

Tuesday September 29, 2020  
Immediately following the 7:00 pm  
Final Budget Hearing



Town Hall Commission Chambers  
247 Edwards Lane  
Palm Beach Shores, FL 33404

**REGULAR TOWN COMMISSION  
MEETING AGENDA**

Mayor Alan Fiers  
Vice Mayor Roby DeReuil

Commissioner Bob Stanton  
Commissioner Tom Mills  
Commissioner Scott McCrannels

Town Attorney Keith Davis  
Town Administrator Wendy Wells  
Town Clerk Evyonne Browning

**PLEASE NOTE:**

**DUE TO MANDATES BY GOVERNOR DESANTIS,  
THIS MEETING MAY BE CONDUCTED USING  
COMMUNICATION MEDIA TECHNOLOGY.**

**INSTRUCTION TO JOIN MEETING ELECTRONICALLY**

**Meeting Number: 132 112 9510**

**Password: 0928**

<https://townofpalmbeachshores.my.webex.com/townofpalmbeachshores.my/j.php?MTID=m36f30bf3757312d9ed06b98d8648dc58>

**To join meeting by phone (voice only)**

Phone Number: +1-408-418-9388 United States Toll Access Code: 132 112 9510

The entire agenda packet is available on the Town's website: [www.palmbeachshoresfl.us](http://www.palmbeachshoresfl.us)

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**AGENDA**

1. **CALL TO ORDER:**
  - a. Pledge of Allegiance
  - b. Roll Call
2. **APPROVAL OF MEETING AGENDA** (*Additions, substitutions, deletions*)
3. **CONSENT AGENDA**
  - a. August 24, 2020 Commission Meeting Minutes
  - b. September 14, 2020 Special Called Commission Meeting Minutes
  - c. September 14, 2020 2020/2021 First Millage Rate and Budget Public Adoption Hearing Meeting Minutes
4. **PRESENTATIONS**
5. **DEPARTMENT AND BOARD REPORTS**
  - a. Financials
    1. Approval of Financial Report for period ending August 30, 2020 (*Wendy Wells, Town Administrator/Treasurer*)
  - b. Staff Reports:
    1. Sheriff's Department
    2. Fire Department
    3. Public Works
    4. Town Clerk
    5. Town Attorney

6. **COMMISSION REPORTS**

7. **OTHER BUSINESS** (Any regular business requiring a vote)

- a. AT&T Special Construction Agreement: Fiber Overlay Request Town of Palm Beach Shores

8. **ORDINANCES AND RESOLUTIONS**

- a. Resolution R-12-20, Amend Fee Schedule. *(Presented by Keith Davis, Town Attorney)*

**Ordinance First Readings:**

- b. Ordinance O-1-20, Amending Appendix A. Zoning, Section VII. District C Regulations at PF. 7.3. Building Height in Zoning District C. **(First Reading)** *(Presented by Keith Davis, Town Attorney)*
- c. Ordinance O-5-20, Amending Appendix A, Zoning Section XII, General Provisions by creating an entirely new PF. 12.12. Entitled “Portable Storage Units.” **(First Reading)** *(Presented by Keith Davis, Town Attorney)*

**Ordinance Second Readings:**

- d. Ordinance O-2-20, Amend Chapter 70, Amending Chapter 70, Traffic and Vehicles. **(Second Reading and adoption)** *(Presented by Keith Davis, Town Attorney)*
- e. Ordinance O-3-20, Amend Chapter 2, Administration, Code Enforcement and Special Magistrate Sec. 2-68 to update and amend definitions for Police Officer, Special Magistrate and Town Attorney, and Sec. 2-76 by updating and clarifying the citation method of code enforcement. **(Second Reading and adoption)** *(Presented by Keith Davis, Town Attorney)*
- f. Ordinance O-4-20, Amending Chapter 18, Article II, Sections 18-16 by repealing registration requirements for certain contractors and business that do not pay a local business tax. **(Second Reading and adoption)** *(Presented by Keith Davis, Town Attorney)*

9. **DISCUSSION ITEMS**

- a. Drainage discussion on stormwater management and tidal surge *(Alan Fires, Mayor and Alan Welch, PW Director)*

10. **PUBLIC COMMENTS**

**PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD (Res R-7-13)**

11. **ADJOURNMENT**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. FOR HEARING ASSISTANCE: If any person wishes to use a hearing device, please contact the Town Clerk.

**TOWN OF PALM BEACH SHORES, FLORIDA  
REGULAR COMMISSION MEETING MINUTES**

**August 24, 2020**

**PLEASE NOTE:**

**DUE TO MANDATES BY GOVERNOR DESANTIS, THIS MEETING WAS  
CONDUCTED USING COMMUNICATION MEDIA TECHNOLOGY.**

Item 3a  
9 29 2020

**1. CALL TO ORDER**

**Mayor Fiers** called the meeting to order at 7:00 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

**Town Clerk Browning** called the roll and those present were Mayor Alan Fiers, Commissioner Bob Stanton, Commissioner Tom Mills, Commissioner Scott McCranels, and Vice Mayor Roby DeReuil. Also present were PBSO Sgt. Langevin, Fire Chief Steedman, Public Works Director Welch, Town Attorney Davis, and Town Administrator Wendy Wells. Town Clerk Browning confirmed a quorum was present.

**2. APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

**MOTION:** Commissioner McCranels moved to approve the Meeting Agenda.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES    The Motion Passed Unanimously</b>

**3. CONSENT AGENDA**

- a. Approval of the July 27, 2020 Commission Meeting Minutes

**MOTION:** Commissioner Stanton moved to approve the Consent Agenda.

**SECOND:** Commissioner McCranels seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES    The Motion Passed Unanimously</b>

4. **PRESENTATIONS:** There were no presentations at this month's meeting.

**5. DEPARTMENT AND BOARD REPORTS**

- a. Financials

1. Approval of Financial Report for period ending July 31, 2020 (*Wendy Wells, Town Administrator/Treasurer*)

**MOTION:** Vice Mayor DeReuil moved to approve the Financial Report as presented.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES    The Motion Passed Unanimously</b>



- b. Staff Reports were provided in written form and brief verbal updates provided by the PB Sheriff Department, Fire Department, and Public Works.

6. **COMMISSION REPORTS**

- a. Undergrounding Update (*Mayor Fiers*)

7. **OTHER BUSINESS** (Any regular business requiring a vote)  
*None at this time*

8. **ORDINANCES AND RESOLUTIONS**

- a. Resolution R-9-20, Amend Fee Schedule. (*Presented by Keith Davis, Town Attorney*)

**MOTION:** Commissioner Mills moved to approve Resolution R-9-20 as presented.

**SECOND:** Vice Mayor DeReuil seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>
<b>The Motion Passed Unanimously</b>	

- b. Ordinance O-2-20, Amend Chapter 70, Amending Chapter 70, Traffic and Vehicles.  
(*Presented by Keith Davis, Town Attorney*)

**MOTION:** Commissioner Mills moved to approve the first reading of Ordinance O-2-20 as modified to state the delivery times to begin at 7:00 am for commercial establishments and only on the Town's perimeter streets.

**SECOND:** Commissioner McCranels seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>
<b>The Motion Passed Unanimously</b>	

- c. Ordinance O-3-20, Amend Chapter 2, Administration, Code Enforcement and Special Magistrate Sec. 2-68 to update and amend definitions for Police Officer, Special Magistrate and Town Attorney, and Sec. 2-76 by updating and clarifying the citation method of code enforcement. (*Presented by Keith Davis, Town Attorney*)

**MOTION:** Commissioner Stanton moved to approve the first reading of Ordinance O-3-20 as presented by the Town Attorney.

**SECOND:** Commissioner McCranels seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>
<b>The Motion Passed Unanimously</b>	

- d. Ordinance O-4-20, Amending Chapter 18, Article II, Sections 18-16 by repealing registration requirements for certain contractors and business that do not pay a local business tax.  
(*Presented by Keith Davis, Town Attorney*)



**MOTION:** Commissioner Stanton moved to approve the first reading of Ordinance O-4-20 to repeal registration requirements for certain contractors and businesses that do not pay a local business tax. It was noted the Town is not presently doing this, so this new language will clarify this.

**SECOND:** Commissioner Mills seconded the motion.

**VOTE:**  
**DeReuil:** YES  
**Stanton:** YES  
**Mills:** YES  
**McCranels:** YES  
**Fiers:** YES    **The Motion Passed Unanimously**

9.            **DISCUSSION ITEMS**    *None at this time*

10.           **PUBLIC COMMENTS**  
**PUBLIC PARTICIPATION AND OPPORTUNITY TO BE HEARD**  
**(Resolution R-7-13)**

Resident Mark Ward asked for clarification on business tax on Charter Boats and if the Sailfish Marina files this. Clerk Browning stated that all the charter boats at the Sailfish Marina are currently filed under their business tax and they do pay the annual fees for all of those. She stated there are 2 additional private charter boats who also complete the annual business tax and pay the required fees.

11.           **ADJOURNMENT**

**MOTION:** Vice Mayor DeReuil moved to adjourn the meeting

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**  
**DeReuil:** YES  
**Stanton:** YES  
**Mills:** YES  
**McCranels:** YES  
**Fiers:** YES    **The Motion Passed Unanimously and the meeting was adjourned at 8:20 pm**

Approved this 24<sup>th</sup> day of September 2020.

ATTEST:

\_\_\_\_\_  
Alan Fiers, Mayor

\_\_\_\_\_  
Evyonne Browning, Town Clerk

(Seal)

**TOWN OF PALM BEACH SHORES, FLORIDA  
SPECIAL CALLED COMMISSION MEETING MINUTES**

**September 14, 2020**

Item 3b  
9 29 2020

**PLEASE NOTE:**

**DUE TO MANDATES BY GOVERNOR DESANTIS, THIS MEETING WAS  
CONDUCTED USING COMMUNICATION MEDIA TECHNOLOGY.**

**1. CALL TO ORDER**

**Mayor Fiers** called the meeting to order at 7:12 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

**Town Clerk Browning** called the roll and those present were Mayor Alan Fiers, Commissioner Bob Stanton, Commissioner Tom Mills, Commissioner Scott McCranels, and Vice Mayor Roby DeReuil. Also present was Town Administrator Wendy Wells. Town Clerk Browning confirmed a quorum was present.

**1. APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

No action taken and the meeting continued to voting items.

**2. ACTION ITEMS**

- a. To consider an additional payment to Comcast to install additional conduit from Blossom to the Inlet Parkway.

**MOTION:** Vice Mayor DeReuil moved to approve the additional payment

**SECOND:** Commissioner Mills seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>

**The Motion Passed Unanimously**

**3. PUBLIC COMMENTS**

There were no comments

**6. ADJOURNMENT**

**MOTION:** Commissioner McCranels moved to adjourn the meeting

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranels:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>

**The Motion Passed Unanimously and the meeting was adjourned at 7:24 pm**

Approved this 29<sup>th</sup> day of September 2020.

ATTEST:

\_\_\_\_\_  
Alan Fiers, Mayor

\_\_\_\_\_  
Evyonne Browning, Town Clerk

(Seal)

**TOWN OF PALM BEACH SHORES, FLORIDA  
2020/2021 FIRST MILLAGE RATE AND BUDGET  
PUBLIC ADOPTION HEARING MEETING MINUTES  
September 14, 2020**

Item 3c  
9 29 2020

**PLEASE NOTE:**  
**DUE TO MANDATES BY GOVERNOR DESANTIS, THIS MEETING WAS  
CONDUCTED USING COMMUNICATION MEDIA TECHNOLOGY.**

**1. CALL TO ORDER**

**Mayor Fiers** called the meeting to order at 7:00 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

**Town Clerk Browning** called the roll and those present were Mayor Alan Fiers, Commissioner Bob Stanton, Commissioner Tom Mills, Commissioner Scott McCranel, and Vice Mayor Roby DeReuil. Also present was Town Administrator Wendy Wells. Town Clerk Browning confirmed a quorum was present.

**1. Town Administration and Accountant Wendy Wells** gave a presentation of proposed millage rate and tentative budget as follows:

- a. Announce the percentage increase (2.86%) over the rolled back rate (6.1736) necessary to fund the budget
- b. Announce the proposed millage rate of 6.3500 mills
- c. Announce the debt service millage rate of 0.4290 mills (bond referendum for underground utility project)
- d. Summary of tentative budget
- e. Announce the specific purposes for which ad valorem revenues are being used

**2. Public comments**

**Mayor Fiers made the call for Public Comment and there were none.**

**3. Adoption of proposed millage rate**

**MOTION:** Commissioner Mills moved to approve the proposed millage rate of 6.3500 mills

**SECOND:** Commissioner McCranel seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranel:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>

**The Motion Passed Unanimously**

**4. Adoption of proposed debt service millage rate**

**MOTION:** Vice Mayor Roby DeReuil moved to approve the proposed debt service millage rate of 0.4290 mills

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**

<b>DeReuil:</b>	<b>YES</b>
<b>Stanton:</b>	<b>YES</b>
<b>Mills:</b>	<b>YES</b>
<b>McCranel:</b>	<b>YES</b>
<b>Fiers:</b>	<b>YES</b>

**The Motion Passed Unanimously**



5. Adoption of tentative budget

**MOTION:** Commissioner McCranel moved to approve the tentative budget as presented

**SECOND:** Commissioner Mills seconded the motion.

**VOTE:**       **DeReuil:**       **YES**  
                 **Stanton:**      **YES**  
                 **Mills:**         **YES**  
                 **McCranel:**   **YES**  
                 **Fiers:**         **YES**   **The Motion Passed Unanimously**

6. Announce time and place of final public hearing

**Mayor Fiers** stated the final public hearing on the 2020/2021 Budget will be held just prior to the September 29, 2020 Commission Meeting.

7. Adjournment

**Mayor Fiers** adjourned the Public Hearing at 7:10 pm.

Approved this 29<sup>th</sup> day of September 2020.

ATTEST:

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Alan Fiers, Mayor

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Evyonne Browning, Town Clerk

(Seal)

**TOWN OF PALM BEACH SHORES  
MONTHLY FINANCIAL REPORT**

ITEM 5a1  
9 29 2020

	CASH & INVESTMENTS	REVENUE			
		BUDGET	CURRENT	YEAR TO DATE	% OF BUDGET
9/30/2019	\$ 3,090,996	\$ 5,483,468	\$ 175,675	\$ 5,665,728	103%
10/31/2019	\$ 2,593,552	\$ 5,427,660	\$ 59,577	\$ 59,577	1%
11/30/2019	\$ 2,301,889	\$ 5,575,352	\$ 407,740	\$ 467,317	8%
12/31/2019	\$ 5,172,573	\$ 5,575,352	\$ 3,206,956	\$ 3,674,273	66%
1/31/2020	\$ 4,991,371	\$ 5,575,352	\$ 280,037	\$ 3,954,309	71%
2/29/2020	\$ 4,809,796	\$ 5,575,352	\$ 178,665	\$ 4,132,974	74%
3/31/2020	\$ 4,648,894	\$ 5,575,352	\$ 185,578	\$ 4,318,551	77%
4/30/2020	\$ 4,223,150	\$ 5,575,352	\$ 223,557	\$ 4,542,109	81%
5/31/2020	\$ 4,086,390	\$ 5,575,532	\$ 149,864	\$ 4,691,973	84%
6/30/2020	\$ 3,815,455	\$ 5,575,532	\$ 121,260	\$ 4,813,233	86%
7/31/2020	\$ 3,589,997	\$ 5,575,532	\$ 134,823	\$ 4,948,056	89%
8/31/2020	\$ 3,335,205	\$ 5,575,352	\$ 134,872	\$ 5,082,928	91%
8/31/2019	\$ 3,435,247	\$ 5,468,538	\$ 142,574	\$ 5,490,053	100%
9/30/2020					

	EXPENDITURES					
	BUDGET	DISBURSEMENTS	ACCRUALS	CURRENT EXP	YEAR TO DATE	% OF BUDGET
9/30/2019	\$ 5,483,468	\$ 395,603	\$ 62,282	\$ 457,885	\$ 5,085,531	93%
10/31/2019	\$ 5,427,660	\$ 643,149	\$ 27,951	\$ 671,101	\$ 671,101	12%
11/30/2019	\$ 5,575,352	\$ 700,753	\$ (308,997)	\$ 391,756	\$ 1,062,857	19%
12/31/2019	\$ 5,575,352	\$ 335,700	\$ (44,776)	\$ 380,476	\$ 1,443,332	26%
1/31/2020	\$ 5,575,352	\$ 463,959	\$ (5,521)	\$ 469,481	\$ 1,912,813	34%
2/29/2020	\$ 5,575,352	\$ 360,878	\$ 23,659	\$ 337,219	\$ 2,250,032	40%
3/31/2020	\$ 5,575,352	\$ 348,722	\$ (49,116)	\$ 397,838	\$ 2,647,869	47%
4/30/2020	\$ 5,575,352	\$ 606,087	\$ (18,682)	\$ 624,769	\$ 3,272,639	59%
5/31/2020	\$ 5,575,352	\$ 323,655	\$ (12,514)	\$ 336,170	\$ 3,608,808	65%
6/30/2020	\$ 5,575,352	\$ 378,352	\$ (51,148)	\$ 429,499	\$ 4,038,307	72%
7/31/2020	\$ 5,575,352	\$ 358,997	\$ (68,054)	\$ 427,051	\$ 4,465,359	80%
8/31/2020	\$ 5,575,352	\$ 391,667	\$ (2,450)	\$ 394,118	\$ 4,859,476	87%
8/31/2019	\$ 5,468,538	\$ 355,734	\$ 77,051	\$ 432,784	\$ 4,627,646	85%
9/30/2020						

