



Lake Park Town Commission, Florida

Regular Commission Meeting

Wednesday, January 04, 2023 at 6:30 PM

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Kimberly Glas-Castro	—	Vice-Mayor
John Linden	—	Commissioner
Roger Michaud	—	Commissioner
Mary Beth Taylor	—	Commissioner
John O. D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER/ROLL CALL - 6:30 P.M.

PRESENT

Vice-Mayor Kimberly Glas-Castro
Commissioner John Linden
Commissioner Roger Michaud
Commissioner Mary-Beth Taylor

PLEDGE OF ALLEGIANCE

Vice-Mayor Glas-Castro

SPECIAL PRESENTATION/REPORT:

1. Proclamation in Honor of Mayor Michael O'Rourke.

Vice-Mayor Glas-Castro presented Mayor Michael O'Rourke with a proclamation. Town Manager D'Agostino presented an engraved gavel to Mayor O'Rourke from staff. Public Works Director Roberto Travieso presented Mayor O'Rourke with a street sign "Mayor Mike's Way" signed by all Public Works employees. Mayor O'Rourke stated that it was an honor to serve this community and that he loved this Town. He thanked the Commission, residents and staff.

PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

Rick Goodsell, expressed concerned that the restrooms at Lake Shore Park were closed over the New Year's weekend. He stated that he sent emails to staff, the Vice-Mayor, and used the citizen portal to report that the restrooms were closed. He asked for an explanation of the closed restrooms. Vice-Mayor Glas-Castro stated that staff would contact him with an explanation.

James Sullivan, reported several road concerns throughout the Town. He reported the intersection of 8th Street and Silver Beach Road and the road behind the Aldi grocery store.

CONSENT AGENDA:

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

Public Comment:

Mr. Rafael Moscoso raised concerns regarding the proposed oval-about on 10th Street and the necessary repairs to Truck number 44.

Commissioner Linden asked to pull Consent Agenda item number five, Resolution 02-01-23 Fiscal Year End Budget Adjustments.

Motion made to approve Consent Agenda items 2, 3, 4, 6 and 7 by Commissioner Michaud and seconded by Commissioner Linden.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Taylor

Commissioner Linden referred to Resolution 02-01-23 and asked questions regarding a timeline for the Town Hall monument sign. Public Works Director Travieso explained the construction ready plans were recently provided to the Town, thereafter; the solicitation process would begin in late January 2023.

Commissioner Linden asked questions regarding a timeline for the installation of new sound equipment. IT Director Paul McGuiness explained supply chain issues caused the delay and he anticipated installation would take place in March/April 2023.

Commissioner Linden asked questions regarding the Marina Culinary Depot. Marina Director Stephen Bogner explained the Culinary Depot was selected as a vendor for the purpose of an ice machine for commercial dockage customers.

Motion made to approve Consent Agenda item number five by Commissioner Linden, Seconded by Commissioner Michaud.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Taylor

2. December 7, 2022 Regular Commission Meeting Minutes.
3. November 14, 2022 Stakeholders' 10th Street Ovalabout Initiative Meeting Minutes
4. Resolution 01-01-23 Approving and Authorizing The Mayor to Assign Funds Allocated to the Town of Lake Park by the Statewide Opioid Agreement to the Palm Beach County Regional Fund
5. Resolution 02-01-23 Fiscal Year End 2022/2023 Budget Adjustments
6. Resolution 04-01-23 Florida League of Cities Legislative Priorities for March 2023 Session.
7. Request to Authorize the Town Manager to Encumber and Expend Budgeted Funding Associated with the Sanitation Fund for the Repair of Front-End Loader Truck Number 44.

PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

8. Ordinance 01-2023 Solid Waste

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLES I, II, III AND V OF CHAPTER 24, OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO SOLID WASTE; PROVIDING FOR AMENDMENTS TO THE GENERAL TEXT AND AMENDMENTS TO CERTAIN PROCEDURES AND POLICIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

Public Works Director Travieso explained the Ordinance (see Exhibit "A"). Commissioner Linden asked questions regarding the rate increase. Public Works Director Travieso explained there were no proposed rate increases. Commissioner Linden asked additional questions

regarding single family versus multi-family unit pick-ups. Public Works Director Travieso explained single and multi-family pick-ups in terms of cubic yards and frequency of service.

Public Comment:

Rafael Moscoso expressed concerns with the Ordinance.

Commissioner Linden expressed concern with the difference in presentations; he announced that he would review the presentations in detail.

Motion made to approve Ordinance 01-2023 by Commissioner Michaud, Seconded by Commissioner Taylor.

Voting Yea: Vice-Mayor Glas-Castro

Voting Nay: Commissioner Linden

Attorney Baird the Ordinance by title only.

9. Ordinance 02-2023 Mobility Plan & Mobility Fees

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 67, BY CREATING NEW ARTICLE VIII, TO BE ENTITLED “MOBILITY PLAN & MOBILITY FEES”; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOSITION OF A FEE SCHEDULE; PROVIDING FOR A PROCESS FOR THE REVIEW OF ALTERNATIVE & SPECIAL FEE DETERMINATIONS, CREDITS; PROVIDING FOR THE ESTABLISHMENT OF MOBILITY FEE BENEFIT DISTRICTS, FUND ACCOUNTS, EXPENDITURES, REFUNDS; PROVIDING FOR REQUIREMENTS FOR ANNUAL REPORTING, REVIEWS AND UPDATES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Jonathan Paul, NUE Concept representative presented (see Exhibit "B").

Commissioner Linden questioned the use of Mobility Fees throughout the State of Florida. Mr. Paul explained, there are roughly 80 Communities in Florida that utilize Mobility Fees (e.g., City of Palm Beach Gardens, City of Wellington). Commissioner Linden requested a comparative analysis of municipalities that utilize Mobility Fees.

Commissioner Michaud questioned when the City of Wellington, Florida, implemented their Mobility Fees. Mr. Paul explained the City of Wellington had established Mobility Fees roughly

20 years ago. Mr. Paul explained that development has continued in neighboring municipalities such as Palm Beach Gardens with newly established fees.

Motion made to approve Ordinance 02-2023 by Commissioner Taylor, Seconded by Commissioner Michaud.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Linden

Attorney Baird read Ordinance 02-2023 by title.

PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:

10. ORDINANCE 14-2022

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES BY REPEALING SECTION 78-151, ENTITLED "HOME OCCUPATIONS" AND REPLACING IT WITH A NEW SECTION 78-151 ENTITLED "HOME-BASED BUSINESSES"; PROVIDING FOR THE AMENDMENT OF TABLE 78-70-1 CONTAINED IN CHAPTER 78, ARTICLE III, SECTION 78-70 AND SECTION 78-78 OF THE TOWN OF LAKE PARK'S CODE OF ORDINANCES TO REPLACE THE TERM HOME OCCUPATIONS WITH THE TERM HOME-BASED BUSINESSES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion made to approve Ordinance 14-2022 by Commissioner Michaud, Seconded by Commissioner Linden.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Taylor

Attorney Baird read the Ordinance by title only.

NEW BUSINESS:

11. Coastal Middle and High School Waiver Requests

Alysha Mosley, Principal of Coastal Middle and High School, introduced herself and explained the waiver request.

Commissioner Taylor questioned the number of students enrolled, classrooms, and grade levels.

Ms. Mosley announced 65 students, grades 6-12 were enrolled, and utilize 4 classrooms.

Motion made to approve the Coastal Middle and High School Waiver Request by Commissioner Linden, Seconded by Commissioner Taylor.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Michaud

12. Resolution 03-01-23 2045 Mobility Plan and Mobility Fee Technical Report.

Motion made to approve Resolution 03-01-23 by Commissioner Taylor, Seconded by Commissioner Michaud.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Linden

13. Resolution 05-01-23 Designation of Signatories for Town Bank Accounts.

Motion made Resolution 05-01-23 by Commissioner Michaud, Seconded by Commissioner Linden.

Voting Yea: Vice-Mayor Glas-Castro, Commissioner Taylor

PUBLIC COMMENT:

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None

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird wished everyone a Happy New Year. He said that 2023 will be an exciting year for the Town and he is looking forward to working with the Town staff and manager.

Town Manager D'Agostino (see Exhibit "C"). The Commission agreed to begin presenting proclamations to local students for academic achievements.

Commissioner Linden announced an update regarding the professional recording of the Kelsey City Song.

Commissioner Michaud expressed gratitude for Former Mayor Michael O'Rourke for his service to the Town of Lake Park.

Vice-Mayor Glas-Castro announced Florida League of Cities updates.

Commissioner Taylor had no comments.

REQUEST FOR FUTURE AGENDA ITEMS: None

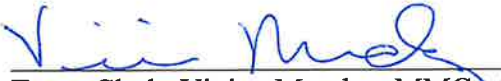
ADJOURNMENT: 9:15 p.m.

FUTURE MEETING DATE: Next Scheduled Regular Commission Meeting will be held on January 18, 2023.

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 9:15 P.M.


Vice-Mayor Kimberly Glas-Castro


Town Clerk, Vivian Mendez, MMC



Approved on this 18 of January, 2023



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

(i)

MEETING DATE: 01-04-2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: RICK GOODSELL
Address: 410 NINTH ST

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

locked Restrooms

I would like to make comments on the following Non-Agenda Item(s):

KASEY AND LAKE STORE PARKS

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

Potholes

②

MEETING DATE: 01/04/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: JAMES SULLIVAN
Address: 748 FLAGLER BLVD

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

*Silver Bldg #8
by Aldi*

I would like to make comments on the following Non-Agenda Item(s):

2 ROAD CONDITIONS THAT ARE BAD AND
COMPLEMENTING ON ONE GOOD

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

3

MEETING DATE: 01/04/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: JAMES SULLIVAN

Address: 348 FLAGLER BLVD

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

I would like to make comments on the following Non-Agenda Item(s):

COMPLEMENT TOWN MANAGER WITH RESPECT
NEW BUSINESSES TO TOWN

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

(4)

MEETING DATE: 1/4/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: RAFAEL MOSCOSO

Address: 429 GREENBRIAR DR

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

#3 #7 Consent Agenda

Oval about
staff-mechanical expertise

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

MEETING DATE: _____

1/4/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: _____

Rafael Moscoso

Address: _____

429 GREENSBAR DR

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

070 01-2023

Item #8

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.

ORDINANCE 01-2023

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLES I, II, III AND V OF CHAPTER 24, OF THE TOWN'S CODE OF ORDINANCES PERTAINING TO SOLID WASTE; PROVIDING FOR AMENDMENTS TO THE GENERAL TEXT AND AMENDMENTS TO CERTAIN PROCEDURES AND POLICIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapters 163, Florida Statutes; and

WHEREAS, the Town operates a Sanitation Utility (the Utility) that provides f solid waste collection and disposal services within the Town; and

WHEREAS, the operation of the Utility furthers the health and welfare of Town residents, visitors, and businesses; and

WHEREAS, there is a need to amend certain definitions and clarify certain language pertaining to the Utility's operations, and associated policies and procedures

WHEREAS, the Town Commission has determined that amending Articles I, II, III and V of Chapter 24, *Solid Waste*, will further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The foregoing recitals are hereby incorporated herein as true and correct.

Section 2. CHAPTER 24, of the Code of Ordinances, entitled "SOLID WASTE" , is hereby amended as follows:

Chapter 24 SOLID WASTE

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

The definitions located in F.S. § 403.703 shall apply to this chapter. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky ~~wastes~~waste means large, noncontainerized, discarded items placed for disposal such as large boxes, barrels, crates, large furniture and large appliances, but not including yard and garden trash items, as defined in this section.

Commercial property means any property utilized for commercial, governmental, agricultural, and industrial purposes ~~including~~or single-family and/or multifamily units or grouping of five or more units maintained as residential rental properties or units. ~~For the purpose of billing the annual assessment,~~ Commercial single-family and/or multifamily units ~~will~~or grouping of five or more units shall be billed ~~the residential assessment rate accordingly,~~in accordance with approved commercial sanitation rates. Commercial properties are typically serviced through the use of dumpsters or compactors.

