

ORDINANCE NO. 32-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, AT ARTICLE III, BOATS AND BOATING, TO INCLUDE NEW SECTIONS 74-270, 74-271, 74-272 and 74-273 RELATING TO THE PROHIBITION OF FLOATING STRUCTURES; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT/ PENALTIES; PROVIDING FOR INCLUSION IN THE CODE ENFORCEMENT CITATION FINE ORDINANCE OF THE TOWN OF PALM BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palm Beach County has adopted Ordinance Number 2015-030 relating to the prohibition of floating structures which are considered a risk to persons and property and which pose navigational hazards; and

WHEREAS, said Ordinance applies only within the jurisdiction of Palm Beach County and does not apply within the municipalities located within Palm Beach County; and

WHEREAS, it has been determined by the Town Council of the Town of Palm Beach that floating structures in the waters located within the Town of Palm Beach pose a special risk to persons and property, as these structures are not usually self-propelled and cannot be quickly relocated during weather events and because floating structures pose navigational hazards above and beyond those caused by vessels which primary purpose is navigation; and

WHEREAS, prohibiting the anchoring or mooring of floating structures outside of privately owned properties, marinas and docks is in accord with the policy of the State to limit activities on sovereign submerged lands to water dependent activities; and

WHEREAS, the Town Council of the Town of Palm Beach finds that floating structures, other than those anchored or moored at privately owned property, a marina or dock, should be prohibited from anchoring or mooring in the waters within the jurisdiction of the Town or on property owned by the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 74, Parks and Recreation, at Article III, Boats and Boating, to provide new Sections 74-270 through 74-273 to read as follows:

CHAPTER 74
PARKS AND RECREATION
ARTICLE III. Boats and Boating

"Sec. 74-270. Prohibition of floating structures.

No floating structure shall be anchored or moored in the waters lying within the jurisdiction of the Town or on any property owned by the Town, including any submerged lands. Notwithstanding the foregoing, nothing in this ordinance shall prohibit a floating structure from anchoring or mooring at a public or private marina within a berth or slip, a public or private dock with permission from the property owner or on privately owned property, including submerged lands.

Sec. 74-271. Definitions.

"Anchor" means the act of temporarily securing a floating structure in the water by means of an anchor or other device and associated tackle that is carried on the floating structure and cast or dropped overboard.

"Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" as defined in Section 317.02, Florida Statutes. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure. Registration of the entity as a vessel in accordance with Chapter 327, Florida Statutes, shall not preclude an entity from classification as a floating structure.

"Moor" means the act of securing a floating structure in the water by means of a permanent or semi-permanent mooring system affixed to the bottom of the water body.

Sec. 74-272. Enforcement; penalties.

Any law enforcement officer acting within his or her jurisdiction or Town of Palm Beach code enforcement officer is authorized to enforce this ordinance. The violation of any provision of this ordinance shall be punishable as provided in Section 1-14, the general penalties provision of the Town Code or Ordinances or, alternatively, pursuant to the provisions of Chapter 2, Article V, of the Town Code of Ordinances relating to code enforcement.

Sec. 74-273. Inclusion in the code enforcement citation ordinance of the town.

Chapter 2, Administration, Section 2-439, Citation Fine Schedule, of the Town Code of Ordinances is hereby amended to include a violation of Section 74-270, Prohibition of Floating Structures, as a Class III Violation."

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

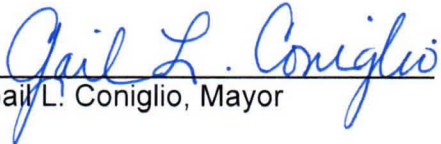
Section 4. Codification.

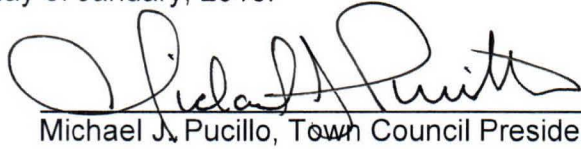
This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.


This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

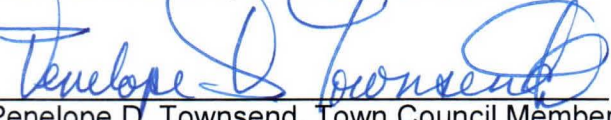
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 8th day of December, 2015, and for second and final reading on this 12th day of January, 2016.


Gail L. Coniglio, Mayor




Michael J. Pucillo, Town Council President


Richard M. Kleid, President Pro Tem


Danielle H. Moore, Town Council Member


Penelope D. Townsend, Town Council Member


Robert N. Wildrick, Town Council Member

ATTEST:

Susan A. Owens, MMC, Town Clerk

Cheryl A. Somers Acting

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HOROSCOPE

Celebrities born on this day: Elizabeth Dushku, 35; Iaila Ali, 36; Tiger Woods, 40; Matt Lauer, 38.

Happy birthday: Don't let anything stand in your way. Recognize opportunities and make a point to forge into the future with confidence and brute force. It's up to you to make things happen, so don't waste time waiting for others to catch up. Don't let emotional matters deter you from getting ahead. Put things in perspective and don't look back. Your numbers are 8, 15, 24, 28, 32, 44.

