

7-A-3

EMERGENCY ORDINANCE 2016-05

1
2 **AN EMERGENCY ORDINANCE OF THE TOWN OF**
3 **PONCE INLET, FLORIDA, ENACTING TEMPORARY**
4 **ADMINISTRATIVE PROCEDURES TO PROVIDE FOR**
5 **THE EXPEDITIOUS AND COORDINATED**
6 **MANAGEMENT OF BUILDING PERMIT APPLICATIONS**
7 **AND FEES; WAIVING SPECIFIC PERMITS AND FEES**
8 **ISSUED FOR THE REPAIR/REPLACEMENT OF**
9 **SIGNAGE; WAIVING SPECIFIC PERMITS AND FEES**
10 **ISSUED FOR THE REMOVAL OF CERTAIN TREES;**
11 **ESTABLISHING A METHOD OF ENFORCEMENT OF**
12 **THE FLORIDA BUILDING CODE SUCH THAT ON-SITE**
13 **PERMITS MAY BE ISSUED BY APPROPRIATE TOWN**
14 **STAFF FOR REPAIR OF DAMAGE CAUSED BY**
15 **HURRICANE MATTHEW; PROVIDING FOR**
16 **SEVERABILITY; PROVIDING FOR CONFLICTING**
17 **ORDINANCES; AND PROVIDING FOR AN EFFECTIVE**
18 **DATE.**

19 **WHEREAS,** residents and businesses throughout the Town of Ponce Inlet sustained
20 severe damage as a result of Hurricane Matthew; and

21 **WHEREAS,** the Federal and State governments have declared Volusia County,
22 including Ponce Inlet, as a disaster area; and

23 **WHEREAS,** the State Emergency Act, Chapter 252 Florida Statutes, provides a
24 municipality with the power and authority to take every prudent action necessary to ensure the
25 health, safety, and welfare of the community in response to a natural disaster; and

26 **WHEREAS,** Chapter 166.041, Florida Statutes, authorizes the governing body of a
27 municipality to enact an emergency ordinance by a two-thirds vote; and

28 **WHEREAS,** the Town of Ponce Inlet Code of Ordinances, Chapter 18, includes
29 requirements for the appropriate applications, forms and plans for the issuance of building
30 permits to home owners, acting as owner contractors, or to appropriately licensed contractors to
31 ensure compliance with the Florida Building Code (FBC); and

32 **WHEREAS,** the Town of Ponce Inlet has included in Article II of the Land
33 Development Code, specific requirements for the review, approval, and inspection of signage in
34 the Town; and

35 **WHEREAS,** the Town of Ponce Inlet has included in Article IV of the Land
36 Development Code, specific requirements for the review, approval, and inspection of removal of
37 trees in the Town; and

38 **WHEREAS**, the emergency situation created by Hurricane Matthew has resulted in a
39 unique situation wherein emergency repairs and tree removal require immediate response and
40 repair in order to ensure the protection of the health, safety, and welfare of the citizens and
41 business of the Town of Ponce Inlet, Florida.

42 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE**
43 **TOWN OF PONCE INLET, FLORIDA:**

44 **SECTION 1.** The Town’s Chief Building Official and Building Inspectors are hereby
45 authorized to issue permits immediately to residents and/or businesses for improvements needed
46 to secure residential and/or commercial structures that do not require detailed drawings that are
47 prepared by a licensed architect or engineer. This shall apply to, but not be limited to, roofing
48 repairs for shingles, broken windows and/or doors, fences that fell down or other similar repairs
49 resulting from damage caused by Hurricane Matthew. All fees associated with these
50 improvements are hereby waived.

51 **SECTION 2.** Town staff is hereby directed to expedite permits and to waive any permit
52 fees for sign replacement and/or repair of signage damaged or destroyed as a result of Hurricane
53 Matthew.

54 **SECTION 3.** Town staff is hereby directed to expedite tree removal permits and to
55 waive any permit fees for the removal of trees threatening the life, safety, or welfare of the Town
56 residents or businesses. The removal of trees must be related to damages resulting from
57 Hurricane Matthew.

58 **SECTION 4.** The Town of Ponce Inlet Council reiterates its desire to protect the public
59 by not allowing unauthorized contractors to carry out various types of construction
60 improvements, and directs the appropriate Town staff to canvass the Town during this time of
61 emergency to ensure that there are not unlicensed contractors performing work within the Town.

62 **SECTION 5.** If any section, paragraph, sentence, clause and phrase of this Ordinance is
63 severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be
64 declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court
65 of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect
66 any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

67 **SECTION 6.** All ordinances in conflict herewith are hereby repealed to the extent of
68 such conflict.

69 **SECTION 7.** This Ordinance shall become effective retroactively from October 10, 2016
70 and remain in effect until December 31, 2016, at which time it shall have no further force or
71 effect.

72 It was moved by _____ and seconded by _____
73 that said Ordinance be passed. A roll call vote of the Town Council on said motion resulted as
74 follows:

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Mayor Smith, Seat #1 _____

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Councilmember Milano, Seat #2 _____

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Vice-Mayor Hoss, Seat #3 _____

79

Councilmember Perrone, Seat #4 _____

80

Councilmember Paritsky, Seat #5 _____

81 Passed and adopted upon this ___th day of _____, 2016.

82

Town of Ponce Inlet, Florida

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Gary L. Smith, Mayor

86 ATTEST:

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89 Jeaneen Witt, CMC

90 Town Manager/Town Clerk