Commercial trash means any and all accumulations of paper rags, excelsior, wood, paper or cardboard boxes or containers, sweepings, furniture, appliances and any other accumulation not included under the definition of garbage, generated by the operation of Commercial Properties, i.e.: stores, offices, public buildings, residential rental properties and other business places. The term "commercial trash" shall also include all trash placed in public receptacles in public places for collection.

Compactor means a metal container (dumpster or roll-off box) that contains a packing mechanism and an internal or external power unit.

Containerized household trash means any and all accumulations of waste material generated in and about the home, other than garbage, and which can be stored for collection in an approved refuse container, e.g., food packaging, small appliances, small toys, dishes, etc.

Containerized light yard trash means any and all accumulations of bagged waste vegetation ~~having a maximum diameter of four inches and which is stored~~placed for collection ~~in an approved refuse container,~~ or any and all accumulations of waste vegetation ~~loosely piled~~arranged in a single pile for collection in a quantity/volume not exceeding ~~twenty~~ten cubic yards, (approximately 18' Long x 4' Wide x 4' Tall), other than grass clippings.

Dumpster means a metal container of not less than two cubic yards or larger than eight cubic yards, made of watertight construction with doors opening on top, and constructed so that it can be emptied mechanically by specially equipped trucks.

Garbage means any and all accumulations of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit, vegetables and any other matter, of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive gases or odors or which, during and after decay, may serve as breeding or feeding material for flies or other germ carrying insects; bottles, cans or other food containers which, due to their ability to retain water, may serve as a breeding place for mosquitoes or other water-breeding insects.

Heavy yard trash means any and all accumulations of waste vegetation having a diameter of more than four inches or which is loosely piled for collection in a quantity of more than ~~two~~^{ten} cubic yards, other than grass clippings. The term "heavy yard trash" shall also include any and all accumulations of soil and/or sod piled for collection.

Industrial waste means any and all debris and waste products generated by canning, manufacturing, food processing (except restaurants), land clearing, building construction or alteration (except minor household repair projects performed by the owner or occupant), and public works type construction projects whether performed by a governmental unit or by contract.

Loading and unloading area means any designated loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons.

Minor household repairs ~~means~~^{mean} minor residential household repairs for which no permit is required under the technical codes and which are done exclusively by an occupant of the residence.

Multifamily residential unit means any building containing more than one dwelling unit.

Noncontainerized household trash (see also Bulky waste) means any and all accumulations of waste material generated in and about the home, other than garbage, which cannot be stored for collection in an approved refuse container due to its larger size; e.g., furniture, large toys, lawn mowers, etc.

Parking lots means areas on commercial and/or public properties designed specifically for vehicular parking.

Premises means lots, sidewalks, alleys, rights-of-way, grass strips and curbs up to the edge of the pavement of any public thoroughfare.

Public property means any area that is used or held out to be used by the public, whether owned or operated by a public interest, including but not limited to highways, streets, alleys, parks, recreation areas, sidewalks, grass strips, medians, curbs or rights-of-way up to the edge of the pavement of any public thoroughfare or body of water.

Refuse means solid waste accumulations consisting of garbage, containerized household trash, noncontainerized household trash, containerized light yard trash, heavy yard trash, white goods/large appliances, and commercial trash as defined in this section.

Refuse containers and receptacles means approved and unapproved vessels used to store all types of garbage, trash, waste and refuse. Refuse containers and receptacles approved by the town for use hereunder include compactors, dumpsters, roll-off boxes and rollout carts.

Residential property means any single-family ~~and~~ dwelling that is owner-occupied or multifamily property with a grouping of four or less units, unless such dwelling unit or grouping of units maintained has been approved by the town commission to be classified as homestead property-commercial property. Residential properties are typically serviced through the use of rollout carts.

Roll-off box means a container varying in capacity between ten cubic yards and 40 cubic yards which is used for collecting, storing and transporting building materials, business trash, industrial waste, hazardous refuse, refuse or yard trash. The container may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.

Rollout cart means a ~~6064~~-gallon to ~~10196~~-gallon plastic container of a type approved by the town manager or designee, of substantial construction with a tightfitting lid and provided with wheels and handles sufficient for safe and convenient handling.

Single-family residential unit means any building or structure containing not more than one dwelling unit- that is owner-occupied and which is not, in parts or whole, leased to a tenant or otherwise utilized for commercial purposes.

(Ord. No. 14-1993, § I, 5-5-1993; Ord. No. 11-2002, § 1, 4-17-2002; Code 1978, § 10-1)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 24-2. Garbage, trash and recyclable collection reserved exclusively in town or its contractors.

The governmental function of collection, removal and disposal of all garbage, trash and recyclables within the municipal limits of the town is exclusively vested in the municipal government of the town, its contractors and franchises, and all other individuals, persons, firms or corporations are specifically and expressly prohibited from engaging in that practice or business within the corporate limits of the town and from utilizing the publicly dedicated streets, alleys and other thoroughfares for such purposes.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-2)

Sec. 24-3. Administration of chapter.

Collection, storage and disposal of all garbage and trash shall be in accordance with this chapter. The administration of this chapter shall be the duty of the town manager or designee except as otherwise stated.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-3)

Sec. 24-4. Policies, rules and fees.

Any policy, rule, fee, charge or assessment for the proper administration of this chapter may be established by resolution of the town commission.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-4)

Sec. 24-5. No profit requirement for town contractors or franchisees.

Any other applicable ordinances or laws to the contrary notwithstanding, all contractors or franchisees of the town shall be required to properly and timely fulfill all the terms and conditions of their contracts/franchises, including all fees and prices, and said contractors/franchisees, or their agents or subsidiaries shall not, as a matter of law, be entitled to a profit on their respective contracts/franchises.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-5)

Sec. 24-6. Deposit other than in approved container.

No person shall place or keep garbage or trash anywhere within the town in any vessel or receptacle other than in a standard, approved garbage or trash container from which regular collections are made unless otherwise provided by this chapter.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-6)

Sec. 24-7. Use of receptacles by other persons.

It shall be unlawful for persons to use receptacles, containers, or rollout carts owned or assigned to other persons.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-7)

Sec. 24-8. Dumping on property owned by others prohibited.

It shall be unlawful to dispose or discard any garbage, trash or litter on property owned or controlled by someone else. Violations shall be subject to a fine pursuant to the Town's fee schedule as is established from time to time by the adoption of a resolution by the Town Commission.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-8)

State law reference(s)—Florida litter law, F.S. § 403.413.

Sec. 24-9. Offensive deposits; burying and depositing in waterways.

No person shall deposit on or bury in, or cause to be deposited on or buried in, any land, public square, street, alley, vacant or unoccupied lot, or any creek or watercourse any noxious, filthy, malodorous or offensive liquid or solid material, garbage or trash.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-9)

Cross reference(s)—Waterways, ch. 76.

State law reference(s)—Florida litter law, F.S. § 403.413.

Sec. 24-10. Out-of-town refuse; transfer station.

It shall be unlawful for any person or agent to deposit any form of refuse collected outside of the town's corporate limits at any place within the town's corporate limits.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-10)

Sec. 24-11. Appliances with locking or magnetic door closing devices.

It shall be unlawful for any person to leave outside any building, in a place accessible to children, any appliance, refrigerator or container with a locking or magnetic door closing device unless the door or lid has been removed.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-11)

Sec. 24-12. Recyclable materials and recycling containers.

- (a) It shall be unlawful for any unauthorized person or agent to remove articles or otherwise disturb materials in recycling containers, or to remove, damage or destroy recycling containers.
- (b) It shall be unlawful to place any material not suitable for recycling in a recycling container.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-12)

Sec. 24-13. Responsibility of owner.

Ultimate responsibility for compliance with the provisions of this chapter shall lie with the owner of the property in question. This shall not, however, preclude an enforcement action against another person occupying, controlling or otherwise responsible for a property upon which there is found to be a violation of this chapter.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-13)

Sec. 24-14. Enforcement.

The provisions of this chapter shall be enforced through the code compliance board or through the alternate code enforcement procedures, except that the collection of fees, costs and assessments shall be enforced pursuant to procedures provided in article IV of this chapter or by the town commission.

(Ord. No. 14-1993, § I, 5-5-1993; Code 1978, § 10-14)

Sec. 24-15. Collection and enforcement during an emergency declaration.

A property owner, or the tenant of a residence or business shall not place any debris, trash vegetative yard waste, or recycling materials out for collection once the mayor has rendered a declaration of emergency for the town. In the event of a violation of this section occurs, the town may immediately dispose of the materials and charge its actual costs of collection and disposal, along with a one-time \$250.00 fee and any other administrative charges it incurs and invoice the property owner or business for the payment of these costs. If the costs are not paid, the town may record a lien against the property.

(Ord. No. 12-2018, § 2, 10-17-2018)

Secs. 24-16—24-30. Reserved.

ARTICLE II. RESIDENTIAL PROPERTY SOLID WASTE AND RECYCLABLE COLLECTION SERVICE

Sec. 24-31. Base collection service.

Base collection service shall include collection and disposal of containerized garbage, single-family light yard trash and containerized household trash and recyclable materials. Containerized garbage and trash shall be placed in containers provided by the town.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-19)

Sec. 24-32. Special collection service.

Any refuse which is not provided for as part of the base collection service established herein and which is collected by the town shall constitute a special pickup and shall be subject to an additional charge in accordance with the rate schedule established pursuant to section 24-111.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-20)

Sec. 24-33. Collection schedule.

The schedule for solid waste collection services shall be established and may be amended by resolution of the town commission.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-21)

Sec. 24-34. Approved containers.

~~(a)~~ *Building materials.* The property owner of any property which requires roll-off containers to secure and remove building materials or other solid waste during construction, or which is associated with other permitted activities, shall make arrangements with the Town's Public Works Department for roll-off containers from providers approved by the Town. A property owner's failure to make such arrangements may subject the property owner to a fine pursuant to the Town's fee schedule which is adopted from time to time by a resolution of the Town Commission.

(b) *Garbage and trash.* The town requires the owner or occupant of any real property to utilize adequate and suitable refuse receptacles and containers capable of holding all waste materials which would ordinarily accumulate between the times of successive collections. The town manager or designee shall determine the type, size, quantity and location of receptacles on developed properties and shall determine whether containers are serviceable.

(b~~c~~) *Recyclables.* Plastic garbage bags or other home use containers shall not be utilized as containers for recyclable materials. Only containers designated by the town shall be utilized for recyclable material collection.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-22)

Sec. 24-35. Additional/replacement containers.

The town may set aside funds within its budget for periodic replacement of garbage and trash, and recycling containers. Additional containers and interim replacement of such containers as are lost, damaged or stolen shall be obtained at the expense of the owner or occupant of the residence.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-23)

Sec. 24-36. Container maintenance.

- (a) *Responsibility for maintenance.* It shall be the responsibility of any person using a refuse container or receptacle furnished by the town to maintain such container in a sanitary condition.
- (b) *Covering containers.* All garbage and trash containers shall be kept tightly covered at all times, except as it is necessary to remove the cover for the purpose of depositing garbage or trash in the container or when collection is being made.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-24)

Sec. 24-37. Underground containers prohibited.

Containers stored partially or totally below the surface of the ground are prohibited. Existing underground containers must be removed and spaces remaining shall be properly filled with soil or other suitable material.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-25)

Sec. 24-38. Preparation of materials for collection.

- (a) *Garbage.* All wet garbage matter shall be wrapped in paper or disposable containers before being placed in refuse containers. All garbage, after having been so wrapped and drained of all liquids, shall be daily deposited in the garbage containers herein required. Nonrecyclable containers shall first be drained of all liquid prior to deposit in refuse containers.

