



TOWN OF PALM BEACH

Town Manager's Office

PUBLIC WORKS COMMITTEE MEETING

TOWN HALL
COUNCIL CHAMBERS – SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA
THURSDAY, MARCH 14, 2019
9:30 A.M.

WELCOME!

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Committee Chair
Margaret A. Zeidman, Committee Member
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. COMMUNICATIONS FROM CITIZENS
- V. GREEN INITIATIVE UPDATE:
 - New Specifications and Implementation Schedule for Eliminating Toxins on Town Property and Parks
 - Park Avenue Update
 - New Rec Center Fields: Non-toxic soccer field, play fields and playground update, including consultant review on getting there by opening
 - Priority and Plan for *F. benjamina* Replacement: Identify locations and proposed schedule and budget
 - Potential Additional Panel Discussion Aimed at Landscaping Professionals and Soils “From the Ground Up”
- VI. STRONGER FERTILIZER ORDINANCES FROM OTHER COMMUNITIES
- VII. CAPITAL PROJECTS UPDATE:
 - Paving Program
 - Florida Power & Light Update Including the New Street Lights in the North End
 - Lake Trail Lift Stations
 - Dock Environmental Permit Progress from Marine Fisheries
- VIII. 5 YEAR PAY-AS-YOU-GO FUND
- IX. TRUCK TRAFFIC - UPDATE
- X. ANY OTHER MATTERS

XI. 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 Public Works Committee 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.

TOWN OF PALM BEACH

Information for Public Works Committee Meeting: March 14, 2019

TO: Public Works Committee

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Green Initiative Update

DATE: March 5, 2019

STAFF RECOMMENDATION

Town staff is providing an update on the progress pertaining to the Town's Green Initiative program and requests the Public Works Committee members to provide any direction deemed necessary.

GENERAL INFORMATION

- New Specifications and an Implementation Schedule for Eliminating Toxins on Town Property and Parks

Staff has begun the process of re-writing Scopes of Work with new specifications pertaining to the elimination of toxins on Town property and parks. The first contract to be re-written to reflect this change is the Worth Avenue maintenance contract. The contract is written to eliminate all synthetic weed control. Staff anticipates this contract cost to range from \$140,000 to \$160,000 annually, which will be funded from the Worth Avenue Association Assessment.

- Park Avenue update – **See Exhibit A**

Staff added 65 linear feet of native plants along the north boundary line of the park. In addition, two (2) Ficus Benjamina tree stumps have been ground and disposed of, and 75 invasive Oyster plants were removed. Sod has been installed and non-synthetic/natural soil amendment was added to the soil. All of the irrigation has been changed to "low flow" Hunter MP rotors.

- New Recreation Center Field Update: Staff has retained the services of a consultant specializing in organic playing fields, Mr. Chip Osborne, to obtain suggestions and recommendations to incorporate into the new playing field to be constructed. Due to schedule and cost constraints, the review will be accomplished via email and conference calls as needed. A second consultant, Mr. Jeff Carlson, will also be retained since this specialty is fairly new and we are seeking best practices. Any recommendations that can be incorporated into the new playing field construction will be provided to Hedrick Brothers (CMAR) this spring. The landscape planting list was also reviewed by Town staff and the design consultant, 96% of proposed plants/trees are already native or "Florida Friendly". Assistance from the consultants will also be obtained in developing cultural practices and best management approaches to include the use of organic products and maintenance programs.
- Priority and Plan for Ficus Benjamina Replacement Update - **See Exhibit B**

Staff will begin removal of the Ficus Benjamina screening and hedges beginning May 1st for the listed priorities pending location emergencies and funding. Staff will continuously review, modify, and update the list to include replacement totals and species type in an effort to avoid establishing a mono-culture of hedge materials and to promote species diversity.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Paul Colby, Facility Maintenance Division Manager
John Lawrence, Grounds Supervisor

Exhibit A

- 2 Ficus Benjamina trees stumps have been removed, ground and disposed.
- Approximately 20 cubic yards of mulch and 75 invasive Oyster plants removed and disposed.
- 65 linear feet of "Native Plants" have been installed along the fence line. (12) 25 gallon Simpson Stopper & (3) 50 gallon Jamaican Capers.
- Sod has been added to the area where the trees mulch and plants were removed.
- Milorganite and Mirimichi Green Carbon soil amendment have been applied to the Live Oaks and the new hedge. (Both products are non-synthetic/natural)
- All of the irrigation has been changed to "low flow" Hunter MP rotors.
- Zimmerman Tree Service – Tree removal, stump grinding and disposal \$2,275.00
- Odom's Sod- 500 sq. ft. St. Augustine sod \$720.00
- Hopetown Farms Nursery- Jamaican Capers \$463.00
- Meyers Nursery – Simpsons Stopper \$770.00
- SiteOne- Organic fertilizer & amendment \$35.63
- Aldrich Tool Rental- Stump grinder \$190.97
- Hunter low flow MP rotors (from Royal Palm Project) \$108.00
- Town labor 75 hours
- Total \$4,562.60 plus Town Labor of \$2,250.00

Exhibit B
FICUS REPLACEMENT PROGRAM

LOCATION	SPECIES	PRIORITY (1 to 5)	LINEAR FT	POTENTIAL REPLACEMENT MATERIAL	ESTIMATED COST	ANTICIPATED REPLACEMENT YEAR	COMMENTS
Australian Dock	Ficus	1	394		\$77,224	2019	Summer 2019. Sod will be installed pending Dock project
Australian Parking Lot	Ficus	1	130		\$25,480	2019	Summer 2019. Sod will be installed pending Dock project
Peruvian Dock	Ficus	1	115		\$22,540	2019	Summer 2019. Sod will be installed pending Dock project
D9 Mediterranean	Ficus	1	235		\$46,060	2019	Contingent on funding
Police	Ficus	1	45		\$8,820	2019	Contingent on funding
Central Fire	Ficus	3	38		\$7,448	2019	Contingent on funding
South Fire	Ficus	1	180		\$35,280	2019	Contingent on funding
North Fire	Ficus	1	79		\$15,484	2019	Contingent on funding
FY19 total					\$113,092		No costs for Australian or Peruvian, Docks or parking lots staff will install turf until dock project is completed
D10 Via Marila	Ficus	2	186		\$36,456	2020	Contingent on funding
Palmo Way	Ficus	2	83		\$16,268	2020	Contingent on funding
Phipps Ocean South Restroom	Ficus	2	15		\$2,940	2020	Contingent on funding
D8 Country Club	Ficus	3	154		\$30,184	2020	Contingent on funding
A42	Ficus	3	35		\$6,860	2020	Contingent on funding
FY20 total					\$92,708		
Phipps Ocean / Little Red School House	Ficus	3	250		\$49,000	2021	Contingent on funding
Phipps Ocean North Lot	Ficus	2	274		\$53,704	2021	Contingent on funding
Phipps Ocean South Lot	Ficus	2	268		\$52,528	2021	Contingent on funding
Peruvian Parking Lot	Ficus	3	224		\$43,904	2021	Contingent on funding
FY21 total					\$199,136	2021	Contingent on funding
Brazilian Dock	Ficus		71		\$13,916		Ficus removed, 2018. Sod installed pending Dock project
Park Avenue North			0	tree (3) Simpson Stopper (12)	\$0	2018	\$4,562.60 vendor cost. \$2,250.00 in town labor costs

POTENTIAL NATIVE HEDGE MATERIAL

Total est.costs: \$482,160

Autograph - Jamaican Caper

Buttonwood - Marlberrry

Cocoplum - Simpson's Stopper

TOWN OF PALM BEACH

Information for Public Works Committee Meeting: March 14, 2019

TO: Public Works Committee

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Stronger Fertilizer Ordinances from Other Communities

DATE: March 5, 2019

STAFF RECOMMENDATION

Town staff is providing an update on other local community's fertilizer ordinances as it pertains to the Town of Palm Beach, and requests the Public Works Committee members to provide any direction deemed necessary.

GENERAL INFORMATION

- Stronger Fertilizer Ordinances from Other Communities - **See Exhibit A**

Staff examined surrounding municipal fertilizer ordinances and found all but Boynton Beach has adopted and implemented Palm Beach County's fertilizer ordinance. From examination, staff cannot locate an ordinance Boynton Beach has pertaining to fertilization.

