

ORDINANCE NO. 301

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA, AMENDING CHAPTER 10 BUILDINGS AND BUILDING REGULATIONS, ARTICLE III PERMITS, AT SECTION 10-62 APPLICATION; PLANS AND SPECIFICATIONS, TO REQUIRE AN AUTHORIZED SIGNATURE ON BEHALF OF CONDOMINIUM ASSOCIATIONS AND HOUSING COOPERATIVES (“CO-OPS”) ACKNOWLEDGING WORK TO BE DONE IN CONDOMINIUM/CO-OP UNITS AND FOR OTHER HOUSEKEEPING PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of South Palm Beach, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town’s Code of Ordinances, section 10-62 sets forth the requirements surrounding the application for a building permit; and

WHEREAS, the Town Council wishes to amend the ordinance to address some housekeeping items and also to require building permit applications for work to be performed in a condominium unit or housing cooperative (“co-op”) to include authorized signatures on behalf of such condominium association and co-op that acknowledge and approve the work that will be taking place within the unit; and

WHEREAS, the Town Council wishes to make the latter change to keep the Town from becoming involved in controversies between condominium/co-op unit owners and their associations/boards where unit owners may obtain building permits from the Town for projects that are inconsistent with the association/co-op’s regulations; and

WHEREAS, the Town Council has reviewed this ordinance and finds that this amendment is in the best interests of the public health, safety and/or welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH PALM BEACH, FLORIDA THAT:

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as the legislative findings of the Town Council of the Town of South Palm Beach.

Section 2. The Town of South Palm Beach Code of Ordinances, at Chapter 10 Buildings and Building Regulations, Article III Permits, Section 10-62 Application; Plans and Specifications, is hereby amended to read as follows:

Sec. 10-62. – Application; plans and specifications.

(a) Applications for building permits shall be accompanied by ~~two~~three complete sets of plans, drawings, and specifications showing work to be done. Except as otherwise permitted by this Code, all plans, drawings, and specifications must be drawn, prepared, or verified by a state registered architect or engineer, and his seal of office imprinted thereon. Additionally, such plans, drawings, and specifications shall contain the unqualified certification of the architect or engineer, under seal, that the plans, drawings, and specifications are in full compliance with all provisions of the town's Code of Ordinances. Any plans, drawings, or specifications which fail to contain such certification under seal, or which otherwise fail to be in full compliance with the Code of Ordinances, shall be rejected. No plans, drawings, or specifications submitted with an application for building permit, or in connection with changes to previously submitted plans, drawings, or specifications, shall be prepared by any town employee, including the building code administrator, or any associate of the building code administrator or any town employee.

(b) If required by the building code administrator or otherwise required under this Code, ~~Each~~an application for a building permit shall be accompanied by ~~two~~three copies of a certified survey and site plan, prepared by a state registered land surveyor, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the proposed building to be erected, and such other information as the building

code administrator reasonably might require to determine whether the application complies with all applicable provisions of this Code.

(c) An application for a building permit for work to be performed on a condominium unit or housing cooperative (hereinafter referred to as “co-op”) shall also include an authorized signature on behalf of the condominium association or co-op board, respectively, acknowledging that the association/board has been notified that the work described in the building permit application is to be performed in the condominium unit/co-op unit and that the association/board acknowledges that the town is not responsible for enforcing any applicable condominium/co-op covenants, rules or regulations. The town, in its sole discretion, may reject any application submitted that fails to substantially comply with this subsection.

~~(de)~~ Applications for building permits, with all supporting plans, drawings, and specifications, as required, shall be filed with the building department. ~~in the office of the town manager, who~~ The building department shall make a record of the application and ~~retain one complete copy of the application as part of the town's records.~~ The remaining two copies of the application shall be referred to the building code administrator, who shall examine the plans to determine whether the proposed construction or alteration will comply with the provisions of this Code relative thereto. The building code administrator shall review the application, supporting plans, drawings, and specifications, and any amendments; ~~with the chairperson of the board of adjustment and the chairperson of the planning board~~ to determine if the work proposed by the application or amendments thereto is in compliance with the zoning provisions of the land development chapter. One set of plans shall be returned to the applicant with a permit, if granted, and the other shall

be retained by the town for the use of the building code administrator and as part of the permanent records of the town. No permit shall be issued until after approval of the plans by the building code administrator, receipt and acceptance by the town of the building permit application and any other required documents, and payment of the fee as prescribed by the town council. As a courtesy, the building department will make a reasonable effort to notify condominium associations and co-op boards of the status of each building permit involving their respective condominium and co-op units, including when inspections have been scheduled and when a permit has been closed out. The building department's failure to make such notifications shall not give rise to any cause of action against the town.

