



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, December 7, 2017
2:30 PM

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Committee Chair
Julie Araskog, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 - 1. Amendment of Town Code, Relative to Construction and Landscape Maintenance (Jay Boodheshwar, Deputy Town Manager)
 - B. New Business
 - 1. Amendment of Town Code, Relative to Special Events on Public Property (Kathleen Dominguez, 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." If you have questions regarding that feature, please contact the Office of Information Technology (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.

Memorandum

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee
Julie Araskog, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Mayor and Town Council; Thomas G. Bradford, Town Manager; Department Directors; Eric Brown, Assistant Public Works Director; Ann-Marie Taylor, Deputy Police Chief; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Ben Alma, Code/Parking Enforcement Manager; Kathleen Dominguez, Town Clerk; John C. Randolph, Town Attorney

Date: 12/3/2017

Re: Agenda Items for the December 7, 2017, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on December 7, 2017, at 2:30 PM. Below is the list of agenda items and related attachments, which provides brief background information for each matter.

Old Business

1. **Amendment of Town Code, Relative to Construction and Landscape Maintenance**
(Jay Boodheshwar, Deputy Town Manager)

Town Attorney, Skip Randolph, has prepared a draft ordinance in coordination with Town staff, to memorialize the changes to the Town Code discussed at the November 14, 2017, Town Council meeting as well as previous ORS Committee meetings. Said changes are relative to construction and landscape maintenance hours. Please see Old Business #1 for details regarding this item.

New Business

1. **Amendment of Town Code, Relative to Special Events on Public Property**
(Kathleen Dominguez, Town Clerk)

Town Clerk, Kathleen Dominguez, and Deputy Town Manager, Jay Boodheshwar, will review current regulations pertaining to use of public property for special events, including the review/approval process, associated application fees, as well as concerns and suggestions relating to same. Please see New Business #1 for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 7, 2017

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Amendment of Town Code, Relative to Construction and Landscape Maintenance

Date: December 3, 2017

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review the attached draft ordinance, which amends Chapter 42 of the Town Code, relative to construction and landscape maintenance hours.

GENERAL INFORMATION

Town Attorney, Skip Randolph, has prepared a draft ordinance in coordination with Town staff, to memorialize the changes to Chapter 42 of the Town Code, as discussed at the November 14, 2017, Town Council meeting and at previous ORS Committee meetings. Said changes are relative to construction and landscape maintenance hours and include, but are not limited to, the following highlights:

- An earlier end of the summer construction season
- Prohibition of loud work on Saturdays
- Consistency in the hours permitted for construction and landscape maintenance work

Pending additional direction from ORS, staff will present a final draft to Town Council for first reading at the January 9, 2018, Council meeting.

Attachment

cc: John Randolph, Town Attorney
John Page, Director of Planning, Zoning and Building

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 42, ENVIRONMENT, ARTICLE V, NOISE; AMENDING SECTION 42-198, RELATING TO THE OPERATION OF CERTAIN MACHINERY; EXPANDING THE PERIOD OF THE YEAR DURING WHICH THERE IS A PROHIBITION ON THE OPERATION OF SAID MACHINERY; PROVIDING FOR ADDITIONAL PROHIBITIONS; AMENDING SECTION 42-199, HOURS FOR CONSTRUCTION WORK, AT SUBSECTION (b) SO AS TO EXPAND THE LIMITATIONS ON THE MONTHS, DATES AND TIMES DURING WHICH CONSTRUCTION WORK MAY BE UNDERTAKEN; AMENDING SECTION 42-230, LAWN MAINTENANCE EQUIPMENT NOISE, SO AS TO PROVIDE THAT LAWN MAINTENANCE SHALL BE LIMITED TO THE HOURS OUTLINED FOR CONSTRUCTION WORK SET FORTH IN SECTION 42-199; PROVIDING EXCEPTIONS FOR THE OPERATION OF LAWN MAINTENANCE EQUIPMENT BY RESIDENTS, AND FOR GOLF COURSE MAINTENANCE EQUIPMENT; PROVIDING REGULATIONS RELATING TO THE OPERATION OF LEAF BLOWERS, AND PROHIBITING THE COMMENCEMENT OF LARGE SCALE LANDSCAPE INSTALLATION AT ANY TIME ON SATURDAYS; 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 42, Environment, Division V, Noise, Section 42-198 to read as follows:

"Sec. 42-198. Operation of certain machinery during winter, Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving.