Staff will continue to monitor our neighboring towns and city's fertilizer ordinances for any updates and/or more stringent addendums. In addition, staff will begin branching out to other Florida municipalities to gain knowledge from their Ordinances.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Paul Colby, Facility Maintenance Division Manager
John Lawrence, Grounds Supervisor

Exhibit A

	Town Of Palm Beach	Boca Raton	Boynton Beach	Delray Beach	Jupiter Island	Town Of Jupiter	West Palm Beach
Fertilizer Ordinance Sections	PBC Ordinance followed	PBC Ordinance followed	Definitions Only	PBC Ordinance followed	PBC Ordinance followed	PBC Ordinance followed	PBC Ordinance followed
Prohibited Application Period (6/1-9/30 Rainy season) "N" & "P"	Yes	Yes	No	Yes	Yes	Yes	Yes
Saturated soils	Yes	Yes	No	Yes	Yes	Yes	Yes
Fertilizer Free Zones							
10' from water or 3' w/shield	Yes	Yes	No	Yes	Yes	Yes	Yes
Training BMP Required	Yes	Yes	No	Yes	Yes	Yes	Yes
Herbicides	Ammonium Nonanoate Tournch or Mirimichi Green Weed Control	Could not locate/gather information	Glyphosate	Glyphosate	Very Limited use of Glyphosate	Glyphosate	Glyphosate

****KEY****

"N" = Nitrogen

"P" = Phosphorus

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE TOWN OF PALM BEACH IN PALM BEACH COUNTY, FLORIDA, FOCUSING ON EXCESSIVE NUTRIENT LEVELS IN PALM BEACH COUNTY WATER BODIES; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 303(d) of the Federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (FDEP) has classified specific water bodies in Palm Beach County as “impaired” as a result of the presence of excessive nutrients; and

WHEREAS, Florida Statute, Section 403.9337 requires local governments located within the watershed of a water body or water segment that is listed as impaired by nutrients to Florida Statute, Section 403.067, adopt an Ordinance for Florida-Friendly™ Fertilizer Use on urban landscapes; and

WHEREAS, the FDEP on the 8th day of September 2016, issued its Palm Beach County Municipal Separate Storm Sewer System Permit No. FLS 000018-004 (hereinafter referred to as the “MS4 Permit”) to forty (40) governmental entities including the Town of Palm Beach; and

1 **WHEREAS**, the MS4 permit requires local governments within the watershed of a nutrient
2 impaired water body to adopt FDEP's Model Ordinance for Florida Friendly Fertilizer Use on
3 Urban Landscapes or an Ordinance that includes all the requirements set forth in the Model
4 Ordinance; and

5
6 **WHEREAS**, surface water runoff and base flow runoff leaves residential neighborhoods,
7 commercial centers, industrial areas, and other lands of the Town of Palm Beach and enters into
8 natural and artificial stormwater and drainage conveyances and natural water bodies in Palm Beach
9 County; and

10
11 **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the
12 degradation of surface water, are commonly the primary components of fertilizer for turf and
13 landscape application, and

14
15 **WHEREAS**, the quality of streams, lakes, and wetlands is important to environmental,
16 economic, and recreational prosperity and to the health, safety, and welfare of the residents of the
17 Town Palm Beach; and

18
19 **WHEREAS**, algae blooms and accelerated growth of aquatic weeds in Palm Beach
20 County's water bodies have heightened community concerns about water quality and
21 eutrophication of surrounding waters; and

1 **WHEREAS**, it is generally recognized that Eastern Palm Beach County soils naturally
2 have adequate phosphorus content for most vegetative needs and that additional phosphorus is
3 therefore only occasionally needed to create or maintain a vibrant landscape; and

4
5 **WHEREAS**, it has been recognized that proper application of slow-release nitrogen
6 sources is more efficiently used by plants and less likely to leach or runoff; and

7
8 **WHEREAS**, this Ordinance is part of a regulatory program to address nonpoint sources
9 of nutrient pollution which is scientifically based, and economically and technically feasible; and

10
11 **WHEREAS**, in the process of adoption of this Ordinance, the Town of Palm Beach has
12 considered scientific information, including input from the Department of Environmental
13 Protection, the Department of Agriculture and Consumer Services, and the University of Florida
14 Institute of Food and Agricultural Sciences.

15
16 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF PALM BEACH,**
17 **FLORIDA, that**

18 **SECTION I. TITLE:**

19 This Ordinance shall be known as the Fertilizer-Friendly Use Ordinance.

20
21 **SECTION II. DEFINITIONS:**

22 For this Ordinance, the following terms shall have the meanings set forth in this Section
23 unless the context clearly indicates otherwise.

1 1. "Application" or "Apply" means the actual physical deposition of fertilizer to turf
2 or landscape plants.

3 2. "Applicator" means any person who applies fertilizer on turf and/or landscape
4 plants in the Town of Palm Beach.

5 3. "Approved Test" means a soil test from the University of Florida, government or
6 other commercial licensed laboratory that regularly performs soil testing and recommendations.

7 4. "Best Management Practices (BMP's)" means turf and landscape practices or
8 combination of practices based on research, field-testing, and expert review, determined to be the
9 most effective and practical site-specific means, including economic and technological
10 considerations, for improving water quality, conserving water supplies and protecting natural
11 resources.

12 5. "Code Enforcement Officer", "Official" or "Inspector" means any designated
13 employee or agent of the Town of Palm Beach whose duty is to enforce codes and ordinances
14 enacted by the Town of Palm Beach.

15 6. "Commercial Fertilizer Applicator" except as provided in Section 482.1562(9),
16 F.S. means any person who applies fertilizer for payment or other consideration to property not
17 owned by the person or firm applying the fertilizer or the employer of the applicators.

18 7. "Fertilizing" or "Fertilization" means the act of applying fertilizer to turf,
19 specialized turf, or landscape plants.

20 8. "Fertilizer" means any substance or mixture of substances that contains one or
21 more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity,
22 or provides other soil enrichment, or provides other corrective measures to the soil.

1 9. "Institutional Applicator" means any person, other than a private, non-commercial
2 or a Commercial Applicator (unless such definitions also apply under the circumstances), that
3 applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional
4 Applicators shall include, but shall not be limited to, owners, managers, or employees of public
5 lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential
6 properties maintained in condominium and/or common ownership.

7 10. "Landscape Plant" means any native or non-native tree, shrub, or groundcover
8 (excluding turf).

9 11. "Pasture" means land managed for livestock grazing.

10 12. "Person" means any natural person, business, corporation, limited liability
11 company, partnership, limited partnership, association, club, organization, and/or any group of
12 people acting as an organized entity.

13 13. "Prohibited Application Period" means the time period during which a Flood
14 Watch or Warning, a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in
15 effect for any portion of the Town of Palm Beach, issued by the National Weather Service, or if
16 heavy rain (2 inches or more within a twenty-four (24) hour period) is likely.

17 14. "Saturated Soil" means a soil in which the voids are filled with water. Saturation
18 does not require flow. For the purposes of this Ordinance, soils shall be considered saturated if
19 standing water is present or the pressure of a person standing on the soil causes the release of free
20 water.

21 15. "Slow-Release, "Controlled Release", Time Release", "Slowly-Available", or
22 "Water Insoluble Nitrogen" means nitrogen in a form which delays its availability for vegetative

1 uptake and use after application, or which extends its availability to the vegetation longer than a
2 reference rapid or quick release product.

3 16. "Turf", "Sod", or "Lawn" means an area of grass-covered soil held together by
4 the roots of the grass.

5 17. "Urban Landscape" means pervious areas on residential, commercial, industrial,
6 institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or
7 landscape plants. For the purposes of this Section, agriculture has the same meaning as provided
8 in Section 570.02, Florida Statutes.

9
10 **SECTION III. FINDINGS:**

11 As a result of the Florida Department of Environmental Protection's determination that
12 certain water bodies within Pam Beach County are impaired for excessive nutrient levels, the Town
13 of Palm Beach finds that the best management practices contained in the most recent edition of the
14 *"Florida-Friendly Best Management Practices of Water Resources by the Green Industries"*, are
15 required in this Ordinance.

16
17 **SECTION IV. PURPOSE AND INTENT:**

18 This Ordinance regulates the proper use of fertilizers by any applicator; requires proper
19 training of commercial and institutional fertilizer applicators; establishes training and licensing
20 requirements; establishes a Prohibited Application Period; and specifies allowable fertilizer
21 application rates and methods, fertilizer-free zones and exemptions. This Ordinance requires the
22 use of Best Management Practices to minimize negative environmental effects associated with
23 excessive nutrients in our water bodies. These environmental effects have been observed in and

on Palm Beach County's natural and constructed stormwater conveyances, rivers, creeks, canals, lakes, estuaries and other waterbodies. Collectively, these waterbodies are an asset important to the environmental, recreational, cultural and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

SECTION V. APPLICABILITY:

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the Town of Palm Beach, unless such applicator is specifically exempted by Section XII of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts.

SECTION VI. TIMING OF FERTILIZER APPLICATIONS

1. No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the Prohibited Application Period or to saturated soils.

2. Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevent Plan for that site.

1 **SECTION VII. FERTILIZER FREE ZONES:**

2 Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector shield or
3 drop spreader is used, of any pond, stream, water body, lake, canal, or wetland as defined by the
4 Florida Department of Environmental Protection (Chapter 62-340), Florida Administrative Code or
5 from the top of a seawall or lake bulkhead. Newly planted turf or landscape plants may be fertilized
6 in this zone only for a sixty (60) day period beginning thirty (30) days after planting if needed to
7 allow the vegetation to become well established. Caution shall be used to prevent direct deposition
8 of fertilizer into the water.

9
10 **SECTION VIII. FERTILIZER CONTENT AND APPLICATION RATES:**

11 1. Fertilizers applied turf within the Town of Palm Beach shall be applied in accordance with
12 requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, *Labeling*
13 *Requirements for Urban Turf Fertilizers*. Under Rule 5E-1.003(2), Florida Administrative Code,
14 required application rate and frequency maximums, which vary by plant and turf types, are found
15 on the labeled fertilizer bag or container.

16 2. Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as
17 provided in Section (1) above for turf, or in UF/IFAS recommendations for landscape plants,
18 vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by
19 an approved test.

