Affidavit
Acknowledgement of Village of Bal Harbour
Ordinances related to Construction

The issuance of a Building Permit by the Village of Bal Harbour allows the Permit Holder (General Contractor and his Sub-Contractors) to perform construction work at the subject property as delineated in the permit documents.

In addition to compliance with the Florida Building Code, the Permit Holder is responsible for compliance with the Village of Bal Harbour Code of Ordinances that include but is not limited to Zoning, Construction and Parks and Public Spaces, and all other Authorities Having Jurisdiction (AHJ) on the property. The Permit Holder is required to review the Village Ordinances pertaining to construction activity which are available online at: https://library.municode.com/fl/bal_harbour/codes/code_of_ordinances. The following highlight some, but not all, of the Permit Holder’s responsibilities when working on a property within the Village:

A. Maintenance of, and Activity Related to, an Active Construction Building Permit and Sub-Permits

1. The Contractor and Sub-Contractors (Permit Holder) understands that in order to keep a permit active, an approved inspection is required within a 180-day period. Failure to do so, shall cause the permit to expire and entrance into the residential district will be prohibited until such time as the permit holder renews the permit.

2. If a Right of Way Permit is issued, it shall be valid for 90 days or three months and the Permit Holder shall comply with all conditions of the Right of Way permit.

3. Street Closures and Maintenance of Traffic Plans (MOT) shall be pre-approved by Public Works 72 hours in advance. Please contact Mr. Michael Alvarez at 786-566-3462 for submittal requirements.

   It shall be unlawful to obstruct any public road or established highway without permission of the proper authorities, or to willfully cause any obstruction to be placed therein.

B. Construction Activities in the Security District of Residential Section; Sec. 6-42

1. A building permit issued by the Building Official shall be evidence of eligibility for entry into the Security District. The Permit Holder shall be eligible for entry into the Security District from the date of issuance of the corresponding building permit for a period of one year or until completion of the Construction Activities and issuance of a certificate of occupancy or certificate of completion for the work undertaken, or the building permit expires, whichever is sooner.

2. The Permit Holder shall be responsible for applying to the Bal Harbour Civic Association to obtain entrance privileges to the gated residential (security) district. The related policies and procedures related to obtaining and using those entrance privileges are the responsibility of the Permit Holder and he/she is responsible for ensuring compliance with said access requirements by his/her related employees and subcontractors.

3. The Permit Holder shall be responsible for obtaining any required extensions for the security entrance permit from the Civic Association based on the corresponding expiration of any Village building permit and extension.
4. No person owning property in the Security District shall authorize or allow any contractor to perform Construction Activities upon such property without first paying the applicable building permit fees to the Village and obtaining a current and valid Entrance Permit for the contractor from the Village.

C. Property Signage

No signage related to any construction shall be posted on any single family property. Signage for other properties may be posted only in conformance with Chapter 15, Signs, of the Village Code, which can be reviewed at:

https://library.municode.com/fl/bal_harbour/codes/code_of_ordinances?nodeId=PTIICOOR_CH15S1_ARTIINGE_S15-10SIBUPR.

D. Commercial Vehicles

1. Contractor vehicles are required to be marked pursuant to Sec 10-4 of Miami Dade County Code of Ordinances which states in part:

"Contractors conducting their contracting business within Miami-Dade County shall identify all trucks used in the furtherance of their business by use in the transporting of materials, equipment or employees to a job site, excepting a truck owned by an employee which truck is only used for private transportation or in carrying employees' personal tools and personal equipment necessary to fulfill their job tasks, by placing on the sides thereof, in a permanent manner, identification of contractor, by name or symbol, and their certificate number, in letters and numerals not less than three (3) inches in height, excepting those trucks rented or leased by a contractor from a commercial vehicle rental agency for a period of less than one (1) month and such trucks are plainly marked with the name of the lessor in letters and numerals not less than three (3) inches in height."


(a) It shall be unlawful for any person to park any truck, tractor or commercial vehicle, or any personal vehicle displaying Signage, in any residential district of the Village between the hours of 9:00 p.m. and 8:30 a.m. Monday through Saturday and at any time on Sunday, New Year's Day, Christmas Day, Independence Day, Labor Day and Thanksgiving Day, unless fully enclosed in a garage or other structure or completely screened from public view by landscaping. (b) The prohibition contained in subsection (a) shall not apply to a truck or van belonging to a resident of the location where it is parked so long as the truck or van does not display any Signage. (c) For the purposes of this section, the term Signage shall mean any name, identification, description, display, illustration, or device which directs attention to a product, place, activity, service, person, event, institution, or business.

E. Demolition of Structures in the Residential District:

1. When the scope of work of the building permit includes the total demolition of a structure the Permit Holder shall comply with the Regrading and Revegetation Plan submitted pursuant to Sec. 6-143 of the Village Code and approved as part of the permit:

(https://library.municode.com/fl/bal_harbour/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BUBURE)

Please note that the time necessary to complete the implementation of the regrading and revegetation plan, other than the maintenance period necessary to achieve self-sustained growth, shall not exceed ninety (90) days from the date demolition is begun."

2. Failure to comply with the above will result in a notice of violation pursuant to: Sec. 6-145.
F. The Permit Holder shall comply with Article VII. - Construction Site Operations, Sec. 6-201: "Property Maintenance Standards" that states the following:

1. **Debris Control.** All properties with on-going construction activities shall maintain the premises in a neat and orderly manner. A trash enclosure, dumpster or other container shall be maintained on-site at all times. Loose debris shall be placed within the enclosure. A cover shall be maintained over such debris containers during periods when no construction activity is taking place.

2. **Erosion and Dust Control.** In compliance with the Village’s National Pollution Discharge Elimination System (NPDES) permit requirements, prior to beginning any clearing, grubbing or construction activities, as part of the building permit process, the contractor shall submit a plan detailing the location and handling of materials, soils and outlining the actions that will be taken to prohibit run-off of dirt, sand, fluids, vegetation or any other item into the Town’s storm-water system or onto adjacent property. Piles of soil shall provide for a containment area to reduce run-off.

3. **Temporary Bathroom Facilities.** Temporary Bathroom Facilities shall be placed at a location that minimizes visibility from off-site. Any such facility shall be enclosed within a decoratively fenced area (such as shadowbox, wood fencing, lattice wood panels, etc.) to effectively screen the sides and rear of the Temporary Bathroom Facility. Plywood is not acceptable nor is chain link fencing. No Temporary Bathroom Facility may be kept on a construction site unless construction activities are occurring.

4. **Vegetation Maintenance.** Vegetation such as grass, shrubs, trees and ground covers shall be maintained in such a fashion so that the site does not appear overgrown or unkempt.

G. **Hurricane Preparedness Plan**

The Contractor shall, by June 1 of any year, or if the permit is issued between June and September, within 30 days of issuance of the permit, submit for the approval of the Building Official a Hurricane Preparation Plan which shall be monitored periodically by the Chief Building Inspector. The General Contractor shall be responsible to make all necessary preparations and secure the site as required by the Village in the event of a tropical storm and/or eminent Hurricane landfall.

H. **Noise Disturbance:** Section 11-27 of the Village Code states in part the following:

1. It shall be unlawful for any Person to make, continue or cause to be made or continued any loud, excessive or unusual Noise Disturbance. Sec. 11-29. - Violations of article, in part state:

   a. **Noises exceeding permitted decibel level.** Any noise which emits a sound measured at an A-weighted equivalent sound level (Leq) in excess of 57 decibels in a Residential Neighborhood and 64 decibels in a Commercial Apartment Neighborhood between the hours of 7:00 a.m. and 10:00 p.m. (Daytime Decibel Levels)

   b. 54 decibels in a Residential Neighborhood and 61 decibels in a Commercial Apartment Neighborhood between the hours of 10:00 p.m. and 7:00 a.m. (Nighttime Decibel Levels), shall be presumed a nuisance and prima facie evidence of a violation of this article.

   c. The measurements shall be taken with a calibrated sound level meter at the location of the dwelling unit or premises of the complaining party. If there is no complaining party, the measurement shall be taken at approximately 100 feet from the property from which the noise is emanating.
d. **Mitigation practices.** Any person operating or causing or allowing the operation of tools or equipment used in construction, drilling or repair work, shall mitigate noise by assuring compliance with the following noise mitigation practices or other methods that the Building Official determines, in his or her sole discretion, are at least as effective as those listed below:

1. Pile driving: a. Substitution of hydraulic impact hammers for diesel impact hammers; b. Use of augering equipment to construct bored piles; c. Use of vibratory hammers for driving steel piles; and d. Use of static load equipment to push rather than drive piles.

2. Concrete breaking: a. Substitution of hydraulic, electric or gasoline-powered tools for pneumatic equipment; b. Substitution of a whip-action impact hammer for a standard, excavator-mounted hammer; c. Use of a thermal lance to burn holes in concrete; d. Use of diamond drills and saws; e. Use of hydraulic bursters or jacks; f. Use of excavator-mounted hydraulic crushers; g. Use of nonexplosive chemical demolition agents; and h. Use of high-pressure discharge of carbon dioxide gas.


2. **Responsible parties.** The parties responsible for a violation shall include the owner of a property, the lessee of a property where such violation occurs within lessee's leased space and the individual or entity engaged in the Noise-generating activity.

3. **Deviations.** An applicant may seek the prior written consent of the Village Manager to make Construction Noise for a limited time during the prohibited hours or in excess of the Permitted Decibel Levels. Such consent may be granted by the Village Manager if an applicant submits documentation establishing, as determined in the sole discretion of the Village Manager, that the activity producing the Construction Noise, by its very nature, cannot meet the Permitted Decibel Level or be mitigated to meet the Permitted Decibel Level. The Village Manager may impose appropriate conditions to mitigate the impact of the deviation on the Village.

4. **Permit Holder shall comply with Sec. 11-31. - Certain Noises restricted to specified hours, which states:**

   **Sec. 11-31. - Certain Noises restricted to specified hours**
   
   (a) Regulated Noises. Noises, other than those enumerated in section 11-29 because of their nature and characteristics, shall be grouped as follows for the purpose of control and restriction:

   1. In all zoning districts other than the "B" Business District:
      a. Steam, gasoline or oil-operated cranes, pile drivers, excavators, dredges, ditches and all other similar machinery;
      b. One-cylinder steam or internal-combustion engines, horizontal or vertical;
      c. Air compressors and pneumatic riveting machines, jackhammers, drills and other similar air equipment;
      d. Power band and circular saws working in the open;
      e. Hand hammers on steel or iron, structural, rivet or otherwise;
      f. Stationary or portable concrete mixers, with engines multi-cylindered and properly muffled;
      g. Power band and circular saws, sanders, planers, grinding machines, drills, bar benders and cutters, and similar machinery, when enclosed;
h. Hand operations in connection with plumbing, electrical, roofing and framing work in the open;

i. Transit concrete mixers, with engines multi-cylindered and properly muffled, operated to cause the least possible noise;

j. Hand operations in connection with plumbing, electrical, roofing and framing work, when enclosed;

k. Hand loading and unloading and the handling of building materials and other similar heavy trucking;

l. Masonry work and the hand mixing of mortar;

m. Plastering and the hand mixing of plaster;

n. Painting; and

p. Glazing.

To be considered enclosed, Noises shall originate within the exterior walls of a Building.

(2) In all zoning districts:

(a) Landscaping; and

b. All other Noises of similar intensity and/or annoyance to landscaping or the uses listed in subsection 11-31(a)(2).

(b) Prohibited Times. The Noises set forth in subsection (a) of this section are hereby prohibited at any location and at any hour on Sundays and on New Year’s Day, Christmas Day, Independence Day, Labor Day and Thanksgiving Day, and on Mondays through Saturdays from 5:30 p.m. to 6:30 a.m., except as provided in subsections (d) and (e) of this section.

(c) Consent for Exterior Construction and Lawn Maintenance Activities in Residential Districts During Prohibited Times. An applicant may seek the prior written consent of the Village Manager to construct or demolish, to add to, alter or repair the exterior portion of, any dwelling, or to mow or perform any other lawn maintenance activities which require the use of machinery, in residential districts during the hours prohibited by subsection (b). Such consent may be granted by the Village Manager if an applicant submits documentation establishing, as determined in the sole discretion of the Village Manager, that the activities described in this paragraph (c) cannot be done at any other time and will not take more than one day to complete.

(d) Hours for Interior Construction Activities in Residential Districts. Except in an Emergency which will result in damage or injury, or with the prior written consent of the Village Manager, it shall be unlawful to permit independent contractors, vendors, or any other hired persons or employees to make any additions, alterations, or repairs inside any dwelling in residential districts between the hours of 9:00 p.m. and 8:30 a.m. on any day. Such consent may be granted by the Village Manager if an applicant submits documentation establishing, as determined in the sole discretion of the Village Manager, that any alterations, additions, or repairs described in this subsection cannot be made at any other time and will not take more than one day to complete.

(e) An application for the consent of the Village Manager to produce the Noises set forth in subsection (a) of this section during the hours prohibited in subsection (b) of this section shall be made in a form approved by the Village and shall be accompanied by an application fee established by the Village Council (the “Application Fee”). Village residents filing such applications for the production of Noises at their personal residence shall be exempt from the Application Fee. In the event that the Village Manager grants their consent to perform Noise-producing activity during the hours prohibited in subsection (b) of this section, the Village Manager may require the applicant to post an off-duty police officer, code compliance officer, or other employee or agent of the Village at the site of the Noise-producing activity at the applicant’s sole cost and expense.
(f) The requirements of this section shall not be construed to prevent the operation of automobiles or light delivery vehicles at any time; provided, however, that such motor vehicles shall at all times be properly muffled and shall be so operated as to create the least possible noise or nuisance.

By Signing this affidavit, I the Permit Holder testify I have read this document and agree to comply with the requirements herein in addition to all applicable ordinances related to permissible construction activities and impacts.

Further, I acknowledge violation of these requirements or Village or other applicable codes, may result in the issuance of a stop work order or violations and fines issued against the property owner, the lessee and the Permit Holder.

__________________________  __________________________
Qualifier's Signature        Printed Name

State of ____________________
County of ____________________

Sworn to and Subscribed before me this _______ day of _______________________, 20_______ by ________________________________ (printed name of qualifier)
☐ Personally known to me; or ☐ Produced Identification

________________________
Signature of Notary Public     (Seal)

Permit Holder Driver License #____________________
Permit Holder License Plate #____________________