks -
 

Front	5 feet
Rear	5 feet
Side	5 feet
- D. Maximum height - 1 story - 25 feet
- E. Maximum Lot Coverage - 60 percent
- F. Wall limitations:

1. No garden or court wall, when attached to a building shall be erected to a height in excess of six (6) feet.
  2. All other decorative walls, fences or hedges shall not exceed three (3) feet in height.
- (5) Supplemental Regulations, Permitting: The M.H.P.-1 zoning classification is subject to the Supplemental Regulations and all other articles in this Code.

Sec. 9-8. M.H.P.-2 Zoning Classification.

- (1) Purpose and Intent: The purpose and intent of this district is to provide standards for development of new Mobile Home Parks (Manufactured Housing) to accommodate single family units manufactured to comply with Federal and State requirements and to comply with the objectives of the Comprehensive Land Use Plan of the Town of Ocean Breeze Park. This district is intended to provide residents of the Town with a more modern alternative to the existing historic quality of life in the Town as preserved in the M.H.P.-1 district. Development of a new Mobile Home Parks in the M.H.P.-2 district shall be in accordance with the provisions hereof.
- (2) Uses Permitted:
  - A. Single family, one story mobile home (Manufactured Housing) units affixed to a foundation and complying with all requirements of State, Martin County and Town of Ocean Breeze Park.
  - B. All uses permitted for M.H.P.-1.
- (3) Uses Permitted Conditionally:
  - A. All uses permitted conditionally for M.H.P.-1 district.
- (4) Mobile Home Lot Standards:
  - A. Minimum Lot Area - 4,500 square feet
  - B. Minimum Lot Width - 40 feet measured at setback line
  - C. Minimum Yard Setback:
    1. On the front line, the mobile home unit, including accessory structures, shall be set back a minimum of twenty (20) feet from the pavement edge of any street or roadway.

2. There shall be a ten (10) feet minimum side separation between each mobile home unit, including all accessory structures from each adjacent mobile home and accessory structures.
  3. There shall be an open space at the rear of each mobile home, including any accessory structure, of not less than ten (10) feet in depth for the width of the lot.
  4. No mobile home unit or accessory structure shall be placed closer than twenty-five (25) feet to any perimeter boundary, recreation building or utility site.
- D. Maximum height: 1 story - 25 feet
- E. Maximum Lot Coverage - 44 percent
- F. Wall Limitations:
1. No garden or court wall when attached to a building shall be erected to a height in excess of six (6) feet.
  2. All other decorative walls, fences or hedges shall not exceed three (3) feet in height.
- (5) Supplemental Regulations, Permitting: The M.H.P.-2 Zoning Classifications is subject to the Supplemental Regulations and all other Articles in this Code.

Sec. 9-9. M.H.P.-2 Site Development Standards.

- (1) Minimum Mobile Home Park Site Area: 35 contiguous acres with unity of title which may not be subsequently subdivided. The site shall be a unit and divided or separated only by a road or public right-of-way.
- (2) Maximum density in M.H.P.-2 district shall be 6 single family mobile home units per acre.
- (3) Any single family residential units installed subsequent to the enactment of this Ordinance (except the replacement or reconstruction of units in the M.H.P.-1 district) shall, by exterior measure, contain a minimum of 600 square feet, excluding carports, garages, breezeways, utility room or patio.
- (4) The Mobile Home Park site shall be served by a central sewage treatment system. Such systems shall be installed and operate in accordance with the applicable Town, County and State requirements.
- (5) Fire hydrants shall be provided in sufficient numbers and situated within the park so that no mobile home or other structure shall be located more than 500 feet from a fire hydrant.
- (6) Electrical service provided shall be a minimum of 150 amp for each mobile home.
- (7) Street lighting shall be installed to insure a light for each 300 feet of road length and at the end of each cul-de-sac and where dangerous traffic conditions may require. This requirement for street lighting may be met by individual yard lights adjacent to the street at every mobile home unit site. All electrical service shall be underground.
- (8) All streets with M.H.P.-2 district shall be paved in accordance with standards set forth herein. The streets are to be owned and maintained by the Developer, his successor or assigns or a Homeowners Association created pursuant to Florida Statutes 723.075.
- (9) Elements of street design including, but not limited to horizontal and vertical alignment, grades and elevations, shall be consistent with accepted practice and standards. The design should conform to the Martin County standards and requirements for streets and roadways, latest codes and ordinances.
- (10) Materials, construction methods and densities for subgrade, base and surface course of all roads shall conform to Department of Transportation specifications,

or American Association of State Highway and Transportation Officials (A.A.S.H.T.O.).

