

**ORDINANCE 400 - 2008**

**AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES, ENTITLED BUILDINGS, ARTICLE I. BUILDING CODE; AMENDING SECTION 6-3 ADDITIONAL CONSTRUCTION SPECIFICATIONS, SECTION 6-6 BUILDING PERMIT AND SECTION 6-17 PRIVATE IMPROVEMENTS ON CITY RIGHTS-OF-WAY; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission recognizes that the sewer collection system was constructed many years ago and may need some repair; and

**WHEREAS**, the City Commission desires to protect the health and safety of the citizens against the contents of broken and leaking sewer pipes; and

**WHEREAS**, the City Commission desires to protect the environment from contamination from broken or leaking sewer pipes; and

**WHEREAS**, the City Commission desires to provide for inspection of existing sewer pipes and connections and to provide for all necessary repairs prior to development or redevelopment.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA**, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed-out~~.)

**CHAPTER 6. Buildings**

**Article I. Building Code.**

**Section 6-3. Additional construction specifications.**

(21) Sewer laterals. Upon construction of a new residence or redevelopment of an existing residence, the city will inspect the existing lateral for structural soundness. The city may delay issuance of the building permit to allow the city to repair or replace the lateral.

(22) Sewer pipe inspection. If a sewer pipe is under an area to be improved, the pipe must first be inspected.

**Section 6-6. Building permit.**

- (1) When required. No building permit is required for cosmetic maintenance (painting, roof coating, plastering, stucco) on single-family or duplex residential structures. A building permit must be obtained for:

- (a) Any new use as described in Section 401.1, Standard Building Code, or a change of an existing use as described in Section 401.1, Standard Building Code, on any plot.
- (b) Construction, alteration or major structural repair of any buildings, canals, swimming pools, tennis courts, walls, seawalls, docking facilities, driveways, barbecue pits, new roofs, roof repairs and similar projects; what constitutes major structural repair shall be determined by the building official. In any case, a project with an estimated cost exceeding one thousand dollars (\$1,000.00) shall require a permit, again, the cost to be determined by the building official.
- (c) A permit for fence construction shall be obtained for any fence constructed in the city.
- (d) Any electrical, plumbing or mechanical addition or alteration.
- (e) Capping a sewer lateral upon demolition of an existing structure.

Anyone initiating such work prior to obtaining a building permit shall pay a penalty fee as specified in the fee schedule.

### **Section 6-17. Private improvements on city rights-of-way.**

Any construction of driveways or other private improvements within city rights-of-way by a property owner:

- (1) Shall be located in the city right-of-way that is in front of, and in the case of corner lots also on the side of, that owner's property.
- (2) Shall be at the sole expense of that property owner.
- (3) Shall only be undertaken pursuant to a building permit.
- (4) Shall be maintained by that property owner.
- (5) Shall be restored at the sole expense of that property owner if damaged or destroyed pursuant to repair or construction on roads, walking paths, sewers, phone lines and cables or other utilities.

“Right-of-way” is hereby defined as land which the City of Key Colony Beach owns or has been dedicated in the plat for public use or has an easement devoted to or required for use as a transportation facility or public utilities. It includes but is not limited to the public streets and land between the public street and the front lot line of the adjacent platted lot.

Said rights-of-way shall remain city property after permitted improvements are built upon them. The city reserves the right to remove improvements within the rights-of-way if the city determines it to be necessary.

At the time of issuance of a permit for construction across the city rights-of-way, permittee shall sign an acknowledgment of this section to remain in the building file.

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

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Ronald A. Sutton, Mayor

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Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

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Thomas D. Wright, City Attorney

June 12, 2008

1st Reading

June 14, 2008

Date of Notice, Florida Keys Keynoter

June 26, 2008

Second Reading