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- (b) *Containerized household trash.* Household trash which is of a size capable of being contained within the refuse container normally used for garbage shall be placed therein for collection. It shall be unlawful to place household trash which has not been drained of all liquids in said container.
- (c) *Noncontainerized household trash and white goods/large appliances.* Noncontainerized household trash and white goods/large appliances shall not be placed at curbside except as herein stated. Upon request, the town shall collect normal household discarded furniture or appliances, including, but not limited to, sofas, chairs, beds, refrigerators, washers, dryers, hot water heaters and similar items. Residents, including tenants or lessees, requesting this service of the town will be given a date when collection will occur.
- (d) *Light yard trash.* Persons providing routine lawn maintenance services may be allowed to dispose of light yard trash at the residence served, yard trash which is generated on-site by routine maintenance.
- (e) *Heavy yard trash.* Except as provided in section 24-39(d), ~~persons engaged in either~~residents, including tenants or lessees engaging a commercial landscape or lawn maintenance business shall be required to notify the town of heavy yard trash generated by their activities and to utilize the services of the town for disposal of such yard trash and to compensate the town in accordance with the rate schedule established pursuant to section 24-111.
- (f) *Noncontainerized refuse materials.* Noncontainerized refuse materials shall be so prepared and contained so as not to be blown about by the wind.
- (g) *Recyclables.*
- (1) All residents of the town shall source-separate all designated recyclables in the designated container, placing them at designated pickup points on the days or dates specified for collection by the schedule published by the town.
 - (2) Designated recyclables for this townwide program shall consist of the following materials:
 - a. Newsprint plus glossy, printed material;
 - b. ~~Aluminum~~Food and beverage cans;
 - c. Clear, brown or green glass containers, with caps and lids removed;
 - d. Plastic containers, with markings indicating suitability for recycling; and
 - e. Such other materials and containers as may be specified by the solid waste authority and approved by the town commission.
- (h) *Special/prohibited materials.*
- (1) *Dangerous trash items.* It shall be unlawful to place dangerous trash items and all waste materials of injurious nature in containers unless they are securely wrapped so

as to prevent injury to the collection crew or agency. Dangerous trash and waste materials shall include, but shall not be limited to, broken glass, lightbulbs, sharp pieces of metal, fluorescent tubes and television tubes.

- (2) *Hazardous, contagious or medical refuse.* It shall be unlawful to place hazardous, contagious or medical refuse, containerized or noncontainerized, for collection by the town. Such materials shall include pesticides; clothing, bedding or other refuse liable to spread contagion; hypodermic needles; or other medical waste. Generators of such materials shall be responsible for storage, collection and disposal of same at an authorized disposal site as determined by the community development department.
- (3) *Tires and motor vehicle parts.* It shall be unlawful to place tires and motor vehicle parts, containerized or noncontainerized, for collection by the town. Generators of such materials shall be responsible for storage, collection and disposal of same at an authorized disposal site as determined by the community development department unless otherwise arranged pursuant to section 24-32.
- ~~(4) *Building materials.* Residents, including tenants or lessees engaging a building contractor or installer shall make arrangements with the town's approved roll-off container provider for the provision of a container and the proper removal of all building materials originating prior to, during, or subsequent to the construction of a new building, alteration or addition to an existing building of whatever type or from demolition of an existing structure. The cost of said roll-off container and removal services shall be borne by the residents, including tenants or lessees, or their contractor or installer.~~
- (5) *Minor building repairs.* Building materials resulting from minor repairs performed by the owner or occupant which meet the requirements for trash collection must be bundled, bagged, boxed or placed in a refuse container and will be collected at curbside. Discarded lumber pieces must be no longer than two feet without nails. Larger materials may be picked up by special request at an additional charge.
- (6) *Ashes.* It shall be unlawful to place ashes or live coals in containers unless those ashes or coals have been wetted and are cool to the touch prior to placement in the container.
- (7) *Cardboard boxes and cartons.* It shall be unlawful for any person disposing of cardboard boxes, cartons or crates in refuse containers to fail to collapse same prior to depositing that refuse for collection.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-26)

Sec. 24-39. Placement of containers, materials and vehicles.

- (a) *Placing of refuse and refuse containers for collection.* No refuse or refuse container shall be kept upon or adjacent to any street, sidewalk, ~~parkway~~swale, front yard, side yard or other place within the view of persons using the town's streets and sidewalks, except that:
- (1) No earlier than 4:00 p.m., on the day preceding that upon which refuse collections are customarily made from such premises, or no later than 7:30 a.m., on the day on which refuse collections are customarily made from such premises, refuse containers and noncontainerized yard or household trash shall be placed within six feet of the street or just inside the public walk for the purpose of permitting the collection of refuse therefrom, and such refuse containers shall be removed from such place on the same day collection is made.
 - (2) On streets where no ~~parkways~~swales or lawn areas near the street are available for the placement of refuse containers of noncontainerized trash, the owner or occupant shall place same adjacent to the driveway but not further than six feet from the street.
- (b) *Overloading refuse containers.* It shall be unlawful to overload a refuse container by allowing materials to accumulate above the "water level" of a container. The water level is the highest level that water could stand in a container when situated on a level surface.
- (c) *Blockage of storm drains.* It shall be unlawful for any person to place any refuse, trash, refuse receptacle or container on, upon, or over any storm drain or so close thereto as to be drawn by the elements into the storm drain.
- (d) *Access to mechanical containers.* It shall be unlawful for anyone to place or maintain materials or place any vehicle, whether temporarily or permanently, so as to block access to any mechanical container.
- (e) *Penalty.* The town may assess a special fee, established pursuant to section 24-111, for a return trip or other additional service made necessary by a violation of this section. Violations may also be subject to a fine pursuant to the Town's fee schedule approved by Resolution of the Town Commission.

(Ord. No. 14-1993, § II, 5-5-1993; Code 1978, § 10-27)

Secs. 24-40—24-70. Reserved.

ARTICLE III. COMMERCIAL PROPERTY SOLID WASTE AND RECYCLABLE COLLECTION SERVICE

Sec. 24-71. Base collection service.

Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the town on the basis of the user classification schedule established for refuse disposal assessments by the Palm Beach County Solid Waste Authority or by other equitable basis as determined by the town commission.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-36)

Sec. 24-72. Special collection service.

Any refuse which is not prepared for collection as provided herein and which is collected by the town shall constitute a special pickup and shall be subject to an additional charge in accordance with the rate schedule established pursuant to section 24-111.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-37)

Sec. 24-73. Collection schedule.

Commercial accounts will be serviced on a Monday through Friday basis with the number of pickups being determined by the type of business and amount of garbage/trash generated in accordance with the determination made pursuant to section 24-71.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-38)

Sec. 24-74. Approved containers.

- (a) *Garbage and trash.* The town shall require the owner or occupant of any real property to utilize adequate and suitable refuse receptacles and containers capable of holding all waste materials which would ordinarily accumulate between the times of successive collections. The town manager or designee shall determine the type, size and quantity of receptacles as well as the frequency of pickup for receptacles on developed properties. Said determination shall be made by the town manager or designee on an equitable basis which may include, but not be limited to, the user classification schedule established for refuse disposal assessments by the Palm Beach County Solid Waste Authority. All mechanical containers shall be purchased by the town and rented to all commercial customers with the rental fee paid as part of the standard rate fee. The town shall determine whether containers are serviceable.
- (b) *Recyclables.* Only containers designated by the town shall be utilized for recyclable material collection.
- (c) *Roll-off boxes.* Commercial customers, if required to utilize a roll-off ~~box~~ container, shall obtain roll-off/roll-on collection service through a provider holding a franchise from the town and shall make payment therefor to the franchisee.
- ~~(d)~~ *Building materials.* The property owner of any property which requires a roll-off containers to secure and remove building materials or which is associated with other permitted activities, shall make arrangements with the Town's Public Works Department to for roll-off containers from a provider approved by the Town. A property owner's failure to do so may result in a fine pursuant to the Town's fee schedule adopted from time to time by a resoltuion of the Town Commission.
- (e) *Charges based on capacity.* The charges established pursuant to section 24-111 for mechanical containers and commercial refuse container service shall accrue and be payable on the total capacity of the container whether or not it is full.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-39)

Sec. 24-75. Container maintenance.

- (a) *Responsibility.* It shall be the responsibility of any person using a refuse container or receptacle furnished by the town to maintain such container in a sanitary condition.
- (b) *Covering of containers.* All garbage and trash containers shall be kept tightly covered at all times, except as is necessary to remove the cover for the purpose of depositing garbage or trash in the container or when collection is being made.

(Ord. No. 14-1993, § III, 5-5-1993; Ord. No. 11-2002, § 2, 4-17-2002; Code 1978, § 10-40)

Sec. 24-76. Container storage/screening.

- (a) *Prohibited locations.*
 - (1) *Generally.* Dumpsters shall not be located within the right-of-way of a public street or alley.
 - (2) *Special exception:* For buildings constructed prior to adoption of the ordinance from which this section is derived and where unusual conditions exist which do not provide for the usual placement of refuse containers on the property as provided herein, the community development department, after consultation with the property owner or representative, as applicable, shall determine a satisfactory alternative location for the placement of said refuse container.
- (b) *Requirements for building renovation, modification or erection of new structures.* Prior to the issuance of a building permit by the community development department for the renovation, modification or erection of a new structure other than single-family dwellings, provisions must be made for the storage and handling of refuse and recyclables. Such arrangements shall provide free access to containers by mechanized equipment at all times. The community development department, after consultation with the contractor or owner, as applicable, shall determine the proper location for said containers.
- (c) *Dumpster placement surface.* Newly developed properties shall provide a concrete dumpster placement surface, in accordance with the specifications of the town building code. The minimum inside dimensions of such surface shall be sufficient to provide a clear area of 12 feet by ten feet- for a single refuse container.
- (d) *Replacement of dumpster placement surface.* When existing dumpster placement surface requires replacement due to deterioration, the replacement surface shall be of concrete, and in accordance with specifications of the town building code. The minimum inside dimensions of such surface shall be sufficient to provide a clear area of 12 feet by ten feet- for a single refuse container.
- (e) *Screening of refuse containers and receptacles.* The regulations provided in this subsection shall apply to all developed properties except as provided herein. The regulations provided

in this subsection shall not apply to the temporary use of refuse containers and receptacles, such as those placed on-site during construction.

- (1) Refuse containers and receptacle enclosures shall be screened from view, from public streets and abutting properties, wherever practical as determined by the community development department.
- (2) Sufficiency of accessibility to dumpsters shall be determined by the community development director and/or the town manager or designee.
- (3) A building permit shall be required for construction of receptacle screening enclosures. Such construction shall be in compliance with the town building code.
- (4) Natural plant screening materials shall be capable of attaining a height of six feet within two years of installation and shall be maintained at a height not greater than that of any dumpster enclosure.
- (5) All refuse containers and receptacles must be placed on a hard surface. Such surface shall be repaired or replaced as needed at the expense of the owner.
- (6) Screening enclosures, if not currently provided to the specifications herein, shall be in compliance with this section within six months of the effective date of the ordinance from which this chapter is derived.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-41)

Sec. 24-77. Preparation of materials for collection; special/prohibited materials.

- (a) *Hazardous, contagious or medical refuse.* It should be unlawful to place hazardous, contagious or medical refuse, containerized or noncontainerized, for collection by the town. Such materials shall include pesticides; clothing, bedding or other refuse liable to spread contagion; hypodermic needles; or other medical waste. Generators of such materials shall be responsible for storage, collection and disposal of same at an authorized disposal site as determined by the community development department.
- (b) *Tires and motor vehicle parts.* It shall be unlawful to place tires and motor vehicle parts, containerized or noncontainerized, for collection by the town. Generators of such materials shall be responsible for storage, collection and disposal of same at an authorized disposal site as determined by the community development department unless otherwise arranged pursuant to section 24-32.
- (c) *Building materials.* ~~A building contractor or installer shall make arrangements with the town for proper removal of all building materials originating prior to, during, or subsequent to the construction of a new building, alteration or addition to an existing building of whatever type or from demolition of an existing structure. The cost of said removal shall be borne by the contractor or installer.~~ All properties which require a roll-off container to secure and remove building materials during construction, or

other solid waste materials shall make arrangements with the Town's Public Works Department for roll-off containers from providers approved by the Town. The failure to do so may result in a fine pursuant to the fee schedule adopted from time to time by resolution of the Town Commission.

