



TOWN OF GOLDEN BEACH

**One Golden Beach Drive
Golden Beach, FL 33160**

**Official Agenda for the September 20, 2016
Final Budget Hearing & Special Town Council Meeting called for 7:00 P.M.**

- A. MEETING CALLED TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. ADOPTION OF FINAL MILLAGE AND FINAL BUDGET FOR FISCAL YEAR 2016/2017 (TIME CERTAIN ITEM)**

- 1. A Resolution of the Town Council Adopting the Final Millage Rate for the Fiscal Year Commencing October 1, 2016 through September 30, 2017**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2461.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2461.16

- 2. A Resolution of the Town Council Adopting the Final Budgets for the Fiscal Year Commencing October 1, 2016 through September 30, 2017**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2

Resolution No. 2462.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2462.16

(*** To view the budget document, visit www.goldenbeach.us/finance-department, and click on the links to view on the side of the page)

E. PRESENTATIONS / TOWN PROCLAMATIONS

None

F. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT AGENDA/ AND CHANGES TO AGENDA

G. GOOD AND WELFARE

H. MAYOR'S REPORT

I. COUNCIL COMMENTS

J. TOWN MANAGER REPORT

K. TOWN ATTORNEY REPORT

L. ORDINANCES – SECOND READING

3. An Ordinance of the Town Council Amending the “Rules of Procedure” to Define the Number of Members to be Present at Board Meetings for Quorum to Exist.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING ARTICLE III, “BOARDS, COMMITTEES, COMMISSIONS,” DIVISION 3, “BUILDING REGULATION ADVISORY BOARD,” SECTION 2-80 “RULES OF PROCEDURE” TO DEFINE THE NUMBER OF MEMBERS TO BE PRESENT AT BOARD MEETINGS FOR QUORUM TO EXIST; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Ordinance No. 570.16

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 570.16

M. ORDINANCES - FIRST READING

None

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

4. A Resolution of the Town Council Approving the Use of LETF monies for the purchase of a Police Command Post Vehicle.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE RETROFIT OF THE COMMAND POST POLICE VEHICLE AND THE USE OF THE LETF TO PURCHASE AND EQUIP THE VEHICLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2463.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2463.16

5. A Resolution of the Town Council Authorizing the Purchase and Equipping of A New Police Vehicle.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF CHEVROLET SILVERADO POLICE VEHICLE AND THE USE OF THE LETF TO PURCHASE AND EQUIP THE VEHICLE ; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2464.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2464.16

P. TOWN RESOLUTIONS

6. A Resolution of the Town Council Approving Amendment #1 and Amendment #2 to the 2015-2016 Fiscal Year Operating Budget for the

Purposes of Awarding Employee Bonuses and Amending the Originally Adopted Budget.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #1 AND AMENDMENT #2 TO THE 2015-2016 FISCAL YEAR OPERATING BUDGET FOR THE PURPOSES OF AWARDED EMPLOYEE BONUSES AND AMENDING THE ORIGINALLY ADOPTED BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2465.16

Sponsor: Town Administration

Q. LANDSCAPE ORDINANCE WORKSHOP CONTINUATION

- Reconvening as of Section 52-40. – Landscape Maintenance (page 22)

Recommendation: Motion to Approve Resolution No. 2465.16

R. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz
None Requested

S. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: September 20, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B*
Town Manager

Subject: Resolution No. 2461.16 & Resolution 2462.16 – Adopting the
Final Combined Millage and Final Operating Budget for Fiscal
Year 2016-2017

Item Number:

1 & 2

Recommendation:

It is recommended that the Town Council adopt the Final Combined Millage and Final Operating Budget as provided by the companion Resolutions that follow.

Background:

Please see the **Budget Message Pages 27 through 29 of the Operating and Capital Fiscal Year 2016-2017 budget book.**

Fiscal Impact:

General Fund Revenues and Expenditures of \$8,061,554.00

Capital Budget and Revenues of \$500,000.00

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2461.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL MILLAGE RATE OF THE TOWN OF GOLDEN BEACH FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 4th, 2016, the Town transmitted to the Property Appraiser its "Proposed Millage Rate" for the fiscal year commencing October 1, 2016 and further scheduled the public hearing required by Section 200.065 of the Florida Statutes to be held on September 6, 2016 at 7:00 p.m.; and

WHEREAS, the Property Appraiser has properly noticed the public hearing scheduled for September 6, 2016 at 7:00 p.m. at One Golden Beach Drive, Golden Beach, Florida, as required by Chapter 200 of the Florida Statutes; and

WHEREAS, said public hearing, as required by Section 200.065(2)(c), was held by the Town Council on September 6, 2016, commencing at 7:00 p.m., as previously noticed and the public and all interested parties having had the opportunity to address their comments to the Town Council and the Town Council having considered the comments of the public regarding the proposed millage rate and having complied with the "TRIM" requirements of the Florida Statutes, the Town Council approved a proposed millage rate of 7.3960 mills; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

Section 1. That the final millage rate for the Town of Golden Beach for the fiscal year commencing October 1, 2016 through September 30, 2017, be and is hereby fixed at the rate of 7.3960 mills which is \$ 7.3960 dollars per \$1,000.00 of assessed property value within the Town of Golden Beach.

Section 2. That the rolled-back rate is 6.5031 and the final millage rate is 7.3960 mills which is 13.73% over the rolled-back rate.

Section 3. That the voted debt service millage for the fiscal year will be 1.0040 mills.

Section 4. That this resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by _____, seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2462.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE FINAL BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Manager presented to the Town Council a “Final Operating and Capital Budget” for the 2016/2017 fiscal year commencing October 1, 2016 and ending September 30, 2017 for approval by the Town Council; and

WHEREAS, on September 6, 2016 the Town Council held a public hearing concerning the adoption of the tentative budget for the 2016/2017 fiscal year, as duly noticed; and

WHEREAS, on September 20, 2016, the Town Council held a duly noticed final public hearing on the adoption of the final budget for the 2016/2017 fiscal year at the Council Chambers of the Town Hall located at One Golden Beach Drive, Golden Beach, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

Section 1. That each of the above stated recitals is hereby adopted and confirmed. Upon final adoption of the proposed millage rate, which is hereby ratified, the attached tentative budgets of the Town of Golden Beach for the fiscal year commencing October 1, 2016 are hereby approved and adopted.

Section 2. That the Final Budget as presented by the Town Manager on September 6, 2016 to the Mayor and Town Council for the 2016/2017 fiscal year commencing October 1, 2016 and ending September 30, 2017 is hereby approved and adopted.

Section 3. That the Mayor and Town Manager are authorized to take any and all action necessary to implement this Resolution.

Section 4. That this Resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by _____, seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: September 20, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Subject: Ordinance No. 570.16 – Amending Code Sec. 2-80 Rules of
Procedure (Quorum)

Item Number:

3

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 570.16 as presented.

Background:

In an effort to ensure that the Building Advisory Board (Board) is able to hold meetings. We recommend that Town staff be allowed to count as non-voting members of the Board for the purpose of establishing a quorum and conducting the Board business.

However, as it relates to the quasi-judicial business of the Board only non-employee members will be considered for establishing a quorum.

During the last few years we have tried to address the number of Board meetings that have had to be cancelled due to quorum issues; cancelations delay development and create a back-log in plan approvals.

We believe that this change will allow for the Board to keep the flow of work/progress.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 570.16

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," DIVISION 3, "BUILDING REGULATION ADVISORY BOARD," SECTION 2-80 "RULES OF PROCEDURE" TO DEFINE THE NUMBER OF MEMBERS TO BE PRESENT AT BOARD MEETINGS FOR QUORUM TO EXIST; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach ("Town Council") finds it periodically necessary to amend its Code of Ordinances ("Town Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town Council desires to amend the Town Code in order to define the number of members to be present for the Building Regulation Advisory Board meetings for a quorum to exist; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to approve the text amendments to Article III, Division 3, Section 2-80, "Rules of Procedure."

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. Article III, Division 3, of the Town Code is amended by making modifications to Section 2-80, Rules of Procedure, (c) [*Quorum.*], in the following particulars:

* * *

Sec. 2-80. - Rules of procedure.

- (a) [*Generally.*] The Board shall utilize Robert's Rules of Order for the rules of procedure for the conduct of meetings of the Board.
- (b) [*Chairman and vice-chairman; election; term.*] During the first meeting of the Board, the members shall elect one of its members to act as Chairman and may elect a Vice-Chairman, both of whom shall serve only one term in that capacity within any two-year period.
- (c) [*Quorum.*] At least two (2) ~~majority~~ of all five (5) members of the Board must be present at a meeting for a quorum to exist to transact business of the Board, except when considering variance applications in which event a majority of the members must be present. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board.
- (d) [*Recording of meetings; minutes.*] Each meeting of the Board shall be electronically recorded. Minutes of each Board meeting shall be kept and prepared by the Town Clerk or Town Manager's designee.

Section 3. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 4. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Rojas, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Absent</u>

PASSED AND ADOPTED on first reading this 16th day of August, 2016.

The Motion to adopt the foregoing Ordinance was offered by _____,
seconded by _____, and on roll the following vote ensued:

Mayor Glenn Singer	_____
Vice-Mayor Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____

PASSED AND ADOPTED on second reading this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: September 20, 2016

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

4

From: Alexander Diaz, *Alex B*
Town Manager

Subject: **Resolution No. 2463.16- LETF Assets to Provide for the Retrofit of the Police Command Post Vehicle and Equipment**

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2463.16 as presented.

Background:

Earlier this year Chief Herbello was able to have the City of Sweetwater donate to the Town their original mobile command vehicle. The Town accepted the vehicle and will be using the vehicle at Town events and special details. The vehicle needs some modernization and repairs.

The costs associated with the retrofit of the police command post is approximately \$59,170.00. It is requested that the Town authorize the expenditure of LETF monies in the amount of \$56,410.00 to provide said vehicle and equipment for use by the Golden Beach Police Department.

Federally Seized Assets: At the discretion of the United States Attorney General under United States Statute: 18 U.S.C. Section 981 (e) (2), and 21 U.S.C. Section 881 (e) (1) (A) and (e) (3) (b), the Golden Beach Police Department may lawfully receive equitable shares of the federally seized funds at the conclusion of the legal proceedings. These shares are deposited in the Town's Law Enforcement Trust Fund account.

The U.S. Department of Justice publication titled "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" specifically provides that the equitably shared forfeited asset funds resulting from the participation of a local agency in investigations with Federal law enforcement agencies may be utilized by the participating local agency for law enforcement for Community Policing Initiatives and Awareness Programs.

State Seized Assets: Under Florida State Statute (FSS) 932.7055, the Florida Contraband Forfeiture Act, the Golden Beach Police Department lawfully receives equitable share(s) of State seized funds at the conclusion of the legal proceedings involving the regional task force.