(a) *Prohibited.* During the period of the year commencing on the Monday prior to Thanksgiving of each year and ending April 30, and on all Saturdays, Sundays and legal holidays throughout the year, ~~including the Friday immediately after Thanksgiving~~, no person shall operate or cause to be operated the following machinery or equipment within the town:

- (1) Dredges, whether used in making hydraulic fills, dry fills, piledriving or any other purpose.
 - (2) Hammer-driven piledrivers, whether operated from water or land, or from motor truck or tractor, and whether stationary or moveable.
 - (3) Gasoline, diesel and/or steam engines, operated in such a manner as to emit odors or noises offensive or disagreeable to the inhabitants of the town.
 - (4) Dry sandblasting machines and jackhammers.
 - (5) Any other class of machinery or appliance that in its operation would render the enjoyment of property within the town less agreeable than if such appliances or machinery were not operated.
- (b) *Exceptions.*
- (1) It shall be within the discretion of the town council when, in its opinion, the operation of any of the prohibited machinery or appliances mentioned in subsection (a) of this section shall not be overly offensive to the residents or inhabitants of the town, in the vicinity of the equipment's operation, to grant an exception to this section.
 - (2) The operation of equipment relating to essential services of the town and equipment operation during emergency conditions shall be exempt from subsection (a) of this section."

Section 2. Chapter 42, Article V, of the Town's Code of Ordinances is hereby amended at Section 42-199 to read as follows:

"Sec. 42-199. - Hours for construction work.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Construction work means work of a physical nature requiring a permit in accordance with the provisions of this Code and/or violates the conditions of section 42-198 and/or violates the conditions of this section, and/or causes excessive noise as defined by section 42-228.

(b) *Limited.* Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times (May through November), such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturday, Sunday and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in Section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of debris clean-up. However, the permitted hours for construction work in the C-WA zoning district shall be only from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sunday and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (1) It shall be within the discretion of the town council when in its opinion the operation of any of the prohibited machinery or appliances mentioned in subsection 42-198(a) shall not be overly offensive to the residents or inhabitants of the town in the vicinity of the equipment's operation to grant an exception to this section.
- (2) The operation of equipment relating to essential services of the town and equipment operating during emergency conditions shall be exempted from subsection (a).
- (3) At the discretion of the director of planning, zoning and building, or his representative, emergency work for nontown related essential services may be authorized at any time during the year.

- (4) Interior work not resulting in noise tending to disturb people in the vicinity thereof, shall be allowed during the hours of 9:00 a.m. and 5:00 p.m. on Saturdays during the period commencing on the Monday preceding Thanksgiving ~~on December 1~~ and ending on April 30.
- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 42, Environment, Division V, Noise, Section 42-230, to read as follows:

"Sec. 42-230. Lawn maintenance equipment noise.

- (a) Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199, including the prohibitions stated therein on Saturdays, Sundays and all legal holidays, including the Friday immediately after Thanksgiving.
- (b) Operation of lawn maintenance equipment shall be limited to the following hours outlined for construction work at section 42-199, including the prohibitions stated therein on Sundays and all legal holidays and such use is hereby prohibited outside the days and times stated below:

Monday— Friday from 9:00 a.m. to 5:00 p.m.

Saturday from 9:00 a.m. to Noon
- (~~b~~c) ~~Nothing in this section shall preclude the operation of lawn maintenance equipment on Saturdays or the Friday immediately after Thanksgiving. Additionally, nothing in this section shall preclude the operation of lawn maintenance equipment, including leaf blowers, by residents~~ after 9:00 a.m. ~~on Saturdays, Sundays or legal holidays, including the Friday immediately after Thanksgiving. Further, golf course maintenance equipment within the town is not restricted during the hours outlined herein; for construction work at section 42-199; however, such golf course maintenance equipment shall not be used before 8:00 a.m. or after 5:30 p.m. on any day at locations within 300 feet of residential properties, except in the event of valid emergencies and once per month for purposes of chemical spraying or fertilizing. The sound level meter measurement for lawn maintenance equipment shall be no greater than 75 dBA measured 50 feet from the point of operation of the equipment. The sound level meter measurement shall not be applicable to lawn maintenance equipment used on golf courses.~~

- (cd) Lawn maintenance equipment includes but is not limited to lawn mowers, edgers, hedge trimmers, yard tractors, leaf blowers, lawn vacuum machines, ~~and monofilament line grass trimmers, and power washers.~~
- (de) ~~Leaf blowers shall be prohibited from use between the hours of 5:00 p.m. and 9:00 a.m. Additionally, during the period of the year commencing December 1 and ending April 30, leaf blowers may be used on Saturdays only from 9:00 a.m. to 12:00 p.m. Leaf blowers shall not exceed a decibel level of 65 dBA as measured at 50 feet from the point of operation. It shall be unlawful to blow, sweep or rake yard trash or clippings into the public street or storm drains.~~
- (ef) There shall be no commencement of large scale landscape installation at any time on Saturdays."

Section 4. 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 5. 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 6. Codification.

