Chapter 5

BUILDINGS AND BUILDING REGULATIONS*

---

* **Cross References:** Administration, Ch. 2; review committee, § 2-71; city departments created, § 2-126; administration of building code, 2-176 et seq.; alcoholic beverages, Ch. 3; proximity of alcoholic beverage establishments to child care centers, § 3-4; screens, partitions, doors and obstructions required on alcoholic beverage establishments, § 3-11; animals, Ch. 4; Code enforcement, Ch. 6; fire prevention, Ch. 8; inspection of buildings and premises, § 8-8; key boxes required in certain buildings, § 8-12; smoke detectors and heat detectors required in certain buildings, § 8-31 et seq.; flood prevention, Ch. 9; compliance with flood prevention ordinance mandatory, § 9-8; chief building official designated flood protection administrator, 9-26; drainage requirements, § 9-56 et seq.; plats cannot be approved without submission and approval of a drainage plan, § 9-57; garbage and refuse, Ch. 10; health and sanitation, Ch. 11; accumulations of certain material required to be removed, § 11-7; excessive growth of weeds and brush prohibited, § 11-8; vegetation protruding into rights-of-way prohibited, § 11-9; construction way to be removed from building site within thirty days after final inspection, § 11-10; junked, wrecked, abandoned property, Ch. 12; landscaping, Ch. 13; landscaping requirements for areas adjacent to public rights-of-way, § 13-37; pedestrian zones along building facades required to have certain landscaping, § 13-41; cutting, trimming, removal of trees, § 13-44; removal of dead, diseased or damaged trees required, § 13-48; street trees designated, § 13-49; licenses and business regulations, Ch. 14; contractor licenses required, § 14-56 et seq.; adolescent recreational centers required to comply with the zoning, building and other regulations, § 14-113; marine structures and activities, Ch. 15; permit required prior to commencement of any marine construction, § 15-3; seawalls, § 15-51 et seq.; docks, § 15-71 et seq.; lake and canal excavations, § 15-91 et seq.; noises, Ch. 16; hours of operation for noisy business operations, § 16-3; certain noise prohibited, § 16-4; planning and development, Ch. 19; platting, Ch. 20; site data record requirements, § 20-16 et seq.; drainage, § 20-17 et seq.; signs and advertising, Ch. 22; streets, sidewalks and other public places, Ch. 23; streets, § 23-21 et seq.; numbering and naming of streets prior to issuance of building permit, § 23-22; sidewalks, § 23-121 et seq.; parking of commercial vehicle prohibited in certain areas, § 25-43; parking of house trailers and mobile homes in certain areas prohibited, § 25-44; parking of boats, boat trailers, airboats, golf carts, horse trailers, swamp buggies and utility trailers prohibited in certain areas, § 25-45; industrial construction or farm equipment prohibited in certain areas, § 25-46; utilities, Ch. 26; standards for water distribution system, § 26-61 et seq.; backflow and cross connections regulations and prohibitions, § 26-101 et seq.; use of sewers, § 26-121 et seq.; utility systems in subdivisions, § 26-146 et seq.; zoning, Ch. 27; enforcing the zoning ordinance by the building department, § 27-56; certificate of occupancy required for change of occupancy or land use, § 27-58; type of construction in fire zone, § 27-631.

State Law References: Broward County building code and building inspector qualifications, mandatory for all cities, Laws of Fla. Ch 71-575 as amended by Laws of Fla. chapters 72-482, 72-485, 73-427, 74-435, 74-437; inspection warrants, F.S. § 933.20 et seq.; building construction standards, F.S. § 533; Local Government Comprehensive Planning Act, adoption of building regulations procedure, F.S. § 163.3194; minimum building code, F.S. § 553.73; minimum electrical code, F.S. § 553.15 et seq.; minimum plumbing code, F.S. § 553.06; thermal efficiency code, F.S. § 553.90 et seq.; lighting efficiency code, F.S. § 553.89 et seq.

ARTICLE I.

IN GENERAL

Sec. 5-1. Building numbers.

All buildings, including homes, located within the city shall have the number assigned them by the city engineer. The number shall be a contrasting color either located in a clearly visible portion of such building from the adjacent road or in the front yard in a clearly visible site from such adjacent road, and shall be furnished and installed by the property owner. Numbers shall be affixed to the structures prior to the issuance of any certificate of occupancy therefor. Numbers shall be of the required dimensions set forth in the model state minimum building code (or the fire prevention code where dimension requirements may be more stringent) adopted by or applicable within the City of Plantation.
(Code 1964, §§ 22-3, 22-3.1(c); Ord. No. 2198, § 1, 8-25-99)

Cross References: Code enforcement, Ch. 6; fire prevention, Ch. 8; planning and development, Ch. 19; streets, sidewalks and other public places, Ch. 23; utilities, Ch. 26; platting, Ch. 20; zoning, Ch. 27.

Sec. 5-2. Fire limits.

All construction in other than single-family residentially zoned use districts shall be either:

(1) *Type I construction--Fire-resistive:* Unlimited in height, completely fire-resistive, incombustible construction; combustible materials regulated;

(2) *Type II construction--Semi-fire-resistive:* Maximum height of seventy-five (75) feet or five (5) stories; combustible materials regulated;

(3) *Type III construction--Protected:* Maximum height of sixty (60) feet or four (4) stories; minimum of one-hour fire-resistive construction;

as such terms are used and set forth in the South Florida Building Code.
(Code 1964, § 6-5)

Cross References: Code enforcement, Ch. 6; fire prevention, Ch. 8; health and sanitation, Ch. 11; planning and development, Ch. 19; platting, Ch. 20; streets, sidewalks and other public places, Ch. 23; zoning, Ch. 27.

Sec. 5-3. Use of underground cables in new developments; replacement poles in existing developments.

(a) Whenever feasible, all newly installed utility lines, with the exception of temporary construction lines, including but not limited to those required for electrical power distribution, telephone and telegraph communication, street lighting, television signal services, shall be installed underground at the developer's or builder's expense. This section shall apply to all cable conduits or wires forming part of an electrical distribution system, including service lines to individual properties necessary to serve the development under consideration. However, this section shall not apply to wires, conductors or associated apparatus and supporting structures whose exclusive function is in transmission of electrical energy between generating stations, substations, and transmission lines of other utility systems, or main distribution feeder electrical lines delivering power to local distribution systems. Appurtenances such as transformer boxes, pedestal-mounted terminal boxes and meter cabinets may be placed aboveground on a level concrete slab and shall be located in such a manner as to minimize noise effects upon the surrounding residential properties (preferably at front lot common corner boundaries).

(b) In existing developments where electrical power distribution or telephone and telegraph communications, or street lighting or television signal lines, or any combination of the preceding are attached from poles, any replacement poles or parallel pole lines installed (regardless of whether such new poles are installed by the same franchisee as had installed the original poles) shall be of the same material as existing poles unless all poles within the development are upgraded to a more durable or more aesthetically pleasing material or are eliminated by a new underground installation of all cables hung from such poles.
(Code 1964, § 6-6)

Cross References: Planning and development, Ch. 19; utilities, Ch. 26; zoning, Ch. 27.

Sec. 5-4. Public telephone station location to be accessible to handicapped persons.

All new public telephone station locations shall be detailed on a project's site plan (for outdoor phone stations) or building plans (for indoor phone stations), so that such locations can be assured as being accessible to handicapped persons.
(Ord. No. 1703, § 1, 5-9-90)

Editors Note: Ord. No. 1703, adopted May 9, 1990, did not specifically amend this Code; hence, inclusion of § 1 as 5-4 was at the discretion of the editor.

Secs. 5-5--5-20. Reserved.

ARTICLE II.

PERMIT FEES*

* **Cross References:** Finance, § 2-266 et seq.; flood insurance elevation certificate, fee, § 9-71; permit required prior to commencement of any marine construction, § 15-2; permit required before lake and canal excavations, § 15-92; permits required for the construction or erection of signs, § 22-17; permit fee for signs, § 22-19.

Sec. 5-21. Purpose.

(a) It is the intent of the city to streamline the city building permit process. In connection with that goal, it is hoped that this section for calculating permit fees will:

(1) Expedite permit pricing in the building department;

(2) Shorten permit processing time;

(3) Facilitate a method by which contractors may estimate permit costs for bidding purposes; and

(4) Make the fee structure more compatible with the fee structures of other cities.

(b) The permit fees will be primarily based upon the total cost of the project or the specific subcontract, as applicable. Whenever materials, labor or both are supplied to the project outside of the contract, the permit fee shall be based on the sum of the contract cost plus such out of contract added value.

The total cost of the project or the specific subcontract may be calculated by the building official in the exclusive exercise of his discretion with reference to the most current edition or issue of the R.S. Means Building Construction Cost Data publication (herein, "R.S. Means"), or with reference to a notarized copy of the original contract, or based upon the costs of the work and affidavit set forth in the permit application which is signed by the owner or a licensed contractor. Any outside supplied labor, materials or both shall be included in the cost calculation.

The building official may accept a certificate from an architect or engineer of the estimated total cost of the project based upon R.S. Means, or may calculate such number as a cost recovery item. In the event the architect or engineer makes a mistake in applying R.S. Means to reach an estimate any percentage of error over five (5) percent shall result in the permit fee being increased by the percentage of error.

If an applicant for a permit disagrees with the calculated permit fee, then the applicant may seek a declaratory judgment in the circuit court prior to paying the calculated permit fee and obtaining a permit. In the event the amount in disagreement between the applicant's calculation and building department's calculation is greater than the greater of fifteen (15) percent or three thousand dollars ($3,000.00), the applicant shall seek a review of the calculation by the mayor, which review shall be in writing and shall explain why the building department's calculation is erroneous, and the applicant's calculation is correct. The mayor or assistant to mayor shall review the applicant's written request for fee calculation review and act on same within five (5) business days, and any determination shall be final. This administration remedy to a building department calculated fee shall be a condition precedent to seeking judicial relief. The fees paid at the time a permit is issued shall not later be adjusted downward or be recalculated and decreased based upon actual costs or revised contract costs or the like, or because of estimate errors made by the applicant, or for any other reason.

(c) The building permit fees for new residential and nonresidential construction shall be based on the total cost of the project. The electrical, plumbing and mechanical for residential permits shall be based on the total cost of the project. The electrical, plumbing and mechanical for nonresidential permits shall be based on the total cost of the specific subcontract (for each discipline), excluding offsite utilities, landscape, paving and drainage.

(d) The permit fees for residential and nonresidential additions, alterations, and repairs shall be based on the total cost of the specific subcontract (for each discipline).

(Ord. No. 2059, § 2, 12-6-95; Ord. No. 2281, § 1, 9-11-2002; Ord. No. 2419, §§ 1, 2, 9-10-2008)

Editors Note: Ord. No. 2059, § 1, adopted Dec. 6, 1995, repealed § 5-21 which required building permits and contained the

rate schedule therefor. Such section was derived from the 1964 Code, § 6-19; Ord. No. 1398, § 1, adopted May 28, 1986; Ord. No. 1852, § 1 adopted July 15, 1992; Ord. No. 1973, § 1, adopted Apr. 13, 1994; and Ord. No. 1999, § 1, adopted, Nov. 9, 1994. Sec. 2 of Ord. No. 2059 enacted a new § 5-21 to read as herein set out. For current provisions pertaining to permit fees, see § 5-24.

Sec. 5-22. Reserved.

Editors Note: Ord. No. 2074, § 1, adopted Mar. 6, 1996, repealed § 5-22 which pertained to exception to certain building permit requirements. Such section was derived from the 1964 Code, § 6-19.1.

Sec. 5-23. Permit processing fees.

New construction, additions, or alterations. Permit applications are processed in compliance with the requirements of the South Florida Building Code. Prior to the issuance of a building permit, all building plans, specifications and calculations shall be submitted to the building department for review. In addition to the corresponding permit fee, a nonrefundable review fee shall be paid at permit application. This fee shall be the sum of twenty dollars ($20.00) plus ten dollars ($10.00) per sheet per discipline after the first sheet, which first sheet shall be reviewed at no charge. The building department shall count the sheet with the least number of disciplines as the first and free sheet, and shall charge for all others. (For example, the fee for a permit package of two (2) sheets with three (3) disciplines on the first sheet and one (1) discipline on the second sheet shall be fifty dollars ($50.00) which is the sum of the twenty dollars ($20.00) application fee, no charge for the sheet with only one (1) discipline, and thirty dollars ($30.00) ten dollars ($10.00) for each discipline) for the sheet with three (3) disciplines.) Title and index sheets shall not be counted. The fee provides for one (1) full review cycle consisting of:

(1) Submittal;

(2) Plan review;

(3) Revision resubmittal (if required);

(4) Review of resubmittal.

A fee, equal to the original fee, must be paid at the time of resubmission for a non-priority, second review cycle requested or required. For each additional review beyond the aforesaid two-plan review, the city cost recovery system shall establish the fee as provided in section 27-64, City Code.

*Pre-permit application plan review fee.**

Double the nonrefundable fee set forth above which would otherwise be charged in connection with an actual permit application.

Fast track: Plans examination or inspections.*

On a per hour basis, in conformity with section 27-64 of the City Code of Ordinances.

