

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, April 7, 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. Potential Regulation of Drones (*Nicholas Caristo, Police Lieutenant*)
 - 2. Proposed Changes to Smart Irrigation Regulations (*John Page, Director of Planning, Zoning and Building*)
 - 3. Proposed Exterior Lighting Standards (*John Page, Director of Planning, Zoning and Building*)
 - 4. Concerns Regarding Grass Protectors in Right-of-Way (*Nicholas Caristo, Police Lieutenant*)
 - B. New Business
 - 1. Potential Regulation of Kiteboarding (*Nicholas Caristo, Police Lieutenant*)

2. Review Proposed ORS Meeting Schedule for the Period of May to December 2016 (*Jay Boodheshwar, Deputy Town Manager*)

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.

Memo

To: Bobbie Lindsay, Chair, Ordinances, Rules and Standards Committee
Danielle Hickox Moore, Committee Member, Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Cc: Thomas G. Bradford, Town Manager; Department Directors; Veronica Close, Assistant Director of Planning, Building and Zoning; Nicholas Caristo, Police Lieutenant; Bill Bucklew, Building Official; Paul Castro, Zoning Administrator; Susan Owens, Town Clerk; John C. Randolph, Town Attorney

Date: 4/1/2016

Re: Agenda Items for the April 7, 2016, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on April 7 2016. Below is the list of agenda items and related exhibits, which provides background information for each matter.

Old Business

1. **Potential Regulation of Drones** (*Nicholas Caristo, Police Lieutenant*)

Please see Exhibit A for details regarding this item.

2. **Proposed Changes to Smart Irrigation Regulations** (*John Page, Director of Planning, Zoning and Building*)

Please see Exhibit B for details regarding this item.

3. **Proposed Exterior Lighting Standards** (*John Page, Director of Planning, Zoning and Building*)

Please see Exhibit C for details regarding this item.

4. **Concerns Regarding Grass Protectors in Right-of-Way** (*Nicholas Caristo, Police Lieutenant*)

Please see Exhibit D for details regarding this item.

New Business

1. **Potential Regulation of Kiteboarding** (*Nicholas Caristo, Police Lieutenant*)

Please see Exhibit E for details regarding this item.

2. **Review Proposed ORS Meeting Schedule for the Period of May to December 2016** (*Jay Boodheshwar, Deputy Town Manager*)

Please see Exhibit F for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for Ordinances, Rules & Standards Committee Meeting on: April 7, 2016

To: Ordinances, Rules and Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Nicholas Caristo, Police Lieutenant

Re: Proposed Regulation of Drones & Model Aircrafts Usage

Date: March 31, 2016

STAFF RECOMMENDATION

Staff recommends support from the Ordinance, Rules and Standards (ORS) Committee for Town Council adoption of an ordinance regulating the use of drones and model aircrafts in the Town of Palm Beach.

GENERAL INFORMATION

As a result of the increased civilian use of drone & model aircraft technology, many issues arise with their use, such as invasion of privacy, concerns for public safety, a concern to other aircrafts or objects in the air, and a concern to the residents of the Town and their property. However, there are purposeful uses for drones and model aircrafts, such as commercial, environmental, educational, and public safety.

Currently, the Town's Aircraft Ordinance prohibits aircrafts from flying below 1000 feet. However, there are no provisions in the Town's Code that specifically addresses drones or model aircrafts and regulating their use. Staff has researched this topic, conferred with the FAA, and discussed the pros and cons of local regulations are multiple ORS meetings. As a result, a proposed ordinance has been prepared, which outlines requirements for public safety and residents' use on their properties. It also outlines further requirements for other stated uses, to include the obtaining of permits and insurance. Based on the above, I recommend the Town adopt the ordinance that defines and regulates the use of drones and model aircrafts.

REVIEW BY TOWN ATTORNEY

The attached proposed ordinance has been reviewed and approved by the Town Attorney for legal form and sufficiency.

Attachment

cc: Kirk W. Blouin, Director of Public Safety

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
- f) Model aircraft of less than three pounds and which do not carry a camera are not included within this definition.

(c) Prohibition.

No person, entity, governmental unit or law enforcement agency may take off, fly 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.

(f) 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 reason for the need for the operation of the drone or model aircraft, the specific time and specific place the drone or model aircraft is to be operated. In the event the drone is to be used for commercial motion picture making, the applicant must comply with the provisions of Chapter 22 of the Town Code of Ordinances. However, commercial motion picture making shall not include videos made for purposes of monitoring, for environmental purposes or for aerial tours conducted in regard to real estate promotion or sales. 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.

(g) 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.

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 ____ day of _____, 2016, and for second and final reading on this ____ day of _____, 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, President Pro Tem

Bobbie Lindsay, Town Council Member

ATTEST:

Danielle H. Moore, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

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TOWN OF PALM BEACH

Information for ORS Committee Meeting on: April 7, 2016

To: Ordinances, Rules, & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: William Bucklew, Building Official

Re: Town Smart Irrigation Standards

Date: March 28, 2016

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review the proposed language to be included in Chapter 66, Section 286 relating to requirements for "Smart" irrigation system requirements.

GENERAL INFORMATION

Town staff has been working to clarify and improve the requirements relating to "smart" irrigation systems currently required by Town Code. As part of the ongoing work we have met with an irrigation contractor who works quite frequently in town and asked for feedback for what is included in a complete "smart" system.

After consulting with the contractor and doing research into the various components and specifications for "smart" systems, we are proposing changes to ensure that ALL system components are addressed when the requirement is triggered for upgrading an existing system or when installing a new system.

With all components addressed, the system will function in such as way that the maximum benefit can be derived from the use of these systems for the residents of the Town.

TOWN ATTORNEY REVIEW

This proposed language will be reviewed by the Town Attorney prior to being finalized.

cc: Thomas G. Bradford, Town Manager
John Page, Director of Planning, Zoning and Building
Veronica Close, Assistant Director of Planning, Zoning and Building

DIVISION 4. - DESIGN REQUIREMENTS

Sec. 66-286. - Water conserving landscape design.

A. The following section shall be applicable to all new construction and substantial improvements.

- (1) Required. Landscapes shall be designed in accordance with water conserving landscape design elements set forth in subsections (2)—(58).
- (2) Minimum landscaped open space. Minimum landscaped open space shall be required as stipulated by the lot, yard and bulk regulations in the zoning code, chapter 134.
- (3) Required vegetation. The following vegetation is required. The nine principles of Florida friendly landscaping shall be utilized.

a. Lawns.

1. If very drought tolerant grass is used, not more than 70 percent of the required landscaped open space shall be planted in lawn grass.
2. If moderate drought tolerant grass is used, not more than 60 percent of the required landscaped open space shall be planted in lawn grass.

(Information on Florida friendly drought tolerant grass can be found at: <http://fyn.ifas.ufl.edu/ifaspubs.htm>.)

b. Nonturfed areas.

1. Nonturf areas shall be planted in mixes of trees, shrubs and ground covers.
2. Plants shall be grouped according to their water needs, and irrigated accordingly. At least 33 percent of the groupings shall be characterized by highly or moderately drought tolerant vegetation.

(Information for Florida friendly landscaping drought tolerant plants can be found at: <http://www.floridayards.org/index.php>)

(4) Irrigation standards.

- a. Irrigation systems, either manual or automatic, may be used for the cultivated landscape areas.
- b. Irrigation shall be designed in zones that reflect necessary water regimes for specific groupings of vegetation.
- c. Sprinkler heads irrigating lawns or other high water requirement landscape areas shall be circuited so that they are on a separate zone from those irrigating trees, shrubbery or other reduced water requirement areas.
- d. Zones containing existing native plant communities and ecosystems maintained in a natural state do not require, and shall not have any additional irrigation water added in any form.
- e. In order to prevent overthrow, low trajectory heads or low volume water distributing devices shall be used when irrigating confined areas.
- f. No more than ten percent of spray radius shall be allowed onto impervious areas.
- g. Newly installed native plant areas may require irrigation during the establishment period. Water during this period shall be applied from a temporary irrigation system, a water truck, or by hand watering from a standard bib source.

- h. A temporary irrigation system shall be removed no later than 60 days after completion of the planting.
- (5) Use of organic mulches. When appropriate, a minimum of two inches of arsenic-free organic mulch shall be installed around each tree planting for a minimum of 18 inches beyond its trunk in all directions, including palms, and throughout all hedge, shrub, and groundcover plantings. Mulch shall be pulled a minimum of two inches away from trees and palms.
- (6) Antitranspirants. In order to reduce water loss through leaves during installation, antitranspirants shall be used and applied on all permitted landscape installation projects for a minimum period of 90-days from the date of installation.
- (7) Irrigation plans. Detailed irrigation plans shall be submitted as part of a landscape building permit, and shall include:
 - a. Layout of irrigation system and identification of components.
 - b. Explanation of relationship between plant groupings and type of irrigation used.
 - c. Irrigation plans must provide 100 percent coverage of landscape areas.
- (8) Control systems.
 - a. The irrigation system shall be equipped with rainfall or moisture sensing devices to avoid operation during periods of sufficient moisture.
 - b. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas on a different schedule from low water requirement areas.
- (B9) *Advanced smart irrigation systems.* This section shall be applicable to all new, replacement and major modifications of landscape irrigation systems. ~~construction, substantial improvement and existing properties applying for a variance from the day-of-week watering restrictions imposed by the South Florida Water Management District (SFWMD), the City of West Palm Beach (WPB) or the Town of Palm Beach (town). Variances from the day-of-week watering restrictions does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the SFWMD, WPB or the town.~~
- (1)a. Any person who purchases or installs an automatic landscape irrigation system on their property must properly install, maintain, and operate the system in accordance with manufacturer specifications, technology that inhibits or interrupts operation of the system during periods of sufficient moisture, and otherwise comply with the provisions of this section.
- (2)b. All components of an automatic landscape irrigation system, including but not limited to controllers, soil moisture sensors, sprinkler heads and valves, which are installed subsequent to the date of adoption of this ordinance must conform to smart irrigation standards and be equipped with an eEvapotranspiration-based (ET) or moisture sensing-based controllers are required on any new automatic landscape irrigation system or controller installed subsequent to the date of adoption of this ordinance. In addition said systems are required on automatic irrigation systems when any principal structure on a property in the town is substantially altered.
- (3)a. The ET controller is approved by the Town of Palm Beach building official as meeting the Environmental Protection Agency (EPA) WaterSense® specification for weather-based controllers, the requirements of the Irrigation Association (IA) for climate-based controllers or moisture sensor-based controllers, or some comparable and applicable standard.
- (C) e. Variances. Owners who have a properly operating evapotranspiration-based (ET) or moisture sensing controlled irrigation system shall be eligible for a variance from the day-of-the-week landscape irrigation watering restrictions imposed by the South Florida Water Management

District (SFWMD), the City of West Palm Beach (WPB) or the Town of Palm Beach (town) as set forth in section 122-78(b)(3) and (4) if the following requirements contained in (1) – (4) below are met: Variances from the day-of-week watering restrictions do not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the SFWMD, WPB or the town.

(1). Requirements.

- ~~a. The ET controller is approved by the Town of Palm Beach building official as meeting the Environmental Protection Agency (EPA) WaterSense® specification for weather-based controllers, the requirements of the Irrigation Association (IA) for climate-based controllers or moisture sensor-based controllers, or some comparable and applicable standard.~~
- a2. The owner submits an application for variance to the Town of Palm Beach building official or his/her designee in accordance with section 122-81 along with an application fee in an amount adopted by the town council by resolution.
- b3. The owner posts a sign in a conspicuous location on the property to inform the public of the approved variance. The sign shall be provided by the town, the cost of which shall be payable to the town in an amount to be determined by the town council by resolution, upon approval of the variance.
- c4. No irrigation occurs between the daily restricted hours as may be set forth by the South Florida Water Management District and/or the City of West Palm Beach, which is subject to change at any time.