- (11) The Mobile Home Park site shall be fenced along the entire perimeter where the Mobile Home Park site is adjacent to and abuts unincorporated property with a fence no less than six (6) feet in height and landscaped. The fence and landscaping shall be approved by the Town Engineer or Mayor prior to construction.
- (12) A Mobile Home Park constructed after the effective date of this ordinance shall comply with the standards of the National Fire Protection Association (NFPA). Standards for First Safety Criteria for Mobile Home Installations, Site and Communities, latest edition.
- (13) A minimum of three (3) percent of the gross land area of a Mobile Home Park shall be required for recreation area.

Sec. 9-10. M.H.P.-3 Zoning Classification.

- (1) Purpose and Intent: The purpose and intent of this district is to provide an area or areas within the corporate limits of the Town to provide for rental space for storage of vehicles of all types for the convenience of residents of the Town of Ocean Breeze Park.
- (2) Uses Permitted:
  - A. Rental space for parking and storage of vans, automobiles, trucks, recreational vehicles, trailers, boats and campers.
  - B. Vehicles in storage may not be occupied or used for living quarters.

Sec. 9-11. Multi-Family/Mobile Home Planned Development Zoning Classification.

- (1) Purpose and Intent: The purpose and intent of this district is to provide standards for development of planned developments of either multi-family structures or mobile homes. This district is intended to provide residents of the Town with the benefits of a planned unit development through requiring a more rigorous master plan review process, higher development standards and a negotiated development agreement.
- (2) Uses Permitted Conditionally:
  - A. Single-family, multi-family and mobile home (manufactured housing) structures sited based upon an approved overall development plan with a density of up to 6 units per acre.

B. Residential storage facilities sited within 300 feet to the west of the East Coast Railroad right-of-way, provided such facilities do not interfere with adjacent residential uses.

C. All uses permitted for M.H.P.-1 District.

(3) Development Standards:

A. All development will meet the requirements of the Comprehensive Plan, as adopted March 1, 1990, and amended from time to time.

B. Maximum height:

2 stories - 30 feet (for structures abutting the Town limits);

3 stories - 35 feet (for structures not abutting the Town limits).

C. Lot standards for any mobile home development within the district shall meet or exceed those set forth in Article IV, sections 2.04, 2.05 and 3 and Article VI. Supplemental Regulations.

(4) Development Concepts to be Considered:

A. In designing a planned unit development, the applicant shall consider unique, innovative or traditional design features that reflect the most current thinking in community design. These may include, but need not be limited to: (a) architectural compatibility programs to control development and in relation to the surrounding community, (b) contributions to the functioning of the surrounding community, (c) features that encourage positive human interaction and discourage negative human behaviors such as theft, violence and other anti-social behavior, (d) housing and income opportunities for a range of living situations and socio-economic characteristics and affordable or available to a range of household income levels, and (e) enhancement of the functioning and beauty of the natural environment.

B. The comprehensive plan contains objectives and policies useful for consideration in creating efficient and beneficial planned-unit-developments and shall be utilized to provide direction in the matter of concepts to be considered in design or planned-unit-developments.

Sec. 9-12. B-1 Business District.

(1) Purpose and Intent: The purpose and intent of this district is to provide suitable sites for the development of commercial activities of a community-oriented general office, retail and service nature in a centralized location consistent with the Town's adopted Comprehensive Land Use Plan.