- (d) *Minor building repairs.* Building materials resulting from minor building repairs performed by the owner or occupant of a commercial property may be placed in the refuse container used for regular garbage and trash collection service. Discarded lumber pieces must be no longer than four feet and without nails. Subject to the approval of the town's public works department, larger materials may be ~~picked up by special request~~ placed at a predetermined location for collection at an additional charge.

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(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-42)

Sec. 24-78. Placement of containers, materials and vehicles.

- (a) *Overloading refuse containers.* It shall be unlawful to overload a refuse container by allowing materials to accumulate above the "water level" of a container. The water level is the highest level that water could stand in a container when situated on a level surface.
- (b) *Blockage of storm drains.* It shall be unlawful for any person to place any refuse, trash, refuse receptacle or container on, upon or over any storm drain or so close thereto as to be drawn by the elements into the storm drain.
- (c) *Access to mechanical containers.* It shall be unlawful for anyone to place or maintain materials or place any vehicle, whether temporarily or permanently, so as to block access to any mechanical container.
- (d) *Penalty.* The town may assess a special fee, established pursuant to section 24-111, for return trips or other additional service made necessary by a violation of this section.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-43)

Sec. 24-79. Construction and demolition sites.

- (a) *Receptacles and containers required.* It shall be unlawful for any contractor to fail to provide a suitable ~~on-site receptacles, bulk containers or detachable~~ number of approved roll-off containers for loose debris, paper, building material waste, scrap building material and other trash produced by those working on ~~the~~ a construction site. Roll-off containers, if required, shall be obtained through a provider holding a franchise from the town and shall be payable to the franchisee. All material on construction sites shall be containerized by the end of each day and the site shall be kept in a reasonably clean and litter-free condition. ~~The number of receptacles, bulk containers or detachable containers shall be determined by the town manager or designee. Construction sites shall be kept reasonably clean and orderly at all times.~~

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- (b) *Removal of concrete or other substances deposited on road surface.* Where concrete or any other substance permanently affixes itself to the road surface, causing the surface to be uneven or defaced, it shall be immediately removed by person responsible. The person responsible, as identified in this section, shall mean the driver of the vehicle which deposited the substance onto the street, the driver's employer, the owner of the real property containing the construction or demolition site and/or the prime contractor in charge of a site from where the substance originated.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-44)

Sec. 24-80. Loading and unloading areas.

Any person maintaining a loading or unloading area shall provide a suitable number and type of receptacles for loose debris, paper, packaging materials and other trash. Such person shall maintain this area neat, clean and litter free.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-45)

Sec. 24-81. Parking lots.

All commercial and public parking lots shall have refuse receptacles distributed within the parking area. All receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner of the parking lot to provide a suitable number and type of receptacles and to collect the refuse and trash deposited in those containers and store this material in an approved refuse container for collection by the town.

(Ord. No. 14-1993, § III, 5-5-1993; Code 1978, § 10-46)

Secs. 24-82—24-110. Reserved.

ARTICLE IV. RATES AND CHARGES

Sec. 24-111. Town commission to set rates, billing and collection policy.

By resolution or other official action, the town commission shall establish and may periodically amend such rates, fees, charges and other assessments to residential, commercial, agricultural and governmental persons and entities as it shall deem necessary or proper for the administration of this chapter. Such assessments may include requirements for prepayments or deposits based upon credit history and other relevant considerations. Further, said resolution or other official action may set other collection related policies including, but not limited to,

deadlines for payment, declaration of delinquency, service fee for a dishonored check, discontinuation of service.

(Ord. No. 14-1993, § IV, 5-5-1993; Code 1978, § 10-55)

Sec. 24-112. Fee debt to town; late fee; enforcement.

- (a) *Fee as debt.* The amount of any charge, fee or assessment due under this article is hereby declared to be a debt due to the town, or its agents, and any person required under the terms of this chapter to have accumulations of garbage and trash removed and disposed of by the town, or its agents, shall be liable to the town for that debt.
- (b) *Late fees.* Any bill remaining unpaid for a period of 30 days after rendition shall be delinquent and shall be subject to a late fee established by the town. Additionally, the town shall take legal action to enforce collection of the debt.
- (c) *Enforcement of lien.* A debt created hereunder may be enforced by a lien on real or personal property, by revocation of a business tax receipt and/or by any other lawful means. Any and all costs of enforcement, including attorneys' fees, shall be borne by the party or parties for that debt.
- (d) *Liability for charges and assessments for disposal costs.* Notwithstanding anything herein to the contrary, each property owner and user shall be jointly and severally liable for all charges and assessments for collection and disposal costs.

(Ord. No. 14-1993, § IV, 5-5-1993; Code 1978, § 10-56; Ord. No. 11-2006, § 6, 12-6-2006)

Sec. 24-113. Person billed for water shall be responsible for charges.

In addition to any person otherwise identified herein, the person or company in whose name water services are billed by the town or designated billing agent shall be considered and declared to be, for the purpose of the enforcement of this chapter, jointly and severally responsible for the payment of fees, rates and charges due pursuant to this chapter.

(Ord. No. 14-1993, § IV, 5-5-1993; Code 1978, § 10-57)

Secs. 24-114—24-140. Reserved.

ARTICLE V. SOLID WASTE ASSESSMENT

Sec. 24-141. Definitions.

For the purposes of this article, the definitions contained in this section shall apply unless otherwise specifically stated. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Use of the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely discretionary.

Annual solid waste assessment roll means a list confirmed by the town commission each fiscal year of all lots and parcels of assessed property in the town within the boundaries of the town containing the following information:

- (1) A summary description of each lot and parcel conforming to the description contained on the real property assessment roll;
- (2) The name and address of the owner of each lot and parcel as reflected on the real property assessment roll; and
- (3) The annual solid waste assessment imposed on each residential lot or parcel as established in the rate resolution.

Assessed property means such lots or parcels as may be designated by the town commission in the rate resolution, against which the solid waste assessment is imposed.

Assessment date means January 1 of each year, or such other date as may be designated by the town commission, which date shall constitute the date on which the solid waste assessment is imposed as a lien against assessed property listed on the annual solid waste assessment roll or on any addendum thereto.

Building means any structure, whether temporary or permanent, built for the support, shelter or enclosure of persons, chattel or property of any kind. The term "building" shall include trailers, mobile homes, or any vehicles serving in any way the function of a building.

Commercial property means ~~all improved~~any property ~~which is used~~utilized for commercial, governmental, agricultural, and industrial ~~or other nonresidential~~ purposes.

~~Commission means the town commission~~ or single-family and/or multifamily units or grouping of the Town five or more units maintained as residential rental properties or units. Commercial single-family and/or multifamily units or grouping of Lake Park, Florida. five or more units shall be billed in accordance with approved commercial sanitation rates. Commercial properties are typically serviced through the use of dumpsters or compactors.

Fiscal year means that period beginning October 1 of each year and ending on September 30 of the subsequent year.

Governmental property means all property owned by any federal, state, county, municipal or local governmental units, or any agency of such governmental unit, including school boards.

Improved property means all residential and commercial property, containing a building that generates, or is capable of generating, solid waste.

Mobile home means manufactured homes, trailers, campers and recreational vehicles.

Rate resolution means the resolution adopted by the town commission under the provisions of section 24-145 establishing the schedule of solid waste assessments to be imposed, and the categories of assessed property.

Real property assessment roll means the assessment roll maintained by the property appraiser under law for the levy of ad valorem taxes on real property.

Residential property means ~~all improved property which contains~~ any single-family dwelling maintained that is owner-occupied or multifamily property with a grouping of four or less units, unless such dwelling unit or grouping of units has been approved by the town ~~manager or the~~ commission to be classified as commercial property. Residential properties are typically serviced through the use of rollout carts.

Single-family residential unit means any building or structure containing not more than one dwelling unit that is owner-occupied and which is not, in parts or whole, leased to a tenant or otherwise utilized for commercial purposes. Residential properties are typically serviced through the use of rollout carts.

Solid waste means all types of garbage, trash, refuse and recyclables described, defined or contemplated pursuant to this chapter.

Solid waste assessment means the annual non-ad valorem special assessment imposed upon a ~~lot or parcel of improved~~ residential property in the town to pay for the cost of collection, disposal and management of solid waste generated or capable of being generated from such property and the administrative costs related thereto.

Solid waste assessment category means the classification of improved property incorporated in the rate resolution ~~for the imposition of the solid waste assessment for such property;~~ which, whose classification may constitute a subcategory of a type of property defined or referenced herein.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-70)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 24-142. Findings.

It is hereby ascertained, determined and declared that:

- (1) The requiring of all persons owning or occupying improved property within the town to dispose of solid waste and other wastes and discarded property generated on such property in accordance with the provisions of this chapter will greatly reduce the instances of illegal dumping and littering.

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- (2) It is necessary to the health, welfare and safety of the residents of the town to provide for a comprehensive program for collection and disposal of solid waste.
 - (3) It is further necessary in the implementation of such a comprehensive program to require all persons owning or occupying residential or commercial property within the town to have their solid waste collected and disposed of pursuant to the town's program for same.
 - (4) The imposition of an annual solid waste assessment is the most equitable and efficient method allocating and apportioning the cost of collection and disposal of solid waste ~~among classifications of property~~for residential properties within the town.
 - (5) The annual solid waste assessment imposed under this article to pay the cost of administration and operation of the town's system for collection and disposal of solid waste for ~~commercial and residential~~ propertyproperties is a non-ad valorem (special) assessment within the meaning and intent of F.S. § 197.3632, or its successor in function.
 - (6) It is hereby declared and determined by the town that the town's system for collection and disposal of solid waste for commercial and residential properties shall and does constitute a benefit to such properties which is equal to or in excess of the cost of providing such service.
 - (7) That each property assessed hereunder does receive a special benefit from the services to be provided pursuant to this chapter and that the assessment contemplated hereunder is fairly and reasonably apportioned among such properties receiving such special benefit.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-71)

Sec. 24-143. Mandatory disposal of garbage, trash and recyclables.

All solid waste generated within the town shall be disposed of exclusively pursuant to the town's program for the collection and disposal of such solid waste as provided by this chapter.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-72)

Sec. 24-144. Prima facie evidence of accumulation of garbage, trash and recyclables.

The fact that any commercial or residential property is capable of being occupied shall be prima facie evidence that solid waste is being generated from or accumulated upon such property.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-73)

Sec. 24-145. Imposition, amount and collection of assessment.

- (a) *Imposed.* There is hereby imposed on the assessment date against each lot or parcel of ~~improved~~residential property with the town a solid waste assessment for the collection and disposal of solid waste pursuant to the provisions of this chapter.
- (b) *Amount of assessment.* The amount of the solid waste assessment imposed each fiscal year against each lot or parcel of ~~improved~~residential property shall be at the rate established in the rate resolution for the solid waste assessment category applicable to such property.
- (c) *Collection and enforcement.* It is the intent of the town commission that the cost of collection and disposal services as well as the management and administrative costs and other costs reasonably related to such services be paid through the imposition of the annual solid waste assessment on all ~~improved property~~residential properties; provided that the commission may provide for a separate method of collection for the cost of disposal of solid waste or certain categories thereof. It is further the intent of the town commission to utilize the provisions of F.S. § 197.3632, and its successor, to provide a uniform method for the levy, collection and enforcement of this non-ad valorem assessment.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-74)

Sec. 24-146. Adoption of rate resolution and solid waste assessment roll.