(2)d. The town shall maintain a database of all properties which have installed and maintained advanced irrigation systems in accordance with the requirements of this subsection, and which are exempt from the day-of-the-week irrigation restrictions set forth in section 122-78(b)(3) or (4).

(3)e. A variance granted from section 122-78(b)(3) or (4) based on the installation and operation of an advanced irrigation system does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued by the South Florida water Management District, the City of West Palm Beach or the Town of Palm Beach.

(4)f. Applicability. This section shall apply to all licensed contractors within the jurisdiction of the town who install or perform work on automatic irrigation systems and to any person or entity which purchases or installs an automatic landscape irrigation system on their property.

- a4. A licensed contractor or owner who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on the system. If such devices are not installed, or are not functioning properly, the contractor must install new devices or repair the existing ones and insure that each is operating properly before completing other work on the system.
- b2. A licensed contractor or owner performing work on an automatic landscape irrigation system shall report systems that are not in compliance with this section, to code enforcement personnel in the police department. Failure of a contractor or owner to report non-compliant systems within five business days is punishable by fines as specified in the violations and penalties section of this section. A system that is repaired by the contractor and brought into compliance need not be reported.
- c3. Regular maintenance and replacement of worn or broken moisture sensing equipment, such as soil moisture or rain sensors, is not a violation of this section, if such repairs are made within 30 days from the time non-compliance is noted.

d4. All contractors performing work on irrigation systems within the town shall be licensed or registered under F.S. ch. 489, or the Construction Industry Licensing Board of Palm Beach County and shall hold a municipally-issued license or business tax certificate that permits work on irrigation systems.

e5. A licensed contractor shall perform annually a maintenance review of the ET-controlled system and certify to the town on an annual basis that the ET-controlled system is properly operating and in compliance with this section. Owners failing to provide such annual recertification that the system is properly operating shall result in revocation of the variance from section 122-78(b)(3) or (4).

(5)g. Violations and penalties.

a1. Failure of any person who purchases or installs an automatic landscape irrigation system on their property, or property managed by them, to properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture is a violation of this section, and such person shall be subject to a fine in accordance with section 2-439 of this Code. A person in violation of this section may be cited for each day the system fails to be in compliance with this section.

b2. Failure of an owner to report to town code enforcement officials automatic landscape irrigation systems that are not in compliance with this section, which require properly operating devices to inhibit or interrupt the operation of the irrigation system during periods of sufficient moisture, shall be a violation of this section, and such owner shall be subject to a fine in accordance with section 2-439 of this Code.

(Code 1982, § 11.5-10; Ord. No. 25-02, § 1, 11-12-02; Ord. No. 22-10, § 1, 7-13-10; Ord. No. 13-2013, § 2, 8-13-13)

Cross reference— Water generally, § 122-31 et seq.

Secs. 66-287—66-310. - Reserved.

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: April 7, 2016

To: Ordinances, Rules, & Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: William Bucklew, Building Official

Re: Town Exterior Lighting Standards

Date: March 28, 2016

STAFF RECOMMENDATION

Staff recommends that the ORS Committee review the proposed exterior lighting standards for the Town. These standards, once finalized, will be adopted by resolution.

GENERAL INFORMATION

As a reminder to ORS members (as previously discussed several months ago), the existing exterior lighting standards that are currently enforced in the Town are vaguely defined and are scattered throughout Town Code. No specific reference is made to “nuisance” lighting that can affect neighboring property owners.

As the Planning, Zoning and Building Department issues permits for any exterior lighting, a “Town of Palm Beach Exterior Lighting Requirements” checklist (Exhibit A), has been required of the permit applicant. This list was created by our Planning Administrator, John Lindgren, to address ARCOM issues with exterior lights. It must be noted however, that this checklist has never been formally adopted by the Town.

An incident occurred last year involving the installation of lighting in a condominium parking lot. The contractor initially began installing the lighting without a permit. Work was stopped and after the correct information was submitted the permit was approved. When these fixtures were turned on in the evening, they created a nuisance lighting condition (brightness), that was objectionable to a neighboring property.

Codes governing lighting should be aesthetically pleasing, yet flexible enough to provide security. Staff addresses these needs in the attached proposal, which also addresses “seasonal lighting”.

TOWN ATTORNEY REVIEW

This proposed language will be reviewed by the Town Attorney prior to being finalized.

cc: Thomas G. Bradford, Town Manager
John S. Page, Director of Planning, Zoning and Building
Veronica Close, Assistant Director of Planning, Zoning and Building

DRAFT RESOLUTION

EXTERIOR LIGHTING STANDARDS AND REQUIREMENTS

1. – Purpose and Intent.

It is the intent of this section to establish requirements for and provide guidance for design professionals regarding exterior lighting on private property.

2. - Definitions

Permanent Exterior Lighting – For the purposes herein stated, this term shall mean lighting that is installed at a location that is intended to remain in place all year and be illuminated at any and all times required to meet the purpose of its function.

Seasonal Exterior Lighting – For the purposes herein stated, shall mean lighting which is installed on a temporary basis surrounding legal and other holidays or for special events. Such lighting shall be removed within 30 days following the holiday or special event.

3. – Permits Required.

All permanent exterior lighting installations on private property require a permit issued by the Town's Planning, Zoning & Building Department.

3.1 – Requirements for permit submission.

The following items shall be required to be submitted with the application for an exterior lighting permit:

For Permanent Exterior Lighting:

- 1) Cut sheets depicting lighting details for all of the different types of light fixtures to be used.
- 2) A site or plot plan that shows the location of each fixture along with the type, maximum wattage, and wiring method.
- 3) A completed Town of Palm Beach Exterior Lighting Requirements sheet, signed and sealed by the design professional, if applicable, or signed and notarized by the designer if other than a licensed design professional.
- 4) If the permit application is for a commercial use or occupancy, a photometric plan, signed and sealed by a design professional shall be included.

4. – Design Requirements for Exterior Lighting.

The following items shall be incorporated into the design of permanent exterior and landscape lighting layouts:

- 1) No light bulb or source of illumination shall be visible while standing at or outside the property line. Wall sconces or column top fixtures are excluded. The light bulbs in eave fixtures must be shielded so that the lamp is not visible from off the property line. Decorative wall sconces that are visible from the street are allowed but shall be lamped with bulbs not exceeding 60 watts per bulb if single lamp fixtures, and not more than 15 watts per bulb for up to 4 bulbs per fixture. In no case shall exterior wall sconce lighting exceed 60 watts per fixture. If LED lamps/fixtures are used, the 60 watt incandescent equivalent shall be met.
- 2) No high-pressure or low-pressure sodium light bulbs can be used for landscape lighting.
- 3) Any bulbs or sources of illumination in fixtures mounted in trees or above eye level on structures shall not be visible off property. All down lighting shall not exceed 2 ft. candles on residential property and 8 ft. candles on commercial properties as measured at ground level directly below the source of illumination. Down lighting scheme must be approved by Town Staff through ARCOM or LPC Administrative Approval. The maximum wattage per acre for down lighting schemes shall not exceed 3,750 watts; however, shall not be counted as contributing to the total landscape (vertical illumination quantity) lighting system. The use of baffling, shielding techniques, internal louvers and screening should reduce the total output to 3,000 watts. Baffling, shielding, internal hex louvers and screening is encouraged.
- 4) Maximum cumulative wattage of light fixtures using mercury vapor and/or fluorescent light bulbs supplied at 120 volts, 220 volts, 208 volts, and 277 volts is 5,000 watts per acre. The use of baffling, shielding techniques, internal hex louvers and screening is encouraged.
- 5) Maximum cumulative wattage of light fixtures using metal halide light bulbs supplied at 120 volts, 220 volts, 208 volts and 277 volts is 2,000 watts per acre.
- 6) Maximum number of landscape lighting fixtures per acre is 150 regardless of wattage.
- 7) Illumination on the elevation of a residence or commercial building is discouraged unless architectural features and anchor points are the purpose of the illumination. Visible security flood lighting is prohibited unless approved directly by ARCOM.
- 8) No more than one-half foot-candle of light may be reflected off of the property. No light shall be unshielded where the lighting element is visible in any fashion, such as wall packs and any approved security fixtures. Any light that egresses its property of installation must be shielded and directed to reduce light trespass to the satisfaction of ARCOM, Project Coordinator or assigned staff.
- 9) Red, yellow, blue and green incandescent light bulbs that are visible from the street or public right-of-way are prohibited except during Town approved holiday intervals.
- 10) Mixture of Kelvin ratings by lamp types is discourage where the difference is more than 25% (5,500 Kelvin and 4,100 Kelvin is permissible). Exceptions may be allowed in circumstances such as where incandescent lamps are used to illuminate sculptures or fountains.

- 11) Light fixtures mounted on the ground, unless decorative types, path lights or other approved ground type fixture, are to be hidden in landscape material and not visible from outside the property line.

5. - Prohibited Lighting.

The following types of permanent exterior lighting fixtures and lamps are prohibited:

- 1) Mercury Vapor lamps.
- 2) Blinking, flashing, moving, revolving, flickering, changing color or intensity and chase lighting is prohibited unless it is part of a seasonal display for temporary use.
- 3) Any fixture that may be confused with or construed as a traffic control device.
- 4) Any upward-oriented lighting unless otherwise approved.
- 5) Searchlights, beacons, and laser-source light fixtures.
- 6) Any lamp or bulb not within a fixture (except seasonal lighting).
- 7) Exposed or visible neon light tubing.

6. – Light Trespass.

Light Trespass shall be defined as the poor control of exterior lighting that crosses property lines and detracts from property values and quality of life.

Any exterior or landscape lighting that creates the following conditions shall be deemed in violation of this section and is subject to action by the Code Enforcement Board.

- 1) Lighting or fixtures that allow more than one half foot-candle to spill off the property.
- 2) Lighting that is directed or aimed in such a manner as to create a nuisance or glare to any abutting property.

Town of Palm Beach Exterior Lighting Requirements

1. Cut sheets depicting lighting details, and a site/plot plan showing lighting locations must be submitted.
2. No light bulb or source of illumination shall be visible while standing at or outside of the property line. Wall sconces or column top fixtures are excluded. The light bulbs in eave fixtures must be shielded so that the lamp is not visible from off the property line. Decorative wall sconces that are visible from the street are allowed but shall be lamped with bulbs not exceeding 15 watts per bulb, and not more than 4 bulbs per fixture.
3. No high-pressure or low-pressure sodium light bulbs can be used for landscape lighting.
4. Any bulbs or sources of illumination in fixtures mounted in trees or above eye level on structures shall not be visible off the property. All down lighting shall not exceed 2 ft. candles on residential property and 8 ft. candles on commercial properties as measured at ground level directly below the source of illumination. Down lighting scheme must be approved by Town Staff through ARCOM or LPC Administrative Approval. The maximum wattage per acre for down lighting schemes shall not exceed 3,750 watts; however, shall not be counted as contributing to the total landscape (vertical illumination quantity) lighting system. The use of baffling, shielding techniques, internal hex louvers and screening should reduce the total output to 3,000 watts. Baffling, shielding, internal hex louvers and screening is encouraged.
5. Maximum cumulative wattage of light fixtures using mercury vapor and/or fluorescent light bulbs supplied at 120 volts, 24 volts and 12 volts, per acre is 5,000 watts.
6. Maximum cumulative wattage of light fixtures using mercury vapor and/or florescent light bulbs supplied at 120 volts, 220 volts, 208 volts, and 277 volts, per acre is 5,000 watts. The use of baffling, shielding techniques, internal hex louvers and screening is encouraged.
7. Maximum cumulative wattage of light fixtures using metal halide light bulbs supplied at 120 volts, 220 volts, 208 volts and 277 volts, per acre is 2,000.
8. Maximum number of landscape lighting fixtures per acre is 150 regardless of wattage.
9. Illumination on the elevation of a residence or commercial building is discouraged unless architectural features and anchor points are the purpose of illumination. Visible security flood lighting is prohibited unless approved directly by ARCOM.
10. No more than one half foot-candle of light may be reflected off of the property. No light shall be unshielded where the lighting element is visible in any fashion, i.e. wall packs and any approved security fixtures. Any light that egresses its property of installation must be shielded and directed to reduce light trespass to the satisfaction of ARCOM, Project Coordinator or assigned staff.
11. Red, yellow, blue, and green incandescent light bulbs that are visible from the street or public right-of-way are prohibited except during Town approved holiday intervals.
12. Mixture of Kelvin ratings by lamp types is discouraged where the difference is more than 25%, i.e. 5,500 Kelvin and 4,100 Kelvin is permissible. Exceptions may be allowed in circumstances such as where incandescent lamps are used to illuminate sculpture or fountains.
13. Light fixtures mounted on the ground, unless decorative types, path lights, etc., are to be hidden in landscape material, and not visible from outside the property line.