20 3. Fertilizer used for sports turf at golf courses shall be applied in accordance with the
21 recommendations in "*Best Management Practices for the Enhancement of Environmental Quality*
22 *on Florida Golf Courses*", published by the Florida Department of Environmental Protection, dated

1 January 2007, as may be amended. Fertilizer used at park or athletic fields shall be applied in
2 accordance with Rule 5E-1.003(2), Florida Administrative Code.

3

4 **SECTION IX. FERTILIZER APPLICATION PRACTICES:**

5 1. As required in Section VII of this Ordinance, spreader deflector shields shall be
6 used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that
7 fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water
8 bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or
9 accidentally, on any impervious surface shall be immediately and completely removed to the
10 greatest extent practicable.

11 2. Fertilizer released on an impervious surface must be immediately contained and
12 either legally applied to turf or any other legal site, or returned to the original or other appropriate
13 container.

14 3. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into
15 stormwater drains, ditches, conveyances, or water bodies.

16 4. Property owners and managers are encouraged to use an Integrated Pest
17 Management (IPM) strategy as currently recommended by the University of Florida Cooperative
18 Extension Service publications.

19

20 **SECTION X. MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER:**

21 In no case shall grass clippings, vegetative material, and/or vegetative debris be washed,
22 swept, or blown on to or into stormwater drains, ditches, conveyances, water bodies, wetlands,
23 sidewalks or roadways. Any material that is accidentally so deposited shall be immediately

1 removed to the maximum extent practicable. Vegetative material may be placed within the
2 roadway right-of-way, but not over the storm drains, for pickup by the municipality's vegetative
3 waste hauler.

5 **SECTION XI. EXEMPTIONS:**

6 The provisions set forth above in this Ordinance shall not apply to:

7 (a) Bona fide farm operations as defined in the Florida Right-to-Farm Act, Section
8 823.14, Florida Statutes.

9 (b) Other properties not subject to or covered under the Florida Right-to-Farm Act that
10 have pastures used for grazing livestock.

11 (c) Any lands used for bona fide scientific research, including, but not limited to,
12 research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or
13 horticulture.

15 **SECTION XII. TRAINING:**

16 1. All commercial and institutional applicators of fertilizer within Palm Beach County shall
17 abide by and successfully complete the six-hour training program in the "*Florida-Friendly Best*
18 *Management Practices for Protection of Water Resources by the Green Industries*" offered by the
19 Florida Department of Environmental Protection through the University of Florida/Palm Beach
20 County Cooperative Extension Service "*Florida-Friendly Landscapes*" program or an approved
21 equivalent program.

22 2. Non-commercial and non-institutional applicators not otherwise required to be certified,
23 such as private citizens on their own residential property, are encouraged to follow the

1 recommendations of the University of Florida/FAS “*Florida-Friendly Landscape Program*” and
2 label instructions when applying fertilizers.

3
4 **SECTION XIII. LICENSING OF COMMERICAL APPLICATORS:**

5 1. All businesses applying fertilizer to turf or landscape plants (including, but not limited to,
6 residential lawns, golf courses, commercial properties, and multi-family and condominium
7 properties) must ensure that the business owner or his/her designee holds the appropriate “*Florida-
8 Friendly Best Management Practices for Protection of Water Resources by the Green Industries*”
9 training certificate prior to the business owner obtaining a Local Business Tax Certificate. Owners
10 for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants
11 shall provide proof of completion of the program to the Town of Palm Beach Building Department.
12 It is the responsibility of the business owner to maintain the “*Florida-Friendly Best Management
13 Practices for Protection of Water Resources by the Green Industries*” certificate to receive their
14 Business Tax Receipt annually.

15 2. All commercial applicators of fertilizer within the Town of Palm Beach shall have and
16 carry in their possession at all times when applying fertilizer evidence of certification by the
17 Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator
18 per Rule 5E-14.117(18), Florida Administrative Code.

19 3. All businesses applying fertilizer to turf and/or landscape plants (including, but not limited
20 to, residential lawns, golf courses, commercial properties and multi-family and condominium
21 properties) must ensure that at least one (1) employee has an appropriate “*Florida-Friendly Best
22 Management Practices for Protection of Water Resources by the Green Industries*” training

1 certificate prior to the business owner obtaining a Local Business Tax Certificate. Standard
2 Business Tax Receipt (BTR and transaction fees shall apply).

3
4 **SECTION XIV. ENFORCEMENT:**

5 The provisions of this Ordinance shall be enforced by (1) the Town of Palm Beach Code
6 Enforcement Officer pursuant to the authority granted by Section 162.01 et. Seq., Florida Statutes,
7 as may be amended and Article 10 of the United Land Development Code, as may be amended,
8 (2) the Town of Palm Beach through its authority to enjoin and restrain any person violating the
9 Unified Land Development Code, or (3) the Town of Palm Beach through the prosecution of
10 violations in the name of the State of Florida pursuant to the authority granted by Section 125.69,
11 Florida Statutes, as may be amended. The Code Enforcement Official may pursue these or any
12 other enforcement remedies available to and applicable to the Town of Palm Beach.

13
14 **SECTION XV. PENALTIES:**

15 1. Failure to comply with the requirement of this Ordinance shall constitute a violation of this
16 Ordinance and shall be punishable by a fine not to exceed \$250 per incident for the violation or a
17 fine not to exceed \$500 per incident for a repeat violation, and, in addition, may include all costs
18 of repairs and remediation including administrative costs. Each new day the violation exists it is
19 considered a separate incident.

20 2. In determining the amount of fines that should be imposed, the Code Enforcement Official
21 shall consider the following factors: (1) the gravity of the violation; (2) any actions taken by the
22 violator to correct the violation; and (3) any previous violations committed by the violator. If the

1 Code Enforcement Official finds the violation is irreparable or irreversible in nature, a fine not to
2 exceed \$15,000 per violation may be imposed.

3 3. Funds generated by penalties imposed under this Ordinance shall be used by the Town of
4 Palm Beach for the administration and enforcement of Section 403.9337, Florida Statutes, and the
5 corresponding Sections of this Ordinance, and to further water conservation and nonpoint pollution
6 prevention activities.

7 8 **SECTION XVI. APPEAL:**

9 An aggrieved party, including the Town of Palm Beach, may appeal a final administrative
10 order of the Code Enforcement Official to the circuit court. Such an appeal shall not be a hearing
11 de novo, but shall be limited to appellate review of the record created before the Code Enforcement
12 Official. An appeal shall be filled within thirty (30) days of the execution of the order to be
13 appealed.

14 15 **SECTION XVII. SEVERABILITY:**

16 If any Section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
17 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
18 holding shall not affect the remainder of this Ordinance.

19 20 **SECTION XVIII. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

21 The provisions of this Ordinance shall become and be made a part of the Town of Palm
22 Beach Code. The Sections of this Ordinance may be renumbered or relettered to accomplish such,
23 and the word "Ordinance" may be changed to "Section", "Article", or other appropriate word.

1 **SECTION XIX. CAPTIONS:**

2 The captions, section headings, and section designations used in this Ordinance are for
3 convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.
4

5 **SECTION XXI. EFFECTIVE DATE:**

6 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN**
7 **OF PALM BEACH, FLORIDA:**
8

9 **PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the
10 Town of Palm Beach on first reading this ____ day of _____, 2018, and for
11 second and final reading on this ____ day of _____, 2018.
12
13
14

15 _____
16 Gail L. Coniglio, Mayor
17
18
19

Danielle H. Moore, Town Council President
20
21
22

20 ATTEST:

21 _____
22 Kathleen Dominguez, Town Clerk
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ARTICLE X. - FERTILIZER USE AND REGULATIONS**Sec. 17-259. - Definitions.**

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

"Application or apply" shall mean the actual physical deposition of fertilizer to turf or landscape plants.

"Applicator" shall mean any person who applies fertilizer on turf and/or landscape plants in the City of Boca Raton.

"Approved test" shall mean a soil test from the University of Florida, government, or other commercial licensed laboratory that regularly performs soil testing and recommendations.

"Best management practices (BMPs)" shall mean turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practical site-specific means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

"Code enforcement officer, official, or inspector" shall mean any employee or agent of the City of Boca Raton designated by the city manager to enforce codes and ordinances enacted by the City of Boca Raton.

"Commercial fertilizer applicator" except as provided in F.S. § 482.1562(9), shall mean any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer, or the employer of the applicators.

"Fertilizer" shall mean any substance or mixture of substances that contains 1 or more recognized plant nutrient(s) and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

"Fertilizing or fertilization" shall mean the act of applying fertilizer to turf, specialized turf, or landscape plants.

"Institutional applicator" shall mean any person, other than a private, noncommercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers, or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites, and any residential properties maintained in condominium and/or common ownership.

"Landscape plant" shall mean any native or non-native tree, shrub, or groundcover (excluding turf).

"Person" shall mean any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

"Prohibited application period" shall mean the time period during which a flood watch or warning, a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of the City of Boca Raton, issued by the National Weather Service, or if heavy rain (2 inches or more within a 24-hour period) is likely.

"Saturated soil" shall mean a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this article, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

"Slow-release, controlled release, timed release, slowly available, or water insoluble nitrogen" shall mean nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

"Turf, sod, or lawn" shall mean an area of grass-covered soil held together by the roots of the grass.

"Urban landscape" shall mean pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants. For the purposes of this section, agriculture has the same meaning as provided in F.S. § 570.02.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-260. - Legislative findings.

