

**TOWN OF JUPITER INLET COLONY  
BUILDING AND ZONING COMMITTEE WORKSHOP  
TOWN HALL, 5:00 PM EASTERN TIME  
50 COLONY ROAD, JUPITER INLET COLONY, FL 33469  
APRIL 21, 2022**

**AGENDA**

1. Call to Order.
2. Roll Call: Earl Fischer (Chair), Russell Bourne (Vice Chair), Butch Harper, William Gilbane, Karl Weintz. Planning and Zoning Administrator: Bill Whiteford
3. Motion to approve prior minutes – January 20, 2022 meeting.
4. Public Comments - items not on the agenda (3 minutes).
5. Workshop Items:
  - a. Nuisance Lighting
  - b. Parking Ordinance
6. Any Other Matters.
7. Motion to Adjourn.

**STATE MANDATED STATEMENT**

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town Administrative Office at 50 Colony Road, Jupiter Inlet Colony, FL 33469, or by telephone at 561-746-3787, prior to the meeting.

**JUPITER INLET COLONY  
BUILDING AND ZONING COMMITTEE MEETING  
JANUARY 20, 2021**

**MINUTES**

1. Call to Order at 5:00 pm by Earl Fischer, Chair. (Note: Meeting was conducted by teleconference due to Covid restrictions, with the applicants and their representatives present in-person only)
2. Roll Call: Earl Fischer, Chair - present, Butch Harper - present, William Gilbane - present, Bob Smith – present (by teleconference). Planning and Zoning Administrator: Bill Whiteford - present. A quorum of the Committee was called by the Chair.
3. Motion to approve prior minutes – December 16, 2021. Motion made by B. Gilbane, second by B. Smith, motion was approved 4-0 without discussion.
4. Public Comments – none.
5. #141 Beacon Lane - new two-story residence with outdoor pool. The P&Z Administrator gave a brief overview of the plans for the residence, which were followed by comments from the architect for the project (Granoff Architects, Greenwich, CT). The P&Z Administrator mentioned that impact review applied to residence and the standards were provided in the back-up material. Matthew Grant, chief architect for the project, responded to the criteria and addressed how the residence took into consideration the neighborhood and surrounding area. B. Smith questioned the lot occupancy, which G. Rager, town surveyor at GeoPoint Surveying, indicated compliance in his report that was provided to the Committee. B. Harper spoke briefly regarding the plans and style of architecture, which is not prevalent in Town, and indicated his support for the residence. B. Gilbane asked if the building schedule had been provided, which Evan Anderson, On-Shore construction responded to by teleconference and the P&Z Administrator indicated was in the back-up material. No one from the public spoke for or against the project. After a brief discussion, B. Harper made a motion to approve the plans as submitted, which was second by B. Smith and approved 4-0 without further consideration.
6. Discussion Item: Impact Review Ordinance (Ord. 02-21) - implementation policy and procedure memorandum (PPM 2022-01). The P&Z Administrator gave an overview of the PPM, which outlined the procedures to implement the ordinance and the methodology to follow in the event formal opposition was voiced by one or more concerned residents during the B&Z Committee review process. The Committee agreed it was important to adopt a policy with procedures to follow in the event opposition was raised and to adopt standards that were made public. The Committee unanimously supported the PPM and directed the P&Z Administrator to proceed with implementation as outlined in the policy.

7. Any Other Matters – The Chair discussed recent issues in town regarding flood lights shining on adjacent properties. Members of the public concurred with the comments regarding lights, especially soffit, decorative, and security lights, especially on construction sites. The P&Z Administrator responded that the issue would be placed on the next agenda as a discussion item.
8. Motion to Adjourn - motion by B. Gilbane, second by B. Harper, motion was approved 4-0 without further discussion. The meeting adjourned at approximately 6:00 p.m.

Approved,

Attest,

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Earl Fischer, Chair

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Town Clerk

Dear Mayor, Commissioners, Building & Zoning volunteers

**LIGHT POLLUTION, LIGHT TRESPASS AND OVER ILLUMINATION IN J.I.C.**

I'm prompted to write to you to resolve a specific complaint but also to table a broader issue for the Colony leadership, per the headline above.

1. I have a new neighbor at 157 Beacon Lane, who has moved into a house and installed exterior lighting in breach of code. The resident, NOT the builder, has installed motion activated security spots on all 4 corners of the property, under the soffit, at 8' height. The devices shine bright white light 270 degrees, with 100 feet of spread. There is no way those devices, wherever they are pointed, whatever bulbs they use, will ever be conforming. One shines directly into my house, but all 4 have light spread that extends significantly past the property boundary. The Mayor assures me that code enforcement will be taking care of this. The Mayor was kind enough to visit my house after dark to see the issue for himself, and expressed his own level of amazement at the extent of the condition.

I do wonder why we allow any motion activated lighting device as most of them are designed to spread light way outside the boundaries of any one yard. Perhaps we need to specify a type of device, clarifying spread and hooding, if they are not to be removed completely.