(2) Uses Permitted:

A. Office uses, not limited to, but including:

1. Brokerage offices: stocks, commodities and real estate
2. Employment agencies
3. Financial establishments: banks, savings and loans and credit unions
4. Medical, dental and eye doctors, including other similar health related professions
5. Professional services: accountant, lawyers, architect, engineer and like professionals
6. Secretarial and stenographic services
7. Studio schools: art, sculpture, dance, pottery and like instruction
8. Travel agencies
9. Other uses which are similar in nature to the uses permitted above

B. Retail and Service establishments, limited to:

56. Antique shops
57. Appliance stores
58. Art galleries
59. Bakeries: Provided that any such use shall be limited to the preparation of products for on-premises sales and consumption only
60. Barber, beauty, and skin care shops
61. Bars and lounges
62. Bath shops
63. Bicycle sales, rental and repair

64. Book and stationary shops
65. Candy and ice cream shop
66. Carpet stores
67. Clothing stores, including specialty apparel item shops
68. Copying services and printing shops
69. Cosmetic stores
70. Department stores
71. Drapery stores
72. Drug stores and pharmacies
73. Dry goods stores
74. Fabric stores
75. Florists
76. Food stores
77. Furniture stores
78. Garden supplies and plant nurseries
79. Gift shops
80. Hardware stores
81. Health and exercise studio
82. Hobby and handicraft shops
83. Home furnishing store
84. Jewelry stores
85. Laundry and dry cleaning operations
86. Luggage and leather goods stores
87. Liquor package stores
88. Medical and dental laboratories
89. Motion picture theatre (indoors only)
90. Newspaper offices and stands

91. Novelty and curio shops
92. Office supply stores
93. Optical stores
94. Paint and wallpaper stores
95. Pet supply and pet shops
96. Photographic suppliers, processors, and studios
97. Post offices
98. Restaurants (fast foods)
99. Shoe repair shops
100. Sporting goods stores
101. Tailors or seamstresses
102. Tobacco shops
103. Veterinary clinics and animal hospitals
104. Any other use which is determined by the Town to be similar in nature to the above listed uses and to conform to the intent of this section

Sec. 9-13. Site Development Standards, B-1 District.

- A. Minimum Lot area: 12 acres
- B. Minimum Setback:
  1. No structure shall be built within 50 feet of the center line of any public platted right-of-way that is not designated a through traffic highway.
  2. No structure shall be built within 65 feet of the center line of a designated through traffic highway.
- C. Maximum height of building: four (4) stories or 50 feet above grade level.
- D. Required Utilities: a central water supply and a central sewage treatment system shall be required.
- E. Parking Requirements:

1. Five (5) off-street parking space for each 1,000 square feet of gross leasable commercial floor area.
2. Off-street parking space in the B-1 District shall require a minimum of 180 square feet, 9 x 20, for each automobile parked, exclusive of access drives or aisles thereto. Off-street parking areas, including access drives and aisles shall be paved according to Martin County specifications, and shall be marked by painted lines to indicate individual parking spaces. No certificates of occupancy shall be issued until the required parking facilities have been provided, inspected and approved.
3. Plans Required: A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking. The plan shall, in addition to showing the detailed construction, accurately designate the required parking spaces, access aisles and driveways, and the relation of the off-street parking facilities to the uses or structure such facilities are designated to serve. When parking facilities are required, the plans therefor shall be approved by the Town Engineer prior to the issuance of a building permit.

Sec. 9-14. Structural Changes, Remodeling or Reconstruction of Building Exterior - B-1.

- (1) Any building in the B-1 zone to which structural changes are proposed or the exterior is to be remodeled, modified or reconstructed shall require a building permit prior to commencement of any work.
- (2) Request for such permit shall be submitted to the Town Clerk along with detailed plans of the work proposed which shall issue the building permit after approval of the plans by the Town Engineer.

**Sec. 9-15. Occupational Licenses - B-1.**

- (1) No commercial building shall be used or occupied until an Occupational License has been applied for and issued. In most cases the Occupational License and Certificate of occupancy may be applied for and issued concurrently.
- (2) The Occupational License shall be applied for, approved, and issued by the Town Clerk after approval by the Town Engineer.
- (3) The Town Clerk shall maintain a record of all Certificates of Occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the structure affected.
- (4) No building permit or Certificate of Occupancy shall be issued for any structure where said construction addition or alteration or use thereof would be in violation of any of the provisions of this Chapter.

**Sec. 9-16. Supplemental Regulations - B-1.** The B-1 zoning classification is subject to the supplemental regulations and all other articles in this Code.