I verify that the proposed design meets all conditions listed above.

Property Address _____

Name - please print

Signature

Date

Phone

Seal of Design
Professional
(if applicable)

Signature & Stamp of Notary (if Design Professional is not used)

My Commission Expires: _____

form revised 2-19-09

TOWN OF PALM BEACH

Information for Ordinances, Rules, and Standards Committee Meeting on: April 07, 2016

To: Ordinances, Rules and Standards Committee

Via: Jay Boodheshwar, Deputy Town Manager

From: Benjamin Alma, Code Enforcement Manager

Re: Concerns Regarding Grass Protectors in Right-of-Way

Date: March 31, 2016

STAFF RECOMMENDATION

Staff does not recommend any changes or additions to the Town Code addressing objects such as “grass protectors”, which are commonly referred to as curbstones.

GENERAL INFORMATION

A complaint from a Town resident was received during citizens’ comments at the October 2015, Town Council meeting regarding “grass protectors” (specifically pyramid shaped curbstones) that are placed adjacent to the roadways. As a result of this complaint, Town Council recommended that this matter be reviewed by ORS.

Upon researching on how other municipalities address the placement of curbstones adjacent to public roads, it was learned that very few have an ordinance that addresses these objects. However, upon review of ordinances from other municipalities that do tend to this matter, curbstones are only addressed if they are placed within a public right away.

The Town of Palm Beach already has an ordinance in place regarding objects in a public right away, Ordinance 106-1. Under this ordinance, if curbstones or other objects are placed on a “public’s right of passage”, we reserve the right to have it removed or relocated. However, if the curbstones are placed on private property, there is nothing in the Town ordinances prohibiting them. Upon researching curbstone related incidents within the Town of Palm Beach, staff did not discover any record of incidents or injury caused by a pyramid shaped curbstone nor any other form of a curbstone.

Based on the above information, it is our opinion that we should address curbstone complaints only if they are in violation of the Town’s code and not create or amend the current ordinance banning them from private property.

Attachment

cc: Kirk W. Blouin, Director of Public Safety
Nicholas Caristo, Police Lieutenant

~~Sec. 106-1. - Obstructions generally.~~

Except as otherwise permitted by this Code:

- (1) It shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way.
- (2) It shall be unlawful to erect, build, construct, deposit or place upon or in any street, or any place where the public has a right of passage, any structure or obstruction of any kind; or for the owner or occupant of any lot or part thereof abutting on a street of this town to permit any obstruction to remain upon the sidewalk in front of such lot or part thereof or for the owner or occupant of such lot or part thereof to permit any sidewalk in front of such lot or part thereof to remain in such condition as to prevent convenient and safe use thereof by the public.
- (3) It shall be unlawful to allow vegetation or any other item, substance, material or thing to obstruct street signs, regulatory signage, street lighting or traffic signals. The town's public works department shall confirm in writing to the designated town code enforcement official all alleged obstructions of street signs, regulatory signage, street lighting and traffic signals.

(Code 1982, § 19-14; Ord. No. 4-2014, § 1, 2-11-14)

State Law reference— Obstructing public ways, F.S. § 861.01 et seq.

BOCA RATON

The centerline for rights-of-way that do not incorporate existing rights-of-way shall be the centerline of the existing right-of-way projected through the extended right-of-way, unless otherwise established by precise alignment.

- (4) The city shall conduct alignment studies and surveys on a continuing basis in order to establish the precise alignment of all rights-of-way shown on the T.P.M. Such studies and surveys shall be approved by the city council at a public hearing. Upon council approval, the alignment shall be recorded in the official records of the county.
- (5) When a property owner is adversely affected by a right-of-way location, the property owner may contest the established centerline and conduct a realignment study with appropriate traffic analyses, roadway and property surveys, and cost estimates. These findings shall be submitted to the development services department for review. After its review, the development services department shall submit the findings along with a recommendation to the city council, whose finding shall be final.

(Ord. No. 3921, § 1, 5-14-91; Ord. No. 3941, § 1, 6-25-91; Ord. No. 4122, § 33, 9-28-93)

Sec. 25-9. - Objects and obstructions in public rights-of-way.



- (1) The placement or maintenance of pyramid-shaped cement or concrete curbstones, loose materials as defined in section 23-188(2) of this Code, concrete blocks, boulders, rocks, metal pipe, or any other sharp-edged or pointed object or obstruction in a public right-of-way is prohibited. It shall be the obligation of the real property owner immediately abutting a public right-of-way to maintain the right-of-way free of prohibited objects and obstructions.
- (2) Underground sprinkler systems, mailboxes, and dome-shaped concrete buttons used as roadway markers may be installed and maintained in public rights-of-way in accordance with the provisions of the Engineering Design Standards Manual as provided in this Code. Failure to install and maintain such objects in accordance with the provisions of the Engineering Design Standards Manual shall constitute a violation of this Code.
- (3) Except as specifically provided herein, no object or obstruction may be placed in a public right-of-way without the owner of the abutting property first obtaining a permit from the city, regardless of the cost of such placement or improvement.
- (4) Remedies for violation.
 - (a) The owner of the real property abutting a public right-of-way where a violation of this section exists shall correct said violation within 2 days from the date of receipt of notice from the city. Notice shall be provided to the owner in accordance with section 2-123, Code of Ordinances. After expiration of the 2-day period, the city may correct the violation by removing and disposing of the obstruction. The city shall not be responsible for the storage, maintenance or returning to the owner of any object removed from a public right-of-way. The cost of correcting the violation may be charged to the owner of the

↑ Scroll to Top

PALM BEACH GARDENS

Sec. 62-5. - Placement of structures; landscaping.



- (a) *Obstructions prohibited.* No person shall block, fence, or in any way attempt to appropriate to their own use any right-of-way, public street, or sidewalk within the city; provided, however, that the temporary, interim, or partial closure of any parkway, arterial, and collector as defined in section 78-498 of the Code of Ordinances may be approved by resolution of the city council and the temporary, interim, or partial closure of any local, industrial, cul-de-sac, and marginal access as defined in section 78-498 of the Code of Ordinances may be approved pursuant to a special event permit pursuant to section 78-187, a right-of-way permit pursuant to section 62-4, or administratively if the city finds that such closure serves a public purpose.
- (b) *Certain placements prohibited.* Any landscaping, aboveground sprinkler systems, signs, concrete blocks, cement curbstones, or any other structures or objects that are determined by the city engineer or designee to create road or traffic hazards, injury to pedestrians, or alteration of the intended storm water flow in the swale area or other public right-of-way shall be removed, unless specifically authorized by the city through the issuance of a right-of-way permit.
- (c) *Approved structures.* The following structures are approved for placement in the Public swales and rights-of-way and do not require a right-of-way permit:
 - (1) United States Postal Service (USPS) approved mailboxes and mailbox posts, installed in accordance with the USPS Postmaster rules and specifications.
 - (2) Traffic control devices and/or signs approved by the city.
 - (3) City-approved modular news racks and slabs, installed in accordance with article V, division 14 of the city's land development regulations.
 - (4) Turnouts and culverts, where necessary, approved by the city in accordance with section 62-146 of the Code of Ordinances.

(Ord. No. 4, 2015, § 1(Exh. A), 6-4-15)

Sec. 41.08. - Exterior property areas.

- (a) *Sidewalks and drainage.* All sidewalks, walkways, stairs, driveways, curbs, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- (b) *Grass and/or weeds.* It shall be the duty and responsibility of owners to maintain improved property in a manner so as to prevent the existence of grass or weeds exceeding twelve (12) inches in length.
- (c) *Vermin infestation.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- (d) *Accessory structures.* All accessory structures, including, but not limited to, detached garages, sheds, fence and walls, shall be maintained structurally sound and in good repair.
- (e) *Motor Vehicles.* Except as provided for in other regulations, no inoperative motor vehicle shall be parked, kept or stored on any premises, unless in an enclosed structure, and no vehicle or motor vehicle parts shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- (f) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

- (g) *Maintenance of right-of-way.* It shall be the duty and responsibility of owners of improved property to maintain that portion of the street/road right-of-way from the edge of the pavement to the owner's property line. This responsibility shall include, but not be limited to:
 - (1) Maintenance and replacement as necessary of the culvert pipe beneath any driveway crossing the swale in a manner such as not to impede or interfere with the stormwater drainage function of the swale. Provided, however, that the cost of culvert replacement as a result of a drainage improvement or driveway modification initiated by the city shall be at the city's expense.
 - (2) Properly mowing the grassed area to maintain a neat appearance, including the removal of grass, weeds, bushes, sand, silt and debris at both ends of, or within, any driveway culvert pipe to effectively maintain flow through the culvert.
 - (3) Removing trash, debris, and litter from the swale area to prevent obstruction or partial obstruction of the driveway culvert and swale.
 - (4)

Where a plastic pipe flowliner has been installed in the swale, remove silt, litter, debris, grass and weed growth and grass clippings from the liner so the flowliner remains unobstructed and allows the stormwater to freely flow downstream to the outfall.

(h) *Swales, vehicle recovery areas and drainage rights-of-way.* The following activities are hereby prohibited and declared unlawful in the swales, vehicle recovery areas and drainage rights-of-way:

(1) Placement or maintenance of trees, shrubbery, above ground sprinkler systems, signs (not including traffic control signs installed by a regulatory agency), news racks, concrete blocks, coral rock, pyramid-shaped cement curbstones, metal or wooden posts, railroad ties or any other sharp edged or pointed organic or nonorganic material which could cause a road or traffic hazard or injury to pedestrians. Nothing contained herein shall prohibit the location of mailboxes, for the purposes of mail service, within this area nor from the placement of landscaping or other improvements in an area within three (3) feet from the center of the mailbox post or support. Nothing herein shall prohibit the placement of round cement "buttons" within the swale and vehicle recovery areas in front of improved properties.

(2) The direct discharge of water softener brine and heat pump water discharge.

(Ord. No. 09-80, § 3, 1-11-10)

TOWN OF PALM BEACH

Information for Ordinances, Rules & Standards Committee Meeting on: April 07, 2016

To: Ordinances, Rules and Standards Committee
Via: Jay Boodheshwar, Deputy Town Manager
From: Benjamin Alma, Code Enforcement Manager
Re: Potential Regulation of Kiteboarding
Date: March 31, 2016

STAFF RECOMMENDATION

Staff does not recommend any changes or additions to the Town Code to regulate kiteboarding activities along the Town's shoreline.