Clearly, with our outstanding safety record as a town, a compliment of 14 police officers, one road in and out, and an abundance of CCTV cameras, one wonders why new residents feel the need for all this 'security lighting'.

2. Exterior soffit lighting: we have 2 new properties in close proximity on Beacon Lane, with 'excessive exterior soffit lighting'. Obviously, that is a highly personal view, but this lighting would be considered 'over illumination, light polluting, and possibly light trespass' in its own right. Some of these lights are situated in the soffit at 20' off the ground, so their spread is into the street. What is particularly egregious is that at the moment they seem to be left on overnight until dawn. The homeowners are inside the house, rarely in the front yard, yet perhaps feel that polluting the night sky for every other resident is acceptable in the name of appeal/publicity/ostentation/personal taste/security; who knows?

I have had a conversation with a builder, during construction, about the purpose of soffit lighting in the side yards and reached agreement (?) that he would remove them from further designs in JIC. Clearly, that agreement is not codified, but I hope it becomes so. It's impossible for soffit lighting on the side of one house not to intrude on the neighbor. Even today, I had a builder state "people coming here from the North East think they need all this lighting for security and protection, but then quickly realize they don't".

If as a neighborhood we want to limit light pollution, can we not limit the number and types of exterior lighting, and the timing (off by 10pm), or something?

I'm appealing to the Commission to seriously consider how we should treat these issues. Obvious code violations for nuisance is one thing, and will probably address my immediate complaint, but blatant light pollution will require a different level of governance, sensitivity and discrimination. One of the best parts of living in JIC for the past 18 years has been access to the 'starry nights' but that is under threat. I implore you to consider this most seriously, and I attach some more factual perspectives from a few publications to help inform your view on these difficult issues.

Best regards,

*Tony Prosser*

158 Beacon Lane, JIC. April 4<sup>th</sup>, 2022

## Light pollution

“Brightening of the night sky caused by street lights and other man-made sources, which has a disruptive effect on natural cycles and inhibits the observation of stars and planets”. Light pollution is blamed for compromising health, disrupting ecosystems, and spoiling aesthetic environments.

Since people may disagree over whether any particular lighting source is irritating or how important its effects on non-human life are, it is common for one person to consider as light pollution something that another finds desirable. Some types of light pollution are less disputed. For instance, light that *accidentally* crosses a property boundary and annoys a neighbour is generally considered wasted and pollutive.

## Light trespass

Light trespass occurs when unwanted light enters one's property, for instance, by shining over a neighbor's fence. A common light trespass problem occurs when a strong light enters the window of one's home from the outside, causing problems such as [sleep deprivation](#). A number of cities in the U.S. have developed standards for outdoor lighting to protect the rights of their citizens against light trespass. To assist them, the [International Dark-Sky Association](#) has developed a set of model lighting ordinances.<sup>[17]</sup>

The [Dark-Sky Association](#) was started to reduce the light going up into the sky which reduces the visibility of stars (see Skyglow below). This is any light that is emitted more than 90° above [nadir](#). By limiting light at this 90° mark they have also reduced the light output in the 80–90° range which creates most of the light trespass issues.

U.S. federal agencies may also enforce standards and process complaints within their areas of jurisdiction. The [U.S. Green Building Council](#) (USGBC) has also incorporated a credit for reducing the amount of light trespass and sky glow into their environmentally friendly building standard known as [LEED](#).

Light trespass can be reduced by selecting light fixtures that limit the amount of light emitted more than 80° above the nadir. The [IESNA](#) definitions include full cutoff (0%), cutoff (10%), and semi-cutoff (20%). (These definitions also include limits on light emitted above 90° to reduce sky glow.)

## Over-illumination



Over-illumination is the excessive use of light.

In the USA commercial building lighting consumes in excess of 81.68 [terawatts](#) (1999 data) of electricity,<sup>[21]</sup> according to the [DOE](#). Even among developed countries there are large differences in patterns of light use. American cities emit three to five times more light to space per capita compared to German cities.<sup>[22]</sup>

Over-illumination stems from several factors:

- Consensus-based standards or norms that are not based on vision science;<sup>[23]</sup>
- Not using timers, [occupancy sensors](#) or other controls to extinguish lighting when not needed;
- Improper design, by specifying higher levels of light than needed for a given visual task;<sup>[24]</sup>
- Incorrect choice of fixtures or [light bulbs](#), which do not direct light into areas as needed;<sup>[24]</sup>
- Improper selection of hardware to utilize more energy than needed to accomplish the lighting task;
- Incomplete training of building managers and occupants to use lighting systems efficiently;
- Inadequate lighting maintenance resulting in increased [stray light](#) and energy costs;
- "Daylight lighting" demanded by citizens to reduce crime or by shop owners to attract customers;<sup>[25]</sup>
- Substitution of old lamps with more efficient [LEDs](#) using the same electrical power; and
- [Indirect lighting](#) techniques, such as illuminating a vertical wall to bounce light onto the ground.

Most of these issues can be readily corrected with available, inexpensive [technology](#), and with the resolution of landlord/tenant practices that create barriers to rapid correction of these matters. Most importantly, public awareness would need to improve for industrialized countries to realize the large payoff in reducing over-illumination.