The rate resolution shall fix and establish the solid waste assessment ~~categories for~~residential properties and ~~solid waste assessment~~commercial dumpster rates to be imposed within each solid waste assessment category for the ensuing fiscal year.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-75)

Sec. 24-147. Adoption of uniform method.

The town commission does hereby adopt the uniform method for levy, collection and enforcement of non-ad valorem assessments as specified in F.S. § 197.3632, and its successor, for the imposition of the solid waste assessment pursuant to this article.

(Ord. No. 12-1994, § I, 8-3-1994; Code 1978, § 10-76)

Sec. 24-148. Corrections to assessment roll.

- (a) Errors in the annual solid waste assessment roll may be corrected as provided for in this section.

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- (b) The town commission, or its designee, shall have the authority, at any time, upon its own initiative or in response to a petition from any affected owner of improved real property to correct any error of omission or commission in the adoption of any annual solid waste assessment roll or in the implementation of the rate resolution, including, but not limited to, an error in including any parcel of improved real property on such roll when such real property is not subject to assessment within the scope of the rate resolution and any error in the calculation of the annual solid waste assessment roll imposed against any parcel of improved real property.
 - (c) Any owner of a parcel of improved real property may petition to correct any asserted error of omission or commission in the classification of the owner's improved real property used in the adoption of the annual solid waste assessment roll, by filing a petition consistent with the provisions herein with the town manager between October 1 and January 31 of the fiscal year for which the solid waste assessment is levied. Failure to file such petition by January 31 of the fiscal year for which the solid waste assessment was levied shall be a complete waiver of any right of an owner to seek a correction for such year.
 - (d) The petition may be initiated orally or in writing, but in either case shall contain, at a minimum, the following information:
 - (1) The name and address of all owners of the parcel;
 - (2) The address and parcel number of the property for which the correction is sought;
 - (3) Documentation or information supporting the owner's asserted error in the classification of the parcel or the calculation of the amount of assessment.

The town manager, or the town manager's designee, shall review the petition and shall correct any errors upon finding that the owner has demonstrated an error in the classification or assessment amount assigned to such parcel. In making such determination, the standards set out in the rate resolution shall be followed.

- (e) Upon approval of correction of the solid waste assessment, the town manager or the town manager's designee shall notify the property appraiser's office of the correction to be entered into the records.
- (f) The decision of the town manager, or the town manager's designee, on a petition will be made in writing, addressed and mailed (in the case of a denial, by certified or registered mail, return receipt requested) to the petitioner within 90 days of receipt of the petition by the town. The decision shall be made based on the written or oral petition submitted by the petitioner and supporting documentation, and the burden shall be on the petitioner to demonstrate the reasons supporting the petition.
- (g) The owner receiving a correction under this section who has paid the annual solid waste assessment as originally imposed shall be entitled to a refund representing the difference between the assessed amount and the corrected amount of the annual solid waste assessment. Such refund shall be paid to the person or party making payment. The owner

receiving a correction under this section that has not paid the annual solid waste assessment should receive a corrected assessment from the tax collector.

- (h) If the petitioner is not satisfied with the decision of the town manager or the town manager's designee, the petitioner may appeal such decision to the town commission in a written petition specifying the reasons for such appeal. Such appeal shall be designated as an appeal of the decision of the town manager and shall refer to the specific decision rendered by the town manager, and must be mailed or delivered to the town clerk's office within 30 days of receipt of the decision of the town manager. Failure to file the appeal within such time limit shall constitute a forfeiture of such right of appeal. Upon receipt by the town of the petition for appeal, the matter shall be scheduled for hearing by the town commission, or its designee, at the earliest possible date, not to exceed 60 days from the date of receipt by the town of the petition for appeal. The date of such scheduled hearing may be rescheduled beyond the 60-day period by mutual agreement of petitioner and the town. The petitioner shall be given reasonable notice of such hearing by certified or registered mail, return receipt requested, sent to the address on the annual solid waste assessment roll or another address if specifically designated in the petition for appeal. The town commission may designate by resolution an independent person or persons, not an employee of the town, to carry out the responsibilities of the town commission to hear, review and render decisions on appeals.
- (i) At any hearing on such petition for appeal formal rules of evidence shall not apply, but fundamental due process and the essential requirements of law shall be observed and shall govern the proceedings. The burden shall be on the petitioner to prove the right to the relief requested by clear and convincing evidence. All witnesses shall be placed under oath or affirmation by any officer permitted under Florida law to administer oaths or by the town clerk ~~to the town commission~~. Petitioner and the town shall have the right to:
- (1) Call and examine witnesses;
 - (2) Introduce exhibits;
 - (3) Cross examine witnesses on any relevant matter; and
 - (4) Rebut the evidence.
- (j) At all hearings, the town commission or town commission designee shall hear and consider all facts material to the petition and thereafter the town commission or town commission designee, also considering the provisions of the town Code and amendments thereto, as well as the purposes and intent thereof, may grant or deny, partially or wholly, the relief requested in the petition. The decision of the town commission or town commission designee, resulting from a hearing, shall be final and no petition for rehearing or reconsideration shall be considered. Any person, including the town and the petitioner, who is aggrieved by any decision of the town commission or town commission designee, may apply in the circuit court of the county within 30 days of rendition of such decision for

a review by writ of certiorari in accordance with the applicable Florida Appellate Rules.
However, this provision shall not be construed to limit any other remedy provided by law.
(Ord. No. 18-1994, § I, 12-14-1994; Code 1978, § 10-77)

Public Hearing: Ordinance on First Reading Amending Articles I, II, III and V of Chapter 24, Solid Waste, of the Town's Code of Ordinances

Roberto Travieso
Department of Public Works



Background



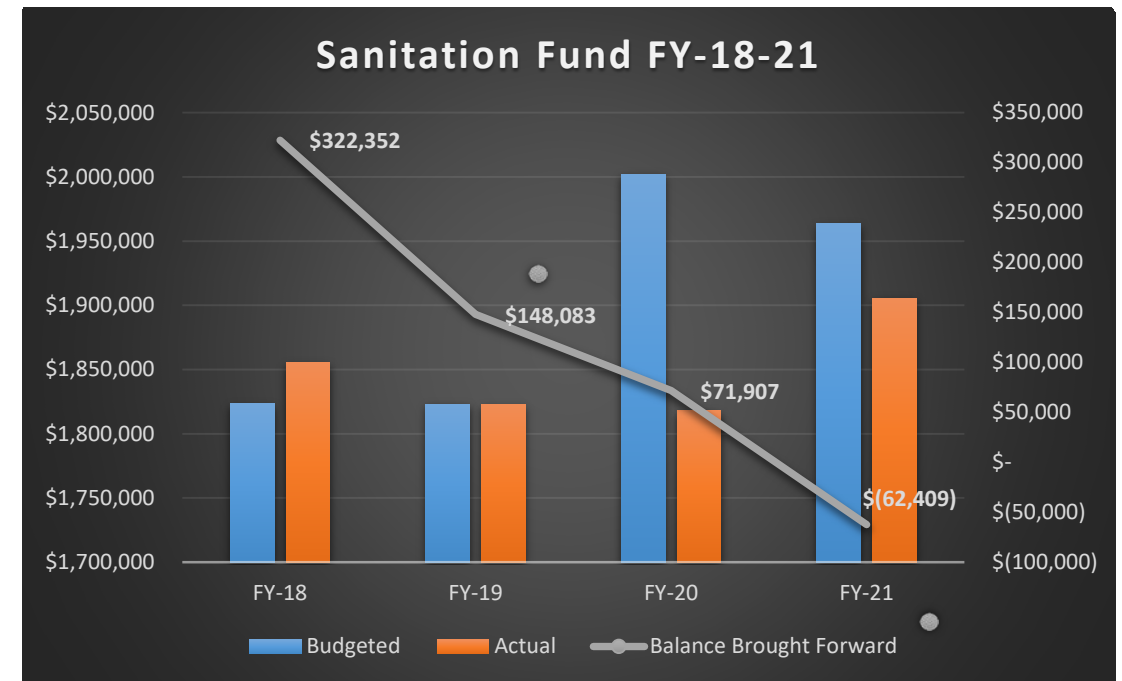
- The Town is required to provide solid waste collection and disposal services
- The Town, through the PWD, operates an in-house Solid Waste (Sanitation) Utility
- Collects solid waste from residential and commercial properties
- First line of defense for the health of the community



The Sanitation Fund



- Operates as a self-supporting Enterprise governmental fund
- Has historically fluctuated, borrowed from Reserves
- Impacted utility operation, rate stability, and planning for current/future needs



Sanitation Equipment



- Currently operates ten (10) trucks with an average years in service of **7.8 Years**
 - Nine of 10 trucks are past their recommended service life
- Results in frequent out-of-service periods and extended lead times for parts & service



Recent Sanitation Rate History



- No regular Rate updates until **2020**, despite increasing operational costs
- Completed Sanitation Rate Study in **2020**, recommended incremental rate adjustments
- Residential and Commercial Rates increased 9% in **2020**
- Completed Commercial & Multi-Family Classes Rate Study in **2022**
- Residential Rates increased by 10% in **2022**
- Commercial Rates increased by 19.7% in **2022** (Commercial NAV also discontinued)

2022 Sanitation Rate Study



- Multi-Family Dwellings:
 - Code does not differentiate between single-family and multi-family dwellings
 - Single-family/<5 unit multi-family dwelling = **\$258.37**
 - >5 unit multi-family dwelling = **\$174.97** (**38.5%** lower than single-family)
 - Multi-family (5 units or greater) w/ dumpster service: **44 of 50 (88%)**
 - Residential Single-family and Multi-family dwellings have differing solid waste generation rates and collection requirements

Recommendations



- Transition Multi-Family (5 units or greater) to Commercial Rate Class
 - Requires Update to Ordinance
 - Aligns Rate Class w/ Type of Service (Industry standard)
 - Projected Revenue increase of **\$88,000.00 (29% at 2021's rates)**
 - **Varying** cost increases for dumpster services (Billed to HOA's)
 - Proposed Schedule for Key Events:
 - **12/26/2023:** Direct Mailer sent to stakeholders announcing subject hearings
 - **Jan-Mar 2023:** Complete proposed Rate Study
 - **Apr 2023:** Public Workshop: Study findings, transition strategies, etc.
 - **Oct 2023 (FY-24):** *Transition of multi-family (5+ units) to new Rate Class*

Multi-Family (5+ Units) Example



- **Property:** Lake View Condominium, 810 Lake Shore Drive
Service: (2) 4-cy x3/week

Annual NAV Assessment to EA Property Owner (46 Units)	Total Annual NAV Assessment (Revenue)	Proposed <u>Monthly</u> Commercial Dumpster Fees Billed to HOA's	Proposed <u>Annual</u> Commercial Dumpster Fees (Revenue) Billed to HOA's
\$174.97	\$8,048.62	\$1,176.24	\$14,114.88

Multi-Family (5+ Units) Example



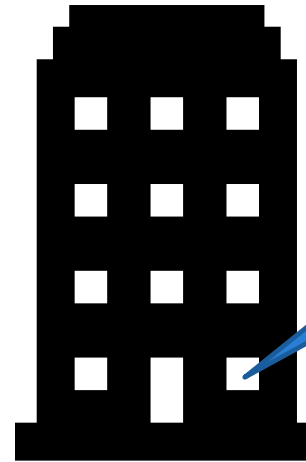
Qty: 2, .5-CY Carts/Week

Single-Family Home

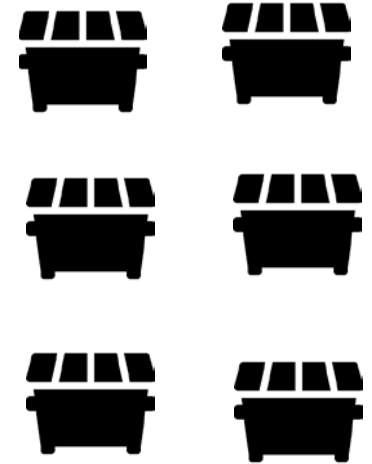
Annual NAV Assessment: **\$258.37**

Average # of Occupants: 3.4 occupants (per US Census)

Total Allowed Set Out Volume: **1 Cubic Yard/Week**



Unit 103



Qty: 2, 4-CY Dumpsters x 3/Week

EA Lake View Condominium Unit:

Annual NAV Assessment: **\$174.97**

Average # of Occupants: 3.4 occupants (per US Census)

Total Allowed Set Out Volume:

As much as 24 Cubic Yards/Week

Chapter 24: Solid Waste



- **Organization:** Divided into Five (5) Articles
- **Most recent update:** 2002
- **Primary purposes for proposed revisions:**

Facilitate implementation of the Rate Study Recommendations, Modernize the Solid Waste Code, and promote fiscal and operational stability for the utility by:

- Updating general text
- Updating certain procedures and policies
- Reclassifying Multi-family properties (5 units or greater to Commercial Rate Class)

Highlights of Proposed Revisions



- **Article I, Sec. 24-1. and Article V, Sec 24-141, Definitions:**

Current Text:

Commercial property means any property utilized for commercial purposes including single-family and/or multifamily units or grouping of units maintained as residential rental units. For the purpose of billing the annual assessment, commercial single-family and/or multifamily units will be billed the residential assessment rate accordingly.

