

**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
AGRI-TOURISM COMMITTEE MEETING**

AGENDA

Wednesday, March 06, 2024 - 6:00 P.M.



Committee Members:

Joseph Chammas, Member
Simon Fernandez, Member
Liza Holman, Member
Martin Holman, Member
Darrin Swank, Member

Administration:

Francine L. Ramaglia, Town Manager
Ruth Holmes, Town Attorney
Interim Town Clerk

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

Call to Order

Roll Call

REGULAR AGENDA

1. Discussion of Public Safety and Emergency Response (Assistant Fire Marshal Chris Henry)
2. Consideration of Existing Town Codes (Town Planner compiling list and will attend meeting to walkthrough and answer questions)

Comments from The Public

The public is encouraged to offer comments on any non-agenda item. Generally, remarks by an individual will be limited to one time, up to three minutes or less. The Mayor or presiding officer has discretion to adjust the amount of time allocated.

Adjournment

Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting 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 included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



155 F Road Loxahatchee Groves, FL 33470

TO: Agri-Tourism Committee

FROM: Francine Ramaglia, Town Manager

DATE: March 06, 2024

SUBJECT: Discussion of Public Safety and Emergency Response (Assistant Fire Marshal Chris Henry)

Background

Handouts may be provided.

Recommendation

Receive and discuss.

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155 F Road Loxahatchee Groves, FL 33470

TO: Agri-Tourism Committee
FROM: Francine Ramaglia, Town Manager
DATE: March 06, 2024
SUBJECT: Consideration of Existing Town Codes

Background

Town Planner is compiling list and will attend the meeting to walk through and answer questions. Attachment to be provided later.

Recommendation

Receive and discuss.

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Agritourism (agriculture + tourism) is a great way to promote farm products, earn income, and build lasting relationships with farmers market customers. Agritourism is an agricultural-related activity on a farm, ranch or working forest that allows members of the general public to view or participate. While agritourism is a relatively new industry in the state of Florida, a growing number of Florida farmers are beginning to explore new ways to integrate tourism-based activities on the farm. This guide provides an overview of state laws governing agritourism operations in Florida, identifies the requirements to qualify as an agritourism operation under Florida law, provides recommendations for potential agritourism activities, and suggests a few marketing strategies to promote agritourism on Florida farms.

Florida Agritourism Laws

In order to promote agritourism in the Florida tourism economy, the State of Florida passed a series of laws designed to protect farm operations engaging in agritourism. Florida Legislature began with a 'limited liability' statute followed by clarifications on agritourism activities and protections from local rules against agritourism.

In 2013, Florida Statute (F.S. 570.96) reduced liability for farms engaging in agritourism; this means that a customer or visitor is limited in their ability to sue or hold a farmer liable for accidents or incidents that may occur while visiting a farm. The law requires two conditions for limited liability in agritourism, both of which are intended to protect the public and the agritourism operator.

a. There must be a warning sign containing specific language informing visitors of the risks and the liability limitation posted at the entrance of the farm as well as at the site of the agritourism activity. This means that visitors should have an opportunity to see the sign upon entering the property as well as at additional locations where activities will take place. The warning language must also be used on written contracts, such as waivers or signed agreements. See the exact warning language required under Florida Statute 570.89 [here](#).

b. The farm must be engaged in 'bona fide' agricultural production. Florida Statute 461 describes 'bona fide' agriculture based on factors such as: the length of time the land has been in production, the purchase price paid, size of the property, and the expectation that agricultural production will create a profit. Hobby farms, or farming operations that do not generate income, are not considered bona fide agriculture in this statute. Each county varies in the specific interpretation of the factors required for achieving agricultural land classification. This criteria is used

to establish tax status for agricultural exemption (also known as 'Ag Exemption.') Local property appraisers can provide a detailed description of specific county guidelines.

The limited liability law was designed to promote agritourism in Florida by providing protection to farmers who are hesitant to embark in agritourism out of the fear of being sued by someone who has been injured while visiting the farm. This law acknowledges the inherent risks associated with agricultural production and leaves it to the farm visitor to assume those risks. While the limited liability law offers some protections, it does *not* protect the farmer from accidents that result from gross negligence (irresponsibility or reckless behavior) or malice (intentional harm of a visitor) by a farmer or farm employee. Therefore, the limited liability law should not be considered a substitute for farm liability insurance which can provide additional financial protections for the agritourism operator, the property and the business. The industry standard is a minimum policy of \$1 million dollars coverage for any agritourism operation. Whenever possible, the agritourism operator should have visitors sign "hold harmless agreements" onsite to document acknowledgement of the limited liability as well as "participant waivers" which are usually signed by parents of minors to release agritourism operators from responsibility for injury to their children.

In addition to limiting liability, **Florida Statute (F.S. 570.96)** was revised in 2016 to provide additional protections by preventing local governments from creating new laws that limit agritourism on lands classified as agricultural and also from enforcing existing laws that affect agritourism. The law stipulates that:

"Except as otherwise provided for in this section, and notwithstanding any other provision of law, a local government may not adopt or enforce a local ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land as described in **Florida Statute 193.461.**"

It is important to note that this law protects agritourism on bonafide farms, and does not pertain to agritourism activities on lands that are not designated as agricultural. This makes it essential to pursue agricultural designation (Ag Exemption) prior to integrating agritourism activities into the farm operation. The revision also included language to describe agritourism and expanded the types of activities that qualify as agritourism.