*These services will be provided only when the department work load permits it.
(Ord. No. 2059, § 3, 12-6-95; Ord. No. 2098, § 1, 8-28-96)

Editors Note: Ord. No. 2059, § 1, adopted Dec. 6, 1995, repealed former § 5-23, plumbing permit fees, derived from the 1964 Code, § 6-17; Ord. No. 1345, § 1, adopted Aug. 21, 1985; Ord. No. 1398, § 1, adopted May 28, 1986; and Ord. No. 1852, § 1,

adopted July 15, 1992. Sec. 3 of Ord. No. 2059 enacted a new § 5-23 to read as herein set out. For current provisions pertaining to permit fees, see § 5-24.

Sec. 5-24. Permit fees.

Except as noted, the minimum permit fee shall be seventy-five dollars ($75.00).

The following table is the building department fee schedule. As used in this table, RSM/p means the total cost of the project calculated consistent with section 5-21 of this Code. RSM/s means the total cost of the subcontract calculated consistent with section 5-21:

New Construction:	
Residential	
Structural:	0.7% RSM/p
Electrical:	0.30% RSM/p
Plumbing:	0.23% RSM/p
Mechanical:	0.14% RSM/p
Nonresidential:	
Structural:	0.7% RSM/p
Electrical, plumbing and mechanical (the fees for these disciplines shall be based on the schedule given below; dollar values refer to the value of the specific contract):	5% of the first $20,000.00 plus 4% of $20,001.00 to $50,000.00 plus 3% of $50,001.00 to $100,000.00 plus 2% of $100,001.00 to $150,000.00 plus 1% of $150,001.00 to $1,000,000.00 plus 0.5% of any amount over $1,000,001.00 of RSM/s
Residential and nonresidential additions, alterations, repairs, suppleme.nts	Structural - 0.7% RSM/p Electric, mechanical and plumbing same as for new commericial construction, above
Miscellaneous permits: i.e. concrete slabs, paver patios, pool decks, screen enclosures, fences, shed, windows, doors, storm shutters, gazebos, garage doors, driveways, tents, retaining walls, sea walls, demolition, raising mechanical equipment (as a part of roof replacement): etc.	1.5% RSM/p
Roofing replacements, replacement mechanical (equipment and a/c replacement), replacement water heaters,etc.: (Note - waterheaters - no processing fee)	1% up to and including the first $4,000.00 plus

	1.5% of estimated costs in excess of $4,000.00
Reinspections:	$100.00
each additional unit, space that is not a common area	$30.00
NOTE: Payment of fees for reinspection due to correction of any violations shall be made before any further inspections or permits will be issued to the responsible person or owner. Inspections which are requested on a priority basis, fast-track inspections, and/or inspections which are requested during hours when the city is closed shall also be subject to the cost recovery fees as set forth in section 27-64, City Code.	
Work without permit: Any licensed contractor who commences work without a valid permit shall be charged a three hundred dollar ($300.00) fee or a double permit fee, whichever is greater.	
Any owner who commences work without a valid permit shall be charged a double permit fee.	
50% of original processing fee	
Replacement permit card:	$25.00
Revisions, verification for replacement drawings:	$75.00 min. fee, plus fire fee if applicable
Expired permit: If an applicant applies for permit renewal within the time period stated in the Florida Building Code, the renewal fee shall be one-half (1/2) of the original fee or seventy-five dollars ($75.00), whichever is the greater.	
If the renewal application is made after the time period stated in the Florida Building Code, application for a new permit must be made, accompanied by payment of the full fee. The failure of a licensed contractor to request final inspection when work is completed shall render the contractor ineligible to obtain further permits in the city until the payment of a two-hundred dollar ($200.00) fee and satisfactory passage of the final inspection.	
County fees/surcharge additional miscellaneous fees:	
Applicable to all permits, at the rate established by Broward County	
Certification fees: Applicable to all permits:	.020% 1000 RSM/s
Administrative/Overhead Surcharge - Applicable to all permits:	2.5% of Permit Fee
Temporary electric testing power:	
Up to 2,000 square feet:	$100.00
Over 2,000 square feet:	$200.00
Over 5,000 square feet:	$300.00
Over 100,000 square feet:	$400.00

Code compliance initial inspection fee (for 8 disciplines):	$270.00
Certificate of Occupancy issuance fee:	$100.00
Photocopies from microfilm or plan prints, per sheet up to 11 x 17- larger plans - Cost Recovery	$3.00
Tree removal:	
Per tree (landscape architect's approval required)	$75.00
Trailers:	
Set up and tie down:	$75.00
Electrical, plumbing, HVAC	$75.00 per discipline
Signs:	$75.00
Sidewalks:	5% RSM/s
Paving drainage, striping, parking, driveways, bridges and traffic markings:	5% RSM/s
Concrete curbing around landscaping (minimum $50.00):	5% RSM/s
Resurfacing (flat fee)	$75.00 min. fee
Sealcoating	
Residential single-family	no charge
Residential multifamily	(1.5% of total cost, minimum, $75.00)
Nonresidential	(1.5% of total cost, minimum, $75.00)

(Ord. No. 2059, § 4, 12-6-95; Ord. No. 2098, § 2, 8-28-96; Ord. No. 2281, § 2, 9-11-2002; Ord. No. 2295, § 1, 3-12-2003; Ord. No. 2379, § 2, 12-13-2006; Ord. No. 2419, § 3, 9-10-2008)

Editors Note: Ord. No. 2059, § 1, repealed § 5-24, electrical permit fees, derived from the 1964 Code, § 6-18; Ord. No. 1398, § 1, adopted May 28, 1986; Ord. No. 1471, § 1, adopted May 27, 1987, and Ord. No. 1852, § 1, adopted July 15, 1992. Sec. 4 of Ord. No. 2059 enacted a new § 5-24 to read as herein set out.

Sec. 5-25. Review of plans and observation by city engineer.

(a) Whenever a developer or other applicant for a building permit seeks to construct or modify a private, on-site paving or drainage project, and such project, because of the complex engineering considerations involved therein, should be reviewed and observed by the city engineer, the director of the building and zoning department shall cause the plans, site, and other documents normally associated with engineering review to be reviewed, observed, and approved by the engineering department.

(b) In such event, the building and zoning department may recover from the developer or the applicant for such development the actual charge made by the city engineer for review, construction

observation, and approval of the site and the submitted plans or documents. The charge shall be calculated using the then prevailing agreed rate of compensation for general consultive work by the city engineer for the city.

(c) The building and zoning department shall charge as an administrative expense for collecting the reimbursements a collection fee equal to the greater of twenty-five dollars ($25.00) or three (3) percent of the engineering costs collected.
(Ord. No. 1355, §§ 1--3, 10-9-85)

Secs. 5-26--5-40. Reserved.

ARTICLE III.

BUILDING STANDARDS*

* **Cross References:** Code enforcement, Ch. 6; fire prevention, Ch. 8; flood prevention, Ch. 9; marine structures and activities, Ch. 15; planning and development, Ch. 19; platting, Ch. 20; utilities, Ch. 26; signs and advertising, Ch. 22; zoning, Ch. 27.

DIVISION 1.

GENERALLY

Sec. 5-41. Building codes adopted.

The South Florida Building Code, (Broward County), as amended, and such amendments which may be enacted, from time to time, is hereby adopted as the building code of the city. If the legislature of the state chooses to enact a statewide building code and provides that such building code be applicable to municipalities throughout the state, then such state-wide building code shall be thereafter the building code of the city as same is, from time to time, amended.
(Code 1964, § 6-1; Ord. No. 1775, § 1, 4-24-91; Ord. No. 1997, § 1, 11-9-94)
Cross References: Adoption of fire prevention code, § 8-2.

Sec. 5-42. Minimum floor elevations; health department requirements prevail in certain situations; foundation requirements.

The floor elevations and foundation requirements of all buildings hereafter constructed in the city shall meet the requirements of Chapter 9, Floodplain and Stormwater Management, health department septic tank invert elevation requirements and the applicable building codes in accordance with section 5-41.

If the building is permitted to use a septic tank for disposal of sewage and the state or county health department requirements result in a higher lot elevation than those now existing, the elevation of the finished floors shall then be based upon the elevation that is needed to meet health department requirements. These higher elevations shall be determined by the chief building official in coordination with the city engineer.
(Code 1964, § 6-2; Ord. No. 2264, § 3, 11-28-01)
Cross References: Floodplain and stormwater management, Ch. 9; base flood elevations, § 9-42(1)(2); health and sanitation, Ch. 11; marine structures and activities, Ch. 15; planning and development, Ch. 19; platting, Ch. 20; special flood hazards regulations, § 9-42 et seq.

Sec. 5-43. Reserved.

Editors Note: Ord. No. 2123, § 1, adopted Mar. 19, 1997, repealed § 5-43, building slab elevation, derived from the 1964 Code, § 6-3(1).

Sec. 5-44. Review, approval of plans; city to ensure that fees are paid, plans are implemented.

On all future building permit requests where site plan design approval is obtained from the city council as a condition precedent to obtaining building permits for the developments so approved by the city council, the plans and specifications for utility installations and on-site paving and drainage shall first be reviewed and approved as to existing codes, ordinances and resolutions by the utilities department and the city engineer. The building official shall be advised of such approval and any fees, contributions or charges collectible and yet unpaid under existing ordinances pertaining to the services performed by the city engineer, or the existing charges, reimbursements, fees or contributions in aid of construction for the servicing of such property with water or waste water treatment facilities. The building official shall assume the responsibility for ascertaining that the landscaping plan approved by the city council is implemented and installed and is included within his review and on-site inspection of the building plans and specifications of the on-site landscaping planting plan as submitted by the developer at the time the building permit is requested and shall otherwise assist in the collection of all unpaid engineer or utility fees, charges or contributions. Prior to the issuance of a certificate of occupancy (which term encompasses and includes partial certificates of occupancy where developments are phased) the building official shall have the utilities director and city engineer and the city planner advise him in writing that all fees, contributions or charges collectible and yet unpaid under existing ordinances, including reimbursements for oversized utility facilities benefiting the property where such certificate of occupancy is sought and on-or off-site utility contributions in aid of construction, etc., have been received and paid to the appropriate department for the benefit of the city (or for reimbursement to the developers who voluntarily installed oversized utilities which benefitted the property on which the certificate of occupancy is sought).
(Code 1964, § 6-3(2))

Cross References: Planning and development, Ch. 19; platting, Ch. 20; utilities, Ch. 26; zoning, Ch. 27; Plantation Gateway Local Activity Center, § 19-70.

Sec. 5-45. Exterior screening of delivery pallets and containers.

Whenever delivery pallets or containers are placed outside of an industrial, commercial or business establishment to facilitate the delivery and removal thereof by materialmen or suppliers of inventory to such establishments, such pickup and delivery area and the pallets and containers to be located therein shall be fully screened from adjacent property owners; and the exterior elevations of the structure required for site plan approval shall depict that such screening is of the same architectural material, color and texture of the adjacent exterior elevation, with such screening to be a height of at least eight (8) feet above grade. Any access gate or point of entry shall have colored slats rendering the gate visually opaque of a color substantially identical to that depicted for the adjacent exterior elevation and visual screen, and shall be of a height of at least eight (8) feet above grade. For purpose of landscape review, the exterior side of such visual screen or wall shall be deemed the exterior of the structure on that elevation.
(Code 1964, § 6-4)

Cross References: Planning and development, Ch. 19; platting, Ch. 20; utilities, Ch. 26; zoning, Ch. 27.

Sec. 5-46. Modular buildings.

(a) Subject to full compliance with the South Florida Building Code, buildings or structures may be erected within the city which are constructed from and composed of modular building materials. As used in this section, "modular" means and refers to standardized construction materials, segments, units, pieces or sections which are designed and fabricated to facilitate assembly and construction.

(b) Each modular building or structure proposed to be erected in the city must meet the requirements of sections 5-56 and 5-57 of this chapter, which prescribe certain design requirements to be met before a building permit shall be issued. In addition, any such proposed construction shall be composed of exterior roof and wall finish materials, textures, patterns, shapes and colors which harmonize and are consistent with buildings and structures located within six hundred (600) feet or seven (7) lots, whichever is the lesser, of the proposed construction, on the same side of the street.
(Ord. No. 2060, § 1, 12-6-95)

Sec. 5-47. Screening of rooftop equipment; exceptions.

(a) *Enclosures.* To minimize the aesthetic visual impact associated with the bulk and box-like shapes of rooftop equipment (such as air-cooled condensing equipment, compressor equipment, or both, water cooling towers, air conditioning equipment, fans, blowers and other mechanical or service equipment or apparatus installed on roofs of buildings), such items shall be screened from view by a parapet, masonry wall or other architectural feature of the building. Such enclosure shall be as high as or higher than the highest portion of the equipment or apparatus being screened.

(b) *Existing structures.* All existing structures for which design approval is required as a result of proposed changes to existing development shall screen rooftop equipment in accordance with the provisions of subparagraph (a) above. Such screening shall be of the some or similar material to that which exists on the exterior of the building.

(c) *Rod or spike antennas.* Subject to appropriate safety, lighting and Federal Aviation Authority approval as to height, where needed, any rod or spike-type antenna having a circumference at the base, where affixed to the roof, of no more than four (4) feet, is permitted on a roof without screening, since such devices do not detract from the aesthetics of a structure, nor are they otherwise objectionable in appearance to adjacent property owners, because they lack bulk and box-like mass.