*Budget Amendment #1 was approved at the November 2019 Commission Meeting.  
Budget Amendment #2 was approved at the May 2020 Commission Meeting*

Town of Palm Beach Shores  
Disbursements - July 2020

Check #	Type	Date	Vendor	Name	Amount
2127	C	8/6/2020	877	All Around Builder	\$ 24,135.75
2128	C	8/6/2020	737	AT&T	\$ 875.48
2129	C	8/6/2020	823	AT&T Mobility	\$ 34.99
2130	C	8/6/2020	673	Bishop's Water Company	\$ 678.50
2131	C	8/6/2020	899	Blase Pfefferkorn	\$ 408.72
2132	C	8/6/2020	861	BrightView Landscape Services, Inc.	\$ 6,859.38
2133	C	8/6/2020	13	City Maintenance Supply	\$ 462.60
2134	C	8/6/2020	52	Comcast	\$ 19.95
2135	C	8/6/2020	107	Davis and Ashton, P.A.	\$ 20,163.60
2136	C	8/6/2020	863	Diversified Building Department Management	\$ 5,391.25
2137	C	8/6/2020	746	Essential Net Solutions	\$ 404.44
2138	C	8/6/2020	240	Everglades Equipment Group	\$ 2,216.38
2139	C	8/6/2020	729	Florida Association of City Clerks	\$ 75.00
2140	C	8/6/2020	772	Florida Stormwater Association	\$ 500.00
2141	C	8/6/2020	900	Force Enterprises, Inc.	\$ 1,120.00
2142	C	8/6/2020	89	Home Depot Credit Svcs	\$ 981.57
2143	C	8/6/2020	659	Image Companies	\$ 2,050.00
2144	C	8/6/2020	425	Jason's Arborcare Service Inc.	\$ 15,200.00
2145	C	8/6/2020	295	LiftOff, LLC	\$ 1,320.00
2146	C	8/6/2020	882	Municipal Emergency Services	\$ 12,475.00
2147	C	8/6/2020	16	Palmdale Oil Company, Inc.	\$ 309.68
2148	C	8/6/2020	687	PC Controls	\$ 2,664.66
2149	C	8/6/2020	196	Performance NAPA	\$ 155.51
2150	C	8/6/2020	516	Schmidt Nichols	\$ 1,380.00
2151	C	8/6/2020	100	Toshiba Business Solutions	\$ 373.99
2152	C	8/6/2020	101	Verizon Wireless	\$ 54.52
2153	C	8/6/2020	104	Waste Management	\$ 11,150.30
2167	C	8/7/2020	129	Janine Davidson	\$ 1,341.75
2168	C	8/13/2020	324	AC Enforcement, Inc.	\$ 129.00
2169	C	8/13/2020	556	Armchem International	\$ 251.63
2170	C	8/13/2020	47	Board of County Commissioners	\$ 2,797.91
2171	C	8/13/2020	338	City Electric Supply	\$ 22.55
2172	C	8/13/2020	32	City of Riviera Beach	\$ 2,895.71
2173	C	8/13/2020	491	Dilo Fire Sprinkler, Inc.	\$ 200.00
2174	C	8/13/2020	240	Everglades Equipment Group	\$ 2,382.91
2175	C	8/13/2020	80	FL Public Utilities	\$ 182.65
2176	C	8/13/2020	90	Hulett Environmental Services	\$ 113.00
2177	C	8/13/2020	295	LiftOff, LLC	\$ 80.00
2178	C	8/13/2020	682	Meyers Turf LLC	\$ 195.00
2179	C	8/13/2020	888	Morabito Consultants	\$ 465.00
2180	C	8/13/2020	858	Palm Beach County Sheriff's Office	\$ 137,364.80
2181	C	8/13/2020	901	Pelican Pix	\$ 125.00
2182	C	8/13/2020	831	Randy's Plumbing, LLC	\$ 1,495.00
2183	C	8/13/2020	821	Robert Villagomez	\$ 25.95
2184	C	8/13/2020	365	Sherwin-Williams	\$ 941.98
2185	C	8/13/2020	115	Shoreline Pest Control	\$ 85.00
2186	C	8/13/2020	375	Simmons & White, Inc.	\$ 320.00
2187	C	8/13/2020	881	South Central Planning & Development Commission	\$ 1,833.33
2188	C	8/13/2020	759	Taylor Engineering Inc	\$ 1,183.78
2189	C	8/13/2020	100	Toshiba Business Solutions	\$ 218.59
2190	C	8/13/2020	290	Westside Reprographics, Inc.	\$ 329.41



Town of Palm Beach Shores  
Disbursements - July 2020

Check #	Type	Date	Vendor	Name	Amount
2191	C	8/13/2020	131	WEX BANK	\$ 309.45
2192	C	8/13/2020	815	Zoom, Inc.	\$ 1,731.20
2193	C	8/20/2020	801	America's Office Source	\$ 50.44
2194	C	8/20/2020	737	AT&T	\$ 262.59
2195	C	8/20/2020	737	AT&T	\$ 875.48
2196	C	8/20/2020	13	City Maintenance Supply	\$ 635.04
2197	C	8/20/2020	676	Guardian	\$ 629.04
2198	C	8/20/2020	679	Keehn Emergency Medical Services, Inc	\$ 1,500.00
2199	C	8/20/2020	682	Meyers Turf LLC	\$ 390.00
2200	C	8/20/2020	16	Palmdale Oil Company, Inc.	\$ 304.99
2201	C	8/20/2020	896	Primestar Digital Network	\$ 2,432.24
2202	C	8/20/2020	169	Quadient Leasing USA, Inc.	\$ 211.68
2203	C	8/20/2020	831	Randy's Plumbing, LLC	\$ 5,479.00
2204	C	8/20/2020	516	Schmidt Nichols	\$ 1,009.40
2205	C	8/20/2020	640	Ward-Damon Attorney	\$ 421.35
2206	C	8/20/2020	104	Waste Management	\$ 2,906.02
2207	C	8/27/2020	899	Blase Pfefferkorn	\$ 464.36
2208	C	8/27/2020	183	Dan Smith	\$ 302.59
2209	C	8/27/2020	841	Daniel Bumgardner	\$ 92.40
2210	C	8/27/2020	746	Essential Net Solutions	\$ 467.50
2211	C	8/27/2020	71	FL Power & Light	\$ 2,600.52
2212	C	8/27/2020	420	Gaudy Quesada	\$ 101.67
2213	C	8/27/2020	535	Humana Insurance	\$ 82.86
2214	C	8/27/2020	95	Lowes	\$ 19.00
2215	C	8/27/2020	830	Mary Boeckler	\$ 63.49
2216	C	8/27/2020	903	Matthew Singer	\$ 247.21
2217	C	8/27/2020	256	Michael Simmons	\$ 370.01
2218	C	8/27/2020	563	Nikolas Kotocavage	\$ 21.04
2219	C	8/27/2020	118	Steve Langevin	\$ 240.21
2220	C	8/27/2020	643	Suntrust Bank	\$ 1,787.63
2221	C	8/27/2020	902	Team Equipment, Inc.	\$ 137.05
2222	C	8/27/2020	586	The Standard Insurance Company	\$ 333.78
2223	C	8/27/2020	592	Trevor Steedman	\$ 162.92
2224	C	8/27/2020	134	Vadim Municipal Software, Inc.	\$ 150.00
ADP, LLC	E	8/21/2020	697	ADP, LLC	\$ 216.50
Blue Cross Blue Shield	E	8/20/2020	127	Blue Cross Blue Shield of Florida, Inc.	\$ 15,410.45
FRS	E	8/5/2020	172	FRS	\$ 15,650.42
ADP Wages	E	8/14/2020		ADP Wages	\$ 24,771.99
ADP Taxes	E	8/14/2020		ADP Taxes	\$ 7,884.01
ADP Wages	E	8/28/2020		ADP Wages	\$ 26,363.97
ADP Taxes	E	8/28/2020		ADP Taxes	\$ 8,136.38
					\$ 391,667.10

General Fund	\$ 391,667.10
Underground Utilities Fund	\$ -
<b>Total</b>	<b>\$ 391,667.10</b>

**Town of Palm Beach Shores**  
**Budget Summary Report**  
**August 2020**

			<i>Aug Benchmark</i>	<i>91.7%</i>
	<b>BUDGET</b>	<b>YTD</b>	<b>Favorable(Unfav)</b>	<b>%</b>
<b>REVENUE</b>				
Revenue (without appr'd F/B)	\$ 5,231,085.00	\$ 5,082,928.11	\$ (148,156.89)	97.2%
Appropriated Fund Balance	344,267.00	-	(344,267.00)	
<b>TOTAL REVENUE</b>	<b>\$ 5,575,352.00</b>	<b>\$ 5,082,928.11</b>	<b>\$ (492,423.89)</b>	<b>91.2%</b>

<b>EXPENDITURES BY DEPARTMENT</b>		<b>% of total</b>		<b>% of total</b>			
Administration	\$ 450,220.00	8%	\$ 397,619.98	8%	\$ 52,600.02	88.3%	
Legal	152,000.00	3%	113,047.40	2%	38,952.60	74.4%	
Public Works	322,358.00	6%	308,056.56	6%	14,301.44	95.6%	
Police	1,715,378.00	31%	1,714,373.55	35%	1,004.45	99.9%	
Fire	678,169.00	12%	569,636.61	12%	108,532.39	84.0%	
Building	236,375.00	4%	207,162.17	4%	29,212.83	87.6%	
Emergency Disaster	-	0%	-	0%	-	0.0%	
Solid Waste	197,100.00	4%	170,265.87	4%	26,834.13	86.4%	
911 Dispatch	45,101.00	1%	45,100.19	1%	0.81	100.0%	
Legislative	12,410.00	0%	20,434.23	0%	(8,024.23)	164.7%	
Streets/Storm Sewers	24,635.00	0%	23,234.92	0%	1,400.08	94.3%	
Parks	133,150.00	2%	112,623.04	2%	20,526.96	84.6%	
Beach	99,329.00	2%	92,350.05	2%	6,978.95	93.0%	
Lift Stations/Sewer Service	22,975.00	0%	18,213.15	0%	4,761.85	79.3%	
Contingencies	35,813.00	1%	-	0%	35,813.00	0.0%	
Debt Service	355,328.00	6%	355,327.29	7%	0.71	100.0%	
Emergency Medical Services	331,654.00	6%	303,812.83	6%	27,841.17	91.6%	
Community Center	49,815.00	1%	49,144.16	1%	670.84	98.7%	
Risk Management	139,500.00	3%	139,161.34	3%	338.66	99.8%	
Capital	574,042.00	10%	219,913.10	5%	354,128.90	38.3%	
<b>TOTAL EXPENDITURES</b>	<b>\$ 5,575,352.00</b>		<b>\$ 4,859,476.44</b>		<b>\$ 715,875.56</b>	<b>87.2%</b>	

<b>CHANGE IN FUND BALANCE</b>	<b>-</b>	<b>223,451.67</b>	<b>223,451.67</b>
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Explanation of Variances:

Public Works - This is solely due to costs related to covid-19 (additional cleaning/sanitizing).

Police - October costs for PBSPD and PBSO paid in full. Major plumbing issues with original sewer lines from PD building.

Dispatch - budget is for October only, then contracted with PBSO. No more costs.

Legislative - includes noncapital portion of new AV equipment for meeting room.

Streets/Storm Sewers - Signs and removal of ficus tree with roots problematic to storm drains

Debt Service - all payments have been made.

Community Center - electrical work required by Fire Marshal, door repairs, elevator repairs.

Risk Management - Paid in full.

Town of Palm Beach Shores  
Utility Tax  
10% Effective 4/1/17

	Electric <i>FPL</i>	Water <i>Riviera Beach</i>	Gas <i>FPU</i>	Total
Oct-19	17,986.20	8,477.99	1,364.92	27,829.11
Nov-19	17,613.23	7,015.45	2,064.96	26,693.64
Dec-19	19,849.65	10,754.87	2,738.02	33,342.54
Jan-20	16,427.17	4,007.08	2,633.45	23,067.70
Feb-20	16,089.10	13,608.72	2,401.72	32,099.54
Mar-20	16,064.43	8,125.57	2,474.55	26,664.55
Apr-20	16,991.01	8,094.56	1,029.02	26,114.59
May-20	14,712.20	7,356.76	1,254.19	23,323.15
Jun-20	18,666.25	8,375.93	1,368.99	28,411.17
Jul-20	23,147.18	9,272.36	1,431.64	33,851.18
Aug-20	20,042.30			20,042.30
Sep-20				-
YTD Total	197,588.72	85,089.29	18,761.46	301,439.47



**Town of Palm Beach Shores**  
**Discretionary Sales Tax PBC**

Accumulated (unspent) Discretionary Sales Tax as of 9/30/17	\$ 49,955.01
Accumulated (unspent) Discretionary Sales Tax as of 9/30/18	\$ 119,434.60
Accumulated (unspent) Discretionary Sales Tax as of 9/30/19	\$ 207,613.87

Current Year Receipts:

Date of Receipt	Period	
11/25/2019	October	\$ 6,138.62
12/24/2019	November	\$ 6,664.62
1/29/2020	December	\$ 6,907.32
2/13/2020	4Q adjustment	\$ 2,267.68
2/26/2020	January	\$ 8,374.45
3/24/2020	February	\$ 7,138.14
4/28/2020	March	\$ 6,924.64
5/6/2020	1Q adjustment	\$ 2,570.20
5/28/2020	April	\$ 5,694.37
6/26/2020	May	\$ 4,293.33
7/27/2020	June	\$ 5,171.31
8/6/2020	2Q adjustment	\$ 2,394.20
8/27/2020	July	\$ 6,026.22
Total current year receipts		\$ 70,565.10

Current Year Expenditures:

\$ -

Accumulated (unspent) Discretionary Sales Tax as of 8/31/20	\$ 278,178.97
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Town of Palm Beach Shores  
Building Department

	Building Permits	Building Department	Net Building	Cumulative Net Bldg
10/31/2019	\$ 28,495	\$ 16,030	\$ 12,465	\$ 12,465
11/30/2019	\$ 23,676	\$ 17,473	\$ 6,203	\$ 18,667
12/31/2019	\$ 11,572	\$ 14,241	\$ (2,669)	\$ 15,998
1/31/2020	\$ 20,913	\$ 27,726	\$ (6,812)	\$ 9,186
2/29/2020	\$ 1,780	\$ 14,124	\$ (12,345)	\$ (3,159)
3/31/2020	\$ 25,623	\$ 30,705	\$ (5,082)	\$ (8,241)
4/30/2020	\$ 4,796	\$ 10,229	\$ (5,432)	\$ (13,673)
5/31/2020	\$ 712	\$ 18,005	\$ (17,292)	\$ (30,965)
6/30/2020	\$ 8,273	\$ 16,349	\$ (8,076)	\$ (39,041)
7/31/2020	\$ 5,829	\$ 25,842	\$ (20,013)	\$ (59,053)
8/31/2020	\$ 35,027	\$ 16,439	\$ 18,588	\$ (40,465)
9/30/2020				
	\$ 166,697	\$ 207,162	\$ (40,465)	

*Note: Includes \$18,400 to demo home at 118 Cascade.*

Town of Palm Beach Shores  
Underground Utilities  
as of 8/31/20

	Cost Estimate	FYE 9/30/2019	FYE 9/30/2020	TOTAL	Remaining Budget
Cash		\$ 2,149,130.20	\$ 1,182,944.06		
Accounts Payable		\$ 141,138.49	\$ -		
Due to General Fund		\$ 16,986.50	\$ 17,319.64		
Fund Balance		\$ (6,947.41)	\$ 1,991,005.21		
<b>Liabilities and fund balance</b>		<b>\$ 151,177.58</b>	<b>\$ 2,008,324.85</b>		
<b>Expenditures:</b>					
Survey	\$ 38,000	\$ 54,543.00	\$ 11,219.50	\$ 65,762.50	\$ (27,762.50)
Legal	\$ 4,000	\$ -	\$ 3,150.00	\$ 3,150.00	\$ 850.00
Project Mgmt/Admin	\$ 80,000	\$ 65,729.65	\$ 13,592.50	\$ 79,322.15	\$ 677.85
Construction - Town	\$ 4,336,460	\$ 3,596,780.73	\$ 300,646.60	\$ 3,897,427.33	\$ 439,032.67
Construction - Comcast	\$ 250,000	\$ -	\$ 490,489.05	\$ 490,489.05	\$ (240,489.05)
Construction - AT&T	\$ 450,000	\$ -	\$ 5,000.00	\$ 5,000.00	\$ 445,000.00
Construction - FPL	\$ 254,386	\$ 254,386.00	\$ -	\$ 254,386.00	\$ -
Landscape Restoration	\$ 16,300	\$ 8,100.00	\$ 1,283.14	\$ 9,383.14	\$ 6,916.86
Loan Acquisition	\$ 23,000	\$ 22,508.00	\$ -	\$ 22,508.00	\$ 492.00
Contingency	\$ 547,854	\$ -	\$ -	\$ -	\$ 547,854.00
Total expenditures	\$ 6,000,000	\$ 4,002,047.38	\$ 825,380.79	\$ 4,827,428.17	\$ 1,172,571.83
<b>Other Financing Sources:</b>					
Loan Proceeds	\$ 6,000,000	\$ 6,000,000.00	\$ -	\$ 6,000,000.00	\$ -
<b>Net Change in Fund Balance</b>	<b>\$ -</b>	<b>\$ 1,997,952.62</b>	<b>\$ (825,380.79)</b>	<b>\$ 1,172,571.83</b>	<b>\$ 1,172,571.83</b>

Viking is nearly complete. A 10% retainage is held by the Town that will be paid upon completion.