Agritourism Activities

Protections for agritourism requires a clear definition of agritourism as well as the activities that are considered agritourism. According to Florida statute 570.85-570.89, the

term "Agritourism activity" means; 'any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest- your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.'

This definition allows a broad spectrum of activities to qualify as agritourism such as on-farm weddings, baptisms, and festivals. It also clarifies that a farm visitor does not need to pay or engage in an activity to be considered a participant; simply visiting the farm and viewing the farm is considered agritourism under the law.

Popular Agritourism Activities on Florida Farms

The broad spectrum of recognized agritourism activities in Florida law generates a wide range of possibilities for farm-operators to integrate agritourism into farm operations.

Farm tours provide visitors with a 'behind the scenes' view of what it takes to produce the food they eat. Tours are a great opportunity to establish a relationship with farmers market customers while Farm tours are a great opportunity to establish a relationship with farmers market customers. Photo by Patrick Fore offering customers an opportunity to authenticate the 'local' origins of the food they buy at the market.

Farm to table dinners offer visitors a unique dining experience to consume food where it was produced with the people who produced it. Some farmers choose to partner with a local chef or restaurant to prepare a meal using food produced on the farm. By selling tickets in advance, farmers can prepare the meal according to the number of attendees. On-farm preparation requires a certified kitchen in the State of Florida, and a growing number of farms are including certified kitchens on the farm for processing produce and hosting dinners.

Classes & workshops provide participants with the opportunity for a unique learning experience by engaging in agricultural production. Participants may not only be acquiring one of the broad range of skills and talents that go into farming,

but they may also leave with a greater appreciation of the labor invested in farm production.

Ceremonies and festivals provide natural and peaceful outdoor settings for meaningful social experiences such as weddings, baptisms, and birthday parties.

Agritainment provides natural and spacious outdoor settings for community events such as festivals, concerts, and egg hunts.

U-pick: allows visitors to participate in harvesting their own crop during season in strawberry fields, blueberry fields, orchards, pumpkin patches, vineyards, and other food plots that are easy to pluck without tools.

Bed & breakfast & camping offers unique hospitality experiences for out-of-town travelers or community residents seeking a temporary get-away.

WOOFING: is an international organization connecting people who want to live and learn on organic farms and smallholding with farmers who want to share their lifestyles, teach new skills, and welcome volunteer help. The program attracts international participants. For more information, visit the website at <https://wwooofinternational.org/>

Mazes, hay rides and nature trails: create entertainment opportunities for visitors to explore together seasonally or year-round.

Horseback riding & petting zoos: create interactive experiences for visitors to encounter animals and livestock by viewing, touching, feeding, and/or riding.

Craft shops generate additional income for farm operators while providing visitors with unique souvenirs.

Picnics & field trips offer one-day excursions for small groups such as children's school field trips, employees in corporate team-building experiences, and church members in a group outing.

Before incorporating agritourism into farm operations, it is important to identify a specific agritourism activity, determine the time and labor costs, and evaluate the pros and cons of adding the activity to existing farm operations. If the activity seems feasible and lucrative, the next step is to develop a marketing strategy to recruit participants.

Marketing Agritourism Activities

A good marketing strategy should recruit enough participants to at least cover the costs of hosting an agritourism activity. There are a wide variety of general marketing resources available online and this section will cover marketing specific to agritourism. Producers selling at a farmers market have the advantage of engaging directly with customers and reaching a population of consumers who appreciate local agriculture.

1. **Collect information** by asking customers about their interests and the types of activities they want to see in the area. Maintain a log of this information and consider the activity that provides the greatest number of responses.
2. **Design an activity that will appeal to the greatest number of people.** Most farmers market customers are comfortable visiting a clean and sanitized farmers market, but plodding through a pasture riddled with cow manure may take a customer way out of their comfort zone. Start with a simple activity and build from it. Keep in mind customers who may have limited mobility or health issues, and remember that activities that include opportunities for the whole family to interact together bring the greatest opportunities for growth.
3. **Promote the activity to a target audience:**
 - Flyers and paper handbills should include all information about the activity (location, time, cost, etc.) and are easily produced on a computer or even by hand. It is effective to display at minimum full (8×11) page copy at the booth and distribute smaller copies to customers who express an interest. It is also effective to post flyers in areas where local food enthusiasts visit such as grocery stores, restaurants, and other public venues
 - Social media is a great way to expand the reach of the new activity beyond the farmers market. Most social media venues provide a means to create an 'event' and some provide additional online advertising services for a small fee.
 - Direct outreach by visiting potential visitors at places such as a school, church, or corporation, is a great way to personally introduce oneself and describe the agritourism activities offered on the farm as well as the benefits of the activity. If agritourism is a brand new activity on a farm, it is not unusual to experience low turnouts or unexpected problems in the beginning. This makes it useful to start out small and slow, learn from what worked and what could be improved, and then build from there. Positive visitor experiences (especially when shared on social media and promoted for later events) create repeat customers and word-of-mouth advertising, and every farmers' market vendor knows that word-of-mouth is the best marketing of all.

