

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 547.11**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA AMENDING CHAPTER 66 "ZONING," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS;" DIVISION 5. "SOLAR COLLECTORS AND SATELLITE DISH ANTENNAS" BY REVISING SECTION 66-159. "PERMIT" BY REMOVING CERTAIN LANGUAGE ESTABLISHING AN ANNUAL PERMIT FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 66-159(b) of the Town of Golden Beach (the "Town") Code of Ordinances (the "Town Code") currently requires an annual permit fee for solar collectors and satellite dish antennas; and

**WHEREAS**, the Town Council desires to eliminate this fee as it is no longer necessary to annually review and inspect solar collectors and satellite dish antennas within the Town; and

**WHEREAS**, the Town Council finds this amendment to be in the best interest and welfare of the residents of the Town.

**NOW THEREFORE IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the recitals set forth above are hereby adopted and confirmed.

**Section 2. Amendment.** That Chapter 66 "Zoning," Article IV "Supplementary District Regulations," Division 5. "Solar Collectors and Satellite Dish Antennas," Section 66-159 "Permit" of the Town of Golden Beach Code of Ordinances is hereby amended to read as follows:

**DIVISION 5. SOLAR COLLECTORS AND SATELLITE DISH ANTENNAS**

**Sec. 66-159. Permit.**

a) Anyone wishing to erect an Electromagnetic or Solar Radiation Collector must first submit the location plan together with a lot survey showing the location of the fence and landscaping (designating the height and type of trees and/or shrubs) and a deposit of \$250.00 to defray the cost of investigation by the Town. The applicant shall also submit a scale drawing of abutting lots, structures thereon and the location of windows, porches and openings on the ground level thereof which are to be screened from view from the Antenna or Collector. In addition, the applicant shall submit a certificate from a

State certified testing laboratory or a registered professional engineer that the installation will withstand the maximal winds of a category 3 hurricane (210 kilometers per hour, 130 miles per hour).

(b) Upon approval, a permit will be issued after deducting from the deposit, the costs of investigation. ~~and payment of a \$50.00 (first year) annual permit fee. Thereafter the annual permit fee shall be established by resolution of the Town Council. Failure to pay the annual permit fee shall be grounds for revocation of the permit.~~

~~(e)~~ (b) Upon revocation of the permit, the Collector or Antenna shall be removed within ten days by the property Owner. Failure to remove the Antenna or Collector renders the Antenna or Collector a public nuisance which may be abated in the manner permitted by this Code of Ordinances.

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Inclusion in the Code.** That it is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**Sponsored by Town Administration.**

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

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

**PASSED** on first reading this 28<sup>th</sup> day of June, 2011.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Einstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>

**PASSED AND ADOPTED** on second reading this 15<sup>th</sup> day of November, 2011.

ATTEST:

  
LISSETTE PEREZ  
INTERIM TOWN CLERK

  
MAYOR GLENN SINGER

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
STEPHEN A. HELFMAN  
TOWN ATTORNEY