Town of Palm Beach Shores  
Underground Utilities  
as of 8/31/20

	COST ESTIMATE	TOTAL as of 8/31/20	P R O J E C T E D	
			Cost	Variance
<b>Expenditures:</b>				
Survey	\$ 38,000	\$ 65,762.50	\$ 65,762.50	\$ (27,762.50)
Legal	\$ 4,000	\$ 3,150.00	\$ 3,150.00	\$ 850.00
Project Mgmt/Admin	\$ 80,000	\$ 79,322.15	\$ 80,000.00	\$ -
Construction - Town	\$ 4,336,460	\$ 3,897,427.33	\$ 4,336,460.00	\$ -
Construction - Comcast	\$ 250,000	\$ 490,489.05	\$ 528,416.05	\$ (278,416.05)
Construction - AT&T	\$ 450,000	\$ 5,000.00	\$ 705,000.00	\$ (255,000.00)
Construction - FPL	\$ 254,386	\$ 254,386.00	\$ 254,386.00	\$ -
Landscape Restoration	\$ 16,300	\$ 9,383.14	\$ 16,300.00	\$ -
Loan Acquisition	\$ 23,000	\$ 22,508.00	\$ 22,508.00	\$ 492.00
Contingency	\$ 547,854	\$ -	\$ -	\$ 547,854.00
<b>Total expenditures</b>	<b>\$ 6,000,000</b>	<b>\$ 4,827,428.17</b>	<b>\$ 6,011,982.55</b>	<b>\$ (11,982.55)</b>
<b>Other Financing Sources:</b>				
Loan Proceeds	\$ 6,000,000	\$ 6,000,000.00	\$ 6,000,000.00	\$ -
<b>Net Change in Fund Balance</b>	<b>\$ -</b>	<b>\$ 1,172,571.83</b>	<b>\$ (11,982.55)</b>	<b>\$ (11,982.55)</b>

Projected costs include the estimated costs to complete for AT&T and Comcast.  
We expect to have similar remedial drilling on the AT&T portion of the project.  
These costs are estimated to be \$40,000 and are not included above.

**PALM BEACH COUNTY**  
**SHERIFF'S OFFICE**

*RIC L. BRADSHAW, SHERIFF*



Mayor Fiers and Commission  
September, 2020 Town commission meeting

Attached are the detailed statistics for the month of August. As you can see your deputies conducted 3,481 business and residential visits. we conducted 44 traffic stops resulting in 16 citations and 28 warnings, parking tickets rose to 57.

The 2 arrests which occurred involved one male who crashed his boat at a town marina. The male upon seeing our deputies jumped from the boat and began to run behind homes, he was captured by our road and marine patrol deputies. Apparently he had an outstanding warrant for his arrest and had no wish to return to Martin county, where the warrant originated from.

The second arrest occurred during a traffic stop in which the operator's driver's license had been revoked and the operator had knowledge of it. He decided to drive anyway and run a stop sign to boot.

Please join me in welcoming Deputy Michael Lubinski to our town, he has replaced Deputy Cupini who has decided to leave law enforcement. Deputy Lubinski has been with the Sheriffs for many years and was one of many who applied to come work with us. Mike is a great guy; he loves to bike ride so you will see him all around, he works on the same shift as the other mike, so we will need to come up with nick names for them. Mike 1, Mike 2?

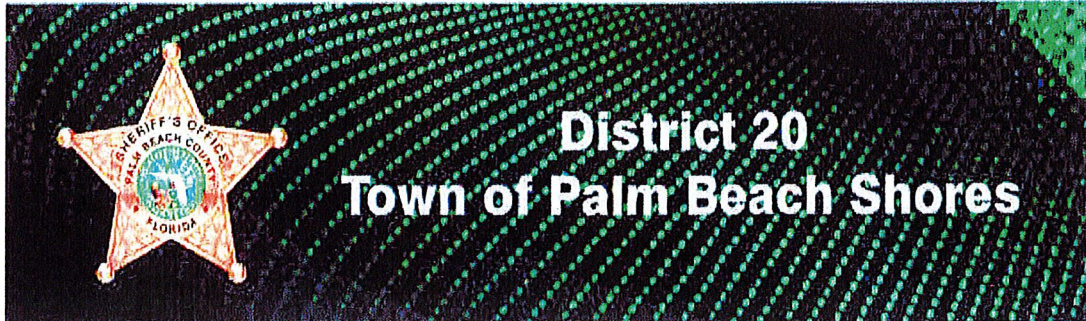
With folks coming back to town from places north, and with all of us tired of being cooped up. It may be a good idea to get out the house and join us for cookies, coffee, give a ways and a little face time, even if we are wearing masks and social distancing!

The Sheriff and the town would like to help put another spotlight on cancer, the terrible disease that has been so cruel to so many of us. Join us at the community center at 11AM October 7<sup>th</sup>, please mark your calendar.

The sheriff will also have the Pink patrol car here so we can take pictures and sign the car. We are just putting this all together and ask you all to join Palm Beach Shores and Sheriff Bradshaw to put another spotlight on cancer.

As always we are here for you and just a call away.  
Sgt. Steve Langevin.





## August - 2020 - Monthly Strategic Report

CAD Calls	Monthly Totals
Business / Residence Checks (Self-Initiated)	3481
Traffic Stops (Self-Initiated)	40
Calls for Service (Excluding 1050's & 1061's)	188
All CAD Calls - Total	3709

Data Source: CADS/Premier 1

\*Omit Miscellaneous Calls

Note: P1 is a dynamic system. Meaning that #'s can change from what was previously reported in the event there is a location or call type re-classification/modification.

**Summary:** During the month, there were 3709 generated calls within the district. 95% of these calls were self-initiated.

Data below represents Traffic Activity conducted by D20 Deputies

Data Source: D20 Office Staff

Total Citations	Total Warnings	Parking Citations
16	28	57

## Arrest and NTA Statistics

<b>Arrest Data</b>
<b>Arrests &amp; Notice to Appear (NTA) within District 20</b>
<b>Total Count - 2</b>

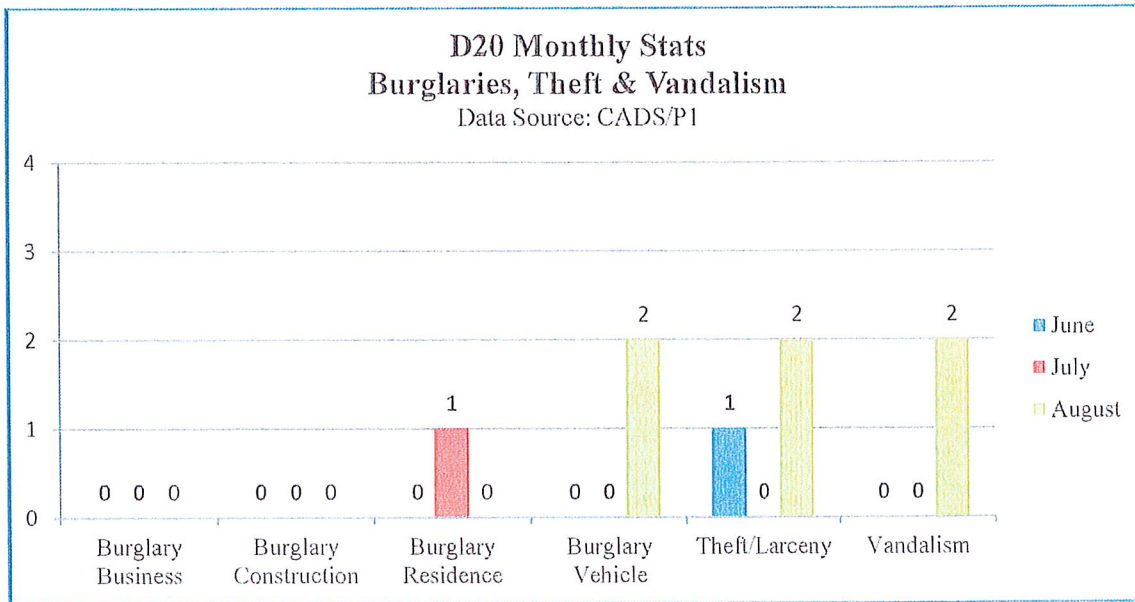
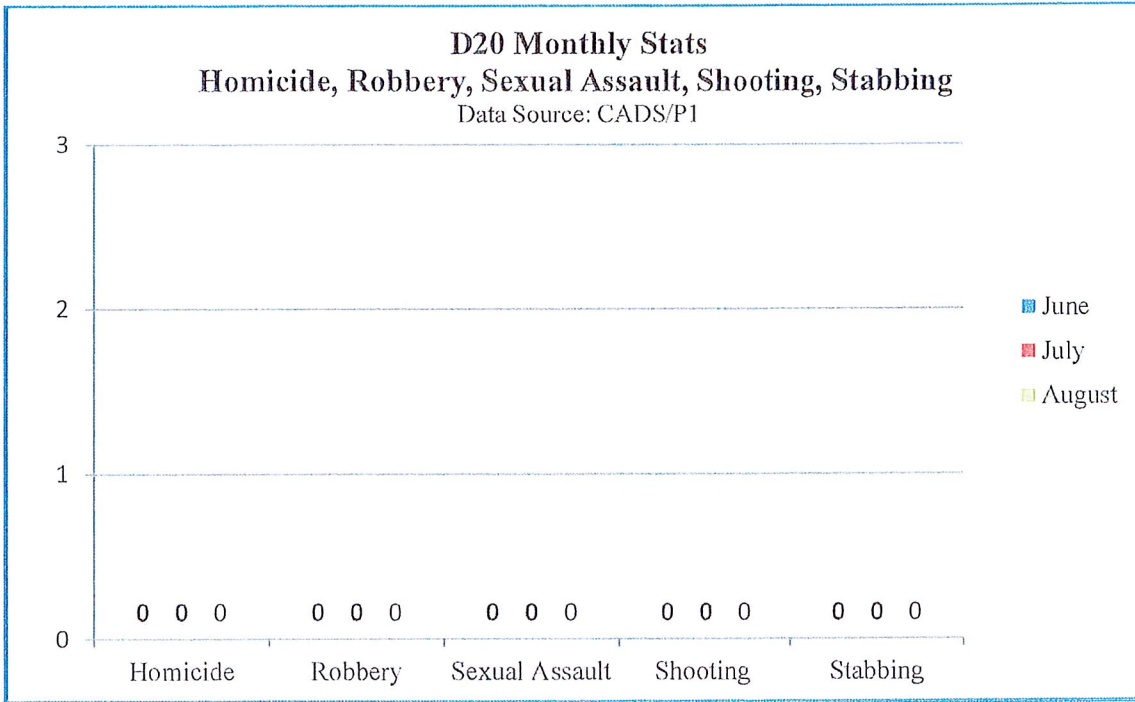
Data Source: CADS/Premier 1

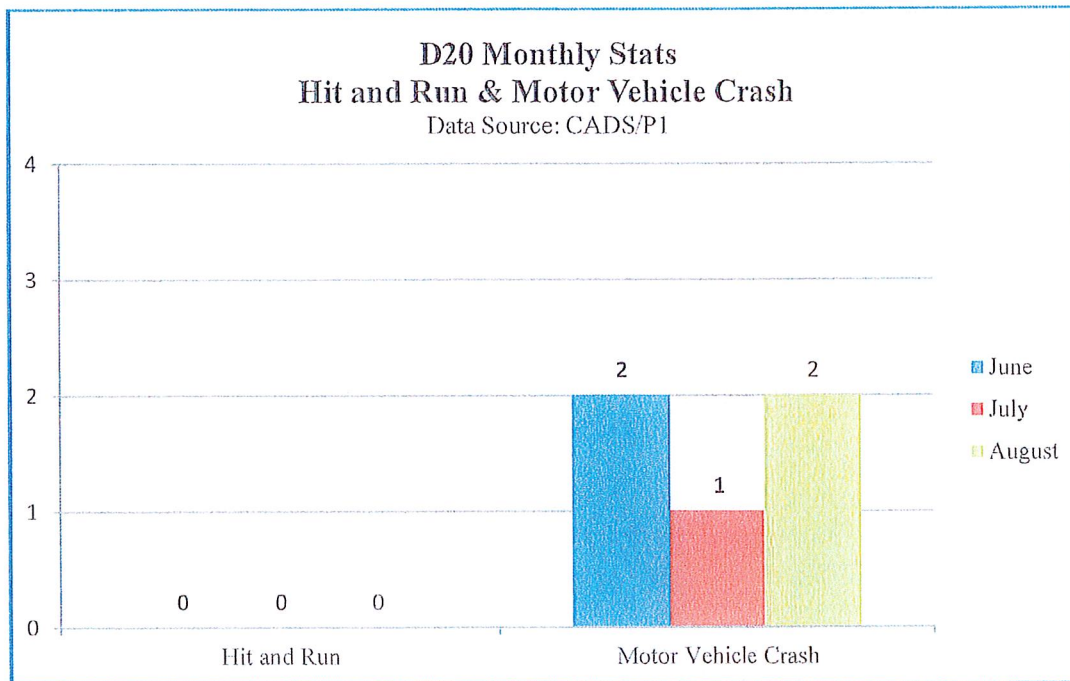
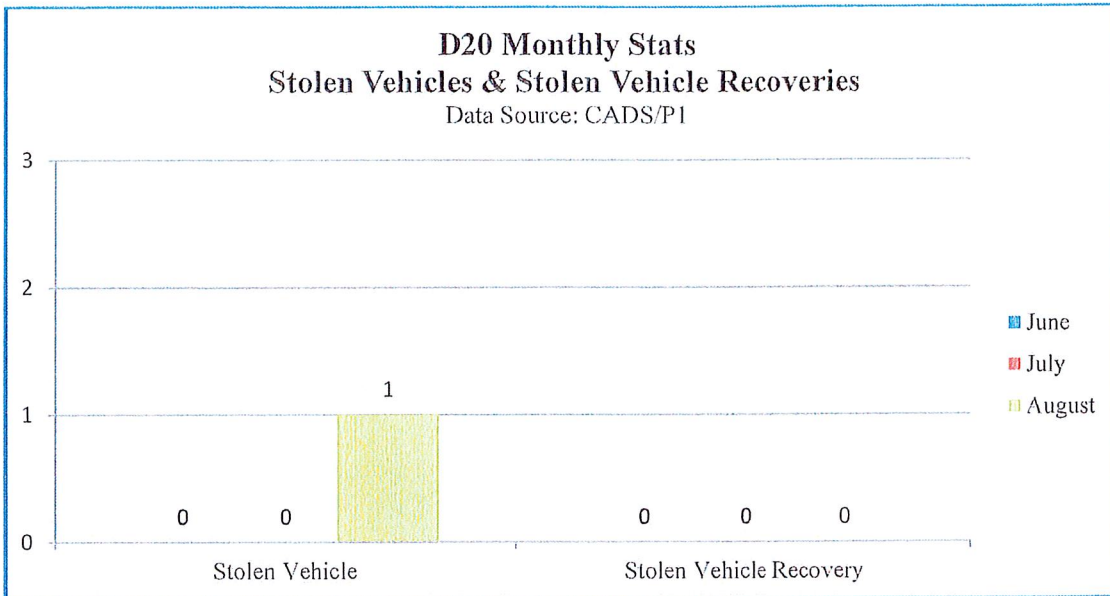
RPT #	SIGNAL	NEIGHBORHOOD	COMMONPLACE	LOCATION
20095375	1049		SAILFISH MARINA - RESTAURANT	98 LAKE DR
20098340	19	MARRIOTT OCEAN POINTE		OCEAN AVE / CLAREMONT LN

## DATA ANALYSIS

The data included in this report is charted and graphed to illustrate and compare changes over a specific time period. These charts and graphs are utilized to assist in determining crime trends and to measure enforcement efforts. This data is utilized in conjunction with other analysis to develop directed patrol and various enforcement activities. The analysis included on these pages is presented as a brief highlight to explain the salient points of this report.

