

ORDINANCE NO. 29

AN ORDINANCE OF THE VILLAGE OF GOLF, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO 1 AND REPEALING ORDINANCE NO 25 TO PROVIDE FOR RESTRICTION OF CONSTRUCTION AND ISSUANCE OF BUILDING PERMITS, ADDITIONAL AMPLIFYING INSTRUCTIONS THEREFOR, THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND THE SEVERABILITY THEREOF.

WHEREAS, the Village Council of the Village of Golf, Florida deems it to be in the public interest to restrict and limit the period of time when construction activity (as hereinafter defined) may occur in the Village; and

WHEREAS, the Village Council of the Village of Golf, Florida finds a restriction and limitation of the time when construction activity may occur in the Village reasonably necessary to protect, preserve and promote the public health, safety and general welfare of its residents.

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, as follows:

Section 1. Amendment of Section VI of Ordinance No. 1

That Section VI of Ordinance No. 1 of the Village of Golf, Florida, as adopted December 16, 1957, is hereby amended by the addition of:

a. The following sentence to Section D:

"No existing pine or other native tree with a diameter of two (2) inches or more at the base may be removed without the approval of the Village Council, and that no Building Permit which may involve the removal of such tree or trees shall be issued without the prior approval of the Village Council of such removal."

b. The following paragraph:

"E. Restrictions on construction and the issuance of building permits.

1. During the period from November 1 to April 15 any construction, building, structural repair, alterations, improvements, enlargements, moving, removal, conversion or demolition; excavation, drilling, boring, grading, earth moving; street, sewer or water main installation; paving, sodding, major landscaping or heavy pruning; and, without limitation of the foregoing, any other activity involving the use of heavy equipment or the production of loud noises (collectively called "construction activity") is pro-

hibited except to the extent, and only to the extent, that such construction activity is necessary to accomplish emergency repairs required to render an existing structure habitable or accessible or is necessary in the interest of public health or safety.

2. No building permits shall be issued or valid authorizing construction activity during the period from November 1 to April 15.

3. To assure construction completion during the permissible construction activity period from April 16 to October 31, no building permit for housing starts or major construction activity shall be issued after April 15 of any year.

4. Each application for a building permit relating to housing start or major construction activity shall be accompanied by:

A. An affidavit of the owner and the general contractor certifying that:

1) The construction contract provides that:

- a. Actual construction will begin no later than May 1 of that year; and
- b. Construction will be completed before November 1 of that year.

2) The owner and general contractor believe in good faith that construction will be completed before November 1 of that year; and

B. An appropriate agreement by the owner and general contractor providing for protection of adjoining property and for deposit of at least \$500.00 in escrow to assure performance of such agreement.

5. The Village Council shall have the power to enforce the provisions of this Section VI, E, by seeking the remedies and/or imposing the penalties provided for in Section X of said Ordinance No. 1. Except for acts of God, exceptions will not be granted and the remedies for any construction activity beyond the permitted period shall be enforced as provided in Ordinance No. 1, including fines not exceeding \$500 per calendar day."

Section 2. Amendment of Section 4 of Ordinance 23

That Section 4 B. of Ordinance 23 of the Village of Golf, Florida, as adopted December 3, 1974, be amended by:

a. Adding the following sentence to paragraph (1) of Sec. 105.4(a):

"The perimeter of the proposed building or structure is to be staked to provide a clear view of the proposed structural outline on site."

b. Modifying the second sentence of Sec. 106.3 of the amendment and addition to the Southern Standard Building Code therein provided to read as follows:

"A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to (1) violate, cancel, alter or set aside any of the provisions of this code, or (2) to engage in any construction (as defined in Section E (1) of Section VI of Ordinance 1 of the Village of Golf, Florida, as amended by Ordinance 29 of said Village) prohibited by said Section E, or to prevent the Village Council from thereafter requiring a correction of errors in plans, or in construction, or of violations of this code or of any Ordinance of the Village of Golf."

Section 3. Repeal of Conflicting Ordinances and Resolutions

Ordinance No. 25 and all Ordinances or part of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date

This ordinance shall become effective immediately upon its reading, passage, approval and adoption as provided by law.

READ IN FULL AND PASSED BY THE VILLAGE COUNCIL of the Village of Golf, Florida, this 28th day of February, 1979.

APPROVED AND ADOPTED upon signature of all Council members in accordance with Section 17, Article III of the Village Charter this 28th day of February, 1979.

APPROVED:

Carlton Blum
Mayor

Donald H. Gustaf

Robert R. Leverage

Jim Suterstock

George B. Turner
Councilmen

ATTEST:

Larreal Lindow
Village Clerk