

# TOWN OF GULF STREAM



## CONSTRUCTION SITE MANAGEMENT HANDBOOK

ADOPTED: JULY 21, 1995

REVISED: May 11, 2018

Edited: April 17, 2019

I \_\_\_\_\_, swear (affirm) that I have read the Town of Gulf Stream's Construction Site Management Handbook in its entirety and do hereby agree to comply with all provisions in this document. I further understand that I am responsible for all citations issued for violations of the provisions of this handbook.

---

Address

---

City and State

---

Witness

---

Signature

---

Date

This handbook has been adopted in accordance with Town Ordinance No. 95/4 and Town Resolution 95-8, and revised by Resolution 8-4, 014-15, 16-11, and 18-03. The rules and regulations in this handbook apply to all construction sites and are a condition of all primary building permits issued by the Town or any permit for which a fee is charged on a single permit job. Failure to follow these regulations, or any plans and documents approved by the Town pursuant to this Handbook, may result in a Stop Work Order, and repeated violations may result in the revocation of a contractor's Town Occupational Registration and/or all building permits.



## TOWN OF GULF STREAM



## CONSTRUCTION SITE MANAGEMENT HANDBOOK

ADOPTED: JULY 21, 1995

REVISED: May 11, 2018

Edited: April 17, 2019

**MUST BE POSTED  
AT JOB SITE  
WITH PERMIT**

This handbook has been adopted in accordance with Town Ordinance No. 95/4 and Town Resolution 95-8, and revised by Resolution 8-4, 014-15, 16-11, and 18-03. The rules and regulations in this handbook apply to all construction sites and are a condition of all primary building permits issued by the Town or any permit for which a fee is charged on a single permit job. Failure to follow these regulations, or any plans and documents approved by the Town pursuant to this Handbook, may result in a Stop Work Order, and repeated violations may result in the revocation of a contractor's Town Occupational Registration and/or all building permits.

# **TOWN OF GULF STREAM CONSTRUCTION SITE MANAGEMENT HANDBOOK**

## **I. INTRODUCTION**

This handbook has been developed by the Town of Gulf Stream to familiarize contractors with the Town's rules and regulations regarding construction sites and to minimize problems and delays in completing construction projects. The Town is fully aware that building construction is a complex and difficult process even under the best of conditions. Problems do and will arise. However, through careful thought and planning prior to beginning the process, the Town believes the number and severity of problems can be reduced or avoided altogether.

This handbook addresses the most common problems experienced by contractors, residents and the Town government during construction projects. While the handbook is comprehensive and its rules and regulations apply to all construction sites, the Town intends to administrate it **using a cooperative, common sense approach**. Just as the type and degree of potential problems vary greatly from site to site, so too will the administration of these rules and regulations vary. Accordingly, all parties are encouraged to focus on the *objective* of a particular rule or regulation rather than on the specific *methods* suggested for achieving that goal. If there is a better method, it will be considered. With the help of all parties, the Town believes the handbook can be administrated fairly, while also permitting a great deal of flexibility.

The Town Planning and Building Administrator have been charged with implementing these rules and regulations and all questions and comments should be directed to him. However, any contractor **or neighboring property owner** who is aggrieved by the Planning and Building Administrator's application of these regulations may appeal to the Town Commission for relief as provided in Chapter 66, Article V:4. of the Town Code of Ordinances. Please note, however, that while the Planning and Building Administrator has the primary responsibility for enforcing these rules and regulations, the Police Department, Town Manager and Town Clerk also may enforce these provisions.

## **II. APPLICABILITY**

This handbook was adopted in accordance with Ordinance No. 95/4 and Resolution 95-8 and revised by Resolutions 008-4, 14-15, 16-11 and 18-03 all of which are attached in Appendix A. The rules and regulations in this handbook shall apply to all construction sites and **shall become a condition of the primary building permit or any permit for which a fee is charged on a single permit job**. A construction site is any real property, dwelling unit, structure or building for which one or more building permits has been issued by the Town and/or County, including those with inactive or expired building permits where construction activities have been initiated but not completed. Failure to follow these regulations, or any plans and documents approved by the Town pursuant to them, may result in a Stop Work Order by the Town, and repeated violations may result in the revocation of a contractor's Town Occupational Registration and/or all building permits.