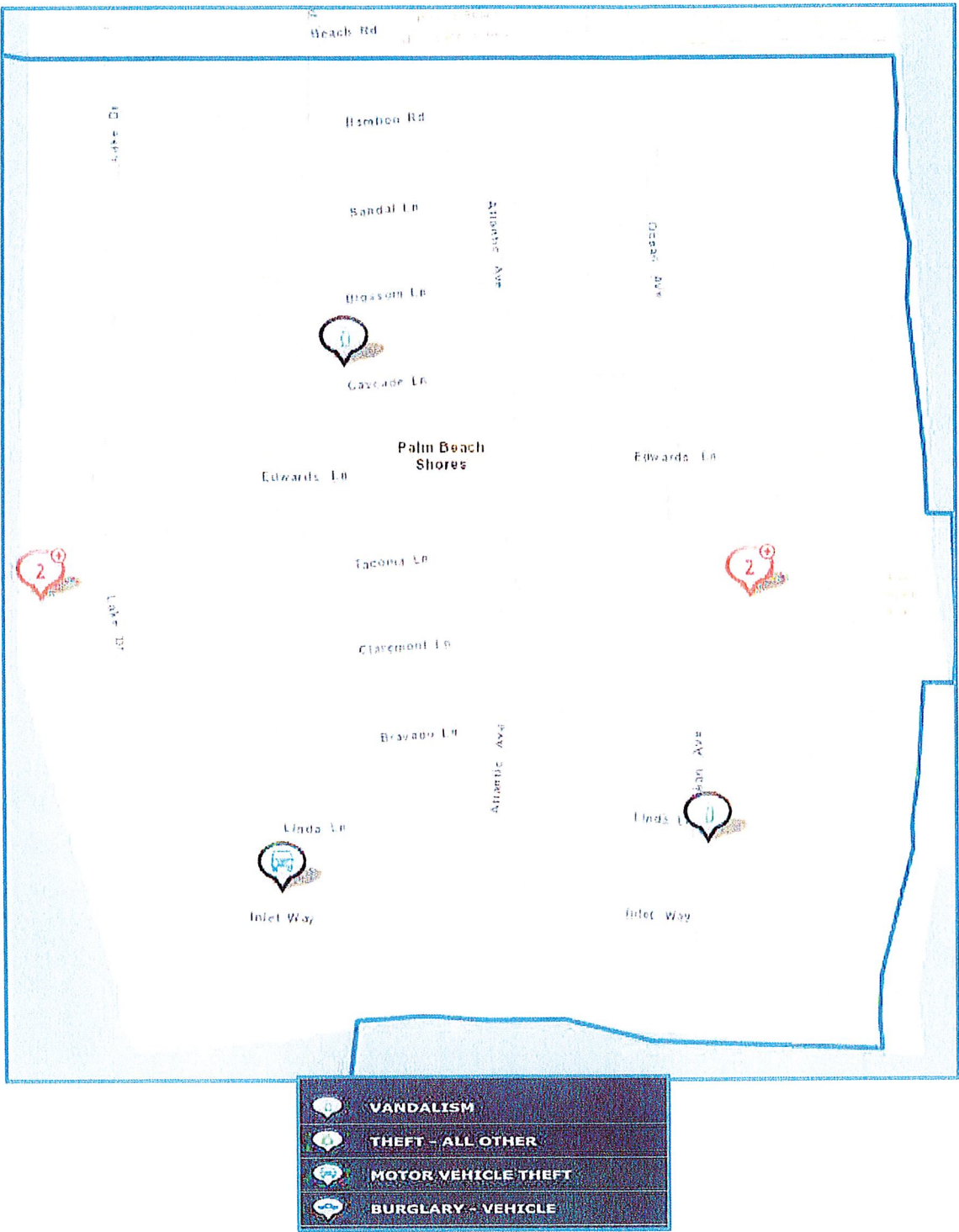






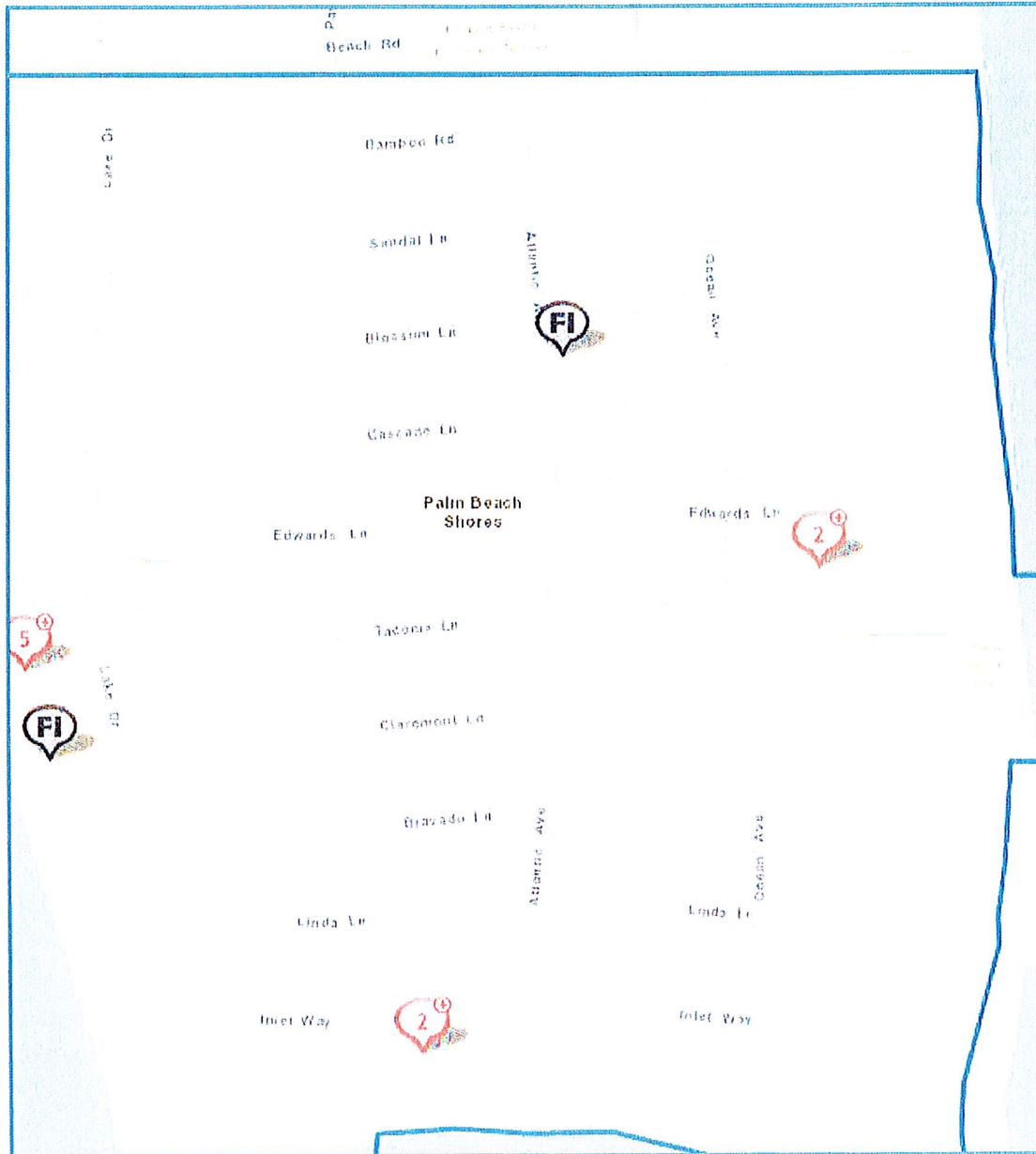
# District 20 Map of Activity

Data: Source: CrimeView Dashboard



## FIR MAP

11 Records Plotted in CrimeView Dashboard.



(13) Conducted per the FIR Track system.

Note: This # could change due to FIR's being inputted into system after search was conducted.





ITEM 5b2  
9 29 2020

## MONTHLY ACTIVITIES REPORT TO THE TOWN COMMISSION

### TOWN OF PALM BEACH SHORES

#### DEPARTMENT OF EMERGENCY SERVICES

21 August 2020 – 24 September 2020

TO: Mayor Alan Fiers  
Town Commissioners

FROM: Trevor L. Steedman, Fire Chief

DATE: 24 September 2020

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### OPERATIONS

#### FIRE DEPARTMENT

1. The Sea Spray Hotel was issued a cease and desist order for multiple and continual unsafe conditions in the building. The bank has been awarded receivership of the structure and will decide whether to make the appropriate repairs, sell or demolish the building.
2. Calls for service have remained steady for this reporting period.
3. PBSFD is joining with other local and county departments in observance of Breast Cancer Awareness month. Firefighters will be wearing special duty shirts during the month of October.
4. The Fleming Family Foundation provided grant funding to replace the Fire Department Water Rescue/Beach Response ATV.

**TOWN CLERK REPORT**  
**August 2020 Status Update**

ITEM 5b4  
9 29 2520

<b>TASKS</b>	<b>STATUS</b>
<b>Upcoming Meetings</b>	<ul style="list-style-type: none"> <li>➤ DRC Meeting (via communication technology, if needed) October 7, 2020 at 2:00 pm (if projects turned in)</li> <li>➤ Commission Workshop October 12, 2020 at 7:00 pm</li> <li>➤ P &amp; Z Meeting October 27, 2020 (via communication technology).</li> </ul>
<b>Building Department Updates</b>	<p>August 2020:</p> <ul style="list-style-type: none"> <li>• Total Permits issued: 17</li> <li>• Total Permit Fees Paid: \$32,359.02</li> <li>• Total Construction Value: \$2,062,417.19</li> <li>• Total Permits issued in 2020 to date: 149</li> <li>• Total Permit Fees in 2020 to date: \$165,927.97</li> <li>• Total Construction Value in 2020 to date: \$5,702,220.95</li> <li>➤ <b>HOURS FOR THE BUILDING DEPARTMENT!</b> We are open Monday, Wednesday, and Friday from 9:00 am to 1:00 pm to take in Building Permit Applications <b>BY APPOINTMENT ONLY</b>. All other building department related business are during normal business hours (8:30 am to 4:30 pm, Monday through Friday) <b>ALSO BY APPOINTMENT ONLY</b>.</li> </ul>
<b>Code Compliance</b>	<p>New/ongoing open Code Violations July 2020</p> <ul style="list-style-type: none"> <li>• 15 Property Maintenance (Code Sec. 14-329)</li> <li>• 2 Expired Tags, prohibited vehicles (Code Sec. 70-75)</li> <li>• 5 Work without permits (Code Sec. 14-81)</li> <li>• 1 Temp/Permanent Sign without permit (Code Sec. 58-31)</li> <li>• 4 Yard debris/bulk trash/garbage before pick-up (CodeSec.38-9)</li> <li>• 3 Sight Triangle (Landscaping obstruction) (Code Sec. 78-79.)</li> <li>• 1 Off-street parking (Code Sec. Pf.5.13)</li> <li>• 21 No Business Tax/Cert. of Use (Code Sec. 18-16)</li> </ul>
<b>TOWN HALL</b>	<p>Due to safety and health concerns, we are open BY APPOINTMENTS ONLY for all services. For Notary services, if you need witnesses, you will need to try your bank as we cannot allow more than 1 person in the door at a time; and Town Hall staff are not available to serve as witnesses.</p> <p>The updated audio/visual equipment in the Town Hall Chambers is now complete! We ask that everyone please use proper decorum on your end of the sound and visual aspects, as you would if you were attending in person at any meeting. Please keep your microphones muted unless you are asked to speak, as any ambient noise on your end will be heard in the commission chambers unless you are muted. Also, remember if you are attending visually, you will be seen by everyone else who is also attending visually and on the big screens in the Commission Chambers. Please check yourselves accordingly. My email is: <a href="mailto:ebrowning@pbstownhall.org">ebrowning@pbstownhall.org</a> if you have any questions.</p>
<b>Community Center</b>	Community Center <span style="color: red;">closed</span> due to COVID-19

**SPECIAL CONSTRUCTION AGREEMENT**  
**Fiber Overlay Request Town of Palm Beach Shores, FL**

Project #: A019K56

Customer Name: Town of Palm Beach  
Shores

Authority: 9E831268B

Customer Number: (561)844-3457

AT&T Contact: Vince Lim

Work Site Address: 247 Edwards Lane,  
Palm Beach Shores, FL 33404

Telephone: (561)758-6914

This Agreement (" Agreement") is entered into by and between BellSouth Telecommunications, LLC d/b/a AT&T Florida ("AT&T") and Town of Palm Beach Shores ("Customer" or "Town"). AT&T and Customer hereby agree to the following terms and conditions:

1. **Special Construction Work & Consideration.** This Agreement is for the Special Construction Work described on ***Exhibit 1***, attached hereto and incorporated herein by this reference ("Special Construction Work"). Exhibit 1 includes conditions precedent to AT&T commencing the Special Construction Work ("Conditions Precedent"). As consideration for the Special Construction Work, Customer agrees to pay AT&T for the work on an "actual cost" basis. The Customer affirms that the Estimated Special Construction Work Charges below is an estimate and that the actual costs incurred by AT&T may be higher. Said estimated cost is subject to change due to factors including, but not limited to, changing conditions in the field or changes in cost of labor or materials. Customer agrees to make advance payment of 1/3rd of the total estimated cost of \$ 275,000 ("Estimated Special Construction Work Charges"), \$ 5,000 of which Customer has previously paid to AT&T, such that \$ 270,000 is due and payable in 3 milestone payments of \$90,000 each over the project timeline. Customer will pay the first milestone payment to AT&T within 30 days following full execution of this Agreement. Payment of such amount in full, is required before the Special Construction Work will begin. Payment of each remaining milestone payment is due prior to the start of work on that particular phase of the project, as set forth in Exhibit 1. Payment shall be made by mail to AT&T's offices at AT&T CWO Coordinator, 1876 Data Drive 5<sup>th</sup> Floor North, Hoover, AL 35244, or to such other address as AT&T may designate in writing. Upon total completion of the work, AT&T will compute the actual cost of the work ("Special Construction Work Charges"). Any difference between the amount of the advance payment and the Special Construction Work Charges will either be paid by the Customer to AT&T within 30 days of Customer's receipt of an invoice therefore (in the event actual exceeds estimated) or refunded to the Customer by AT&T (in the event actual is less than estimated).
2. **Cost Estimate.** The Estimated Special Construction Work Charges amount is valid for 90 days from \_\_\_\_\_. If this Agreement is not fully executed within the



said period, then AT&T may require the Customer to request a new cost estimate, and the Estimated Special Construction Work Charges amount may change.

3. **Changes in Scope of Work or Field Conditions.** If the Customer initiates changes in the scope of the work after the date of this Agreement or there exists a condition in the field or other relevant circumstance discovered after the date of this Agreement that is different from the conditions or circumstances that were assumed in preparing the Estimated Special Construction Work Charges, AT&T may require the Customer to request a new cost estimate, the Estimated Special Construction Work Charges amount may change and the parties will cooperate to sign an amendment to this Agreement incorporating any relevant changes to the Estimated Special Construction Work Charges or scope of work.
4. **Breach; Termination.** If either party breaches any material provision in this Agreement, then the other party may terminate this Agreement by written notice to the breaching party; provided that, prior to any such notice of termination, the other party provides written notice of the breach to the breaching party, and the breaching party fails to cure the breach within 30 calendar days from receipt of the notice of the breach. The time to cure shall be extended for a reasonable time to allow for cure if the breach cannot be cured within 30 calendar days and if the breaching party continues expeditiously to cure.
5. **Early Termination.** In event of termination of this Agreement for any reason in advance of completion of the Special Construction Work, in addition to any other remedies that may be available to AT&T, AT&T shall have the right to retain any Estimated Special Construction Work Charges previously paid by the Town that compensate AT&T for Special Construction Work performed, and AT&T may complete any segment of the Special Construction Work then in progress. Following such termination, AT&T shall return to the Town any such portion of such prior payment that is in excess of such amounts that compensate for Special Construction Work performed. If actual costs incurred by AT&T for Special Construction Work performed exceed the prior payments, the Town shall be responsible to pay any such excess amount within 30 days following receipt of an invoice from AT&T.
6. **Force Majeure; Time to Complete.** Any information provided by AT&T, its agents servants or employees that the project will be complete by a certain date or within certain time period is an estimate and not binding on AT&T, its agents, servants or employees. Estimated completion dates and the Special Construction Work are subject to circumstances, including without limitation, changing conditions in the field, and force majeure conditions, including, without limitation, weather, labor disputes, vendor/contractor disputes and other conditions or circumstances outside of AT&T's control.
7. **Damages; No Damages for Delay.** In the event of termination of this Agreement for any reason in advance of completion of Special Construction Work, the Town shall have no claim or remedy against AT&T, except a claim to collect any excess payment amount, as set forth in Section 5. In the event of any claims arising from



this Agreement, neither party shall liable for any consequential, incidental or indirect damages. Under no circumstances will AT&T be held liable to Customer, Customer's agents, servants, contractors or employees for any alleged delay in the Special Construction Work.

**8. Severability.** Any provision of this Agreement held by court of competent jurisdiction to be invalid or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision so held to be invalid or unenforceable.

**9. Successors and Assigns.** This Agreement is binding upon and shall inure to the benefit of the parties and their respective successors and assigns.

**10. Counterparts.** This Agreement may be executed in one or more counterparts, each of which when so executed shall be deemed to be an original, but all of which when taken together shall constitute one and the same instrument.

**11. Effect of Waiver.** No consent or waiver, express or implied shall be deemed a consent to or waiver of any other breach of the same or any other covenant, condition or duty.

**12. Headings.** The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

**13. Modification.** This Agreement constitutes the entire agreement between the parties and can only be changed in a writing or writings executed by both of the parties. Each of the parties forever waives all right to assert that this Agreement was the result of a mistake in law or fact.

**14. Interpretation.** The parties agree that this Agreement shall not be interpreted in favor or against either party. The parties further agree that they entered into this Agreement after conferring with legal counsel, or after having a reasonable opportunity to confer with legal counsel.

**15. Applicable Law.** This Agreement shall be governed and interpreted in accordance with the laws of the State of Florida without regard to Florida conflict of law principles.