**ARTICLE V. SUBDIVISION REGULATION**

**Sec. 9-17. Applicability.** Any division or platting of land into three (3) or more lots, tracts, or parcels for the purpose of sale or lease, including planned unit developments, any establishment of new streets and alleys, whether public or private, any changes in an existing platted street or alley, whether public or private, or any additions and re-subdivisions of any parcel divided or platted after the effective date of this article shall comply with the standards, procedures and requirements of this article and all other applicable ordinances.

**Sec. 9-18. Compliance with State Statute.** In addition to the requirements contained herein, all laws and regulations of the State of Florida pertaining to the platting and replatting of lands shall be complied with, and no waiver or modification of any such law or regulation is to be implied by any requirement contained herein. Specific reference in this regard should be made to the requirements of Chapter 177, Part I, Florida Statutes.

**Sec. 9-19. Review Procedures.** As a means of organizing the subdivision review and approval procedure, applicants and Town officials shall utilize the subdivision plat approval procedures set out by the relevant ordinance of Martin County. These procedures generally include a preapplication conference, preliminary plan approval and final record plat approval. Alternatives to these review procedures, agreed to in writing by the Town Council and applicant, shall be allowed if consistent with all applicable laws and ordinances.



## ARTICLE VI. SUPPLEMENTAL REGULATIONS

### Sec. 9-23. Fences, Walls and Hedges.

#### (1) General Requirements:

- A. Chain-link fences, wooden fences, masonry walls or plant matter may be used to provide visual screening between all residential use areas and adjacent non-residential use areas.
- B. The Town may require the screening of any use or condition considered detrimental to the use and enjoyment of adjacent properties.
- C. All plans for visual screening using plant or vegetation materials shall first be approved by the Mayor of the Town or such own representative as the Mayor may designate.
- D. Where Town property abuts non-incorporated property with a use classification different from the use classification of the Town property, the Town may require a buffer zone of 25 feet or more.

#### (2) Prohibitions:

- A. No fence, hedge or wall shall be erected, constructed, installed or maintained within six (6) feet of a fire hydrant or other emergency apparatus.
- B. No fence, hedge or wall shall be erected, constructed, installed or maintained that creates in any manner a visual obstruction to vehicular traffic.

#### (3) Permits: All fences, hedges or walls shall comply with building permit procedures.

#### (4) Construction and Maintenance:

- A. All fences and walls shall be constructed to comply with the Standard Building Code, latest edition.
- B. No fence or wall shall be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.
- C. All fences, walls and hedges shall be maintained in safe, non-hazardous condition and good appearance.

Sec. 9-24. Setbacks. Every part of every required front, side and rear yard setback shall be open and unobstructed.

(1) Allowable Encroachments:

- A. In residential districts, structural overhangs such as roof extensions may stand up to three (3) feet into required setbacks.
- B. Mechanical equipment, cornices and gutters may project up to three (3) feet into a required yard, provided that where the yard is less than six (6) feet in width such projection shall not exceed one-half (1/2) in width of the required setback.
- C. Window air conditioning units may project up to eighteen (18) inches into a required side yard.
- D. In residential districts, cantilevered awnings may extend up to three (3) feet into required front yards and up to three (3) feet into required side or rear yards, but not closer than three (3) feet to any lot line.
- E. Required yard setbacks shall apply to structures, except fences and walls which do not exceed six (6) feet in height.

Sec. 9-25. Waterfront and Docks. No bulkhead, dock, or retaining wall shall be erected, constructed or built in any waters or land abutting thereon unless plans and specifications have been submitted to and approved by the Town Council.

Sec. 9-26. Off-Street Parking Requirements.

(1) General Regulations:

- A. Residential - For each dwelling constructed or erected after the effective date of this Ordinance there shall be not less than two (2) off-street parking spaces.
- B. Office Building - There shall be a minimum of one (1) off-street parking space for each two hundred (200) square feet of gross floor area, excluding elevator shafts, stairways and hallways.
- C. Shopping Centers - There shall be a minimum of five (5) off-street parking spaces for each one thousand (1,000) square feet of gross leasable area.
- D. A plan of parking facilities shall accompany each application for a building permit or certificate of compliance. The completion of the improvements for parking according to such a plan shall be a requisite for issuing of the permit or certificate of occupancy.