Proposed Text:

Commercial property means any property utilized for commercial, governmental, agricultural, and industrial purposes or single-family and/or multifamily units or grouping of five or more units maintained as residential rental properties or units. Commercial single-family and/or multifamily units or grouping of five or more units shall be billed in accordance with approved commercial sanitation rates. Commercial properties are typically serviced through the use of dumpsters or compactors.

Highlights of Proposed Revisions



- **Article I, Sec. 24-1. and Article V, Sec 24-141, Definitions:**

- Updated definition of *Residential Properties* to clarify differences between single-family and multi-family (4 or less and 5 or greater) type of properties
- Updated definition for *Single-family Residential Unit* to further delineate when it becomes a Commercial Property

- **Article I, Sec. 24-1. Definitions:**

- Updated definition for *Containerized Light Yard Trash* to allow for additional set-out volume
- Updated definition of *Rollout Cart* to reflect current volume of containers

Highlights of Proposed Revisions



- **Article I, Sec. 24-8. Dumping on property owned by others prohibited:**
 - Updated text to emphasize the applicability of fines in case of violation
- **Article II, Secs. 24-34 and 24-74. Approved Containers:**
 - Relocated text from Section 24.38.h.4 and 24-77.c to sections 24-34 and 24-74, respectively, to improve Ordinance organization and clarify the requirements and procedures pertaining to the use of roll-off containers by residential property owners/occupants in the Town
- **Article III, Sec. 24-79. Construction and Demolition Sites:**
 - Updated text to clarify the requirements and procedures pertaining to the use of roll-off containers by residential property owners/occupants in the Town



Discussion/Questions



TOWN OF LAKE PARK MOBILITY PLAN & MOBILITY FEE

January 4th, 2023



MOBILITY COHORT

2045 Mobility Plan & Mobility Fee

- **A Mobility Plan** is a vision over the next **22 years** for moving **people**.
- **Mobility Plans** create a balance between reducing congestion and support community growth.
- **Mobility Plans** are required by Florida Statute to serve as the basis for development of a **Mobility Fee**.



Project Process

**Project
Kickoff**



Feb

**Public
Meeting
#1**



June

**Public
Meeting
#2**



July

**Comprehensive
Plan
Amendment**



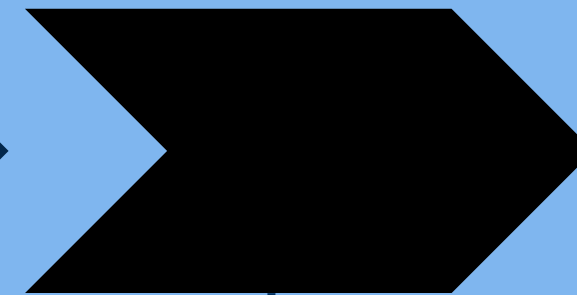
Aug

**Commission
Workshop**



Sept

**Planning &
Zoning**



Nov

Updated Mobility Plan

- Includes updates based on staff feedback and guidance from Commission & PZB workshops
- New future roads removed or alignments adjusted to minimize impacts to Scrub Natural Area
- New future developer roads removed (west) where in conflict with proposed developments
- Identifies projects requiring private or County ROW, utility easements, or outside of Town limits
- Waterfront promenade alignment updated



2045 LAKE PARK MOBILITY PLAN

DRAFT

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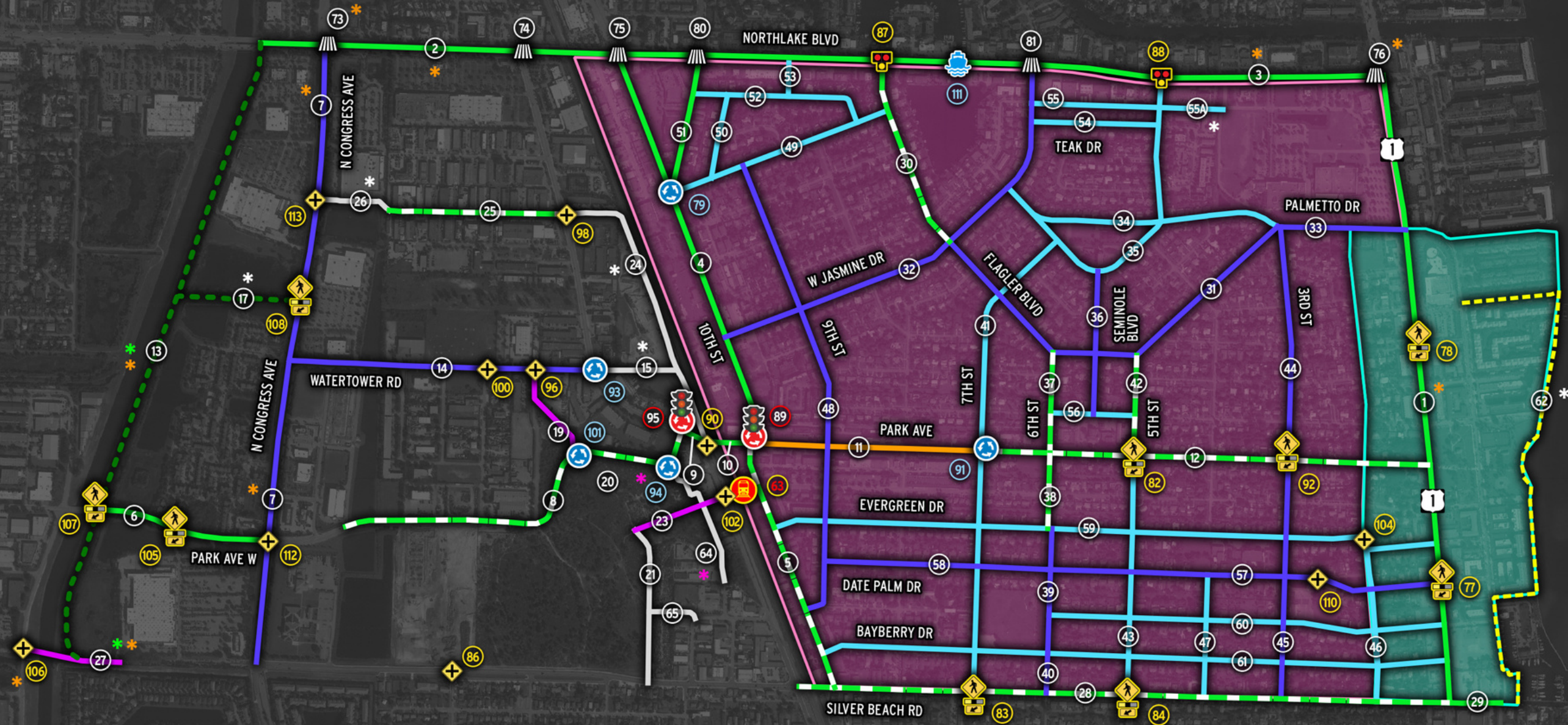
- LAKE PARK GREENWAY
- WATERFRONT PROMENADE
- TWO (2) LANE DIVIDED COMPLETE STREET
- PARK AVE CURBLESS MAIN STREET
- NEW FUTURE TWO (2) LANE ROAD
- NEW FUTURE TWO (2) LANE ROAD
(TO BE CONSTRUCTED BY NEW DEVELOPMENT/
REDEVELOPMENT)
- RESIDENTIAL TRAFFIC CALMING PROGRAM
- FEDERAL HIGHWAY MIXED-USE OVERLAY
DISTRICT (FHMUDO)

- ### STREET IMPROVEMENTS
- MULTIMODAL IMPROVEMENT
 - COMPLETE STREET
 - PRIORITY RESIDENTIAL TRAFFIC
CALMING STREET (DESIGN TBD
BASED ON FURTHER EVALUATION)

- ### CROSSING IMPROVEMENTS
- INTERSECTION IMPROVEMENT
 - ROUNDBOUT
 - SIGNALIZED ROUNDBOUT
 - HIGH-INTENSITY ACTIVATED
CROSSWALK (HAWK)
 - HIGH VISIBILITY
CROSSWALK
 - RECTANGULAR RAPID
FLASHING BEACON (RRFB)

- TRAIN STATION
- BOAT UNDERPASS

- 1 * #15, 17, 24, 26, 55A, 62 - PROJECT REQUIRES RIGHT-OF WAY FROM PRIVATELY-OWNED PROPERTY
- 2 * #13, 27 - PROJECT REQUIRES UTILITY EASEMENT
- 3 * #64 - PROJECT REQUIRES RIGHT-OF-WAY OWNED BY PALM BEACH COUNTY
- 4 * #1, 2, 3, 7, 13, 27, 73, 76, 106 - ENTIRELY OR PARTIALLY LOCATED OUTSIDE LAKE PARK TOWN LIMITS



Lake Park Mobility Fee & County Road Impact Fee

Scenario A (recommended)

- Town Mobility Fee assessed in addition to County RIF
- Includes local contribution for road capacity (10-20%) and multimodal projects (10-50%)
- Lower Town fee, but overall higher fee (Town + County) for development (barring County negotiations)

Lake Park Mobility Fee & County Road Impact Fee

Alternative

- Town Mobility Fee only
- Not recommended at this time due to:
 - County Agreement on Comprehensive Plan
 - Pending fee litigation
 - Requesting County extend Park Ave
 - Innovative intersection needs @ Park Ave, Old Dixie, 10th St
 - Requesting Ovalabout
 - Proposed Silver Beach Rd Improvement
 - Requesting intersection improvements at high crash locations on Congress

Mobility Fee (Scenario A)

- Mobility Fee calculation and rates updated based on changes to the Mobility Plan
- New draft Fee Schedule
- Decrease in overall cost of the Plan (compared to Draft 1)
- Decrease in Person Miles of Capacity Rate
- Decrease in most Mobility Fee rates

Technical Report

Person Miles of Travel Rate (PMTr) per Assessment Area

$$\begin{aligned} ICfs &= (1 - 0.217) = 0.783 \\ ICfn &= (1 - 0.111) = 0.889 \\ ACSTmp &= (UCSTmp \times ECEf) \times NGEf \\ ACSTmps &= (ACSTmp \times ICfs) \\ ACSTmpn &= (ACSTmp \times ICfn) \\ PMTre &= (ACSTmp / PMTi) \\ PMTrs &= (ACSTmps / PMTi) \\ PMTrn &= (ACSTmpn / PMTi) \end{aligned}$$