For purposes of administrating this handbook **the contractor paying the fee and property owner shall be jointly accountable** for all responsibilities assigned by this Handbook to the "contractor." However, to avoid confusion and delays, a principal contact with the either the contractor or the property owner should be established with the Town at the time the primary building permit is issued.

## **III. PRE-CONSTRUCTION MEETING**

Prior to making an application for a building permit, contractors are encouraged to meet with the Town Planning and Building Administrator to review the applicable rules and regulations contained in this handbook. Construction site plans, other drawings and/or documents pertinent to construction operations may be required before the building permit can be issued. Compliance with these rules and regulations shall become a condition of the building permit, **and acceptance of the building permit by the contractor shall serve as an acknowledgement of this condition**.

## IV. RULES AND REGULATIONS

### 1. OFF-SITE DAMAGE AND DAMAGE BOND

#### Off-Site Damage

The contractor shall be responsible for all off-site damage to roads, rights-of-way, easements, utilities and private property caused by any activity related to his construction site. This includes damage by his employees, sub-contractors and suppliers.

Several of the rules and regulations in this handbook are intended to prevent or minimize off-site damage. **Accordingly, the contractor needs to inform all employees, sub-contractors and suppliers of these rules and regulations and the high potential for off-site damage due to the presence of narrow streets, tight comers, and extremely soft shoulders.**

The above notwithstanding, the Town recognizes that accidents can happen. In those instances, the contractor needs to take the following actions:

1. Inform the Town Police Department immediately as to the location and extent of the damage.
2. Inform the Town as to how the incident occurred and the parties involved.
3. Inform of the Town as to the corrective actions that will be taken and when they will be completed. (All repairs should be made within 24 hours or as soon as practical.)
4. Inform the Town as to the actions to be taken to prevent the accident from occurring again in the future.

If the above actions are followed, there should be few problems. However, repeated damages, particularly of the same type, such as running off the road, will not be tolerated even if they are continually repaired. It is the Town's goal to **prevent** off-site damages, not to simply repair them when they occur.

#### Off-Site Damage Bond

Prior to beginning any work, the Town will require a \$5,000 cash bond be posted to cover repairs to damaged road rights-of-way, utilities and private properties caused by activities related to the construction site. **In no way, however, shall the posting of the bond act as a transfer of responsibility for repairs from the contractor and those causing the damage to the Town.** The bond shall be used only as a last resort where the contractor refuses to correct the situation in a timely manner.

All remaining proceeds from the bond, if any, will be fully refunded upon written request from the depositor within ninety days after the Certificate of Occupancy or Completion has been issued. If the amount of the bond is not enough to cover any unrepaired damage at the conclusion of the project, the Certificate of Occupancy/Completion shall be withheld until all damage is repaired.

Projects required to post a bond include:

1. Those with improvements valued at \$25,000 or more involving exterior alterations and which have three or more permitted sub-contractors
2. Those with improvements valued at \$10,000 or more that will use heavy equipment, such as semi's, cranes, pile drivers, cement trucks, tree movers, dump trucks, bulldozers, backhoes, and other large earth moving equipment.
3. Those with contractors or suppliers who have failed to correct damages in the past.

### 2. VEGETATION PROTECTION

Prior to beginning any site work, all existing vegetation to be maintained or relocated shall be fenced or otherwise protected from damage, including the provision of temporary irrigation where necessary. No work shall commence until the Planning and Building Administrator reviews and approves the protection measures.

### 3. PERMIT POSTING

All Town and County Building Permits shall be posted in a single, conspicuous location at the front of the site. One complete set of approved plans shall be maintained on-site at all times.