**16. Attorneys' fees.** If either party seeks to enforce it rights under this Agreement through legal action, the prevailing party shall recover from the other party all costs and expenses incurred, including, but not limited to, reasonable attorneys' fees.

**17. Authority.** The signatories to this Agreement represent and warrant that they are duly authorized to execute this Agreement.

**18. Indemnification and Hold Harmless.** Subject to applicable law and without waiver by the Town of any relevant sovereign immunity rights under Florida law,

Customer, Customer's agents, servants, contractors and employees hereby agree to indemnify and hold harmless AT&T and its employees, agents and contractors from and against any and all claims, costs, and expenses, judgments or actions for damage to property or injury or death to persons and/or arising from or relating to the work that is the subject of this Agreement, if and to the extent any such claims are caused by the acts or omissions of the Customer, Customer's agents, servants or employees.

**11. Final Agreement.** THIS AGREEMENT REPRESENTS THE ENTIRE AND FINAL EXPRESSION OF THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF. THIS AGREEMENT MAY NOT BE CONTRADICTED BY EVIDENCE OF PRIOR, CONTEMPORANEOUS OR SUBSEQUENT ORAL AGREEMENTS OF THE PARTIES; THERE ARE NO UNWRITTEN ORAL AGREEMENTS BETWEEN THE PARTIES. NO MODIFICATION, RESCISSION, WAIVER, RELEASE OR AMENDMENT OF ANY PROVISION OF THIS AGREEMENT SHALL BE MADE, EXCEPT BY A WRITTEN AGREEMENT SIGNED BY BOTH PARTIES.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative on the dates set forth below.

**Town of Palm Beach Shores, Florida**

**BellSouth Telecommunications,  
LLC d/b/a AT&T Florida**

By: \_\_\_\_\_  
*Printed Name*

By: \_\_\_\_\_  
*Printed Name*

By: \_\_\_\_\_  
*Authorized Signature*

By: \_\_\_\_\_  
*Authorized Signature*

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT 1

The Special Construction Work that is the subject of the Agreement to which this Exhibit 1 is attached is as follows:

The work area is the area within the Town of Palm Beach Shores, as shown on **Attachment A** ("Work Area"). The Special Construction Work is the following work within the Work Area: Installation by AT&T of an underground fiber cable distribution network and related aboveground equipment. The work proposed does not include any cutover or removal of the existing aerial network including cables, terminals, service wires, poles, anchors or guy wires, in the Work Area. Any work pertaining to cutover or removal of the existing aerial network in the work area would be the subject of a separate contract negotiated between AT&T and the Town of Palm Beach Shores. Work will be completed in 3 phases with milestone special construction payments of \$90,000 each payment made at the start of each phase. Phase 1-will involve AT&T contractor rod/proofing the conduits provided by the Town, placement of handholes, and connection of conduits. Phase 2- will order and place cable through the conduit infrastructure. Phase 3-will splice, test and turn up the network for service.

In addition to any conditions precedent to AT&T commencing the Special Construction Work identified in the Agreement to which this Exhibit 1 is attached, the following shall be Conditions Precedent to AT&T commencing the work and shall be obligations of the Town where specified:

- A. **Conduit.** At no cost to AT&T, the Town shall (1) install the 4" Schedule 40 or equivalent conduit designated for AT&T and the Service Conduit identified in C below as shown on the plans Attachment A ("Conduit Plans"), (2) transfer ownership to AT&T of the above-referenced 4" inch conduit, and Service Conduit (collectively, "AT&T Conduit System") as described below. Upon completion of construction of the AT&T Conduit System, the Town shall notify AT&T. AT&T shall promptly thereafter be afforded the opportunity to inspect the AT&T Conduit System and shall notify the Town in writing of any observed deficiencies. Upon correction by the Town or its contractor(s) of all noticed deficiencies, the Town shall notify AT&T, and the AT&T shall be afforded an opportunity to re-inspect and notify the Town of approval or any further observed deficiencies (in which case the above process shall again apply). After approval, the Town shall transfer ownership of the AT&T Conduit System free of any liens or encumbrances, and AT&T shall thereafter own and have sole use of the AT&T Conduit System. In the event that any deficiencies are later discovered in the AT&T Conduit System (namely, deficiencies that occurred in connection with the construction and installation), the Town shall be the responsible party at the Town's cost to correct or arrange for correction by appropriate contractor(s) of the deficiencies during the warranty period promptly following notice from AT&T. Such warranty period will extend for one (1) year from the date of transfer of ownership of the AT&T Conduit System. Transfer of ownership to AT&T shall be memorialized by the Town's delivery to AT&T of a Bill of Sale in the form attached as **Attachment B**.

B. **Permits.** At no cost to AT&T, the Town shall grant to AT&T any necessary permits for the installation by AT&T in Town right-of-way of the following: any portions of the AT&T Conduit System within such right-of-way as well as AT&T terminals to be installed in each Splice Box (or at such alternate locations as may be necessary and approved by the Town in the event of later changes to installation locations due to field conditions or other circumstances). If the Town does not grant separate permits, this Agreement shall constitute Town authorization for installation and maintenance of such facilities and the AT&T Conduit System in the Town right-of-way. Receipt of any necessary permits from the Town or any other relevant permitting agencies is a condition precedent to the Special Construction Work.

C. **Service Drops.** At no cost to AT&T, the Town shall have caused the property owners of each and all properties within the Work Area (each, a "Residence") to do the following (or the Town shall do the following): Install one - 1" PVC Schedule 40 conduit from each AT&T network interface device ("NID") on each Residence to the relevant Splice Box (as shown on the Conduit Plans) for the relevant Residence. The Town shall cause each property owner of a Residence to grant to AT&T the exclusive right to use the above conduit on the Residence property for installation of an AT&T service drop.

**D. Further Conduit Specifications.** In instances where a joint trench will be dug for the installation of AT&T's facilities and the power company's facilities, the power company's FPL's facilities shall be placed at the bottom of the joint trench. Any conduit referenced in A. above placed for AT&T's use (whether in a single or joint trench) shall be at a minimum depth of 12" below final grade, and any conduit referenced above placed for AT&T's use (whether in a single or joint trench) shall be at a minimum depth of 6" below final grade. For all conduit referenced in this Exhibit 1 placed for AT&T's use, there shall be at least a 12" vertical separation with well tamped soil backfill between AT&T's facilities and primary or secondary power facilities. All conduits must be equipped with a pull string.

**E. Timing, Conditions Precedent.** Following 1 year after execution of this Agreement, in the event Conditions Precedent have not been satisfied, AT&T may terminate this Agreement by notice to the Town anytime thereafter, until the Conditions Precedent have been satisfied (and Section 5 of the Agreement to which this Exhibit 1 is attached shall apply in the event of such early termination). When the Town believes the Conditions Precedent have been satisfied, the Town will notify AT&T in writing, and AT&T shall determine thereafter whether the Conditions Precedent have, in fact, been satisfied. If AT&T does not believe that they have been satisfied, AT&T will notify the Town.



**Attachment A**  
**Work Area**

**See attached**

**Attachment B**  
**Bill of Sale**

FOR GOOD AND VALUABLE CONSIDERATION the Town of Palm Beach Shores, Florida does hereby bargain, sell, transfer and convey unto BellSouth Telecommunications, LLC d/b/a AT&T Florida all right, title and interest in and to the AT&T Conduit, as described in that certain Agreement between said parties dated \_\_\_\_\_,\_\_\_\_\_.

TO HAVE AND TO HOLD unto the said Grantee forever.

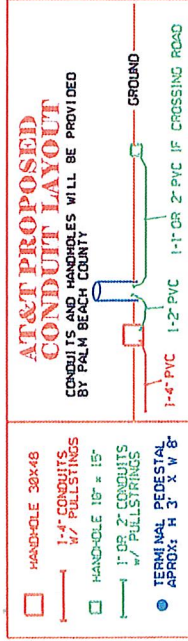
IN WITNESS WHEREOF, the undersigned, has executed this Bill of Sale this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

TOWN OF PALM BEACH SHORES,  
FLORIDA


BY: \_\_\_\_\_

NAME/TITLE: \_\_\_\_\_

■ — NOT IN TOWN OF PALM BEACH AS-BUILDS  
■ — WHAT'S ON TOWN OF PALM BEACH AS-BUILDS



SEE DWG #2

ATTSE	
<b>PROPRIETARY INFORMATION</b> This drawing contains the intellectual property of the City of Fort Lauderdale. It is the property of the City of Fort Lauderdale and is not to be reproduced or used in any manner without the express written consent of the City of Fort Lauderdale.	
State: FLORIDA District: SOUTH FLORIDA (WPB) Exchange: Wire Ctr: WPBHLR8	
Tapset Code: 0 Tax District: RZ/CZ: Permit: Recd: NONEY	
Designer: Phone: Records Ref:	
Vince Lim	
Job Description: Town of Palm Beach Shores Undergrouding project..	
Job Number: / CFS Project Number: / A09K56	
DWG I OF 2	

**RESOLUTION NO. R-12-20**

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, PROVIDING AN UPDATED AND REVISED COMPREHENSIVE SCHEDULE OF FEES AND CHARGES FOR SERVICES PROVIDED BY THE TOWN; PROVIDING THAT THE TOWN'S REVISED SCHEDULE OF FEES AND CHARGES SHALL BE AVAILABLE FOR INSPECTION AT ALL TIMES AT THE TOWN HALL DURING REGULAR BUSINESS HOURS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores has previously adopted fees as set forth in the Town's Fee Schedule to be imposed for the various services rendered by the Town for its citizens and for other members of the public; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to adopt various additions and revisions to the Town's Fee Schedule; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to make certain the updated Fee Schedule, including the additions and revisions as set forth therein, is available for inspection such that any member of the public may be aware of the cost of each and every service provided by the Town of Palm Beach Shores.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AS FOLLOWS:**

SECTION 1: The Town Commission of the Town of Palm Beach Shores, Florida, hereby officially adopts the comprehensive revised schedule of fees and charges attached hereto as Exhibit "A" and made a part hereof as if fully set forth herein.

SECTION 2: The updated Fee Schedule, as set forth in Exhibit "A" shall be available at the Town Hall for inspection by the public during normal business hours.

SECTION 3: This Resolution specifically supersedes any and all other fee schedules previously adopted, including but not limited to Resolution R-9-20, adopted August 24, 2020.

SECTION 4: This Resolution shall take effect immediately upon adoption by the Town Commission.

PASSED AND ADOPTED this 29<sup>th</sup> day of September 2020.

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Alan Fiers, Mayor

ATTEST:

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Evvyonne Browning, Town Clerk

(Seal)



# Town of Palm Beach Shores

## Fee Schedule

As Approved August 2020



TYPE OF FEE	AMOUNT
<b><u>ADMINISTRATIVE FEES</u></b>	
Certified Copies	\$ 5.00 each
Lien Search	\$ 15.00
Lot File Review	\$ 15.00
Meeting with:	
Code Official	\$ 75.00 per hour
Building Official	\$ 85.00 per hour
Zoning Official	\$ 135.00 per hour
Open Records:	
Search/Retrieval	See Open Record Rate Schedule - Exhibit B
Electronic Copies	No charge if available
Black & White Copies	\$ 0.10 per page
Color Copies	\$ 0.15 per page
Business Tax Receipt (administrative fees):	
Code Compliance Inspections	\$ 50.00
Building Official Inspections	\$ 50.00
Fire Inspections - residential	\$ 50.00
Fire Inspections - commercial	\$ 75.00
Re-Inspections	\$ 25.00
Transfer (to new owner)	10% of BTR max \$25; min \$3; per F.S. Sec 205.033(2)
Transfer (to new location)	10% of BTR max \$25; min \$3; per F.S. Sec 205.033(3)
Transfer (to new name)	\$ 15.00
Duplicate	\$ 15.00
Solicitor Fees for all commercial activity (See Sec. 18-42 of the Town Code of Ordinances)	
Annual Fee	\$ 300.00
Monthly Fee, 30 day - (minimum required)	\$ 50.00
Garage Sale Permit	\$ 10.00



# **Town of Palm Beach Shores**

## **Fee Schedule**

*As Approved August 2020*



TYPE OF FEE	AMOUNT
Beach Parking Permit:	
Resident (annual)	\$ 10.00
Hotel/Motel Guest Pass	\$ 10.00
Non-Resident (annual; limited to # of permits issued per year – set by Town Commission)	\$ 200.00
Special Event Permit (Town Beach or on any Town Property)	
Timely Application	\$ 50.00
Untimely Application	\$ 150.00
No Special Event Permit on Beach or any Town Property	\$ 500.00 Fine
Underground Utility Waiver Application	\$ 50.00
Unauthorized Sewer Connection; Per Incident <i>(See Town Code of Ordinances, Sec. 74-131)</i>	\$ 500.00
Sewer System Usage Rates <i>(See Town Code of Ordinances, Sec. 74-131)</i>	
Single unit / vacant single unit lot accounts	\$ 32.00
Multiple units w/ facilities for meal preparation	\$ 26.00
Multiple units w/o facilities for meal preparation	\$ 23.58
Each seat in restaurant/lounge/bar	\$ 3.93
Each marina boat slip	\$ 2.62
Proportionate Fair-Share Program Application	\$ 50.00
Special Meetings/Hearings	\$ 75.00 plus advertising costs

# Town of Palm Beach Shores

## Fee Schedule

As Approved August 2020



TYPE OF FEE	AMOUNT
<b><u>LAW ENFORCEMENT</u></b>	
Impoundment:	
Towing	\$ 150.00
Storage	\$ 35.00 per day
Parking Penalties:	
Obstructing Traffic	\$ 35.00
Parallel parking within 10 ft. of fire hydrant	\$ 60.00
Parking on any street or right-of-way, including the "10-foot strip"	\$ 35.00
Double-parking	\$ 35.00
Parking in prohibited area posted with a "No Parking" sign	\$ 35.00
Parallel parking w/in 15 ft. of a "STOP" sign	\$ 45.00
Blocking driveway, public or private	\$ 45.00
Parking on private property w/out permission	\$ 45.00
Parking at beach parking lot w/out permit	\$ 60.00
Parking at beach parking lot with expired permit	\$ 35.00
Parking in handicapped parking space w/o permit	\$ 260.00
Parking in fire lane or zone	\$ 85.00
Parking in any manner as to block any portion of a sidewalk and/or bicycle path or cross walk	\$ 35.00
Parking outside of designated lines at beach or Town Hall parking lots	\$ 35.00
Other Penalties	
Littering	\$ 200.00
Animals (Chapter 10) Violations:	
First violation	written or verbal warning citation
Second violation	\$ 100.00
Subsequent violations	\$ 200.00 each
Illegal use of bicycles, roller-skates, rollerblades, skateboards, quadricycles on Parkway or Inlet Park	\$ 25.00

# Town of Palm Beach Shores

## Fee Schedule

As Approved August 2020



TYPE OF FEE	AMOUNT
<b><u>PLANNING AND ZONING</u></b>	
Development Orders *	
Comprehensive Plan Amendment	\$ 750.00
Variance	\$ 350.00
Special Exception	\$ 250.00
Re-zoning	\$ 750.00
Plat Approval	\$ 600.00
Site Plan Review or Modification	\$ 350.00
Telecom Site Plan Review of Modification	\$ 500.00
Building Plan Review & Inspections	\$ 150.00
Administrative Appeal	\$ 250.00

*\*All development orders are subject to the fees listed herein in addition to any legal fees associated with the Town's review/processing of the development application, any costs associated with the Town's consultants' review of the development application, postage and advertising, which may exceed the fee amount listed herein. \*\**

*\*\*All costs charged in excess of the standard development order fees listed above shall be assessed (multiplied) based on the development's applicable zoning district.*

<u>District A =</u>	<u>50% of excess costs (0.5)</u>
<u>District B =</u>	<u>75% of excess costs (0.75)</u>
<u>Districts C and D =</u>	<u>100% of excess costs (1, or full cost)</u>

*Specially set meetings of the DRC, Planning & Zoning Board and/or Town Commission at the request of an applicant shall require the applicant to pay actual cost (minimum one hour) in advance for all Town consultants' involvement in said meeting(s), including, but not limited to the Town Attorney, Planner, Engineer and other consultants as applicable.*

# Town of Palm Beach Shores

## Fee Schedule

As Approved August 2020



TYPE OF FEE	AMOUNT
-------------	--------

### BUILDING PERMIT FEES

Building permit fees are determined based on the valuation formula as follows:

Structure Cost		Permit Fee:
Over:	But Not Over:	
\$ -	\$ 1,000.00	\$ 30.00
\$ 1,000.00	\$ 100,000.00	\$30 + 3% of amount over \$1,000.00
\$ 100,000.00	\$ 250,000.00	\$3,000 + 2% of amount over \$100,000.00
\$ 250,000.00	\$ 500,000.00	\$6,000 + 1.5% of amount over \$250,000.00
\$ 500,000.00	---	\$9,750 + 1% of amount over \$500,000.00

### IMPORTANT NOTE:

Pursuant to Section 553.721 Florida Statutes, the Building Department is required to assess and collect a **1% surcharge** (minimum \$2.00) on all permit fees associated with the enforcement of the Florida Building Code. Pursuant to Section 468.631 Florida Statute, the Building Department is required to assess and collect at **1.5% surcharge** (minimum \$2.00) on all permit fees associated with the enforcement of the Florida Building Code. **The total minimum amount collected on any permit pursuant to these state statute provisions will be \$4.00.**

