

ORDINANCE NO. 26-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; ARTICLE V, SIDEWALKS; SECTION 106-156, REGARDING DUTY TO MAINTAIN SIDEWALKS AND GUTTERS CLEAN AND FREE OF DEBRIS, ENCUMBRANCES AND OBSTRUCTIONS; PROVIDING A DEFINITION OF DEBRIS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article V, Sidewalks, Section 106-156, provides that it shall be unlawful for any person owning and/or occupying any lot or part of a lot in the Town to omit to keep the abutting paved sidewalk free and clean of debris; and

WHEREAS, the word "debris" has not been defined in the ordinance; and

WHEREAS, it is important for the purposes of assuring public safety that the definition of debris include dirt, mold, algae and other unsightly buildup, as well as any other obstacles or objects which may be considered as an encumbrance or obstruction.

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

Section 1. Article V, Sidewalks, Section 106-156, Duty to maintain sidewalks and gutters clean and free of debris, encumbrances and obstructions, is hereby amended to read as follows:

"Sec. 106-156. - Duty to maintain sidewalks and gutters clean and free of debris, encumbrances and obstructions.

A. It shall be unlawful for any person owning and/or occupying any lot or part of a lot in the town to omit to keep the abutting paved sidewalk clean and free of debris and the gutters adjoining the same free from encumbrance and obstruction. Responsibility for repair and maintenance of sidewalks located within town rights-of-way shall be the

responsibility of the town except where damage to same is caused by the abutting property owner, his agents or representatives.

B. For purposes of this section, debris is defined to include dirt, mold, algae or other unsightly buildup or any object which creates an encumbrance, obstruction or potential hazard.”

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 13th day of December, 2016, and for second and final reading on this 10th day of January, 2017.


Gail L. Coniglio
Gail L. Coniglio, Mayor

Michael J. Pucillo
Michael J. Pucillo, Town Council President

Richard M. Kleid
Richard M. Kleid, Council President Pro Tem

Bobbie Lindsay
Bobbie Lindsay, Town Council Member

Danielle H. Moore
Danielle H. Moore, Town Council Member

Margaret A. Zeidman
Margaret A. Zeidman, Town Council Member

ATTEST:

Susan A. Owens
Susan A. Owens, MMC, Town Clerk

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