As a result of the Florida Department of Environmental Protection's determination that certain water bodies within Palm Beach County are impaired by excessive nutrient levels, the city council of the City of Boca Raton finds that the best management practices contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries", are required and are necessary to implement within the city as set forth herein.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-261. - Purpose and intent.

This article regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes training and licensing requirements; establishes a prohibited application period; and specifies allowable fertilizer application rates and methods, fertilizer-free zones, and exemptions. This article requires the use of best management practices to minimize negative environmental effects associated with excessive nutrients in our water bodies. These environmental effects have been observed in and on Palm Beach County's natural and constructed

stormwater conveyances, rivers, creeks, canals, lakes, estuaries, and other water bodies. Collectively, these water bodies are an asset important to the environmental, recreational, cultural, and economic well-being of Palm Beach County residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, is anticipated to help improve and maintain water and habitat quality.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-262. - Applicability.

The regulations set forth herein shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer to urban landscapes within the City of Boca Raton, unless such application is specifically exempted by section 17-268. These regulations shall be prospective only and shall not impair any existing contracts.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-263. - Timing of fertilizer applications.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period or to saturated soils.
- (b) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-264. - Fertilizer-free zones.

Fertilizer shall not be applied within 10 feet (or 3 feet if a deflector shield or drop spreader is used) of any pond, stream, water body, lake, canal, or wetland (as defined by the Florida Department of Environmental Protection in Chapter 62-340, Florida Administrative Code), or from the top of a seawall or lake bulkhead. Newly planted turf or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-265. - Fertilizer content and application rates.

- (a) Fertilizers applied to turf within the City of Boca Raton shall be formulated and applied in

accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code. Under Rule 5E-1.003(2), required application rate and frequency maximums, which vary by plant and turf types, are found on the labeled fertilizer bag or container.

- (b) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants, except as provided in subsection (a) above for turf, or in the University of Florida/Institute of Food and Agricultural Services (UF/IFAS) recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.
- (c) Fertilizer used for sports turf at golf courses shall be applied in accordance with the recommendations in "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses", published by the Florida Department of Environmental Protection, dated January 2007, as may be amended. Fertilizer used at park or athletic fields shall be applied in accordance with Rule 5E-1.003(2), Florida Administrative Code.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-266. - Fertilizer application practices.

- (a) As required in section 17-264 of this article, spreader deflector shields shall be used when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones, and water bodies, including wetlands. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- (b) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.
- (c) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, drainage conveyances, or water bodies.
- (d) Property owners and managers are encouraged to use an integrated pest management (IPM) strategy, as currently recommended by the University of Florida Cooperative Extension Service publications, and to utilize the plant selection and landscape design standards of the UF/IFAS Florida-Friendly Landscape Program.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-267. - Management of grass clippings and vegetative matter.

In no case shall grass clippings, vegetative material, and/or vegetative debris intentionally be washed, swept, blown, or otherwise deposited onto or into stormwater drains, drainage ditches or conveyances, water bodies, wetlands, sidewalks, or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable and disposed of in accordance with applicable codes and regulations.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-268. - Exemptions.

The provisions set forth hereinabove shall not apply to lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-269. - Training.

- (a) All commercial and institutional applicators of fertilizer within the City of Boca Raton shall abide by and successfully complete the 6-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida/Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program or an approved equivalent program.
- (b) Noncommercial and noninstitutional applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the UF/IFAS "Florida-Friendly Landscape Program" and label instructions when applying fertilizers.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-270. - Licensing of commercial applicators.

- (a) All businesses applying fertilizer to turf or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that the business owner or his/her designee holds the appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Boca Raton. It is the responsibility of the business owner to maintain the "Florida-Friendly Best

Management Practices for Protection of Water Resources by the Green Industries" certificate in order to receive his/her/its business tax receipt annually. Additionally, commercial applicators of fertilizer who are not required to obtain a business tax receipt from the City of Boca Raton shall be required to register with the city pursuant to section 8-93 of the City Code of Ordinances.

- (b) After December 31, 2018, all commercial applicators of fertilizer within the City of Boca Raton shall have and carry in their possession at all times when applying fertilizer evidence of certification by the Florida Department of Agriculture and Consumer Services as a commercial fertilizer applicator.
- (c) All businesses applying fertilizer to turf and/or landscape plants (including, but not limited to, residential lawns, golf courses, commercial properties, and multifamily and condominium properties) must ensure that at least 1 employee has an appropriate "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate or prior to registering with the city pursuant to section 8-93 of the City Code of Ordinances. Standard business tax receipt (BTR) and/or standard transaction fees shall apply.

(Ord. No. 5469, § 1, 9-25-18)

Sec. 17-271. - Enforcement.

- (a) The provisions of this article shall be enforced by:
 - (1) The City of Boca Raton code enforcement special magistrate pursuant to the authority granted by F.S. § 162.01 et seq., as may be amended, and chapter 2 of the City Code of Ordinances, as may be amended; or
 - (2) The City of Boca Raton through its authority to enjoin and restrain any person violating the City Code of Ordinances.

The City of Boca Raton may also pursue any other enforcement remedies available at law or in equity.

- (b) Any violation of this division is hereby deemed to be irreversible and irreparable in accordance with F.S. § 162.01 et seq.

(Ord. No. 5469, § 1, 9-25-18)

ARTICLE II. - FERTILIZER

Sec. 18-31. - Definitions.

As used in this article, the following terms shall have the meanings set forth in this section unless the context clearly indicates otherwise.

Application or *apply* means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any person who applies fertilizer to turf and/or landscape plants within the Town of Jupiter Island.

Best management practices means turf and landscape practices or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies and protecting natural resources.

Commercial fertilizer applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Fertilize, fertilizing, or fertilization means the act of applying fertilizer to turf or landscape plants.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Fertilizer free zone means an area where fertilizer shall not be applied within ten feet of an adjacent seawall, river, lake, pond, creek, stream, canal, ditch, swale or other water course, and any water retention area or water detention area, wetland, or preserve area unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge is used, in which case a minimum of three feet shall be maintained.

Institutional applicator means any person, other than a non-commercial or commercial applicator, that applies fertilizer for the purpose of maintaining turf or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in common ownership.

Landscape plant means any native or exotic tree, shrub, or groundcover (excluding turf, sod, and lawn).

Non-commercial applicator means any person not defined as a commercial or institutional applicator who applies fertilizer on turf or landscape plants within the Town of Jupiter Island who is also the owner, landlord, tenant or employee of such, of the real property upon which the fertilizer is applied.

Prohibited application period means the time period during which a hurricane watch, hurricane warning, tropical storm watch, tropical storm warning, flood watch, flood warning, severe thunderstorm watch, or severe thunderstorm warning is in effect for any portion of the Town of Jupiter Island, issued by the National Weather Service, or if rainfall greater than or equal to two inches in a 24-hour period is likely.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. Soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Turf, sod, or lawn means grass-covered soil held together by the roots of the grass.

(Ord. No. 340, § 1, 7-11-12)

Sec. 18-32. - Applicability.

This article shall apply to and shall regulate any and all applicators of fertilizer, and applications of fertilizer within the town, unless such applicator or application is specifically exempted by the terms of this article. Specific regulations herein apply to commercial and institutional applicators.

(Ord. No. 340, § 1, 7-11-12)

Sec. 18-33. - Training.

- (a) All commercial applicators who apply fertilizer within the town shall work under the supervision of an individual who has successfully completed the six hour training program entitled "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" Program, or approved equivalent programs pursuant to F.S. § 403.9338(1)(b).
- (b) Non-commercial and institutional applicators, including private property owners or occupants on their own residential property, are encouraged to familiarize themselves with the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers, and are encouraged to comply with the provisions of this article, as applicable.

(Ord. No. 340, § 1, 7-11-12)

Sec. 18-34. - Timing of turf fertilizer applications.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period, or to saturated soils.

(Ord. No. 340, § 1, 7-11-12)

Sec. 18-35. - Fertilizer free zones.

Fertilizer shall not be applied within a fertilizer free zone. Notwithstanding this provision, newly planted turf or landscape plants may be fertilized in a fertilizer free zone only for a first 60-day period, beginning 30 days after planting if needed, to allow the plants to become established. Caution must be used by the applicator to prevent direct deposition of nutrients into the surrounding fertilizer free zone, including adjacent water bodies. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water.

(Ord. No. 340, § 1, 7-11-12)

Sec. 18-36. - Application practices.

- (a) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zones and water including wetlands.
- (b) Fertilizer shall not be applied, spilled, or deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, whether intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable, and must be either re-applied in a lawful manner, or re-deposited into an appropriate container.
- (c) In no case shall fertilizer be intentionally washed, swept, or mechanically blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
- (d) Fertilizer shall not be applied by any person during a prohibited application period.
- (e) Fertilizer shall not be applied by any person to saturated soil.

