

ORDINANCE NO. 2007-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED "CONSTRUCTION SAFETY BARRIERS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR MAINTENANCE STANDARDS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Doral wishes to provide security and improve the aesthetic appearance of building sites; and

WHEREAS, the City of Doral has reviewed the proposed regulations provided by this ordinance and finds such regulations accomplish the purposes intended in the least restrictive method possible; and

WHEREAS, the City Council through the adoption of this ordinance seeks to develop a consistent pattern of the construction safety barriers;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That new ordinance of the City of Doral, entitled, "Construction Fence," shall be and it is hereby created to read as follows:

Sec. I Title

This Article shall be known and cited as the "City of Doral Construction Safety Barrier Ordinance."

Sec. 2 Purpose

The purpose of this regulation is to provide security and improve the aesthetic appearance of building sites that are under construction by requiring these sites to enclose the property with fence or wall.

Sec. 3 Regulations

Temporary construction barrier required. The provisions of this section shall apply to residential and nonresidential developments as follows:

- a) “Construction site” shall mean any site, excluding a single residential lot and minor additions and alterations to existing nonresidential structures, upon which construction or demolition work is occurring, or upon which such work has commenced but has not been completed. The provisions of this section shall apply from the time raw building materials are placed on the site until the installation of all building fixtures is completed.
- b) All new construction sites shall be required to secure the property by placing a temporary barrier around perimeter of the subject property and shall implement those security measures reasonably necessary to control access to the site, and to deter vandalism, theft, and other crime by implementing the following provisions
 1. Access points: The number of access points onto the site shall be minimized and, where feasible, situated in locations that are highly visible from an adjacent street.
 2. Temporary construction barrier that are visible from the right-of-way may be constructed with opaque screening and subject to the following design requirements:
 - a. If a chain linked fence is used it must incorporate a fabric vinyl mesh creating an opacity of a minimum of 80%.
 - b. Barrier shall be between 6 to 12 feet in height.
 - c. Fencing shall not contain barbed wire, razor wire, razor ribbon or similar features.
 - d. Construction barriers shall be built and maintained in place in accordance with the building code for the entire duration of the construction activity or until the fence is approved to be removed by the City Manager or designee.
 - e. Sites that contain multiple buildings shall maintain the construction fence around the portion of the site and buildings under construction as determined by the City Manager or Designee.
 - f. Vehicle and pedestrian access gates shall not be covered. Fencing shall not be covered for the first 20 feet in lineal length, or greater where necessary for sight distance control, on each side of a gate.
 - g. All vehicle and pedestrian openings shall have gates secured after hours of operation by a padlock(s) designed to prohibit cutting of the shackle; and Coil chain minimum 30 grade at least 3/8-inch thick or Cable at least 5/16-inch thick.

(c) Permits Required. Prior to the installation of the construction barrier, the applicable building permits must be issued by the Building Department. In addition, a dimensioned site plan identifying the location of the fence must be submitted.

Sec. 4 Exceptions

The following activities are exempt from installing a construction barrier:

- (a) Exterior improvements that will be completed two weeks from the date of the permit issuance.
- (b) Emergency repairs necessary to protect the health, safety and welfare of the community.
- (c) Construction activities that occur within an existing, completely enclosed, opaque fence or wall that will not be disturbed due to the construction activity.
- (d) Landscape improvements.
- (e) Plant removal
- (f) Interior Building Construction Activities
- (g) Exterior Painting or cosmetic material finishing repairs.
- (h) Street and infrastructure improvements.
- (i) Any improvements that take place within the public Right-of-Way.

Sec. 5 Signage

(a) Signage placed on construction barrier. Signage identifying the nature of the property's current development, contractor's information, leasing information, corporate logos and renditions of the future development may be permitted on the construction barrier no greater than 10% of the total barrier area and subject to the following conditions:

1. Signs may extend to up to two (2) feet above then the height of the construction barrier.
2. Signs must be affixed in a way that they do not pose a safety concern to the public's health or welfare.
3. Off-site advertising is prohibited.

(b) Murals and other decorative elements. In addition to the maximum permitted signage permitted on construction barrier, decorative murals that do not specifically advertise the development, may be placed on the construction fence no more than 15% of the total area of the construction barrier and subject to the following design requirements:

1. Letters, logos and numbers are prohibited.
2. May not contain any rendition of the proposed development or element of the proposed development.

(c) Permits Required. Signage plans must be submitted and approved by the Planning and Zoning Department. The submittal package must include the following:

1. Cover letter briefly describing the signage plan.
2. A dimensioned color elevation identifying the location and area (in square feet) of the proposed signage and mural.

Sec. 6 Enforcement

(a) Violations of any provision of this code will result in enforcement action being taken by the Code Compliance Division in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and the City Council.

(b) A sign must be clearly placed pursuant to Section 810.09 of the Florida Statutes which explicitly states the following: "THIS AREA IS A DESIGNATED construction SITE, and ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY"

Section 3. Severability. That if any section, subsection, sentence, clause, Phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; 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. This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Van Name, who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Absent
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon first reading the 24th day of January, 2007.

PASSED AND ADOPTED upon second reading the 12th day of February, 2007.



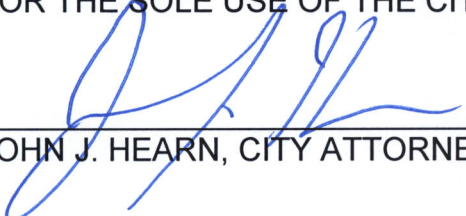
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE SOLE USE OF THE CITY OF DORAL:



JOHN J. HEARN, CITY ATTORNEY