### Additional Fees:

Re-Inspection fee	\$ 50.00
Electrical Permit	\$ 30.00
Demolition Permit	\$ 100.00
Telecom or Utilities Registration	\$ 100.00
Reinstate Expired Permit of Less Than 1 Year	\$ 30.00
Reinstate Expired Permit of More Than 1 Year	Per Valuation Formula Above
	<i>(May be waived in part or in total by the Building Official)</i>



ORDINANCE NO. O-1-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING, SECTION VII. DISTRICT C REGULATIONS AT PF. 7.3. BUILDING HEIGHT, BY INCREASING THE MAXIMUM HEIGHT OF ANY BUILDING IN ZONING DISTRICT C FROM 42 FEET TO 46 FEET AND BY SUBSTITUTING THE CURRENT REQUIREMENT FOR THE USE OF UNDERGROUND/DEPRESSED PARKING AREAS WITH A NEW REQUIREMENT FOR THE USE OF GRADING AND LANDSCAPING TO SCREEN SURFACE PARKING AREAS IN ORDER TO BUILD TO THE MAXIMUM BUILDING HEIGHT; FURTHER RESTRICTING THE MAXIMUM HEIGHT OF ANY BUILDING IN ZONING DISTRICT C THAT DOES NOT USE GRADING AND LANDSCAPING TO SCREEN ITS SURFACE PARKING AREAS TO 43 FEET, 6 INCHES; AND AT PF. 7.13. OFF-STREET PARKING, BY CREATING GRADING AND LANDSCAPING REQUIREMENTS FOR THE SCREENING OF SURFACE LEVEL OFF-STREET PARKING IN ZONING DISTRICT C; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, prior to 2005, Zoning District C maximum building height was limited to 32 feet; and

**WHEREAS**, at that time, the Town's Charter required "site specific" referendum voter approval before any variance of 10% or more to such maximum height limit could be granted, but did not require any referendum for a district wide code change regarding maximum building height; and

**WHEREAS**, between 2005 and 2007, an attempt to foster meaningful re-development in Zoning District C was undertaken which included provision for increased building height and provision for the use of underground/depressed parking; and

**WHEREAS**, in 2005, by and through Ordinance O-1-05, the Town Commission increased maximum building height in Zoning District C to 43 feet; and

**WHEREAS**, in 2007, by and through Ordinance O-4-07, in order incentivize buildable underground/depressed parking, the maximum building height in Zoning District C was set at 42 feet for buildings that utilized underground/depressed parking and was restricted to 40 feet for buildings that did not utilize underground/depressed

parking; and

**WHEREAS**, a number of re-development projects which utilize underground/depressed parking in Zoning District C have been approved and constructed since 2007 in order to build to the 42-foot height; and

**WHEREAS**, recent history has shown that with increasing tidal surges (e.g. annual King Tide events) as well as storm surge from tropical storm and hurricane events, the use of underground/depressed parking is inefficient due to flooding hazards and pumping requirements; and

**WHEREAS**, in 2014 Florida law made a referendum requirement for “site specific” development orders unlawful by and through the case of *Archstone Palmetto Park, LLC v. Kennedy*, 132 So.3d 347 (Fla. 4<sup>th</sup> DCA 2014), and Sec. 163.3167(8)(a), *Florida Statutes*; and in 2017 the Town Charter was amended by repealing the former provision requiring “site specific” referendum voter approval for a building height variance of 10% or more, and by adopting a new provision requiring referendum voter approval only for revisions to the Town’s zoning ordinance that would increase codified maximum building height by 10% or more; and

**WHEREAS**, the Town Commission now desires to revisit Zoning District C height regulations and underground/depressed parking regulations to further provide for meaningful re-development and simultaneously address hurricane hardening and flood protection issues with Town Charter limitations in mind; and

**WHEREAS**, the Town Commission has been advised through the Town’s Local Planning Agency as well as its consulting planners, engineers and attorneys that increases of less than 10% to existing maximum height limits, along with the substitution of underground/depressed parking requirements for grading and landscaping requirements to screen surface level parking, is a reasonable and meaningful way to accomplish these goals without the need for Town Charter based referendum approval; and

**WHEREAS**, the Town Commission has reviewed and discussed the proposed code amendments contained in this ordinance, and has held all required public hearings and taken public comment on same, and finds that the proposed code amendments contained in this ordinance will promote the public health, safety and welfare and will serve to further successful re-development of Zoning District C.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION  
OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1.** The foregoing recitals are true and correct and are hereby fully incorporated into this ordinance.

**Section 2.** Appendix A. Zoning of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Pf. 7.3. Building height. by increasing the maximum building height in Zoning District C from 42 feet to 46 feet for properties that utilize grading and landscaping to screen surface level parking, and by substituting surface parking with grading and landscaping requirements for underground/depressed parking requirements in order to utilize this maximum height, and by limiting the maximum building height to 43 feet, 6 inches for properties that do not utilize surface parking with grading and landscaping; providing that Pf. 7.3. Building height. shall hereafter read as follows:

**Pf. 7.3. - Building height.**

- a. The maximum building height of any building in this district that does not utilize surface parking with grading and landscaping ~~underground/depressed parking~~ pursuant to Pf. ~~7.13~~ 12.6 to ~~contain all required parking for residents of the structure~~ shall be ~~forty three (40) feet six inches (43', 6")~~ and the top of the beam shall not exceed ~~thirty-eight~~ thirty-five (35) feet six inches (38', 6") measured from the grade elevation.
- b. The maximum height of any building in this district that utilizes surface parking with grading and landscaping areas ~~underground/depressed parking~~ pursuant to Pf. ~~7.13~~ 12.6, to ~~contain all required parking for residents of the structure~~ shall be ~~forty-six~~ two (46 2) feet measured from the grade elevation and the top of the beam shall not exceed ~~thirty-seven (37)~~ forty-one (41) feet measured from the grade elevation.
- c. No building shall have more than three (3) stories.
- d. The maximum height of any accessory building in this district shall be fifteen (15) feet.
- e. Roof structures for housing elevator machinery, stairwell enclosures, tanks, skylights, chimneys, ventilating fans, receiving antennas, air conditioning equipment and non-habitable architectural features shall be permitted above the applicable height limit. Such structures shall not be greater in height and area than required to house such equipment, and such architectural features shall comply with section 14-87, Review

criteria for architectural and design features. The total roof area of such roof structures shall not be greater than five (5) percent of the roof area of the building on which they are erected. Under no circumstances shall such roof structure be used or equipped for storage or habitation of any kind. All roof structures shall be shown on the original building plans submitted for approval.

- f. The minimum roof pitch for a pitched roof shall be 4/12 and maximum roof pitch shall be 12/12. All structures with a flat roof shall also contain a visible roof pitch along the roof perimeter in order to conceal the flat roof.

**Section 3.** Appendix A. Zoning of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section VII. District C Regulations., Pf. 7.13. Off-street parking. to create grading and landscaping requirements for screening of off-street parking spaces in Zoning District C; providing that Pf. 7.13. Off-street parking. shall hereafter read as follows:

**Pf. 7.13. - Off-street parking.**

(a) — (c) [shall remain in full force and effect as previously adopted.]

(d) Grading and landscape screening. In order to utilize maximum building height allowances provided in Pf. 7.3(b), underground/depressed parking pursuant to Pf. 12.6 shall not be utilized, and surface-level off-street parking shall be utilized and screened from view from adjacent rights-of-way by use of two feet of grading, from the exterior building walls to and along the perimeter of the property. Additionally, landscaping sufficient to complete the visual barrier from adjacent rights-of-way shall be utilized; such landscaping may be installed on the graded surface and a swale area shall be provided on the outside of the graded surface sufficient to ensure drainage is contained within the property boundaries. The grade slope shall be no less than a three (3) to one (1) slope.

**Section 4.** Each and every other section and subsection of Appendix A. Zoning shall remain in full force and effect as previously adopted.

**Section 5.** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.



**Section 6.** If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

**Section 7.** Specific authority is hereby given to codify this Ordinance.

**Section 8.** This ordinance shall take effect immediately upon adoption.

FIRST READING this \_\_\_\_ day of September, 2020.

SECOND AND FINAL READING this \_\_\_\_ day of October, 2020.

**TOWN OF PALM BEACH SHORES**

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Alan Fiers, Mayor

ATTEST:

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Evyonne Browning, Town Clerk (Seal)

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney

**ORDINANCE NO. O-5-20**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING APPENDIX A. ZONING. SECTION XII. GENERAL PROVISIONS. BY CREATING AN ENTIRELY NEW PF. 12.12. ENTITLED "PORTABLE STORAGE UNITS"; PROVIDING REGULATIONS FOR PLACEMENT AND USE THROUGHOUT THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF APPENDIX A. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Town Palm Beach Shores does not currently regulate portable storage units; and

**WHEREAS**, misuse of such portable storage units is incompatible with the character of the Town; and

**WHEREAS**, the Town Commission desires to create regulations for the term and placement of portable storage units; and

**WHEREAS**, the Town Commission believes that these regulations are in the best interests of the citizens of the Town of Palm Beach Shores, and will serve to promote the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1.** Appendix A. Zoning. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section XII. General Provisions. by creating an entirely new Pf. 12.12 entitled "Portable Storage Units"; providing regulations for placement and use of portable storage units throughout the Town; providing that Pf. 12.12. shall hereafter read as follows:

**SECTION XII. - GENERAL PROVISIONS**

**Pf. 12.1.—12.11.** [shall remain in full force and effect as previously adopted.]

**Pf. 12.12. - Portable Storage Units.**

(a) Definition. For the purposes of this Zoning Code, the term "portable storage unit" shall mean any portable, above-ground containers, including, but not limited to, any storage component of a portable storage or moving system

or other containers used for temporary storage of personal property, household goods, or other materials whether or not the component is on wheels or requires transportation via motor vehicle. Portable storage units are intended only to be used for short-term storage.

(b) *Permit required.* A no-fee permit must be secured prior to the placement of any portable storage unit within the Town. A complete permit application shall be submitted to the Town Administrator or designee. Such permit shall be issued by the Town Administrator only after an applicant has demonstrated conformance with the requirements of this section.

(c) *Single-family dwellings.* Portable storage units may be allowed in single-family dwellings only as follows:

1. *Term.* Portable storage units shall be allowed in single-family dwellings for a period of time not to exceed thirty (30) consecutive days. The Town Administrator or designee may, via written approval, grant one (1) extension not to exceed thirty (30) additional consecutive days for good cause.

2. *Placement.* Placement shall be on either the driveway or approved parking area surface and shall be accomplished in such a manner that no grass or landscaping is damaged as a result. Portable storage units shall not be placed within any right-of-way or over any easement. Portable storage units shall not extend beyond the front property line.

(d) *Multiple-family dwellings and nonresidential uses.* Portable storage units may be allowed in multiple-family dwellings and all other nonresidential uses only as follows:

1. *Term.* Portable storage units shall be allowed in multiple-family dwellings and other nonresidential uses only in conjunction with and during the duration of a valid building permit issued by the Town and must be removed prior to the issuance of a certificate of occupancy.

2. *Placement.* Placement shall be in the rear or side portion of the property, or other area approved by the building official. Portable storage units shall not be placed in a manner that causes damage to grass or landscaping. Portable storage units shall not be placed within any right-



of-way, easement, or in any location that may create a pedestrian or vehicular traffic hazard. Portable storage units shall not extend beyond the front property line.

(e) Cumulative time limitation. Only one (1) portable storage unit per property is permitted in any twelve (12)-month period unless there is a change of ownership of the residential premises during such twelve (12)-month period.

(f) Removal of portable storage units during certain storm events. In the event the National Weather Service, National Hurricane Center, Palm Beach County Emergency Operations or other appropriate agency declares a tropical storm or hurricane watch or warning in an area that includes the Town, all portable storage units located within the Town shall be immediately removed from the property so as not to create a safety hazard because of hurricane or tropical storm force winds. The removal and replacement of any portable storage unit pursuant to this subsection shall not count toward any time limitation set forth in this section.

**Section 2.** Each and every other article, section, and subsection of Appendix A. Zoning Ordinance. of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously enacted.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 4.** If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

**Section 5.** Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores, Florida.

**Section 6.** This ordinance will take effect immediately upon adoption.

FIRST READING this \_\_\_\_ day of \_\_\_\_, 2020.

SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_, 2020.

[Type here]

[Type here]

FIRST READING



**TOWN OF PALM BEACH SHORES**

\_\_\_\_\_  
Alan Fiers, Mayor

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

\_\_\_\_\_  
Keith Davis, Town Attorney

[Type here]

[Type here]

**FIRST READING**

**ORDINANCE NO. O-2-20**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 70. TRAFFIC AND VEHICLES. TO UPDATE PARKING REGULATIONS, PROVIDE FOR TOWING OF UNLAWFULLY PARKED VEHICLES, PROVIDE REGULATIONS FOR PARKING ON UNIMPROVED LOTS, PROVIDE FOR ENFORCEMENT AND TO GENERALLY PROVIDE FOR INTERNAL CONSISTENCY; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 70. TRAFFIC AND VEHICLES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 70 of the Town Code of Ordinances currently provides parking and other vehicle regulations which are in need of updating to assist Town law enforcement and code enforcement in the enforcement of same; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to update its parking regulations and provide for towing of unlawfully parked vehicles, parking on unimproved lots, as well as general enforcement and internal consistency; and

**WHEREAS**, the Town Commission believes these revisions to its Code of Ordinances to be in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Chapter 70. Traffic and Vehicles. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended to update parking regulations, provide for towing of unlawfully parked vehicles, provide regulations for parking on unimproved lots, provide for enforcement and to generally provide for internal consistency; providing that Chapter 70. Traffic and Vehicles. shall hereafter read as follows:

## **Chapter 70 – TRAFFIC AND VEHICLES**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 70-1. - Adoption of state laws.**

(a) It shall be a violation to commit, within the corporate limits of the town, any act which is or shall be recognized by the laws of the state as an infraction under F.S. ch. 316; and the commission of such acts is hereby forbidden.

(b) Whoever shall violate the provisions of this section shall be subject to the civil penalties contained in F.S. ch. 318.

(c) Town law enforcement officers are authorized and directed to enforce all such laws within the town.

#### **Sec. 70-2. - Reserved.**

#### **Sec. 70-3. - Reserved.**

#### **Sec. 70-4. - Identification of commercial vehicles.**

(a) Each person using any commercial vehicle in connection with any business, profession or occupation shall paint or cause to be painted on each side of such vehicle or on placards clearly visible on each side of such vehicle, in letters no smaller than three inches in height, the name, address and occupation of each person so using the vehicle.

(b) A licensee licensed under the principal categories of hotel, motel and marina is hereby authorized to use logo lettering on permitted passenger vehicles.

#### **Sec. 70-5. - Backing to turn.**

No vehicle shall be backed into any street or intersection from any other street or intersection for the purpose of making a turn.

#### **Sec. 70-6. - Powers and duties of town law enforcement officers ~~chief of police~~ to enforce traffic regulations.**

(a) The town commission, upon recommendation of the town's law enforcement personnel ~~chief of police~~, shall regulate the operations and parking of vehicles within the corporate limits of the town by the erection of parking signs, signals, markers, markings and other authorized traffic-control devices in the following specified instances:

- (1) Designation of areas where parking is prohibited or limited.
- (2) Designation of one-way streets, through streets, stop streets, U-turns, play streets, quiet zones, crosswalks, safety zones and truck routes.
- (3) Installation and proper timing and maintenance of traffic-control devices.
- (4) Marking off of traffic lanes indicating the flow of traffic.
- (5) Closing of streets to vehicular or pedestrian traffic for temporary period of time.

(b) Yellow paint or markings on any street or curbing shall mean that parking is prohibited in that area so marked; provided, however, that areas marked with yellow paint and designated as a loading zone shall be permitted to be used for that purpose or for whatever purpose so designated.

(c) The existence of such signs, signals, markers or markings at any place within the corporate limits of the town shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the town commission and in accordance with the provisions of these sections.

(d) Town law enforcement ~~The chief of police and/or his~~ officers are hereby directed to enforce the provisions of this section and are further authorized to regulate traffic during emergencies notwithstanding other regulations. Any person failing or refusing to comply shall be punished as provided by state law or town code, as applicable in section 1-15.

**Secs. 70-7—70-30. - Reserved.**

## **ARTICLE II. - PARKING, STOPPING AND STANDING**



## **DIVISION 1. - GENERALLY**

### **Sec. 70-31. – Reserved Notice on illegally parked vehicle.**

~~Whenever any motor vehicle without a driver is found parked, stopped or standing in violation of any of the restrictions imposed by this ordinance or the Code of Ordinances of this town, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such a vehicle a traffic citation or notice in writing, on a form provided by the town clerk, for the driver to answer the charge against him within 48 hours, during the hours and at a place specified in the notice.~~

### **Sec. 70-32. - Parking prohibitions; fines and penalties.**

(a) Parking of motor vehicles is strictly prohibited and unlawful within the Town of Palm Beach Shores as follows:

- (1) Obstructing traffic.
- (2) Parallel parking within 10 feet of a fire hydrant.
- (3) Parking on any wrong side of street or right-of-way, including the "10-foot strip" but excluding driveways and designated and approved parking areas from this prohibition.
- (4) Double-parking.
- (5) Parking in prohibited area posted with a "No Parking" sign.
- (6) ~~Reserved~~ Parking within an area posted with a "No Parking" sign.
- (7) Parallel parking within 15 feet of a "Stop" sign.
- (8) Blocking driveway, public or private.
- (9) Parking on private property without permission (trespassing).
- (10) Parking at beach parking lot with no permit.
- (11) Parking at beach parking lot with expired permit.
- (12) Parking in any handicapped parking space without permit.
- (13) Parking in fire lane or zone.
- (14) Parking in any manner so as to block any portion of a sidewalk and/or bicycle path or cross walk.
- (15) Parking outside of designated lines at beach or Town Hall parking lots.