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

Section 7. 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 _____ day of _____, 2018, and for second and final reading on this _____ day of _____, 2018.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret Z. Zeidman, Town Council Member

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: December 7, 2017

To: Ordinances, Rules & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Kathleen Dominguez, Town Clerk

Re: Potential Changes to Town Code, Relative to Special Events

Date: November 28, 2017

STAFF RECOMMENDATION

Staff recommends that the ORS committee review and consider the following proposed changes to Article VII, Section 106 of the Town Code that regulates the issuance of special event permits.

GENERAL INFORMATION

The Town Clerk's Office processes approximately twenty (20) special event permit applications each year. While that may seem like a nominal amount, it is important to note that before a special event permit can be issued, the application must be reviewed by several departments in order to ensure public safety needs are met and to determine whether any special conditions must be imposed prior to approval. This review process can take several days of follow-up with the departments, outside vendors and the requestor in order to ensure that the applicant can address special conditions and public safety concerns.

The most popular types of special events include races, picnics, family gatherings, holiday celebrations, and weddings. The four most popular locations these events include Bradley Park, Phipps Ocean Park, Memorial Park and Mid-Town Beach near the Worth Avenue Clock Tower.

The "peak season" for special events is the winter season, which is from November 1 to April 15. The number of events per month vary; however, there shall be no more than one special event on any given day, at the same location. Depending on the size/complexity of the event, it takes approximately 8 hours of collective staff time for all the departments to review a special event permit application and propose special conditions.

Staff is proposing that Article VII, Section 106 (attached) of the Town Code be modified to allow for the addition of damage deposits, potential usage fees and limitations on the number of events held in certain areas, such as Bradley Park, Seaview Park and Memorial Park, in order to protect them from excessive wear and tear. Staff is also requesting that the ORS Committee consider recommending an increase to the application fee to more accurately offset the staff resources required to administer the application review process.

Attachment

ARTICLE VII. - SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. - GENERALLY

Sec. 106-256. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any meeting, activity or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.

(Code 1982, § 10-432)

Cross reference— Definitions generally, § 1-2.

Sec. 106-257. - Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event on any given day, without priority for any particular date, to be granted to the first person to submit a completed application designating that day.
- (2) The maximum total duration of each special event and the assembly thereof shall be three hours.
- (3) Any signs, props or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.
- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere

unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.

- (8) There are sufficient parking places near to the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

(Code 1982, § 10-435)

Sec. 106-258. - Penalties.

Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14.

(Code 1982, § 10-442)

Secs. 106-259—106-280. - Reserved.

DIVISION 2. - PERMIT

Sec. 106-281. - Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his designee. No permit shall be required for special events officially sponsored by the town government and approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

(Code 1982, § 10-433; Ord. No. 29-10, § 2, 9-29-10)

Sec. 106-282. - Application.

- (a) *Required.* A person seeking issuance of a special event permit shall file an application with the town clerk's office on forms provided by the town.
- (b) *Filing.* A completed application for a special event permit, providing all information required herein, shall be filed with the town clerk's office not less than 30 days nor more than 90 days before the date on which it is proposed to conduct the special event.
- (c) *Contents.* The application for a special event permit shall set forth the following information:
 - (1) The name, address and telephone number of the person seeking to conduct such a special event.

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- (2) The purpose of the special event.
- (3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (4) The date on which the special event is to be conducted.
- (5) The exact hours the special event is to be conducted.
- (6) The name or type of event.
- (7) The exact location of the event.
- (8) The approximate number of participants and spectators.
- (9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.
- (10) The name of the applicant's insurance company for the event. The town shall be named as an insured on a policy of liability insurance in an amount not less than \$1,000,000.00.
- (11) The signature of the applicant.
- (12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).
- (13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.
- (14) 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.

(Code 1982, § 10-434; Ord. No. 2-2013, § 1, 6-11-13)

Sec. 106-283. - Standards for issuance.

The town manager's office shall issue a special event permit when from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.
- (5) The conduct of such special event will not interfere with the movement of police and

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fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.

- (6) The special event is not being held for the purpose of advertising any product, goods or event, and is not designed to be held for private profit or fund raising.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) An original certificate of insurance must be supplied to the town naming the town as an insured on a policy of liability insurance in an amount not less than \$1,000,000.00.

(Code 1982, § 10-436)

Sec. 106-284. - Notice of approval or denial.

The town manager shall act upon an application for a special event permit within 15 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 15-day period specified above.

(Code 1982, § 10-437)

Sec. 106-285. - Appeal procedure.

Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be taken within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.

(Code 1982, § 10-438)

Sec. 106-286. - Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state and federal government, and all permit directions and conditions of the permit.

(Code 1982, § 10-439)

Sec. 106-287. - Possession.

The special event chair or other person heading or leading such special event shall carry the special event permit upon his person during the conduct of the special event and shall be present at the special event.

(Code 1982, § 10-440)

Sec. 106-288. - Revocation.

The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the provisions applicable to special event permittees. If a special event is held in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.

(Code 1982, § 10-441)