Where:

e = East Assessment Area (Map A)
s = Southwest Assessment Area (Map A)
n = Northwest Assessment Area (Map A)
UCSTmp = Unfunded Cost of Mobility Plan projects (Table 14)
ECEf = Existing Conditions Evaluation factor of 1.00 (Table 7)
NGEf = New Growth Evaluation factor of 1.00 (Table 15)
ACSTmp = Attributable Cost of Mobility Plan projects
ICf = Internal Capture factor (Table 16)
PMTi = Person Miles of Travel Increase (Table 6)
PMTr = Person Miles of Travel Rate

Prepared by NUE Urban Concepts,

New Growth Evaluation factor (NGEf)
 $PMG = \sum (LENci \times PMCci) + \sum (PMCIi) + \sum (PMCTp)$
 $NGEf = (PMTi / PMG)$
If $NGEf > 1.00$, then the NGEf is set at 1.00
Where:
NGEf = New Growth Evaluation factor (Table 14)
LENci = Length of Phase Two Mobility Plan Corridor Improvements (Appendix G)
PMC = Person Miles of Capacity
PMCCI = PMC of Phase Two Mobility Plan Corridor Improvements (Appendix G)
PMCIi = PMC of Phase Two Mobility Plan Intersection Improvements (Appendix N)
PMCTp = PMC Phase Two Mobility Plan Transit Projects (Appendix O)
PMTi = Person Miles of Travel increase (Table 6)
PMCI = Person Miles of Capacity increase (Table 11)

Mobility Fee per use (MFu) per Assessment Area

$$\begin{aligned} MFue &= PTDue \times PMTre \\ MFus &= PTDus \times PMTrs \\ MFun &= PTDun \times PMTrn \end{aligned}$$

Where:
e = East Assessment Area (Map A)
s = Southwest Assessment Area (Map A)
n = Northwest Assessment Area (Map A)
PTDu = Person Travel Demand per use (Appendix X)
PMTr = Person Miles of Travel Rate (Table 17)
MFu = Mobility Fee per use (Appendix Z)

Prepared by NUE Urban Concepts, LLC

Person Miles of Travel increase (PMTi) per each assessment area

$$\begin{aligned} \sum VMT &= (\sum \text{Vehicle per Trip} \times \sum \text{Average Vehicle Trip Length}) \\ \sum PMT &= (\sum \text{Persons per Trip} \times \sum \text{Average Person Trip Length}) \\ PMTf &= (\sum \text{of PMT} / \sum \text{of VMT}) \text{ per each assessment area} \\ VMTi &= (2045 \text{ VMT} - 2022 \text{ VMT}) \text{ per each assessment area} \\ PMTi &= (VMTi \times PMTf) \text{ per each assessment area} \end{aligned}$$

WHERE:
 $\sum VMT$ = Sum of Vehicle Miles of Travel by trip purpose (Appendix D, E, F)
 $\sum PMT$ = Sum of Person Miles of Travel by trip purpose (Appendix D, E, F)
PMTf = Person Miles of Travel factor per each assessment area
PMT = Person Miles of Travel
VMTi = Vehicle Miles of Travel Increase (Table 5)
PMTi = Person Miles of Travel increase (Table 6)

Prepared by NUE Urban Concepts, LLC

Person Travel Demand per use (PTDu) per Assessment Area

$$\begin{aligned} PTDue &= (((TG \times \% \text{NEW}) \times ETfe) \times PTfe) \times PTle = PTDge; (((PTDge \times CRf) \times LAEf) \times ODF) \\ PTDus &= (((((TG \times ICfs) \times \% \text{NEW}) \times ETfs) \times PTfs) \times PTls) = PTDgs; (((PTDgs \times CRf) \times LAEf) \times ODF) \\ PTDun &= (((((TG \times ICfn) \times \% \text{NEW}) \times ETfn) \times PTfn) \times PTln) = PTDgn; (((PTDgn \times CRf) \times LAEf) \times ODF) \end{aligned}$$

Where:

PTDu = Person Travel Demand per use (Appendix X)
e = East Assessment Area (Map A)
s = Southwest Assessment Area (Map A)
n = Northwest Assessment Area (Map A)
TG = Trip Generation (Appendix R)
% NEW = Percent of Trips that are Primary Trips (Appendix R)
ICfs = Internal Capture factor (Appendix S) of 0.783 (Figure 9)
ICfn = Internal Capture factor (Appendix S) of 0.889 (Figure 9)
ETfe = External Trip factor (Appendix S) of 0.753 (Table 18)
ETfs = External Trip factor (Appendix S) of 0.734 (Table 18)
ETfn = External Trip factor (Appendix S) of 0.629 (Table 18)
PTf = Person Trip Factor by Trip Purpose (Appendix T)
PTl = Person Trip Length by Trip Purpose (Appendix T)
PTDg = Person Travel Demand gross per use (Appendix X)
CRf = County Road factor of 0.878 (Table 20)
LAEf = Limited Access Evaluation factor of 0.643 (Table 21)
ODAF = Origin & Destination Adjustment factor of 0.50 to avoid double-counting

Prepared by NUE Urban Concepts, LLC

TOWN OF LAKE PARK

MOBILITY PLAN & MOBILITY FEE

TECHNICAL REPORT

OCTOBER 2022



NUE URBAN CONCEPTS
LAND USE • MOBILITY • PARKING • FEES

THE REPUBLIC
DESIGN

DDEC

futureplan

MOBILITY COHORT

Mobility Fee Rates

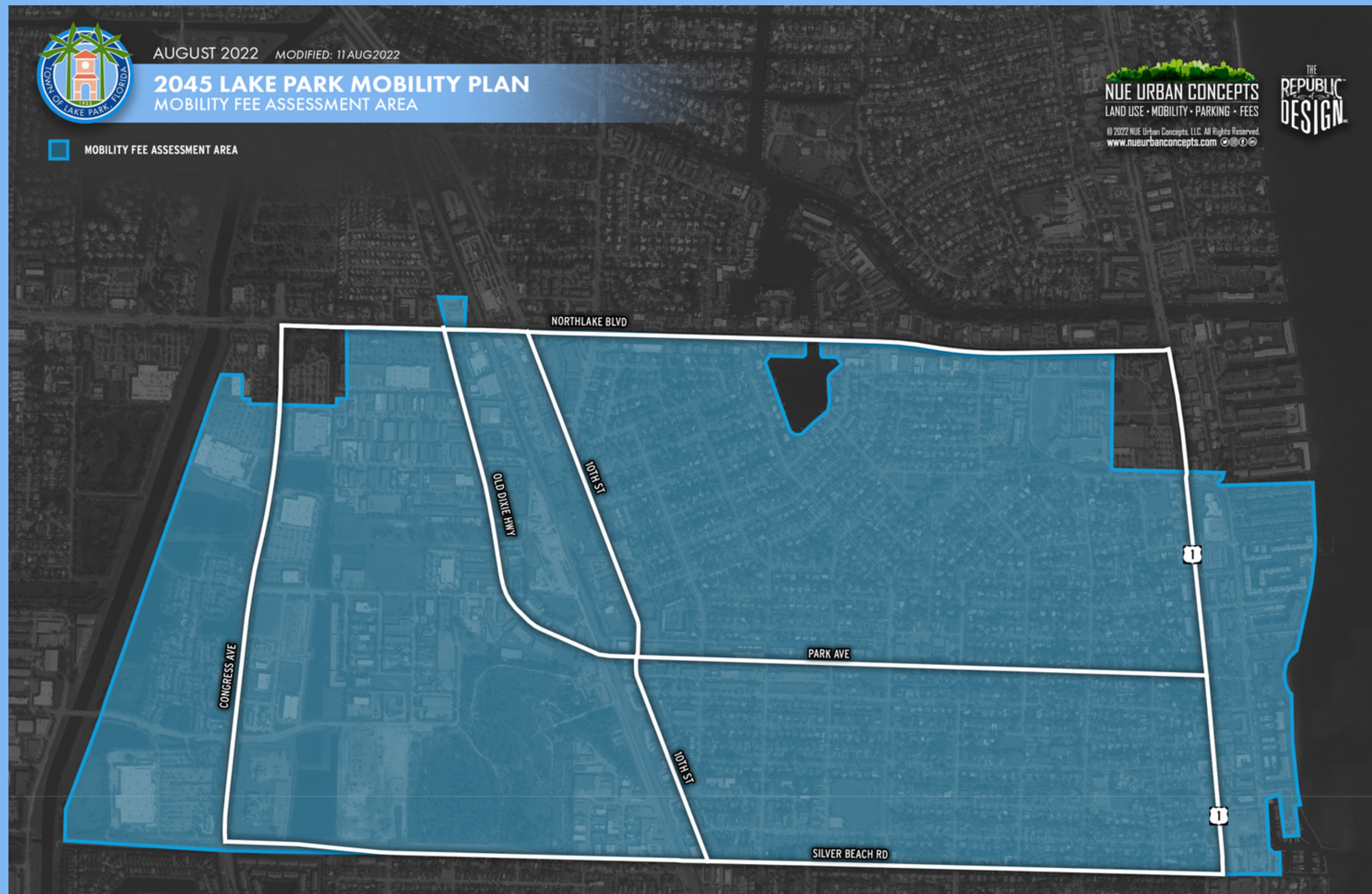
Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Mobility Fee	Unit of Measure	Mobility Fee
Residential / Lodging Uses				
Affordable, Attainable or Workforce Residential	per sq. ft.	\$0.43	per 1,000 sq. ft.	\$ 431
Residential	per sq. ft.	\$0.86	per 1,000 sq. ft.	\$ 861
Overnight Lodging (Hotel, Inn, Motel, Resort)	per room	\$ 971	per room	\$ 971
Mobile Residence (Mobile Home, Recreational Vehicle, Travel Trailer)	per space or lot	\$ 633	per space or lot	\$633
Institutional Uses				
Community Serving (Civic, Museum, Performing Arts, Place of Assembly or Worship)	per sq. ft.	\$ 0.82	per 1,000 sq. ft.	\$ 823
Long Term Care (Assisted Living, Congregate Care Facility, Nursing Facility)	per sq. ft.	\$0.47	per 1,000 sq. ft.	\$ 474
Private Education (Day Care, Private Primary School, Pre-K)	per sq. ft.	\$ 0.64	per 1,000 sq. ft.	\$ 643