(b) Fines and penalties Penalties. The fine fee schedule for violations of the regulations prohibitions as set forth in this chapter shall be set by the town commission and may be amended from time to time, as necessary. The fine schedule shall be available at the office of the town clerk during normal business hours. Any vehicle found parked in violation of the regulations prohibitions set forth in this chapter shall be posted with a ~~notice or citation~~ affixed to such vehicle clearly stating that the fine fee set forth on such citation must be paid to the town within ten five days. Failure to pay the fine penalty within ten five days after such citation notice is posted attached to the vehicle may result in a summons being issued ordering the owner of the vehicle to appear at county court. In the event the owner is found guilty of such violation in county court, the owner may be assessed additional fines and court costs. Failure to pay may also result in the inability to re-register the vehicle ~~shall be fined such amount as shall be determined by the county court judge.~~

**Sec. 70-33. - Presumption in reference to illegal parking, operating, stopping, etc.**

(a) ~~For~~ In any citation prosecution alleging charging a violation of this chapter governing the parking, stopping, or standing, ~~parking or operating~~ of a motor vehicle, proof that the offending particular motor vehicle described in the complaint was parked or operated in violation of this chapter or other regulation, together with proof that the person defendant named in the citation complaint was at the time of such alleged violation ~~parking or operating~~ the registered owner of such motor vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such motor vehicle was the person who parked, stopped, or stood, ~~parked or operated~~ such vehicle in violation of this chapter as alleged at the point where and for the time during which such violation occurred.

(b) ~~The presumption stated in this section shall apply only when the procedure prescribed in this section has been followed.~~

**Sec. 70-34. – Enforcement of laws, issuance of citations ~~When warrant to be issued.~~**

The regulations contained in this chapter may be enforced by the town's law enforcement officers and / or code enforcement officers, as appropriate. Generally, law

enforcement officers may issue citations for violations of state traffic laws and parking violations on public or Town property; code enforcement officers may issue citations or notices for violations of town ordinances occurring on private property. If any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the county court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the clerk of the county court shall forthwith secure and issue and have served a warrant for his arrest.

**Sec. 70-35. - Disposition of parking traffic fines and forfeitures.**

All fines or forfeitures collected pursuant to this chapter, less any administrative fees charged by the clerk of the court upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter or other traffic ordinances shall be paid into the town treasury and deposited in the general fund of the town.

**Sec. 70-36. - Authority to remove and impound vehicles.**

The Mayor or designee, in consultation with town law enforcement or code enforcement officers, as appropriate, are hereby authorized to have any motor vehicle towed from any town parking lot, public street, or right-of-way including the ten-foot strip, but excluding motor vehicles parked in driveways and designated and approved parking areas, under any of the circumstances hereinafter enumerated:

- (1) When any motor vehicle is disabled upon any public parking area or street and such motor vehicle constitutes an obstruction to traffic.
- (2) When any motor vehicle is left unattended or disabled for more than 24 hours in a public parking area or street without written authorization from the town.
- (3) When any motor vehicle is parked in a public parking area and is not parked within a marked or delineated parking space or stall and constitutes an obstruction to traffic or the orderly use of the public parking area.

(4) When any motor vehicle is improperly parked in an area that is designated by signs stating that improperly parked vehicles will be towed away.

(5) When any motor vehicle is parked in a designated "no parking" area.

(6) When any motor vehicle is left disabled or unattended on any portion of any public sidewalk or bike path at any hour of the day or night.

(7) When removal of any motor vehicle is necessary in the interest of public safety because of fire, flood, storm, or other emergency reason.

**Secs. 70-37 36—70-50. - Reserved.**

## **DIVISION 2. - PARKING ZONES**

### **Sec. 70-51. - No-parking zones.**

(a) It shall be unlawful for any person to park any motor vehicle at any time upon the ~~streets and avenues of the town~~ at any place marked and designated as "No Parking" by appropriate signs erected by town law enforcement officers ~~the police department~~ pursuant to Town written instructions of the Commission direction.

(b) This section shall not apply to official or emergency vehicles ~~parked in pursuance of~~ carrying out their official or emergency duties.

### **Sec. 70-52. - Parking on streets unlawful.**

It shall be unlawful for any person to park or to leave parked a motor vehicle of any kind, whatsoever upon any street in the town, or within town rights-of-way including those commonly known as the "ten foot strip" adjacent to paved streets throughout the town but excluding driveways and designated and approved parking areas from this prohibition, and also excluding except for the parking of work trucks during daylight hours, emergencies, meetings held at the town hall or special events with prior approval of the Mayor or designee in consultation with town law enforcement.

**Secs. 70-53—70-70. - Reserved.**



### **DIVISION 3. - PARKING AND STORAGE OF VEHICLES**

#### **Sec. 70-71. - Definitions.**

For the purpose of this division, the following definitions shall apply:

*Commercial vehicle* means any vehicle of any nature which is used for hire or for profit or that either contains equipment for, or markings showing or advertising the commerce, trade or industry in which the vehicle is used, or has a rated capacity over a gross vehicle weight of three-quarter ton or 8,600 pounds, or is equipped to draw a semi-trailer, or has three or more axles.

*Personal vehicle* means any standard unmarked passenger car, van, private passenger pick-up truck or other motor vehicle not exceeding a gross vehicle weight of three-quarter ton or 8,600 pounds, which is used for personal transportation.

*Recreational vehicle* means any vehicle primarily designed for off-road recreational operation such as a "dune buggy" or a "swamp buggy" or designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle including without limitation travel trailers, camping trailers, park trailers, truck campers attached or detached from the truck, motor homes, mobile homes, trailers, semi-trailers, and truck trailers.

*Trailer* means any open or enclosed trailer used to transport goods, equipment, or vehicles, but not including boat trailers.

*Utility vehicle* means any vehicle used by the owner of a motel, hotel, or marina with markings showing or advertising the business for which the vehicle is used, and which is utilized primarily on motel, hotel, or marina premises. This definition shall not include marked passenger cars vans or private passenger pick-up trucks not exceeding a gross vehicle weight of three-quarter ton or 8,600 pounds.

#### **Sec. 70-72. - Purpose.**

The purpose of this division is to provide for public safety and general welfare of the town in preserving its residential character, eliminating noise and traffic hazards, by limiting and restricting the parking and storage of certain types of vehicles within the limits of the town.

**Sec. 70-73. - Reserved.**

**Sec. 70-74. - Penalty for division violations.**

Any person found to be in violation of violating any part of this division may be cited to the town's code enforcement special magistrate and may be fined up to \$250.00 per day for each day their property remains in violation of this division, or up to \$500.00 per day for a repeat violation as contemplated by town code Sec. 2-73 shall be punished by a fine of not more than \$50.00 for each day such violation continues.

**Sec. 70-75. - Prohibition.**

(a) It shall be unlawful for any person to park, keep or maintain upon the streets, town property and private property within the limits of the town any vehicle listed in section 70-71, unless such vehicle is completely housed in a garage or other suitable structure, or as otherwise specified in this division. Further, it shall be unlawful for any person to park, keep or maintain upon the streets, town property and private property within the limits of the town any inoperable, dismantled, partially dismantled or unregistered vehicles.

(b) Recreational vehicles granted a temporary parking permit are exempt from the provisions of this section. However, recreational vehicles with a temporary parking permit may not be used for occupancy and may not be connected to any utilities.

(c) Personal vehicles that display a current and valid state registration and that are capable of lawful operation on public streets or roadways are exempt from application of this division.

**Sec. 70-76. - Temporary parking.**

Recreational vehicles not over 25 feet in length may be parked on driveways while being loaded and prepared for use and for unloading after use. Such temporary parking shall not exceed 48 hours. Prior to the temporary parking of recreational vehicles, the owner or renter of the property shall ~~notify the police department and shall~~ obtain a no-fee permit from the town ~~police department~~ which shall be placed in the vehicle so that it is visible from the street. Such temporary parking permits shall be issued to any property owner or renter only twice in any 30-day period and only if the recreational vehicle is

under control of the owner or renter of the property. During such temporary parking, the recreational vehicle may not be used for occupancy and may not be connected to any utilities.

**Sec. 70-77. - Exceptions for certain vehicles in districts "B," "C" and "D."**

(a) Personal vehicles and utility vehicles as defined hereinabove may be parked in districts "C" and "D" on the premises of the motel, hotel or marina, provided such vehicles are used by the owner in principal categories of motel, hotel or marina, and are licensed in accordance with section 18-31.

(b) Utility vehicles as defined hereinabove may be parked in district "B" on the premises of the motel, hotel or marina, provided such vehicles are used by the owner in principal categories of motel, hotel or marina, and are licensed in accordance with section 18-31.

**Sec. 70-78. - Limited exceptions for watercraft trailers, watercraft with or without trailers, and recreational vehicles in districts "C" and "D."**

(a) All watercraft trailers, watercraft with or without trailer(s) and recreational vehicles may be parked in zoning districts "C" and "D" only if located a minimum of 50 feet to the rear of the property line adjacent to and parallel to the street and only when they are substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer(s), including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet. Watercraft and recreational vehicles shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

(b) Watercraft may not be used for occupancy or storage purposes and may not be connected to utilities.

(c) Watercraft trailers, or watercraft with or without trailers must be owned by the property owner or tenant of the property on which they are parked, except for storage at bona fide marinas, see subsection (e) hereinbelow.

(d) Any parked or stored watercraft or watercraft trailer as permitted by this section shall be in operable condition and must have at all times valid State of Florida vehicle registration plate, sticker, and Florida decal.

(e) All watercraft or watercraft trailers stored at a bona fide marina are exempt from the ownership requirement set forth in subsection (c) above (i.e. that the watercraft be owned by the property owner or tenant of the property on which they are parked.) However, if stored on land at a marina, all watercraft and/or trailers must be located a minimum of 50 feet to the rear of the property line adjacent to and parallel to the street and must be substantially hidden from the view of the abutting property, public rights of way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer(s) including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet and shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

**Sec. 70-79. - Exceptions for vehicles used in construction, deliveries, and services during regular business hours.**

Nothing in this division shall be deemed to prevent the parking and keeping of vehicles listed in section 70-71 on the streets, town property or private property within the limits of the town for the period of time during which such vehicles are actually being used for construction, deliveries and services within the town during the hours of 8:00 a.m. to 6:00 p.m. Between May 1 and September 30, however, these times shall be extended to the hours of 8:00 a.m. to 7:00 p.m. General commercial deliveries to properties located on Lake Drive, Inlet Way and Ocean Avenue may begin at 7:00 am but shall cease in



accordance with the above referenced times. Personal vehicles used for deliveries and vehicles used to deliver petroleum products are exempt from the time limitations set forth herein.

**Sec. 70-80. - Exception for disabled vehicles; removal of wheels or other transporting devices prohibited.**

(a) It shall not be a violation of this division ~~Notwithstanding the sections and restrictions in this division, no penalty shall be imposed~~ if the time limits are exceeded due to mechanical failures affecting the mobility of the vehicle. This extension shall be granted only for a reasonable time in order to allow the owner or operator of the vehicle to secure assistance, to have the vehicle removed at his or her own expense.

(b) It shall be unlawful for any owner or operator of any vehicle of any kind to remove wheels or other transporting devices or in any way disable the vehicle to prevent its ready removal ~~from the town limits.~~

**Sec. 70-81. - Parking on unimproved property ~~by persons other than owner and by owner.~~**

(a) It shall be unlawful for any person to park any vehicle on the unimproved property of another person. Owners of unimproved property may park no more than two (2) vehicles of any kind (including but not limited to all vehicles defined in Sec. 70-71 hereinabove, watercraft, watercraft trailers, and utility trailers) on their unimproved property during daylight hours only. Parking of any vehicle between sunset and sunrise the following day is prohibited.

(b) The Mayor or designee, in consultation with Town law enforcement, ~~The police chief, with the mayor's approval,~~ shall have the authority to grant special permission to the owner of unimproved property in districts "B", "C" and "D", to allow parking for special events. Such special event parking permits shall not exceed eight hours.

**Sec. 70-82. - Limited exception for watercraft trailers, watercraft with or without trailers and utility trailers in districts "A" and "B."**

(a) One watercraft trailer or two personal watercraft trailers, or one watercraft or two personal watercraft (jet ski, wave runner, etc.) with or without trailer may be parked in the rear or side yard as defined in Appendix A, Zoning Ordinance, in districts "A" or "B" when they are substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence, hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The watercraft, personal watercraft and/or trailer, including all accessories and/or attachments, if applicable, shall be allowed at a maximum height of 12 feet and a maximum length of 28 feet and shall be deemed to be "substantially hidden" from view when screened by a wall, fence, hedge or combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height.

(b) Watercraft may not be used for occupancy or storage purposes and may not be connected to utilities.

(c) Watercraft trailers, or watercraft with or without trailers must be owned by the property owner or tenant of the property on which they are parked.

(d) One watercraft trailer or one watercraft with or without trailer may be parked in the front driveway for a 24-hour period for the purpose of loading or unloading; repairing; or servicing same.

(e) Any parked or stored watercraft or watercraft trailer as permitted by this section shall be in operable condition and must have at all times valid State of Florida vehicle registration plate, sticker and Florida decal.

(f) One utility trailer may be parked in the rear or side yard as defined in Appendix A, Zoning Ordinance, in Districts "A" and "B" when it is substantially hidden from the view of the abutting property, public rights-of-way, the inlet walk and the parkway with a wall, fence or hedge or any combination thereof constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is otherwise legally permissible in accordance with the Town Code of Ordinances. The utility trailer shall be allowed at a maximum height of seven feet and a maximum length of 15 feet, and shall be deemed to be "substantially hidden" from view when

screened by a wall, fence or hedge or any combination thereof, constructed such that the transmission of light and air is not allowed to pass through more than ten percent of the surface area, and which is six feet in height. No lettering shall be permitted on any utility trailer so parked.

**Secs. 70-83—70-100. - Reserved.**

**DIVISION 4. - PARKING LOTS**

**Sec. 70-101. - Layout generally.**

Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas in a parking lot shall be designed to be safe and convenient.

**Sec. 70-102. - Relationship to buildings.**

Parking and loading areas, aisles, pedestrian walks, landscaping, and open space in a parking lot shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

**Sec. 70-103. - Protection of pedestrians.**

Buildings, parking and loading areas, landscaping and open spaces in a parking lot shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

**Sec. 70-104. - Pedestrian walks.**

Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, designed to discourage incursions into landscaped areas except at designated crossings.

**Sec. 70-105. - Access to spaces.**

Each off-street parking space shall open directly onto an isle or driveway that, except for single-family and two-family residences, is not a public street.

**Sec. 70-106. - Use of aisles, driveways.**

Aisles and driveways in a parking lot shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit.

**Sec. 70-107. - Drive lanes, barriers.**

The design of a parking lot shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

**Sec. 70-108. - Movement of other vehicles not to be required.**

Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

**Sec. 70-109. - Access for emergency vehicles.**

No parking space shall be located so as to block access by emergency vehicles.

**Sec. 70-110. - Compact car spaces.**

Compact car spaces should be located no more and no less conveniently than full-sized car spaces, and shall be grouped in identifiable clusters.

**Sec. 70-111. - Illumination.**

All parking lots shall be lighted to the extent that all parts of the lots are clearly visible at night.

**Section 2:** Each and every other section and subsection of Chapter 70. Traffic and Vehicles. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.



**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon adoption.

FIRST READING this 24<sup>th</sup> day of August 2020.

SECOND AND FINAL READING this 29<sup>th</sup> day of September 2020.

**TOWN OF PALM BEACH SHORES**

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Alan Fiers, Mayor

ATTEST:

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Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

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Keith Davis, Town Attorney

Final

**ORDINANCE NO. O-3-20**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION. AT ARTICLE III. BOARDS AND COMMISSIONS., DIVISION 2. CODE ENFORCEMENT; SPECIAL MAGISTRATE. SEC. 2-68 BY ADOPTING AND REVISING DEFINITIONS FOR “POLICE OFFICER”, “SPECIAL MAGISTRATE” AND “TOWN ATTORNEY”, AND SEC. 2-76 BY UPDATING AND CLARIFYING THE CITATION METHOD OF CODE ENFORCEMENT WITHIN THE TOWN AT THE TOWN’S DISCRETION; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Part II of Chapter 162, Florida Statutes, provides for supplemental code enforcement procedures using the citation method of code enforcement; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to update its citation method of code enforcement within the Town; and

**WHEREAS**, the Town Commission believes these revisions to its Code of Ordinances to be in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Chapter 2. Administration. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Article III. Boards and Commissions. Division 2. Code Enforcement Board; Special Magistrate. Sec. 2-68 by adopting and revising its definitions and Sec. 2-76 by updating and clarifying the citation method of code enforcement within the Town; providing that Sections 2-68 and 2-76 shall hereafter read as follows:

## CHAPTER 2. ADMINISTRATION

### Article III. Boards and Commissions

#### Division 2. Code enforcement board; Special magistrate.

##### Sec. 2-68. - Definitions.

As used in this division, the following terms shall have the meanings indicated:

Code enforcement officer inspector: Any authorized agent or employee of the town whose duty it is to assure code compliance.