Other Considerations

A successful agritourism operation can bring a wide range of benefits to a farm, yet there are additional factors to take into consideration when opening a farm to the public. The following list provides a brief overview of things to consider when embarking on an agritourism operation:

Visitors are an unknown and uncontrolled factor on the farm, and an open-door policy can make a farmer vulnerable to theft, hostile and unruly behavior (by children as well as adults), and other egregious circumstances. A good agritourism operation will provide a clear set of rules and guidelines, adequate supervision of participants, and clear boundaries within the farm as to which locations are off-limits. Clear posting of farm rules (consider unsupervised children, alcohol, firearms, smoking, controlled substances) can help avoid misunderstandings

Health and Emergency Services are key to avoiding a disaster. Many visitors may be venturing into a very unfamiliar environment and most will arrive completely unprepared. Common supplies to have on hand include water, a first aid kit, sunscreen, and insect repellent, snake bite kit, ice packs, and other non-prescriptive emergency supplies. Training in CPR is a good idea in any environment as well as quick access to emergency services and printed directions to the nearest hospital

A good farm aesthetic is a common expectation among agritourism participants. The farm experience for most Americans is limited to images from the media that usually represent very pretty farms with blooming flowers, cute barns, cut grass, and well-behaved animals. While this is impossible to achieve in real life, it is good practice to remove trash and broken equipment, mow or smooth out walking areas, remove fly-attracting materials where participants will visit, and designate unsightly areas as off-limits to visitors

Adequate access to facilities is essential to accommodate visitors. It is very likely that participants will need to use a restroom during a visit or rest in the shade. Working toilets and sinks, as well as resting spots with seating, should be available to all visitors. This makes it important to consider accommodations for elderly visitors or visitors with disabilities by offering wheelchair and walker accessible facilities and walkways if possible. When the agritourism venue or event matures and grows, it may be a good idea to invest in some kind of transportation (such as motorized carts or specialized trailers with seating and safety railing) for visitors with limited or no mobility. **Adequate parking is necessary**, especially for events with a large turnout. It is important to consider that there may be as many automobiles as attendees

Wildlife can be an attraction as well as a hazard. Venomous snakes and spiders are not unusual on a Florida farm, and agritourism operators should inform visitors of the potential risk and have an emergency plan in the unlikely event a visitor is bitten. Much more common are stings from bees or wasps, and insect bite allergies are said to affect about two million Americans

Farm food service is subject to Florida food safety regulations. There are no guarantees that the agritourism participant on the weekend is not a food inspector during the week, and an unpermitted food operation may elicit a complaint from a former visitor on the farm. Florida state guidelines provide opportunities for farmers to include food service on the farm through mobile vending permits to easy minimum construction standards for on-farm kitchens. For more information, visit our **Regulatory Agencies** and **Kitchens** guides on this website

Good communication with neighbors can prevent problems and conflicts. Successful agritourism can bring a crowd, loud noises, leftover trash by visitors, heavy traffic, and obnoxious urbanites – things many people try to avoid by moving into the country. Informing neighbors of events that may impact their privacy and even inviting neighbors to participate free of charge is a great way to demonstrate good neighborly behavior and a good effort to avoid conflicts

Agritourism and Your Farmers Market Business

Agritourism provides a wide range of opportunities for Florida farmers market vendors to establish relationships with farmers market customers. Developing an agritourism business begins with becoming informed of Florida agritourism laws and acquiring an agricultural land designation to operate as a 'bonafide' farm. A successful agritourism operation begins by collecting information from potential visitors to make an informed decision about the types of activities to include.

Smart agritourism development on a farm starts small, builds from experience, and takes a wide range of potential factors into consideration. Thoughtful planning and practice can create additional on-farm income, positive experiences for visitors, and lasting relationships with farmers market customers. For more information on topics related to integrating agritourism in your farmers' market business, visit the **Business Permits** and **Business Plans** guides on this website.

The 2023 Florida Statutes (including Special Session C)

Title XXXV

AGRICULTURE, HORTICULTURE, AND
ANIMAL INDUSTRY

Chapter 570

DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES

[View Entire
Chapter](#)

570.89 Posting and notification.—

(1)(a) Each agritourism operator shall post and maintain signs that contain the notice of inherent risk specified in subsection (2). A sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The notice of inherent risk must consist of a sign in black letters, with each letter a minimum of 1 inch in height, with sufficient color contrast to be clearly visible.

(b) Each written contract entered into by an agritourism operator for the provision of professional services, instruction, or the rental of equipment to a participant, regardless of whether the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the notice of inherent risk specified in subsection (2).

(2) The sign and contract required under subsection (1) must contain the following notice of inherent risk:

WARNING

Under Florida law, an agritourism operator is not liable for injury or death of, or damage or loss to, a participant in an agritourism activity conducted at this agritourism location if such injury, death, damage, or loss results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury, death, damage, or loss. You are assuming the risk of participating in this agritourism activity.