GENERAL INFORMATION

In response to concerns expressed by a Town resident regarding kiteboarding and the safety of swimmers (see attached), staff has researched this matter and have come to the conclusion that no changes or additions to the Town Code is warranted.

During our research staff conferred with multiple coastal municipalities to learn how they regulate kiteboarding (if at all). It was learned that very few had an ordinance that addressed this issue. However, the municipalities that do regulate kiteboarding, this activity was only addressed at their public beaches. Their ordinances indicated that kiteboarding was not permissible within 300-feet from the beach area. The only exception would be a life-or-death emergency, which may require a kite boarder/kite surfer to traverse on or within 300-feet of any public beach site.

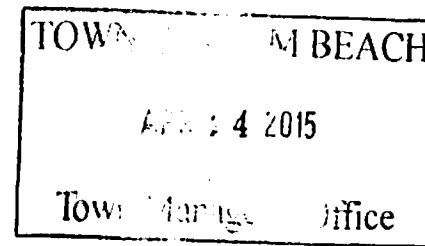
Similar to other municipalities, our current ordinance, Section 74-269 (4) – Restricted Zone, addresses kiteboarding at the Town's public beaches and only allows use in an emergency situation.

Lastly, from 2009 to the present, we have had no reported injuries to beachgoers or swimmers caused by kite boarders. The only recorded incident was in 2010, where a person in distress was assisted by a wind surfer to get safely back to shore.

Attachments

cc: Kirk W. Blouin, Director of Public Safety
Nicholas Caristo, Police Lieutenant

Mr. Jay Boodheshwar
Deputy Town Manager
360 S. County Road
Palm Beach, Florida 33480



Re: Kite Boarding-Palm Beach
Chapter 74; Private Residences, Hotels and Condos

Dear Mr. Boodheshwar,

I am requesting the Town of Palm Beach officials to review Section 74-187 to broaden its application to include kiteboarding.

Kiteboarding is an expanding activity along the beaches of Palm Beach which requires entry to the ocean.

In order to do so, kites must be inflated, strings need to be stretched out 60 to 70 feet, a harness strapped on the individual and a 6 foot board placed at the water's edge prior to kiteboarding initiation.

Once in the ocean where swimmers occupy the waters, these same individuals travel at speeds of 25 to 30 miles per hour. Any form of contact to a swimmer would certainly cause harm and has the potential to create a tragic accident. (Section 2)

A kiteboard instructor has stated in his direction to other kiteboarders, "be wary of severe turbulence created by many nearby apartments/condos", reflects the instability of this activity. (Section #1, Directions on line). The access to the ocean by the 10-15 kiteboarders is through Kreusler Park Access #12, which is the most northern entry to the beach. The County uses the term "Guarded"?

I have enclosed a few ideas on how to maximize safety to the public when kiteboarding is active in an area. Various beach towns have recognized that kiteboarding should be controlled. (Section 3)

Allowing kiteboarding in residential beach front communities is totally negligent on the Town's behalf. Considering wind variations, excessive speed on the water, and the varied experience factor, this sport should only be allowed in a guarded designated area and certainly not around bathers.

This letter is not implying that kiteboarding should be eliminated but rather that it be controlled/prohibited in designated areas for safety reasons.

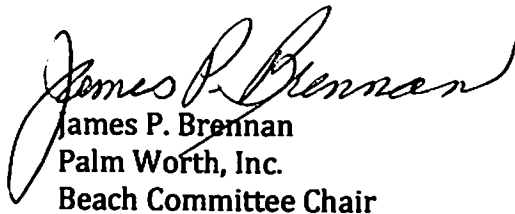
I believe the main beach in Town and a designated area within Phipps Ocean Park should be considered since Palm Beach provides professional life guards to protect the public at these locations. Phipps Ocean Park has a large area to accommodate kiteboarding, plenty of parking and no residential or hotel structures between the

ocean and A1A. (Section 5). Also, the best alternative with the least of all implementation problems would be: "Kiteboarding is prohibited between Phipps Ocean Park and Kreusler Park within the Town of Palm Beach (unguarded area)". As stated above, the kiteboard instructor uses the words, "wary of severe turbulence" for the area just described.

In conclusion, Section 3 of the binder reflects many of the concerns other Towns have already addressed regarding kiteboarders. Their own organizations outline the rules and guidelines required at specific locations. Section 2 of the binder shows a totally irresponsible group of kiteboarders moving in and out of bathers here in Palm Beach.

I believe many of the ordinances already in place should assist you in creating restrictions of this activity, especially in front of private residences, condos and hotels.

Your assistance is greatly appreciated regarding this matter. Safety on the water is critical. Thank you.



James P. Brennan
Palm Worth, Inc.
Beach Committee Chair

Email: brennanlinda1@aol.com
Telephone #: 561-547-9306; Cell: 201-410-8786



INDEX

1. AERIAL VIEW OF ACCESS #12 -KITEBOARD
DIRECTIONS TO ACCESS #12
2. KITEBOARDERS IN SURF (Copies/Photos)
3. VARIOUS TOWN ORDINANCES - KITEBOARDING
4. KITEBOARDING PRESENCE IN PALM BEACH
5. CONTROLLED LOCATIONS FOR KITEBOARDING



ACCESS
LD 12

Palm Beach

HOTEL

KITEBOARDING

KITEBOARDING PALM BEACH

SEPTEMBER 18, 2013 | JEREMY.

During the South Florida windy season which runs from September through May. Palm Beach County Beaches become a playground for Kiteboarders and Kitesurfers. Long sandy beaches and windy yet mild Winter months make Juno Beach in northern Palm Beach County one of the top 10 places in the USA to Kiteboard.

What makes all this wind:

During the Fall, Spring and Winter months, cold fronts coming down from the north pass through the area. As they pass they bring strong winds and mild or sometimes cold temperatures with them.

On a windy day most local Kiteboarders can be found at Stairway 33 on Juno Beach. Juno offers kiting for multiple skill levels however the conditions are usually most favorable for intermediate through advanced riders. Beginners need to pick their day carefully and wait for days when the waves are small and the beaches are uncrowded. However New Wave Kiteboarding offers beginner- advanced lessons. New Wave Kiteboarding will take you to non crowded areas that offer flat water and a favorable learning environment.

Other Kiteboarding beaches in Palm Beach area include:

- Lake Worth Pier. Notes: be sure to walk well north of the guarded area and be weary of severe turbulence created by the many nearby apartments/condos

- Palm Beach. Notes; there is no fresh water nearby and parking is \$2.50-5 an hour. This spot is not recommended on the weekends as it is dangerously crowded with beach goers

- Stairway 33 in Jupiter/ Juno beach. Notes: do not kite in guarded areas, can have large shore break. lots of other kites.

- Hobesound Wildlife Refuge in Martin County. Notes: Advanced to expert conditions. 3 miles

from the nearest life guard. Known for being "sharky".

- Jeremy Lund

Team Rider for Cabrinha Kiteboarding, Kurtis USA, Hyperflex wetsuits, Quivers.com

Owner and Lead instructor of NewWaveKiteboarding.com

Kiteboarding Palm Beach

Kiteboarding by Jeremy

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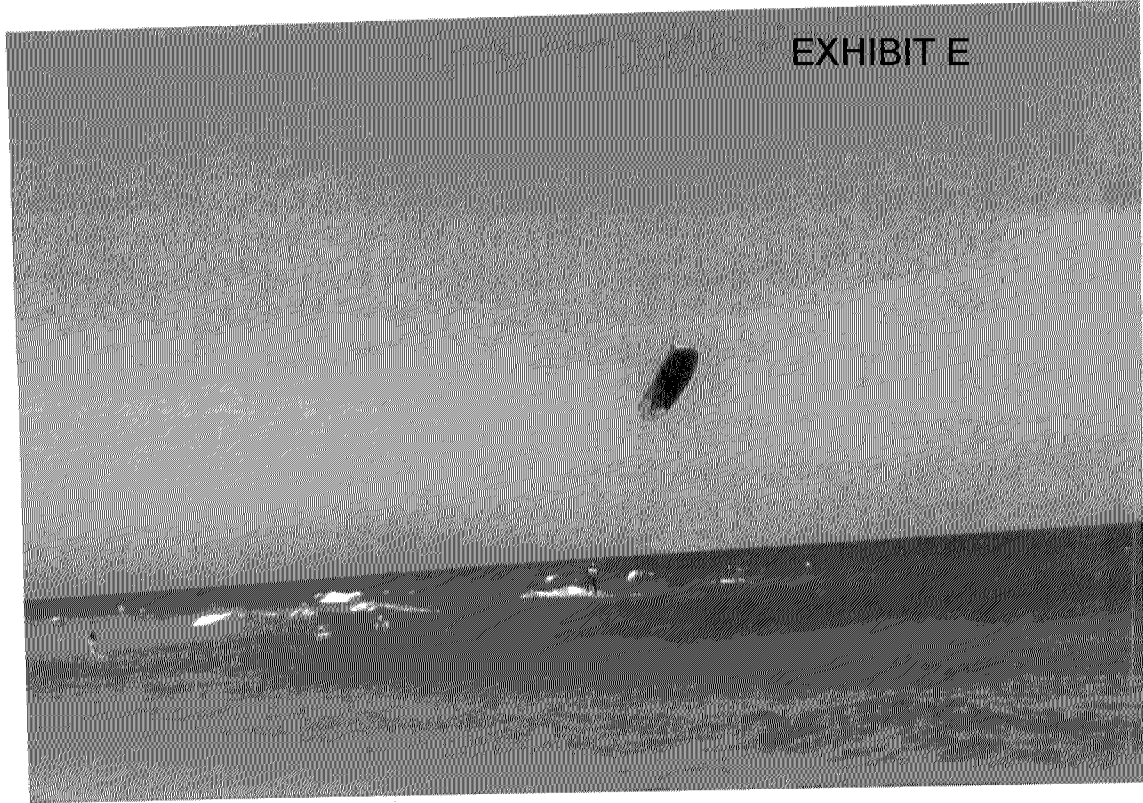




