



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

ORDINANCES, RULES AND STANDARDS COMMITTEE MEETING

AGENDA

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

Thursday, September 8, 2016
9:30AM

- I. CALL TO ORDER AND ROLL CALL
Bobbie Lindsay, Chair
Danielle H. Moore, Committee Member
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS FROM CITIZENS
- IV. REGULAR AGENDA
 - A. Old Business
 1. Further Concerns Regarding Shark Fishing on Public Beaches
(*Benjamin Alma, Code Enforcement and Parking Manager*)
 2. Review of Drone Ordinance for Conflicts with New FAA Regulations and Permitting Requirements
(*Benjamin Alma, Code Enforcement and Parking Manager*)
 3. Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance
(*Benjamin Alma, Code Enforcement and Parking Manager*)
 4. Re-Codification of Town Code of Ordinances
(*Susan Owens, Town Clerk*)

B. New Business

1. Potential Amendment to Town's Administrative Amendments to the Florida Building Code Regarding the Number of General Contractors Permitted to Work at a Building Permit Site
(William C. Bucklew, Building Official)

V. ANY OTHER MATTERS

VI. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

Memorandum

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

From: Jay Boodheshwar, Deputy Town Manager

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

Date: 9/5/2016

Re: Agenda Items for the September 8, 2016, ORS Meeting

This memorandum and its attachments serve as the backup material associated with the agenda for your ORS meeting on September 8, 2016, at 9:30am. Below is the list of agenda items and related exhibits, which provides background information for each matter.

Old Business

1. Further Concerns Regarding Shark Fishing on Public Beaches
(Benjamin Alma, Code Enforcement and Parking Manager)

Mr. Alma will present research findings, relative to actions the Town may be able to take to regulate shark fishing along the Town's shoreline, including a draft ordinance he has prepared. Please see Exhibit A for details regarding this item.

2. Review of Drone Ordinance for Conflicts with New FAA Regulations and Permitting Requirements
(Benjamin Alma, Code Enforcement and Parking Manager)

Mr. Alma will present proposed modifications to the Town's drone ordinance in response to recent changes to FAA regulations and concerns expressed regarding our permitting process. Please see Exhibit B for details regarding this item.

3. Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance
(Benjamin Alma, Code Enforcement and Parking Manager)

Mr. Alma will present the findings of the research requested by ORS at its August 15 meeting, as well as a draft ordinance to modify hours in which motorized landscaping equipment are prohibited. Please see Exhibit C for details regarding this item.

4. Re-Codification of Town Code of Ordinances
(Susan Owens, Town Clerk)

Ms. Owens will provide background information, the current status, and proposed plan to complete the re-codification effort that began a few years ago. Please see Exhibit D for details regarding this item.

New Business

1. Potential Amendment to Town's Administrative Amendments to the Florida Building Code Regarding the Number of General Contractors Permitted to Work at a Building Permit Site
(William C. Bucklew, Building Official)

Mr. Bucklew will present proposed modifications to the Town's Administrative Amendments to the Florida Building Code to address concerns regarding the number of general contractors permitted to work at a project site. Please see Exhibit E for details regarding this item.

Attachments

TOWN OF PALM BEACH

Information for Ordinances, Rules & Standards Meeting on: September 8, 2016

To: Ordinances, Rules and Standards Committee

From: Jay Boodheshwar, Deputy Town Manager

Re: Potential Amendment of Town Code of Ordinances, Relative to Landscape Maintenance

Date: September 5, 2016

STAFF RECOMMENDATION

Staff recommends the Ordinance, Rules and Standards (ORS) Committee of the Town Council to provide final direction to staff regarding changes to the Code of Ordinances, relative to landscape maintenance noise and hours of operation.

GENERAL INFORMATION

At the August 15, 2016, ORS meeting significant discussion took place regarding landscape hours of operation and the use of leaf blowers. Staff was directed to complete additional research regarding a complete or partial ban of leaf blowers and try to find answers to the following questions. Attached is a report from Code Enforcement Manager, Ben Alma, outlining his findings.

