

Meeting: ORS
Location: Chambers
Start: 9:30 A.M. Adjourn: 10:11 A.M.

Date: 2/4/16*

2/4/16
*TAL
Approved
by SAO

-- MEETING ACTION SHEETS --

Chairman Townsend / Cmte/Brd Member Moore / Cmte/Brd Member _____

Item: Agenda / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS. <u>Moore</u> ✓ 1	MR/MS. <u>Townsend</u> ✓ 2	MR/MS.		
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Item: Drones / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

Amend Permit App Section

MR/MS. <u>Moore</u>	MR/MS. <u>Townsend</u>	MR/MS.		
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Item: Animals / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS. <u>Moore</u> ✓ 2	MR/MS. <u>Townsend</u> ✓ 1	MR/MS.		
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Item: Smart Irrigation / March 3
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS. <u>Moore</u>	MR/MS. <u>Townsend</u>	MR/MS.		
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Meeting: _____ Date: _____
Location: _____
Start: _____ Adjourn: _____

Item: Charitable
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____
Waive 3 if on time

MR/MS. Moore ✓ 2	MR/MS. Townsend ✓ 1	MR/MS.		
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Item: _____ / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS. Moore	MR/MS. Townsend	MR/MS.		
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Item: _____ / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS.	MR/MS.	MR/MS.		
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Item: _____ / _____
Motion: Approve - Deny - Withdraw - Defer - Recess - Reconsider - Other: _____

MR/MS.	MR/MS.	MR/MS.		
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TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Thursday, February 4, 2016

9:30AM

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 - 1. Update on Private Providers Administrative Procedure (*Bill Bucklew, Building Official*)
 - 2. Potential Regulation of Drones (*Nicholas Caristo, Police Lieutenant*)
 - 3. Chapter 10 - Animals (*Jay Boodheshwar, Deputy Town Manager*)
 - B. New Business
 - 1. Proposed Changes to Smart Irrigation Regulations (*John Page, Director of Planning, Zoning and Building*)
 - 2. Potential Waiver of Charitable Solicitation Fees for Organizations Receiving Funding from the Town (*Susan Owens, Town Clerk*)

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Disabled persons who need an accommodation in order to participate in the meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

ORDINANCE NO. XX-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 78, PEDDLERS AND SOLICITORS; ARTICLE III, CHARITABLE SOLICITATIONS; DIVISION 2, PERMIT, SECTION 78-105, FEES, TO PROVIDE AN EXEMPTION PROVISION FOR ORGANIZATIONS WHICH RECEIVE FINANCIAL SUPPORT FROM THE TOWN THROUGH ITS BUDGETING PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permits; Section 78-105, Fees, to read as follows:

Sec. 78-105. - Fees.

Before a permit is issued pursuant to this article, there shall be paid to the town clerk an administrative processing fee, and in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. This provision shall not apply to organizations which receive financial support from the town, provided that the application and all required documentation is received at least 60 days prior to the proposed effective date of the permit applied for.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 8th day of March, 2016, and for second and final reading on this 12th day of April, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Penelope D. Townsend, Town Council Member

Susan A. Owens, MMC, Town Clerk

Robert N. Wildrick, Town Council Member

ORDINANCE NO. XX-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 14, AVIATION; ARTICLE II - AIRCRAFT; TO INCLUDE A NEW SECTION 14-35, "DRONES; MODEL AIRCRAFT", PROVIDING FOR PURPOSE, DEFINITION, PROHIBITION, EXEMPTIONS AND REQUIREMENTS FOR A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 14, Article II - Aircraft, to include a new Section 14-35, to read as follows:

Sec. 14-35. – Drones; Model Aircraft

(a) Purpose.

As a result of the rapid implementation of drone and model aircraft technology, many issues arise from their use, such as invasion of privacy and concerns for public safety. Drones and model aircraft have the ability to carry wireless cameras that record data and/or transmit live streams of data. Without regulating the use of drones and model aircraft, they could be used to invade the privacy of Town residents who are enjoying the use of their property.

In addition, drones and model aircraft are defined as unmanned aerial systems (UAS's). They pose a public safety concern not only to other aircraft or objects in the air, but to the residents of the Town and their property. Some of these concerns include, but are not limited to, unexpected drone or aircraft malfunctions, loss of control, unforeseen incidents that can cause inability to sustain flight as intended, their ability to carry weapons and the potential for use in the planning and execution of a wide variety of criminal activity.

(b) Definition.

"Drone / Model Aircraft" is defined as a powered, aerial vehicle that:

- a) Is any contrivance used or designed to navigate or fly in the air;
- b) Does not carry a human;

- c) Uses aerodynamic forces to provide vehicle lift;
- d) Can fly autonomously or be piloted remotely;
- e) Can be expendable or recoverable

(c) Prohibition.