(Ord. No. 340, § 1, 7-11-12)

ORDINANCE NO. 21-18

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER AMENDING CHAPTER 23, ENTITLED "LANDSCAPING", TO PROHIBIT THE APPLICATION OF FERTILIZERS FROM JUNE 1 THROUGH SEPTEMBER 30 AS A BEST MANAGEMENT PRACTICE TO MITIGATE ADVERSE IMPACTS ON THE WATER QUALITY OF WATER BODIES IN THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (FDEP) has classified specific water bodies in Palm Beach County (the County) as "impaired" as a result of the presence of excessive nutrients; and

WHEREAS, portions of the Loxahatchee River have been classified as impaired and the Town is proactively taking measures to reduce nutrient loadings within the river to mitigate this impairment; and

WHEREAS, nutrient pollution is one of America's most widespread costly and challenging environmental problems and is caused by excess nitrogen and phosphorus in the water; and

WHEREAS, excess nutrients in the water cause algae to grow faster than the water's ecosystem can handle, depleting oxygen in the water and leading to fish kills; and

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WHEREAS, some algae blooms are harmful to humans because they produce toxins and bacterial growth that can make humans sick when they drink or come into contact with the water polluted by toxins and bacterial growth, or when they consume fish or shellfish in polluted waters; and

WHEREAS, nutrient pollution can be attributed to instances where surface water runoff leaves developed residential neighborhoods, commercial centers, industrial areas, golf courses and other lands within the Town via natural and artificial stormwater conveyances and is dumped into natural water bodies within the Town; and

WHEREAS, phosphorus and nitrogen, are the primary nutrients associated with the degradation of surface water, and are commonly the primary components of fertilizers which are applied to turf and landscape materials; and

WHEREAS, the quality of creeks, lakes, wetlands, and the Loxahatchee River is important to environmental, economic, and recreational prosperity and to the health, safety, and welfare of the residents and visitors of the Town; and

WHEREAS, algae blooms and the accelerated growth of aquatic weeds in the Town water bodies and elsewhere in the Treasure Coast Region have heightened community concerns about water quality and the eutrophication of surrounding waters; and

WHEREAS, this ordinance is part of a regulatory program to address nonpoint sources of nutrient pollution which is scientifically based, and economically and technically feasible; and

WHEREAS, in the process of adoption of this ordinance, Town Council of the has considered scientific information, including from the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the University of Florida Institute of Food and Agricultural Sciences.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF JUPITER, FLORIDA, THAT

Section 1. Sec. 23-123 of the Town Code, entitled "Definitions" is hereby amended as follows:

Sec. 23-123. – Definitions.

Applicator means any person who applies fertilizer to turf or landscape plants.

Specialized Turf means areas of grass used for athletic fields, activity fields, parks, golf course practice and play areas, cemeteries and other similar areas.

Specialized Turf Manager means a person responsible for fertilizer or directing the fertilization of "specialized turf" as defined above.

Section 2. Sec. 23-127 of the Town Code, entitled "Timing of Fertilizer Applications" is hereby amended as follows:

Sec. 23-127. – Timing of fertilizer applications.

- (1) No Applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period or to saturated soils.

- (2) Fertilizer containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.
- (3) No fertilizer containing nitrogen or phosphorus shall be applied between June 1 and September 30 as well as any other Prohibited Application Period.

Section 3. Sec. 23-132 of the Town Code, entitled "Exemptions" is hereby amended as follows:

Sec. 23-132. – Exemptions.

The provisions set forth herein shall not apply to:

- (a) Bona fide farm operations as defined in the Florida Right-to-Farm Act, F.S. § 823.14.
- (b) Other properties not subject to or covered under the Florida Right-to-Farm Act that have pastures used for grazing livestock.
- (c) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.
- (d) Vegetable gardens provided they are not within 10 feet of any water body and/or wetland.

- (e) Yard waste compost, mulches or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.
- (f) Reclaimed or Irrigation Quality (IQ) water used for irrigation.
- (g) All golf course landscaping which shall meet the provisions of the Florida Department of Environmental Protection document, "Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses" when applying fertilizer to the golf course practice and play areas.
- (h) For all other Specialized Turf Areas, the Specialized Turf Managers which shall use their best professional judgement and apply the concepts and principles embodied in the Florida Green BMPs, to maintain the health and function of their Specialized Turf Areas.
- (i) Fertilizer applications performed by a Commercial Fertilizer Applicator who possesses a valid limited certification for urban landscape commercial fertilizer application from the Florida Department of Agricultural and Consumer Services or possesses evidence of completion of the Florida Department of Environmental Protection Florida-Friendly Best Management Practices for Protection of Water Resources Training Program.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5. Codification

The provisions of this Ordinance shall become and be made a part of the Town of Jupiter Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 6. Effective Date

The provisions of this Ordinance shall take effect on January 1, 2019.

Upon First Reading this 20th day of September, 2018, the foregoing Ordinance was offered by Councilor Ilan Kaufer, who moved its adoption. The motion was seconded by Vice-Mayor Ron Delaney, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR TODD R. WODRASKA	X	
VICE-MAYOR RON DELANEY	X	
COUNCILOR ILAN KAUFER	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR WAYNE R. POSNER	X	

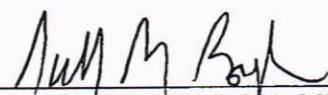
Upon Second Reading this 4th day of October, 2018 the foregoing Ordinance was offered by Vice-Mayor Ron Delaney, who moved its adoption. The motion was seconded by Councilor Ilan Kaufer, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR TODD R. WODRASKA	X	
VICE-MAYOR RON DELANEY	X	
COUNCILOR ILAN KAUFER	X	
COUNCILOR JIM KURETSKI	X	
COUNCILOR WAYNE R. POSNER	X	

The Mayor thereupon executed Ordinance 21-18 on this 9th day of October, 2018.

TOWN OF JUPITER, FLORIDA

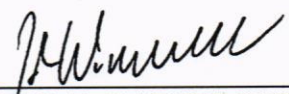
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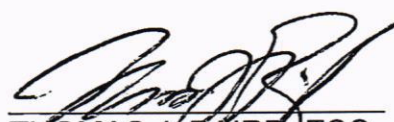

SALLY M. BOYLAN, MMC
TOWN CLERK

(TOWN SEAL)



BY:


TODD R. WODRASKA
MAYOR


THOMAS J. BAIRD, ESQ.
Approved as to form and
legal sufficiency

Sec. 34-114. - Definitions.

For the purpose of this article, the following terms shall have the meanings set forth by this section unless the context clearly indicates otherwise.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular. Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Apply or application means the physical deposit, placement, or release of fertilizer upon soil or turf or landscape plants.

Applicator means any person who applies fertilizer.

Approved soil test means soil and tissue tests for phosphorus and/or nitrogen done by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) or an accredited laboratory that regularly performs soil testing.

Commercial applicator means, except as provided in F.S. § 482.1562(9), any person who applies fertilizer in exchange for money, goods, services or other valuable consideration to property not owned by the person or firm applying the fertilizer.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Fertilizing means the act of applying fertilizer to soil, turf, specialized turf or landscape plants.

Institutional applicator means any person, other than a private non-commercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institution applicators shall include, but shall not be limited to, owners, manager or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape plant means any native or non-native tree, shrub, bush or groundcover plant, excluding turf.

Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, association, club, organization and/or any group of people acting as an organized entity.

Prohibited application period means the time period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning, or a three-day cone of uncertainty is in effect for any portion of the city, issued by the National Weather Service.

Saturated soil means soil in which the voids are filled with water. Saturation does not require flow. For the purpose of this ordinance, soil shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow release means nitrogen in a form which delays its availability for landscape plant or turf uptake and use for an extended period after application, or which extends its availability to the landscape plant or turf longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "slow release," "slowly available," and "water insoluble".

Turf, sod, or lawn means an area of grass-covered soil held together by the roots of the grass, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia, or other grass groundcover.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-115. - Fertilizer free zones.

Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, water course, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall or lake bulkhead. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day establishment period beginning 30 days after planting, if needed to allow the plants to become established. Caution shall be used to prevent direct application of fertilizer into the water.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-116. - Fertilizer application restrictions.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to

saturated soil or to turf and/or landscape plants on saturated soil.

- (b) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any prohibited application period, including any period for which the National Weather Service has issued any of the following advisories for any portion of the city: flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or a three-day cone of uncertainty.
- (c) Fertilizers containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosions control in an emergency situation (wildfire, etc.) or in accordance with the stormwater pollution prevention plan for that site.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-117. - Fertilizer content and application rates.

- (a) All fertilizer to be applied shall be labeled in accordance with state law.
- (b) Fertilizers applied to turf and/or landscape plants within the city shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers, and shall not exceed the application rates and frequency maximums, which vary by plant and turf type, found on the labeled fertilizer bag or container.
- (c) Unless a soil or tissue deficiency has been verified by an approved soil test:
 - (1) Nitrogen or phosphorus fertilizer shall be applied to turf in accordance with the rates and frequency requirements of subsection (b) above; and
 - (2) Nitrogen or phosphorus fertilizer shall be applied to landscape plants in accordance with the rates and frequency requirements of subsection (b) above, or in accordance with the University of Florida/Institute of Food and Agricultural Sciences recommendations for landscape plants, vegetable gardens and fruit trees and shrubs.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-118. - Mode of application.

Spreader deflector shields are required when fertilizing via broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zones, water bodies including wetlands, and saturated soil.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-119. - Impervious surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, fertilizer free zones or water bodies including wetlands.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-120. - Management of grass clippings and vegetative matter.

In no case shall grass clippings, plant material, vegetative debris and/or yard and garden waste, intentionally be washed, swept, or blown onto or into stormwater drains, ditches, conveyances, fertilizer free zones, water bodies, wetlands, sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable. Yard and garden waste material may be placed for pick up, in accordance with the city code, within the swale, parkway or street, but not in such a manner which may block or wash into the storm drains.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-121. - Exemptions.