- E. No overnight parking shall be permitted on street, roads or right-of-ways in any residential area of the Town, except as may be accommodated in the overall design scheme of a planned unit development.

Sec. 9-27. Electric Signs.

- (1) No exterior electric signs shall be permitted except upon written approval of the Mayor.
- (2) All applications for approval of exterior electric signs shall be in writing and include a drawing of the proposed sign with complete dimensions and requested location. All such applications shall be directed to the Town Clerk for processing.

Sec. 9-28. Site and Utility Construction Standards Adopted.

- (1) All site and utility construction standards shall be in conformance with the provisions pertaining thereto, as set forth in Martin County Code which provisions are hereby incorporated by reference with the exception of the Storm Water retention and discharge requirements which shall be in conformance with the South Florida Water Management District Standards which standards are incorporated by reference.
- (2) All building construction standards shall be in conformance with Standard Building Code, latest edition, which code is hereby incorporated by reference.
- (3) Nothing herein shall be construed as requiring the Town to implement fees or fee schedules set forth in the codes incorporated herein by reference. The Town may, however, establish a fee schedule for certain activities and such fee schedules shall be available at the office of the Town Clerk.

Sec. 9-29. Compatibility with Adjacent Uses. Regulations throughout this Zoning and Land Development Code and the Comprehensive Plan are based upon maintaining and creating compatibility between adjacent uses. Implementation of the policies and objectives contained in the Future Land Use Element of the Comprehensive Plan through application to new development and re-development plans will assure that this goal is realized. Any change in zoning or future land use plan designation shall occur only pursuant to a finding by the Town Council that such change will not result in incompatibility with adjacent uses.

Sec. 9-30. Protection of Potable Water Wellfields. No identified cones of influence for potable water wells and wellfields exist within the Town's boundaries. As stated in Section f.2. of the Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural

Ground Water Aquifer Recharge Element of the Comprehensive Plan, the Town is expecting to cooperate with Martin County should it be demonstrated in the future that cones of influence exist or will exist within the Town's boundaries. Land uses which present potential danger to the quality and protection of ground water may be prohibited or regulated at that time.

Sec. 9-31. Flood Protection, Drainage & Stormwater Management Level of Service Standard. The stormwater management level of service (LOS) standards adopted in the Ocean Breeze Park Comprehensive Plan are met by the permitting requirements already established by the Florida Department of Environmental Regulation (DER) and the water management district. All development required by State law to acquire permits from the DER and/or the regional water management district, must acquire said permits before a development order can be issued by the Town of Ocean Breeze Park. In addition, the policies and objectives of the Coastal Management and Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural Ground Water Aquifer Recharge Elements of the Comprehensive Plan which address flood protection, drainage and stormwater management and Ordinance #52, as it may be amended from time to time, shall be applicable to all new development.

Sec. 9-32. Environmentally Sensitive Lands. In addition to meeting the protection of environmentally sensitive lands requirements of the Comprehensive Plan, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply. In addition, the policies and objectives of the Conservation and Coastal Management Elements of the Comprehensive Plan shall be applicable to all new development.

## ARTICLE VII. CONCURRENCY

Sec. 9-33. Concurrency Requirement. Development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available and meet the adopted level of service standards

concurrent with the impacts of the development. Phased facilities and services to be provided by the local government shall be included in and consistent with the Capital Improvements element of the Comprehensive Plan.

Sec. 9-34. Comprehensive Plan Capital Improvements Element. All new development must comply with the policies, objectives and level of service standards established in the Capital Improvements Element of the Comprehensive Plan.

Sec. 9-35. Required Analysis and Development Agreement. Prior to granting any development approval, the Town Council shall cause to be conducted a technical analysis relating to the proposed development and the concurrency requirement regarding required public facilities and services. Said analysis shall be in written form and be made a part of the record for any considered development approval. Assurances that the concurrency requirement is being met shall be based upon the completed technical analysis and, when public facilities and services are to be provided by the developer, shall be guaranteed in an enforceable development agreement.

#### ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Sec. 9-36. Administration.

- (1) There is hereby created a Zoning Board which shall comprise all the members of the Town Council, including the Mayor of the town of Ocean Breeze Park.
- (2) This Ordinance shall be enforced by the Mayor of Ocean Breeze Park.
- (3) Duties of Zoning Board:
  - (A) To review all proposals to amend, supplement or replace the Zoning and Land Development Ordinance or any part thereof and take appropriate action and to provide special exceptions in event of hardship.
  - (B) To promptly and diligently conduct investigations on all matters pursuant to the provisions of this Ordinance.
  - (C) The Mayor shall report to the Town Council, from time to time at the regular meetings on all matters pursuant to the provisions of the Ordinance.

Sec. 9-37. Building Permits.

- (1) No building or structure, whether of a permanent or temporary character shall be erected, added to or structurally altered until a required building permit therefor has been issued by the Town. The Town Engineer or Building Inspector, if any, shall make the necessary

review of the project and recommend issuance of the required permit by the Town Clerk who shall maintain a file and record on all such permits issued. No Building Permit or Certificate of Occupancy shall be issued for any structure where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

- (2) All applications for Building Permits shall include three (3) copies of a layout or building plan drawn to scale showing the exact size and location on the lot of the structure and accessory building to be erected or alterations to a building already erected, as well as the elevations of such buildings, proposed finished grade of lot, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.
- (3) One (1) copy of such layout or building plan shall be returned when approved by the Mayor and/or designated Town Engineer.

#### Sec. 9-38. Certificate of Occupancy.

- (1) No building constructed, erected, altered or repaired, after the effective date of this Ordinance shall be used or occupied until a Certificate of Occupancy has been issued by the Town Clerk after verification by the Town Engineer or Building Inspector, if any, that the structure or proposed use thereof complies with all provisions of this Chapter.
- (2) All Certificates of Occupancy shall be applied for after the final building inspection and said Certificate of Occupancy shall be issued within ten (10) days after the date of application, provided, the final inspection certifies that the structure has been completed and complies with the provisions of this Ordinance.
- (3) The Town Clerk shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the structure affected.

### ARTICLE IX. AMENDMENTS

#### Sec. 9-39.

- (1) The Town Council may from time to time on its own motion, or on petition of property owners, amend, supplement or repeal the regulations and provisions of this Ordinance. No such amendment, supplement, or repeal of the Ordinance shall be made until after a public hearing in relation thereto, at which parties in interest and citizens shall

have an opportunity to be heard. At least ten (10) days notice of the time and place of such hearing shall be given by publishing a Notice of such public hearing in a newspaper of general circulation printed in Martin County and posting a Notice thereof upon the Town Bulletin Board.

- (2) A petition by any property owner to amend, supplement or repeal this Ordinance or any part thereof, shall be submitted to the Town Council and to the Planning and Zoning Board, if there is such a Board. After review of the petition, and the recommendation of the Planning and Zoning Board, if any, the Town Council shall proceed to hold a public hearing in regard thereto after publishing a Notice of such public hearing in a newspaper of general circulation printed in Martin County giving at least ten (10) days notice of the time and place of such hearing and posting a copy of the notice on the Town Bulletin Board.
- (3) In lieu of publishing a Notice of such public meeting in a newspaper of general circulation printed in Martin County, as provided above, the Town may mail a notice of hearing to each person owning real property within the area covered by the petition to amend, supplement or repeal this Ordinance or any part thereof. Said written notice shall provide at least ten (10) days notice of the meeting date and the time and place of the meeting.

#### **ARTICLE X. PENALTIES**

##### **Sec. 9-40. Violations and Penalties.**

- (1) Any person, firm, partnership or corporation violating any of the Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.
- (2) Each day that a violation of this Chapter is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.
- (3) As an alternative to prosecution for violations of the Ordinance as a misdemeanor, the Town of Ocean Breeze Park may obtain an injunction in any court having jurisdiction over violations of the town Zoning Ordinance to prevent, abate or terminate any violation of this Zoning Ordinance.
- (4) This Ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the residents of the Town of Ocean Breeze Park and this

Ordinance shall become effective immediately upon its final passage and adoption.

## CHAPTER 10

### TAXATION

#### Sec. 10-1. Bottled Gas Purveyors.

(1) A license tax is hereby levied in the amount of \$100.00 upon each concern or individual purveying bottled gas within the Town limits of the Town of Ocean Breeze Park.