Mobility Fee Rates

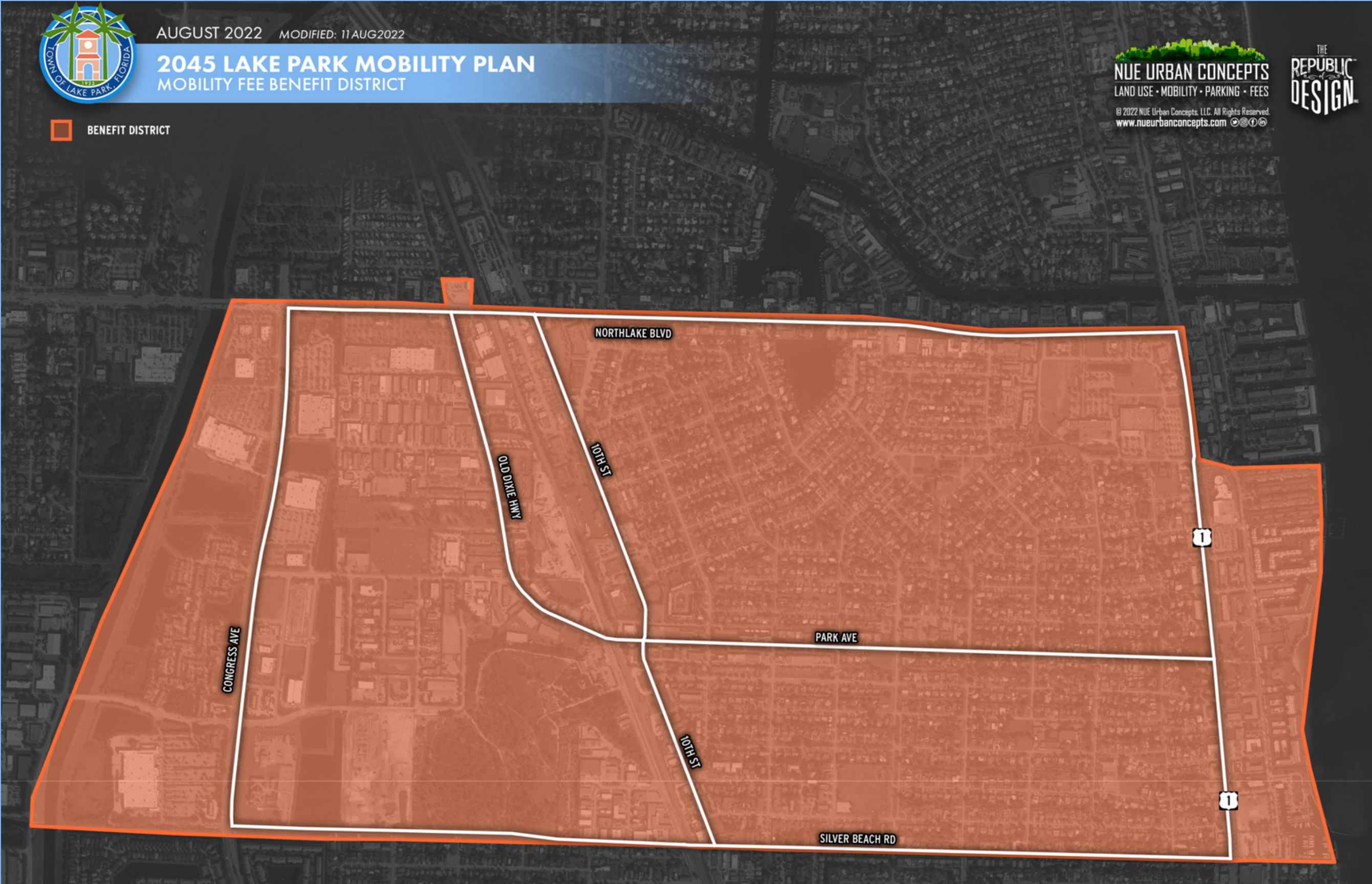
Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Mobility Fee	Unit of Measure	Mobility Fee
Industrial Uses				
Industrial (Assembly, Brewing, Distilling, Distribution, Fabrication, Flex Space, Manufacturing, Nursery, Outdoor Storage, Processing, Trades, Warehouse, Utilities)	per sq. ft.	\$ 0.63	per 1,000 sq. ft.	\$627
Industrial (Distribution, Fulfillment, Nursery, Outdoor Storage, Storage, Warehouse)	per sq. ft.	\$0.23	per 1,000 sq. ft.	\$232
Recreational Uses				
Marina (Including dry storage)	per acre	\$ 358	per acre	\$ 358
Outdoor Commercial Recreation (Amusement, Golf, Multi-Purpose, Parks, Sports, Tennis)	per acre	\$ 1,812	per acre	\$ 1,812
Indoor Commercial Recreation (Dance, Gym, Fitness, Indoor Sports, Kids Activities, Yoga)	per sq. ft.	\$ 3.43	per 1,000 sq. ft.	\$ 3,428
Office Uses				
Office (Dental, General, Higher Education, Hospital, Medical, Professional)	per sq. ft.	\$ 1.25	per 1,000 sq. ft.	\$ 1,252
Medical Office (Clinic, Dental, Emergency Care, Medical, Veterinary)	per sq. ft.	\$3.17	per 1,000 sq. ft.	\$ 3,172

<div> <div>Mobility Fee Rates</div> </div>	Use Categories, Use Classifications, and Representative Uses	Unit of Measure	Mobility Fee	Unit of Measure	Mobility Fee
	Commercial & Retail Uses				
	Small Retail Business (Entertainment, Restaurant, Retail, Services)	per sq. ft.	\$1.14	per 1,000 sq. ft.	\$1,139
	Retail (Discount, Entertainment, Financial, Retail, Services, Superstore)	per sq. ft.	\$2.28	per 1,000 sq. ft.	\$2,277
	Beverage & Restaurant (Chain and National High Turn-Over & Sit-Down Bar and / or Restaurant	per sq. ft.	\$5.08	per 1,000 sq. ft.	\$5,079
	Convenience Retail (Convenience, Motor Vehicle Charging & Fueling, Quick Service Restaurant)	per sq. ft.	\$12.54	per 1,000 sq. ft.	\$12,541
	Additive Fees for Commercial Services & Retail Uses				
	Bank Drive-Thru Lane or Free-Standing ATM 10	per lane or ATM	\$8,093	per lane or ATM	\$8,093
	Motor Vehicle & Boat Cleaning (Detailing, Wash, Wax)	per lane or stall	\$3,121	per lane or stall	\$3,121
	Motor Vehicle Charging or Fueling	per charging or fueling position	\$3,221	per charging or fueling position	\$3,221
	Pharmacy Drive-Thru	per lane	\$2,646	per lane	\$2,646
	Quick Service Restaurant Drive-Thru	per lane	\$6,139	per lane	\$6,139
	www.mobilitycohort.com/lakepark				

Assessment Area



Benefit District



Mobility Fee Assessment Example

Town Mobility Fee

2,500 sq. ft. of Single-Family Residential (per sq. ft.)

$$2,500 \times \$0.86 = \$2,150$$

County Road Impact Fee

** New County fee effective Jan 1, 2023*

One Single-Family Residential unit (per unit)

$$1 \times \$5,039.75 = \$5,039.75$$

Total Fee To Be Paid:

\$7,189.75

Next Step

2nd Reading of Mobility Fee
Ordinance:
January 18th



Questions, Comments & Concerns

Jonathan B. Paul, AICP

Visit

www.mobilitycohort.com/lakepark



NUE Urban Concepts
nueurbanconcepts@gmail.com
www.nueurbanconcepts.com
833-NUC-8484





TOWN MANAGER COMMENTS

TOWN COMMISSION MEETING Wednesday, January 4, 2023

COMMUNITY DEVELOPMENT

Bert Bostrom Park Public Workshops - Staff has been discussing the master planning of Bert Bostrom Park as it relates to the underground chambers initiative underway and the opportunity to implement a community center and sports/recreational options throughout the park area. Staff intends on engaging the community for initial input and will provide visual plans with some preliminary ideas for discussion. Two public workshops (led by Staff) are anticipated. One on **Saturday, Feb. 25 at 9 a.m.** at Town Hall and a second on **Saturday, April 29 at 9 a.m.** at Town Hall (the first will gather ideas so that a design can be worked on and then presented for final community feedback on April 29). Staff will be working through the details in the next few weeks. Postcard invitations with the workshop dates and a QR code directing the community to an informational page and survey will be mailed town-wide (and posted on all our media outlets). The Town Commission, P&Z Board and Tree Board are invited to participate in the public workshops. Results of the public input and next steps will then be presented. Consultant design services will also be required to then formalize a master plan that can then be implemented contingent on available funding.

HUMAN RESOURCES

Town Job Openings

The Town of Lake Park is seeking qualified individuals to fill the following job openings:

Dock Attendant. The Lake Park Harbor Marina is seeking a qualified individual to fill the position of Dock Attendant. High school diploma or equivalent plus a minimum of one year of experience are among the requirements for this position. Must be able to swim. Pay range \$15.90 to \$24.65 per hour. The deadline by which to apply is 5:00 p.m. on **January 9, 2023.**

The Public Works Department is seeking a qualified individuals to fill the following positions:

Irrigation Technician. High school diploma or equivalent plus a minimum of two (2) years of experience with irrigation systems are required plus a valid Florida driver's license. Pay range: \$17.01 to \$26.37 per hour. The deadline by which to apply is 5:00 p.m. on **January 11, 2023.**

Sanitation Truck Operator II. A minimum of two (2) years of relevant experience and a valid Florida Class B Commercial Driver's License are required. Have not lost any driving privileges by reason of revocation, suspension or denial of license, or have been convicted

and/or had an adjudication withheld of three or more moving violations in the previous 36-month period. Pay range: \$18.21 to \$28.22 per hour. The deadline by which to apply is 5:00 p.m. on **January 6, 2023**.

Stormwater Technician II. A High school diploma or equivalent required supplemented by a minimum of three (3) years of related experience, including a minimum of two (2) years verifiable heavy equipment or vacuum truck operating experience. A valid Florida Class B Commercial Driver's License is also required. Florida Water and Pollution Control Operators Association (FW&PCOA) or Florida Stormwater Association (FSA) Stormwater Technician Certification, or equivalent, is preferred. Pay range: \$18.21 to \$28.22 per hour. The deadline by which to apply is 5:00 p.m. on **January 6, 2023**.

To view the complete job postings for the above positions or to download an employment application, please visit the Town's official website at www.lakeparkflorida.gov . For additional information please contact the Town's Human Resources Department at 561-881-3300, Option 8.

PUBLIC WORKS

Web-based Service Request System - The Public Works Department is pleased to offer a new and more efficient method for requesting service. The department has implemented a web-based system that enables you to submit requests for all Public Works services or report issues simply by completing a short form. We ask that you provide your contact information (including email address) to enable automatic notifications regarding the status of your request or to allow us to reach you should we have any questions. The system may be accessed by visiting the Town's website at www.lakeparkflorida.gov and selecting "Request Service" under the I Want To menu (top right corner). Alternatively, you may also click on Government>Departments>Public Works>Request Service. Please contact the Public Works Department with any questions about the new system by calling 561-881-3345 or publicworks@lakeparkflorida.gov.

SPECIAL EVENTS

City of Riviera Beach Martin Luther King, Jr. Day Parade

The City of Riviera Beach will hold its annual Martin Luther King, Jr. parade on **Saturday, January 14**, from 10:00 a.m. to 2:00 p.m. Town Commission, please advise the Town Clerk of your RSVP to attend this event as soon as possible so that we may order the necessary number of cars.

Centennial Kickoff Concert

Join the Town of Lake Park **Friday, January 27** at 6 p.m. for the first official event honoring our CENTENNIAL! Lake Park will officially turn 100 in November, but we're celebrating our

birthday all year long! Our Centennial Kickoff Concert will feature Essence of Motown, bringing the excitement, dance and harmonies of the Motown sound, and so much more to the stage. There will also be food vendors, arts and crafts vendors and raffle prizes! Parking and admission for this special event are FREE! For more information please contact the Special Events Department at 561-840-0160

HOLIDAY CLOSURE AND SANITATION SCHEDULE

Town Office Closures:

- All Town of Lake Park offices will be closed on **Monday, January 16**, in observance of Martin Luther King, Jr. Day. The Lake Park Public Library will also be closed on **Saturday, January 14**.

Holiday Sanitation Schedule:

The residential sanitation schedule for the **week of January 16th** is as follows:

- Monday, January 16: No Service in Observance of MLK JR Day
- Tuesday, January 17: Garbage cart and vegetation collection
- Thursday, January 19: Garbage cart and bulk trash collection
- Friday, January 20: Recycling cart collection

The commercial sanitation schedule remains unchanged

As a reminder, the weekly residential sanitation schedule is always posted on the Town's website, as well as Facebook and Nextdoor, for easy reference.

TOWN COMMISSION CONSENSUS

In 2015 a Proclamation was presented to the eldest daughter of Public Works employee Peter Mikes for her high school academic achievements. Mr. Mikes is seeking a Proclamation to be presented to his now youngest daughter for her academic achievements this school year. This item is being brought to the Town Commission to consider a Proclamation on a future Town Commission Meeting agenda.

Town of Lake Park
Centennial
Kickoff Concert

Featuring
Essence of Motown



Live Entertainment, Food Vendors, Arts & Crafts Vendors, Raffle Prizes

Friday, January 27, 2023
6:00 PM - 9:00 PM
Lake Park Harbor Marina
105 Lake Shore Drive
Lake Park, FL 33403

For more information call 561-840-0160 or
email specialevents@lakeparkflorida.gov