No person, entity, governmental unit or law enforcement agency may take off or land a drone or model aircraft within the confines of the Town of Palm Beach unless specifically exempted or permitted in accordance with the terms of this ordinance.

(d) Exemptions.

The following shall be exempt from the prohibitions stated above subject to their meeting all applicable FAA rules regarding operation and registration.

- a) A law enforcement agency which has obtained a court approved warrant authorizing its use for investigations;
- b) Where, upon approval of the Director of Public Safety it is determined that a drone or model aircraft is necessary to assist law enforcement, fire rescue or ocean rescue personnel in emergency situations where it is determined there is immediate danger, death or serious injury to any person or property;
- c) Where the drone or aircraft is operated only within the boundaries of an individual's real property and where the drone or model aircraft operation for personal use.

(e) Drone / Model Aircraft Operation Requirements Subject to Issuance of a Permit:

Drone/model aircraft operation used for educational, environmental or commercial purposes may be permitted by the Town subject to the requirements listed below: The drone or model aircraft

- Must weigh no more than 55 lbs;
- Must remain within the visual sight of the operator at all times;
- May not be operated over any person, gathering of persons or residences that would cause a hazardous or unsafe condition;
- May not be operated at an altitude that would create a hazardous condition and/or interfere with any plane, helicopter or other aircraft already in flight;
- May not have an airspeed in excess of 100 mph;
- Must have a minimum weather visibility of 3 miles;
- May not be operated in a careless or reckless manner;

- Operator must demonstrate that the person operating the drone has no physical or mental condition that would interfere with the safe operation of the drone;
- Applicant shall provide a minimum of \$1,000,000.00 of liability insurance for the use of drones and model aircraft;
- Operator and model aircraft equipment must meet all current FAA requirements for commercial UAV operations;
- Must be properly registered with the FAA according to FAA guidelines.

(e) Permit Application.

Permits for the operation of drone/model aircraft as provided herein shall be applied for with the Director of Public Safety at least thirty (30) days prior to the date upon which the drone or model aircraft is to be operated. The permit shall detail the ~~specific~~ ^{leave a} reason for the need for the operation of the drone or model aircraft, the ~~specific~~ ^{leave a} time and ~~specific~~ ^{leave a} place the drone or model aircraft is to be operated. The drone operator shall provide the Town proof of liability insurance for the use of drones and model aircraft in an amount not less than \$1,000,000.00 per incident. The permit will only be issued after being reviewed and approved by the Director of Public Safety or a representative designated by the Director of Public Safety and upon payment of a permit fee in an amount to be established by resolution.

(f) Penalty.

Any person or entity in violation of any of the provisions of this ordinance shall be subject to the code enforcement provisions relating thereto.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

and wildlife conservation commission or its successor organization as designated by the state.

- b. The permit is for a period of time no longer than 8 hours, between the hours of 9:00 a.m. to 6:00 p.m., on residential properties. This 8 hour period may fluctuate for private clubs in the town which request a permit for an extended period of time not to exceed 8 hours and not to go beyond 9:00 p.m.

Deleted: 12

Deleted: and the applicant has specified in their application specific times the animals will be present at the property in question and, if different, the specific times the animals will be on display.

- c. A floor plan or site plan, whichever is deemed appropriate by the town for the property in question is submitted in conjunction with a fully completed town application for a temporary permit indicating to the satisfaction of the town the location of the animals to be displayed, the location where the animals will be displayed and the location of the people that will be in attendance to view the animals to be displayed. A buffer of not less than 50 feet shall be maintained between the location of the wildlife and the nearest adjacent residentially zoned area of the Town.

- d. Adequate proof is submitted that a trained animal handler licensed or permitted by the state fish and wildlife conservation commission or its successor organization as designated by the state will be responsible for the handling of any animal permitted, and that a sufficient number of licensed and permitted handlers be present to handle the animal or animals for the duration of the special event.

- e. No animals permitted under this exception shall be permitted in residentially zoned areas of the town except for animals which are part of a petting zoo otherwise permitted as set forth above.

Deleted: other than class III wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state and those for which a permit is not required pursuant to rule 68A-6.0022, Florida Administrative Code, as amended. Class I and class II wildlife as designated by the state fish and wildlife conservation commission or its successor organization as designated by the state may be allowed on all town owned property and all commercial, R-D(1), R-D(2) and PUD-A zoning districts provided all permit requirements have been met and a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and the nearest adjacent residentially zoned areas of the town

- f. A certificate of insurance naming the town as insured shall be provided for an amount of insurance not less than \$5,000,000.00 to indemnify the town against any and all liability relating to the presence of the animals in the town. A certificate of insurance shall not be required for events described in subsection (a)(2)e. relating to animals appropriate for a petting zoo such as ponies and trained monkeys.