The Town uses both the federally seized and the State seized funds to increase crime prevention efforts and to also enhance the quality of police services for Town residents without increasing the Town's budget. The attached item meet the requirements of the Federal and/or State Statute requirements and are requested to be funded.

Financial Impact:

\$59,170.00 from the Law Enforcement Trust Fund

Attachments: Agenda Item Resolution

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2463.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE RETROFIT OF THE COMMAND POST POLICE VEHICLE AND THE USE OF THE LETF TO PURCHASE AND EQUIP THE VEHICLE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to retrofit a command post that was given to the Town by a neighboring agency in order to continue to provide service to the police patrol and police protection to the residents of Golden Beach; and

WHEREAS, the costs to the Town to equip and retrofit the command post is projected to be \$59,170.00, includes: paint, fabrication, body work, TV monitor, generator and air conditioner - costs of \$59,170.00; and

WHEREAS, the Town's Law Enforcement Trust Fund account (the "LETF") includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to utilize LETF funds to pay for the Administrative Patrol Police vehicle; and

WHEREAS, the monies contained in the LETF are the result of seized assets from both investigations by the Town's Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$59,170.00 cost be taken from the Town's LETF for "***other law enforcement purposes***" specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

WHEREAS, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

WHEREAS, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Purchase of Vehicles and Equipment and the Use of LETF Authorized. That the purchase of the Administrative Police Vehicle and Emergency Equipment and the use of LETF funds to purchase the Vehicle and Equipment is hereby authorized and approved.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the Town Administration.

The Motion to adopt the foregoing Resolution was offered by _____, seconded by _____ and on roll call the

following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Amy Isackon-Rojas	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



PRIDE Enterprises *Heavy Vehicle Renovation*

3950 Tiger Bay Road/ Daytona Beach FL 32124

P.O. Box 10620/ Daytona Beach FL 32120

Main: 888-774-6144 / Fax: 813-890-2115

JBennett@Pride-Enterprises.org

#SO _____

Date: 9/14/2016

Prop#: 10172-2

To: GOLDEN BEACH POLICE DEPARTMENT
1 GOLDEN BEACH DRIVE
GOLDEN BEACH, FL 33160

Contact: CHIEF RUDY HERBELLO
Phone: (305) 936-2444
Cell: (305) 206-6265
Fax: (305) 932-2045
E-mail: RHerbello@goldenbeach.us

Vehicle Make: INTERNATIONAL
Vehicle Model: AMBULANCE/RESCUE BOX
Vehicle Year:

Vehicle Tag No.: 141172
Vehicle VIN No.:
Vehicle Mileage:

CUSTOMER PROPOSAL

CONVERT TO MOBILE CMD VEHICLE

PHASE I

Administration

Work to be done:

- ✓ Complete inspection of the vehicle upon arrival. Notify customer of any irregularities and/or concerns.
- ✓ Quality inspection upon completion.

Body Shop

Work to be done:

- ✓ The vehicle will be pressure washed, degreased, and disassembled as needed to facilitate refinishing.
- ✓ Remove graphics, apply primer filler, and block sand.
- ✓ Remove existing emergency lights, including front and rear lightbars and fill holes where necessary.
- ✓ Make repairs to areas affected by the fabrication process.
- ✓ Sand, seal, and prep entire vehicle for the application of the finish coat.
- ✓ All damaged and rusted areas will be assessed for any additional needed repairs.

The customer will be provided with an estimate for repair.

Paint Shop

Work to be done:

- ✓ The exterior of the vehicle and the door jambs will be painted gloss black and white using a base coat clear coat process.
- ✓ Apply Cool Seal to the roof of the vehicle on the box section.
- ✓ Apply black Scorpion coating to the floor and to a height of approximately six (6) inches along the base of the walls in the box section of the vehicle.

Metal Fabrication

Work to be done:

- ✓ Remove rear doors and seal off the rear section of the box.
- ✓ Modify front driver side exterior access compartment to accommodate a fixed mounted 8 Kw diesel generator.
- ✓ Fabricate and install bracing in the ceiling for the future installation of a roof mounted A/C unit.

Carpentry

Work to be done:

- ✓ Remove existing contents of the box section of the vehicle and prepare the walls, ceiling, and floor for the conversion process (see attached drawings).
- ✓ Driver Side:
 - Design, fabricate, and install an electrical closet constructed of plywood covered with either laminate or carpet (customer selected style and color). All doors shall be positive latching.
 - Design, fabricate, and install a media cabinet constructed of plywood covered with either laminate or carpet (customer selected style and color). All doors shall be positive latching.
 - Design, fabricate, and install a storage cabinet constructed of plywood covered with either laminate or carpet (customer selected style and color). All doors shall be positive latching.
- ✓ Passenger Side
 - Rebuild front passenger side cabinet in a manner similar to existing design. The interior of the cabinet shall be made accessible from both the interior and exterior of the vehicle.
 - Design, fabricate, and install two (2) workstations constructed of laminate covered plywood (customer selected style).
 - Design, fabricate, and install overhead cabinets above workstations constructed of plywood covered with either laminate or carpet (customer selected style and color). Doors shall be sliding tinted Plexiglas.
- ✓ Purchase and apply black or gray carpet to the ceiling and interior walls.

Electrical

Work to be done:

- ✓ Remove electrical hardware from the box section of the vehicle and prepare for the conversion process.
- ✓ Purchase and install a shore power inlet and transfer switch.
- ✓ Purchase and install interior 120 volt outlets as needed.
- ✓ Purchase and install interior 120 volt outlets with built-in HDMI chargers at workstation and in galley area.
- ✓ Purchase and install two (2) HDMI connections at each workstation connected to the media closet.
- ✓ Purchase and install Whelen white round LED lights with chrome flanges in the ceiling as needed.

Total: \$25,000.00

- ✓ Purchase and install six (6) Whelen 900 Series LED lights (customer choice of lens and light color) in the following locations: two (2) on each side of the vehicle and two (2) on the rear of the vehicle.
- ✓ Purchase and install one (1) Whelen 900 Series Scene light on the passenger side of the vehicle at the entry door.
- ✓ Purchase and install two (2) Whelen M4 Series LED (customer choice of lens and light color) in on the grill.

Total: \$2,760.00

- ✓ Replace marker lights with LED lights.

Total: \$225.00

- ✓ Purchase and install Whelen 600 Series brake, turn, and backup lights.

Total: \$1,010.00

PHASE II

Electrical

Work to be done:

- ✓ Purchase and install an 8 Kw diesel generator. Installation to include exhaust pipes for generator, panel, remote start/stop switch, breaker box, wiring harness, and fuel plumbing.
- ✓ Purchase and install insulation in generator compartment.
- ✓ Purchase and install a 120 volt electrical panel.

- ✓ Purchase and install a 12 volt electrical panel.
- ✓ Purchase and install a transfer switch.
- ✓ Purchase and install two (2) 1010 CCA batteries (or approximate equivalent). Installation to include wiring harnesses and electrical boxes.
- ✓ Purchase and install one a converter/charger to provide 12 volt power source from generator output.
- ✓ Purchase and install one (1) non-ducted roof mounted A/C units with built-in thermostats and heat strip.

Upholstery

Work to be done:

- ✓ Fabricate and install various straps to secure various appliances while vehicle is in transit.

Total: \$26,350.00

PHASE III

Electrical

Work to be done:

- ✓ Purchase and install a cassette style electric awning on the roof of the vehicle on the passenger side. Installation to include all brackets, structural support modifications, and wiring harnesses needed.

Total: \$2,150.00

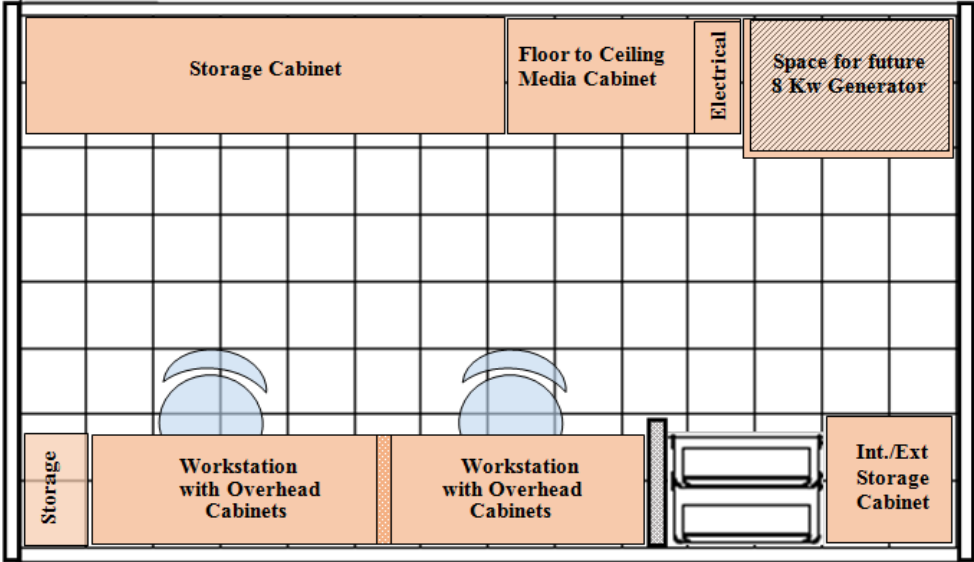
- ✓ Purchase and install a back-up camera with a monitor on the dashboard, and a back-up alarm.

Total: \$565.00

- ✓ Purchase and install a 50-inch monitor on the rear wall using a full swivel mount.
- ✓ Purchase and install two (2) HDMI connections at the 50-inch monitor on the rear wall connected to a panel in the media closet.
- ✓ Purchase and install a roof mounted HD TV antenna with coaxial connections at rear wall TV and in media closet at the panel.
- ✓ Purchase and install a Matrix switch in media closet with 4-inputs and a minimum of 4-outputs.

Total: \$2,345.00

PHASE I FLOOR PLAN



Prop#: 10172-2

Total cost is based on option(s) selected: \$0.00*

* Plus applicable sales tax

ATTENTION

No windshield, back glass, quarter glass, or reveal molding can be removed without the possibility of breakage. Liability for such damage shall remain with the customer with the additional cost becoming an amendable item.

Any equipment/appliances/hardware removed during conversion work will be discarded unless otherwise agreed to in writing.

READ BEFORE SIGNING

Please read the proposal before signing. If repairs or services are not listed in the proposal they will not be done, unless agreed to in writing by both parties with a contract addendum.

This proposal is valid for sixty (60) days from the date listed above. If work does not commence within sixty (60) days from the proposal date, all prices are subject to change.

PRIDE will inspect all vehicles upon arrival and notify the customer of any additional work required.