## 4. TRAILERS/DUMPSTERS/PORTABLE TOILETS

Construction trailers, dumpsters and/or portable toilets may be used provided the requirements listed below are met. Prior to locating any of these facilities on a site, a plan indicating their locations and other pertinent information shall be submitted to the Planning and Building Administrator for approval. Prior to the issuance of Certificate of Occupancy/Completion, all such facilities shall be removed from the site.

### Trailers

Construction trailers may be permitted for a period of up to 12 months provided the following are met:

1. The trailer shall not exceed 500 square feet.
2. Where practical, the trailer shall be parked perpendicular to the street or otherwise be screened from view from the street.
3. Where practical, the trailer shall be located at least 10 feet from all property lines.
4. Time extensions of longer than 12 months may be granted by the Town Commission only upon a finding that the need for the extension did not arise solely from the actions or inactions of the contractor and that failure to grant the extension would cause an undue hardship and delay in completing the project.
5. The trailer shall not be located on the site until a building permit has been issued for the project and appropriate installation permits are issued for the trailer.

### Dumpsters

Roll-off dumpsters shall be provided on all sites as follows:

1. The dumpster shall be provided only by the Town's franchised operator.
2. To the extent practical, dumpsters shall be positioned perpendicular to the street or otherwise be screened from view from the street.
3. To the extent practical, dumpsters shall be located at least 10 feet from all property lines.
4. Trash piles, other than vegetation, are prohibited.
5. Burning of any material is prohibited.

### Portable Toilets

Portable toilets may be permitted provided the following are met:

1. To the extent practical, they shall not face the street.
2. To the extent practical, they shall be located at least 10 feet from all property lines.

## 5. SUB-CONTRACTORS

It shall be the responsibility of the contractor to ensure that all sub-contractors and suppliers are aware of and follow all rules and regulations contained in this handbook. Contractor shall be jointly and severally liable for all fines and penalties issued to sub-contractors under section V. Fines and Penalties. All such offenses by Contractor's sub-contractors shall be applied cumulatively to the Contractor.

Further, it shall be the responsibility of the general contractor to ensure that all sub-contractors are registered with the Town in accordance with Sec. 10-1. of the Town Code of Ordinances.

**The Town reserves the right to stop all work on a site until registration by all contractors on a site can be verified.**

At the conclusion of the construction, but prior to the issuance of a Certificate of Occupancy/Completion, the contractor shall provide the Town Planning and Building Administrator with a list of sub-contractors used on the project. **The Certificate of Occupancy/Completion shall not be issued until the Planning and Building Administrator verifies that all sub-contractors are registered with the Town.**

## 6. EROSION AND STORMWATER CONTROL

Appropriate erosion and stormwater control methods shall be used during construction to prevent adverse impacts to neighboring properties and adjoining streets. This may necessitate the creation and maintenance of temporary swales, retention areas and/or berms.

To prevent dirt from being tracked onto adjoining streets, parking areas should be covered with appropriate, compacted materials. **Dirt and mud tracked onto adjoining streets shall be swept daily, and hosed or mechanically cleaned weekly if necessary.**

## 7. WORKING HOURS

The working hours specified in the Construction and Maintenance Activities Ordinance (see Appendix B) shall be strictly observed.

## 8. PARKING

### On-Site Parking

All vehicles associated with the construction or construction personnel shall be parked completely on the construction site and/or an alternate location approved by the Planning and Building Administrator.

**Parking on rights-of-way or other locations not approved by the Planning and Building Administrator is prohibited.** On-site parking areas should be covered with a suitable, compacted material to prevent dirt and mud from being tracked or washed onto adjacent streets and properties. Washing or repairing vehicles anywhere in the Town is prohibited.