EXHIBIT E

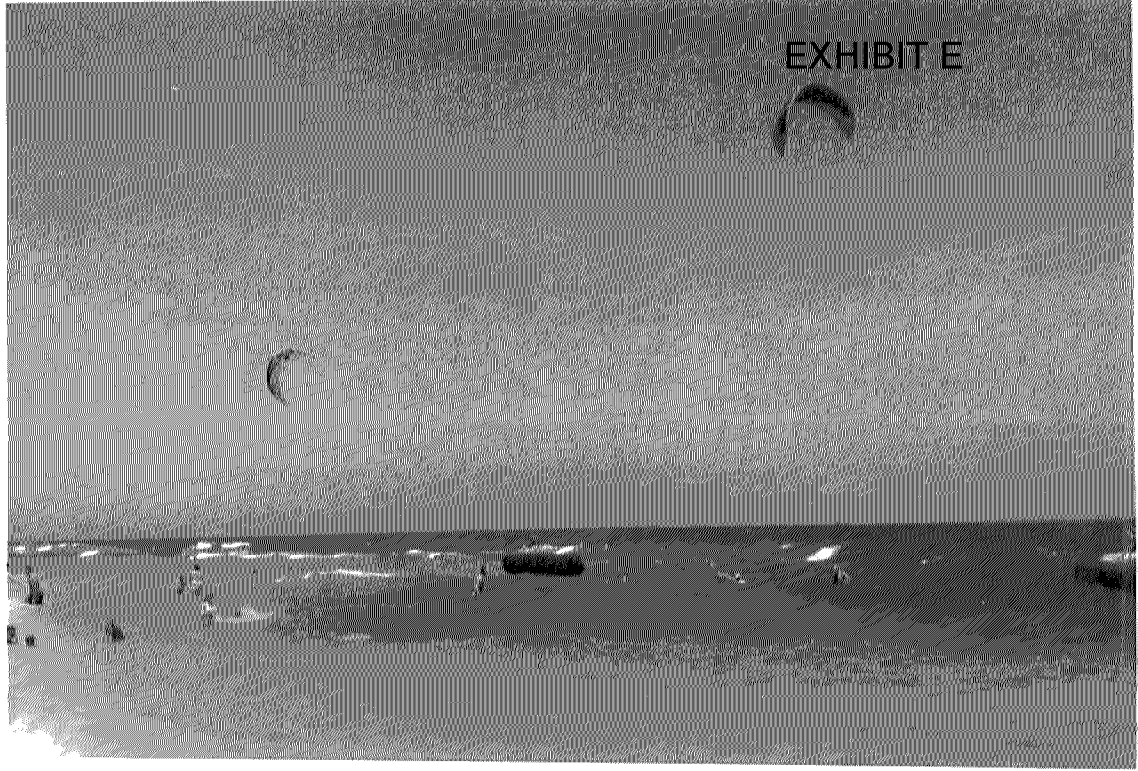
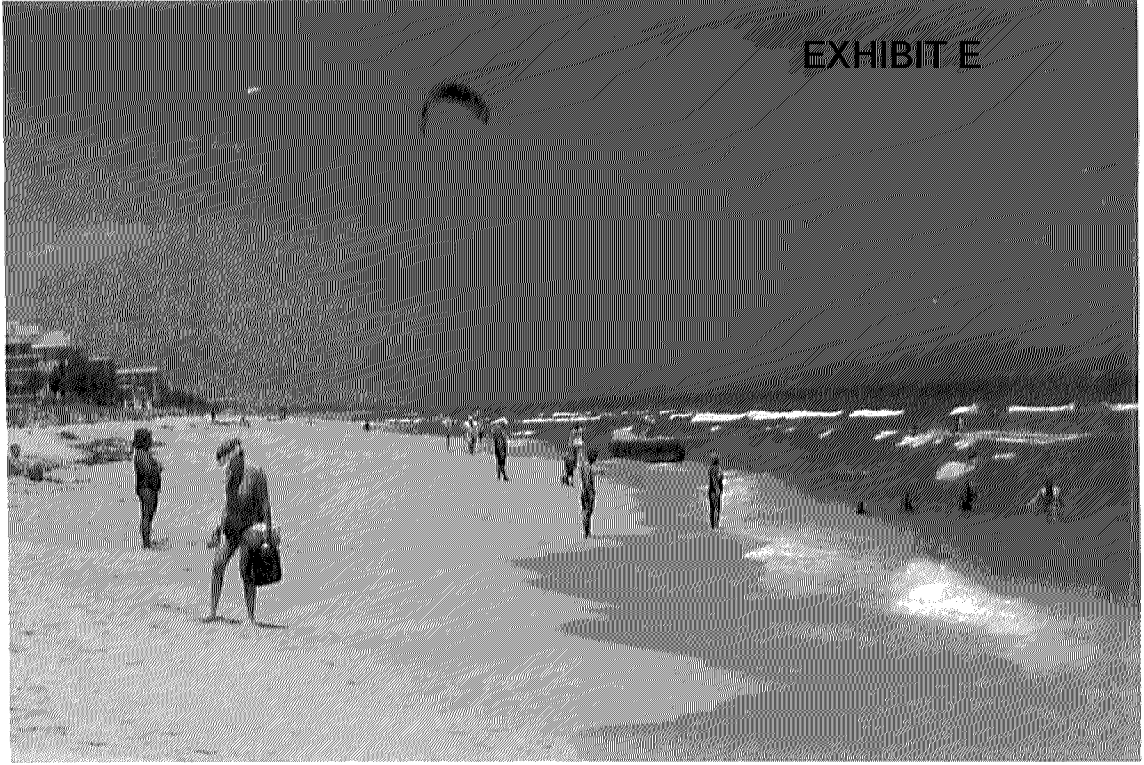


EXHIBIT E





Del Ray Ordinance

Sec. 101.34. - SURFING, SCUBA DIVING AND JET SKIS.

(A)

No parasailing or kiteboarding kitesurfing shall be permitted within three hundred (300) feet of any municipal beach site within the limits of the City. No surfing, windsurfing or kite-flying shall be permitted except in areas designated by the City Manager. It shall be the duty of the chief lifeguard to see that proper markers are maintained to indicate the location of any area to be designated. No person shall use any object at any time on the beach or in the Atlantic Ocean in a manner that constitutes a hazard to any other person.

1

An exception to the prohibitions in Section (A) is a life-or-death emergency which may require a kiteboarder/kitesurfer to traverse on or within three hundred (300) feet of any municipal beach site.

(B)

Scuba diving and jet skis are prohibited from all areas of the municipal beach.

Cross reference—Penalty, § 101.99

Sec. 10.99. - GENERAL PENALTY.

(A)

Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any provision of this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or by both a fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(B)

The City adopts all enforcement methods provided by law which include, but are not limited to, the issuance of a citation, summons, notice to appear in County Court, arrest for violation of municipal

ordinances, as provided for in F.S. Chapter 901, or civil citations provided for in Section 22.47 of this Code of Ordinances.

(C)

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be, by the City, abated as provided by law. Each day that a condition continues shall be regarded as a new and separate offense.

- **JUNO BEACH**

- **Sec. 34-4. - Definitions.**

- ***Boat*** means a craft or device for water transport, including but not limited to a **boat**, jet ski, or windsurfer board.

- **Sec. 18-97. - Boating confined to certain areas; compliance with regulations.**

No person in a park shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters except at places designated for boating by the town. Such activity shall be in accordance with applicable regulations as are now or may be hereafter adopted.

(Code 1980, § 10-73; Ord. No. 111, § 5, 11-9-1970)

- **Sec. 18-98. - Operation of boats.**

No person in a park shall navigate, direct or handle any boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat.

(Code 1980, § 10-74; Ord. No. 111, § 5, 11-9-1970)

State Law reference— Reckless or negligent operation of a vessel, F.S. § 327.33.

- **Sec. 18-99. - Boating during closing hours.**

No person in a park shall launch, dock or operate any boat of any kind on any waters between the closing hours of the park at night and the opening hours the following morning, nor shall any person be on, or remain on or in, any boat during the said closed hours of the park.

(Code 1980, § 10-75; Ord. No. 111, § 5, 11-9-1970)

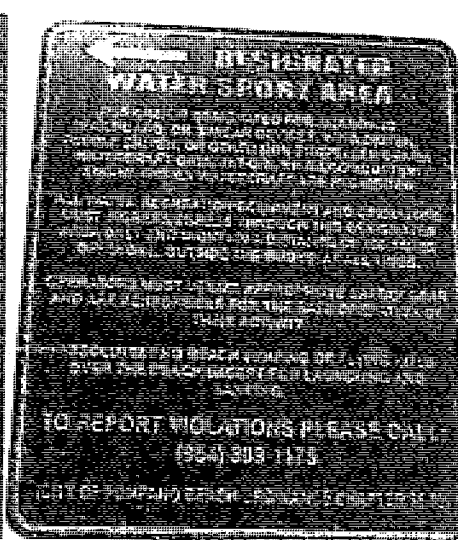
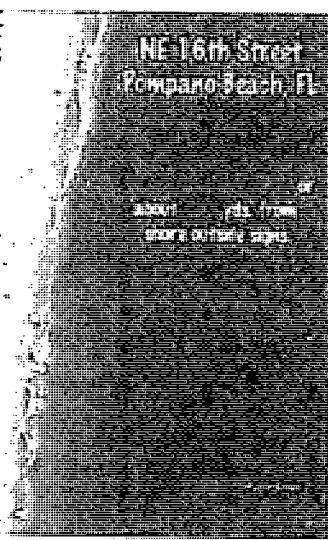
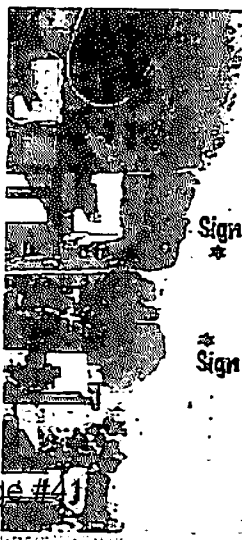
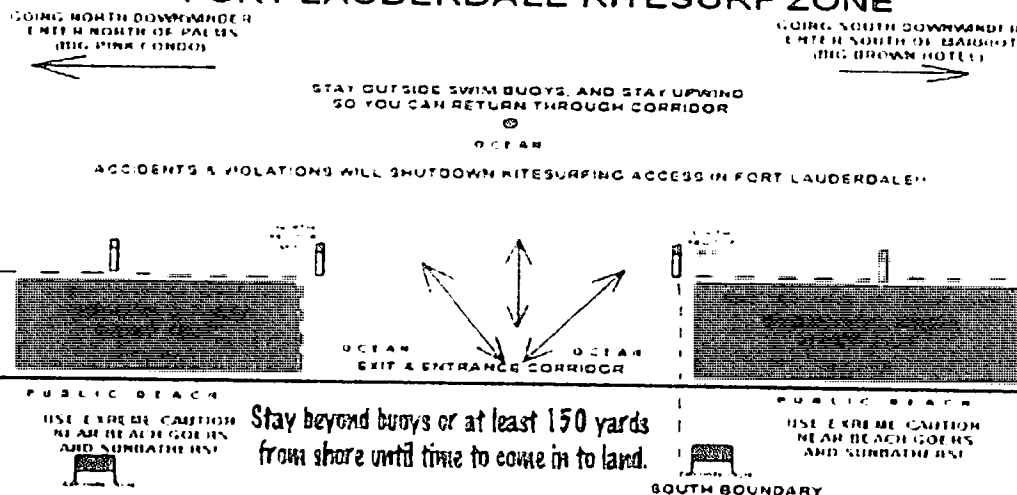
1. Stay at least 150 yards offshore from lifeguarded & designated beaches.
2. DO NOT fly your kite outside the rigging area over these beaches.
3. Enter and exit the water at designated or from unguarded areas.
4. Respect and comply with instructions from lifeguards & authorities.
5. Be polite and courteous of others (launch & walk downwind). Loss of access starts with complaints.
6. DISTANCE is your friend and is good for preserving access too!

EXHIBIT E

Plan your session considering actual and likely changes in conditions, your experience, skill and gear

1. If you are doing a downwinder, **BE SURE** to stay at least 150 yards offshore and **OUTSIDE BUOYS** from lifeguarded areas. They are easy to see and you should know where they are in advance along your run & exit points anyway.
2. If you are forced to land on a guarded beach, safely land and secure your kite. Ideally, your kite should be secured and rolled up before you are within 150 yards of shore. Do not try to relaunch from the lifeguarded beach nor walk out with your kite flying.
3. For example, if the out of bounds area is immediately to the north and winds are light or excessively strong out of the south and/or your kite and/or board are too small or too large, **DON'T LAUNCH THERE!** Go somewhere else where the out of bounds area is well to the south.
4. For example, if the wind is strong or light and is onshore, and/or substantial waves are coming in from the east, your kite/board aren't right for conditions and you don't think you will be able to readily make beyond 150 yards from shore **AND** avoid the out of bounds area ... **THEN DON'T RIDE THERE**, go somewhere else with a more distant out of bounds area.
5. If you are learning to stay upwind, be sure to go to a place where it is permissible to drift downwind. These areas are few today unfortunately.
6. Wear reasonable safety gear such as a suitable PFD for kiting, whistle, etc..