All communications equipment, personal property, and paper documents must be removed from the vehicle (or vehicles) prior to their delivery to PRIDE.

Vehicle completion time is dependent upon production scheduling, the availability of parts, institutional matters beyond PRIDE control, and complications arising from the conversion process such as, but not limited to, those involving the electrical and mechanical system. Emergency vehicles take precedence over other current contracted on-site jobs. Our prices are based on reusable or rebuilt cores. Terms are net thirty (30) from completion of each contract entered into FOB PRIDE Tomoka. Any proposals produced from PRIDE on-site inspections are based from previously undetected or unreported hidden damage prior to vehicle delivery. Any and all amendments must be agreed upon and signed by both parties for work commencement to be authorized.

WARRANTY: Paint twelve (12) months. Parts per existing manufacturer's warranty, plus a one (1) year craftsmanship/service warranty on work ordered per said contract.

By signing this proposal, any previously issued proposals utilizing the same proposal number, including revisions, are null and void in their entirety.

Signatures of the following lines authorizes PRIDE Enterprises to perform all scope of work specified on the previous pages of this contract.

Signature of Authorized Agent: _____ DATE: _____

Signature of Tomoka HVR Manager: *Randy Kuykendall* DATE: 9/14/2016

PLEASE BE ADVISED

All work performed on this vehicle will be done within a secured area that does not permit any type of communications equipment or firearms / weapons on the premises.
By signing below, you are certifying that all communications equipment, firearms / weapons, and personal property have been or will be removed prior to delivery of the vehicle to PRIDE. PRIDE will not be responsible for any property left in the vehicle.

SIGNATURE OF THE AUTHORIZED AGENT: _____




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: September 20, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, 
Town Manager

Subject: **Resolution No. 2464.16- LETF Assets to Provide for the
Purchase of a Police Vehicle and Equipment**

Item Number:

5

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2464.16 as presented.

Background:

The costs associated with the purchase of a Chevrolet Silverado is approximately \$31,726.00 and Police Equipment not to exceed \$4,000.00. It is requested that the Town authorize the expenditure of LETF monies in the amount of \$35,726.00 to provide said vehicle and equipment for use by the Golden Beach Police Department.

Federally Seized Assets: At the discretion of the United States Attorney General under United States Statute: 18 U.S.C. Section 981 (e) (2), and 21 U.S.C. Section 881 (e) (1) (A) and (e) (3) (b), the Golden Beach Police Department may lawfully receive equitable shares of the federally seized funds at the conclusion of the legal proceedings. These shares are deposited in the Town's Law Enforcement Trust Fund account.

The U.S. Department of Justice publication titled "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" specifically provides that the equitably shared forfeited asset funds resulting from the participation of a local agency in investigations with Federal law enforcement agencies may be utilized by the participating local agency for law enforcement for Community Policing Initiatives and Awareness Programs.

State Seized Assets: Under Florida State Statute (FSS) 932.7055, the Florida Contraband Forfeiture Act, the Golden Beach Police Department lawfully

receives equitable share(s) of State seized funds at the conclusion of the legal proceedings involving the regional task force.

The Town uses both the federally seized and the State seized funds to increase crime prevention efforts and to also enhance the quality of police services for Town residents without increasing the Town's budget. The attached item meet the requirements of the Federal and/or State Statute requirements and are requested to be funded.

Financial Impact:

\$35,726.00 from the Law Enforcement Trust Fund

Attachments: Agenda Item Resolution

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2464.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF CHEVROLET SILVERADO POLICE VEHICLE AND THE USE OF THE LETF TO PURCHASE AND EQUIP THE VEHICLE ; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to purchase One Chevrolet Silverado 1500 in order to continue to provide service to the police patrol and police protection to the residents of Golden Beach; and

WHEREAS, the costs to the Town to purchase and equip One Chevrolet Silverado is projected to be \$35,726.25, includes: vehicle - purchase costs of \$31,726.25; emergency equipment - purchase and installation cost not to exceed \$4000.00; and

WHEREAS, the Town's Law Enforcement Trust Fund account (the "LETF") includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to utilize LETF funds to pay for the Administrative Patrol Police vehicle; and

WHEREAS, the monies contained in the LETF are the result of seized assets from both investigations by the Town's Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$35,726.25 cost be taken from the Town's LETF for "***other law enforcement purposes***" specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

WHEREAS, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

WHEREAS, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Purchase of Vehicles and Equipment and the Use of LETF Authorized. That the purchase of the Administrative Police Vehicle and Emergency Equipment and the use of LETF funds to purchase the Vehicle and Equipment is hereby authorized and approved.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the Town Administration.

The Motion to adopt the foregoing Resolution was offered by _____, seconded by _____ and on roll call the

following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: September 20, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Subject: **Resolution No. 2465.16 – Authorizing the Mayor to Award a one-time bonus to the Employees of the Town of Golden Beach**

Item Number:

6

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2465.16 as presented.

Background:

The Amendment "Trues-Up" our Revenues and Expenditures as described in the attached. The resolution also allows for the annual bonus for our employees. As you are aware, I did away with merit increases for our employees in 2008, since that time, we recognize the efforts of our employees by giving annual bonuses.

I am recommending that we acknowledge their hard-work and dedication to the Town by awarding the bonus to all Employees and myself, as outlined in Attachment A (with changes, if needed) in an amount to exceed \$70,400.

We have worked throughout the last twelve months cutting costs and controlling expenditures which will result is Operating savings in the 2015-2016 Operating Budget.

This Item also adjust the expected revenues – and expenditures of the FY 2015/2016 budget as described in the attachment. These adjustments are needed to best represent our actual revenues and expenditures.

Fiscal Impact:

An amount not to exceed \$70,400.00 transferred in part from the contingency fund or Departmental Funds if needed and applied to specific Department Funds accordingly. The non-bonus amendments as described in the amendment.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2465.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AMENDMENT #1 TO THE 2015-2016 FISCAL YEAR OPERATING BUDGET FOR THE PURPOSES OF AWARDING EMPLOYEE BONUSES AND AMENDING THE ORIGINALLY ADOPTED BUDGET; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") adopted an Operating Budget for the 2015-2016 Fiscal Year; and

WHEREAS, the Town Manager has recommended certain amendments as described in the September 20, 2016 Memorandum attached to this Resolution as Exhibit "A"; and

WHEREAS, the amendments pertain to a one-time bonus for all employees, including the Town Manager for their performance during the 2015-2016 Fiscal Year; and

WHEREAS, the amendments also provide for an increase to the revenues and expenditures of particular departments as described in Exhibit "A"; and

WHEREAS, the Town Council finds that the proposed amendments are in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Amendment. The 2015-2016 fiscal year Operating Budget is hereby

amended as reflected on Exhibit "A" to this Resolution and the funds are appropriated for the purposes therein.

Section 3. Implementation. That the Mayor is authorized to take any and all action, which is necessary to implement this Resolution.

Section 4. Effective Date. This Resolution shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 20th day of September, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

Employee	Hire Date		
Administration			
512-Executive 001-512-110			
Alexander Diaz	3/27/2007	\$	20,000.00
001-512-120			
Marie Talley	3/12/2007	\$	1,500.00
512-Town Clerk 001-512-113100			
Lissette Perez	6/4/2007	\$	2,600.00
001-512-125100			
Michael Glidden	2/17/2012	\$	1,500.00
513-Finance 001-513-110			
Maria D. Camacho	12/22/2003	\$	2,600.00
001-513-120			
Raquel Castellon	5/2/2005	\$	1,500.00
521-Law Enforcement 001-521110 001-521-100			
Rudy Herbello	1/6/2011	\$	2,600.00
001-512-120			
Sheila Pirronne	4/16/2002	\$	1,500.00
Judith Jerome (Part-time)	3/28/2015	\$	800.00
524-Building 001-524-110			
Daniel Nieda	2/1/2005	\$	1,000.00
001-524-120			
Linda Epperson	11/16/1998	\$	2,600.00
Miguel A Diaz	1/25/2016	\$	1,500.00
539-Public Works 001-539-110			
Kirk McKoy	10/1/1999	\$	2,600.00
001-539-120			
George Larkin (Part Time)	11/7/1980	\$	500.00
Johnny Lucien	10/31/2006	\$	1,000.00
Brian Phillips	4/7/2004	\$	1,000.00
Gene Scott	7/18/1988	\$	1,000.00
Joe Scott	9/24/2005	\$	1,000.00
Alric Stewart	10/10/2002	\$	1,000.00
Lourdes Velasquez	4/1/2009	\$	1,000.00
Jerome Scott (Part Time)	8/25/2014	\$	500.00
Armando Perez-Morales	11/10/2014	\$	1,000.00
Derek Cardoza	4/27/2015	\$	1,000.00
541-Roads & Streets 001-541-112			
Ken Jones	12/22/2003	\$	2,600.00
572-Recreation 001-572-120			
John Fialkowski	9/1/1999	\$	1,000.00
001-572-136		\$	300.00
William Turnipseed (Part Time)	9/19/2012	\$	100.00
Joseph Taylor (Seasonal)	2/27/2009		
001-572-125100		\$	500.00
Dylan Camacho	5/12/2013	\$	500.00
Raynaldo Mundle	7/1/2014		

Police Dept.	Employee	Hire Date		
521-Law Enforcement				
Sergeant				
001-521-121				
	Leo Santinello	6/13/1994	\$	900.00
	Leila Perez	8/28/2006	\$	900.00
	Yovanny Diaz	7/25/2009	\$	1,700.00
001-521-125				
	Robin Weiner	8/17/1998	\$	500.00
	Edsel Carrasco	8/5/2002	\$	500.00
	Dan Rosenberg	5/4/2003	\$	500.00
	Oscar Santana	6/13/2005	\$	500.00
	Christopher Lambert	8/8/2005	\$	500.00
	James Camacho	9/22/2007	\$	500.00
	Pedro Villa	12/18/2007	\$	500.00
	Julio Soca	3/28/2015	\$	500.00
	Julio Fernandez	3/28/2015	\$	500.00
	Oscar Suarez	8/19/2009	\$	500.00
	David Carrazana	5/16/2012	\$	500.00
	Gary Dooling	11/10/2014	\$	500.00
LETF				
120-521-125				
	Daniel Avila	7/22/2008	\$	500.00
	Joseph Bautista	12/1/2014	\$	500.00
CSA's				
	Patterson, Timothy L.	5/6/2013	\$	500.00
	Jackson, Brandon T.	5/3/2013	\$	500.00
	Vacant			
	Garfias, Juan	8/4/2014	\$	500.00
Part Time				
001-521-125100				
	Mills, Michael	3/6/2013	\$	350.00
	Knight, Robert	12/1/2011	\$	350.00
	Benedict, Todd	11/1/2009	\$	350.00
	Elizabeth Fernandez	9/16/2015	\$	350.00
	Christopher Jones	3/15/2008	\$	350.00
	Herrera Rudolph	8/6/2015	\$	350.00
Total w/ Manager			\$	70,400.00

886 between estates or lots adjacent to the main structure, hedges shall
887 not exceed a height of ten feet. An appropriate hedge material listed
888 in the Town's Preferred Species List shall be approved by the Town
889 Manager or designee.