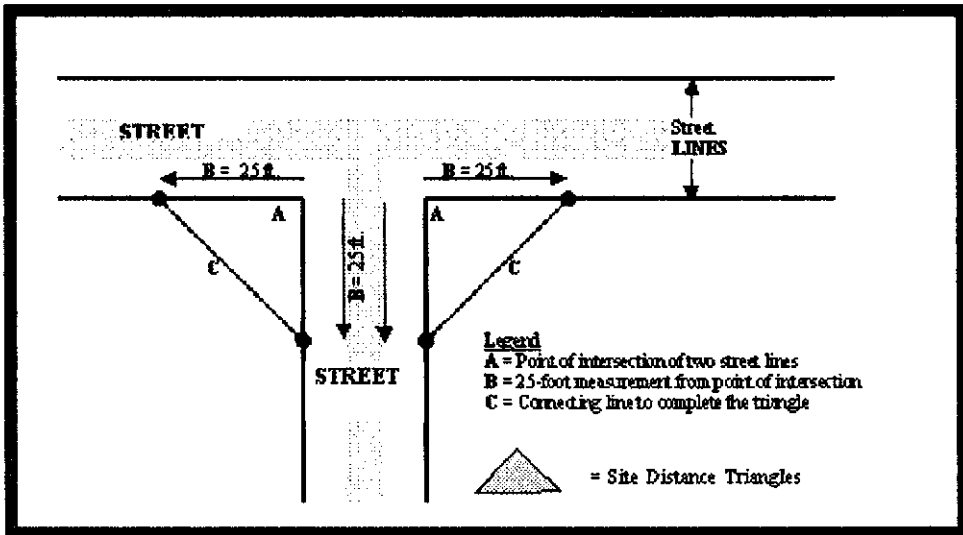
(3) Failure to comply with this section prevents an agritourism operator, his or her employer or employee, or the owner of the underlying land on which the agritourism occurs from invoking the privileges of immunity provided by this section.

History.—s. 4, ch. 2013-179; s. 130, ch. 2014-17; s. 115, ch. 2014-150.

Note.—Former s. 570.964.

Section 105-005. - Sight distance triangle.

- (A) The Town hereby establishes a mandatory sight distance triangle for the purposes of ensuring adequate cross visibility at the following types of intersections:
- (1) *Intersection of driveway and street.* Where a driveway intersects a street, the triangular area of property on both sides of a driveway, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
 - (2) *Intersection of trail and street.* Where a trail intersects a street, the triangular area of property on both sides of a trail, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
 - (3) *Intersection of two streets.* Where two streets intersect, the triangular area of property on all sides of the intersection, measured 25 feet from the intersection, and on the street line, measured 25 feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
- (B) Within any sight distance triangle described in paragraph (A), above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, fence or wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross-visibility at a level between 30 inches and eight feet above the level of the center of the adjacent intersection except that:
- (1) Fences or walls within the sight triangle can be constructed in such a manner as to provide adequate cross-visibility over or through the structure between 30 inches and eight feet in height above the driving surface.
 - (2) Trees having limbs and foliage can be trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and eight feet above the level of the center of the adjacent intersection.
 - (3) Fire hydrants and public utility poles are permissible.
 - (4) Street markers and traffic control devices are permissible.



Example of Site Distance Triangle

Chapter 6 - ALCOHOLIC BEVERAGES

Footnotes:

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State Law reference— *Municipal Home Rule Powers Act, F.S. ch. 166; alcoholic beverages, F.S. ch. 561 et seq.*

Sec. 6-1. - Intent.

This chapter is intended to regulate the sale, consumption and serving of alcoholic beverages in the town.

(Ord. No. 2016-012, § 2, 12-6-2016)

Sec. 6-2. - Definitions.

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:

Alcoholic beverage means distilled spirits and any beverage containing one-half of one percent or more of alcohol by weight, as determined in accordance with F.S. § 561.01(4)(b).

Beverage Law means F.S. chs. 561 through 565, 567, and 568.

Business establishment means and includes, but is not limited to, any place of business of any club, organization, person, firm, corporation or partnership, such as a golf club; country club; veteran's, fraternal or benevolent organization; grocery store; drugstore; night club; bottle club; bar; tavern; restaurant; grill; filling station; convenience store; or other building, structure or location or portion thereof, to include parking areas, wherein one person, directly or indirectly, pays another for the purchase or dispensing of an alcoholic beverage.

Commercial/business establishment parking lot means any private or public area appurtenant to commercial establishments used by the public for parking for, and pedestrian access to, commercial establishments, including drives, parking areas, and sidewalks and walkways appurtenant thereto.

Conspicuously posted means clearly visible, easily readable and immediately apparent upon viewing.

Container means any can, bottle, carton, or other vessel of alcoholic beverage.

Dispense means and includes the storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee or employee of a business establishment. For purposes of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment to be consumed thereon shall constitute the dispensing of such beverages.

Minor means any individual under the legal drinking age as set forth by F.S. §§ 562.11 and 562.111, as may be amended or replaced.

Person means an individual, person, firm, partnership, corporation or association.