### Alternate Parking Sites

Alternate parking sites may be approved by the Planning and Building Administrator provided the following requirements are met:

1. The owner of the alternate parking site has granted written permission.
2. The alternate parking area is composed of a suitable, compacted surface.
3. The parking area is prepared in such a manner so as to prevent erosion and stormwater runoff onto streets and neighboring properties.
4. No significant vegetation (non-invasive trees or shrubs with a caliper of 4 inches or greater) or topographic features shall be removed or disturbed.
5. Alternate parking sites shall be used for parking only. Washing or maintaining construction-related vehicles is prohibited as are all other activities related to the construction site.
6. Alternate parking sites shall be kept free of litter and other debris.
7. A plan shall be prepared showing the number and location of vehicle parking spaces.
8. Use of the alternate parking site shall not cause a traffic hazard or cause a significant disruption to the privacy and peaceful enjoyment of neighboring properties.
9. Prior to the issuance of Certificate of Occupancy/Completion for the construction site, the alternate parking site shall be restored to a condition and appearance better than or equivalent to the condition and appearance prior to the use as an alternate parking site.

## 9. TRUCKS AND CRANES

### Designated Staging Area

For all construction in the Town except the Place Au Soleil District, which includes wider streets that are easier to navigate, a staging area is hereby designated as the northbound or southbound shoulder of State Road A1A, between 1919 North Ocean Boulevard on the South, and 2411 North Ocean Boulevard on the North (“designated staging area”).

### Trucks

Due to the narrow streets, tight corners, very soft shoulders, and instable road-base conditions in Town, semi-trailers and trucks over 9 tons (when loaded) (“large trucks”) are discouraged on all Town streets. Accordingly, contractors are strongly encouraged to use smaller vehicles and notify their suppliers to do likewise.

In the event an alternate delivery vehicle cannot be arranged, all large trucks shall proceed to the designated staging area and await a **mandatory police escort**. To avoid delays, general contractors are encouraged to notify the Police Department of their pending arrival at least two hours in advance to coordinate the mandatory police escort.

#### Cranes

All cranes shall proceed to the designated staging area and await a **mandatory police escort**. To avoid delays, general contractors are encouraged to notify the Police Department of their pending arrival at least two hours in advance to coordinate the mandatory police escort.

#### Property Damage by Trucks or Cranes

The drivers of large trucks or cranes and the general contractor shall be jointly and severally liable for any and all damage caused to property in the Town, such as rights-of-ways, roads, utilities, and private properties.

## **10. LOADING AND UNLOADING**

To the extent possible, loading and unloading of supplies and personnel shall be done so as to create no disruption to traffic on public or private streets. If a single lane of traffic is to be blocked for more than 15 minutes, or both lanes of traffic are to be blocked for more than five minutes, the Police Department shall be notified at least two hours in advance of the blockage. In no event, however, shall both lanes be blocked for more than 15 continuous minutes. Further, the Police Department shall be notified at least two hours in advance of any lane blockage on State Road A1A of greater than 5 minutes. **The Police Department shall have the authority to modify these provisions at any time as deemed necessary to maintain safe operating conditions on all public and private roadways in Town.**

## **11. BUILDING MATERIALS STORAGE AND SITE MAINTENANCE**

#### Building Materials Storage

The delivery of building materials should be timed with the phases of construction such that **no material is stored on-site for longer than 14 days before installation**. Materials including, but not limited to: lumber, concrete block, brick, sand, roof tile and rebar shall be stored and kept in an orderly manner. Dirt piles and exposed earth shall be covered or treated to prevent blowing dust.

Where practical, no material may be stored on a roof for longer than four days and never over a weekend, weather permitting. In any case, the general contractor shall be responsible for any and all damage caused by materials blown off of a roof.

#### Site Maintenance

**At a minimum, construction sites shall be cleaned each Friday.** This includes disposing of all waste material, straightening all stored materials, and generally checking to see that the site and adjoining streets meet all rules and regulations in this handbook. All construction waste shall be disposed of in a dumpster. Piles of debris are prohibited.

#### Wind Storm Preparations

Upon the issuance of a windstorm/hurricane warning by the National Weather Service, contractors shall take all measures practical to secure all materials and structures from being blown onto other properties. During such events, all restrictions on working hours will be suspended by the Town.

## **12. LITTER**

Litter of any type is prohibited. Contractors shall ensure that all litter, garbage and trash generated by on-site personnel and suppliers are disposed of properly. Repeated violations shall result in tickets and fines for littering to both the offending party and the general contractor.