## Chapter 9 - NUISANCES

### Sec. 9-1. - Prohibitions.

(a) No person shall erect, keep, maintain or permit on his property, whether real or personal property, vehicles, vessels, or structures of any kind, or any property under his control, any nuisance which shall tend to annoy the community or a portion thereof, or which shall tend to injure the health or morale of the citizens of the municipality.

(b) It is found and declared to be expedient and necessary to the preservation of the public health, comfort, safety and welfare of the inhabitants of the municipality, in which all lots are zoned R1AA, that all lands within the municipality be required to be henceforth kept clean, sanitary and free from overgrown weeds, grasses, brush, shrubs, trees or other vegetation or debris or other relevant matter which, by reason of height, proximity to neighboring structures, physical condition or other peculiar characteristics, might in time of high winds cause damage to life or property, or might be or become a nesting place for rodents and obnoxious insects or be or become a fire hazard or might endanger the health or safety of the inhabitants of the municipality.

(c) It is further found and declared that large trees located within the vicinity of any residence or other building which have reached a height which might render them dangerous to such buildings in the event of high winds or hurricanes, whether located on vacant land or improved land, are hereby declared to be public nuisances and dangerous to buildings in the vicinity thereof, and such trees shall henceforth be removed, topped or pruned to eliminate the danger.

(d) If limbs or branches of trees extend over the land of another, such overhanging limbs or branches shall be removed, pruned or trimmed upon the complaint of the person affected if they are a danger to health and safety.

(e) It is found and declared to be expedient and necessary to the preservation of the public health, comfort, safety and welfare of the inhabitants of the municipality and those involved in vehicular traffic on the roadways in the community to require:

- (1) Pruning of any and all brush, shrubs, or other vegetation so as not to exceed the height of three (3) feet and is within five (5) feet of the paved and public roads, streets or drives of the municipality; and
- (2) Pruning of any trees or other vegetation which may grow over such paved and public roads, streets or drives within the municipality so that no overhanging tree or vegetation shall not provide at least twelve (12) feet of unobstructed visibility and clearance above any such paved and public street, road or drive; and
- (3) Pruning of any existing tree so that no leaves, branches or other growth, other than the main trunk of the tree, is permitted lower than five (5) feet from existing grade within five (5) feet of paved and public roads, streets or drives of the municipality.

(f) It is found and declared to be expedient and necessary to the preservation of the public health, comfort, safety and welfare of the municipality that all dead or substantially dead trees be removed and are hereby declared to be a public nuisance. All such dead or substantially dead trees, shall promptly be removed or cut at ground level by the owner thereof at the owner's expense.

(g) It is found and declared to be expedient and to the preservation of the public health, safety, aesthetics and welfare of the municipality that all vacant lots within the town shall be planted with grass material consisting of Bahia, St. Augustine or Floritam grass or sod. In the event an existing home or structure is demolished resulting in the creation of a vacant lot, the planting required by this section shall be installed within six (6) months of the completion of demolition of the home or structure. All such plantings shall be properly maintained and mowed to a height of not more than five (5) inches. Violations of this subsection may be enforced by the town pursuant to the provisions of Chapter 9 of the Code of Ordinances.

**Sec. 9-2. - Inspection and report to commission.**

In order to protect life and property during periods of high winds and hurricanes, the town shall have all vacant and improved lands inspected during the first twenty (20) days of April of each year, or at such other times as deemed necessary by the commission, and shall ascertain the parcels of vacant or improved land that require clearing, cleaning, trimming or mowing, or tall trees or dead or substantially dead trees that require removal, trimming, topping or pruning. All coconut trees shall be free of coconuts, coconut blooms, and dead or dying fronds. A report, setting forth findings and recommendations, together with the estimated cost of enforcing the provisions of this chapter for each parcel of vacant or improved land benefited, shall be presented to the commission at the next regular commission meeting.

**Sec. 9-3. - Abatement; assessment of costs.**

The town administrator, or designee, shall order such clearing, cleaning, moving, or removal, trimming, topping or pruning of trees, or dead or substantially dead trees, or other abatement deemed necessary to protect the health and safety of this community and to enforce the provisions of this chapter, and shall further order that unless the owner(s) of such land affected complies with the notice of the town administrator, or designee, within thirty (30) days from date of mailing notice to the owner(s), the town administrator, or designee, shall proceed to have the land and vegetation to be benefited, cleaned, cleared, mowed, removed, trimmed, topped or pruned, as has been deemed necessary to enforce the provisions of this chapter. When the town has accomplished the abatement, the cost of abatement plus ten (10) percent for administration, shall be assessed against the vacant or improved land benefited and shall become a lien against the lot benefited, superior to all others except taxes. The town clerk shall file such lien in the official records of Palm Beach County, showing the nature of such lien, the amount thereof, and

an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the name(s) of the owner(s) thereof. Such lien shall bear interest from the date of filing at the rate of twelve (12) percent per annum and shall be enforceable if unsatisfied at the expiration of one (1) year from the date of filing, as other liens may be enforced by the town. Upon notice of an impending county tax deed sale, the town shall request the clerk of the circuit court to collect all monies due the town, including such municipal lien with interest.