Public or semipublic area open for vehicular travel means all public and private roads, streets, highways, lanes, alleys, parking lots, and parking areas on which the public is expressly or implicitly invited to travel by motor vehicle or which is otherwise open for vehicular travel. The term "public or semipublic area open for vehicular travel" does not include:

- (1) Areas such as golf courses, go-cart tracks, motocross tracks, and similar areas; and
- (2) Private driveways or property serving a single dwelling unit.

Sale means and includes any transfer of an alcoholic beverage for a consideration; any gift of an alcoholic beverage in connection with or as a part of a transfer of any property or product not an alcoholic beverage for a consideration; or the serving of an alcoholic beverage by a club licensed under the Beverage Law.

Vendor of alcoholic beverages means any person who owns or operates a business establishment which sells or dispenses any alcoholic beverages for consumption on or off the premises.

(Ord. No. 2016-012, § 3, 12-6-2016)

Sec. 6-3. - Hours of sale, consumption and service of alcoholic beverages.

- (a) Alcoholic beverages may be sold, served or permitted to be sold or served in any business establishment holding a license issued under the state division of alcoholic beverages and tobacco, for which said activity is licensed, between the hours of 7:00 a.m. and 10:00 p.m., so long as the alcoholic beverage is served and consumed on the premises.
- (b) Alcoholic beverages may be sold, or permitted to be sold, for consumption off-premises in any business establishment holding a license issued under the state division of alcoholic beverages and tobacco, for which said activity is licensed, between the hours of 7:00 a.m. and 10:00 p.m.

(Ord. No. 2016-012, § 4, 12-6-2016)

State Law reference— Local regulation of hours of sale of alcoholic beverages, F.S. § 562.14.

Sec. 6-4. - Extended hours permits for on-premises consumption; revocation, suspension of state beverage license.

(a) *Permits required.*

- (1) All business establishments holding a license issued under the state division of alcoholic beverages and tobacco desiring to remain open for business for the purposes of selling, offering for sale, delivery, serving or permitting alcoholic beverages for consumption on the

premises between 10:01 p.m. and 2:00 a.m., shall make application with the town manager for an extended hours permit in advance of operating during those hours.

- (2) The extended hours permit application shall be on forms provided by the town and shall contain the following:
 - a. The name of applicant;
 - b. The location where the business is to be conducted;
 - c. The names of the individuals operating the business under their own names or under a trade name;
 - d. The names and addresses of the officers and all persons having a financial interest of five percent or more in the vendor;
 - e. Photocopies of the state application for the state beverage license and said license;
 - f. The applicant's current occupational license number;
 - g. An application fee in accordance with the following schedule: For on-premises consumption, an annual regulatory fee is required based on building capacity per person:
 1. Capacity of one to 15 persons: \$500.00.
 2. Capacity of 16 to 50 persons: \$1,000.00.
 3. Capacity of 51 to 150 persons: \$2,000.00.
 4. Over 150 persons: \$4,000.00.
 5. The fee for an initial application for an applicant that failed to obtain the permit prior to operating during the extended hours shall be double the otherwise applicable fee.
 6. The fee for late annual renewals shall be double the otherwise applicable fee set forth in this subsection g.
- (3) The town manager or his designee shall review the extended hours permit application and, if the application is complete, a permit shall be issued, subject to consideration of the following factors:
 - a. The expected amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to the adverse impact on adjacent residential areas of any illegal or hazardous parking.
 - b. The amount and degree of law enforcement activities anticipated to be generated by the extra hours of operation, both outside and inside the particular location, with particular emphasis on the vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees, patrons or others associated with the establishment during or immediately after the extra hours of operation.
 - c.

The adverse effects, if any, that the extra hours of operation may have on neighboring properties, especially with respect to the effects of noise, parking and glare from headlights or exterior lighting on nearby residential properties.

- d. Such permits shall only be granted to those establishments which are wholly enclosed, soundproofed, and air-conditioned, and any windows, doors or other opening kept closed, except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood; provided, however, upon application filed subsequent to a determination by the town manager that the extended hours permit may be granted, the town council may, in its discretion, following a hearing for which notice shall be provided at the applicant's expense in the same manner as quasi-judicial hearings, grant an extended hours permit to an establishment that is not wholly enclosed, soundproofed and air-conditioned, upon a showing that said establishment will not disturb the peace and quiet of the surrounding neighborhood.
 - e. The town council, upon the request of the town manager, may require, as a condition of the privilege of extra hours of operation, compliance with any reasonable conditions deemed by the town council to be necessary to mitigate or eliminate the adverse effects of such extra hours. These conditions may include, without being limited to, provision by the owner or operator of the premises to provide, at its expense, additional off-street parking, security personnel and screening and buffering from nearby properties.
- (4) Such extended hours permit shall be renewed annually on or before September 30, unless it is suspended or revoked.
 - (5) An extended hours permit is valid for the applicant only, and cannot be transferred, assigned or sold. In the event of a new owner, a new extended hours permit application must be approved for that owner by the town.
 - (6) The extended hours permit application fee for an initial permit received by the town prior to April 1 shall be the full fee. The extended hours permit application fee for an initial permit received by the town on or after April 1 shall be one-half the rate in accordance with the appropriate fee schedules.
 - (7) In order for a business establishment holding a license issued under the state division of alcoholic beverages and tobacco to be eligible for an extended hours permit, the business establishment and its employees shall participate in a state-accepted personal alcoholic beverage seller/server's education, training and certification program, as described in section 6-5.
 - (8)

No person shall work as a manager, alcoholic beverage seller/server, and/or in any other capacity in a business establishment holding a license issued under the state division of alcoholic beverages and tobacco open past 10:00 p.m. until certification by all applicants of a state-accepted personal alcoholic beverage seller/server's education, training and certification class/course and/or program is obtained, provided to the town and an extended hours permit is granted by the town manager.