- Check with a handful of towns who have banned blowers to see if and how much landscaping costs have changed.
- Ask towns who have banned gas powered blowers what the enforcement is like—how many citations are they giving to people using gas when only electric is allowed?
- Ask towns also about enforcement of total ban. How much enforcement did it take for how long to do this? May homeowners operate blowers?

The Committee decided it will recommend to council that during summer hours, landscapers can only do quiet work between 8:00am and 9:00am and between 5:00 pm and 6:00 pm. On Saturdays, only quiet work can be done. Attached is a summary of this decision in strike through/underline format. If ORS is in agreement with the changes an ordinance will be prepared by the Town Attorney and presented to Town Council at its October meeting for first reading.

Attachments



TOWN OF PALM BEACH Code Enforcement

EXHIBIT C



September 1, 2016

To: Jay Boodheshwar, Deputy Town Manager

From: Benjamin Alma, Code/Parking Manager

Regarding Leaf Blower use within the Town of Palm Beach

Staff consideration and study issues from the August 2016, Ordinance, Rules and Standards (ORS) meeting:

In summary:

During the month of August 2016, Code Enforcement performed 19-inspections of leaf blowers. Two companies were issued warnings.

None of the Code Compliance Units I contacted, maintain data on private contracts between residents and a third party such as a landscaper. However I was directed to an organization: The Noise Pollution Clearinghouse, (<http://www.nonoise.org/>) which is a national non-profit organization with extensive online noise related resources.

In checking with a few towns that have banned/limited the use of blowers, I wanted to identify how much landscaping costs have changed if any:

“There were no reports of gardeners going out of business or raising their rates, though not all respondents could answer that question. Responses included; There are still plenty of Gardeners working in Berkeley, and Gardner’s are alive and well in Los Altos.” (www.nonoise.org/)

Towns who have banned gas powered blowers where asked how many citations are they giving to people using gas powered blowers when only electric is allowed?

No citations issues, only warnings were issued. Self-compliance is the goal.



TOWN OF PALM BEACH Code Enforcement



Ask towns also about enforcement of total ban:

The only municipality I was able to locate with a total ban of motorized leaf blowers is Santa Monica, CA. This municipality made the property owners and property management companies responsible for their landscaper's actions. Santa Monica embarked on education program regarding their ordinance. After which, they then would issue a warning letter to the landscaper and the property owner(s). To date Santa Monica indicated that everyone has come into compliance.

How much enforcement, and for how long did it take to do this:

All of the code offices I spoke with, have all implemented an awareness campaign where upon they first issue a verbal warning, then a written warning to the property owner and the landscaper, and escalate from there.

May homeowners operate blowers:

Ordinance applies to everyone; exceptions have to be documented with advisement of legal counsel.

Cc. Lt. N. Caristo

Winter Landscaping Hours

December 1 – April 30 (5 months)

- Monday through Friday – Only quiet work from 8:00am to 9:00am (no machines or loud noises allowed until 9:00am)
- Monday through Friday – All landscaping work may start at 9:00am (lawnmowers, gas trimmers, blowers, etc. permitted)
- Monday through Friday – Stop all landscape work at 5:00pm
- Saturdays: Start work at 9:00am
Stop work by 5:00pm
Leaf blowers ~~allowed~~ permitted from 9:00am to 12:00pm only
Landscape maintenance only. No large scale landscape installation ~~allowed~~ permitted.
- Work not ~~allowed~~ permitted on Sundays and legal holidays

Summer Landscaping Hours

May 1 – November 30 (7 months)

- Work ~~allowed~~ permitted Monday through Saturday
- Start work at 8:00am (~~no leaf blowers~~ quiet work only until 9:00am)
- Stop work at 6:00pm (~~no leaf blowers~~ quiet work only after 5:00pm)
- Only quiet work permitted on Saturdays
- Work not ~~allowed~~ permitted on Sundays and Town observed legal holidays

Quiet Work: Defined as work which cannot be heard from the public right-of-way or from a neighboring property line.

~~**Note:** Nothing in this section shall preclude the operation of lawn equipment by residents on Saturdays, Sundays or legal holidays.~~