(d) *Solar energy collectors.* Solar energy collectors are subject to the requirements of Code section 27-654.
(Ord. No. 2153, § 1, 3-25-98)

Sec. 5-48. Unsafe structures board.

As prescribed by the South Florida Building Code (Broward County), the existence, qualifications of members, terms of office, organization, duties and powers of the City of Plantation Unsafe Structures Board, as otherwise specified in detail in the South Florida Building Code, are established and confirmed. Appointments to the board, consisting of nine (9) members, shall be made as prescribed by section 2-32 of the City Code of Ordinances.
(Ord. No. 2162, § 8, 5-13-98)

Editors Note: Ord. No. 2162, § 8, adopted May 13, 1998, enacted provisions which pertained to an unsafe structures board, designated as § 5-47. Such provisions have been redesignated by the editor as § 5-48 in order to avoid duplicate section numbers.

Sec. 5-49. Temporary storage structures.

(a) For purposes of this section, "temporary storage structure" shall mean a structure designed and used primarily for storage of building materials (before they are utilized in the building process), household goods, and other such material for use on the property where the unit is placed, that is not intended to remain on the site permanently. These are typically used when people move, when they engage in interior decorating, or when they utilize off-site storage facilities.

(b) Not included in this section shall be all storage structures in active construction zones. On any site where there is an active building permit, the number of temporary storage structures, location, and amount of time will be determined by the city building official in the exercise of his or her discretion given consideration of the need for storage, alternative methods of storage, site constraints, character of the area, and level of construction activity (the units placement on property is intended to be limited to times of active construction which is not intended to last more than thirty (30) days). This supplements the building official's authority under the Florida Building Code and the City Code of Ordinances.

(c) It shall be unlawful in the city for any person to place, or permit the placement of, a temporary storage structure on property without registering the temporary storage structure with the city's building department within the first twenty-four (24) hours following the initial placement. The registration may be made by either the person that owns, rents, occupies, or controls the property or the vendor that supplies the temporary storage structure. The registration shall be limited to a specific address and shall allow the installation at such address for a maximum of fourteen (14) consecutive days, including the days of delivery and removal. A one-time extension of a maximum of fourteen (14) consecutive days may be granted by the building department, which may as a condition of such extension, require the temporary storage structure to be placed in a side or rear yard, if access exists. Each residential property within the city shall be limited to a maximum of four (4) requests out of any calendar year, and a minimum of fifteen (15) days shall elapse between the end of one (1) registration period and the beginning of another. Multiple units may be utilized per registration period, provided all of the units are delivered and removed simultaneously. A registration fee of twenty-five dollars ($25.00) shall be required. An extension fee of twenty-five dollars ($25.00) for any one-time extension shall be required. This fee is subject to increase as provided by City Code section 2-241. The registration shall contain the date and time of issuance, the name of the person to whom the temporary storage structure is supplied, the address at which the temporary storage structure will be installed, and the location of the temporary storage structure on the property.

(d) In the event of a tropical storm or hurricane watch issued by the National Weather Service, the city shall have the right to order the supplier or landowner to remove the temporary storage structure by providing at least twenty-four (24) hours' notice of removal. In the event of a tropical storm or hurricane warning issued by the National Weather Service, the supplier or landowner shall immediately remove the temporary storage structure after the warning being issued. In such situations, the city shall have the right to enter the property and remove the temporary storage structure if the supplier does not remove the temporary storage structure as required by this subsection. The supplier and landowner shall be jointly and severably liable for all removal costs incurred by the city and failure to pay said costs, upon demand by the city, shall constitute a code violation and shall result in a lien being imposed pursuant to chapter 6, of this Code, in the amount of said costs in addition to a fine imposed pursuant to such chapter. The fact that the city has the right to enter the property and remove the temporary storage structure shall not create a duty by the city to do so. In the event the

supplier or landowner fail to remove the temporary storage structure the supplier and landowner shall be jointly and severably in violation of the Code.

(e) For good cause shown by the owner of the property at which the temporary storage structure will be supplied, the time periods set forth in subsection (c) may be extended by the chief building official. An extension granted by the chief building official shall not extend beyond thirty (30) days including the time period set forth in the initial registration. Good cause being limited to emergencies and situations where there exists a reasonable risk or threat to life and property damage.

(f) In residential areas or districts, temporary storage structures shall generally be placed only in a driveway or parking area or, if access exists at the side or rear of the site, the side or rear yard. The required parking space(s) shall at all times be maintained if temporary storage structures are placed in parking areas.

(g) In nonresidential areas or districts, temporary storage structure shall be prohibited.

(h) The property owner of any site on which a temporary storage structure is placed, as well as the temporary storage structure vendor, shall be responsible to ensure that the temporary storage structure is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks.

(i) A temporary storage structure shall have no signage other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the temporary storage structure. However, the city may require proof of registration to be placed on the structure in a form acceptable by the city.

(j) The city may inspect the contents of any temporary storage structure at any reasonable time to ensure that it is not being used to store solid waste, construction or demolition debris, recyclable materials, business inventory or commercial goods, or used to store household materials or goods for property other than at the site where the unit is located (i.e., used for retail sales). No temporary storage structure shall be used for such purposes.

(k) This section may be enforced by the city code enforcement board or special master in accordance with chapter 6 of this Code, or by any other remedies now existing or subsequently provided for by law for the enforcement of municipal ordinances.
(Ord. No. 2338, § 1, 12-1-2004)

Secs. 5-50--5-55. Reserved.

DIVISION 2.

DESIGN OF BUILDINGS

Sec. 5-56. Restrictions of building permit.

No building permit for any structure for which a building permit is required shall be issued unless it has been found as a fact by the chief building official of the city, after a view of the site of the proposed structure

and an examination of the application papers for a building permit, which shall include exterior elevation of the proposed structure, that the exterior architectural appeal and functional plan for the proposed structure will, when erected, not duplicate nor be so similar to either the exterior architectural appeal and functional plan for the structures already constructed or in the course of construction, that are within six hundred (600) feet or seven (7) lots, whichever is the lesser, of the proposed structure on the same side of the street, as to cause a substantial depreciation in the property values of the neighborhood or area.
(Code 1964, § 6-8)

Sec. 5-57. Formula for determining violation; limitation of corrective construction.

(a) In order to determine whether or not any structure duplicates or is so similar to either the exterior architectural appeal and functional plan of the structures already constructed, or in the course of construction, within six hundred (600) feet or seven (7) lots, whichever is the lesser, of the proposed structure on the same side of the street, the following factors will be considered the chief building official of the city:

(1) A duplication or similarity in the massing of the front of the house;

(2) A duplication or similarity in roof framing;

(3) A duplication for similarity in car storage area.

(b) Should the chief building official find that the proposed structure duplicates or is so similar with structures already in construction, or in the course of construction, that are within six hundred (600) feet or seven (7) lots, whichever is the lesser, on the same side of the street, he or she may consider any one (1) of the following three (3) major changes, in conjunction with the required minor changes, as evidencing sufficient change in similar or duplicate structures:

A- A plan change which will affect the massing of the front of the house in such a manner so as to cause a perimeter change of the addition or elimination of two (2) or more corners. The height of any such wall to be classified as a perimeter wall shall be from ground line to soffit line.

B- A definite change in roof framing by changing the style (hip to gable, etc.) or addition of a cupola or a change of one (1) inch, plus or minus, in roof pitch.

C- A definite change in car storage that involves position and direction of entrance; or, if direction of entrance remains the same, the car storage area shall move forward or backward a minimum of eight (8) feet for a flat roof.

Each of the following shall be considered one (1) in the formula in subsection (c):

(1) Change of roof color;

(2) Change of roof material or shape of material;

(3) Change of extent of overhang or distinctive change of shape off overhang;

(4) Garage instead of carports involving area change or vice-versa;

(5) Change of exterior wall texture;

(6) Change of exterior wall pattern;

(7) Change of exterior wall materials;

(8) Change of area of exterior wall texture, pattern and materials;

(9) Use of walls and fences;

(10) Change of exterior wall color;

(11) Change in fenestration;

(12) Change in type of windows;

(13) Change in design details such as depth of cornice boards, soffit materials, shutters, garage door, etc.;

(14) Change in landscaping materials and plan; sketch required;

(15) Use of grilles;

(16) Use of planters;

(17) Use of patio;

(18) Use of walks.

(c) The following combinations will be acceptable as evidencing sufficient change in similar or duplicate houses:

A and four (4) units of items (1) through (18);

B and four (4) units of items (1) through (18);

C and four (4) units of items (1) through (18);

A and B and two (2) units of items (1) through (18);

C and B and two (2) units of items (1) through (18).

A different front entrance detail should be required with each combination.
(Code 1964, § 6-9)

Secs. 5-58--5-70. Reserved.

DIVISION 3.

SURVEYS BEFORE AND DURING CONSTRUCTION

Sec. 5-71. New residential and new commercial construction.

The types of surveys required on new residential and new commercial construction are as follows:

(1) *Vacant lot survey* with complete data, including dimensions of the lot, corner angle measurements, all easements and special restrictions according to the plat thereof, to be submitted with each building permit application.

(2) *Foundation or spot survey* of the building slab in place to be submitted and checked by the building department before any construction work can be continued above the slab. This survey must show the distance of the structure from all property lines, the elevation of the street above mean sea level and the elevation of the living area slab above mean sea level.

(3) *Final survey* showing the distance of the main structure, pool, screen enclosure, garage, carport or any other accessory structure from the property lines and showing the location of the driveway. The building department may require drainage flow line indicators showing as-built figures indicating high and low points of elevation. After completion of installation of sod, the final survey must be submitted to the building department and checked before a certificate of occupancy can be issued.

(Code 1964, § 6-24.26; Ord. No. 2020, § 1, 2-22-95)

Sec. 5-72. Residential and commercial additions.

The type of survey required on residential and commercial additions is as follows:

Final survey showing the existing structure from all property lines so that the plot plan for the proposed addition can be checked for conformance with setbacks and other zoning regulations. After completion of installation of sod, the final survey must be submitted to the building department and checked before a certificate of occupancy can be issued.

(Code 1964, § 6-24.27; Ord. No. 2020, § 2, 2-22-95)

Sec. 5-73. Signature and seal of surveyor.

All survey documents as required in this division shall bear the signature and impress seal of the professional land surveyor responsible for such survey.

(Code 1964, § 6-24.28)

Secs. 5-74--5-85. Reserved.

DIVISION 4.

DILAPIDATED OR IN ADEQUATELY MAINTAINED STRUCTURES

Sec. 5-86. Objective and purpose.

The objective of this division is to improve and maintain the appearance of certain buildings and structures, which, while structurally sound, safe, and complying with the minimum requirements set forth in the South Florida Building Code, are inadequately maintained so as to become aesthetically displeasing, affect property values of nearby property, affect citizen attitudes about the desirability or livability of their business or residential neighborhoods, contribute to community blight, or become a public nuisance. For the same reasons, community appearance provisions are being created for property. Buildings which have broken windows or are poorly maintained so as to appear abandoned become targets of vandalism and may create opportunities for other criminal acts; therefore, providing a mechanism to assure building maintenance is reasonably related to crime prevention. This division is designed to protect and preserve the appearance, character, and value of buildings, structures, and properties, thereby promoting the general welfare.

While the city is desirous of protecting property values, protecting and enhancing neighborhood livability, preventing community blight, and preventing crime, the city is no less cognizant of a resident's right to enjoyment and use of his or her building, dwelling, and property--free of unreasonable or unwarranted governmental intrusion. The city recognizes that this right is also an important public purpose no less worthy of protection than the other interests identified above.

The city has carefully weighed these governmental interests, and has attempted to strike a reasonable balance among them by enacting the regulations in this division. Their purpose is to establish reasonable standards of community appearance and property maintenance which will allow the city to address instances where governmental action is appropriate.
(Code 1964, § 6-24.34; Ord. No. 2205, § 1, 11-17-99)

Sec. 5-87. Inadequately maintained buildings, structures, or properties.

(a) Every building, structure, and property shall comply with the following community appearance standards:

(1) a.
External walls (or any portion thereof) shall be painted, and external wall patches shall be painted (except areas featuring real brick, rock, or other architectural treatments that are not customarily painted). Cracking, chipping, blistering, or peeling paint shall not be so excessive or exist to such a degree that such conditions are easily and clearly discernable from any adjoining public right-of-way or property; or

b. All building exterior wall surfaces shall be kept free of discolored or chipped paint, and shall be maintained in good repair and good condition to prevent deterioration, and must be repainted, recovered, or cleaned when twenty-five (25) percent or more of any exposed, single distinct surface area becomes discolored or has peeling or chipping.

For purposes of this section discolored shall mean the present wall surface color has discernibly different colors due to bleaching, soiling, staining or streaking as a result of weather or vandalism. Good condition shall mean the building feature is performing according to its originally intended function. Good repair shall mean that any repair made to a structure's feature is consistent with and ensures the feature's originally intended function and that the repair was executed in a workmanlike manner.

(2) Roof repairs shall be finished, and matched with other portions of the roof. There shall be no areas of uncovered roofing underlay materials, or unmatched shingles. (i.e., Shingles shall be reasonably matched. An exact match is not required.) All roof repairs or roof replacements shall be finished. Tar paper, bitumen membrane or other "drying in underlay system" must be covered with tiles or shingles and finished on the edges with drip edging or other appropriate flashing.

(3) Repair work shall be painted in a manner that matches as close as reasonably possible the color of the area around or near the patch so that it is color coordinated with the rest of the building or structure (e.g., black painting over a wall-crack patch on a white building prohibited).

(4) The glass in windows and in glass sliding doors shall not be cracked or broken.

(5) Rodent or insect infestation is prohibited. Infestation shall be determined by the Broward County Health Department in accordance with Broward County codes pertaining to sanitary nuisances.

(6) Foundations, exterior walls and roofs shall be weather-tight and shall be in good repair and maintained without any cracks or holes.

(7) All appurtenances to any structure, such as awnings, shutters, light fixtures or mailboxes shall be securely attached and not broken, hanging loose, or falling away from the structure.

(8) All landscaping shall be regularly maintained with proper horticultural and arboricultural practices, including without limitation such replanting and, as needed from time to time, irrigation, trimming, fertilization, insect, and disease control. All dead or diseased plant material shall be removed and, if such materials were required by this Code, or by a zoning decision as defined by City Code section 27-6, or an approved landscape plan, then same shall be replaced.

(9) All walls or fences shall be maintained in good repair and in an upright condition and shall be free from graffiti, or broken planks, or falling down or loose component pieces.

(10) Decorative elements of any structure facade(s) shall be kept in a well maintained condition so that they are not broken, hanging loose, falling down, or unpainted.

(11) Windows and doors shall be secured in a tight-fitting, weather-proof and rodent-proof manner and have sashes of proper size and design. Sashes with rotten wood, broken joints or deteriorated mullions or muntins, shall be replaced and all materials exposed to the exterior painted, stained or otherwise treated in a manner consistent and harmonious with the remainder of the structure. Soffit screens shall be secured in a tight-fitting and rodent-proof manner and the screens shall be free from holes, tears or rips.

(12) Screen enclosures shall be free of screening that is ripped, torn, or that has holes greater than three (3) inches in length or diameter, and all panels of the enclosure designed to be screened must contain screening.

(13) All private sidewalks, roads, streets, driveways, parking areas, and other paved or hard surfaced areas located within private property and intended for use by vehicular or pedestrian traffic shall be kept clean and free of debris at all times, and cracks (including uneven settlement, damaged or eroding areas (i.e., potholes)) on same shall be repaired, replaced or resurfaced. All curbing and bumper stops shall be replaced if damaged. All striping, including but not limited to parking space, traffic lane and directional markings, within any private road, street or parking area located within private property shall be repainted as necessary so that same will be clearly visible at all times.

(14) All private lakes and private waterways shall be kept free of garbage, trash, and debris, and reasonably free of aquatic weed accumulation, so as to maintain the recreational, open space, and aesthetic value of such waterways in addition to preserving their drainage retention and flow functions. "Reasonably free" shall include recognition that some aquatic weeds are seasonal and are difficult to control during their growth cycle.

(15) Reserved.

(16) a.
No excessive mildew, rust deposits, dirt, or deterioration shall be permitted to accumulate on any building, (including roofs), structure or other improvement. "Excessive" shall mean when the mildew, dirt, or deterioration, alone or in combination, exists in a condition that is easily and clearly discernable from any adjoining public right-of-way or adjoining private property; or

b. All buildings, structures, (including roofs), or other improvements shall be free from mildew, rust deposits and dirt and must be repainted, recovered or cleaned when twenty-five (25) percent or more of any single distinct surface area becomes so discolored. Discolored shall mean the wall surface is a different color due to the presence of the mildew, rust or dirt.

(17) Bald spots shall be prohibited. Bald spots shall be planted with sod or other landscape material. For purposes of this paragraph, "bald spots" shall mean areas of a lot, exclusive of a three (3) foot strip around buildings and which appear to have at one time been designed or used for a lawn, where the turf or ground cover is non-existent or so barren, diminished, or thinned that any bald spot is larger in area than five (5) percent of the lot's total landscape coverage, as calculated by the city landscape architect.

(b) Failure of any building, structure or property to comply with the above community appearance standards shall be a violation of this Code. However, if any of the above conditions exist on a temporary basis while work is being performed pursuant to a building permit, which work is to cure the condition, then no violation of this section shall exist during a period of time not to exceed six (6) months, or such shorter period of time that the building official determines is reasonable under the circumstances to address the violation;

however, the building official may require cracked or broken windows or glass doors to be boarded during construction or reconstruction. Any such boards shall be cut to reasonably fit the window or door without unnecessary overlap and such boards shall be painted to match as closely as reasonably possible the exterior of the structure. This six-month or shorter period may be extended for good cause for a period of time not to exceed six (6) months by the city governing body.

(c) Upon determination by code enforcement personnel that a building, structure, or property violates the provisions of this section, the enforcement personnel may refer such violations to the code enforcement board or may prosecute the violation by any other means available (e.g., by the police department issuing a notice to appear in county court, or by the city seeking injunctive or other relief).

(d) The following schedule of minimum mandatory penalties shall apply to violations of section 5-87, and a greater penalty may in any case be imposed:

(1) One (1) to four (4) separate violations; twenty-five dollars ($25.00) per violation, per day the violation continues.

(2) Five (5) or more separate violations; fifty dollars ($50.00) per violation, per day the violation continues.

(Code 1964, § 6-24.35; Ord. No. 2205, § 2, 11-17-99)

Sec. 5-88. Notice to owners to reconstruct, repair, etc., when city takes remedial action.

If the city wishes to effect remedial action, regardless of whether it is seeking enforcement of a code violation, the enforcement personnel shall give, or cause to be given, written notice to the owner or occupant of the building, structure, or property directing the addressee to forthwith construct, reconstruct, maintain or repair, as the case may be, the building, structure, or property, within a reasonable date given the circumstances, and advising that if same is not commenced and completed within a reasonable time, the city shall effect curative measures.

(Code 1964, § 6-24.36; Ord. No. 2205, § 3, 11-17-99

Sec. 5-89. Reserved.

Editors Note: Ord. No. 2205, § 4, adopted Nov. 17, 1999, repealed § 5-89, appeal procedure, derived from the 1964 Code, § 6-24.37.

Sec. 5-90. Reconstruction to be according to original development site plan.

When an inadequately maintained structure or property was originally built according to a development site plan approved by the city governing body, requirements of the development site plan must be met in the reconstruction, repair, or maintenance unless an exception is granted by the city governing body.

(Ord. No. 2205, § 5, 11-17-99)

Sec. 5-91. Contents of notice and method of service when city takes remedial action.

(a) The notice specified by section 5-88 shall direct the property owner or occupant to complete the construction, reconstruction, maintenance, or repair work within the time designated in the notice. Such notice shall be mailed to the address of the property owner as shown by the tax rolls of the county by certified mail,

return receipt requested. The notice shall also be posted upon the property's front door or facade, or if there be no building, stapled to a stake sign and covered with plastic. The notice shall state that no further notice of city remedial actions to address violations of section 5-87 of the Code will be given if the city effects remedial action and subsequently, the same condition occurs. However, this shall be applicable only if the property owner remains the same according to the tax rolls of the county. If the property owner has changed, a new notice shall be provided. The enforcing officer shall designate in the notice the approximate cost to the city of the remedial work and will also include a fee for the administrative work, postage and such other costs as are necessary to be expended by the city. It will be a violation of this Code for anyone other than the enforcement personnel or property owner to remove the notice, and the notice shall so state. If the property owner removes the sign, the owner shall bring the sign back to the code enforcement division within two (2) working days of the sign being removed.

(b) If a property owner wishes to dispute any determination by the city that a violation of section 5-87 exists, the owner may notify the city code enforcement personnel that made the determination. The city will then cite the property owner with a violation. The city may not perform any remedial work until the violation has been filed.
(Code 1964, § 6-24.39; Ord. No. 2205, § 6, 11-17-99)

Sec. 5-92. Remedial work performed by city.

(a) If the construction, maintenance, reconstruction or repair work is not performed within the designated time in the notice, the city may cause the required repairs, construction, reconstruction, or maintenance to be made. The city may do the work with its own forces or contract for same as it so determines. If the city boards a broken or cracked window or glass sliding door, the boards shall be cut so as to fit the window or door without unnecessary overlap and shall be painted to match as close as reasonably possible the structure's surrounding exterior color.

(b) The cost of constructing, reconstructing, repairing, or maintaining the building, structure, or property will be evidenced by a promulgated city resolution, which when recorded shall constitute a lien against the property co-equal with the lien of state, county, district, and municipal taxes, and superior in dignity to all other liens, titles, and claims (including but not limited to liens of prior recorded mortgagees), until paid. The lien shall bear interest at a simple rate of eight (8%) percent per annum from the date the resolution is promulgated until same is satisfied. The lien shall include and secure administrative costs, and attorney's fees in the enforcement thereof.
(Code 1964, § 6-24.40; Ord. No. 2205, § 7, 11-17-99)

Sec. 5-93. Reserved.

Editors Note: Ord. No. 2123, § 2, adopted Mar. 19, 1997, repealed § 5-93, contractor list, derived from the 1964 Code, § 6-24.41.

Sec. 5-94. Remedial lien foreclosure.

The city enforcement personnel will keep a docket of these liens, and will notify the city governing body of liens which are not paid in the manner specified in the resolution. The city may enforce the lien in any manner or method permitted by law, including instituting an action to foreclose the lien in a similar manner as mortgages are foreclosed after authorization given by the city council. Should the city council not give its approval, this shall not constitute an estoppel or waiver of the city and thereafter the city staff shall bring back

to the city council for consideration the foreclosure of each lien not satisfied periodically, but not less than once each year. Should the city enforce a lien, the city shall be able to recover all expenses, costs and attorney's fees, including those on appeal.
(Code 1964, § 6-24.42; Ord. No. 2205, § 8, 11-17-99)

Secs. 5-95--5-105. Reserved.

DIVISION 5.

ILLEGAL STRUCTURES

Sec. 5-106. Building without building permit.

Any construction commenced without a building permit duly issued and authorized by the city building department is hereby declared to be illegal.
(Code 1964, § 6-24.52)

Sec. 5-107. Building in derogation of permitted use.

Any construction which is commenced with a duly authorized building permit issued by the city building department but is being constructed in derogation of the permitted use so granted in the building permit is hereby declared to be illegal.
(Code 1964, § 6-24.53)

Sec. 5-108. Revocation proceedings against contractor.

The contractor responsible for commencing construction of a structure declared illegal under section 5-106 or 5-107 shall have his certificate of competency suspended within the city, and no further permits shall be issued to such contractor until such suspension is removed. The building official of the city shall forthwith and simultaneous with the issuance of such suspension order file a complaint with the Broward County Central Examining boards or the department of professional regulation seeking a permanent revocation of such contractor's certificate of competency. The legal department shall render such assistance in such complaint and revocation proceedings as the building department may request.
(Code 1964, § 6-24.54)

Sec. 5-109. Notice of violation.

(a) Upon notice that either (1) construction is in progress without a building permit; (2) construction is in derogation of the permitted use as set forth in a duly authorized and issued building permit; or (3) an existing structure was built out of compliance with the applicable zoning ordinances, the building official shall cause a written notice of violation to be sent to the owner of the building. Such notice of violation shall set forth the reasons for the violation, and shall provide that such violations be remedied within ten (10) days upon receipt of the notice. If the building official feels that the ten-day requirement is not enough time for the violation to be remedied, he may at his discretion provide for a longer reasonable time period. This notice of violation shall be sent by certified mail, return receipt requested.

(b) If the property owner cannot be reached by certified mail, then the building official shall post the notice of violation upon the property in a conspicuous place. The posted notice of violation shall state that: "This notice shall not be removed by anyone but the building official, or his agent." It shall be unlawful for anyone but the building official or his designated agent to remove such posted notice. This posted notice shall also provide for at least a ten-day period (or a longer period to be determined by the discretion of the building official) for the owner to remedy the violation.
(Code 1964, § 6-24.55)

Sec. 5-110. Wilful violators.

If the time period for remedying a violation has lapsed and the violation is still in existence, the owner of the property shall be deemed a wilful violator of this Code and shall be subject to the remedies and penalties as set forth in sections 1-13 and 1-14. Furthermore, a wilful violator shall be subject to the enforcement procedure in this division.
(Code 1964, § 6-24.56)

Sec. 5-111. Enforcement.

If the owner of the property refuses to remedy the violation cited in the notice of violation within the time period stated therein, the city council may undertake to either:

(1) Restore the property to its original state;

(2) Raze the structure; or

(3) Take such action as necessary to make the structure comport with the permitted use granted in the building permit.

This is by no means intended to be an exclusive list of the corrective courses of action available to the city upon refusal for the owner of a building to remedy the cited violation.
(Code 1964, § 6-24.57)

Sec. 5-112. Liens.

(a) Any and all expenses incurred by the city in exercising any remedial action taken in reference to a wilful violator shall constitute a lien against the land on which the violation exists, or if the violator does not own the land, upon any other real or personal property owned by the violator.

(b) The liens herein authorized shall be placed upon the real or personal property of the owner or violator in the same manner as special assessment and nuisance abatement liens are authorized by the Charter; the procedure for the enforcement and foreclosure of nuisance abatement and special assessment liens as authorized under the Charter shall also be utilized for the enforcement and foreclosure of liens herein authorized.
(Code 1964, § 6-24.58)

Secs. 5-113--5-117. Reserved.

DIVISION 6.

CODE COMPLIANCE REVIEWS*

* **Cross References:** Administration of building code and other ordinances, § 2-176 et seq.; code enforcement, Ch. 6.

Sec. 5-118. Inspections of buildings, premises and structures.

It shall be the duty of the building official to inspect or cause to be inspected by members of the building and zoning department or other code inspectors annually during normal business hours for the establishment or structure in question, and for the purpose of ascertaining and causing to be corrected any condition liable to endanger the structure's inhabitants or to otherwise enforce any violation of the applicable electrical, mechanical, structural, plumbing, and fire provisions of the South Florida Building Code, the city's utilities requirements, the city's zoning requirements, or the city's landscaping requirements, the following buildings, premises, or structures:

None at this time

This section shall be deemed supplemental to other Code sections which may require code compliance inspections.
(Ord. No. 1593, § 1, 12-7-88; Ord. No. 2112, § 1, 12-11-96)

Cross References: Inspections of buildings and premises by chief of fire department or officers of fire prevention bureau, § 8-8.

Sec. 5-119. Enforcement.

Any code violations discovered during such code compliance inspections may be referred to the code enforcement board code inspector or may be enforced through any other means available.
(Ord. No. 1593, § 1, 12-7-88)

Sec. 5-120. Regulatory fee.

The fee imposed (and to whom same is charged) for the code compliance review herein required shall be the same as that imposed for code compliance reviews conducted as set forth in section 14-23 of this Code. A failure to pay the fee herein required is a violation of this Code, punishable as provided by this Code.
(Ord. No. 1601, § 3, 1-11-89)

Cross References: General penalty, § 1-13; fire safety inspections conducted as part of code compliance reviews exempt from additional fee, § 8-89(d); one licensee to be responsible for code compliance where multiple licenses issued for same location; regular and nonregular code compliance reviews; code compliance review fees, § 14-23.

Secs. 5-121--5-125. Reserved.

ARTICLE IV.

SWIMMING POOL STANDARDS

Sec. 5-126. Definitions.

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

Building department means the building department of the city.

Reasonable notification means written notice placed in the United States mail, or telegram addressed to the last known address of the owner, proprietor, lessee, mortgagee or any other person having any interest, legal or equitable, in the property on which the swimming pool is located.

Sanitary condition means that upon the testing of the water in a pool, that the amount of excess or residual chlorine in all parts of the pool at all times shall be not less than 0.3 parts per million, with the filter running.

Sanitary nuisance means the same as defined in Florida Statutes chapter 386.01.

Swimming pool means a body of water in an artificial or semiartificial receptacle or other container, whether located indoors or outdoors, used or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children.
(Code 1964, § 24-1)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 5-127. Permit required.

Before any work is commenced, permits shall be secured for all swimming pools and for the safety barriers. Plans shall contain all details necessary to show compliance with the terms and conditions of this article. No swimming pool permit shall be issued unless a permit is secured simultaneously for the erection of the required safety barrier. If the premises are already enclosed, a permit for the safety barrier shall not be required if, upon inspection of the premises, the existing barrier is proven to be satisfactory.
(Code 1964, § 24-3)

Sec. 5-128. Performance bond.

(a) *Required amounts.* Pool contractors obtaining permits for construction or repairs of swimming pools in the city shall, at the time of applying for such pool permits, place with the city clerk a performance bond (either a cash bond or a bond with a licensed surety approved by the city clerk) in the following amounts:

Three hundred dollars ($300.00) for the first permit; an additional one hundred dollars ($100.00), for a total of four hundred dollars ($400.00), to cover both the first and second permits; an additional one hundred dollars ($100.00), for a total of five hundred dollars ($500.00), to cover the first, second and third permits; an additional one hundred dollars ($100.00), for a total of six hundred dollars ($600.00), to cover the first, second, third and fourth permits; an additional one hundred dollars ($100.00), for a total of seven hundred dollars ($700.00), to cover the first five (5) permits issued the pool contractor.

(b) *Guarantees.* Such performance bond shall guarantee the reconstruction or repair of any and all city property that may be injured or damaged in any way by the contractor in the construction or repair of pools covered by permits. Such performance bond shall guarantee the protection or repair or reconstruction of sidewalks, curbs, gutters, street medians, alleyways, water or sewer lines, fire hydrants, landscaped buffer zones, visual screens of fence structures from adjacent roads with vehicular traffic, and any and all other city property which may be damaged or require reconstruction or repair by virtue of such pool permits having been issued and work done thereunder.

(c) *Limitation.* The placing of performance bonds required by this section is a condition precedent to the issuance of a building permit for the construction and installation or repair of any pool in the city. Once a pool contractor has posted performance bonds totaling seven hundred dollars ($700.00) in amount on the first five (5) permits issued and none of the bonds are being called or utilized to effectuate the protection, repair or reconstruction of city property as set forth in subsection (b) above, the pool contractor shall be able to obtain additional pool permits without additional bonds so long as the then-posted bonds (totaling seven hundred dollars ($700.00)) also cover work done under such additional permits and stand as an overall bond of seven hundred dollars ($700.00) to ensure that all such additional permits will not result in damage to city property requiring protection, repair or reconstruction as set forth in subsection (b) above.

(d) *Return of unused bonds.* Once a final inspection is made by the building department of a pool as repaired or constructed and the inspection reveals that any damaged city property has been properly repaired and such pool permit is one (1) of less than five (5) in number and more than one (1) then outstanding for the contractor, the contractor shall receive a release of performance bond in the amount of one hundred dollars ($100.00). If such pool is the only one then under permit, the contractor shall receive the return of the initial three hundred dollars ($300.00) bond required on the first issued permit; provided, however, that all such repairs to any such city property shall be made following the final inspection before such performance bonds are so released and if not done within thirty (30) days of such final inspection and written demand for repair of such damaged city property, then the performance bonds shall be deemed forfeited to the full extent necessary to effectuate such repairs or reconstruction or protection of city property and the contractor shall not be permitted to engage in the business of pool construction or repair in the city until the city is made whole on any damage incurred beyond that covered by such performance bonds and the performance bonds are restored in amount to the full extent contemplated by subsection (a) for the remaining outstanding permits of the pool contractor (that is, up to the maximum amount of posted bonds of seven hundred dollars ($700.00)).
(Code 1964, § 24-3.1)

Sec. 5-129. Safety barriers--Required; specifications; gates.

(a) No swimming pool final inspection and approval shall be given by the building department unless there has been erected a safety barrier as hereinafter provided.

(b) The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, concrete block wall, or other materials so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.

(c) The minimum height of the safety barrier shall be not less than four (4) feet.

(d) The safety barriers shall be erected either around the swimming pool or around the premises on

which the swimming pool is erected; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area from adjacent property; provided, however, that when one property line of the property having such swimming pool is an open body of water (i.e., a lake, canal or waterway), then and in such event, the safety barrier may be an open chain link or other type of open fence with a wing wall protruding over such water property line tied into the structure on either side of such swimming pool so as to deny effectively access through such safety barrier from adjacent properties while still permitting the pool owner and adjacent property owners to enjoy a water view unobstructed by such safety barrier.

(e) Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times.

(f) Gates shall also be equipped with a safe lock and shall be locked when the swimming pool is not in use.
(Code 1964, § 24-2; Ord. No. 1663, § 1, 11-29-85)

Sec. 5-130. Same--To be nonclimbable, impenetrable.

(a) In the wooden-type fence, the boards, pickets, louvers or other such members shall be spaced, constructed and erected so as to make the fence nonclimbable and impenetrable.

(b) Walls, whether of the rock or block type, shall be so erected as to make them nonclimbable.

(c) Wire fences shall be the two-inch chain link or diamond weave nonclimbable type, or of an approved equal, with top rail. They shall be of a heavy, galvanized material.
(Code 1964, § 24-4)

Sec. 5-131. Same--Grounds for disapproval.

It shall be within the discretion of the chief building official to refuse approval of any barrier which in his opinion does not furnish the safety requirements of this article, i.e., that it is high enough and so constructed to keep children of preschool age from getting over or through it.
(Code 1964, § 24-5)

Sec. 5-132. Existing pools to comply.

The owners of swimming pools heretofore constructed shall be required to comply with the above safety precautions as to existing swimming pools within sixty (60) days from December 21, 1964.
(Code 1964, § 24-6)

Sec. 5-133. Sanitation requirements.

All swimming pools shall at all times be maintained so as not to constitute a sanitary nuisance. Water shall be clear. Visible dirt, debris or rubbish (excluding leaves) on the bottom of swimming pools shall not be permitted. Visible scum or floating matter on the surface of the pools shall be removed.
(Code 1964, § 24-7; Ord. No. 2205, § 9, 11-17-99)

Sec. 5-134. Reserved.

Editors Note: Ord. No. 2205, § 10, adopted Nov. 17, 1999, provided that § 5-134 be deleted in its entirety. Formerly, such section pertained to inspections, notice to correct sanitary nuisance, and creation of lien as derived from the 1964 Code, § 24-8.

Sec. 5-135. Notice to correct defects in barriers; creation of lien.

The safety barriers around swimming pools required by this article shall be maintained free from any defects at all times. If there are any defects in the safety barrier it shall be the duty of the owner, proprietor, lessee, mortgagee or any other person having any interest, legal or equitable, within a reasonable time as determined by the city to repair any defects in the barrier. If, after such reasonable time has expired, repair of the defects has not been completed, the city may forthwith effectuate such repairs, and the cost of the same, after notice and hearing, shall be assessed as a lien upon the real property on which the pool and barrier are situated, superior to all other liens except for county and city taxes.
(Code 1964, § 24-9; Ord. No. 2377, § 1, 10-25-2006)

Secs. 5-136--5-150. Reserved.

ARTICLE V.

DRIVEWAYS AND PARKING LOTS*

* **Cross References:** Interior landscaping required for parking areas, § 13-42; planning and developments, Ch. 19; platting, Ch. 20; streets, sidewalks, bridges and other public places, Ch. 23; zoning, Ch. 27.

Sec. 5-151. Generally.

(a) Driveways shall have a minimum width of eight (8) feet and adequate radii for turning at public street intersections for single-family homes only.

(b) That portion of all driveways and parking lots constructed within public road rights-of-way shall conform to the grades and cross-sections for drainage swales as established by the city for each installation.

(c) Driveway and parking lot construction shall be limited to flexible, rigid or alternate pavement construction as specified in sections 5-152, 5-153, 5-154 and 23-42.
(Code 1964, § 8A-2(a)--(c))

Sec. 5-152. Flexible pavement construction.

Flexible pavement construction shall conform to the requirements of the "Standard Specifications for Road Construction, City of Plantation, Florida, July 12, 1977," except as follows:

(1) Subgrade stabilization shall not be required.

(2) The base shall consist of a minimum six-inch compacted thickness of limerock containing not less than sixty (60) percent calcium and magnesium carbonates within the limits of all dedicated public rights-of-way, and a minimum of four-inch compacted thickness of limerock containing

not less than sixty (60) percent calcium and magnesium carbonates within private property lines.

(3) Section 4, Priming, shall not apply; instead, immediately prior to placing the wearing course the existing base shall be cleaned and a tack coat of emulsified asphalt, Grade RS-2 or cut-back asphalt, Grade RC-13 applied at a rate between 0.02 and 0.10 gallons per square yard.

(4) The wearing course shall consist of a minimum one-inch compacted thickness of asphaltic concrete conforming to Florida Department of Transportation Type SD-1. The remaining provisions of section 5 shall not apply.

(5) The specified equipment requirements shall not apply; instead, equipment normal for driveway construction will be approved.

(Code 1964, § 8A-3)

Sec. 5-153. Rigid pavement construction.

Rigid pavement construction shall conform to the "Standard Specifications for the Construction of Sidewalks" except as follows:

(1) The minimum depth of slab shall be six (6) inches.

(2) Reinforcing with a minimum six (6) by six (6) 10/10welded wire fabric shall be required throughout.

(Code 1964, § 8A-4)

Sec. 5-154. "Alternate" pavement construction.

Alternate materials may be approved by the building department for use in driveway and parking lot construction. Alternate materials will be reviewed for possible approval with regard to loadcarrying ability, surface hardness, durability, noise characteristics, and such other standards as may be proper and reasonable.
(Code 1964, § 8A-5)

Secs. 5-155--5-170. Reserved.

ARTICLE VI.

ELEVATORS

Sec. 5-171. Definition.

"Elevator" means all permanently installed machinery, apparatus, and equipment used in raising and lowering a car, cage or platform vertically between rails or guides, and which shall be used primarily or secondarily for the movement of people.
(Ord. No. 1963, § 1(a), 11-13-85)

Sec. 5-172. Enforcement.

This article may be enforced by the city code enforcement board in accordance with Chapter 6 of this Code, or by any other remedies now existing or subsequently provided for by law for the enforcement of municipal ordinances.
(Ord. No. 1363, § 1(e), 11-13-85)

Sec. 5-173. Mirrors.

Every elevator in the city shall contain a highly polished stainless steel mirror, highly polished Plexiglas or other reflective mirror therein so constructed and positioned so that any person who is about to enter the elevator shall be able to see with the assistance of the highly polished stainless steel mirror, highly polished Plexiglas or other reflective mirror whether or not any other person is concealed within the elevator.
(Ord. No. 1363, § 1(b), 11-13-85; Ord. No. 1386, § 1, 3-26-86)

Sec. 5-174. Emergency lighting and alarm system.

Every elevator in the city, regardless of when installed, shall contain an emergency lighting and alarm system.
(Ord. No. 1363, § 1(c), 11-13-85)

Sec. 5-175. Compliance deadline.

Every elevator in the city shall comply with the requirements imposed by this article within six (6) months from November 13, 1985.
(Ord. No. 1363, § 1(d), 11-13-85)

Secs. 5-176--5-180. Reserved.

ARTICLE VII.

ALARMS*

* **Editors Note:** Ord. No. 2332, §§ 1, 2, adopted Sept. 22, 2004, repealed the former Art. VII, §§ 5-181--5-187, and enacted a new Art. VII as set out herein. The former Art. VII pertained to similar subject matter and derived from Ord. No. 1905, § 1, adopted Apr. 14, 1993; Ord. No. 2145, § 1, adopted Feb. 18, 1998; Ord. No. 2168, § 1, adopted Dec. 2, 1998. Formerly, Section 1 of Ord. No. 1905, adopted Apr. 14, 1993, amended Ch. 5, Art. VII, §§ 5-181--5-190, to read as herein set out. Former Ch. 5, Art. VII pertained to similar subject matter and derived from Ord. No. 1724, § 1, adopted Aug. 22, 1990 and Ord. No. 1848, § 1, adopted June 3, 1992. Ord. No. 1931, § 1, adopted July 14, 1993, amended Ord. No. 1905 so as to make such ordinance effective from and after Apr. 14, 1993.

Sec. 5-181. Definitions.

For the purposes of this article, the following definitions shall be applicable:

Alarm administrator means the chief of police or his/her designee for burglar and panic alarms and the fire chief or his/her designee for fire and medical alarms.

Alarm business means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to an alarm system, or which causes any of these activities to take place.

Alarm coordinator means a person or persons selected by the Chief of Police of the City of Plantation to coordinate, control and review alarm applications, permits and false alarm notifications for burglar and panic alarms and is a person or persons selected by the Fire Chief of the City of Plantation to coordinate, control and review alarm applications, permits and false alarm notifications for fire and medical alarms.

Alarm monitoring company (or *monitoring company*) means a person or entity performing the service of monitoring as defined in Section 489.505, Florida Statutes, as may be amended from time to time, and having customers within the territorial jurisdiction of this article.

Alarm notification means a notification intended to summon police, fire or medical personnel, which is designed either to be initiated purposefully by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion, or a fire or medical emergency. At the discretion of the alarm coordinator, multiple false alarm/alarm malfunctions in a twenty-four-hour period of time may be counted as only one (1) false alarm notification, unless such alarm notification requires fire or medical response in which case each such false alarm/alarm malfunction shall count as a false alarm notification.

Alarm signal means an audible sound or a transmission of a signal or a message, as the result of the activation of an alarm system.

Alarm site means a single premise or location served by an alarm system or systems.

Alarm system means a burglar alarm system, a fire alarm system, a medical alert/panic alarm system, or a combination of the aforesaid systems.

Alarm user means a person(s), firm, partnership, corporation, association, organization, company, or other entity in control of a premise where an alarm system is located.

Audible alarm means an alarm system which generates an audible sound when it is activated.

Burglar alarm system means any mechanical or electrical device sold or installed, which is designed for use for the detection of an unauthorized entry into a building, structure, facility, or enclosed area, or for alerting others of the commission of an unlawful act within a building, structure, facility or enclosed area, and which transmits a signal or message when activated. Excluded from the definition of "burglar alarm system" are devices which are not designed to generate, directly or indirectly, a police response to the protected building, structure, facility or enclosed area; audible alarms installed in motorized conveyances; auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service; or fire alarm systems.

Calendar year means a twelve-month period beginning on the date the alarm permit is issued.

Deactivated alarm means an alarm system that has the primary and secondary power and the telephone line disconnected at the alarm control panel.

Enforcement officer means the police chief or any person serving under the direction of the police chief for burglar and panic alarms or the fire chief or any person serving under the direction of the fire chief for fire alarms and medical alert/panic alarms, or a code enforcement board code inspector regardless of the type of alarm system involved.

False alarm means an alarm dispatch request to the police department or the fire department, when the police department or the fire department finds no evidence of an unlawful criminal act, fire, smoke, or medical emergency, is the activation of an alarm system which generates a city response to the location of the system in which neither life safety is threatened nor a significant risk of damage to property is threatened, as evident to and determined by the city representatives at the time of their arrival at the location, and which activation is due to mechanical failure, malfunction, improper installation, or the negligence of the alarm user or his agents and employees, or any alarm business associated with maintaining, leasing, or generating responses to such alarm system. Such terminology does not include alarms caused by hurricanes, tornadoes, earthquakes or other similarly violent atmospheric conditions, if identified and determined by the enforcement officer of the city to be clearly beyond the control of the user or beyond the ability of the alarm system to avoid an alarm activation. A false alarm does not include:

(1) An alarm caused by physical damage to the alarm system as a result of lighting, thunder, wind, or other meteorological event, where there is clear evidence of physical damage to the alarm system; or

(2) An alarm caused by disconnection of a telephone circuit beyond the control of the alarm user or his or her agents; or

(3) An alarm caused by continuous electrical power disruption in excess of four (4) hours.

Fire alarm system means a system of devices, excluding solely battery-operated single-station smoke detectors, designed and used in a building or structure for the detection of fire or smoke, waterflow from a fire sprinkler or standpipe system, or a manual pull station, for the purpose of alerting others, which emits a signal or message when activated, ultimately generating a fire department response, which such signal may or may not be audible. Excluded from the definition of "fire alarm system" are devices which are not designed to generate, directly or indirectly, a fire department response to the protected building, structure, facility or enclosed area, audible alarms installed in motorized conveyances, auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service, or burglar alarm systems.

Hearing representative(s) means the police chief's appointee(s) for burglar and panic alarms and the fire chief's appointee(s) for fire and medical alarms.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

Medical alert person system means any mechanical or electrical device which is principally designed or used to generate a fire response as a result of a perceived medical emergency by the person user.

Notice: unless otherwise specified, is written notice, given either by first class mail or personal service

upon the addresses. There is hereby created a presumption of receipt within three (3) days of posting.

Panic alarm system means any mechanical or electrical device which is principally designed or used to generate a police response as a result of a perceived criminal emergency by the alarm user.

Permit holder means the person designated in the application as required in section 5-182 below, who is responsible for responding to alarms and giving access to the site, and who is responsible for maintenance and operation of the alarm system and payment of fees.

Person means an individual, corporation, partnership, association, organization, or similar entity.

Telephone alarm device means any device which, when activated, automatically transmits by telephone line a recorded alarm message or electronic mechanical alarm signal to any telephone instrument installed at the office of the enforcement officer.
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-182. Alarm user permits.

(a) *Required permit.* Before placing an alarm system into operation, every alarm user shall obtain from the alarm coordinator an alarm user permit for each alarm system they operate within the city. Applications for a medical alert/fire alarm system may be made on forms provided by the fire department and applications for a burglar alarm system or panic alarm system may be made on forms provided by the police department. Alarm permits shall be valid for one (1) permit year and then expire. Alarm permits shall be renewed on an annual basis, provided that the alarm user certifies that the permit information maintained on the city's records is correct. This subsection does not apply to a deactivated alarm system. In addition, this subsection does not require that an alarm business obtain a permit under this section when it leases or provides service to alarm system users. If an alarm business, however, does use an alarm system to protect its own premises, it shall obtain a permit for such system as required in this section. All alarm businesses installing, leasing, maintaining, or monitoring alarm systems in the city shall, not later than the time of installation, furnish written notice to all persons and businesses for whom an alarm is installed, maintained, or monitored by it of the regulations in this article and of the requirement for permitting. However, failure to receive this notice shall not excuse an alarm user from any provision of this article.

(b) *Permit fees.* The first permit year fee shall be twenty-five dollars ($25.00) and each permit year renewal fee thereafter shall be ten dollars ($10.00) regardless of the type of alarm permitted. If the payment of any permit year renewal fee is more than seven (7) business days delinquent, then an additional processing late fee of five dollars ($5.00) shall be paid in addition to the ten dollar ($10.00) permit year renewal fee. This fee shall offset the city's administrative costs in ensuring that required alarm response information is up-to-date, and for monitoring alarm activity records. Permit fees may be revised by resolution adopted by the city governing body. In residential districts, the city may waive the ten dollar ($10.00) permit year renewal fee, if the alarm user has not emitted any false alarms from the permitted location during the previous permit year.

(c) *Alarm user permit application.*

(1) Subject to subsection (d) below the alarm administrator shall issue or renew an alarm permit only after receiving the completed application and payment of the applicable fee. If any business or

residence has two (2) or more separate alarm systems, only one (1) alarm permit shall be required per alarm panel.

(2) The alarm user applying for the permit required in this section shall state on a permit application form provided by the alarm coordinator the following information:

a. Their name, the address of the residence or the business or businesses in or upon which the alarm system has been or will be installed, his telephone number, his address if different than the premises served by the alarm system, and the name, address, and telephone number of the lessor of the system;

b. If leased, whether the system was installed by the alarm user, and if not installed by the alarm user, the state certificate of competency number of the business installing the alarm system. In the event that an alarm business is going to install, maintain, repair, replace, service, lease, respond, monitor, or sell the alarm system to the alarm user, the application will require the name and address of the alarm business to be disclosed;

c. The applicant shall give the name and telephone number of at least two (2) other persons [in the case of a noncommercial alarm user applicant, at least one (1) person] who can be reached at any time, day or night, who is authorized to respond to an alarm signal, and who may enter the premises in which the alarm system is installed. The application shall also provide the police and fire departments with the specific authority to enter the premises wherein the alarm system is installed whenever responding to such alarm, and further, shall contain an appropriate hold harmless and indemnity provision for any property damage deemed reasonably necessary by the police or fire department in order to respond adequately to such alarm;

d. The classification of the alarm site as residential, commercial or apartment;

e. For each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, robbery, or personal hostage or panic; and

f. When required by this section, certification from a person licensed by the State of Florida/Broward County/City of Plantation to install or design systems, stating:

1. The date of installation or maintenance of the alarm system, whichever is applicable;

2. The applicable state license of the person performing or directly supervising the installation or maintenance of the alarm system; and,

3. Other information required by the alarm administrator that is necessary for the enforcement of this section.

(3) The alarm user applying for the permit shall further state on the permit application the following information:

a. That the alarm system has the capacity to prevent false alarms by the use of a backup power supply; and

b. That the alarm system enunciator (for a burglar alarm system and medical alert/panic alarm system only) has the capacity to automatically silence within fifteen (15) minutes for noncommercial permitted systems and thirty (30) minutes for commercial permitted systems after activation and such alarm system will not sound again unless a new criminal act or emergency triggers the alarm or causes same to be activated.

(4) Alarm permits issued by the alarm coordinator are nonassignable and are issued and effective only for the permitted alarm system and permitted user.

(5) Before placing a system into operation, every alarm user shall prominently post on the premises the alarm system's permit number at or near the front entrance of the premises so that it is visible from the outside of the structure. The alarm coordinator shall issue replacement decals to alarm users for such purposes upon payment of a five dollar ($5.00) replacement decal fee.

(6) Every alarm user permitted under this section shall be required to provide the alarm coordinator with any changes in the information required to be submitted on the permit application when such changes occur.

(d) *Alarm permit issuance.*

(1) *Single-family residence:* An alarm permit for a single-family residence may be issued upon satisfactory completion of the application required in subsection (c) above.

(2) *Buildings or structures other than single-family residences.* In addition to satisfactory completion of the application required in subsection (c), an alarm permit for a location that is not a single-family residence location may be issued only upon certification from an approved alarm business or other competent person that the alarm system meets the minimum standards as set forth in this article. All fire alarms systems must comply with the applicable provisions of the City Fire Prevention Code, and further, the equipment must be approved by UL (Underwriters' Laboratories), FM (Factory Mutual), or other approved testing laboratory for its intended usage. Furthermore, all alarm system installations must comply with the Florida Building Code.

(3) Notwithstanding subsections (1) and (2) above, no permit shall be issued if the application therefor discloses the name of an alarm business that has an outstanding fine as a result of a violation of this article, when a reason for a previous revocation has not been corrected, or if the applicant provides false information.

(4) The alarm user shall submit interim updated application information within fifteen (15) days of when the on file information on file with the police department or fire department has changed. A permit may be revoked if it is found to contain inaccuracies.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-183. Alarm systems in rental apartment complexes and commercial rental enterprises.

(a) The owner or property manager of a rental apartment complex or commercial rental enterprise shall obtain an alarm permit from the city if any burglar or panic alarm system is operated in any unoccupied rental unit on the premises.

(b) A tenant of a rental apartment complex or commercial rental enterprises shall also obtain an additional burglar or panic alarm permit from the city before operating or continuing the operation of an alarm system in the tenant's residential or commercial rental unit.

(c) For purposes of enforcing this section against an individual residential unit, the alarm permit of the tenant supersedes the alarm permit of the rental apartment complex or commercial rental enterprise and the tenant is responsible for false alarms emitted from the alarm system in the tenant's residential unit. At such time the tenant relinquishes occupancy of the rental unit, the responsibility for false alarms emitted from the rental unit reverts back to the owner or property manager's original permit.

(d) The owner or property manager of a rental apartment complex shall obtain a separate alarm permit for any alarm system operated in a nonresidential area of the rental apartment complex, including, but not limited to common tenant areas and offices, storage and equipment areas.

(e) *Residential or commercial premises.* The owner or manager of any residential or commercial premises that are rented to others and which have alarm systems provided by the owner or manager shall:

(1) Explain the operation of the alarm system to the alarm user;

(2) Explain the alarm user's financial responsibilities for false alarms;

(3) Obtain the alarm user's signature on a form in which the alarm user acknowledges having received and understood the information provided in (1) and (2) above; and,

(4) Furnish a blank alarm permit application to the tenant. The alarm coordinator shall provide the owner or manager with forms upon request.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-184. Alarm system operating standards and authorized disconnection.

(a) Audible burglar alarm systems and audible medical alert/panic alarm systems shall be modified to include a timer to prevent the alarm from ringing from the time the premises are entered by an authorized person until the system is shut off.

(b) The alarm system enunciator (for burglar and medical alert/panic alarm systems only) must automatically silence within fifteen (15) minutes for noncommercial permitted systems and thirty (30) minutes for commercial permitted systems after activation and such alarm systems shall not sound again unless a new criminal act or emergency triggers the alarm or causes same to be activated.

(c) If the persons authorized to enter the premises and deactivate the alarm system or audible alarm

cannot be contacted at the telephone numbers listed on the permit application, or if contacted, fails to appear within thirty (30) minutes of such contact to deactivate the alarm system or audible alarm, or if such alarm system (when same is a burglar alarm system or medical alert/panic alarm system) does not deactivate as required above, then the enforcement officer may disconnect such alarm system or audible alarm or may have a company or individual who has an appropriate certificate of competency designating such person as a specialty electrician disconnect such alarm system, unless such disconnection is not permitted by applicable provisions of the city fire prevention code. All costs incurred in disconnecting the alarm system or audible alarm shall be the responsibility of the alarm user and must be paid within ten (10) days of receipt of an invoice for same.

(d) A permit holder or person in charge of an alarm system shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications;

(2) Respond or cause his/her representative to appear at the system's location within a reasonable period of time [twenty (20) minutes when notified by the city to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security to the premises; and

(3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report, except in the case of fire alarm pursuant to fire drills and alarm maintenance testing, for which the permit holder shall have informed the fire department and received authorization to conduct such drills and/or testing.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-185. Presumed false alarms.

(a) There is a presumption of a false alarm created when an alarm signal is investigated by an enforcement officer and there is no sign of an unauthorized attempted entry or crime in progress evident to the officer, or there is no sign of a fire emergency in which life, property or both are exposed to an actual risk of significant harm, or there is no sign of a life-threatening medical emergency. The holder of an alarm permit or the person in control of an alarm system shall be subject to warnings, fees, or loss of permit depending upon the number of false alarms emitted from an alarm system within a twelve-month period based upon the schedule below.

(1) *Police department.* No fee shall be assessed for the first three (3) false alarms at the same premises responded to by the police department during each twelve-month period. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the police department at the same premises during said twelve-month period:

Number of False Alarms	Fee per False Alarm
Fourth	$ 75.00
Fifth	75.00
Sixth	90.00
Seventh	105.00
and subsequent	

(2) *Fire department.* No fee shall be assessed for the first three (3) false alarms at the same premises responded to by the fire department during each twelve-month period. Thereafter, the following fees shall be paid by the owner for each false alarm responded to by the fire department at the same premises during said twelve-month period:

Number of False Alarms	Fee per False Alarm
Fourth	$150.00
Fifth	250.00
Sixth	400.00
Seventh and subsequent	500.00

(3) Response to any deactivated or unmonitored alarm system shall be seventy-five dollars ($75.00) per false alarm in addition to any and all accrued fines.

(4) The alarm administrator may offer an alarm awareness class to alarm users. Alarm users may attend the class in lieu of paying the first fine per permit year.

(b) The notice shall also advise the alarm user that an appeal may be made to the city in writing, within fifteen (15) days from the date of the notice, to a city hearing representative(s) whose name and city address appear in the notice. If timely sought, the city hearing representative(s) shall set a hearing. Written notice of the date, time and place will be given in writing to the alarm user at least ten (10) business days in advance. Failure of the alarm user to timely appeal the notice will result in waiver of such right to a hearing and such alarm response costs as are otherwise due shall be payable within thirty (30) days from the date of the notice. If the alleged violator wishes to appeal the decision rendered by a hearing representative(s), the appeal must be made in writing and provided to the respective department head or designee (police chief or fire chief, as the case may be), within thirty (30) days from the date of the hearing representative(s)' decision. Failure to timely appeal a decision constitutes waiver of the right to appeal. In such case, the respective department head or designee will review the hearing representative(s)' decision, the appellant's reasons for the appeal and subsequently render a written decision affirming, reversing or modifying the hearing representative(s)' decision, with a brief explanation of the reasons for any reversal or modification, if applicable. If appellant wishes to then appeal the departmental decision, such decision may be appealed, in writing, to the mayor or his/her designee; however, such appeal must be presented to the mayor within thirty (30) days from the date the departmental decision was rendered or the right to do so will be waived. The mayor or his/her designee may then review the appeal and the mayor or designee may affirm, reverse or modify the department head's decision. If the appellant still does not concur with the mayoral decision, the appellant may file a petition for certiorari in the Circuit Court of Broward County, Florida, within thirty (30) days from the date the mayoral decision was rendered. Payment of cost reimbursements are due within thirty (30) days from the date of the nonappealable final decision.

(c) The alarm coordinator may revoke the alarm permit if it is determined that:

(1) There is a false statement of a material matter in the application for a permit;

(2) The permit holder has violated any provision within sections 5-186 or 5-187;

(3) The permit holder has failed to make timely payment of a fee assessed under subsection (a); or,

(4) Nine (9) or more false alarms have been emitted from the alarm site within a twelve-month period.

(d) Police response may not be dispatched on any further alarm activations until the alarm permit has been reinstated.

Exception: This shall not preclude the city police department from responding to a crime in progress or similar situation affecting the health, safety and welfare of the city, as determined at the sole discretion of the department.

(e) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm permit is revoked.

(f) Alarm permits shall be revoked in the following manner:

(1) The alarm coordinator shall notify the alarm user by certified mail or personal delivery, that their alarm permit has been revoked. The alarm user shall have fourteen (14) days from the date of mailing or personal delivery to submit a written report to the alarm coordinator describing actions taken or to be taken to identify and eliminate the cause of the false alarms, and to request that their alarm user's permit be reinstated.

(2) If the alarm user submits a written report requesting reinstatement of their alarm user's permit, the alarm coordinator shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If the alarm coordinator determines that the action will substantially reduce the likelihood of false alarms, he/she shall notify the alarm user, via certified mail or personal delivery, that the request to reinstate the alarm user's permit has been approved.

(3) If the alarm user's permit is reinstated, and the police department responds to subsequent false alarm activation in the same calendar year at the protected premises, the alarm coordinator shall proceed with the permit revocation process again as described in this section. The alarm user shall also be assessed a fee in the amount of one hundred dollars ($100.00) for each subsequent false alarm through the remainder of the calendar year.

(4) If the alarm coordinator determines that the action taken, or to be taken, will not substantially reduce the likelihood of false alarms, the request for reinstatement shall be denied. The alarm coordinator shall give notice by certified mail or personal delivery to the user that the permit will be revoked without further notice.

(5) An alarm user whose permit has been revoked by the alarm coordinator may, within fourteen (14) days of receipt of the notice of revocation, appeal this decision by filing a written request for a review meeting with the alarm administrator.

(6) If a review meeting with the alarm administrator is requested, written notice of the time and place of the review meeting will be served on the alarm user by the alarm administrator by certified mail or personal delivery within fourteen (14) days of the request by the alarm user.

(7) The alarm coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination by both parties.

(8) If the alarm administrator determines that the user has not taken action which substantially reduces the likelihood of the false alarms, the alarm administrator shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit.

(9) Except in the cases of a fire alarm permit, if the alarm administrator determines that the alarm user has taken action which substantially reduces the likelihood of false alarms, the alarm administrator shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit. The alarm administrator may require payment of all outstanding fines and fees as a condition of reinstatement.

(10) If the alarm user's permit is reinstated, pursuant to the preceding subsection (9), and the police department responds to subsequent false alarm activation in the same calendar year at the protected premises, the alarm coordinator shall proceed with the permit revocation process again as described in this section. The alarm user shall also be assessed a fee in the amount of one hundred dollars ($100.00) for each subsequent false alarm activation through the remainder of the calendar year.

(11) If the alarm user's request for reinstatement of their alarm permit has been denied by the alarm administrator, the alarm user may, within fourteen (14) days appeal this decision by filing a written request for a review meeting with the city hearing representative(s).

(12) If the city hearing representative(s) determines that the user has not taken action which substantially reduces the likelihood of false alarms, the city hearing representative(s) shall issue written findings to that effect and an order denying reinstatement of the alarm user's permit. The decision of the city hearing representative(s) shall be final.

(13) If the city hearing representative(s) determines that the alarm user has taken action which substantially reduces the likelihood of false alarms and all outstanding fines and fees are paid in full, the alarm coordinator shall issue written findings to that effect and an order approving reinstatement of the alarm user's permit.

(14) If the alarm user's permit is reinstated pursuant to the preceding subsection (13), and the police department responds to subsequent false alarm activation in the same calendar year at the protected premises, the alarm coordinator shall proceed with the permit revocation process again as described in this section. The alarm user shall also be assessed a fine in the amount of one hundred dollars ($100.00) for each subsequent false alarm activation through the remainder of the calendar year.

(15) The alarm coordinator shall notify the alarm monitoring company of a revocation or reinstatement of an alarm permit, if such information is available.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-186. Alarm user violations.

An alarm user shall violate this article when any of the following occurs:

(1) For the alarm user or designated agent to fail to respond to the premises within a one-hour period following the activation of the alarm system when notified to do so by the enforcement officer;

(2) For the alarm user to have falsified any information contained in the alarm user permit application;

(3) For the alarm user to fail to inform immediately the enforcement officer of any and all changes in the information required in the alarm user permit application;

(4) To operate an alarm system without an appropriate permit. In the event that evidence of operation of an alarm system without a permit is an alarm signal, a violation of this article shall be presumed, and the enforcement officer need not present any additional evidence for the code enforcement board to conclude by the greater weight of evidence that a violation of this article occurred. In the event evidence of unauthorized alarm operation is a fact other than an alarm signal, the enforcement officer shall cite such fact and request the alleged violator to prove that the alarm system is disconnected. Absent proof of disconnection by the requested date, a violation of the article shall be presumed and the enforcement officer need not present any additional evidence of unauthorized alarm operation for the code enforcement board to find by the greater weight of evidence that a violation has occurred;

(5) For the alarm system to have more than three (3) false alarms in any twelve-month period, with each false alarm in excess of three (3) false alarms in any twelve-month period to constitute a separate violation. In the event the city (pursuant to section 5-185 above) determines that a false alarm was clearly the fault of an alarm business, such finding shall preclude a finding that the alarm user violated this article for such false alarm;

(6) For any alarm system not to meet the operating standards established in section 5-184 of this article, and for any alarm user not to pay the costs incurred by the city under section 5-185 when due;

(7) To install, maintain, operate or use any telephone alarm device regulated or programmed to make connection with any telephone installed in any facility of any law enforcement or fire prevention office. Telephone alarm devices are permitted when not connected directly to such enforcement offices, but they are subject to all other provisions of this article;

(8) A permit holder or person in control of an alarm system shall not contract or retain an alarm company that is not properly licensed; or,

(9) A permit holder or person in control of an alarm system that is deactivated and causes a false alarm.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-187. Alarm business violations.

Alarm businesses which lease an alarm system and are responsible for the maintenance of the system, and alarm businesses responsible for generating appropriate responses to an alarm system, shall also be responsible to ensure that false alarms do not occur. False alarm responses create an unnecessary risk of injury to persons and property and an unnecessary expenditure of police and fire prevention resources. If more than three (3) false alarms occur in any twelve-month period, then in addition to citing the alarm user with a violation of this article, the enforcement officer may also cite any responsible alarm business which failed to ensure that false alarms did not occur. Each false alarm in excess of three (3) per permit year shall be deemed a violation of this article. Procedures applicable to such violations will be otherwise identical to those prescribed in section 5-186, above.
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-188. System performance reviews.

If there is a reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarms and/or alarm malfunctions, the alarm administrator may require a conference with an alarm permit holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm/alarm malfunction. An alarm user shall not operate an alarm system which does not have a minimum four (4) hour auxiliary power supply.
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-189. Reinstatement of permit.

(a) A person whose alarm permit has been revoked may be issued a new permit if the person:

(1) Submits an updated application and pays a fifty dollar ($50.00) permit fee;

(2) Pays, or otherwise resolves, all outstanding fees or other violations issued to the person pursuant to this section; and,

(3) Upon submission of certification from a licensed professional alarm company to install or design alarm systems stating that the alarm system has been inspected and maintained by, or with the direct supervision and approval of the licensed qualifier of said company.

(b) Should any fee assessed pursuant to this section remain unpaid in excess of one hundred twenty (120) days from the date the charge is billed, a collection fee in the amount of thirty-five (35) percent of the outstanding balance shall be assessed and shall be payable by the owner of the premises in addition to the original fee. The owner shall also be responsible for any legal fees or costs incurred by the city in enforcement of this section.

(c) The above fee shall be deemed a lien on said property and assessed and foreclosed or otherwise enforced in the same manner as any other lien is enforced or foreclosed by the city and in accordance with the law. The lien provided for herein shall be superior to all other liens on such lands liened except for those for state, county, municipal or other governmental taxes. Upon an action for foreclosure, the city shall receive all costs including reasonable attorney's fees.

(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-190. Alarm monitoring companies.

All burglary, panic, or medical alarm systems that have central monitoring shall have a central monitoring verification call made to the alarm site prior to the alarm monitoring personnel contacting a public safety unit for alarm dispatch. However, if the alarm has properly operating visual or auditory sensors that enable the monitoring to verify the alarm signal, verification calling is not required. (See Section 489.529 Florida Statutes, Alarm verification calls required.)
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-191. Alarm system contractors.

(a) All alarm system contractors shall register annually with the building department. Each registration shall be valid for twelve (12) months. The alarm system contracts shall provide the following information:

(1) Name, street address and telephone number;

(2) Names, street addresses, and telephone numbers of all alarm users contracted with, within the territorial jurisdiction of this article;

(3) The procedure used to verify the legitimacy of an alarm prior to notification of the building department; and,

(4) Name, street address and telephone number of the qualifying agent.

(b) No person shall install, maintain, repair, alter, service or monitor alarm systems for compensation without being an alarm system contractor.

(c) All alarm system contractors shall ensure that each of its agents is in compliance with Section 489.518, Florida Statutes.

(d) Alarm system contractors shall provide registration information in a format specified by the building department.

(e) Alarm system contractors shall not install new systems or equipment or use methods of installation that do not meet or exceed minimum Underwriters Laboratories or American National Standards Institute requirements for the appropriate installation and which do not use control panels tested for conformance to the Security Industry Association's Control Panel Standard C.P.--01, (or equivalent listing), or a fine of one hundred twenty-five dollars ($125.00) may be assessed.

(f) Alarm system contractors shall not cause a false alarm during the servicing, repairing, testing or inspection of an alarm system. The alarm users shall not be charged with such false alarms. Alarm system contractors that cause a false alarm during the servicing, repairing, testing or inspection of an alarm system shall be assessed a fine in the amount of seventy-five dollars ($75.00) for false alarm notifications for burglar and

panic alarms, and a fine in the amount of one hundred fifty dollars ($150.00) for false alarm notifications for fire and medical alarms.

(g) Alarm system contractors shall provide all alarm users with a blank alarm permit application, whenever installing, maintaining, repairing, altering or servicing an alarm system, unless the alarm system contractor reasonably believes that the system is permitted.
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-192. Modification of existing alarm systems.

Whenever an existing alarm system is serviced, modified, or inspected, the following features shall be removed by the alarm contractor:

(1) Single action, nonrecessed switches that activate a panic alarm; and

(2) Duress or other programming that activates a panic alarm.
(Ord. No. 2332, § 2, 9-22-2004)

Sec. 5-193. No public duty.

The permitting of an alarm system is not intended to create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering the alarm system, the alarm user acknowledges that public safety units response may be based on factors such as: availability of public safety units, priority calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.
(Ord. No. 2332, § 2, 9-22-2004)

Secs. 5-194--5-199. Reserved.

ARTICLE VIII.

WETLANDS PROTECTION*

* **Editors Note:** Ord. No. 2350, § 1(5-200)(5-205)(5-210)(5-215), adopted Aug. 29, 2005, set out provisions intended for use as 5-200, 5-205, 5-210, 5-215. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 5-200--5-203.

Sec. 5-200. Definitions.

Acre shall mean land area which is forty three thousand five hundred sixty (43,560) square feet in size.

Clearing shall mean the removal of any vegetation (except the routine cutting of) or the alteration of the existing surface area of any vacant property. Thus, the removal or deposition of any material onto such surface area would be considered a clear or clearing.

Clearing permit: Unless expressly stated to the contrary, the definition of a clearing permit shall include all renewals thereof.

Gross land acre. In determining the "gross land acre" for purposes of calculating the wetlands mitigation fee in subsection 5-203(a) of this Code, fee simple conveyances of portions of property for public infrastructure (i.e. right-of-way or drainage/canal improvements) will be excluded from the acre; whereas, easement conveyances of portions of property for public infrastructure improvements will be included in the acre.

Plantation Acres Wetlands Parcels Map is a map originally prepared by Miller Legg & Associates dated 01/24/03 which has been preliminary accepted by DPEP and USACOE as reflecting parcels within Plantation Acres which contain wetland resources. The map may be amended from time to time by the building department in the future based upon written advice from the USACOE, the city consulting engineer, or from DPEP that a site specific investigation and study for a parcel of property in Plantation Acres disclosed wetlands resources or failed to disclose wetlands resources. The map shall be re-dated whenever amended, and shall be maintained by the building department of the city.

Vacant property means a lot that has not been improved with a structure for which a certificate of occupancy is required. The word "lot" is further defined in section 27-1 and other definitions of "plot", "site", "tract", or "parcel" are also included therein.

Vegetation shall mean plant material that is not trees.
(Ord. No. 2350, § 1(5-200), 8-29-2005)

Sec. 5-201. Permit required.

(a) No person shall clear vacant property within the SPI-1 Plantation Acres Rural District (as described in Subdivision B, Division 26, Article VII, Chapter 27 of this Code without possessing an unexpired clearing permit from the building department.

(b) A clearing permit, and any renewal thereof, shall expire one (1) year after it is issued. Once expired, a renewal fee equal to the original permit fee must be paid and all agencies approvals must be obtained.

(c) The clearing permit application fee shall be two hundred dollars ($200.00) plus a twenty dollar ($20.00) processing fee and shall be paid at the time an application is made. This fee shall be subject to increase by the administration as provided pursuant to section 2-241 of this Code, which increase shall be effective upon the commencement of any city fiscal year.

(d) In addition to such application fee, the applicant shall pay all of the city's administrative, employee, or consultants' costs in inspecting the vacant property as charged pursuant to section 27-64, the city cost recovery system, if any such inspections are made.

(e) The city will approve, approve with conditions, or deny an application for a clearing permit within thirty (30) days of the receipt of an application signed by the owners of the vacant property.
(Ord. No. 2350, § 1(5-205), 8-29-2005)

Sec. 5-202. Permit issuance.

(a) Upon receiving an application for a clearing permit (an "application"), the city will consult the Plantation Acres Wetland Parcels Map to determine if wetland resources have been identified on the vacant property.

(b) If such vacant property is not one of the parcels shown as containing wetlands on the Plantation Acres Wetland Parcels Map, the application may be approved.

(c) If such vacant property is one of the parcels shown as containing wetlands on the Plantation Acres Wetland Parcels Map, the applicant will be advised that the clearing permit will not be issued until:

(1) The applicant receives a permit from the United States Army Corps of Engineers (USACOE). This permit may be obtained directly from the corps or may be issued by Plantation as an agent for the USACOE pursuant to a memorandum of understanding between the city and the USACOE as described in this article; or,

(2) The applicant obtains a permit from the city after submitting a report certified by a professional engineer acceptable to the USACOE that wetlands resources do not exist on the property. The certification must use the data form for routine wetlands determination and shall use the protocols set forth in the 1987 Corps of Engineers Wetlands Determination Manual, and must in addition certify that a site inspection by the professional engineer has been made. The certification must be approved by the USACOE before the city issues the permit and the map must thereafter be amended.

(d) If the city has previously not exhausted its ability to accept wetland impact contributions to its regional offsite mitigation area located within Volunteer Park and if the property contains wetland resources and the applicant pays the city wetlands mitigation fee as provided for in section 5-203, Plantation City Code, pursuant to the terms of a regional general permit (RGP) to be issued by the U.S. Army Crops of Engineers (Corps) to Plantation, the city may issue a general permit on behalf of the corps to fill wetlands located on any parcels identified on the Plantation Acres Wetland Parcels Map as having been impacted with wetlands resources. The city shall determine if sufficient mitigation credits remain in the city's regional offsite mitigation area (CROMA). If sufficient credits remain in the CROMA, the city will determine and collect a mitigation fee from the applicant as provided in section 5-203, Plantation City Code, and issue a corps permit. The mitigation fee shall be used solely for the construction, enhancement, restoration, and long-term maintenance and monitoring of the Volunteer Park Mitigation Areas in accordance with the city's memorandum of understanding with the corps. Any corps permit issued by the city shall comply with all terms of said RGP. Participation in the Volunteer Park Regional Offsite Mitigation Area will allow the city to issue a permit pursuant to the United States Army Corps of Engineers Regional General Permit and the Memorandum of Understanding.
(Ord. No. 2350, § 1(5-205), 8-29-2005)

Sec. 5-203. Mitigation fees and fund.

(a) If an applicant for a clearing permit to be issued by the city wishes to utilize the city regional off-site mitigation area, and provided the city has capacity, the city shall allow for participation on a "first come first served" basis in two (2) rounds. The first round will include only Plantation (for its publicly owned park and open space property in Plantation Acres) and those parcels that have been identified as having wetlands

impacts on the original Plantation Acres Wetlands Parcels Map whose owners make a decision to participate in the city CROMA by September 30, 2006. The second round shall be the city and all owners of residential property within Plantation Acres (regardless of whether such person could have participated in the first round). Except as provided in subsection (b), the city shall charge a mitigation fee to applicants for such permit on vacant property shown as containing wetlands on the Plantation Acres Wetlands Parcels Map of thirty thousand dollars ($30,000.00) per gross land acre or portion thereof until September 30, 2006 as set forth in subsection (c) below. Portions of an acre, however small, shall be rounded to the nearest tenth of an acre. Thus, for example, if a vacant property is 1.33 acres in size and contains .8 acre of wetlands, the mitigation fee calculable pursuant to this subsection shall be 1.3 × thirty thousand dollars ($30,000.00) or thirty-nine thousand dollars ($39,000.00).

(b) The wetlands mitigation fee set forth in subsection (a) is calculated based upon how much gross land acres is owned by the applicant, and is not based upon how much land area within such owned property contained impacted wetlands. As an alternative to paying a wetlands mitigation fee based upon gross land acres owned, an applicant may pay a mitigation fee of thirty thousand dollars ($30,000.00) per gross acre of land actually impacted with wetlands provided:

(1) The applicant receives a written determination approved by the USACOE that identifies the amount of gross land acres of the applicant's property which is impacted with wetlands resources (a chart reflecting an approved adjustment is attached as Exhibit "A" to this City Ordinance No. 2350); or,

(2) The applicant receives a written certification from the applicant's consulting engineer which identifies the amount of gross land acres of the applicant's property which is impacted with wetlands resources (for this purpose the certification must use the data form routine wetlands determination and utilize the protocols set forth in the 1987 Corps of Engineers Wetlands Determination Manual in addition to conducting a site inspection and must be completed by a professional engineer acceptable to the USACOE). This certification must be approved by the USACOE. In employing this alternative calculation, portions of an acre shall be rounded to the nearest tenth of an acre. Thus, for example, if a vacant property is 1.33 acres in size and contains .8 acre of wetlands, the mitigation fee calculable pursuant to this subsection shall be .8 × thirty thousand dollars ($30,000.00) or twenty-four thousand dollars ($24,000.00).

The fee set forth in this section shall be subject to an annual indexed adjustment as set forth in subsection (c) below.

(c) The wetlands mitigation fee set forth in subsection (a) and subsection (b) shall not be subject to increase by the administration as provided in section 2-241 of this Code; instead, the fee shall be subject to an indexed adjustment in the manner set forth herein. In determining the mitigation fee for future city fiscal years commencing October 1, 2006 and each October 1 thereafter), the city's engineering consultant shall adjust the initial thirty thousand dollars ($30,000.00) per gross acre mitigation fee using as a base the latest published Engineering News Record (ENR) Engineering Cost Index published by McGraw Hill Publishers (or such engineering construction cost index as may be established by the city's engineering department) preceding October 1, 2003 with the adjustment on such base index to be made by the latest published index of such engineering construction cost index preceding the commencement of the fiscal year for which such adjustment is to be effective.

(d) There is hereby created the Volunteer Park Wetlands Mitigation Areas Fund. All wetlands mitigation fees collected pursuant to this article VIII shall be deposited into the Volunteer Park Wetlands Mitigation Areas Fund. Monies in this fund shall be disbursed only for construction, restoration, enhancement, management, maintenance, and monitoring activities expended in connection with the city regional off-site mitigation area located within Volunteer Park. Fund monies may also reimburse the city for any consultant, engineering, and legal expenses incurred in the design, permitting, construction, restoration, enhancement, management, maintenance, and monitoring of the city regional off-site mitigation area.
(Ord. No. 2350, § 1(5-215), 8-29-2005)

Editors Note: It should be noted that Exhibit A referenced above is not set out at length herein, but is on file and available for inspection in the office of the city clerk.