890
891 (4) No Hedges higher than two feet may be erected along the waterways.

892
893 (5) No Hedges higher than four feet may be erected on the Street
894 property line, nor erected in such manner, planted and permitted to
895 grow so as to block the view of a driver of a vehicle or bicycle
896 operating on any road within the Town as provided by section 52-
897 45(e) "Sight obstruction at intersections".

898
899 (6) Landscaping including hedges or vines may be utilized to fully screen
900 the full height of fences erected along right-of-way.

901 (7) No berm shall be permitted in the street right-of-way.

902 (8) Throughout Zones One, Two and Three, live Hedges may be grown in
903 lieu of masonry built walls or fences, subject to the same height
904 restrictions applicable to a fence or wall in the zone as provided in
905 chapter 66.

906 (b) All Hedges, walls and fences shall be maintained in accordance with the
907 landscaping plan or permitted Construction plan approved by the Building
908 Regulation Advisory Board.

909
910 **Sec. 52-40. - Landscape Maintenance**

911
912 (a) Maintenance. The owner shall be responsible for the continued maintenance
913 and upkeep of all required landscaping so as to present a healthy plant in a
914 condition representative of the species. All landscapes shall be kept free of
915 refuse, debris, disease, pests, and weeds and shall be fertilized and irrigated
916 to maintain plants in a healthy condition. Special maintenance requirements
917 necessary to preserve the professional's design intent shall be noted on the
918 landscape plan.

919
920 (b) Replacement of trees. If any tree dies, such tree or plant shall be replaced
921 with another tree. All stumps shall be removed below the surface of the
922 ground.

923
924 (c) Trees may not be painted and shall be maintained in their natural state as
925 to color.

926
927 (d) Removal of damaged or nuisance trees and plants. Ongoing maintenance to
928 prohibit the establishment of prohibited exotic species is required. Any
929 plant materials of whatsoever type or kind required by these regulations

930 shall be replaced within 30 days of their demise and/or removal.

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(e) Disposal of landscape materials. Landscape materials, including but not limited to tree branches, palm fronds, dead or diseased plant materials and grass clippings shall be disposed of properly. Grass clippings shall be collected and removed from all sites and shall not be placed on public right-of-way or allowed to enter the stormwater system. In no instance shall grass clippings be accumulated and/or swept into stormwater catch basins.

(f) Irrigation of landscape materials. Landscape materials shall be properly watered to ensure survival. Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and other portions of the irrigation system.

(g) Fertilizers and pesticides. Landscape materials shall be properly fertilized and, if necessary, pesticides applied to ensure survival. Such products shall be used in accordance with Best Management Practices and the manufacturer's recommended specifications for application, storage and disposal. In no instance shall such products be disposed of through the stormwater system and efforts shall be made to limit runoff into the Town's stormwater system. Alternatives to the use of pesticides are encouraged.

(h) Lawn and groundcover areas. Except in periods of officially declared drought, lawn areas shall be maintained by adequate irrigation so as to remain healthy and present a good appearance. Adequate pest control shall be applied to prevent the spread of cinch bugs or other grass-damaging pests. Lawn and groundcover areas shall be maintained so as to prevent excessive growth and unsightly conditions, ensuring that edges are neatly trimmed, and that grass runners or weeds will not grow over adjacent drives, curbs, or public sidewalks.

(i) Hedges. Hedges shall be maintained so as to have a solid appearance, with no gaps or spaces. Grass or other growths shall not be allowed to grow up into the hedge. All hedges shall be kept neatly trimmed and maintained at a height as provided for in Section 52-35 "Hedges".

(j) Prohibited species. On properties where any construction permit is issued, prohibited species must be removed.

(k) Town rights-of-way; utility easements. Trees, shrubs or hardscape located within the Town's right-of-way or utility easements, regardless of when such items were installed or who they were installed or purchased by, shall be removed at the expense of the property owner upon request

976 or necessity of the Town.

977
978 (l) Sight distance. Trees, shrubs, hedges, and bushes shall not be maintained
979 or allowed to exist in such a way that the plant material interferes with
980 the sight distance triangle relative to vehicles, or interferes with the
981 passage of any vehicles along the Town's roadways as provided for in
982 Section 52-45(e) "Sign obstruction at intersections".

983
984 (m) Pruning. Trees shall be pruned by property owners to promote healthy,
985 uniform, natural growth of the vegetation. Pruning shall be performed in
986 accordance with the current edition of pruning standards published by
987 the American National Standard Institute (ANSI) A300 Pruning Standards
988 and ANZI Z133.1 Safety Standards. Trees shall not be hatracked or
989 severely pruned in a manner that would damage the vegetation and
990 permanently restrict the growth or height. Severely pruned trees are
991 considered damaged and a public nuisance, which shall be replaced with
992 trees equal to the number and height of damaged trees. A plant's growth
993 habit shall be considered to determine the extent of pruning necessary to
994 maintain healthy growth.

995
996 (n) Drainage and Mosquito Control. The existence of depressions or
997 excavations or any other condition on such premises wherein water may
998 accumulate and stand in such manner or fashion as to make possible the
999 propagation of mosquitoes therein, is prohibited.

1000
1001 (o) Vacant lot right-of-way landscaping. Throughout Zones One and Two, the
1002 yard outside any fence along a right-of-way frontage of a vacant lot, shall
1003 be improved with basic irrigation and planted with accent plant material
1004 and sod.

1005
1006 (p) Any trees and/or palms that are diseased (including dead palms with lethal
1007 yellowing) or trees and/or palms causing a possible safety hazard as
1008 determined by the Town are considered to be a public nuisance. In
1009 accordance with Section 11D - Diseased Palm Trees, of the code of Miami-
1010 Dade County, any property owners of any lot or parcel of land in the Town
1011 shall promptly remove any such tree, at property owner's expense, after
1012 being notified by the Town.

1013
1014 The Town shall have the right to impose such additional maintenance requirements
1015 that are consistent with the standards of the community.

1016
1017 **Sec. 52-45. - Swale Regulations.**

1018
1019 (a) Responsibility for landscaping. The property Owner, tenant and/or

1020 resident living in the property or his agent shall be jointly and severally
1021 responsible for the maintenance of all landscaping in Swale Areas. The
1022 landscaping shall be maintained in good plant health so as to ensure
1023 safety, functional use and a healthy plant appearance. The landscaping
1024 shall be pruned and free of dead limbs and branches. All dead growth
1025 shall be removed immediately and replaced. No swale landscaping shall
1026 be maintained in such manner as to constitute a nuisance.

1027
1028 (b) Plants, sod.
1029

1030 (1) Plants to be placed in the Swale Area shall be approved by the
1031 Building Regulation Advisory Board and shall conform to the State
1032 agricultural standards. Grass sod shall be clean and reasonably
1033 free of weeds and noxious pests or diseases. Trees or shrubs shall
1034 be of a species whose roots are known not to cause damage to
1035 public roadways or other public works and shall be planted in the
1036 swale only after approval by the Building Regulation Advisory
1037 Board.

1038
1039 (2) Sod of a species normally grown as a permanent lawn grass
1040 consistent with section 52-25(j) shall be used in swales or other
1041 areas subject to erosion and shall be planted so as to extend to the
1042 abutting Street pavement. All sodded areas between the Street
1043 pavement and the property line shall be maintained in a clean and
1044 healthy growing condition, free of trash, debris, refuse, litter, ruts
1045 and potholes. No swale shall have grass exceeding six inches in
1046 height.

1047
1048 (c) Lawn markers. All lawn markers utilized in front of residential lots
1049 abutting any Street or other public way shall not exceed nine inches in
1050 diameter, nor ten pounds, and shall be hemispheric shape. Rocks may not
1051 be used as a substitute for lawn markers. Each lot shall be limited to no
1052 more than four lawn markers per 50 feet of Street Frontage.

1053
1054 (d) Walls, fences generally. No wall or fence of whatever substance, or series
1055 of shrubs, bushes, Hedges or series of other growing matter that is
1056 capable of exceeding six inches in height after time of planting, may be
1057 placed or maintained in such a manner as to constitute a wall or a fence,
1058 and no other structure or plant shall be constructed, maintained or
1059 otherwise allowed in the Swale Area adjacent to the front or side Street,
1060 or in the public right-of-way or easement area unless approved by the
1061 Building Regulation Advisory Board.

1062
1063 (e) Sight obstruction at intersections. The safe sight distance triangle at
1064 intersections formed by two or more public roads shall be formed by lines
1065 connecting points of 25 feet from the edge of the paved roads. The safe sight

1066 distance at intersections of driveways and public roads shall be formed by
1067 lines connecting points of 10 feet from the edge of the driveway and edge of
1068 public road. The safe sight distance triangle at the intersection of driveways
1069 and public sidewalks shall be formed by lines connecting points of 10 feet
1070 from the edge of the driveway and edge of public sidewalk. The safe sight
1071 distance triangle area shall not contain obstructions to cross-visibility at a
1072 height of two and one-half (2.5) feet and eight (8) feet above established
1073 grade; potential obstructions include, but are not limited to, structures, grass,
1074 groundcovers, shrubs, vines, hedges, trees, rocks, walls and fences. Property
1075 owners shall be responsible for maintaining all landscaping within the cross-
1076 visibility triangle. All sight distance triangles shall be indicated on the site
1077 plan and landscape plan. In addition to requirements above, safe sight
1078 distance triangles for driveways intersecting State Road A1A shall be
1079 provided in accordance with the standards of the Florida Department of
1080 Transportation.

1081
1082 (f) Maintenance of swale areas. All lot Owners within the Town shall:

1083
1084 (1) maintain all trees, shrubs or hardscape located in the Swale Areas
1085 abutting their lots regardless of when such items were installed or
1086 who they were installed or purchased by;

1087
1088 (2) mow the lawn in the Swale Area at least once every 15 days and
1089 maintain grass or lawn at a height of not more than six inches or more
1090 from the ground ; and

1091
1092 (3) not permit nuisances to occur within such Swale Areas.

1093
1094 **Sec. 52-50. - Irrigation Requirements.** All properties required to submit a landscape
1095 plan shall also provide an in-ground irrigation plan. Required irrigation plans shall:

1096
1097 (a) Be drawn at the same scale as the landscape plan.

1098
1099 (b) Delineate the areas that are to be landscaped.