- (b) *Permit revocation, suspension.* The ability to sell, offer for sale, deliver or permit to be consumed upon the premises any alcoholic beverage beyond the hour of 10:00 p.m., is hereby declared to be and is a privilege subject to termination by the town council, and no person may reasonably rely on a continuation of that privilege.
- (1) If at any time the town manager determines that any person, vendor, distributor, or any place of business is operating in any manner harmful to the public health, safety or welfare, or has been convicted of a violation of the laws of the United States, State of Florida, or this Code, by the permittee or his or its agents, servants, or employees on the licensed premises or elsewhere while in the scope of employment or has had his state beverage license revoked or suspended by the state division of alcoholic beverages, he shall place on the town council agenda the matter of revoking the above privilege.
- (2) Such agenda item shall be publicly advertised in a newspaper of general circulation and written notice of the charges against the person, permittee, vendor, distributor or place of business shall be sent to him at least 14 days in advance and shall also contain the date, time and place of such agenda item. Said notice shall also advise the person of his right to be heard, of his right to be represented by counsel, of his right to present sworn testimony and evidence on his behalf, and his right of appeal to circuit court if necessary.
- (3) After consideration of the matter and allowing the person to be heard, the town council may revoke or condition the privilege. The criteria to be used by the town manager and town council shall be the following criteria:
 - a. The amount of off-street parking in relation to the demands created by the extra hours of operation, especially with regard to the adverse impact on adjacent residential areas of any illegal or hazardous parking.
 - b. The amount and degree of law enforcement activities generated by the extra hours of operation, both outside and inside the particular location, with particular emphasis on the vandalism, noise, vehicular use by patrons and illegal activity of any kind by employees, patrons or others associated with the establishment during or immediately after the extra hours of operation.
 - c. The adverse effects, if any, that the extra hours of operation will have on neighboring properties, especially with respect to the effects of noise, parking and glare from headlights or exterior lighting on nearby residential properties.

- d. Such licenses shall only be granted to those establishments which are wholly enclosed, soundproofed, and air-conditioned, and any windows, doors or other opening kept closed, except for normal and emergency ingress and egress, in order that noise and music emanating therefrom will not disturb the peace and quiet of the neighborhood; provided, however, that the town council may, in its discretion, grant an extra hours license to an establishment that is not wholly enclosed, soundproofed and air-conditioned, upon a showing that said establishment does not disturb the peace and quiet of the surrounding neighborhood.
- e. The town council may require, as a condition of the privilege of extra hours of operation, compliance with any reasonable conditions deemed by the commission to be necessary to mitigate or eliminate the adverse effects of such extra hours. These conditions may include, without being limited to, provision by the owner or operator of the premises to provide, at his expense, additional off-street parking, security personnel and screening and buffering from nearby properties.

Should the permit be revoked or conditioned, the person, permittee, vendor, distributor or place of business may seek review of such action before the town council after three months. The commission may then modify or refuse to modify its action. Only one such review shall be given within a 12-month period.

(Ord. No. 2016-012, § 5, 12-6-2016)

State Law reference— Local regulation of hours of sale of alcoholic beverages, F.S. § 562.14.

Sec. 6-5. - Personal alcoholic beverage seller/server's education, training and certification.

- (a) *Declaration of intent.* It is the legislative intent of the town council to require that all persons employed as managers, beverage sellers/servers, store clerks and all other persons who sell alcoholic beverages in any existing and new extended hours permit type alcoholic establishments as provided for in section 6-4 possess a personal alcoholic beverage seller/server's education/training certification that is accepted by the town manager if the course/class and/or program has a curriculum that fully adheres to the following education/training objectives:
 - (1) An understanding of the importance of responsible alcoholic sales/service.
 - (2) Knowledge of the laws that control the sale/service of alcohol.
 - (3) Knowledge of how to check IDs, refuse service to underage and intoxicated customers, and prevent alcoholic sales to underage persons.
 - (4) The awareness that there is a positive relationship between responsible alcoholic sales/service and profitability.

This places responsibility directly on the owner, manager and/or employee to comply with town and state laws and codes regarding alcoholic beverage sales and also be subject to the penalties as identified in section 6-9. This education/training certification is granted to the owner, manager and/or employee and is not attached to a specific employment situation or occupational business license other than the extended hours permit.