## 13. NOISE

### Seasonal Noise Restrictions

The seasonal noise restrictions specified in the Construction and Maintenance Activities Ordinance (see Appendix B) shall be strictly observed.

### Radios

Contractors are requested to respect the privacy of neighboring properties and **use good common sense in the location and volume of radios** and other audio devices. In general, the sound from radios should not be detectable from adjacent properties. Failure to use common sense in controlling such devices shall result in their prohibition.

## 14. OCCUPANCY

Occupancy of any structure without a Certificate of Occupancy is prohibited. This prohibition includes the temporary occupation of the structure under construction by security or other personnel.

## 15. EMERGENCY MEASURES DURING STORM EVENTS

Removal and securing of construction materials during tropical storm and hurricane warning or watch shall be required.

### Securing, Storing, or Removing Construction Materials

When the National Weather Service, National Hurricane Center or appropriate weather agency shall declare a tropical storm watch or warning or a hurricane watch or warning for any portion of Palm Beach County, Florida, all construction materials, including roof tiles, roll -off dumpsters, and debris on all building and construction sites within the Town shall within 24 hours of such declaration be secured, stored, or removed so as not to create a safety hazard because of hurricane or tropical storm force winds.

Materials stockpiled on top of any structure under construction shall be permanently installed by the property owner or contractor upon issuance of a tropical storm watch or warning or a hurricane watch or warning; provided, however, in the event such installation cannot be timely completed, then the property owner or contractor shall:

- a. Band together the construction materials and mechanically fasten them to the top of the structure in such a manner so as not to present a threat of their becoming airborne during a tropical storm or hurricane; or
- b. Remove the construction materials from the top of the structure and mechanically tie down to the ground; or
- c. Remove the construction materials from the job site; or
- d. Store the construction materials inside a protected structure.

### Notice of Applicable Conditions

Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a tropical storm watch or warning or a hurricane watch or warning shall be deemed sufficient notice to the owner of real property upon which construction is occurring or any contractor responsible for said construction to secure, store or remove loose construction debris and loose construction materials against the effects of high winds.

Construction materials, roll-off dumpsters, or debris shall remain secured, stored, or removed from the property until the National Weather Service, National Hurricane Center or other appropriate weather agency has removed all portions of Palm Beach County from those areas included in a tropical storm watch or warning or a hurricane watch or warning

### Violations

It shall be the joint responsibility of the owner and general contractor to remove, secure or to see to the removal or securing of all construction materials and debris as set forth in this section.

If the Town Manager determines in his sole discretion that construction materials on a building or construction site have not been timely or sufficiently secured, stored, or removed, then in addition to all other remedies provided in the Construction Site Management Handbook, Code of Ordinances, and otherwise by law, the Town may take whatever emergency action it deems necessary to secure, store or remove all loose construction materials and debris including, but not limited to, roof tiles, roll-off dumpsters and roofing materials. In such circumstances, the Town shall bill the property owner or the property owner's agent for all charges and expenses incurred whether incurred by the utilization of Town personnel and materials or other outside contractors retained by the Town for these purposes. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the Town to utilize a competitive bid process to select a contractor or contractors. Should the bill for such services remain unpaid for a period of 30 days or more, the Town may record a claim of lien encumbering the property and thereafter proceed according to law to enforce said lien.

## **V. FINES AND PENALTIES**

Failure to comply with the rules and regulations contained in this handbook, or with the plans and documents approved by the Planning and Building Administrator pursuant to this handbook, shall result in the following actions. For the purposes of this Handbook, uncorrected violations shall be considered separate violations for each day they go uncorrected.

### **FIRST OFFENSE/WARNING**

1. An oral warning;
2. A written warning; and/or
3. A Stop Work Order.

### **SECOND OFFENSE/WARNING**

Any of the actions listed under First Offense/Warning;

1. A written Notice to Appear in Circuit court; and/or
2. A fine payable to the Town of Gulf Stream in the amount of \$250.00; and/or
3. Fines as specified in Sec. 1-15. of Town Code of Ordinances; and/or
4. Cashing of damage bonds; and/or
5. A written notice to appear before the Gulf Stream Code Enforcement Special Magistrate

### **THIRD OR MORE OFFENSES/WARNINGS**

Any of the actions listed under First or Second Offenses/Warnings;

1. A fine payable to the Town of Gulf Stream in the amount of \$500.00; and/or
2. Revocation of Town Occupational Registration; and/or
3. Revocation of building permits; and/or
4. Liens against the property for any and all expenses incurred by the Town to mitigate any violations.

The above may be issued by the Planning and Building Administrator, any Town Police Officer, the Town Manager or the Town Clerk; however, all offenses/warnings shall be cumulative regardless of who issued them.

**The above notwithstanding, nothing herein shall preclude the Town or its employees from taking any and all actions permissible under federal, state and local laws to enforce, cite or correct violations of federal, state or local laws which may or may not be covered in this Handbook.**

**APPENDIX A**

Gulf Stream Town Ordinance No. 95-4: (Requires adoption of Construction Site Management Handbook by Resolution.)

Gulf Stream Town Ordinance No. 95-8: (Adopts Construction Site Management Handbook July 21, 1995.)

Gulf Stream Town Resolution No. 008-4: (Revised Construction Site Management Handbook August 15, 2008)

Gulf Stream Town Resolution No. 014-15 (Revised Construction Site Management Handbook November 14, 2014)

Gulf Stream Town Resolution No. 16-11 (Revised Construction Site Management Handbook November 10, 2016)

Gulf Stream Town Resolution No. 18-03 (Revised Construction Site Management Handbook May 11, 2018)

## APPENDIX B

### Gulf Stream Construction and Maintenance Activities Ordinance (current as of 5/30/2018)

---

#### DIVISION 2. - CONSTRUCTION AND MAINTENANCE ACTIVITIES

##### Sec. 22-66. - Short title.

This division may be cited as the "Construction and Maintenance Activities Ordinance."

(Ord. No. 93-2, § 1, 9-13-93)

##### Sec. 22-67. - Regulated activities.

The following construction and maintenance activities are defined as "regulated activities" for the purposes of this division:

- (1) Demolition, erection, alteration, repair, and similar activities to any structure, building or part thereof;
- (2) Excavating, filling, plowing, grading, compacting, and similar activities involving alteration of the earth;
- (3) Planting, removing, pruning, cutting, grinding, chipping, shredding, mowing, and similar activities involving vegetation and vegetative materials;
- (4) Paving, resurfacing, sealing, pouring and mixing of concrete or cement, installing paver blocks, bricks, gravel or shellrock, and similar activities involving surfacing materials;
- (5) Cleaning, washing, scraping, painting, and similar activities to any structure, building or any part thereof; and
- (6) Practicing any profession, occupation, vocation, or business, the permanent location of which is not in the town.

(Ord. No. 93-2, § 1, 9-13-93)

##### Sec. 22-68. - Same—Regulations.

- (a) During the period beginning on May 1 and ending on December 1, regulated activities may be conducted only on non-holiday weekdays and Saturdays during the hours of 8:00 a.m. to 5:00 p.m.
- (b) During the period beginning on December 1 and ending on May 1, regulated activities may be conducted only on non-holiday weekdays during the hours of 8:00 a.m. to 5:00 p.m.; and on non-holiday Saturdays during the same hours if the activities are conducted in a fully enclosed structure or building such that noise, dust, odors, vibrations, bright lights, or similar effects from such activities are not detectable from other properties.
- (c) Arrival to any area in the Town to perform regulated activities shall be no earlier than 8:00 a.m. and departure no later than 5:00 p.m.
- (d) All regulated activities are prohibited on the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

(Ord. No. 93-2, § 1, 9-13-93)

##### Sec. 22-69. - Restricted activities.

The following construction and maintenance activities are defined as "restricted activities" for the purposes of this division:

- (1) Operation of dredges, whether used in making hydraulic fills, dry fills, pile driving or any other purpose;
- (2) Operation of pile drivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable;
- (3) Operation of dry sand blasting machines, jackhammers, and concrete mixing and/or pumping machines (excluding concrete trucks and hand-turned mixers);

(4) Operation of machinery or conduct of a construction or maintenance activity in such a manner so as to emit noise, dust, odors, exhaust, bright lights, vibrations, or other effects which are similar to the effects of other restricted activities in terms of their extraordinary magnitude and duration and which pose a detriment to the reasonable expectations of comfort, contentment, peace, tranquility, and enjoyment of persons on other properties.

(Ord. No. 93-2, § 1, 9-13-93)

Sec. 22-70. - Same—Restrictions.

During the period beginning December 1 and ending May 1, the conduct of restricted activities is prohibited.

(Ord. No. 93-2, § 1, 9-13-93)

Sec. 22-71. - Exemptions.

- (a) *General exemption.* Property owners, renters, or their employees (but not contractors) may conduct any regulated activity on their respective property from dawn until dusk on any day, including holidays, any time of the year. During the period from dusk until dawn, property owners, renters, or their employees (but not contractors) may conduct any regulated activity on their respective property only in a fully enclosed structure or building such that noise, dust, odors, vibrations, bright lights, or similar effects from the activity are not detectable on other properties.
- (b) *Exemption permits.* The following permits shall be obtained as required to vary from the provisions contained in sections 22-68 and 22-70:
  - (1) *Renewable exemption permit:* For recurring operations associated with conforming, non-residential uses.
  - (2) *Temporary exemption permit:* For specific activities of short duration.
  - (3) *Emergency exemption permit:* For the prevention of substantial property loss, environmental damage, or threats to human health and safety.
- (c) *Permit applications.*
  - (1) *Nonemergency exemption permits.* Applications for nonemergency exemption permits shall be submitted to the town manager and shall, at a minimum, specify the type of exemption requested and justification for the request. The town manager may request additional information as necessary and reasonable to make an informed decision regarding the request.
  - (2) *Emergency exemption permits.* Prior to beginning work, the party conducting the exempt activity shall report the location and nature of the emergency, and the type and duration of the exempt activity(ies) to the town police department and shall obtain authorization to proceed from the police supervisor on duty. If the activity is to be conducted over a period of days, the party conducting the activity shall obtain an exemption permit from the town manager on the next business day following the day the emergency began.
- (d) *Fees.* Applications for exemption permits shall include a \$10.00 processing fee. Fees for emergency exemptions are waived.
- (e) *Application review.* The town manager may deny, grant with conditions, or grant in full an application for an exemption. In reviewing applications for exemptions, the town manager shall make the following findings before granting an exemption request in full or in part:
  - (1) *Nonemergency exemptions.* Authorization of the exemption will not have a detrimental effect on the comfort, contentment, peace, tranquility, and enjoyment of persons on other properties.
  - (2) *Renewable exemptions.* The exemption is necessary to perform an integral and essential operation of the facility.
  - (3) *Temporary exemptions.* The exemption is necessary to prevent substantial financial loss or undue delay in completing a project and the need did not arise solely out of the actions or inactions of the applicant.
  - (4) *Emergency exemptions.* The exemption is necessary to prevent substantial property damage, environmental damage, or threats to human health and safety.
- (f) *Validity.*

- (1) Renewable exemption permits shall be valid for periods of not longer than one year and may be renewed by the town manager as needed in accordance with the provisions of this section.
- (2) Temporary exemption permits shall be valid for periods of not longer than 60 days and may be renewed only by the town commission.
- (3) Emergency exemption permits shall be valid until the threat of substantial property damage, environmental damage, or threats to human health and safety are eliminated.

(Ord. No. 93-2, § 1, 9-13-93)

Sec. 22-72. - Appeals.

Any affected party may appeal the decision of the town manager or other town official with respect to any provision in this division or any permit application submitted hereunder to the town commission under the provisions of section 66-50 et seq.

(Ord. No. 93-2, § 1, 9-13-93)

Secs. 22-73—22-75. - Reserved.