Police officer: A law enforcement officer authorized through employment or contract to enforce the laws within and for the Town. Generally, a police officer is either a sworn member of the Town's police department or a sworn member of the Palm Beach County Sheriff's Office.

Special magistrate: A Florida licensed attorney appointed by the Town Commission to preside over code enforcement hearings and citation hearings in the Town and issue orders in accordance with this division and Chapter 162, Florida Statutes The code enforcement special magistrate.

Town: The Town of Palm Beach Shores.

Town attorney: A Florida licensed An attorney designated by the town to represent the Town of Palm Beach Shores.

Town commission: The legislative body of the Town of Palm Beach Shores.

##### Sec. 2-76. - Alternate code enforcement procedures.

- (a) Issuance of citations. A code enforcement ~~inspector, code compliance officer or~~ police officer is authorized to issue a citation to a person when, based on personal investigation, the code enforcement ~~inspector, code compliance officer or~~ police officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance. The special magistrate will hold a hearing on the violation alleged in the citation if the citation is contested or if the fine is not paid within the time specified in the citation. and this citation will be heard by the county court.
- (b) Courtesy Warning. Notice. Prior to issuing a citation, a code enforcement ~~inspector, code compliance officer or~~ police officer may, based on the

circumstances and on a case-by-case basis, shall provide a courtesy warning notice to the person that has committed a violation of a code or ordinance and may, based on the circumstances on a case-by-case basis, shall establish a reasonable time period within which the person must correct the violation. ~~Such time period shall be no more than 30 days.~~ If, upon personal investigation, the a code enforcement inspector, ~~code compliance officer or police officer~~ finds that the person has not corrected the violation within the time period allowed, the code enforcement inspector, ~~code compliance officer or police officer~~ may issue a citation to the person who has committed the violation. If the code enforcement inspector, ~~code compliance officer or police officer~~ has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, the code inspector, code compliance officer or police officer shall ~~is not obligated to~~ provide the person with a reasonable time period within which to correct the violation prior to the issuance of the citation.

(c) *Form of citation.* The citation issued by the code enforcement inspector, ~~code compliance officer or police officer~~ shall be in the form prescribed by the town and shall contain the following:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the ~~this~~ citation is issued.
- (3) The date and time the civil infraction was committed and the facts constituting reasonable cause.
- (4) The number or section of the code or ordinance violated.
- (5) The name and authority of the code enforcement inspector, ~~code compliance officer or police officer~~.
- (6) The procedure for the person to whom the citation is issued to follow in order to pay the civil penalty or contest the citation.
- (7) The applicable civil penalty if the person to whom the citation is issued elects to contest the citation and is found to have committed the civil infraction after a hearing before the special magistrate.
- (8) The applicable civil penalty if the person to whom the citation is issued elects not to contest the citation.

- (9) A conspicuous statement if the person fails to pay the civil penalty within the time allowed or fails to appear before the town's special magistrate in court to contest the citation, he the person to whom the citation is issued shall be deemed to have waived their ~~his~~ right to contest the citation and that, in such case, judgment may be entered against the person to whom the citation was issued for an amount up to the maximum civil penalty.
- (d) *Disposition by the special magistrate ~~county court~~*. After issuing a citation to an alleged violator, a code enforcement inspector, ~~code compliance officer~~ or police officer shall provide ~~deposit~~ the original citation and one copy of the citation to the town clerk for further ~~with the county court for further~~ disposition.
- (e) *Schedule of violations and penalties*. The town has deemed the following sections of the Code to be enforceable through these alternate code enforcement procedures ~~the citation method~~ in addition to the enforcement procedure provided in Sec. 2-70 ~~code compliance special magistrate method~~ and has provided a schedule of violations and civil penalties to be assessed in the event these alternate code enforcement procedures are ~~the citation method of code compliance is~~ utilized, as follows:

***Class I offenses—\$50.00***

Sec. 6-4—Hours of sale (alcoholic beverages): first offense.

Sec. 6-5—Possession or consumption in parking lots prohibited (alcoholic beverages): first offense.

Sec. 6-6—Consumption or possession in and upon public property prohibited: exceptions (alcoholic beverages): first offense.

Sec. 10-1—Keeping a nuisance (animals): first offense.

Sec. 10-26—Running at large prohibited (dogs): first offense.

Sec. 10-27—Prohibited on beaches (dogs): first offense.

Sec. 10-28—Removal of feces (pet): first offense.

Sec. 10-30—County license required (dogs and cats): first offense.

Sec. 18-42—Approved application required (solicitors): first offense.

Sec. 18-44—Issuance; expiration of permit (failure of solicitors to carry permit): first offense.



Sec. 18-46—Prohibited acts (solicitors): first offense.

Sec. 30-68—Fireworks: first offense.

Sec. 42-2—Littering: first offense.

Sec. 42-41—Noise disturbances prohibited generally: first offense.

Sec. 42-42—Specific prohibitions (noise): first offense.

Sec. 42-43—Decibel measurement standards for noise other than operating motor vehicles: first offense.

Sec. 42-44—Amplified noise upon public streets prohibited: first offense.

Sec. 48-2—Park property (no fishing from gazebo): first offense.

Sec. 48-3—Sanitation (trash): first offense.

Sec. 48-4—Traffic (parks and parkway): first offense.

Sec. 48-5—Recreational activities: first offense.

Sec. 48-6—Behavior (intoxicating beverages, fireworks and explosives, loitering and boisterousness, vending and peddling, signs on town park or beach property): first offense.

Sec. 48-7—Park operating policy (park hours): first offense.

Sec. 54-30—Parking (garage sale): first offense.

Sec. 62-1—Obstruction prohibited: first offense.

Sec. 62-3—Damaging streets prohibited: first offense.

Sec. 70-4—Identification of commercial vehicles: first offense.

Sec. 70-32—Parking prohibitions: penalties: first offense.

Sec. 70-52—Parking on streets unlawful: first offense.

Sec. 70-75—Unregistered vehicles prohibited: first offense.

Sec. 82-32—Vehicles prohibited (beach): first offense.

Sec. 82-87—Mooring and anchoring vessels: first offense.

***Class II offenses—\$250 75.00***

Sec. 6-4—Hours of sale (alcoholic beverages): second and subsequent offenses.

Sec. 6-5—Possession or consumption in parking lots prohibited (alcoholic beverages): second and subsequent offenses.

Sec. 6-6—Consumption or possession in and upon public property prohibited: exceptions (alcoholic beverages): second and subsequent offenses.

Sec. 10-1—Keeping a nuisance (animals): second and subsequent offenses.

Sec. 10-26—Running at large prohibited (dogs): second and subsequent offenses.

Sec. 10-27—Prohibited on beaches (dogs): second and subsequent offenses.

Sec. 10-28—Removal of feces (pet): second and subsequent offenses.

Sec. 10-30—County license required (dogs and cats): second and subsequent offenses.

Sec. 18-42—Approved application required (solicitors): second and subsequent offenses.

Sec. 18-44—Issuance; expiration of permit (failure of solicitors to carry permit): second and subsequent offenses.

Sec. 18-46—Prohibited acts (solicitors second and subsequent offenses.

Sec. 30-68—Fireworks: second and subsequent offenses.

Sec. 42-2—Littering: second and subsequent offenses.

Sec. 42-41—Noise disturbances prohibited generally: second and subsequent offenses.

Sec. 42-42—Specific prohibitions (noise): second and subsequent offenses.

Sec. 42-43—Decibel measurement standards for noise other than operating motor vehicles: second and subsequent offenses.

Sec. 42-44—Amplified noise upon public streets prohibited: second and subsequent offenses.

Sec. 48-2—Park property (no fishing from gazebo): second and subsequent offenses.

Sec. 48-3—Sanitation (trash): second and subsequent offenses.

Sec. 48-4—Traffic (parks and parkway): second and subsequent offenses.

Sec. 48-5—Recreational activities: second and subsequent offenses.

Sec. 48-6—Behavior (intoxicating beverages, fireworks and explosives, loitering and boisterousness, vending and peddling, signs on town park or beach property): second and subsequent offenses.

Sec. 48-7—Park operating policy (park hours): second and subsequent offenses.

Sec. 54-30—Parking (garage sale): second and subsequent offenses.

Sec. 62-1—Obstruction prohibited: second and subsequent offenses.

Sec. 62-3—Damaging streets prohibited: second and subsequent offenses.

Sec. 70-4—Identification of commercial vehicles: second and subsequent offenses.

Sec. 70-32—Parking prohibitions: penalties: second and subsequent offenses.

Sec. 70-52—Parking on streets unlawful second and subsequent offenses.

Sec. 70-75—Unregistered vehicles prohibited second and subsequent offenses.

Sec. 82-32—Vehicles prohibited (beach): second and subsequent offenses.

Sec. 82-87—Mooring and anchoring vessels: second and subsequent offenses.

***Class III offenses—\$125.00***

~~Sec. 10-26—Running at large prohibited (dogs): third offense.~~

~~Sec. 10-27—Prohibited on beaches (dogs): third offense.~~

~~Sec. 10-28—Removal of feces (pets): third offense.~~

~~Sec. 18-42—Approved application required (solicitors): third offense.~~

~~Sec. 42-2—Littering: third offense.~~

~~Sec. 42-42—Specific prohibitions (noise): third offense.~~

~~Sec. 42-43—Decibel measurement standards for noise other than operating motor vehicles: third offense.~~

~~Sec. 42-44—Amplified noise upon public streets prohibited: third offense.~~

~~Sec. 62-1—Obstruction prohibited.~~

~~Sec. 62-3—Damaging streets prohibited.~~

~~Sec. 70-52—Parking on streets unlawful.~~

***Class IV offenses—\$250.00***

~~Sec. 6-4—Hours of sale (alcoholic beverages).~~

~~Sec. 6-5—Possession or consumption in parking lots prohibited (alcoholic beverages).~~

~~Sec. 6-6—Consumption or possession in and upon public property prohibited: exceptions (alcoholic beverages).~~

~~Sec. 10-26—Running at large prohibited (dogs): fourth or subsequent offense.~~

~~Sec. 10-27—Prohibited on beaches (dogs): fourth or subsequent offense.~~

~~Sec. 10-28—Removal of feces (pets): fourth or subsequent offense.~~

~~Sec. 18-42—Approved application required (solicitors): fourth or subsequent offense.~~

~~Sec. 18-46—Prohibited acts (solicitors).~~

~~Sec. 42-2—Littering: fourth or subsequent offense.~~

~~Sec. 42-42—Specific prohibitions (noise): fourth or subsequent offense.~~

~~Sec. 42-43—Decibel measurement standards for noise other than operating motor vehicles: fourth or subsequent offense.~~

~~Sec. 42-44—Amplified noise upon public streets prohibited: fourth or subsequent offense.~~

~~Sec. 48-4—Traffic (parks and parkway).~~

~~Sec. 82-32—Vehicles prohibited (beach).~~

Upon receipt of a citation, the person alleged to have committed a civil infraction ~~violated the town code~~ may request a hearing before the town's special magistrate court appearance. The special magistrate ~~county court judge~~ may assess the maximum civil penalty not to exceed \$500.00 if it is determined that the civil infraction was committed by the person ~~contested~~. If the citation is not contested, the amount of fine is the face value of the citation plus all costs incurred in prosecuting the case before the special magistrate. For purposes of this section, the term "all costs" includes the following:

- (1) Attorney's fees incurred by the town in prosecuting all aspects of any case brought before the special magistrate;
- (2) Special magistrate fees incurred by the town for all aspects of the case heard by the special magistrate;
- (3) Costs incurred by the town for providing notice, including postage costs;
- (4) Costs incurred by the town for creating and presenting photographic or other evidence of the violation for the special magistrate hearing;
- (5) Costs incurred by the town for the actual presentation of the case to the special magistrate (this does not include time spent on regular code compliance duties not specific to the prosecution/presentation of the case.
- (6) Expert witness fees incurred by the town in prosecuting any case brought before the special magistrate.

- (f) *Code violations—Civil infractions.* All violations of this Code shall be considered as civil infractions with a maximum civil penalty not to exceed \$500.00, plus all costs.
- (g) *Citation contested—~~Special Magistrate. County court.~~* Should any person receiving a citation desire to contest same, such person shall have the right to appear before the town's special magistrate ~~in county court~~ in order to present his their case and have the determined position made by the town's special magistrate court.
- (h) *Failure to accept citation—Misdemeanor.* Any person who willfully refuses to sign and accept a citation issued by a code inspector, code compliance officer or police officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or § 775.083.
- (i) *Citations not applicable to certain portions of building code.* The provisions of this section shall not apply to enforcement pursuant to sections 553.79 and 553.80 of the building codes adopted pursuant to section 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the municipality. For the purpose of this subsection, "building" codes means only those codes adopted pursuant to section 553.73.
- (j) The provisions of this division ~~section~~ are additional and a supplemental means of enforcing certain town ~~municipal~~ codes and ordinances and may be used for the enforcement of such any codes or ordinances ~~or for the enforcement of all codes and ordinances except as set forth hereinabove.~~ Nothing contained in this division ~~section~~ shall prohibit the town from enforcing its codes or ordinances by any other means.

**Section 2:** Each and every other section and subsection of Chapter 2. Administration. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

**Section 4:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent



jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 5:** Specific authority is hereby granted to codify this Ordinance.

**Section 6:** This Ordinance shall take effect immediately upon adoption.

FIRST READING this 24<sup>th</sup> day of August 2020.

SECOND AND FINAL READING this 29<sup>th</sup> day of September 2020.

**TOWN OF PALM BEACH SHORES**

\_\_\_\_\_  
Alan Fiers, Mayor

ATTEST:

\_\_\_\_\_  
Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.

\_\_\_\_\_  
Keith Davis, Town Attorney

Final

**ORDINANCE NO. O-4-20**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. AT ARTICLE II. BUSINESS TAXES. SECTIONS 18-16. LEVY OF BUSINESS TAX; REGISTRATION. BY REPEALING REGISTRATION REQUIREMENTS FOR CERTAIN CONTRACTORS AND BUSINESSES THAT DO NOT PAY A LOCAL BUSINESS TAX TO THE TOWN; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 18. BUSINESSES, OCCUPATIONS AND PROFESSIONS. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, Town regulations currently provide a registration requirement for certain contractors and businesses that do not pay a local business tax to the Town; and

**WHEREAS**, the Town Commission of the Town of Palm Beach Shores desires to eliminate this registration requirement; and

**WHEREAS**, the Town Commission has determined that these revisions to the Town's code will serve to promote the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:**

**Section 1:** Chapter 18. Businesses, Occupations and Professions. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended at Section 18-16. Levy of business tax; registration. by repealing Sec, 18-16(b) and eliminating the associated registration requirement for certain businesses that do not pay a local business tax to the Town; providing that Section 18-16. Levy of business tax; registration. shall hereafter read as follows:

**Sec. 18-16. - Levy of business tax; registration.**

- (a) *Business tax.* A tax is hereby fixed and imposed upon every person who maintains a permanent business location or branch office within the town for the privilege of engaging in or managing any business, profession or occupation within the town. A business tax is also hereby levied upon any person who does not qualify under the provisions noted hereinabove and who transacts any business or engages in any occupation or profession in interstate commerce, if such business tax is not prohibited by Section 8 of Article I of the United States Constitution. This tax shall not be construed to mean any fee or license paid to any commission or official for permits or examinations which are deemed to be regulatory and are requirements in addition to and not in lieu of the business tax imposed under the provisions of this article.
- (b) Reserved. ~~Registration.~~ Any person who does not fall into one of the categories set forth above in subsection (a) but who comes within the corporate limits of the town to carry on, complete, perform

~~or engage in any type of business, is hereby required to register with the town by filling out a registration form with the town clerk, except that this registration requirement shall not apply to any trade or business regulated by the Department of Business and Professional Regulation pursuant to F.S. § 205.065. Persons for whom registration is required must provide a copy of a valid business tax receipt issued by another municipality and/or by Palm Beach County indicating that he possesses a valid business tax receipt at the location of his branch or permanent office and must provide appropriate credentials and/or certificates as required by the town, according to the type of business. A nominal registration fee shall be charged to cover administrative costs in registering these additional businesses, occupations and professions; the amount of which registration fee shall be set by resolution of the town commission.~~

**Section 2:** Each and every other section and subsection of Chapter 18. Businesses, Occupations and Professions. of the Code of Ordinances of the Town of Palm Beach Shores shall remain in full force and effect as previously adopted.

**Section 3:** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 4:** If any section or provision of this ordinance, any paragraph, sentence or word is declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of this ordinance.

**Section 5:** Specific authority is hereby given to codify this ordinance into the Code of Ordinances of the Town of Palm Beach Shores, Florida.

**Section 6:** This ordinance will take effect immediately upon adoption.

FIRST READING this 24<sup>th</sup> day of August 2020.

SECOND AND FINAL READING this 29<sup>th</sup> day of August 2020.

**TOWN OF PALM BEACH SHORES**

**ATTEST:**

\_\_\_\_\_  
Alan Fiers, Mayor

\_\_\_\_\_  
Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency

(Seal)

\_\_\_\_\_  
Keith Davis, Town Attorney

Final