- (b) *Requirements.* No person shall work as a manager, beverage seller/server, store clerk, and/or in any other capacity in any business establishment with an extended hours permit under section 6-4, and no extended hours permit holder shall permit any such person to be so employed, unless such person, within seven days after being first employed, provides a personal alcoholic beverage seller/server's education/training certification to the town to engage in such business. No person may be so employed to sell alcoholic beverages for any length of time the applicant's certification is not obtained.
- (c) *Possession of certification.* The holder of a personal alcoholic beverage seller/server's certification must provide a copy to the town, possess and provide proof of certification at all times while on duty or in the employment at any business establishment with an extended hours permit within the town. Failure to possess or provide proof of the seller/server's education/training certification will subject the alcoholic beverage establishment owner/manager to the penalties as identified in section 6-9. In addition, the owner/manager of any such existing and/or new establishment possessing an extended hours permit from the town that does not notify their employee of the needed possession of the education/training certification requirement will be subject to the penalties identified in section 6-9.

(Ord. No. 2016-012, § 6, 12-6-2016)

Sec. 6-6. - Public possession or consumption.

- (a) The uncontrolled consumption of alcoholic beverages in and around commercial/business establishment parking lots contributes to lewd behavior, verbal harassment, intoxicated disorderly conduct, destruction of property, excessive noise, and litter. The uncontrolled consumption of alcoholic beverages in and around commercial establishment parking lots may lead to an increase in the number of violent crimes committed on and near those commercial establishment parking lots. Individuals consuming alcoholic beverages in and around commercial establishment parking lots deter the public's use and enjoyment of these areas. No effective means exist to deter the violent, disorderly, destructive, or offensive conduct associated with the consumption of alcoholic beverages in and around uncontrolled commercial establishment parking lots other than to prohibit the consumption of alcohol in those areas.
- (b) It shall be unlawful for any person to drink or consume any alcoholic beverage in or within 500 feet of a commercial establishment parking lot in the town, except in those areas in which such consumption is permitted pursuant to the Beverage Law, special or general act of the state

legislature, the Florida Administrative Code, or town ordinance, resolution, or administrative approval. Nothing herein shall prohibit consumption on noncommercial private property within 500 feet of a commercial establishment parking lot provided that the owner or person in control of the noncommercial private property has explicitly consented to such consumption.

(c) It shall be unlawful for any person to possess an open container of an alcoholic beverage in or within 500 feet of a commercial/business establishment parking lot in the town except in those areas in which such possession is permitted pursuant to the Beverage Law, special or general act of the state legislature, the Florida Administrative Code, or town ordinance, resolution, or administrative approval unless such alcoholic beverage is in the original container with the seal unbroken. Nothing herein shall prohibit the possession of an open container of alcoholic beverage on noncommercial private property within 500 feet of a commercial establishment parking lot provided that the owner or person in control of the noncommercial private property has explicitly consented to such consumption.

(d) This section shall not apply to:

- (1) Any person engaged in picking up empty beverage containers for the purpose of collecting the deposit or value of the bottle or can itself, nor to any person taking part in a litter control campaign;
- (2) The possession of any open container by any licensed distributor or licensed vendor of alcoholic beverages provided that such alcoholic beverage is being transported solely for commercial purposes.

(Ord. No. 2016-012, § 7, 12-6-2016)

Sec. 6-7. - Warning signs.

(a) *Posting of public health messages.* All persons who own or operate a business establishment which sells or dispenses alcoholic beverages for consumption on or off the premises shall post, in a conspicuous place within the business establishment where alcoholic beverages are displayed, purchased or consumed, one or more signs or notices, not less than 12 inches wide and 18 inches high, which contain the following statement, clearly discernable by persons to whom alcoholic beverages may be sold or dispensed:

HEALTH WARNING

Alcohol in Beer, Wine, and Liquor Can Cause:

Intoxication

Addiction

Birth Defects

Do Not Drink Before Driving

or Operating Machinery

Do Not Mix Alcohol With Other Drugs

(It Can Be Fatal)

Do Not Drink During Pregnancy

- (b) *Prohibition.* No person shall sell or dispense alcoholic beverages at a business establishment unless and until the sign or notice required by subsection (a) of this section has been posted in accordance with this section.

(Ord. No. 2016-012, § 8, 12-6-2016)

Sec. 6-8. - Posting of underage drinking signs, general requirements.

- (a) All persons who own or operate a business establishment in the town which sells or dispenses alcoholic beverages for consumption on or off the premises shall conspicuously post a notice within said business establishment where alcoholic beverages are displayed, purchased, or consumed.
- (b) Required notice shall consist of one or more signs or notices, each of which is not less than 93 square inches (8½ inches by 11 inches), with at least a 14-point type, which contains the following information, clearly discernable by persons to whom alcoholic beverages may be sold or dispensed:
- (1) It is unlawful to purchase alcohol if you are under 21 years of age.
 - (2) It is unlawful to sell or dispense alcohol to persons under 21 years of age, unless exempt pursuant to F.S. § 562.11 or 562.13.
 - (3) The penalties associated with the sale or dispensing of alcoholic beverages to persons under 21 years of age include imprisonment in county jail for a period of up to 60 days, a fine up to \$500.00, or both.
 - (4) A telephone number to report those who are in violation of the law. Such telephone numbers may include, but are not limited to:
 - a. 211 Palm Beach County.
 - b. 561-650-6840—Division of Alcoholic Beverages and Tobacco.