FORT LAUDERDALE KITESURF ZONE



POMPANO BEACH CODE

§ 98.02 PROHIBITED ACTS.

It shall be unlawful for any person to do any acts hereafter set out on the recreational facilities described in § 98.01 or on other properties described subsequently herein

L) Operate, pilot or launch a boat, vessel or watercraft from all beach areas within any restricted areas as designated by signs and/or buoy markers located within 100-yard distance off-shore as measured at low-tide, in all beach areas within city limits. However, wind-driven, paddle-driven or other non-propeller-driven watercraft, sailboard, kiteboard or similar device, but not jet-driven or combustion engine-driven watercraft, may ingress and egress through the designated launch area located at Northeast 16th Street, and Northeast 13th Street. Operators of all such water recreation equipment must utilize appropriate safety gear and are responsible for the safe operation of their equipment. All such operators shall also maintain a 100-yard distance off-shore at all times, and shall not interfere with bathers. The above requirements shall not apply:

Kiteboarding 13th St- Pompano, FL**Information for 13th St in Pompano, FL:**

Conditions: Advanced riders only! This area has undergone a constant battle to remain open for the Kiteboarding Community. There was No Kiteboarding allowed in Pompano Beach for a while. The locals have been fighting really hard to maintain access in these spots so BE RESPECTFUL AND RIDE SAFELY in this area. You are only allowed to kitesurf at Northeast 13th St and Northeast 16th St within the city limits. **YOU MUST RIDE OUTSIDE THE BUOYS!!** This is one of the few places there is a specific ordinance in place against Kiteboarding. It is posted below and has an amendment specifying the requirement to operate outside the buoys. They will ticket you (or the locals will pop your kite) if you do not abide by the rules and regulations

Kiteboarding Jupiter Kite Beach - Jupiter, FL**Kiteboarding Jupiter Kite Beach**

Kite Beach is the local kiteboarding spot for Jupiter, FL. This area is known for its large shore pound. Kite Beach is a great spot to Kitesurf in the Jupiter area. It is located on A1A at shower 10. There is a sand ramp that offers easy access with SUPs and kayaks. The showers/stairs have white numbers posted on them and shower 10 is where all the kiting goes down. Kite Beach is slightly North of the Juno Pier. (The shower number right north of the pier is 6). You can park anywhere along side of A1A, but sometimes it is hard to get a spot close to the stairs. There is also a spot called corners, which is located north of kite beach around shower 21. However, because the beach erosion is worse at corners most kites stay at kite beach. A shower is the only amenity so bring food and/or drink.

Precautions: All skill levels are able to ride at kite beach but the shore pound can get very large. No certification or waiver is needed. Please be respectful when you ride at kite because it can get crowded on windy days and weekends

Kiteboarding Crandon Park- Miami/Key Biscayne, FL**Information for Kiteboarding Crandon Park:**

If you like clear blue shallow water, then this is the spot for you. This spot offers a huge area full of shallow water. The setup area can be small during high tide, but shallow water makes it a good spot to walk out a little way to launch. The tidal zone leaves a sandy bottom which turns into seagrass as it gets deeper. This area has rules and requires certification and personal insurance:

- All Kites must Signin at MKB Truck on Parking lot
- Yearly Members and daily Pass only
- 25 riders maximum on the water
- Advanced kitesurfers Level 3 only

miamikiteboarding.com

TO KITESURF IN CRANDON PARK

YOU MUST BE REGISTERED WITH THE NEW CRANDON RIDERS CLUB
and get a streamer to attach on the back of your kite.

REGISTRATION REQUIRES

- PROOF OF FULLY COMPETENT KITESURFER LEVEL 3 (IKO - PASA - VDWS - FFVL - BKSA ...)
- IKO KITEBOARDER INSURANCE UP-TO-DATE
\$78 / Year valid worldwide - online at www.ikointl.com or \$10 / Day on the beach at MKB booth
- PAY THE MEMBERSHIP FEE
\$50 / Year on the beach at MKB Booth or \$10 / Day on the beach at MKB Booth

ACKNOWLEDGMENT & RULES

- By riding in Crandon Park, Kitesurfers agree to comply with the Rules, Riding Boundaries, and Swim Zones at all time. (see RULES SIGNS).
- Kites DRIFTING toward the Swim Zone represents a Hazards for bystanders. You MUST DISABLE and RECOVER your Kite BEFORE it reaches the Beach. Do not request beachgoers to assist you.
- The Corridor, delimited by the RED and YELLOW BUOYS, is strictly reserved to go In & Out the Beach : Stay OUTSIDE of the YELLOW Line when riding.
- Lifeguards May allow more than 25 kites on the water if the RIDERS STAY CLEAR of the CORRIDOR .
- NO RIDING on the North Side of Corridor when CHILDREN ARE IN FIELD TRIP on the SANDBARS . Violators will be immediately expelled by Lifeguards.
- Park Rangers, Lifeguards on duty, BNC Staff, and MiamiKiteboarding Team may ask any kitesurfer to leave the premises after repeated violations.

NOTES

- Riders MUST SIGN-IN THE DAILY SHEET at MKB Booth before going out.
- Yearly Members receive a Yellow Streamer for the season.
- Temporary Riders are given a Red Streamer for the day.
- Non- certified kitesurfers can request a 15 min Level 3 Certification Test with MiamiKiteboarding IKO Instructors.



This Is A Florida Kitesurfing Association, Inc. Kitesurfing Launch Site

Kitesurfing Rules For Crandon Park, Key Biscayne, Florida

October 25, 2001

You must be a member of the Florida Kitesurfing Association, Inc. (FKA) to fly here.

You must attach a club Kiter ID Streamer to your kite or you will be asked to leave.

To join the FKA or to find out more about kiting here, contact the FKA at 561-734-5722

Or go to <http://groups.yahoo.com/group/FKSA/> or

1. Keep yourself, your kite and your gear off the dunes and all planted areas – this is an environmentally sensitive and protected area. Persons in or on dunes **may be arrested**.
2. If you are an inexperienced kite flyer, or the conditions exceed your capabilities, do not launch your kite here – you will endanger beach patrons, other kitesurfers and yourself. Find a safe place to practice and/or seek professional instruction offered right here with Skybanditz Kiteboarding tel.305-947-8454
3. Kitesurfers must set-up, enter, and exit the water within the designated 200 yard-wide area to the north of Lifeguard tower #6. Absolutely no kite flying is permitted outside of this area when within 300 yards of shore.
4. The Key Biscayne Nature Center conducts nature tours along this section of beach. **DO NOT fly or launch within 300 yards of tour groups.** Launch only when clear of all bystanders. Give right-of-way to all beach patrons and swimmers. Stay at least 300 yards clear of anyone in the water or on the beach.
5. The area immediately to the south of the kite-launch area is a designated park swim area. **This is a strictly enforced NO-FLY zone.** You will be asked to leave the park and to permanently surrender your Kiter ID Streamer if you are seen flying in this area
6. If you crash your kite while kitesurfing and are unable to relaunch, or if you cannot return within the designated launch area, **disable your kite a minimum 300 yards away from shore**, roll it up and swim/walk it in. Do not exit the water with an uncontrollable kite or with a kite that can relaunch unexpectedly.
7. Wear a kite-leash or other kite-disabling system at all times to prevent flyaway kites that could harm beach patrons.
8. Do not sail away from shore farther than you are prepared and capable of swimming.
9. **Kitesurfing Instructors:** you must be approved and have a permit to conduct lessons here. You will be required to submit proof of school insurance covering both you and your student(s). **Do not teach**

EXHIBIT E

within launch corridor on crowded days or during onshore winds, as this creates a hazard for both your student and for experienced kitesurfers launching here. You are expected to keep your student(s) out of all no-fly zones at all times, for more info. Contact Skybanditz Kiteboarding Center 786-290-4585

10. REMEMBER: it is your responsibility to protect Crandon Park patrons and bystanders. Always fly with care.

11. PERMISSIBLE kitesurfing times are as follows:

Sept. 3 to May 29, Thursday morning through Sunday evening

May 30 to Sept. 2, Monday morning through Thursday evening

The Florida Kitesurfing Association is an official affiliate of the American Kitefliers Association. For information about joining the FKA, for information about obtaining a kite streamer, and for a list of local kitesurfing instructors and other information, please visit <http://groups.yahoo.com/group/FKA3A/> or call 561-734-5722

FKA P.O. BOX 4471 BOYNTON BEACH, FL 33424

A few more details you'll need to know about riding at Crandon Park:

SKILLS TEST: Your kitesurfing / kite handling skills will be evaluated before you may obtain kitesurfing access to Crandon Park. All kites **must** be proficient upwind riders (i.e. you must be able to go out and come back to the same spot without losing ground). See website for tentative skills test dates (wind permitting).

VISITING KITESURFERS: If you are coming from out of town and wish to kitesurf at Crandon Park please prepare ahead of time. You must be capable of proving that you can stay upwind and **must arrive** with FKA and AKA membership in order to be issued a Crandon Park kite streamer. You can sign up for both the AKA and FKA at the same time by filling out the forms and submitting the forms from: _____, 1. FKA Membership form.

All riders at Crandon Park will be required to be AKA and FKA members, must be upwind kitesurfers and must display a Crandon Park Streamer on their kite.

FLYING DATES: Flying dates and days of the week are **ONLY** permitted as follows:

Sept. 3 to May 29, Thursday morning through Sunday evening

May 30 to Sept. 2, Monday morning through Thursday evening

LOSING YOUR RIGHT TO FLY: If you break the rules, park officials will take away your Kiter ID Streamer and you will no longer be allowed to ride at Crandon Park.

REPLACEMENT KITER ID STREAMERS: Replacement ID Streamers are available from the FKA. (You must hand in the old one first) **DO NOT LOAN YOUR ID STREAMER** to other kites. You are covered by AKA Insurance, not your buddy. If a non-covered kiter has an accident in the park, kiting will likely be closed at Crandon Park to all kites. If someone is found flying with your ID Streamer, that

Miami kiteboarding rules at Key Biscaynes Crandon park

By Miami Kitesports School

Crandon On Key Biscayne: If you go through the park

- proof of IKO level 3 (iko , pasa, vdws , ffvl , bkse)

-KIO insurance up to dat \$78/ year, or \$10/day

-\$ 10 parking

- MIK Membership fee 50/ year or 10/ day.

FYI All free if you go by boat.

Crandon Park Riding Rules

Because of its popularity, Crandon Park is more regulated than other launches in Florida. Unlike other kiteboarding beaches, rules at Crandon Park are strictly enforced.

All riders who are not taking lessons are required to show competency in upwind riding. All riders not taking lessons are required to supply written proof of IKO Level 3, PASA, or equivalent certification when they register at the beach launch sign up area with NO exceptions. IKO or equivalent insurance (available through our school) is also required to ride. A complete set of rules can be found here.