The provisions of this article shall not apply to:

- (a) bona fide farm operations or other properties that have pastures used for grazing livestock, which are covered under the Florida Right to Farm Act, F.S. § 823.14.
- (b)

any lands used for bona fide scientific research, including but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics or horticulture.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-122. - Commercial applicators.

- (a) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall provide evidence of successful completion of training in the requirements of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants.
- (b) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall have, and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-123. - Institutional applicators.

Effective January 1, 2014, all institutional applicators which apply, or cause to be applied, fertilizer on the institutional applicator's property within the municipal boundary of the city shall provide evidence that at least one employee of the institutional applicator has successfully completed the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida or the Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt.

(Ord. No. 4432-12, § 1, 8-20-2012)

TOWN OF PALM BEACH

Information for Public Works Committee Meeting: March 14, 2019

TO: Public Works Committee

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Capital Projects Update

DATE: March 5, 2019

STAFF RECOMMENDATION

Town staff will make a presentation providing an update of the status of several capital projects

GENERAL INFORMATION

The Public Works Committee requested an update on the following efforts:

Paving Program

The Town has developed the paving program to follow the phasing of the Town-wide Undergrounding Program. The Town budgets \$1,000,000 per year to insure that funds are available at the time the paving is ready. At first staff thought the best way to get the best rates was to combine phases to give a larger area for large paving firms to be interested in performing the work. This past year the Town was able to utilize an existing contract through another municipality with All County Paving. The rates were very favorable for the Town and, therefore, the Town has already awarded a contract for Phase 1 North to be milled and resurfaced as soon as the poles are removed. With each phase staff will evaluate the opportunity to get the best rates possible and may continue to utilize the mechanism called “Piggyback” for contracting the milling and resurfacing of the roads. Therefore, milling and resurfacing may happen after each phase instead of waiting for multiple phases to be completed.

Florida Power & Light Street Lights

The new Florida Power & Light (FPL) LED streetlights have been installed in both Phase 1 North and South. Phase 1 North lights were energized as soon as the main feeder and transformers were energized. Phase 1 South have not been energized yet. Staff has requested a test bulb globe from FPL to install in one of the streetlights in Phase 1 North to see if the lowest level LED light available will be acceptable for use in the neighborhood. Unfortunately, FPL had none of these globes available in their warehouse and are still waiting for delivery of one for test.

Phase 2 LED streetlights will be installed this summer. If the lower level LED lights work in Phase 1 North, these will be utilized for all future installation otherwise, staff will continue to work with FPL to find an acceptable solution. An attachment from the Undergrounding Master Plan showing the existing FPL lights which will be removed due to undergrounding is attached for reference. These lights are presently planned to be replaced with FPL LED lights.

Lake Trail Lift Stations

During the 2019 construction season, five (5) lift stations will be under construction. Two (2) of these are located in the road right-of-way of North Lake Way. Both of these were scheduled for construction last summer but due to inability to get the long lead purchases completed in time to complete the construction prior to November 30th, these were delayed to this summer. E-2 is being temporarily patched on a regular basis and needs to begin construction as soon as the new bid is awarded. E-1 needs to be completed prior to the milling and resurfacing of this area in Phase 1 North. Staff will work to coordinate these two (2) stations in an effort to minimize traffic impacts without letting either station fail.

Two (2) of the remaining three (3) stations are located on the Lake Trail. This contract was awarded at the February Town Council meeting. The Construction Administration for these will be presented at the March 19th Town Council meeting. Staff is committed to making every effort to initiation construction on one of these stations as early as May 1st. But the start and completion is controlled by the ability to purchase the necessary controls and other materials. Last year there was an inordinate demand on the suppliers and as a result there were delays to the construction schedule. Staff is working to address this issue. The contract includes a schedule of six (6) weeks for each of these stations to be completed sequentially.

G-9 is the remaining station to be under construction this summer. This station is located adjacent to South Ocean Boulevard at the intersection with Chilean Avenue. Staff does not see any significant traffic impacts during this construction.

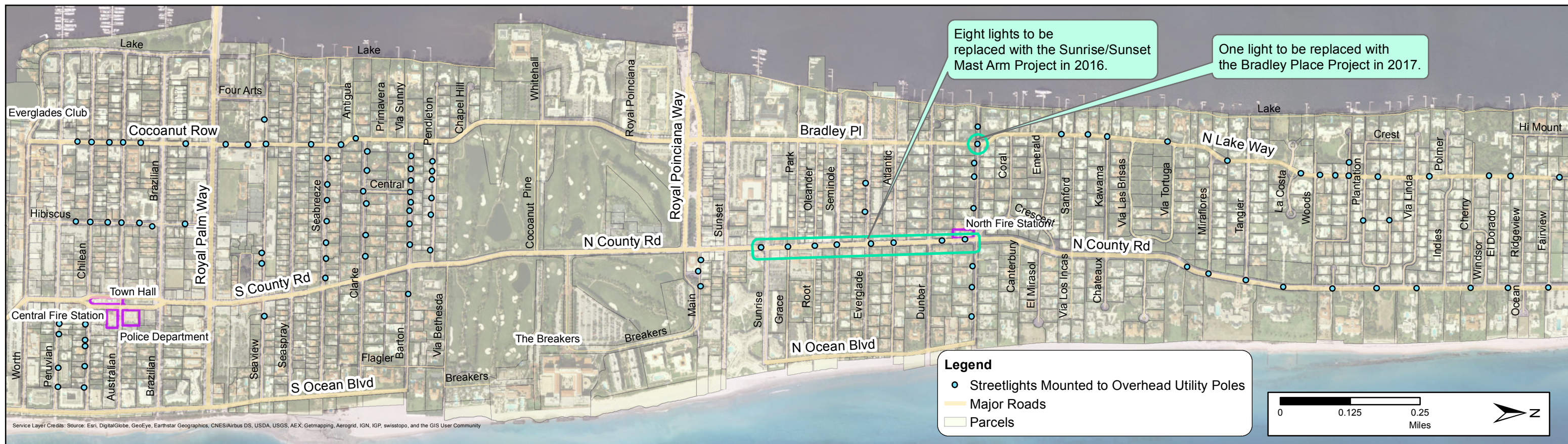
Dock Environmental Permit Progress

Staff will provide an update on the permits for the Town Docks. Permit applications were submitted to both FDEP and USACE on February 22nd. Staff is actively engaged in tracking and facilitating the progress of these applications.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer

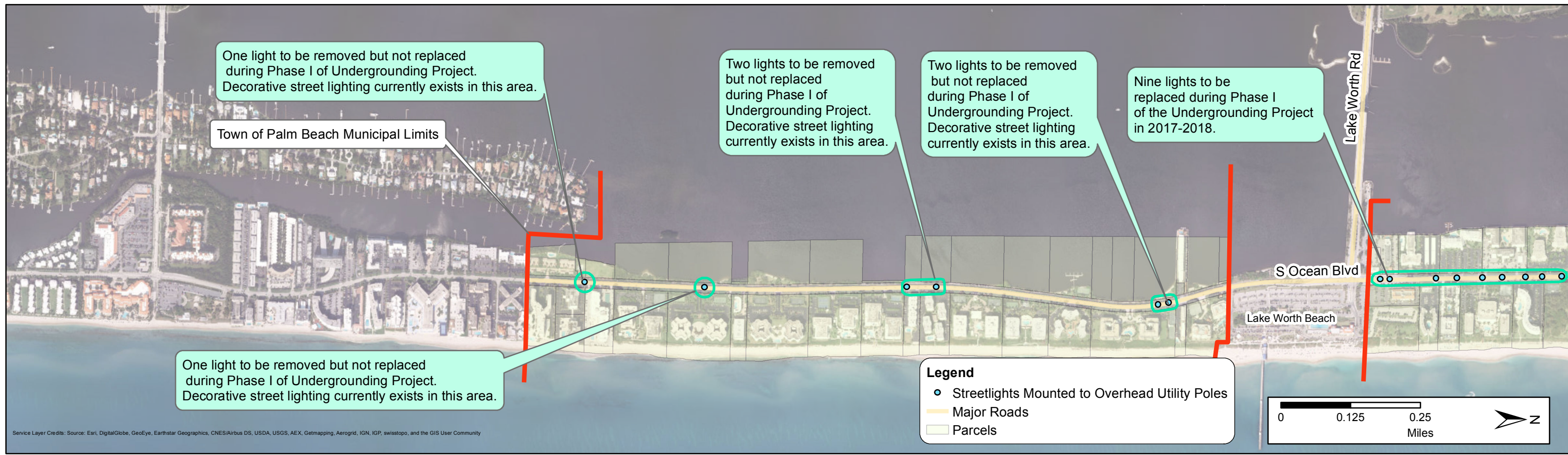
K:\WPB_Civil\044063188 - Townwide UG MP and Phase 1\GIS\Plansheets\Existing_Streetlight_Locations.mxd



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WWW.KIMLEY-HORN.COM

UTILITY POLE MOUNTED STREET LIGHT LOCATION MAP

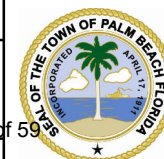
TOWN-WIDE UNDERGROUNDING OF UTILITIES

TOWN OF PALM BEACH, FLORIDA

SEPTEMBER 2016

MASTER PLAN

Page 49 of 59



TOWN OF PALM BEACH

Information for Public Works Committee Meeting: March 14, 2019

TO: Public Works Committee

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: 5 Year Pay-As-You-Go Fund

DATE: March 5, 2019

STAFF RECOMMENDATION

Town staff will make a presentation providing an update of the status of 5 year Pay-As-You-Go Fund

GENERAL INFORMATION

Please find attached the FY 2019 Capital Improvement Fund (307) Section of the Town's Comprehensive Annual Budget.