Aries (March 21-April 19): Lady luck is in your corner. When it comes to money, contracts, negotiations and settlements, the planets favor you. Hesitation will be your downfall and arguments will be a waste of time. When an opportunity arises, give it your best shot.

Taurus (April 20-May 20): Open up conversations with people who have an inside view of an industry that interests you. Networking and socializing with your peers will lead to a new friendship with a colleague you want to collaborate with.

Gemini (May 21-June 20): You will face opposition if you aren't forthright about what your motives are. Do your best to reveal what you

want and what you are offering. It's better to know where you stand than to live a confused life.

Cancer (June 21-July 22): Don't make changes just because someone else does. Focus on tradition, family and reconnecting with relatives you don't get to see very often.

The memories will stir up ideas and inspire you to make plans in the new year.

Leo (July 23-Aug. 22): It's the festive season, and entertainment, socializing and finding time to be affectionate with someone you love is encouraged. A trip to the spa or to spruce up your image will be just what you need to lift your spirits.

Virgo (Aug. 23-Sept. 22): You'll face opposition if you share your personal thoughts and plans. Work undercover until you come up with a foolproof plan. A networking function will be a good place to pick up information.

Libra (Sept. 23-Oct. 22): You are running out of time. Make a plan to enforce the changes you want to make before the turn of the year. It's important to enter 2016 with a clean slate. You will have to be selective to avoid interference.

Scorpio (Oct. 23-Nov. 21): Share your ideas and plans with someone you love or want to spend more time with. Favors will be granted

if you decide to enter into a joint venture. Unusual changes at home will be a source of frustration.

Sagittarius (Nov. 22-Dec. 21): Stick close to home and abide by the rules and regulations. You will face opposition if you are indulgent or try to ignore the assignments that are due before the year comes to a close. Secrets will be revealed.

Capricorn (Dec. 22-Jan. 19): Don't leave anything undone. Avoid arguments or conflicts with someone who doesn't understand what you are doing. Finish what you start and head in a direction that will allow you to lay down a solid foundation for future negotiations.

Aquarius (Jan. 20-Feb. 18): Look at your options and ponder what you want to achieve next year. You can bring about changes based on past experience and future goals. Take physical steps to ensure you will be ready when the time comes.

Pisces (Feb. 19-March 20): The disclosure of a personal secret will leave you confused and uncertain about what to do next. Don't let your emotions take over and lead to a situation you cannot reverse. Bide your time and seek legal advice.

Birthday baby: You are sensitive, kind and a risk-taker. You are open-minded and persuasive.



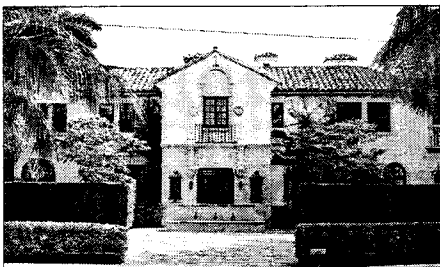
Eugenia Lutz

TRUST

Voik was designer

From Page A1

part of Primavera Estates, carved from Charles and Louisa Clarke's original 30-acre lake-to-ocean estate named Primavera. The house was built in 1927 for Louise and Alfred Feltman, whose father is credited as the originator of the Coney Island hot dog served on an elongated bun. Originally christened Loual, a combination of the Feltmans' first names, the two-story house on a half-acre parcel was designed by architect John Voik.



Daily News File Photo

Designed by noted society architect John Voik for Alfred and Louise Feltman in 1927, this landmarked house at 255 Clarke Ave. has been sold to a Boca Raton trust overseen by real estate lawyer Marilyn J. Wiener. The house sold for \$11.25 million, three years after it was sold for \$10 million to Thomas and Mary Alice O'Malley.

YACHT

Crew at first thought race was over

From Page A1

net search-and-rescue mission in Australian history.

Clark's wife, Kristy Hinze-Clark, was aboard Comanche for its two-day journey. A favorite among the Hobart locals because of her Australian roots, she became the first female co-owner to win by crossing the finish line at Castray Esplanade at 9:58 p.m. Australian time.

Clark met his wife at the finish line. Comanche's win is made all the more remarkable because of crippling damage the vessel sustained during the contest.

"This is a hard race," skipper Ken Read said at a dockside press conference. "I have sailed around the world two and a half times and I thought I had seen it all, but this is one hard body of water," said the two-time Rolex Yachtsman of the Year.

Although Comanche got off the start with bullet speed, a badly damaged daggerboard cut loose and "kind of cleaned out the rudder on the way through," Read said. They opted to quit the race.

"That's when we said we're done. We stopped and took all the sails down. We actually started kind of drifting back towards Sydney. And then all of a sudden I see the tools come out,



Cameron Spencer / Getty Images

Comanche co-owner Kristy Hinze-Clark was on the yacht in the race.

and when I see the tools come out with these guys that's usually a good sign that they have an idea."