1100
1101 (c) Delineate existing and proposed structures, sidewalks, driveways, the
1102 location of utilities and easements, and similar features.

1103
1104 (d) Include water source, design operating pressure and flow rate per zone,
1105 total volume required for typical depths of application, and application rate.

1106
1107 (e) Include locations of pipes, controllers, valves, sprinklers, backflow
1108 prevention devices and electrical supply.

1109
1110 (f) Be designed, operated and maintained to meet the needs of all of the plants
1111 in the landscape.

- 1112
1113 (g) Conserve water by allowing differential operation schedules based on
1114 hydrozones.
1115
1116 (h) Use low trajectory spray heads, and/or low volume water distributing or
1117 application devices.
1118
1119 (i) Provide rain switches or other devices with automatic controls.
1120

1121 **Sec. 52.55. - Drainage.** Properties all must provide adequate drainage facilities and
1122 drainage fields and all well and drainage locations must be shown on a site plan in
1123 accordance with all applicable regulations. At a minimum:

- 1124
1125 (a) All stormwater runoff shall be retained on-site.
1126
1127 (b) All properties shall be graded and maintained so as to prevent ponding or
1128 any collection of standing or stagnant water.
1129
1130 (c) Depressions, excavations or any other condition wherein water may
1131 accumulate and stand in such manner or fashion as to make possible the
1132 propagation of mosquitoes therein are prohibited.

1133 **Sec. 52-60. - Tree Removal Permit Required.** It is the intent and desire of the Town to
1134 preserve and enhance the tree canopy in the Town for aesthetic and environmental
1135 reasons. No Person shall cut down, destroy, remove, relocate, destructively damage or
1136 cause to be cut down, destroyed, removed, relocated or destructively damage any tree
1137 without first obtaining a permit from the Town. The issuance of a tree removal permit
1138 from the Town shall require proof that a permit has been obtained from the Miami-
1139 Dade County Department of Regulatory & Economic Resources, if such permit is
1140 required by Division 2 "Tree Preservation and Protection" of Chapter 24 of the Miami-
1141 Dade County Code of Ordinances. No trees shall be removed from any public land
1142 including, but not limited to rights-of-way and swale areas, without the approval of the
1143 Town Manager or designee.

1144
1145 **Sec. 52-65. - Preservation of Lot Area.** All lots shall maintain compliance with the
1146 pervious surface requirements of Section 58-33.

1147
1148 **Sec. 52-70. - Tree Protection Requirements During Construction.** During site
1149 development, protection requirements for trees designated for preservation shall include,
1150 but not be limited to, the following:

- 1151
1152 (a) Protective barriers shall be placed around each tree, cluster of trees, or the
1153 edge of the preservation area no less than six (6) feet (in radius) from the
1154 trunk of any protected tree, cluster of trees, or preservation area. Protective
1155 barriers shall be a minimum of four (4) feet above ground level and shall be

1156 constructed of wood, plastic or metal, and shall remain in place until
1157 development is completed and the Town has authorized their removal.
1158 Protective barriers shall be in place prior to the start of any construction.

1159
1160 (b) Understory plants within protective barriers shall be protected.

1161
1162 (c) No excess oil, fill, equipment, building materials or building debris shall be
1163 placed within the areas surrounded by protective barriers, nor shall there be
1164 disposal of any waste material such as paints, oils, solvents, asphalt, concrete,
1165 mortar or any other material harmful to trees or understory plants within
1166 the areas surrounded by protective barriers.

1167 (d) Trees shall not be braced in such a fashion as to scar, penetrate, perforate or
1168 otherwise inflict damage to the tree.

1169
1170 (e) No attachments other than those of a protective or non-damaging nature
1171 shall be attached to any tree except those trees approved to be removed.

1172
1173 (f) Natural grade shall be maintained within protective barriers. In the event
1174 that the natural grade of the site is changed as a result of site development
1175 such that the safety of the tree may be endangered, tree wells or retaining
1176 walls are required.

1177
1178 (g) Underground utility lines shall be placed outside the areas surrounded by
1179 protective barriers. If said placement is not possible, disturbance shall be
1180 minimized by using techniques such as tunneling.

1181
1182 (h) Fences and walls shall be constructed to avoid disturbance to any protected
1183 tree. Post holes and trenches located close to trees shall be dug by hand and
1184 adjusted as necessary, using techniques such as discontinuous footings, to
1185 avoid damage to major roots.

1186
1187 **Sec. 52-75. - Nonconforming Landscaping Requirements.** The Town recognizes that
1188 many of the properties in the Town were constructed prior to the enactment of either the
1189 County or Town supplemental code requirements.

1190
1191 (a) Nonconforming designation. Property owners whose properties do not meet
1192 the minimum requirements of this code shall be designated as
1193 Nonconforming Landscape Properties.

1194
1195 (b) Nonconforming Landscape Properties must comply with all requirements of
1196 this chapter except:

1197
1198 (1) the required installation of new plant materials pursuant to section
1199 52-25(a); and

1200

- 1201 (2) the mandatory installation of an irrigation system under section 52-
1202 50 "Irrigation Requirements".
1203
- 1204 (3) the mandatory installation of an on-site drainage system, provided
1205 that where improvements are made, all efforts shall be made to
1206 ensure that proper drainage mechanisms, in particular, grading,
1207 planting and maintenance tools, are implemented to the greatest
1208 extent feasible.
1209
- 1210 (c) The forgoing provisions notwithstanding, all Nonconforming Landscape
1211 Properties are encouraged to meet the most recent minimum standards, if
1212 possible.
1213
- 1214 (d) Amortization. All Nonconforming Landscape Properties must achieve the
1215 following minimum standards no later than XXXXX, XX, 2017 [Date 6 months
1216 from adoption of this Ordinance]:
1217
- 1218 (1) All dead landscaping materials shall be removed and replaced with
1219 conforming materials.
1220
- 1221 (2) Any trees identified as Prohibited Trees per Sec. 24-49(4)(f) of
1222 the Code of Miami-Dade County shall be removed.
1223
- 1224 (3) Any Prohibited Plant Species, in addition to trees, shall be removed
1225 and replaced with conforming materials.
1226
- 1227 (4) All yard areas shall be planted with materials consistent with this
1228 chapter or, at a minimum planted with sod or groundcover meeting
1229 the requirements of section 52-25(h) or 52-25(i).
1230
- 1231 (5) All Swale areas shall meet the requirements of section 52-45 "Swale
1232 Regulations".
1233
- 1234 (6) Any new landscaping installed on a Nonconforming Landscape
1235 Property must:
1236
- 1237 a. meet the Minimum Landscape Requirements of subsections
1238 52-25(b)-(v) as applicable;
1239
- 1240 b. meet the Plant Quality standards of section 52-30;
1241
- 1242 c. be installed pursuant to all applicable location and installation
1243 requirements of this chapter; and
1244
- 1245 d. be approved by the Town Manager or designee.

1246
1247 (7) Any new irrigation system must be approved pursuant to and
1248 consistent with the requirements of section 52-50 "Irrigation
1249 Requirements."

1250
1251 (e) Once a Nonconforming Landscape Property has been improved, it shall
1252 thereafter be maintained at the new level of landscaping or consistent with
1253 any applicable landscape plan, pursuant to the maintenance requirements of
1254 this chapter.

1255
1256 **Sec. 52-80. - Violations, Abatement.**

1257 Failure to maintain groundcover and/or landscaping as required by this chapter or
1258 applicable Miami-Dade County Code or according to the approved landscape plan is
1259 declared to be a public nuisance. The Town may implement abatement or other actions
1260 permitted by law against any Property Owner who refuses to maintain his property in
1261 accordance with applicable ordinances or the approved landscape plan after notice of
1262 violation. Any notice of violation may be appealed to the Town Council.

1263 (a) Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel
1264 or tract of land within the Town to commit tree abuse, permit weeds,
1265 grass or undergrowth to grow thereon or on any adjacent swale to a
1266 height of six inches or more from the ground; or to permit rubbish, trash,
1267 debris, dead trees or other unsightly or unsanitary matter to remain
1268 thereon; or to permit the existence of depressions or excavations or any
1269 other condition on such premises wherein water may accumulate and
1270 stand in such manner or fashion as to make possible the propagation of
1271 mosquitoes therein.

1272 (b) Failure to Comply; form of notice to property Owner or Owners.

1273 (1) Upon the failure of the owner of any vacant lot, parcel or tract of
1274 land within the Town keep such premises free of weeds, grass or
1275 undergrowth of a height of six inches or more from the ground or
1276 of rubbish, trash, debris, dead trees or other unsightly or
1277 unsanitary matter, or to keep premises free of excavations,
1278 depressions, or nuisances as provided in this chapter, it shall be
1279 the duty of the Town Manager or designee to give notice, as
1280 provided herein, requesting the owner or owners of such property
1281 to remedy the condition within 15 days after service of such
1282 notice.

1283 (2) Such notice shall be given by registered or certified mail,
1284 addressed to the Owner of the property described, to the home of
1285 record, as recorded in the current county tax rolls, or may be
1286 posted upon the premises by affixing in any conspicuous place on
1287 any structure located on such premises or by leaving such notice of

1288 violation with any Person over the age of 15 years having charge of
1289 the premises. and shall be deemed complete and sufficient notice
1290 when so addressed and deposited in the United States mail with
1291 proper postage prepaid, posted or personally delivered. The notice
1292 shall be in substantially the following form:

1293 Date: _____

1294 Name of owner: _____

1295 Address of owner: _____

1296 Our property records indicate you to be the owner(s) of the
1297 following described property in the Town of Golden Beach:

1298 An inspection of this property discloses, and the Town Manager
1299 has found and determined, it to be in such condition as to be in
1300 violation of chapter 52, section (cite individual section violated) of
1301 the Code of the Town of Golden Beach, because (state why
1302 property is in violation, i.e., height of weeds, grass or undergrowth,
1303 debris, dead trees, specific nuisance etc.).

1304 Section 52-80(a) of the Code of the Town of Golden Beach provides
1305 that it shall be unlawful for you to permit this condition to
1306 continue, and you are hereby notified that unless this condition is
1307 remedied so as to make it nonviolative of section 52-80(a) of the
1308 Code of the Town of Golden Beach, within 15 days from the date
1309 hereof, the Town of Golden Beach will proceed to remedy such
1310 condition, and the cost of such work will be imposed as a lien upon
1311 this property. The estimated cost to remedy this condition would
1312 be _____, plus \$50.00 for administrative charges, for a total
1313 cost of _____.

1314 This notice will be the only notice given to you in a period of one
1315 year from this date. Any other violations occurring under this
1316 section shall be remedied by the Town without further notice.

