

TOWN OF PALM BEACH

Office of the Town Clerk

REPORT OF THE ORDINANCES, RULES, AND STANDARDS COMMITTEE MEETING HELD ON THURSDAY, JULY 17, 2014

I. CALL TO ORDER AND ROLL CALL

The Ordinances, Rules, and Standards Committee (ORS) meeting was called to order on Thursday, July 17, 2014, at 11:15 a.m., in the Town Council Chambers. On roll call, all Committee Members were found to be present.

II. APPROVAL OF AGENDA

PULLED: Item No. IV.A.4., Mail-In Petition Form and Procedures for Utility Projects, was pulled to be heard after Florida Power & Light's presentation to the Town Council.

Motion was made by Committee Member Pucillo, and seconded by Chair Townsend, to approve the Agenda, as amended above. On call for a vote, the motion carried unanimously.

III. COMMUNICATIONS FROM CITIZENS – None

IV. REGULAR AGENDA

A. Old Business

1. Review of Proposed Ordinance Amending Chapter 130, Vehicles for Hire [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of the proposed ordinance.

Discussion ensued regarding competition versus qualified and capable companies, the number of permits a single company can have, permit requirements, drivers with DUIs (Driving under the Influence), and the County Code requirements.

Committee Member Pucillo requested that, "or driving under the influence (DUI), within the last five years." be added to the end of Sections 130-130-65(1) and 130-97(5)a.

Motion was made by Committee Member Pucillo, and seconded by Chair Townsend, to recommend that the Town Council approve the proposed ordinance, as amended above. On call for a vote, the motion carried unanimously.

2. Review of Draft Ordinance Prohibiting the Retail Sale of Dogs and Cats to Limit Congenital and Hereditary Conditions Resulting from Substandard Breeding Facilities and Illnesses that can be Transmitted to Healthy Family Pets [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of the Wellington and Pompano Beach ordinances regarding this matter.

Discussion ensued regarding the Wellington and Pompano Beach ordinances.

It was the consensus of the Committee to direct the Town Attorney to draft an ordinance prohibiting the retail sale of dogs and cats that mirrors the provisions of the Pompano Beach ordinance, and to bring said ordinance back before ORS for its review.

3. Review of Draft Ordinance Amending Section 106-46 of the Town Code of Ordinances to Change Petition Procedures for Public Works Improvements to be Synonymous with Current Town Council Petition Procedures for Underground Utility Projects [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of the proposed ordinance.

Discussion ensued regarding the 67% threshold and who shall bear the cost of the work.

Chair Townsend requested that the ordinance be amended to reflect that 67% of the property owners in the area such work is being requested must sign the petition, and that 100% of the project costs shall be borne by the property owners in the area such work is being requested.

Motion was made by Committee Member Pucillo, and seconded by Chair Townsend, to recommend that the Town Council approve the proposed ordinance, as amended above. On call for a vote, the motion carried unanimously.

4. Review of Draft Mail-In Petition Form and Associated Procedures for Large Scale Underground Utility Conversion Projects [Thomas G. Bradford, Deputy Town Manager]

This item was pulled.

5. Review of Draft Ordinance Amending Chapter 10, Animals, to Provide for Amendments to Animal Permit Requirements [Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford provided an overview of the proposed ordinance.

Discussion ensued regarding the different classes of animals and requirements for them, livestock, and prohibiting venomous snakes.

Motion was made by Committee Member Pucillo, and seconded by Chair Townsend, to approve the proposed ordinance, as amended below, and to bring said ordinance back before ORS for its review:

- 1. Section 10-10(a)(2)e. was amended to read as follows:**

Class III wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, wildlife not requiring a permit pursuant to 68A-6.0022 Florida Administrative Code as amended, and domesticated animals or livestock as defined herein or appropriate for a petting zoo such as ponies, may be permitted on any property:

- i. Having a Club, Education, Institution, Museum, or Public use and located within any residential zoning district, or**
- ii. Located within a PUD-A, B, or C zoning district, or**
- iii. Located within any commercial zoning district.**