They decided to continue.

At that point, Read said, the team attitude was "let's just try to finish," which, as they picked up more and more speed, became "we probably won't be last," and then, as a torn sail forced eight-time winner Wild Oats out, and leader Rambler lost speed because of a damaged daggerboard, it was "Holy crap, we just might win this thing," Read said.

"I did not quite know what was going on," Jim Clark said after the race. "First, I was told they retired and then I was told that they were racing on."

Comanche, sailing under the aegis of the New York Yacht Club, covered the race's 628 nautical miles in two days, eight hours, 58 minutes and 30 seconds.

—sdonnelly@podailynews.com

WEATHER

For first time, no 50s by year's end

From Page A1

With the new year just three days away, it appears that the much-advertised cold front won't cool things down much until at least Sunday — or maybe even Monday.

The latest New Year's Eve forecast calls for a Palm Beach low of 74 and a New Year's Day high of 81. The weekend may be blustery as the front stalls in the Florida Straits.

"Global models have progressively tempered the strength of the front and the cold air associated with it," NWS forecasters said in their analysis Tuesday. "Temperatures will be somewhat above normal through the weekend, albeit cooler than the previous two weeks."

Highs could fall into the 70s next week but — at least for now — it appears that low temperatures won't be able to drop below that vaulted 60-degree mark over the next seven days. Palm Beach International Airport has not had a temperature below 60 since March 31, and this will likely be the first time since record-keeping started in the Palm Beach area (1888) that no 50-something readings have been recorded by the end of the year. Sub-60-degree temperatures in West Palm Beach occur on average on Nov. 2. Prior to this year, the latest on record was Dec. 12, 1994.

AccuWeather has

delayed the cold front as well, but is still calling for a Monday morning low of 55 in Palm Beach. Weather Underground, however, predicts lows in the mid- to upper-60s next week with highs returning to near 80 toward the end of next week.

In other words, there's a good chance that the sweaters you unwrapped Christmas Day will have to be hung up in the closet until further notice.

All four official South Florida reporting stations — West Palm Beach, Fort Lauderdale, Miami and Naples — notched new records Monday. Miami for a record high (84) and the others for record warm lows.

The low at Palm Beach International Airport of 77 beat the old mark of 75 set in 2013. Records have been set on four out of the last five days at PBI.

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TOWN OF PALM BEACH
NOTICE OF PROPOSED ORDINANCE(S)

The following ordinance(s), published by notice only, will come before the Town Council for approval and/or adoption at 9:30 a.m. on January 12, 2016. The Town Council meeting will be held in the Town Hall Council Chambers at 360 South County Road, Palm Beach, Florida, 33480. Any interested party may appear and be heard with respect to the proposed ordinance(s). Copies of proposed ordinance(s) may be viewed at the Town Clerk's Office, located on the first floor of Town Hall, or online at <http://townofpalmbeach.com>, or part of the Town Council Agenda packet.

SECOND AND FINAL READING

ORDINANCE NO. 2015-11 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, ARTICLE 11, BOATS AND BOATING, TO INCLUDE NEW SECTIONS 74.07, 74.071, 74.072 AND 74.073 RELATING TO THE REGISTRATION OF BOATING STRUCTURES, PROVIDING FOR DEFINITIONS, PROVIDING FOR ENFORCEMENT/PENALTIES, PROVIDING FOR INCULCATION IN THE CODE ENFORCEMENT SECTION OF THE TOWN OF PALM BEACH, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT, PROVIDING FOR CONSTRUCTION, PROVIDING AN EFFECTIVE DATE.

Notice is hereby given, pursuant to Florida Statute 218.0105, that any person desiring to appeal any action taken by the Town Council with respect to any matter considered at the meeting, a record of these proceedings will be made, and that, for such purpose, such person may make a motion, but a written record of the proceedings is made, which record includes the testimony and evidence upon which he or she is based.

Steven A. Cherm, MPA, MACC,
Town Clerk, Town of Palm Beach
PUB.2511 Palm Beach Daily News, Wednesday, December 30, 2015

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Friday, January 1	Mon., December 28 - 3:00 p.m.	Wed., December 30 - 1:00 p.m.
Saturday, January 2	Mon., December 28 - 3:00 p.m.	Wed., December 30 - 1:00 p.m.
Sunday, January 3	Mon., December 28 - 3:00 p.m.	Thurs., December 31 - 1:00 p.m.
Monday, January 4	Tues., December 29 - 3:00 p.m.	Thurs., December 31 - 1:00 p.m.
Tuesday, January 5	Wed., December 30 - 3:00 p.m.	Mon., January 4 - 1:00 p.m.
Wednesday, January 6		

CLASSIFIED ADVERTISING

ISSUE	AD DEADLINE
Saturday, January 2	Thurs., December 31 - 3:00 p.m.
Sunday, January 3	Thurs., December 31 - 3:00 p.m.
Monday, January 4	Thurs., December 31 - 3:00 p.m.

Palm Beach Daily News

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Publication Date: 12/30/2015

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