Kiteboarding Rules and Regulations

- Kiteboarder must check into the beach signup area prior to accessing the launch. A minimum P.A.S.A. or I.K.O. level 3 certification (available through our school) or equivalent must be presented and a copy will be kept on file. Kiteboarders will be issued a streamer pennant that must be flown while kite is in use. A limited number of streamers will be given out daily on a first come first served basis.
- Kiteboarders are suggested to wear a helmet at all times.
- Kiteboarders will be responsible for maintaining a good working safety system.
- No Kiteboarders will be allowed to set up on or near the dunes or North of the lifeguard stand (on the Nature Preserve beach).
- Emergency personnel must have access to the entire beach. All kites, strings or boards left in the emergency alley are the responsibility of the rider. The County will not be liable for any damage caused during routine maintenance or emergency rescues.
- The Kiteboarder is responsible for any damage to the facility or beach.
- Kiteboarders are required to enter the open water thru the marked channel located between lifeguard stand North 5 and North 6. All riders must remain outside of the channel markers during their ride. No riders will be allowed to surf near the shoreline or on any sandbar or sea grass bed within the markers.
- Any rider may be asked by any representative of Miami Dade Parks, Miami Dade Water Rescue or Miami Dade Police to leave the premises if the rider has repeatedly disregarded any or all of the above rules.
- Any rider that has been removed from the beach will not be allowed access to the facility for an amount of time determined by the Park Manager not limited to an indefinite expulsion.



EXHIBIT E

SAT.
FEB 21

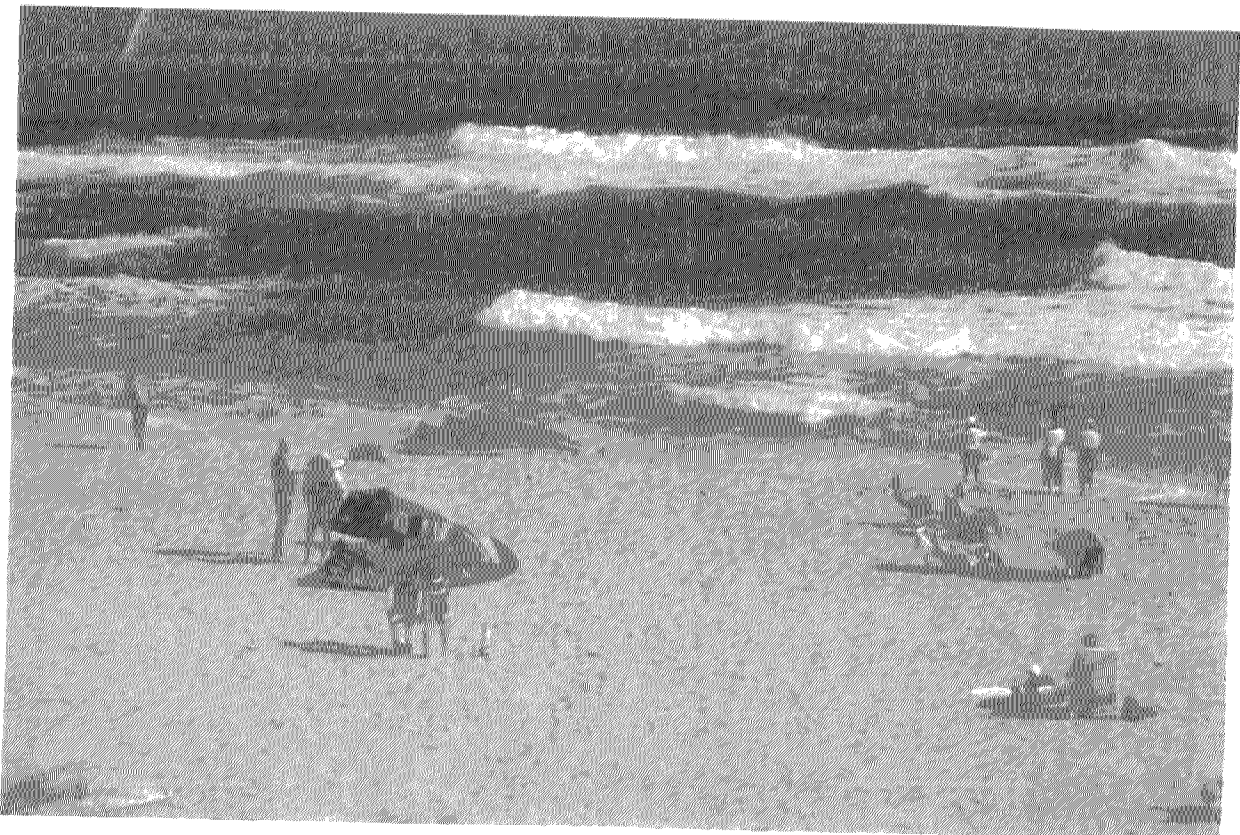
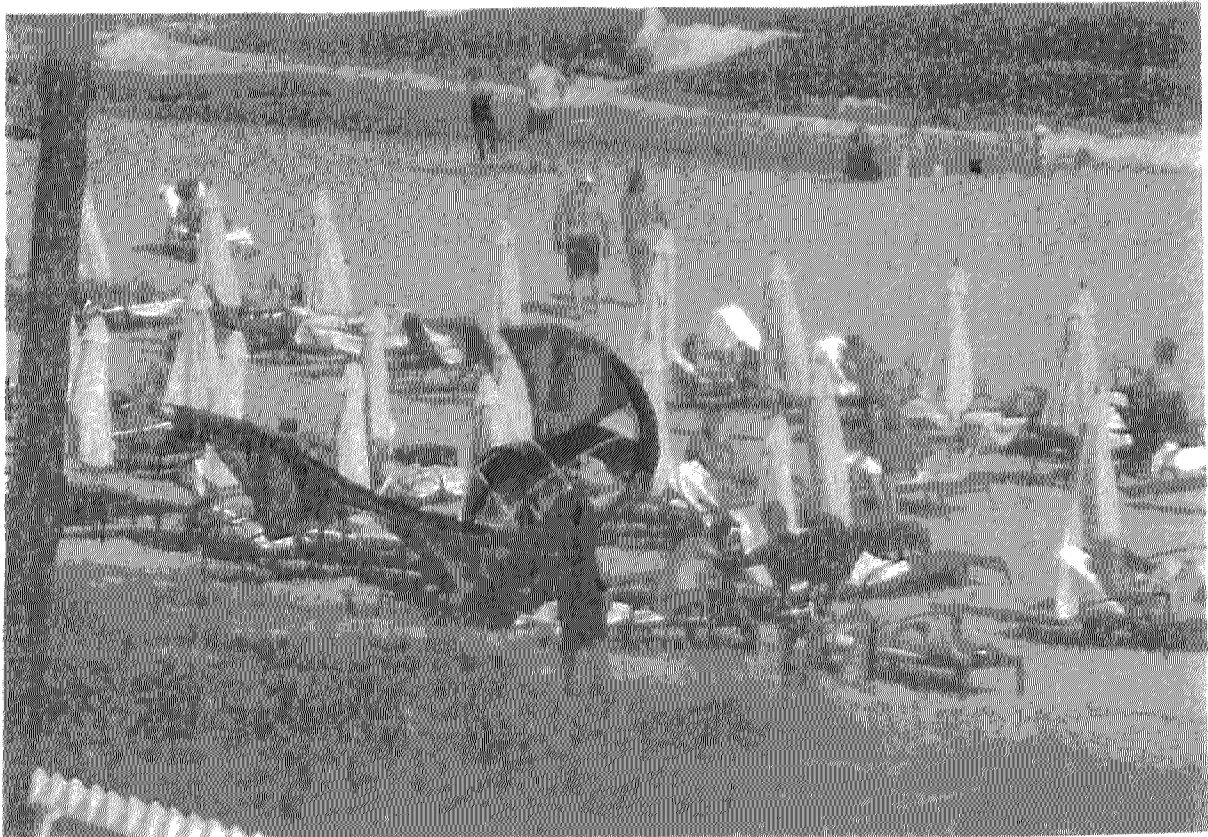
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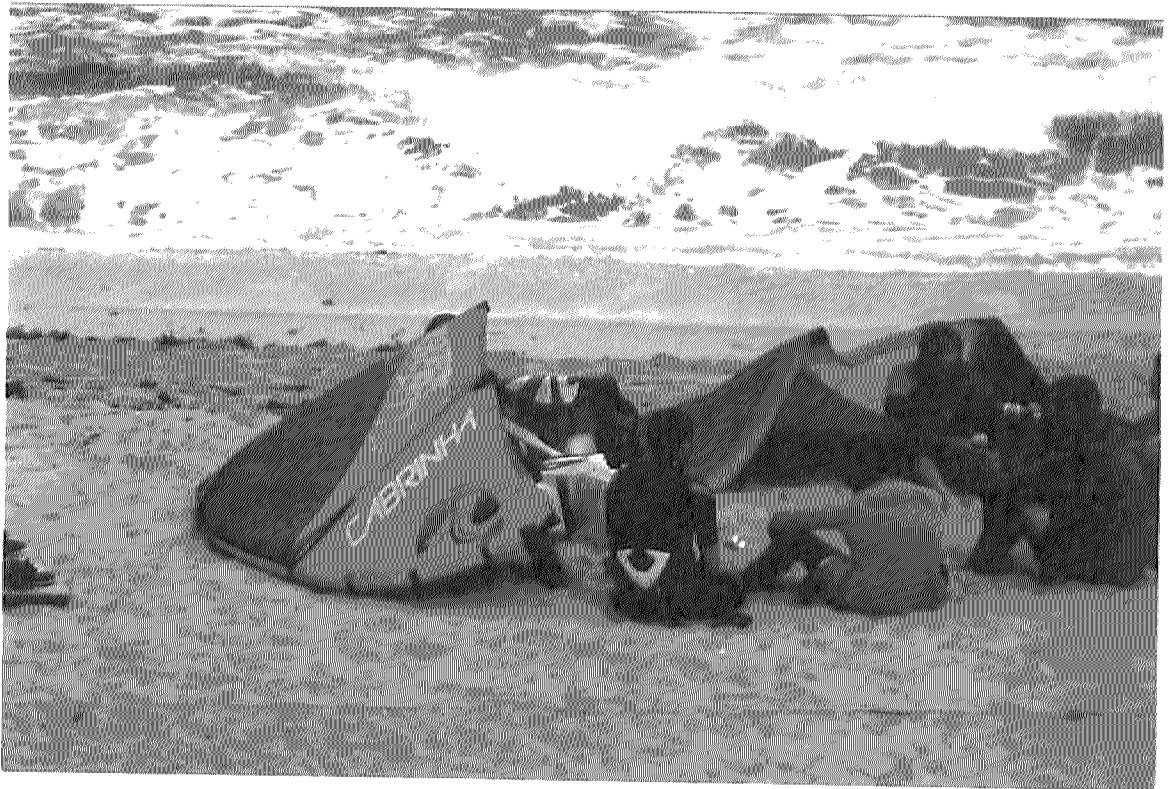
KITE BOARD.



KITE IN OUR
DUNES







HAVING A BEER

Handwritten notes in the top right corner, possibly a signature or initials, including the word "T. L." and other illegible markings.