**Sec. 9-4. - Notice.**

A notice of abatement in substantially the following form shall be mailed by the town administrator, or designee, by certified mail, return receipt requested, to the address shown on the records of the Palm Beach County Property Appraiser for the record owner(s) of each lot or parcel of land ordered to be trimmed, cleared or mowed, or vegetation or trees to be removed, trimmed, topped or pruned:

Notice of Abatement

Date

To: Owner(s) of Lot # \_\_\_\_\_

You, as the owner(s) of record of the above-described lot, are hereby advised of Notice of Abatement of the following health or safety hazard under the provisions of Code of Ordinances of Jupiter Inlet Colony, Florida, Chapter 9:

- ( ) Lot needs mowing—Estimated cost
- ( ) Overgrown trees or shrubs need trimming—Estimated cost
- ( ) Other abatement under this Code section as follows \_\_\_

Estimated cost \_\_\_\_\_

You are hereby notified that unless the Notice is complied with and the conditions abated to the satisfaction of the Town Administrator, or designee, by the owner(s) of the lot, within thirty (30) days from the date of this Notice or unless the owner(s) of the lot, within fifteen (15) days from the date of this Notice, requests the right to appear before the Town Commission to appeal this Notice, the Commission will have the Notice carried out and the cost of abatement plus ten (10%) percent for administration assessed against Lot # \_\_\_\_\_, and the cost plus ten (10%) percent for administration shall become a lien against the lot described above, said lien superior to all others except taxes. The Town Clerk shall file such lien in the official records of Palm Beach County, showing the nature of such lien, the amount thereof, and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the name(s) of the owner(s) thereof. Such lien shall bear interest from the date of filing at the rate of twelve (12%) percent per annum and shall be enforceable if unsatisfied at the expiration of one (1) year from the date of filing, as

other liens may be enforced by the Town. Upon notice of an impending county tax deed sale, the Town shall request the Clerk of the Circuit Court to collect all monies due the Town, including such municipal lien with interest. In order to avoid filing of the lien, please send your check for the estimated cost of abatement to the Town Clerk within thirty (30) days from the date of this notice.

Town Clerk

**Sec. 9-5. - Appeal.**

Any aggrieved party who wishes to appeal the findings of the town administrator, or designee, or the estimated amount to abate the conditions at the property shall have the right to file a written appeal to the town commission within fifteen (15) days from the date of the notice. Such appeal shall be filed with the town clerk.

**Sec. 9-6. - Hearing.**

The town commission shall provide for a hearing of the appeal at its next regular meeting or at a meeting as soon thereafter as the commission shall determine. Thereafter the commission shall make such findings and/or adjustments as it deems just and proper.

Sec. 9-7. - Hurricane watch; securing of construction sites.

(a) In the event any construction is being performed upon any property within the town and a hurricane watch is issued for an area encompassing the town, the owner of the property and contractor who obtained the building permit shall, within twenty-four (24) hours of issuance of the hurricane watch, be responsible to insure that all construction materials, equipment, debris or other items located or stored on that property are removed, stored or secured so as to not, in the discretion of the building official, present a danger in the event of high winds or hurricane.

(b) In the event the owner and contractor fail to adequately remove, store or secure such materials, equipment, debris or other items as provided in paragraph (a), the building official may have such items removed, stored or secured, and the cost of any such work, including storage fees, may be imposed as a lien against the real property upon which the construction is being performed.

Sec. 9-8. - Land disturbing activities; fugitive dust or blowing sand.

Found here: [https://library.municode.com/fl/jupiter\\_inlet\\_colony/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH9NU\\_S9-8LADIACFUDUBLSA](https://library.municode.com/fl/jupiter_inlet_colony/codes/code_of_ordinances?nodeId=COOR_CH9NU_S9-8LADIACFUDUBLSA)

Sec. 9-9. - Removal of feces.

Found here: [https://library.municode.com/fl/jupiter\\_inlet\\_colony/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH9NU\\_S9-9REFE](https://library.municode.com/fl/jupiter_inlet_colony/codes/code_of_ordinances?nodeId=COOR_CH9NU_S9-9REFE)

**Sec. 9-10. - Noise control—Short title.**

Sections 9-10 through 9-10.8 shall be known and may be cited by the short title of "Town of Jupiter Inlet Colony Noise Control Ordinance."

**Sec. 9-10.1. - Purpose.**

It is the purpose of sections 9-10 through 9-10.8 to prevent, prohibit and provide for the abatement of excessive and unnecessary noise which may injure the health or welfare or degrade the quality of life of the citizens and residents of the Town of Jupiter Inlet Colony. This section shall apply to the control of all sound originating within the limits of this jurisdiction.

**Sec. 9-10.2. - Terminology and standards.**

All terminology used in sections 9-10 through 9-10.8, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor: *A-weighted sound level*. The sound level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dBA.

*Construction*. Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or on public or private property or right-of-way, structures, utilities or similar property, and excluding well pointing.

*Decibel (dB)*. A unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

*Demolition*. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

*Emergency*. Any occurrence or set of circumstances involving actual or eminent physical trauma or property damage which demands immediate action.

*Emergency work*. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Impulse noise*. A discrete noise or series of such noises of short duration (generally less than one (1) second) in which the sound pressure level rises very quickly to a high before decaying to the background level.

*L10 sound level*. The sound level exceeded for more than ten (10) percent of a measurement period which for the purposes of sections 9-10 through 9-10.8 shall not be less than ten (10) minutes.

*Noise*. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise disturbance*. Any sound in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unnecessarily interfere with the

enjoyment of life or property, including outdoor recreation, of a reasonable person with normal sensitivities.

*Person.* Any individual, association, partnership or corporation, and includes any officer, employee, department agency, or instrumentality of the United States, a state or any political subdivision of a state.

*Public right-of-way.* Any street, avenue, boulevard, highway, sidewalk or alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

*Public space.* Any real property or structures thereon normally accessible to the public.

*Pure tone.* Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purpose of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third ( 1/3 ) octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for-center frequencies less than or equal to one hundred fifteen (115) Hz.

*Real property line.* Any imaginary line along with surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person.

*Residential area.* An area of land whose use is designated to provide only permanent housing.

*RMS sound pressure.* The square root of the time averaged square of the sound pressure.

*Sound.* An oscillation in pressure, stress, particle displacement, particle velocity or other physical parameter, in a medium with internal forces. The description of sound may include any characteristic of such sound including duration, intensity and frequency.

*Sound level.* The weighted sound pressure level obtained by the use of a metering characteristic and weighting A, B, or C as specified in American National Standards Institute specification for sound level meters. ANSI S1.4-1971, or in successor publications. If the weighing employed is not indicated, the A-weighting shall apply.

*Sound level meter.* An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighing networks used to measure sound pressure levels. The output meter reads sound pressure levels when properly calibrated, and the instrument is of Type 2 or better, as specified in the American National Standards Institute Publication S1.41971, or its successor publications.

*Sound pressure.* The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by the presence of sound energy.

*Sound pressure level.* Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals ( $2 \times 10^{-6} \text{ N/m}^2$ ). The sound pressure level is denoted  $L_p$  or SPL and is expressed in decibels.

*Weekday.* Any day Monday through Saturday which is not a legal holiday.

Sec. 9-10.3. - Program administration.

(a) The noise control program established by sections 9-10 through 9-10.8 shall be administered by the Police Department of the Town of Jupiter Inlet Colony.

(b) For the purposes of section 9-10.8 and its enforcement, municipal employees or officials engaged in the measurement of noise, assessing compliance with such sections, making recommendations for noise abatement, issuing noise violations citations or giving evidence regarding noise violations shall have received formalized training on these subjects from institutions or organizations of recognized ability and experience in environmental acoustics and noise control.

Sec. 9-10.4. - Inspections.

Upon presentation of proper credentials, a town police officer may enter and/or inspect any private property, place, report or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of sections 9-10 through 9-10.8 may exist. Such inspection may include administration of any necessary tests.

**Sec. 9-10.5. - Noise control—Prohibited acts.**

(a) *Noise disturbances prohibited.* No person shall unnecessarily make, continue or cause to be made or continued any noise disturbances.

(b) *Specific prohibitions.* The following acts, and the causing or permitting thereof in such a manner as to create a noise disturbance across a residential real property line, or at any time in violation of the provisions of section 9-10.8, are hereby declared to be a violation:

- (1) *Radios, television sets, and similar devices.* Operating, playing or permitting the operation or playing of any radio, television, or phonograph, which produces or reproduces sound either mechanically or electronically.
- (2) *Loudspeakers.* Using or operating for any purpose other than those activities specifically exempted in section 9-10.6(3) below, any loudspeaker, loudspeaker system or similar device, including sound emitting devices which may be physically attached to any motor vehicle.
- (3) *Street sales.* Offering for sale, selling or advertising for sale by shouting or outcry, anything within any area of the city.
- (4) *Animals.* Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or otherwise makes sounds which create a noise disturbance.

- (5) *Loading or unloading.* Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance.
- (6) *Construction.* Operating or causing the operation of any tools or equipment used in construction, drilling, excavation, clearing, repair, alteration or demolition work on weekdays during the times specified in section 9-10.8, or at any time during Sundays or legal holidays.
- (7) *Fixed mechanical equipment.* Operating or causing the operation of fixed mechanical equipment located on real property including HVAC equipment, motors, engines, pumps, compressors, fans, tools, machinery, and its component parts, or any other similar stationary mechanical devices and their component parts except as otherwise exempted in section 9-10.6(5).

**Sec. 9-10.6. - Exemptions.**

The following acts and the causing or permitting thereof shall be specifically exempted from the prohibitions of section 9-10.5.

- (1) *Motor vehicles.* Operating motor vehicle noise enforcement procedures shall be as established in F.S. Ch. 316, Florida Statutes, and applicable rules and regulations of the Department of Highway Safety and Motor Vehicles, provided however, that this exemption shall not apply to any sound emitting devices which may be attached to any motor vehicle as prohibited by section 9-10.5(b)(2).
- (2) *Emergency activities.* Any noise generated as a result of emergency work or for the purpose of alerting the public to the existence of an emergency situation.
- (3) *Public speaking and assembly.* Any noise generated by any noncommercial public speaking or public assembly activities conducted pursuant to lawful authority on any public space or right-of-way, including sporting events.
- (4) *Domestic power tools and lawn maintenance equipment.* Any noise generated by the operation and use of domestic power tools and lawn maintenance equipment.
- (5) *Fixed mechanical equipment.* Any noise generated by the operation and use of air conditioning units in residential districts.
- (6) Nonamplified solo musical instrument played by an individual within a private residence between the hours of 9:00 a.m. and 8:30 p.m.

Sec. 9-10.7. - Reserved.

**Sec. 9-10.8. - Sound levels by receiving land use.**

- (a) *Sound limits established.* No person shall operate or cause to be operated any source of sound as enumerated in section 9-10.5, in such a manner as to create an exterior or interior sound level of any origin which exceeds the limits set forth for the receiving land use category in

question for more than ten (10) percent of any measurement period which shall not be less than ten (10) minutes when measured at or within the boundaries of a property or within the confines of a building within the receiving land use and as a result of a source of sound being located on some other property.

(b) *L10 sound level limits.* Permissible sound levels for sounds transmitted to receiving land use areas shall not exceed the following limits for L10 sound levels as defined herein. For the purpose of these noise control provisions, such sound levels shall be determined using fast meter responses:

Receiving Land Use Category	Time	L10 Sound Level Limit (dB)A
Exterior residential	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	55
Interior residential	7:00 a.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45

(c) *Maximum sound level limits.* The maximum sound level from any applicable sound sources shall not exceed the L10 sound level limits by more than the values listed below:

10 (dB)A from 7:00 p.m. to 10:00 p.m.

5 (dB)A from 10:00 p.m. to 7:00 a.m.

(d) *Pure tone and impulse noise.* For any source of sound which emits a pure tone or an impulse noise, as defined herein, the sound level limits for L10 and maximum sound levels shall be reduced by five (5) (dB)A.

**Sec. 9-11. - Property maintenance and appearance standards.**

Owner(s), lessee(s) and occupant(s) of all real properties within the town shall maintain the exterior of the premises in such a manner to conform with all town codes and ordinances; to avoid blighting influences on neighboring properties, and to avoid the creation of hazards to public health, safety and welfare. At a minimum, properties shall be maintained in accordance with the following standards:

(1) The exterior of all premises and every structure thereon, including fences, walls and all parts of the structure and appurtenances where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering or discoloration. All screened enclosures shall be fully screened, properly fitted and maintained. All other surfaces shall be maintained free of broken glass, torn or damaged screens, crumbling stone, brick or stucco, rotten or decayed wood, or other conditions reflective of deterioration or inadequate maintenance.

(2) All surfaces requiring paint or which are otherwise protected from the elements shall be kept painted or protected. Painted surfaces shall be maintained free of graffiti, with uniform colors and void of any evidence of deterioration.

(3) Yard and exterior areas where exposed to public view shall be kept free of debris and accumulations of property, materials and equipment when viewed from adjacent streets and properties. The outdoor storage of vehicle parts, tires, building materials, trash, discarded paper and cardboard, any type of equipment, appliance, furniture or machinery which is normally intended for indoor usage, and other similar accumulations of trash, debris or materials are strictly prohibited.

(4) All landscaped areas shall be maintained in a neat, healthy and orderly manner free from disease, pests, weeds and litter. Grass areas shall be regularly mowed so that grass shall not exceed five (5) inches in height. Landscape maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, pest control or other maintenance, as needed, consistent with acceptable horticultural practices.

Sec. 9-12. - Floating balloons and sky lanterns.

(a) *Definitions.* For the purpose of this section, the following words, terms and phrases shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

*Floating balloon* means a balloon of any type inflated with a gas that is lighter than air.

*Sky lantern* means a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot air balloons used for transporting persons.

(b) *Prohibition.* For the protection of sea turtles and other wildlife, on any property located within the town's corporate limits, no person shall:

- (1) Display, possess or release one (1) or more floating balloons; or
- (2) Display, possess or release one (1) or more sky lanterns.

(c) *Exceptions.* This section shall not prohibit the following activities:

- (1) Possession of floating balloons or sky lanterns where such items are moved from a vehicle or structure to another structure where the resulting exposure of such items to the outdoors is de minimis;
- (2) Display, possession or release of floating balloons indoors;
- (3) Display, possession or release of sky lanterns indoors; or
- (4) Display, possession or release of floating balloons by a governmental agency for scientific or meteorological purposes.

Sec. 9-13. - Balloons prohibited.

For the protection of sea turtles and other wildlife, no person shall display, release or distribute balloons of any kind on the municipal beach property or area or otherwise on public property. This prohibition shall not apply to the display, release or distribution of balloons by a governmental agency for scientific or meteorological purposes.

## Chapter 10 - OFFENSES

Sec. 10-1. - Adoption of state law misdemeanors.

The commission, while in the municipality, of any misdemeanor set forth in the general laws of the state, or any amendment thereto, is hereby declared to be a violation of the laws of this municipality and upon conviction may be punished as set forth for a violation of this Code.

State Law reference— See Florida Statutes general index under heading "Crimes" for listing of state law misdemeanors.

Sec. 10-2. - Distribution of circulars and handbills.

No person shall distribute or otherwise circulate handbills or other forms of printed advertising matter of any kind within the municipality without first obtaining a permit to do so from the clerk provided that this section in no way restricts the distribution of newspapers and magazines.

Sec. 10-3. - Reserved.

Sec. 10-4. - Permit required for fires; fire regulations.

(a) It shall be unlawful for any person to set a fire or bonfire on the public beach or other public place within the corporate limits of the municipality without first receiving a permit to do so from the town administrator, or designee. No pretreated wood or lumber shall be used in any such fire or bonfire.

(b) No permit shall be required for an individual to set an outdoor fire on private property provided the property owner, or individual setting a fire, shall comply with the following:

- (1) All fires or bonfires shall be placed in a firepit or other contained area and shall not be allowed to burn on the open ground or yard area; and
- (2) The property owner, or individual setting the fire, shall have water present in the immediate vicinity of the fire by virtue of a hose with direct access to the water supply or a five-gallon container of water in order to control or contain the fire and flames; and
- (3) Fires or bonfires shall be permitted only in the rear yards of a residential property; and
- (4) No pretreated wood or lumber shall be used in any fire or bonfire.

Sec. 10-5. - Property damage by minors; responsibility for.

Any parent or guardian of any minor who causes or does any damage to property, either public or private, shall be responsible and liable for any such damage done.

Sec. 10-6. - Submission of information required upon rental of real property.

Within ten (10) days from the effective date of any rental agreement, whether written or oral, involving any real property within the town, the owner of the real property, or his agent, shall provide, in writing, to the town clerk the following information:

- (1) The names of all tenants.
- (2) The length of the lease agreement; provided no single-family residential dwelling shall be leased for a term of less than thirty (30) days and a dwelling or structure may not be leased more frequently than three (3) times in any calendar year.
- (3) A forwarding address and telephone number at which the owner may be contacted.
- (4) The name and the business address of any realtor or agent to be contacted in the absence of the owner.

## **Chapter 11 - PEDDLERS AND SOLICITORS**

### ARTICLE I. - IN GENERAL

#### **Sec. 11-1. - Loud noises and amplifying devices.**

No peddler nor any person in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks, easements, beaches or other places of the municipality or upon any private premises in the municipality where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, easements, beaches or other public places for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

#### Sec. 11-2. - Use of public streets.

No peddler shall have exclusive right to any location in the public streets or beaches, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operation might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

#### Sec. 11-3. - Charitable solicitations.

*Found here:* [https://library.municode.com/fl/jupiter\\_inlet\\_colony/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH11PESO\\_ARTIINGE\\_S11-3CHSO](https://library.municode.com/fl/jupiter_inlet_colony/codes/code_of_ordinances?nodeId=COOR_CH11PESO_ARTIINGE_S11-3CHSO)

#### Secs. 11-4—11-9. - Reserved.

### ARTICLE II. - GARAGE SALES

*Found here:* [https://library.municode.com/fl/jupiter\\_inlet\\_colony/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH11PESO\\_ARTIIGASA](https://library.municode.com/fl/jupiter_inlet_colony/codes/code_of_ordinances?nodeId=COOR_CH11PESO_ARTIIGASA)

ORDINANCE NO. \_\_\_\_-2021

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA AMENDING CHAPTER 17 TRAFFIC AND MOTOR VEHICLES, SECTION 17-5 PARKING REGULATIONS; CONSTRUCTION SITES; SERVICE VEHICLES OF THE CODE OF ORDINANCES OF THE TOWN OF JUPITER INLET COLONY, FLORIDA IN ORDER TO AMEND TO REGULATIONS PERTAINING TO THE PARKING OF VEHICLES AT CONSTRUCTION SITES; PROVIDING FOR ENFORCEMENT; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AS FOLLOWS:

SECTION 1. CHAPTER 17 TRAFFIC AND MOTOR VEHICLES, *Section 17-5 Parking regulations; construction sites; service vehicles* of the Code of Ordinances of the Town of Jupiter Inlet Colony, Florida are hereby amended as follows:

Sec. 17-5. - Parking regulations; construction sites; service vehicles.

- (a) The following regulations shall apply to the parking of all vehicles at or near a construction site at which any Ttown permit(s) have been issued authorizing said construction. All vehicles shall be parked in compliance with this Ssection in the order of priority or sequence as follows:
  - (1) All vehicles associated with construction sites shall park on the specific property in the front, side or back yard(s) of the site. When all available site spaces are used, then parking shall be conducted as provided by subsection (2) below.
  - (2) Vehicles shall next be parked in the swale (which is ~~normally~~ typically a ten-foot wide area off of the road pavement) directly in front of the specific construction site, ~~with vehicles parked in the direction of traffic parallel to the paved roadway.~~ If practical, vehicles parked in the swale shall be parked perpendicular to the right-of-way. In the event parking in the swale is utilized, a temporary stabilized surface consisting of crushed rock or similar materials extending a minimum of fifteen (15) feet from the road pavement is required. When all available space in the swale area is utilized then parking shall be conducted as set forth in subsection (3) below.
  - (3) Upon obtaining written permission from the real property owner, vehicles shall next be parked on empty lots and other privately owned property driveways. If written permission from the owner is not obtained or when all

available space is utilized, then parking shall be conducted as set forth in subsection (4) below.

(4) Vehicles shall be parked on the paved portion of the Town roadways directly in front of the specific construction site only as a last resort. Before any vehicles are parked on the paved roadway, all driveways on the construction site shall be utilized for the parking of construction vehicles. Except as set forth in this subsection, no vehicles related to the construction activity shall be parked on the paved portion of the Town roadways.

(5) For all deliveries from large or over-sized vehicles, the contractor is required to provide a flag person to direct traffic around the vehicle. Large vehicles are defined as commercial or heavy trucks such as furniture delivery trucks, concrete trucks, cabinet delivery trucks, building material(s) delivery trucks, and the like. In addition, the contractor is required to coordinate any such deliveries with the town police department.

(6) All State of Florida on-street parking provisions shall be followed as set forth in F.S. § 316.1945(1)(b)(1)-(4), i.e., no vehicles shall:

- a. Block a driveway or mail box (except at the subject construction site).
- b. Park within fifteen (15) feet of a fire hydrant.
- c. Park within twenty (20) feet of a crosswalk.
- d. Park within thirty (30) feet of a stop sign.

(b) All service vehicles or vehicles of service personnel who are actually conducting business within the Town shall be parked on the driveway(s) of the property at which the service is being performed. In the event such vehicles and equipment cannot physically be parked in such driveway due to their size, then such vehicle or equipment may be parked on the paved area of a public street provided that such vehicle or equipment is parked on the same side of the street directly in front of the property upon which the business is being conducted; does not obstruct traffic or otherwise create a safety hazard; and does not otherwise violate subsection (a)(6) of this Section. For purposes of this Section, "service vehicles" or "vehicles of service personnel" shall include, but not be limited to, trucks, cargo vans, trailers and similar vehicles and equipment utilized by lawn maintenance workers, utility or appliance repair workers, or other such individuals performing work or services at a residence within the Town.

(c) Enforcement. Violations of this Section shall be enforced in the following manner:

- 1) The Town shall provide a verbal or written warning for a first violation of this Section at a specific construction site; and

2) In the event of a second or subsequent violations at a specific construction site, the Town, in its sole discretion, may enforce this Section as follows:

a) for a second violation at a specific construction site, the Town Administrator, or his/her designee, may issue a stop work order at the construction site and no construction or related activities shall take place at the site for a period of 24 hours from issuance of the stop work order. For a third and subsequent violations at a specific construction site, a stop work order may be issued and no construction or related activities shall take place at the site for a period of 72 hours from issuance of the stop work order. A party may appeal the issuance of a stop work order to the Town Commission, provided, if upheld, the stop work order will be effective following the day of a Town commission determination; or

b) in the alternative, and in the discretion of the Town, the Town may proceed with Code enforcement proceedings in accordance with Chapter 2, Article VII of the Town Code and Chapter 162 Fla. Stat. Such proceedings shall be instituted against the owners of the subject property. Given the narrow nature of the streets within the Town and that the blockage of a street often will prevent or impair the provision of fire, police and emergency services resulting in a serious threat to the health, safety and welfare of the community, such violations shall be considered irreparable and irreversible in nature in accordance with Section 162.09, Fla. Stat.; or

c) in the alternative, and in the discretion of the Town, the Town may proceed to issue citation(s) in accordance with Chapter 2, Article VIII of the Town Code. Any such citation(s) shall be issued to the contractor who holds the building permit for the subject construction. The penalty for each violation of this Section shall be in the amount of \$500.00. The Town may withhold issuance of a Certificate of Occupancy or Certificate of Completion until such time as all outstanding citations are paid in full.

SECTION 2. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony, Florida.

SECTION 3. That all Ordinances or parts or Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

SECTION 4. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING this \_\_\_\_ day of \_\_\_\_\_, 2021.

SECOND READING and FINAL PASSAGE this \_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF JUPITER INLET COLONY, FLORIDA

\_\_\_\_\_  
Mayor-Daniel J. Comerford, III

\_\_\_\_\_  
Vice-Mayor Milton J. Block

\_\_\_\_\_  
Commissioner Lisa H. Hines

ATTEST:

\_\_\_\_\_  
Commissioner Cynthia Keim

\_\_\_\_\_  
Town Clerk Jude M. Goudreau

\_\_\_\_\_  
Commissioner Richard D. Busto