Class II wildlife, if proposed for exhibition by a person or organization in possession of a state permit authorizing such person or organization to exhibit such wildlife, where all applicable state and town permit requirements have been met, and provided a minimum setback buffer of not less than 50 feet is maintained between the location of the wildlife and all adjacent property residentially zoned, may be permitted on any property:

- i. Having a Club, Education, Institution, Museum, or Public use and located within any residential zoning district, or**
- ii. Located within a PUD-A, B, or C zoning district, or**
- iii. Located within any commercial zoning district.**

- 2. Venomous snakes shall be prohibited in the Town.**

On call for a vote, the motion carried unanimously.

- B. New Business**

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1. Review of Section 106-159 of the Town Code of Ordinances in Regard to the Impact Upon Town Aesthetics when Severe Trimming of Hedges Adjacent to Sidewalks is Required in order to Become Compliant with the Code [Penelope D. Townsend, Chair, ORS]

Chair Townsend spoke regarding hedge Code provisions in South Hampton and the current Town hedge Code requirements.

Parking/Code Enforcement Manager Houston provided pictures of hedges in the Town and spoke regarding the educational efforts Code Enforcement has undertaken regarding hedge requirements.

Lead Code Enforcement Officer Walton provided additional information regarding the matter.

Discussion ensued regarding the aesthetics of the hedges when property owners are ordered to immediately come into compliance with the Code requirements, the effect of white flies, fertilizing, and trimming options.

Chair Townsend requested changing the warning letter provided to property owners notifying them that their hedge is not in compliance to offer suggestions on how to bring it into compliance and to give property owners ample lead time to make arrangements for the pruning required to bring them into compliance as well as offering additional recommendations including allowing sufficient room so that new growth does not extend into right of way.

2. Review and Discussion on Section 103, Skateboarding on Public Ways, of the Town Code of Ordinances [Penelope D. Townsend, Chair, ORS]

Chair Townsend spoke regarding the skateboarding prohibition.

Lieutenant Taylor stated that the Police Department supports leaving the prohibition on the books as removing it could create some liability for the Town, congestion in both the vehicle and pedestrian areas; and, in addition, the Town cannot regulate how someone rides a skateboard and it could have the potential for reckless behavior.

It was the consensus of the Committee to leave the ordinance as is.

3. Consideration of Requiring an ARCOM Appeal Form to be used Pursuant to Section 18-177 of the Town Code of Ordinances [Penelope D. Townsend, Chair, ORS]

Deputy Town Manager Bradford provided an overview of the proposed amendment.

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Assistant Planning, Zoning, and Building Director Close spoke regarding having the ARCOM and Landmarks Preservation Commission appeal requirements be consistent.

It was the consensus of the Committee to recommend that the Town Council approve an amendment requiring that ARCOM-LPC appeals, "shall take the form of a letter addressed to the town clerk".

4. Consideration of a Draft Ordinance Adopting a Town Seal and Prohibiting Unauthorized Use.[Thomas G. Bradford, Deputy Town Manager]

Deputy Town Manager Bradford stated that the Town currently has no ordinance adopting its seal, and spoke regarding an article in the Palm Beach Daily News regarding a man selling apparel with the Town logo on them, and the need to protect the integrity of the seal.

Discussion ensued regarding a private entity making revenue using the Town seal.

Motion was made by Committee Member Pucillo, and seconded by Chair Townsend, to recommend that the Town Council approve the proposed ordinance. On call for a vote, the motion carried unanimously.

V. ANY OTHER MATTERS – None

VII. ADJOURNMENT

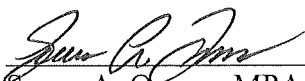
There being no further business, the Ordinances, Rules, and Standards Committee Meeting of Thursday, July 17, 2014, was adjourned at 12:20 p.m.

APPROVED:



Penelope D. Townsend
Chair

ATTEST:



Susan A. Owens, MPA, MMC
Town Clerk

8/12/14

Date