(2) Such license tax shall be due and payable on October 1st of each year.

(3) Such license shall be on a form provided by the Town Council and shall be executed by the Town Clerk.

(4) Any person, firm or corporation violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed One Hundred Dollars or by imprisonment not to exceed thirty days for each such violation.  
(Ordinance No. 4)

## CHAPTER 11

### CIVIL DEFENSE

#### ARTICLE I. IN GENERAL

Sec. 11-1. Zone Civil Defense Council. The Zone Civil Defense Council consists of the Board of Town Alderman, who are duly elected public officials of the said town and the duly appointed, (1) one each representative of the Jensen and Rio areas. (Res. No. 1, 1-12-62)

Sec. 11-2. Emergency Resources. The Departments, Agencies and services of the Town government, to include their employees, property equipment and other resources, which are administered by the Board of Alderman, shall be assigned and made available to the Zone Civil Defense Organization for operations in Civil Defense emergencies. (Res. No. 1, 1-12-62)

Sec. 11-3. Zone Civil Defense Director. The Zone Civil Defense Director appointed pursuant to this Resolution shall be responsible within the policies and directives of the Civil Defense Council for the organization and plans for Civil Defense within the zone area in accordance with the County Civil Defense Plan and Programs for its non-military defense. (Res. No. 1, 1-12-62)

## CHAPTER 12

### WATER PRESERVATION

#### ARTICLE I. IN GENERAL

##### Sec. 12-1. Definitions.

1. For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(a) "District" is the South Florida Water Management District.

(b) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.

(c) "Water resource" means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

(d) "Water shortage condition" is when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

(e) "Water shortage emergency" means that situation when the powers which can be exercised under Part II of Chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses. (Ord. No. 35, 4-8-85)

Sec. 12-2. Application of Ordinance. The provisions of this Ordinance shall apply to all persons using the water resource within the geographical areas subject to the "water shortage" or "water shortage emergency", as determined by the District, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This ordinance shall not apply to persons using treated effluent or saltwater. (Ord. No. 35, 4-8-85)

Sec. 12-3. Amendments to Water Shortage Plan. Chapter 40E-21, Florida Administrative Code, as same may be amended from time to time, is incorporated herein by reference as a part of the Town of Ocean Breeze Park Code. (Ord. No. 35, 4-8-85)

Sec. 12-4. Declaration of Water Shortage; Water Shortage Emergency. The declaration of a water shortage or water shortage emergency within all or any part of the Town of Ocean Breeze Park by the Governing Board or the Executive Director of the District shall invoke the provisions of this Ordinance. Upon such declaration all water use restrictions or other measures adopted by the District applicable to the Town of Ocean Breeze, or any portion thereof, shall be subject to enforcement action pursuant to this Ordinance. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this Ordinance. (Ord. No. 35, 4-8-85)

## ARTICLE II. ENFORCEMENT AND PENALTIES

Sec. 12-5. Enforcement. Every police officer or sheriff having jurisdiction in the area governed by this Ordinance shall, in connection with all other duties imposed by law, diligently enforce the provisions of this Ordinance. In addition, the Town of Ocean Breeze Park Administrator may also delegate enforcement responsibility for this Ordinance to agencies and departments of the Town of Ocean Breeze government, or cities in the service areas governed by this Ordinance, in accordance with state and local law. (Ord. No. 35, 4-8-85)

Sec. 12-6. Penalties. Violation of any provision of this Ordinance shall be subject to the following penalties:

First Violation	\$25.00
Second and subsequent violations	Fine not to exceed \$500 and/or imprisonment in the county jail not to exceed 60 days

Each day in violation of this Ordinance shall constitute a separate offense. In the initial stages of a water shortage or water shortage emergency, law enforcement officials may provide violators with no more than one written warning. The Town of Ocean Breeze Park, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this Ordinance. (Ord. No. 35, 4-8-85)

Sec. 12-7. Water Users to Accept Provisions of Ordinance. No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this Ordinance. The acceptance of water service shall be in itself the acceptance of the provisions thereof. (Ord. No. 35, 4-8-85)

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