Staff will discuss how this budget is developed and implemented. At this time, staff is still working to develop the FY 2020 Pay-As-You-Go budget.

cc: Jay Boodheshwar, Deputy Town Manager
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer



TOWN OF PALM BEACH, FLORIDA

COMPREHENSIVE ANNUAL BUDGET

FISCAL YEAR 2019

(October 1, 2018 - September 30, 2019)

Mayor and Town Council

Gail L. Coniglio, Mayor
Danielle H. Moore, Town Council President
Margaret Zeidman, Town Council President Pro-Tem
Julie Araskog, Town Council Member
Lew Crampton, Town Council Member
Bobbie Lindsay, Town Council Member

Town Manager

Kirk Blouin

Prepared by the Finance Department
Jane Struder, Finance Director
(561) 838-5400
www.townofpalmbeach.com

Town of Palm Beach



Capital Improvement Fund (307)

PAY-AS-YOU-GO CAPITAL IMPROVEMENT FUND (307)**Revenue and Expense Summary**

	FY2016 Actual	FY2017 Actual	FY2018 Budget	FY2018 Projected	FY2019 Budget	% Change
Revenues						
Transfer from General Fund (001)	1,030,000	2,290,200	1,988,024	1,988,024	2,200,000	10.66%
Transfer from Town Facilities Fund (310)	323,173	-	-	-	-	0.00%
Transfer from Recreation Enterprise Fund (403)	-	-	-	-	6,360,358	100.00%
Restricted - One Cent Sur Tax	-	350,847	500,000	500,000	500,000	0.00%
Donations	-	-	-	-	8,063,280	100.00%
Interest on Investments	51,027	21,044	56,976	20,000	67,000	17.59%
Interlocal Agreement	8,399	27,015	800,000	800,000	800,000	0.00%
TOTALS	1,412,599	2,689,106	3,345,000	3,308,024	17,990,638	437.84%
Expenses						
Projects	1,596,396	775,488	2,845,000	2,228,217	20,461,138	619.20%
Carry Over Reserves			4,961,654		1,025,536	-79.33%
Contingency	-	-	284,500	-	603,750	112.21%
Transfer to Underground Utility Fund (122)	-	780,880	1,000,000	1,000,000	500,000	-50.00%
TOTALS	1,596,396	1,556,368	9,091,154	3,228,217	22,590,424	148.49%
Total Revenues Over/(Under)						
Expenses	(183,797)	1,132,738	(5,746,154)	79,807	(4,599,786)	
Beginning Fund Equity	5,690,062	5,506,265	6,639,003	6,639,003	6,718,810	
ENDING NET ASSETS	5,506,265	6,639,003	892,849	6,718,810	2,119,024	

REVENUES**Transfer from General Fund (001)**

Annual pay-as-you-go funding transferred from the General Fund to the Capital Fund

Transfer from Town Facilities Fund (310)

Transfer from the Town Facilities Fund for projects relating to Town Facilities

Transfer from Recreation Enterprise Fund (403)

Transfer of Town Funding and accumulated donations received for the Seaview Recreation Center

Restricted - One Cent Surtax

Voter approved surtax restricted for infrastructure projects

Donations

Outside 2/3 share funding for the Seaview Recreation Center

Interest on Investments

The interest revenue is based upon the financial market conditions and funds available for investment

Interlocal Agreement

Revenue from residents for Single Family Expulsor Station Assessments and the City of WPB for water projects

EXPENSES

Projects

A detailed schedule of projects can be found in this section

Carry Over Reserves:

Projected unexpended project balances, authorized in prior years

Contingency

10% of current year projects per Town policy

Transfer to Underground Utility Fund (122)

FY 2017 - Transfer to cover costs such as: burying lines through City of Lake Worth, hiring project coordinator, and augmenting the program to reduce assessments

FY2018 – Transfer of One Cent Surtax Revenue for FY2017 and FY2018 to the Town-wide Underground Utility Fund. Town Council authorized the transfer of \$2.5 million of the estimated \$5 million One Cent Surtax Revenue to be received from FY2017 – FY2026 to the Town-wide Underground Utility Fund during the FY2018 budget process.

FY2019 – Transfer of One Cent Surtax Revenue for FY2019 to the Town-wide Underground Utility Fund. Through FY2019, \$1.5 million of the \$2.5 million approved to be transferred will have been transferred.

Pay-as-you-go Five Year Capital Improvement Plan
FY2019 Budget

EXPENDITURES			FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2018-2022
Item #	Description	Location	Est Carryover	Estimated	Estimated	Estimated	Estimated	Estimated	Total
Pavement Management			\$ -	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
2	Town-Wide	Following Undergrounding Phases		\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 5,000,000
Drainage System			\$ -	\$ 1,280,000	\$ 1,415,000	\$ 1,300,000	\$ -	\$ 160,000	\$ 4,155,000
1	D-16 - design moved to ACIP	Jungle Road		\$ 550,000	\$ -	\$ -	\$ -		\$ 550,000
2	D-18 - design moved to ACIP	El Brillo Way		\$ 545,000	\$ -	\$ -	\$ -		\$ 545,000
3	D-17	Clarendon Avenue		\$ 50,000	\$ 340,000	\$ -	\$ -		\$ 390,000
4	D-2	Palmo Way		\$ 30,000	\$ 225,000	\$ -	\$ -		\$ 255,000
5	D-8	Country Club Road		\$ 105,000	\$ 750,000	\$ -	\$ -		\$ 855,000
6	D-12	Everglade Avenue		\$ -	\$ 100,000	\$ 730,000	\$ -		\$ 830,000
7	D-3	Tangier Avenue		\$ -	\$ -	\$ 290,000	\$ -	\$ 160,000	\$ 450,000
8	D-6	Royal Palm Way		\$ -	\$ -	\$ 140,000	\$ -		\$ 140,000
9	D-7	Australian Avenue		\$ -	\$ -	\$ 140,000	\$ -		\$ 140,000
Sanitary Sewage System			\$ -	\$ 1,650,000	\$ 1,335,000	\$ 1,195,000	\$ 223,000	\$ 505,000	\$ 4,908,000
1	E-8	Island Road		\$ -	\$ -	\$ -	\$ -		\$ -
2	E-1	Mediterranean Road		\$ -	\$ -	\$ -	\$ 50,000		\$ 50,000
3	E-2	Mockingbird Trail		\$ -	\$ -	\$ -	\$ 50,000		\$ 50,000
4	G-9 - design and Constr.move	Flag Pole Beach		\$ 275,000	\$ -	\$ -	\$ -		\$ 275,000
5	E-3 - design and constr. move	Garden Road (trail)		\$ 325,000	\$ -	\$ -	\$ -		\$ 325,000
6	A-4 - design moved to ACIP	The Breakers		\$ 395,000	\$ -	\$ -	\$ -		\$ 395,000
7	A-5 - design moved to ACIP	Royal Poinciana Way (S of S-2)		\$ 510,000	\$ -	\$ -	\$ -		\$ 510,000
8	A-6	Royal Palm Way/Intracoastal		\$ 115,000	\$ 820,000	\$ -	\$ -		\$ 935,000
9	E-6	Tangier Avenue		\$ 30,000	\$ 225,000	\$ -	\$ -		\$ 255,000
10	E-5	Country Club Drive		\$ -	\$ 165,000	\$ -	\$ 20,000	\$ 130,000	\$ 315,000
11	A-7	Island Road/S County Road		\$ -	\$ 40,000	\$ 270,000	\$ -	\$ -	\$ 310,000
12	A-41	Palm Beach Par 3 Golf Course		\$ -	\$ 25,000	\$ 185,000	\$ -	\$ 15,000	\$ 225,000
13	A-42	Bellaria Condominium		\$ -	\$ 30,000	\$ 200,000	\$ 48,000	\$ 342,000	\$ 620,000
14	A-43	Atriums of Palm Beach		\$ -	\$ 30,000	\$ 210,000	\$ -	\$ 18,000	\$ 258,000
15	A-39	Phipps Park		\$ -	\$ -	\$ 175,000	\$ -		\$ 175,000
16	S-2	Royal Poinciana Way (N of A-5)		\$ -	\$ -	\$ 155,000	\$ 55,000		\$ 210,000
Town Buildings			\$ -	\$ 15,523,638	\$ 1,000,000	\$ 425,000	\$ -	\$ -	\$ 16,948,638
1	Seaview Park/Recreation Center			\$ 14,423,638					\$ 14,423,638
2	Public Works Facility -ADA Bathrooms			\$ -	\$ 325,000	\$ -			\$ 325,000
3	Police Facility - ADA Bathrooms, Locker rooms			\$ -	\$ 325,000	\$ 285,000	\$ -		\$ 610,000
4	Royal Poinciana Way Median - Construction			\$ 200,000	\$ -	\$ -	\$ -		\$ 200,000
5	Royal Palm Way Median - Completed with ACIP			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Mid Town & Phipps Ocean Park Lifeguard Building - ACIP			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Central Fire Station -Flat Roofs			\$ 20,000	\$ -		\$ -	\$ -	\$ 20,000
8	North Fire Station - Roof and upper windows			\$ 500,000					\$ 500,000
9	South Fire Station - Chiller			\$ 180,000	\$ -	\$ -			\$ 180,000
10	Old Purchasing - Structural Repairs			\$ -	\$ -	\$ -	\$ -		\$ -
11	Public Works Chiller			\$ -	\$ 350,000	\$ 140,000	\$ -		\$ 490,000
12	Town Hall - Paint and Window Seal			\$ 200,000					\$ 200,000
Solid Waste / Vegetation Disposal				\$ 27,500	\$ 30,000	\$ 33,000	\$ -	\$ -	\$ 90,500
1	Skees / Okeechobee Landfill	Roadways/Reduction		\$ 27,500	\$ 30,000	\$ 33,000	\$ -	\$ -	\$ 90,500
Coastal Structures / Lake Worth Lagoon				\$ 180,000	\$ 200,000	\$ 220,000	\$ 245,000	\$ 275,000	\$ 1,120,000
1	Bulkheads			\$ 125,000	\$ 140,000	\$ 155,000	\$ 170,000	\$ 190,000	\$ 780,000
2	Seawalls	Lakeside, Bradley		\$ 55,000	\$ 60,000	\$ 65,000	\$ 75,000	\$ 85,000	\$ 340,000
Transfer to Town Wide Undergrounding -Sales Tax			\$ -	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 1,500,000
Water Main Improvements				\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 4,000,000
Designated Reserves/ Contingency			\$ 1,025,536	\$ 603,750					\$ 1,629,286
Capital Improvement Program Expenditures			\$ 1,025,536	\$ 21,564,888	\$ 6,280,000	\$ 5,473,000	\$ 2,268,000	\$ 2,740,000	\$ 39,351,424
Year				FY2019	FY2020	FY2021	FY2022	FY2023	Total
REVENUES				FY2019	FY2020	FY2021	FY2022	FY2023	Total
Source				Estimated	Estimated	Estimated	Estimated	Estimated	Total
General Fund Transfer				\$ 2,200,000	\$ 2,420,000	\$ 2,662,000	\$ 2,928,200	\$ 3,221,020	\$ 13,431,220
Transfer from Recreation Enterprise Fund				\$ 6,360,358	\$ -	\$ -	\$ -	\$ -	\$ 6,360,358
Donations				\$ 8,063,280					\$ 8,063,280
Other				\$ -	\$ -	\$ -	\$ -		\$ -
Interest				\$ 67,000	\$ 67,000	\$ 67,000	\$ 67,000	\$ 67,000	\$ 335,000
1 Cent Sales Tax				\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 2,500,000
Undesignated Reserves			\$ 6,718,810	\$ -	\$ -	\$ -			\$ 6,718,810
WPB Water Main Improvements				\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 800,000	\$ 4,000,000
Capital Improvement Program Revenues			\$ 6,718,810	\$ 17,990,638	\$ 3,787,000	\$ 4,029,000	\$ 4,295,200	\$ 4,588,020	\$ 41,408,668
NET COST				FY2019	FY2020	FY2021	FY2022	FY2023	Total
(Surplus / (Deficit))				Estimated	Estimated	Estimated	Estimated	Estimated	Total
Sub-Total - Net Cost			\$ 5,693,274	\$ (3,574,250)	\$ (2,493,000)	\$ (1,444,000)	\$ 2,027,200	\$ 1,848,020	\$ 2,057,244