1317 Very truly yours,

1318 _____ Town Manager

1319 (c) Cost of Clearing as Lien on Property—Collection, foreclosure and sale.
1320 Upon failure of the owner of property to remedy the conditions existing
1321 in violation of the requirements of this section within 15 days after
1322 service of notice to do so, then the Town Manager or designee shall
1323 proceed to have such condition remedied by contract or direct labor, or
1324 both, and the cost thereof shall be and become a lien against such
1325 property 30 days after notice of completion of work by the Town, to the

1326 same extent and character as the lien for special assessments, and with
1327 the same penalties and with the same rights of collections, foreclosure,
1328 sale and forfeiture as obtained for special assessment liens. The cost
1329 chargeable to the Owner shall not exceed the amount of cost as set forth
1330 in the notice served to the property Owner or Owners required herein
1331 under section 52-80.

1332 (d) Same—Due date, delinquency interest rates. The lien for the cost of
1333 clearing lots, parcels or tracts of land or of removing or remedying the
1334 conditions thereof found to be in violation of this section, plus any other
1335 administrative charges, shall become due and payable 30 days after
1336 publication of the notice of completion of such work, except in cases
1337 wherein a petition is filed within such period as provided for in section
1338 52-80(h) and where, upon consideration of such petition, the Council has
1339 changed and corrected the amount of lien as filed in the Office of the
1340 Clerk of the Circuit Court of the County; in such cases the lien shall
1341 become due and payable 30 days after such Council action. After the
1342 respective due dates above fixed, all unpaid liens shall become delinquent
1343 and shall thereafter bear interest at the rate of six percent per annum.
1344 This lien may be enforced and satisfied by the Town pursuant to F.S. ch.
1345 173, as amended from time to time, or by any other method permitted by
1346 law. The lien provided for in this section shall not be deemed to be in lieu
1347 of any other legal remedies for recovery of such fee, late charges, and
1348 accrued interest available to the Town.

1349 (e) Same—Installment payments; waiver of irregularities, interest rates.

1350 (1) The lien for the cost of clearing any lot, parcel or tract of land or of
1351 removing or remedying the condition thereof found to be violative
1352 of this section, if the same is in excess of \$100.00, may be paid in
1353 two equal installments due, respectively, on the first day of
1354 November following the due date prescribed above, and on the
1355 first day of November of the year following; provided, that the
1356 Owner or Owners of such lot, parcel or tract of land shall file with
1357 the Town Manager, on or before the due date, a written
1358 undertaking waiving any and all irregularities or illegality in
1359 connection with the imposing of such lien.

1360 (2) Such deferred installments shall bear interest at the rate of ten
1361 percent per annum from and after the due date of the lien, but any
1362 such lien or installment thereof may be paid at any time when
1363 accompanied by the payment of interest due upon the entire
1364 unpaid balance of the lien to date of payment.

1365 (3) Failure to pay any such installment when the same shall become
1366 due shall, without notice or other proceeding, cause the entire
1367 unpaid balance of the lien to become due and payable forthwith.

1368 (f) Lien books, information. Upon notification that the proper notice has
1369 been served due to the determination that certain described lots, tracts
1370 or parcels of land are in such condition as to be in violation of the
1371 requirements of this chapter, the Town Manager or designee shall cause
1372 to be filed in the Office of the Clerk of the Circuit Court of the County, the
1373 legal description of the land involved, the total estimated cost and date of
1374 the notice.

1375 (g) Statement of costs, filing; publication of work, cost and lien. As soon as
1376 practicable after completion of the work, if such work be done by the
1377 Town, the Town Manager or designee shall execute, or cause to be
1378 executed, and file with the Town Clerk, a statement of costs and
1379 completion of work, which shall certify the completion thereof. The Town
1380 Clerk shall thereafter cause to be published in a newspaper of general
1381 circulation in the County or Town, a notice giving the description of the
1382 property, the amount of the cost of the work, the date of completion of
1383 the work and the fact that the cost thereof is a lien against the property.

1384 (h) Interested persons may petition Council to dispute assessed costs,
1385 Council inquiry.

1386 (1) Any person owning all or any interest in property which has been
1387 found to be in violation of this section, and upon which remedial
1388 work by the Town has been done, shall have the right, at any time
1389 within 30 days after publication of the notice of completion of
1390 work under this section, to present to the Town Clerk a sworn
1391 petition stating his interest in the property and alleging that in the
1392 opinion of the petitioner the cost of the work as entered in the
1393 sanitary lien book exceeds the actual cost thereof or is otherwise
1394 erroneous.

1395 (2) Such petition shall be presented to the Council for its
1396 consideration at its next regular meeting, provided at least ten
1397 days have intervened between the time of the filing of such
1398 petition and the date of such meeting, at which time and place the
1399 Council shall consider the same and make due inquiry into the
1400 questions involved. If it shall appear to the satisfaction of the
1401 Council that the cost as entered is erroneous, then the Council shall
1402 by resolution so declare and shall have the entry thereof in the
1403 County records corrected, and shall fix and confirm the amount to
1404 be charged against such lot, parcel or tract of land as it shall find
1405 just and proper, and the amount so fixed shall stand as the amount
1406 of the lien, effective as of the date of completion of the work
1407 aforsaid, or the Council may confirm the lien in the amount as
1408 originally entered in the public records.

1409 (i) The remedies provided for in this section shall not be deemed to be in

1410 lieu of any other legal remedies for violation, or for recovery of monies
1411 due, available to the Town.

1412
1413 **Section 4.** That Chapter 58 “Development Standards” of the Town of Golden Beach

1414 Land Development Code is amended to read as follows:

1415 **Chapter 58 - DEVELOPMENT STANDARDS**

1416
1417 **ARTICLE I. - IN GENERAL**

1418
1419 **Sec. 58-1. - Definitions.**

1420
1421 The following words, terms and phrases, when used in this chapter, shall have the
1422 meanings ascribed to them in this section, except where the context clearly indicates a
1423 different meaning:

1424
1425 * * *

1426 Pervious Area means ~~that area maintained in its natural condition, or covered by a~~
1427 ~~material, is planned in the adopted 2010 Highway water directly into the ground. a~~
1428 permeable area of land within the Building Lot which permits the drainage and percolation
1429 of water.

1430
1431 * * *

1432
1433 ~~Sec. 58-33. - Landscaping.~~

1434 ~~In addition to the landscaping requirements of sections 66-116 and 66-171, each lot~~
1435 ~~shall provide, concurrently with construction of a new residence permitted after October 1,~~
1436 ~~1989, not less than three trees on the lot and one tree in the swale area adjoining the~~
1437 ~~subject lot. Corner lots shall plant at least two trees in the adjoining swale. Every tree~~
1438 ~~planted shall be a minimum of 12 to 14 feet in height (minimum 2½ D.B.H.) at the time of~~
1439 ~~planting and shall be Florida Grade Number One or better. At least 75 percent of the~~
1440 ~~minimum required trees must be native Florida species. The following native trees are~~
1441 ~~recommended but do not represent an exhaustive list:~~

- 1442 ~~Bucida buceras (Black Olive)~~
- 1443 ~~Bursera simaruba (Gumbo Limbo)~~
- 1444 ~~Coccoloba diversifolia (Pidgeon Plum)~~
- 1445 ~~Coccoloba uvifera (Sea Grape)~~
- 1446 ~~Conocapsus erectus (Silver Buttonwood)~~
- 1447 ~~Cordia Sebestena (Geiger Tree)~~
- 1448 ~~Hibiscus tiliaceus (Mahoe)~~
- 1449 ~~Lysiloma bahamensis (Wild Tamarind)~~
- 1450 ~~Quercus virginiana (Live Oak)~~

- 1451 ~~Roystonea elata (Royal Palm)~~
- 1452 ~~Sabal palmetto (Sabal Palm)~~
- 1453 ~~Simarouba glauca (Paradise Tree)~~

1454
1455 ~~Sec. 58-34. - Removal of certain species.~~

1456 ~~Concurrent with the construction of any new residence, the following exotic species~~
1457 ~~shall be removed from the lot:~~

- 1458 ~~Casuarina equestriforma (Australian Pine)~~
- 1459 ~~Melaleuca quinquenervia (Punk Tree, Cajeput or Paper Bark)~~
- 1460 ~~Moraceae (Ficus)~~
- 1461 ~~Schinus terebinthifolius (Brazilian Pepper or Florida Holly)~~

1462
1463 **Sec. 58-335. - Preservation of lot area.**

1464
1465 A minimum of 35 percent of the area of each lot, ~~including the swale adjacent thereto,~~
1466 ~~shall be maintained as pervious surface. The use of pervious pavers will be considered in~~
1467 ~~the calculation to the extent the applicant provides credible evidence of the permeability of~~
1468 ~~the surface. Pervious area calculations shall be provided by a State of Florida registered~~
1469 ~~Architect, Engineer or Landscape Architect.~~

1470
1471 * * *

1472
1473 **Section 5.** That Chapter 66 "Zoning" of the Town of Golden Beach Land
1474 Development Code is amended to read as follows:

1475 **Chapter 66 - ZONING**

1476
1477 * * *

1478
1479 **ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

1480
1481 * * *

1482
1483 **DIVISION 3. - SWALE REGULATIONS Reserved.**

1484
1485 ~~Sec. 66-116. - Responsibility for landscaping.~~
1486 ~~The property Owner, tenant and/or resident living in the property or his agent shall be~~
1487 ~~jointly and severally responsible for the maintenance of all landscaping in Swale Areas.~~
1488 ~~The landscaping shall be maintained in good plant health so as to insure safety,~~
1489 ~~functional use and a healthy plant appearance. The landscaping shall be pruned and~~
1490 ~~free of dead limbs and branches. All dead growth shall be removed immediately and~~
1491 ~~replaced. No swale landscaping shall be maintained in such manner as to constitute a~~
1492 ~~nuisance.~~

