

Meeting Date: February 10, 2015

Agenda Item

20

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration Workshop Initiative

SHORT TITLE OR MOTION: AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.21 "PERMITS; FEES," TO SPECIFY PERMIT REQUIREMENTS AND EXPIRATION FOR IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (NO COST)

Summary of Purpose and Why: The City of Pompano Beach Code does not currently provide for the expiration of permits for work in the Rights of Way, this has resulted in work not being completed leading to unsightly and unsafe conditions. Adding the provision will make this section conform to the other permits.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: Robert McCaughan/ Alessandra Delfico Ext 4507/4414
- (3) Expiration of contract, if applicable: _____
- (4) Fiscal impact and source of funding: _____

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Engineering	<u>12/22/14</u>	APPROVE	<u>Alessandra Delfico</u>
Public Works	<u>12/23/14</u>	APPROVE	<u>Robert McCaughan</u>
City Attorney	<u>12/23/14</u>	<u>[Signature]</u>	

Advisory Board
 Development Services Director
 City Manager [Signature]

[Signature]
[Signature]

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1st Reading <u>1/27/2015</u> Approved	1st Reading _____	Results: _____	Results: _____
2nd Reading <u>2/10/2015</u>	_____	_____	_____
_____	_____	_____	_____



City Attorney's Communication #2015-365

December 19, 2014

TO: Alessandra Delfico, P.E., City Engineer
FROM: Fawn Powers, Assistant City Attorney
RE: Ordinance Amending Chapter 100- Section 100.21 "Permits; Fees

Pursuant to your request I have prepared and attached the following captioned ordinance:

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.21, "PERMITS; FEES," TO SPECIFY PERMIT REQUIREMENTS AND EXPIRATION FOR IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.

FAWN POWERS

FP/ds
l:cor/engr/2015-365
Attachment

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.21, "PERMITS; FEES," TO SPECIFY PERMIT REQUIREMENTS AND EXPIRATION FOR IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 100.21, "Permits; Fees," of Chapter 100, "Streets and Sidewalks," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 100.21 PERMITS; FEES.

...

(D) The application for a permit prescribed by (A) above shall:

(1) describe the work to be done and include detailed cost information on the value of the proposed work and the manner in which it is to be done;

(2) conform with the requirements listed herein and all other requirements of applicable technical codes, administrative rules, and federal, state and local laws; and

(3) be accompanied by detailed plans and specifications for the structure or placement of materials at the proposed site which are prepared by an engineer licensed in the State of Florida together with a site plan or survey showing the location of the proposed structure or materials in conjunction with adjoining land or water, as applicable.

(E) Time limitation. Permits shall expire and become null and void if the work authorized by the permit is not commenced within 180 days from the issuance date of the permit, or if such work is commenced and is abandoned or suspended for a period of 90 days. If work has commenced, and the permit becomes null and void or expires because of abandonment or a lack of progress, a new permit for the proposed work shall be obtained before proceeding with the work. If the work covered by the permit has not commenced, or has commenced and been suspended or abandoned, the City Engineer may extend such permit for a single period of 180 days from the date of expiration of the original permit, if request for extension is made prior to the expiration date of the original permit. No permit shall remain valid for a period in excess of two years.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

FP/ds

12/19/14

l:ord/ch100/2015-151f



GORDON B. LINN

City Attorney

Board Certified - City, County and Local Government

MARK E. BERMAN
Assistant City Attorney

FAWN POWERS
Assistant City Attorney

TRACY A. LYONS
Assistant City Attorney



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City of Pompano Beach, Florida

Fax: 954-786-4617

City Attorney's Communication #2015-343

December 19, 2014

VIA CERTIFIED MAIL – R.R.R.
7001 0320 0004 1260 8176

Ken Detzner, Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Mr. Detzner:

Pursuant to Section 337.401 (3) (c) (3) (d), Florida Statutes (2014), a copy of the enclosed proposed Ordinance, "Permits; Fees," for the City of Pompano Beach, is hereby provided to you in compliance with the aforesaid Statute.

Very truly yours,

FAWN POWERS
Assistant City Attorney

l:cor/2015-343
Enclosure

cc: Alessandra Delfico, City Engineer: