

THE TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 572.17

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VI "SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL," OF CHAPTER 14, "ENVIRONMENT," TO ADDRESS LAND FILLING AND LAND DISTURBING ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Council periodically studies land development trends
2 and issues and amends the Town's Land Development Regulations accordingly;
3 and

4 **WHEREAS**, the Town Council has studied the current Code provisions of the
5 Town and finds that certain modifications are necessary and desirable to further
6 regulate the dumping of soil / fill on lots prior to development; and

7 **WHEREAS**, the Town Council held a duly advertised public meeting to
8 consider the proposed modifications to the Town's Land Development Regulations.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
10 **GOLDEN BEACH, FLORIDA:**

11 **Section 1.** That the preceding "Whereas" clauses are ratified and
12 incorporated as a record of the legislative intent of this Ordinance.

13 **Section 2.** That Chapter 58 “Development Standards,” Article VI, “Soil
14 Erosion, Fugitive Dust And Sediment Control,” is hereby amended as follows¹:

15 **CHAPTER 14**

16
17 **ENVIRONMENT**

18
19 * * *

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21 **ARTICLE VI. SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL**

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23
24 **Sec. 14-135. – ~~Purpose and intent~~ Intent.**

- 25
26 (a) Land Disturbing Activities can cause excessive runoff and accelerate the
27 process of soil erosion, resulting in the damage and loss of natural resources,
28 including the degradation of water quality. Such activities can also detract
29 from property values and the high-quality appearance in the Town’s
30 residential neighborhoods.
31
32 (b) In addition, emissions of particulate matter during construction and
33 demolition, including but not limited to incidents caused by vehicular
34 movement, transportation of materials, construction, alteration, demolition
35 and wrecking of buildings or structures, or the stockpiling of particulate
36 substances, may trespass on neighboring properties and degrade air quality.
37
38 (c) The Town finds that:
39
40 (1) Excessive quantities of soil may erode from areas undergoing
41 development due to Land Disturbing Activity.
42
43 (2) Soil erosion can result in the degradation of valuable shoreline resources,
44 such as Dunes and lagoonal shoreline communities.
45
46 (3) Sediment from soil erosion can clog storm sewers and swales, and silt
47 navigational channels.
48
49 (4) Sediment and Sediment- Related Pollutants degrade ecosystems,
50 resulting in the destruction of aquatic life and degradation of water quality.
51
52 (5) Airborne Sediments can constitute a nuisance for adjacent property
53 Owners, and degrade the quality of the air.
54

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

55 (6) The indiscriminant dumping, piling or filling of soil or other materials on
56 vacant properties when no development is imminent (no active site plan
57 application) or development permit has been issued can create eyesores,
58 environments for rodents, and possible damage to nearby properties due
59 to erosion or windblown matter.
60

61
62 **Sec. 14-136. – Purpose.**

63
64 The purpose of this article is to safeguard Persons, safeguard community
65 appearance and property values, protect property, prevent damage to the
66 environment, and promote the public welfare by guiding, regulating and
67 controlling the design, construction, use and maintenance of any
68 development or other activity which disturbs or otherwise results in the
69 movement on earth of land situated in the Town.
70

71 **Sec. 14-137. – Definitions.**

72
73 The following words, terms and phrases, when used in this article, shall have
74 the meanings ascribed to them in this article, except where the context clearly
75 indicates a different meaning:
76

77 *Director* means the Town Manager or designee.

78
79 *Dune* means a hill or ridge of windblown sand and marine deposits formed
80 by action of the wind and water, often stabilized by vegetation indigenous to
81 this formation.
82

83 *Erosion and Sediment Control Plan* means a plan for the control of soil
84 erosion, sedimentation of waters and Sediment-Related Pollutants and
85 Stormwater runoff resulting from land Disturbing Activity.
86

87 *Land Disturbing Activity* means any land change that may result in soil
88 erosion from water or wind and the movement of Sediments and Sediment-
89 Related Pollutants in water, including but not limited to clearing, grading,
90 excavating, transporting and filling of land, and tree removals.
91

92 *Sediment* means the mineral or organic particulate material that is in
93 suspension or has settled in Surface Waters or groundwater.
94

95 *Sediment-Related Pollutants* means substances such as nutrients,
96 pesticides, pathogens, and organic materials that are transmitted with, or in
97 association with, Sediment.
98

99 *Surface Waters* means water above the surface of the ground whether or not
100 flowing through definite channels.

101
102 **Sec. 14-138. – Erosion and Sediment Control Plan and standards.**
103

104 No person shall engage in Land Disturbing Activity until an Erosion and
105 Sediment Control Plan has been submitted and the plan has been approved
106 by the Director. The Erosion and Sediment Control Plan shall comply with the
107 erosion control standards provide in the latest edition of Florida Stormwater
108 Erosion and Sediment Control Inspector’s Manual published by the Florida
109 Department of Environmental Protection Nonpoint Source Management
110 Section as determined to be applicable by the Director at the time of the
111 application. The Director shall require the party responsible for carrying out
112 the Erosion and Sediment Control Plan to submit monitoring reports, as
113 deemed necessary, to determine whether the measures required by the
114 approved Erosion and Sediment Control Plan are being properly performed.
115

116 **Sec. 14-138.1 – Permit required prior to Land Disturbing Activity; Site**
117 **Restoration.**
118

119 (a) Permit Required. No fill materials shall be deposited upon or removed
120 from a property without obtaining a permit from the Town prior to the
121 activity. Fill material shall be suitable for the Town’s geographic location
122 and in no case shall include refuse, debris, junk, organic material or
123 garbage.

124 (b) Site Restoration. All land after filling, including spoil piles, shall be
125 contoured to prevent any water pooling, cleaned and properly treated with
126 topsoil, sprigged or sodded with a lawn grass commonly used in Miami-
127 Dade County, and maintained until growth is self-sustaining. If the
128 demolition site is beachfront property and the landscape architect
129 determines that portions of the site are not suitable for revegetation with
130 any of the lawn grasses commonly used in Miami-Dade County, then the
131 Town Manager or his/her designee may approve revegetation with plants
132 from the list provided in Section 50-11(d)(2).
133

134 **Sec. 14-139. – Exemptions.**
135

136 Minor Land Disturbing Activities, such as home gardens and individual home
137 landscaping, repairs, maintenance work, and other related activities, shall be
138 exempt from the requirements of this article, provided that such activities do
139 not contribute to any on-site generated erosion, or degradation of lands or
140 water beyond the boundaries of the property involved.
141

142 **Sec. 14-140. – Enforcement.**
143

144 (a) Enforcement actions. The Director shall take such actions necessary,
145 including the issuance of notices and violations, the filing of court actions,
146 and/or referral of the matter to code compliance in accordance with

147 chapter 2 of this Code, to require fines and enforce compliance with the
148 provisions of this article and with any regulation or permit issued
149 hereunder.

150
151 (b) Stop work orders. In addition to other remedies for violation as provided
152 in this section, violation of this article shall constitute grounds for the
153 issuance of stop work order by the building official in accordance with the
154 provisions of the Florida Building Code.

155
156 * * *

157 **Section 3.** That if any section, paragraph, sentence or word of this
158 Ordinance or the application thereof to any person or circumstance is held invalid,
159 that the invalidity shall not affect the other sections, paragraphs, sentences, words
160 or application of this Ordinance.

161 **Section 4.** That it is the intention of the Town Council of Golden Beach, and
162 it is therefore ordained, that the provisions of the Ordinance shall become and be
163 made a part of the Town of Golden Beach Code of Ordinances, that sections of this
164 Ordinance may be re-numbered or re-lettered to accomplish such intentions, and
165 that the word "Ordinance" shall be changed to "Section" or other appropriate word.

166 **Section 5.** That all Ordinances, parts of Ordinances, Resolutions or parts of
167 Resolutions in conflict herewith be and the same are hereby repealed to the extent
168 of such conflict.

169 **Section 6.** That this Ordinance shall be in full force and take effect
170 immediately upon its passage and adoption.

171 The Motion to adopt the foregoing Ordinance was offered by Vice Mayor
172 Luskin, seconded by Councilmember Rojas, and on roll call the following vote
173 ensued:

174 Mayor Glenn Singer Aye

175 Vice-Mayor Judy Luskin Aye
176 Councilmember Amy Isackson-Rojas Aye
177 Councilmember Jaime Mendal Aye
178 Councilmember Kenneth Bernstein Absent

179
180
181

PASSED AND ADOPTED on first reading this 25th day of April, 2017.

182 The Motion to adopt the foregoing Ordinance was offered by Vice Mayor
183 Luskin, seconded by Councilmember Bernstein, and on roll call the following vote
184 ensued:

185 Mayor Glenn Singer Aye
186 Vice-Mayor Judy Luskin Aye
187 Councilmember Kenneth Bernstein Aye
188 Councilmember Amy Isackson-Rojas Aye
189 Councilmember Jaime Mendal Aye

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PASSED AND ADOPTED on second reading this 16th day of May, 2017.


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194 ATTEST:

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LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

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204 APPROVED AS TO FORM
205 AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN
TOWN ATTORNEY