1493 ~~Sec. 66-117. -- Plants, sod.~~
1494 ~~(a) -- Plants to be placed in the Swale Area shall be approved by the Building~~
1495 ~~Regulation Advisory Board and shall conform to the State agricultural standards. Grass~~
1496 ~~sod shall be clean and reasonably free of weeds and noxious pests or diseases. Trees or~~
1497 ~~shrubs shall be of a species whose roots are known not to cause damage to public~~
1498 ~~roadways or other public works and shall be planted in the swale only after approval~~
1499 ~~by the Building Regulation Advisory Board.~~
1500 ~~(b) -- Sod of a species normally grown as a permanent lawn grass shall be used in~~
1501 ~~swales or other areas subject to erosion and shall be planted so as to extend to the~~
1502 ~~abutting Street pavement. All sodded areas between the Street pavement and the~~
1503 ~~property line shall be maintained in a clean and healthy growing condition, free of~~
1504 ~~trash, debris, refuse, litter, ruts and potholes. No swale shall have grass exceeding six~~
1505 ~~inches in height.~~
1506 ~~Sec. 66-118. -- Lawn markers.~~
1507 ~~All lawn markers utilized in front of residential lots abutting any Street or other public~~
1508 ~~way shall not exceed nine inches in diameter, nor ten pounds, and shall be hemispheric~~
1509 ~~shape. Rocks may not be used as a substitute for lawn markers. Each lot shall be~~
1510 ~~limited to no more than four lawn markers per 50 feet of Street Frontage.~~
1511 ~~Sec. 66-119. -- Walls, fences generally.~~
1512 ~~No wall or fence of whatever substance, or series of shrubs, bushes, Hedges or series of~~
1513 ~~other growing matter that is capable of exceeding six inches in height after time of~~
1514 ~~planting, may be placed or maintained in such a manner as to constitute a wall or a~~
1515 ~~fence, and no other structure or plant shall be constructed, maintained or otherwise~~
1516 ~~allowed in the Swale Area adjacent to the front or side Street, or in the public right of~~
1517 ~~way or easement area unless approved by the Building Regulation Advisory Board.~~
1518 ~~Sec. 66-120. -- Sight obstruction at intersections.~~
1519 ~~No wall, fence or other structure or tree, plant or other vegetation shall be permitted~~
1520 ~~within the triangular area formed by lines connecting points 25 feet from the edge of paved~~
1521 ~~roads at any intersection formed by two or more public roads which or which would in any~~
1522 ~~way limit visibility for vehicles or pedestrians.~~
1523 ~~Sec. 66-121. -- Notice of violation, abatement.~~
1524 ~~Notices of violations of this division may be mailed to the Owner of record as shown on~~
1525 ~~the tax roll of the County or may be posted upon the premises by affixing in any~~
1526 ~~conspicuous place on any structure located on such premises or by leaving such notice~~
1527 ~~of violation with any Person over the age of 15 years having charge of the premises.~~
1528 ~~Any Person receiving such notice may appeal to the Town Council pursuant to section~~
1529 ~~66-43. Should any Owner, agent or Person having charge of or occupying any lot or~~
1530 ~~premises covered by this division refuse or neglect, for a period of 15 days after~~
1531 ~~receiving notice from the Town of any violation of this division, fail to cure such~~
1532 ~~violation, or appeal to the Town Council pursuant to section 66-43, the Town may at its~~
1533 ~~option act to cure such violation without further notice. The Town may cause the~~
1534 ~~structure or plantings to be abated and the cost of removal, replacement or cutting of~~
1535 ~~such work shall be forthwith paid by such Owner, agent or other Person.~~
1536 ~~Sec. 66-122. -- Lien for Town's expense.~~
1537 ~~Upon failure of the Owner, or other responsible Person to promptly pay the cost of~~

1538 such work, the Town Manager shall cause an affidavit to be placed upon the public
1539 records of the County describing the work done and the amount of the cost incurred by
1540 the Town. Such affidavit shall constitute a claim of lien against the property,
1541 foreclosable in the manner of assessment liens or as permitted by law. All costs of the
1542 action and reasonable attorney's fees incurred by the Town shall be determined by the
1543 court and assessed against the property.

1544 ~~Sec. 66-123. - Mowing.~~

1545 All lot Owners within the Town shall maintain the Swale Areas abutting their lots by
1546 mowing the lawn in the Swale Area at least once every 30 days, and shall not permit
1547 nuisances to occur within such Swale Areas.

1548

1549 * * *

1550 **DIVISION 6. - LANDSCAPING RESERVED.**

1551 **~~Sec. 66-171. - Required.~~**

1552 All residences and vacant lots in the Town shall have grass, groundcover or
1553 landscaping maintained in a living condition on all portions of residential property
1554 where no structural improvements are located.

1555 **~~Sec. 66-172. - Responsibility of Owner.~~**

1556 The property Owner shall restore the grass groundcover and/or landscaping on his
1557 property in a manner keeping with the residential nature of the Town should such
1558 groundcover and/or landscaping be destroyed or impaired.

1559 **~~Sec. 66-173. - Landscaping plan.~~**

1560 (a) — Prior to the issuance of any building permit by the Town the applicant for the
1561 building permit shall submit and have approved in accordance with this Code of
1562 Ordinances a landscaping plan describing the type of landscaping and/or groundcover
1563 to be implemented on the property in conjunction with the requested Construction.

1564 (b) — The Town may decline to issue a building permit or a certificate of occupancy
1565 for the Construction of any new structure or addition thereto should the Owner or
1566 contractor not submit a landscape plan and implement it in accordance with this Code
1567 of Ordinances.

1568 **~~Sec. 66-174. - Violations, abatement.~~**

1569 Failure to maintain groundcover and/or landscaping according to the approved
1570 landscape plan is declared to be a public nuisance. The Town may implement
1571 abatement or other actions permitted by law against any property Owner who refuses
1572 to maintain his property in accordance with the approved landscape plan after notice
1573 of violation. Any notice of violation may be appealed to the Town Council.

1574 **~~Sec. 66-175. - Weeds, wild growth, rubbish, and debris.~~**

1575 (a) — Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel or tract

1576 of land within the Town to permit weeds, grass or undergrowth to grow thereon to a
1577 height of six inches or more from the ground; or to permit rubbish, trash, debris, dead
1578 trees or other unsightly or unsanitary matter to remain thereon; or to permit the
1579 existence of depressions or excavations or any other condition on such premises
1580 wherein water may accumulate and stand in such manner or fashion as to make
1581 possible the propagation of mosquitoes therein.

1582 (b) — Failure to Comply; form of notice to property Owner or Owners.

1583 (1) — Upon the failure of the owner of any vacant lot, parcel or tract of land within the
1584 Town to keep such premises free of weeds, grass or undergrowth of a height of six
1585 inches or more from the ground or of rubbish, trash, debris, dead trees or other
1586 unsightly or unsanitary matter, or to keep premises free of excavations or depressions,
1587 as provided in this section, it shall be the duty of the Town Manager to give notice, as
1588 provided herein, requesting the owner or owners of such property to remedy the
1589 condition within 15 days after service of such notice.

1590 (2) — Such notice shall be given by registered or certified mail, addressed to the
1591 Owner of the property described, to the home of record, as recorded in the current
1592 county tax rolls, and shall be deemed complete and sufficient notice when so
1593 addressed and deposited in the United States mail with proper postage prepaid. The
1594 notice shall be in substantially the following form:

1595 Date: _____

1596 Name of owner: _____

1597 Address of owner: _____

1598 Our property records indicate you to be the owner(s) of the following described
1599 property in the Town of Golden Beach:

1600 An inspection of this property discloses, and the Town Manger has found and
1601 determined, it to be in such condition as to be in violation of section 66-175(a) of the
1602 Code of the Town of Golden Beach, because (state why property is in violation, i.e.,
1603 height of weeds, grass or undergrowth, debris, dead trees, etc.).

1604 Section 66-175(a) of the Code of the Town of Golden Beach provides that it shall be
1605 unlawful for you to permit this condition to continue, and you are hereby notified that
1606 unless this condition is remedied so as to make it nonviolative of section 66-175(a) of
1607 the Code of the Town of Golden Beach, within 15 days from the date hereof, the Town
1608 of Golden Beach will proceed to remedy such condition, and the cost of such work will
1609 be imposed as a lien upon this property. The estimated cost to remedy this condition
1610 would be _____, plus \$50.00 for administrative charges, for a total cost of
1611 _____.

1612 This notice will be the only notice given to you in a period of one year from this date.
1613 Any other violations occurring under this section shall be remedied by the Town

1614 without further notice.

1615 Very truly yours,

1616 —Town Manager—

1617 ~~(c) — Cost of Clearing as Lien on Property—Collection, foreclosure and sale. Upon~~
1618 ~~failure of the owner of property to remedy the conditions existing in violation of the~~
1619 ~~requirements of this section within 15 days after service of notice to do so, then the~~
1620 ~~Town Manager shall proceed to have such condition remedied by contract or direct~~
1621 ~~labor, or both, and the cost thereof shall be and become a lien against such property 30~~
1622 ~~days after notice of completion of work by the Town, to the same extent and character~~
1623 ~~as the lien for special assessments, and with the same penalties and with the same~~
1624 ~~rights of collections, foreclosure, sale and forfeiture as obtained for special assessment~~
1625 ~~liens. The cost chargeable to the Owner shall not exceed the amount of cost as set forth~~
1626 ~~in the notice served to the property Owner or Owners required herein under section~~
1627 ~~66-175(a).~~

1628 ~~(d) — Same—Due date, delinquency interest rates. The lien for the cost of clearing~~
1629 ~~lots, parcels or tracts of land or of removing or remedying the conditions thereof found~~
1630 ~~to be in violation of this section, plus any other administrative charges, shall become~~
1631 ~~due and payable 30 days after publication of the notice of completion of such work,~~
1632 ~~except in cases wherein a petition is filed within such period as provided for in section~~
1633 ~~66-175(h) and where, upon consideration of such petition, the Council has changed~~
1634 ~~and corrected the amount of lien as filed in the Office of the Clerk of the Circuit Court of~~
1635 ~~the County; in such cases the lien shall become due and payable 30 days after such~~
1636 ~~Council action. After the respective due dates above fixed, all unpaid liens shall become~~
1637 ~~delinquent and shall thereafter bear interest at the rate of six percent per annum until~~
1638 ~~sold. This lien may be enforced and satisfied by the Town pursuant to F.S. ch. 173, as~~
1639 ~~amended from time to time, or by any other method permitted by law. The lien~~
1640 ~~provided for in this section shall not be deemed to be in lieu of any other legal~~
1641 ~~remedies for recovery of such fee, late charges, and accrued interest available to the~~
1642 ~~Town.~~

1643 ~~(e) — Same—Installment payments; waiver of irregularities, interest rates.~~

1644 ~~(1) — The lien for the cost of clearing any lot, parcel or tract of land or of removing or~~
1645 ~~remedying the condition thereof found to be violative of this section, if the same is in~~
1646 ~~excess of \$100.00, may be paid in two equal installments due, respectively, on the first~~
1647 ~~day of November following the due date prescribed above, and on the first day of~~
1648 ~~November of the year following; provided, that the Owner or Owners of such lot, parcel~~
1649 ~~or tract of land shall file with the Town Manager, on or before the due date, a written~~
1650 ~~undertaking waiving any and all irregularities or illegality in connection with the~~
1651 ~~imposing of such lien.~~

1652 ~~(2) — Such deferred installments shall bear interest at the rate of ten percent per~~
1653 ~~annum from and after the due date of the lien, but any such lien or installment thereof~~
1654 ~~may be paid at any time when accompanied by the payment of interest due upon the~~

1655 entire unpaid balance of the lien to date of payment.

1656 ~~(3) — Failure to pay any such installment when the same shall become due shall,~~
1657 ~~without notice or other proceeding, cause the entire unpaid balance of the lien to~~
1658 ~~become due and payable forthwith.~~

1659 ~~(f) — Lien books, information. Upon notification that the proper notice has been~~
1660 ~~served due to the determination that certain described lots, tracts or parcels of land~~
1661 ~~are in such condition as to be in violation of the requirements of this Article, the Town~~
1662 ~~Manager shall cause to be filed in the Office of the Clerk of the Circuit Court of the~~
1663 ~~County, the legal description of the land involved, the total estimated cost and date of~~
1664 ~~the notice.~~

1665 ~~(g) — Statement of costs, filing; publication of work, cost and lien. As soon as~~
1666 ~~practicable after completion of the work, if such work be done by the Town, the Town~~
1667 ~~Manager shall execute, or cause to be executed, and file with the Town Clerk, a~~
1668 ~~statement of costs and completion of work, which shall certify the completion thereof.~~
1669 ~~The Town Clerk shall thereafter cause to be published in a newspaper of general~~
1670 ~~circulation in the County or Town, a notice giving the description of the property, the~~
1671 ~~amount of the cost of the work, the date of completion of the work and the fact that the~~
1672 ~~cost thereof is a lien against the property.~~

1673 ~~(h) — Interested persons may petition Council to dispute assessed costs, Council~~
1674 ~~inquiry.~~

1675 ~~(1) — Any person owning all or any interest in property which has been found to be in~~
1676 ~~violation of this section, and upon which remedial work by the Town has been done,~~
1677 ~~shall have the right, at any time within 30 days after publication of the notice of~~
1678 ~~completion of work under this section, to present to the Town Clerk a sworn petition~~
1679 ~~stating his interest in the property and alleging that in the opinion of the petitioner the~~
1680 ~~cost of the work as entered in the sanitary lien book exceeds the actual cost thereof or~~
1681 ~~is otherwise erroneous.~~

1682 ~~(2) — Such petition shall be presented to the Council for its consideration at its next~~
1683 ~~regular meeting, provided at least ten days have intervened between the time of the~~
1684 ~~filing of such petition and the date of such meeting, at which time and place the Council~~
1685 ~~shall consider the same and make due inquiry into the questions involved. If it shall~~
1686 ~~appear to the satisfaction of the Council that the cost as entered is erroneous, then the~~
1687 ~~Council shall by resolution so declare and shall have the entry thereof in the County~~
1688 ~~records corrected, and shall fix and confirm the amount to be charged against such lot,~~
1689 ~~parcel or tract of land as it shall find just and proper, and the amount so fixed shall~~
1690 ~~stand as the amount of the lien, effective as of the date of completion of the work~~
1691 ~~aforsaid, or the Council may confirm the lien in the amount as originally entered in~~
1692 ~~the public records.~~

1693 **Secs. 66-1716—66-185. - Reserved.**

1694 **DIVISION 7. - WALLS, AND FENCES AND HEDGES**

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Sec. 66-186. - Height restrictions.

- (a) In Zone One no wall, ~~hedge~~, or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall, ~~Hedge~~, or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall, ~~Hedge~~, or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.
- (b) In Zones Two ~~and Three~~, no wall ~~Hedge~~, or fence between estates or lots shall be constructed or altered to exceed a height of six feet in height.
- (c) In Zone Three, no wall or fence between estates or lots shall be constructed or altered to exceed a height of six feet.
- (d) No walls, ~~Hedges~~, or fences higher than, two feet may be erected along the waterways, except that open metal or chain link fences may be four feet high.
- (e) No walls, ~~Hedges~~, or fences higher than, four feet may be erected on the Street property line, nor erected in such manner, ~~planted and permitted to grow~~ so as to block the view of a driver of a vehicle or bicycle operating on any road within the Town as provided by section 52-45(e)~~66-120~~.
- (f) Throughout Zones One, Two and Three, any wall, ~~Hedge~~, or fence constructed within a Setback area other than on a property line shall not exceed the height permitted for Construction of walls, ~~Hedges~~ or fences allowed on the nearest property line within the zones. In no event shall walls, ~~Hedges~~ or fences within building Construction areas exceed six feet in height.
- (g) All heights stated in this section are measured from the finished ground floor of the site where the fence is to be built. For fences abutting a street, the maximum level of the top of the fence shall be four feet above the finished site elevation without any berming or six feet above the maximum elevation of the crown of the road adjacent to the property whichever is the highest. Pilasters may exceed the maximum fence height by up to one foot, and operable gates may exceed the maximum fence height by three feet. Ornamental features, such as lights or decorative castings, a maximum 24 inches in height may be erected on top of a maximum of four pilasters. No berm shall be permitted in the street right-of-way. Fences erected along the right-of-way must be fully screened with landscaping including hedges or vines screening their full height.

1740 (h) Throughout Zones One and Two, vacant lots within the Town shall be
1741 secured on all four sides. A white vinyl picket fence at least three feet in
1742 height shall be placed along the perimeter of the property adjacent to a right-
1743 of-way. Along the right-of-way frontage, the yard area outside the fence shall
1744 be improved with basic irrigation and planted with accent plant material and
1745 sod.

1746 **Sec. 66-187. - Construction materials.**

1747 Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry built
1748 walls or fences, subject to the same height restrictions applicable in the zone. Walls and
1749 fences of plywood, composition materials, simulated wood, or sheet metal are prohibited.
1750 However, a rail type open fence may be permitted if the wood rails are set between piers
1751 not less than 21 inches square built of brick or stone or in the alternative wooden uprights
1752 of a minimum size of six inches by six inches and spaced not more than 12 feet apart. Rails
1753 may not be smaller than four inches by four inches. Chain-link wire fences are permitted
1754 along rear and side yards where all fence components, including framing members, are
1755 covered in green or black vinyl. Alternatively, rear and side yards may be enclosed by white
1756 vinyl picket or solid panel fencing. Where chain-link, picket, or solid panel fencing is used,
1757 such fencing shall be fully screened by hedge plant material for the full height of the fence.
1758 In Zones Two and Three, piling shall be required under all piers, pilasters and walls for
1759 fences and for flower boxes which may not be cantilevered from beams, except that
1760 wooden uprights as referenced above, shall not need pilings, but shall penetrate into the
1761 ground a minimum of three feet and be encased in a concrete footing with a minimum
1762 thickness of one foot measured from the edge of the wooden upright. All fences shall be
1763 finished or constructed in such manner as to have the same appearance, design and finish
1764 on each side.

1765 **Sec. 66-188. - Maintenance.**

1766 All Hedges, walls and fences shall be maintained in accordance with the landscaping plan or
1767 permitted Construction plan approved by the Building Regulation Advisory Board.

1768 **Secs. 66-189—66-200. - Reserved.**

1769 * * *

1770 * * *
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1772 **Sec. 66-251. - Cabanas/Gazebos.**

1773 (a) In Zone One a cabana or similar structure separate from the main house
1774 structure may be permitted to be erected only on the oceanfront of a
1775 property provided it contains not more than 250 square feet of roofed area
1776 and not more than one story in height. However, no part thereof shall be east
1777 of a line joining the corners of nearest existing similar structures nor shall
1778 may [any] part be within 50 feet of the Mean High Water Line; and no part of
1779 the roof thereof shall be more than 15 feet above MGVD which floor level is
1780 hereby established as a base line. Such structure may be built to the lot lines.
1781 Side line and east lot line clearance is not required. No more than one such

1782 structure is permitted to be erected for each residence. The roof of the
1783 Cabanas shall not be used as solarium or for any other similar use by
1784 persons.

1785 (b) In Zone Two and Zone Three, one Gazebo separate from the main house
1786 structure may be permitted to be erected, subject to the following
1787 requirements:

1788 (1) The Gazebo shall not be more than one story in height and must
1789 contain matching roof slopes and detailing similar to the principal
1790 structure;

1791 (2) The roof of the Gazebo shall not be used as a solarium or for any
1792 similar purposes; and

1793 (3) The Gazebo must comply with the following setback requirements:

1794 a. Zone Two: A Gazebo in Zone Two must be placed at least ten
1795 feet from the side lot line and ten feet from the rear lot line.

1796 b. Zone Three: A Gazebo in Zone Three must be placed at least ten
1797 feet from the side lot line and 15 feet from the rear lot line.

1798 (4) The maximum size of a Gazebo shall be 150 square feet of roofed area
1799 for any lot with a front street frontage of up to 175 feet. Lots with a
1800 minimum of 175 feet of front street frontage shall not exceed 250
1801 square feet of roofed area.

1802
1803 **Section 6.** That if any section, clause, sentence or phrase of this Ordinance is for
1804 any reason held invalid or unconstitutional by a court of competent jurisdiction, the
1805 holding shall not affect the validity of the remaining portions of this Ordinance.

1806 **Section 7.** That all ordinances or parts of ordinances in conflict with the
1807 provisions of this Ordinance are repealed to such extent of the conflict.

1808 **Section 8.** That this Ordinance shall be codified in accordance with the foregoing.
1809 It is the intention of the Town Council that the provisions of this Ordinance shall become
1810 and be made a part of the Town of Golden Beach Code of Ordinances; and that the sections
1811 of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
1812 changed to "section", "article" or such other appropriate word or phrase in order to
1813 accomplish such intentions.

1814 **Section 9.** That this Ordinance shall take full effect immediately upon its passage
1815 and adoption.

1816 The Motion to adopt the foregoing Ordinance was offered by _____,
1817 seconded by _____, and on roll call the following vote ensued:

1818 Mayor Glenn Singer _____
1819 Vice-Mayor Ken Bernstein _____
1820 Councilmember Amy Isackson-Rojas _____
1821 Councilmember Judy Lusskin _____
1822 Councilmember Bernard Einstein _____

1823
1824
1825 **PASSED AND ADOPTED** on first reading on _____, 2016.

1826 The Motion to adopt the foregoing Ordinance was offered by _____,
1827 seconded by _____, and on roll call the following vote ensued:

1828 Mayor Glenn Singer _____
1829 Vice-Mayor Ken Bernstein _____
1830 Councilmember Amy Isackson-Rojas _____
1831 Councilmember Judy Lusskin _____
1832 Councilmember Bernard Einstein _____

1833
1834
1835 **PASSED AND ADOPTED** on second reading on _____, 2016.

1836 **ATTEST:**
1837
1838
1839 _____
1840 LISSETTE PEREZ
1841 TOWN CLERK

1842
1843 **APPROVED AS TO FORM**
1844 **AND LEGAL SUFFICIENCY:**
1845
1846
1847 _____
1848 STEPHEN J. HELFMAN
1849 TOWN ATTORNEY

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