Legend Source - Mock Roos:

	Engineering, Permitting and Admin DURING DESIGN (15%)
	Construction, Engineering and Admin DURING CONSTRUCTION (10%)
	EVERYTHING

TOWN OF PALM BEACH

Information for Public Works Committee Meeting on March 14, 2019

TO: Public Works Committee

VIA: Kirk W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Truck Traffic Update

DATE: March 5, 2019

STAFF RECOMMENDATION

Town staff will provide an update on this item for Public Works Committee review and receive any specific guidance or direction as required.

GENERAL INFORMATION

This topic is a continuation of the update provided at the previous Public Works Committee meeting regarding issues and concerns regarding truck traffic. The pending tasks associated with this topic are primarily associated with building permits, and the talking points from the Planning, Zoning and Building (PZB) Department are attached in email correspondence. Since the majority of the permitting is accomplished through PZB and enforcement is accomplished through the Police Department (and Code Enforcement), it is suggested that this topic be considered by the Public Safety Committee in the future.

Attachment

cc: Jay Boodheshwar, Deputy Town Manager
Joshua Martin, Director of Planning, Zoning and Building
Wayne Bergman, Assistant Director of Planning, Zoning and Building
Eric B. Brown, P.E., Assistant Director of Public Works
Patricia Strayer, P.E., Town Engineer

Eric Brown

From: Wayne Bergman
Sent: Tuesday, February 19, 2019 3:27 PM
To: Eric Brown; Joshua Martin
Cc: Paul Brazil; Patricia Strayer; Joe Walsh; Craig Hauschild; Benjamin Alma; Nicholas Caristo; Jay Boodheshwar; Wayne Bergman
Subject: RE: DRAFT - March 14 - Agenda - PW Committee Meeting

Truck Traffic & Parking Matter

Eric – Based upon our conversation this morning, I propose to add the requirement of a “construction staging / logistics plan” to the application set list of documents for ARCOM, Site Plan, and large building permit projects. I have used this tool before and it is effective. Josh and I still need to talk about this in detail, but the premise would be to require the designer, or GC, to identify specific locations on and adjacent to the project site for parking, material storage, deliveries, dumpster, portable toilets, tire cleaning area, silt fence, etc. We could also ask for a description for truck traffic to best ingress and egress the property depending upon its location, including the roads and bridges used. We could ask them to identify the larger vehicles that might be used for construction or deliveries, the estimate of the number of trucks, and a rough schedule of construction listing some of the benchmarks (foundation, shell, roof trusses, window & door installation, dry in, landscape, etc.). This could be in the form of a CPM chart.

Since the construction staging / logistics plan would be part of the plan set reviewed and approved by the Town, a paper copy would be kept on site along with approved construction plans, and available to any Town staff responding to a vehicle problem.

We could quickly begin by changing the various department policies and application forms, but the best way to add this requirement, and give it some teeth, is to have the Town Council amend the Town Code of Ordinances via a new Ordinance. Simple language added to Chapter 18 and/or Chapter 118 would make the new plan a Town requirement.

It will be difficult for an owner, architect, engineer, or builder to know the actual construction timeline and know of every truck size that would serve the project, but they could propose a plan and getting them engaged early would help make them aware of the problems with truck traffic and parking and further signify the importance to the Town of managing their truck traffic and parking.

Individual citations, notices of violation, or NTA's would be issued to the actual violator, but the project manager / builder would be responsible for the overall compliance. And since it is their plan that is Town-approved, we can hold the builder accountable for any noncompliance with the plan.

This new requirement would dovetail nicely with our goal of limiting the total number of permits per project, and could consolidate all of the necessary Public Works permits into one permit.

We could also approach the Town Council with amendments to the parking and right of way permits in the Master Fee Schedule to consolidate the permits into one per project but still generate the same, or slightly increased, revenue.

These are my thoughts at this time. Please let me know if this is a sufficient starting point. Thank you.

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building

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Palm Beach, FL 33480
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Mobile: 561-232-7406
www.townofpalmbeach.com

From: Eric Brown <EBrown@TownofPalmBeach.com>

Sent: Tuesday, February 19, 2019 1:25 PM

To: Joshua Martin <jmartin@TownOfPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>

Cc: Paul Brazil <PBrazil@TownofPalmBeach.com>; Patricia Strayer <PStrayer@TownofPalmBeach.com>; Joe Walsh <JWalsh@TownOfPalmBeach.com>; Craig Hauschild <chauschild@TownOfPalmBeach.com>; Benjamin Alma <BALma@PalmBeachPolice.com>; Nicholas Caristo <NCaristo@PalmBeachPolice.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>

Subject: FW: DRAFT - March 14 - Agenda - PW Committee Meeting

Wayne,

Thank you for your time to meet this morning. Attached is the agenda for the upcoming PW Committee meeting and the truck traffic topic is the last one on the agenda. Per our meeting, if you can assemble a plan for action items moving forward that would be much appreciated. As discussed this topic will likely migrate to the Public Safety Committee in the future, since it involves traffic enforcement and PZB is the logical department to manage it due to permit processing responsibilities. If you need any additional background information or have any questions, please let us know. Thank you, Eric

P.S. Thanks to Joe, Craig and Ben also for all their help along the way...

Eric Brown, P.E.
Assistant Director

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From: Lynne Menniti <LynneMenniti@TownofPalmBeach.com>

Sent: Tuesday, February 19, 2019 8:41 AM

To: Bobbie Lindsay <BLindsay@TownofPalmBeach.com>

Cc: Paul Brazil <PBrazil@TownofPalmBeach.com>; Eric Brown <EBrown@TownofPalmBeach.com>

Subject: DRAFT - March 14 - Agenda - PW Committee Meeting

Attached please find the draft version of the March 14th PW Committee Meeting agenda for your review/approval.

Please advise of any modifications and/or comments.

Thank you.

Lynne Menniti
Office Assistant II

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