TAKING A BREAK

EXHIBIT E



LONG WALK THRU ACCESS No. 12



TAKE ANOTHER BREAK

EXHIBIT E



WORD GETS AROUND





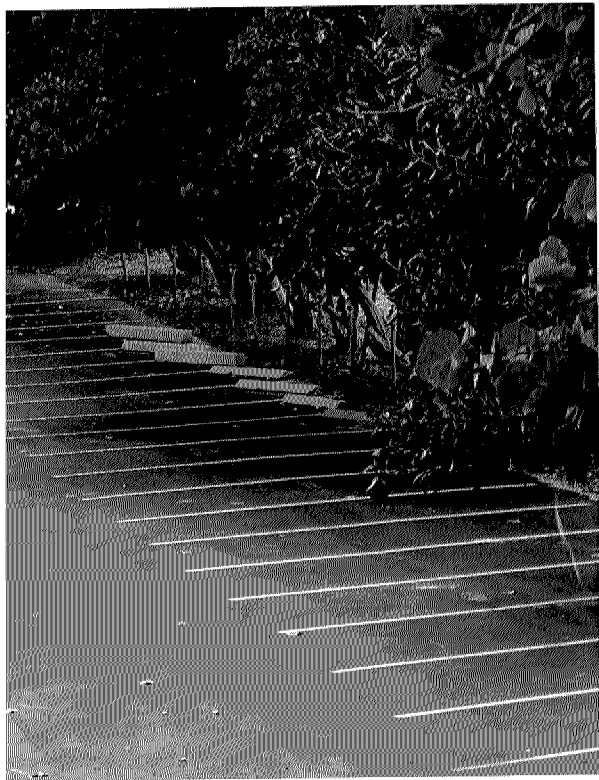
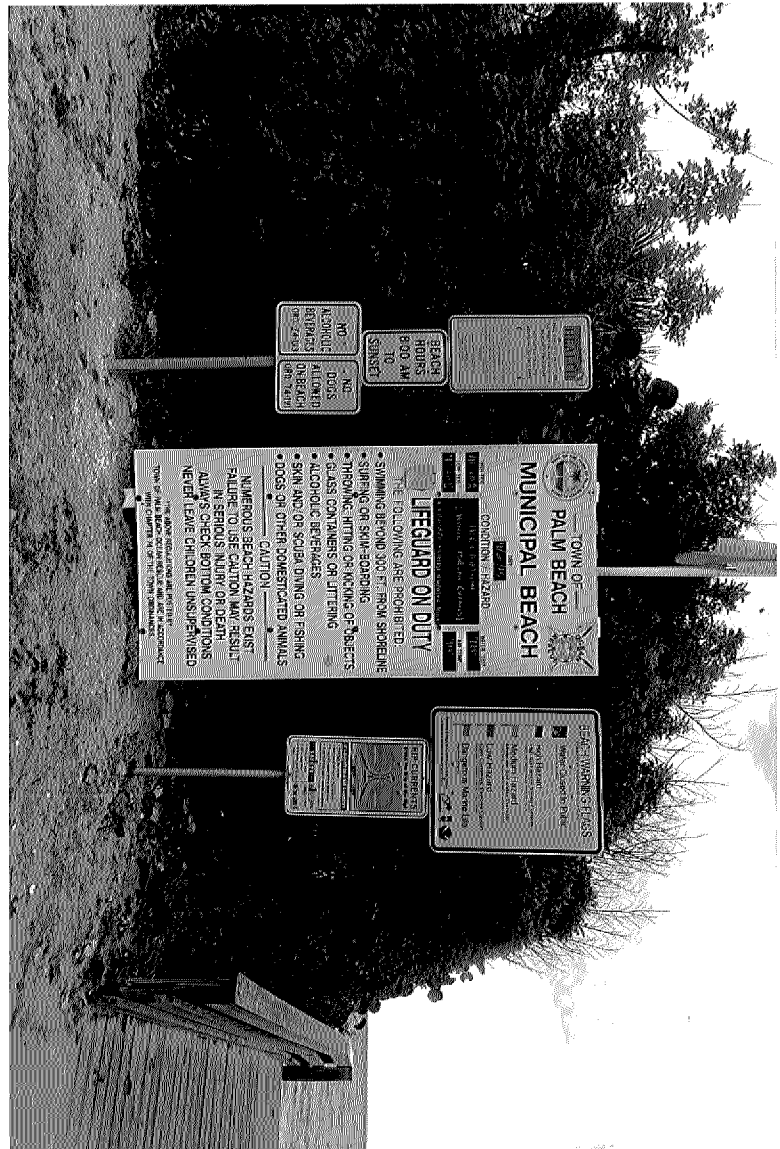
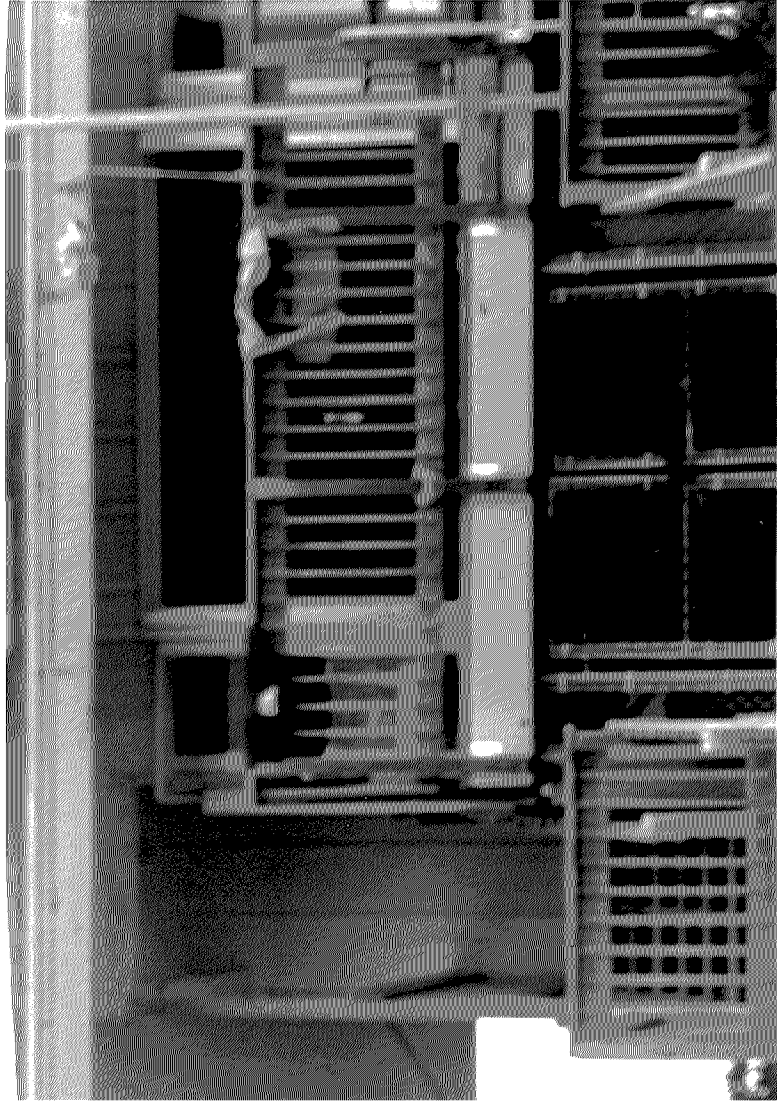
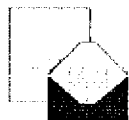


EXHIBIT E







Re: Kiteboarding 
Jay Boodheshwar to: Linda Brennan
 Cc: NCaristo, Sam Nemirow

02/04/2016 03:36 PM

Dear Mr. Brennan,

Thanks for the information. I see you've copied Lt. Caristo on this email. He'll incorporate this information in his analysis of the issue in preparation for the March ORS meeting, when this item will be addressed.

Thanks. Jay

Jay Boodheshwar
 Deputy Town Manager
 Town of Palm Beach
 Telephone: (561) 838-5410
www.townofpalmbeach.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from Town of Palm Beach officials and employees regarding municipal business are open records available to the public and media upon request. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone. If you have received this message in error, please notify us immediately by replying to this message, and please delete it from your computer. Thank you.

From: Linda Brennan <brennanlinda1@aol.com>
 To: JBoodheshwar@TownofPalmBeach.com
 Cc: NCaristo@TownofPalmBeach.com, Sam Nemirow <snemirow@aol.com>
 Date: 02/04/2016 03:13 PM
 Subject: Kiteboarding

Jay,

I went to the Palm Beach Police Dept. today to pick up an incident report concerning criminal mischief to our property. In doing so, I observed kiteboarders at the main beach in town. They were in the unguarded portion of the town beach. The lifeguard told me that portion of the beach is approximately 1/2 mile long. Plenty of room for all kiteboarders at that location with no trespassing problems to private property and no threat to bathers. All properties from Kreusler Park north to the Par 3 golf course is considered private to the high water mark. During season many bathers are present as family and guests of condos as well as hotel occupants use their private beaches to enter the water.

I still feel that finding a location for this activity is critical but I also believe as other towns have

established, a 300 foot restriction be implemented to protect our residents and guests. Please assist us in making our private beach areas safer.

Thank you.

Jim Brennan

Sec. 7-78. - Surfing, scuba diving and jet skis.

(a) No parasailing or kiteboarding/kitesurfing shall be permitted within three hundred (300) feet of the municipal beach area. No person shall use any object at any time on the beach or in the Atlantic Ocean in a manner that constitutes a hazard to any other person.

(1) An exception to the prohibitions in subsection (a) is a life-or-death emergency which may require a kiteboarder/kitesurfer to traverse on or within three hundred (300) feet of any municipal beach site.

(b) Scuba diving and jet skis are prohibited from all areas of the municipal beach.

(Ord. No. 2014-18, § 3, 5-20-14)

Sec. 101.34. - SURFING, SCUBA DIVING AND JET SKIS.

(A) No parasailing or kiteboarding/kitesurfing shall be permitted within three hundred (300) feet of any municipal beach site within the limits of the City. No surfing, windsurfing or kite-flying shall be permitted except in areas designated by the City Manager. It shall be the duty of the chief lifeguard to see that proper markers are maintained to indicate the location of any area to be designated. No person shall use any object at any time on the beach or in the Atlantic Ocean in a manner that constitutes a hazard to any other person.

1. An exception to the prohibitions in Section (A) is a life-or-death emergency which may require a kiteboarder/kitesurfer to traverse on or within three hundred (300) feet of any municipal beach site.

(B) Scuba diving and jet skis are prohibited from all areas of the municipal beach.

(Code 1980, § 17-30; Ord. No. 41-85, passed 5/14/85; Ord. No. 39-03, § 3, passed 10/7/03)

Cross reference--- Penalty, § 101.99.

EXHIBIT E

Sec. 74-187. - Use of surfboards and skimmers.

It is declared to be unlawful for any person to use or operate a surfboard or any other kind of hard device designed to ride waves upon any public beach operated and patrolled and guarded by lifeguards of the town, in the surf adjacent to any such public beach within the town. Other kinds of hard devices include skim boards, body boards, surfyaks, knee boards, surf skis and other similar devices.

(Code 1982, § 14-34)

TOWN OF PALM BEACH

Information for ORS Committee Meeting on: April 7, 2016

To: Ordinances, Rules & Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: ORS Committee Meetings from May 2016 to December 2016

Date: March 31, 2016

STAFF RECOMMENDATION

Staff recommends approval of the updated ORS meeting schedule for the period of May 2016 to December 2016.

GENERAL INFORMATION

To ensure pending items are addressed in the coming months, while looking ahead to the summer and fall, staff has prepared a proposed meeting schedule for the period of May 2016 to December 2016 for consideration. The meeting dates and tentative agenda items are as follows:

May 5, 2016 @ 9:30am

1. Old Business Items carried over from April 7, 2016, Meeting
2. Proposed Modifications to Chapter 66 (Old Business)
3. Review Potential Designation of Mooring and Anchoring Areas within the Jurisdictional Boundaries of the Town (New Business)

June 9, 2016 @ 9:30am

1. Agenda Items TBD

July, 2016 – NO MEETING

August 11, 2016 @ 9:30am

1. Agenda Items TBD

September, 2016 – NO MEETING

October 6, 2016 @ 9:30am

1. Agenda Items TBD

November 3, 2016 @ 9:30am

1. Agenda Items TBD

December 8, 2016 @ 9:30am

1. Agenda Items TBD

cc: Thomas G. Bradford, Town Manager
Department Directors
John C. Randolph, Town Attorney
Veronica Close, Assistant Director of Planning, Zoning and Building
William Bucklew, Building Official
Paul Castro, Zoning Administrator
Lt. Nicholas Caristo, Police Department
Susan Owens, Town Clerk