(ed) ~~Except as otherwise provided in~~ Pursuant to section 2-93(a), no building permits shall be issued for construction in the town until the building code administrator may require the plans for the construction have been to be first-submitted to and approved by the architectural review board prior to the issuance of a building permit.

(fe) It shall be unlawful to vary materially from the submitted plans and specifications unless these variations are submitted in an amended plan to the building code administrator and approved by him. The building code administrator shall determine if the amended plans should be submitted or resubmitted to the architectural review board pursuant to subsection 2-93(a). ~~In addition, all amended plans must be reviewed by the chairperson of the board of adjustment and the chairperson of the planning board pursuant to subsection (c) of this section.~~

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of 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 thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6. Effective Date. This ordinance shall take effect immediately upon adoption.

The foregoing Ordinance was moved by Mayor Fischer, seconded by Council Member McMillan and upon being put to the vote, the vote was as follows:

	AYE	NAY	ABSENT
Bernice Fischer, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Gottlieb, Vice-Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.W. LeRoy, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Weissman, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raymond McMillan, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED on first reading at Council Mtg. Session of the Town Council held on March 9, 2021.

The foregoing ordinance was moved by Council Member Weissman seconded by Council Member LeRoy and upon being put to the vote, the vote was as follows:


	AYE	NAY	ABSENT
Bernice Fischer, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Gottlieb, Vice-Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.W. LeRoy, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Weissman, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raymond McMillan, Council Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED on second and final reading at Council Mtg. Session of the Town Council held on April 13, 2021.

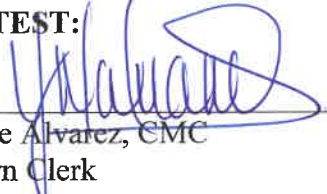


(MUNICIPAL SEAL)

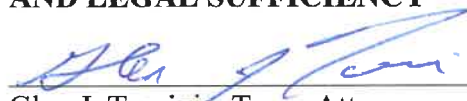
TOWN OF SOUTH PALM BEACH


Bernice Fischer, Mayor

ATTEST:


Yude Alvarez, CMC
Town Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**


Glen J. Torcivia, Town Attorney



TOWN OF SOUTH PALM BEACH BUILDING PERMIT APPLICATION

3577 South Ocean Blvd. South Palm Beach, Florida 33480
Phone. 561-588-8889 Fax. 561-588-6632

Job Address: _____ Apt. # _____

Owner's Name: _____ Phone # _____ E-Mail _____

Company Name: _____ Phone # _____

Company Address: _____ Company E-Mail _____

Property Control # _____

The undersigned hereby applies for a permit for:

New Construction _____ Remodeling _____ Plumbing _____

Single Family _____ Electrical _____ Other _____

Multi-Family _____ A/C _____ Coastal Armoring Structures _____

This permit is issued subject to the applicant complying with all provisions of Florida Statute 161.085 concerning rigid coastal armoring structures and all applicable administrative rules issued to implement same. In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county such as the requirement for Home/ Property Owners Association or Co-Operative's approval, and there may be additional permits required from other government entities such as water management districts and state or federal agencies.

Please give a brief description of the project: _____

VALUE OF WORK: _____ **DATE:** _____

(INCLUDE ALL LABOR AND MATERIALS WHETHER HOMEOWNER OR CONTRACTOR PURCHASED)

I hereby submit this application to obtain a permit to perform the work and installations as indicated above. I certify that **NO WORK OR INSTALLATION HAS COMMENCED PRIOR TO THE ISSUANCE OF A PERMIT, OTHERWISE I WILL BE CHARGED 4 TIMES THE AMOUNT OF THE PERMIT FEE.** I understand that unless the General Contractor has included all Subcontractors work and materials within the total value of his job that a fee will be placed on the sub-permit. I understand that the permit card must be displayed at the jobsite while the work is being performed and until the Final Inspection has been passed. I certify that all the foregoing information is accurate and that all work will be completed in compliance with all applicable laws regulating construction and zoning.

Homeowner Signature

Qualifier Signature

HOA/POA/Co-Operative's Name (Must Print)

HOA/POA/Co-Operative's Signature

I the undersigned representative of the HOA/POA/Co-Operative have reviewed the Permit and Plans for Apt. # _____ and agree with the work being performed. The HOA/POA/Co-Operative acknowledges that the Town is not responsible for enforcing any applicable HOA/POA/Co-Operative covenant, rule, or regulation.

OFFICE USE ONLY

Permit Fee:	Date Permit Issued:
Permit No.	Building Official Signature:
Permit Submitted by:	Permit Picked up by: