

ORDINANCE NO. 2026-509

AN ORDINANCE OF KEY COLONY BEACH, FLORIDA, ADDING SECTION 6-45 SEAWALL CONDITIONS; COMPLIANCE REQUIREMENTS; ENFORCEMENT TO CHAPTER 6 BUILDINGS, ARTICLE II DANGEROUS STRUCTURES; ADDING SECTION 9-13 CONCERNING VIOLATIONS OF SECTION 6-45 FOR BUSINESS TAX RECEIPTS PURPOSES TO CHAPTER 9 BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS, ARTICLE I IN GENERAL; AMENDING SECTION 9-28 CONCERNING VIOLATIONS OF SECTION 6-45 FOR RESIDENTIAL RENTALS TO CHAPTER 9 BUSINESS TAXES, PERMITS AND BUSINESS REGULATIONS, ARTICLE II RESIDENTIAL RENTALS; PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City follows its Code of Ordinances to promote safety for all residents and properties; and

WHEREAS, the City has canals and waterfront lots that depend on properly maintained seawalls to keep its residents, visitors, and properties safe and stable; and

WHEREAS, if seawalls deteriorate, are unsafe, fail, or are not properly maintained, the same could lead to flooding, collapse, and damage to properties and their adjoining properties; and

WHEREAS, the City deems it necessary to amend its Code to add language regarding seawalls to ensure they are maintained properly by property owners in the City to ensure the safety of all residents, visitors, and properties.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the Ordinance are underlined; deletions are ~~crossed-out~~.)

Section 1: Recitals

The above recitals are true and correct.

Section 2: Adding Section 6-45 to Chapter 6 of the Code of Ordinances

Sec. 6-45. – Seawall Conditions; Compliance Requirements; Enforcement.

(a) Seawalls as Structures.

Seawalls, bulkheads, revetments, and similar shoreline retaining systems shall be deemed structures for purposes of this Chapter and subject to inspection, regulation, and enforcement by the City.

(b) Notice of Unsafe or Deteriorated Seawall.

Upon determination by the Building Official or City Engineer that a seawall is deteriorated, damaged, failing, or otherwise unsafe, written notice shall be issued by the Code Official to the property owner identifying deficiencies and required corrective actions.

(c) Compliance Timeline.

Recognizing that seawall repair or replacement often requires engineering, permitting, and contractor availability, the following mandatory compliance timeline shall apply unless modified in writing by the Building Official for good cause shown:

1. Within fifteen (15) days of notice:

The property owner shall install temporary safety measures, which may include fencing, warning signage, restricted access, or temporary shoring, sufficient to protect the public, occupants, guests, and adjacent properties.

2. Within sixty (60) days of notice:

The property owner shall retain a Florida-licensed professional engineer to inspect the seawall and submit a written engineering evaluation and repair or replacement plan to the Building Department.

3. Within one hundred twenty (120) days of notice:

The property owner shall submit all required permit applications, including City permits and, if applicable, permits from the Florida Department of Environmental Protection (DEP) and/or the U.S. Army Corps of Engineers.

4. Within twelve (12) months of permit approval:

All seawall repairs or replacement shall be fully completed and approved by the City.

5. Extensions:

The Building Official may grant reasonable extensions where the owner demonstrates documented progress, active permitting, contractor scheduling, and continued maintenance of safety measures.

(d) Engineering Oversight and Inspections.

1. All seawall repair or replacement plans shall be prepared, signed, and sealed by a Florida-licensed professional engineer.

2. The Building Department shall review all plans prior to permit issuance.

3. Inspections shall be required during and after construction to ensure compliance

with:

- a. Structural safety standards
- b. Hurricane and flood resistance requirements
- c. Drainage and erosion control standards
- d. Applicable City, State, and Federal regulations

(e) Business Tax Receipts and Vacation Rental Licenses.

For properties holding a Vacation Rental License or Business Tax Receipt, failure to comply with this Section 6-45, including failure to submit an engineering plan or adhere to the compliance timeline, shall constitute grounds for the immediate non-refundable revocation and non-renewal of such licenses until full compliance is achieved.

Section 3: Adding Section 9-13 to Chapter 9 of the Code of Ordinances

Sec. 9-13. – Revocation and Non-Renewal of Business Tax Receipts for Failure to Comply with Section 6-45.

If any person or entity conducts activities under a Business Tax Receipt at a property that is in violation of Section 6-45, including failure to submit an engineering plan or adhere to the compliance timeline, such violation shall constitute a violation of this Chapter 9, Article I, and shall further constitute grounds for the immediate and non-refundable revocation or non-renewal of said Business Tax Receipt until full compliance with Section 6-45 is achieved.

Section 4: Amending Section 9-28 of Chapter 9 of the Code of Ordinances

Sec. 9-28. - Violations.

- (a) Violations of the provisions of the ordinance from which this article derives shall be punishable by a fine of up to five hundred dollars (\$500.00) per day, and may result in a suspension or revocation of a vacation rental license.
- (b) A rental license shall be automatically suspended for nonpayment of a fine after due. Upon payment of the fine, the registration shall be reinstated.
- (c) A certificate of completion of a property manager or local contact person may be suspended or revoked upon violation of this article by the actions of the property manager or local contact person.
- (d) All holders of rental licenses shall be current on payment of city fees, including, but not limited to stormwater and sewer. Failure to pay when due shall be cause for referral to the code enforcement board, which shall, in addition to other fines and penalties set forth in subsection (a) above, have the power to suspend or revoke the rental license.
- (e) Any violation of Section 6-45, including failure to submit an engineering plan or adhere to the compliance timeline, shall constitute a violation of this Chapter 9, Article II, and shall further constitute grounds for the immediate and non-refundable revocation or non-renewal of all registrations and permits hereunder until full compliance with Section 6-45 is achieved.

Section 5: Severability and Conflict

If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this Ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Inclusion in the Code of Ordinances and Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

Section 7: Effective Date

This Ordinance shall become effective upon its final adoption by the City of Key Colony Beach, Florida Commission.

FIRST READING by the City of Key Colony Beach City Commission on this 19th day of February 2026.

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|-----------------------------|----------|---------------|
| Mayor Freddie Foster | NO _____ | YES ___ x ___ |
| Vice-Mayor Doug Colonell | NO _____ | YES ___ x ___ |
| Commissioner Tom Harding | NO _____ | YES ___ x ___ |
| Commissioner Tom DiFransico | NO _____ | YES ___ x ___ |
| Commissioner Kirk Diehl | NO _____ | YES ___ x ___ |

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 19th day of March 2026.

| | | |
|-----------------------------|----------|-----------|
| Mayor Freddie Foster | NO _____ | YES _____ |
| Vice-Mayor Doug Colonell | NO _____ | YES _____ |
| Commissioner Tom Harding | NO _____ | YES _____ |
| Commissioner Tom DiFransico | NO _____ | YES _____ |
| Commissioner Kirk Diehl | NO _____ | YES _____ |

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 19th day of March 2026.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

Dirk M. Smits, Esq. B.C.S., City Attorney