(Ord. No. 2016-012, § 9, 12-6-2016)

Sec. 6-9. - Enforcement and penalty.

It is the duty of the town's law enforcement agency, as well as any other authorized law enforcement agency of the state and, where applicable, the town's code enforcement officers, to strictly enforce the provisions of this chapter. Any violation of any of the provisions of this chapter shall be enforced as

provided by law, including, without limitation, through town code enforcement subject to daily fines as provided by state law, or prosecution as a misdemeanor of the second degree and punished by a fine of not more than \$500.00 and/or imprisonment in the county jail for not more than 60 days. Each occurrence of violation of this chapter shall be a separate offense. Each day of violation shall be considered a separate offense.

(Ord. No. 2016-012, § 10, 12-6-2016)

Sec. 22-116. - Operating a business defined.

Operating, engaging, or managing a business, occupation, or profession includes, but is not limited to, the following actions:

- (1) Submission of a state and/or federal filing indicating a principal address located within the town. Such filings include, but are not limited to:
 - a. Filings with the Florida Secretary of State indicating a principal address located within the town;
 - b. Filings regarding a Federal Employer Identification Number (FEIN) or Taxpayer Identification Number (TIN);
 - c. Filings regarding sales tax certificate;
- (2) Transacting commerce from a residential property within the town;
- (3) Utilizing a residential property as a location for an address for business correspondence;
- (4) Transacting commerce from a residential property;
- (5) Executing a commercial lease for a location within the town;
- (6) Holding an active license, permit or business tax receipt issued by a government agency indicating that person utilizes a business or mailing address within the town; or
- (7) Submission of tangible personal property tax documentation to the county that indicates a business address within the town.

(Ord. No. 2017-18, § 2, 11-7-2017)

Sec. 22-117. - Evidence of operating a business or profession.

The fact that any person represents himself as being engaged in any business, occupation or profession for which a business tax receipt is required shall be evidence of the liability of such person to pay for a business tax receipt, regardless of whether such person actually transacts any business. Displaying a sign or advertisement indicating the conduct of a business or profession at any given location or advertising a business or profession in the classified section of the telephone directory or town directory or other media shall be prima facie evidence that such person is holding himself out to the public as being engaged in a business or profession. Any part of a business also constitutes the operation of a business (i.e., storage yard for contractor's office that may be off-site). Any business or part thereof must be in accordance with zoning regulations.

(Ord. No. 2017-18, § 2, 11-7-2017)

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Section 90-070. - Sign permit requirements.

- (A) No permanent sign, promotional sign, billboard, or temporary sign larger than six square feet in area or height, shall be placed or altered on any plot until a permit has been issued by the Town consistent with Section 05-040.
- (B) Sign permit applications shall, at a minimum, contain and be accompanied by the following:
 - (1) An indication of the specific type of sign and design;
 - (2) The address and legal description of the plot where the sign will be located;
 - (3) A sign plan, drawn to scale, showing the dimensions, square foot area, sign face, copy, height of letters, height of sign, colors, lighting, and the sign structure;
 - (4) The location and type of all other signs on the same plot;
 - (5) A copy of the master signage plan for the development, if applicable;
 - (6) For building wall signs, the building frontage and height of the building wall, parapet, or facade of the building;
 - (7) For window signs, the area of such windows to be used for signs;
 - (8) An indication of the landscaping to surround the proposed sign.
- (C) Permit issuance. If, upon review, it is determined that an application is in accordance with the provisions of this article, a permit shall be issued in accordance with Section 05-040 of this Code. Fees for permits shall be in accordance with the schedule established by the Town.
- (D) Signs erected without permits.
 - (1) Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from Town Code compliance personnel.
 - (2) Signs that were not lawfully permitted but which comply fully with this article shall require a permit within 30 days from receipt of notice from Town Code compliance personnel.
- (E) Permit revocation. Permits for signs may be revoked by Town Code compliance personnel if it is determined that any sign fails to comply with the terms of this article and the owner of such sign fails to bring the sign into conformity within 30 days from receipt of any written notice of noncompliance. Revocation of a sign permit shall require removal of the sign in violation.
- (F) Permit exemptions. Permits shall not be required for the following signs:
 - (1) Temporary signs six feet in area or height or less;
 - (2) Holiday signage;
 - (3) Murals;
 - (4) Flags;
 - (5) Public service signs;
 - (6) Traffic control signs;

(7) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.

Section 90-010. - Definitions.

In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms," the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned sign. Any sign, except a billboard sign, which no longer pertains to any person, organization, product, service, activity or business located on or available at the premises where such sign is displayed; any sign, except a billboard sign, which no longer contains a message; and/or any sign in a state of disrepair.

Aggregate frontage.

- a. **Interior plots:** The actual lineal street frontage;
- b. **Through plots:** The total actual lineal street frontage on both streets;
- c. **Corner plots:** The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;
- d. **Interrupted corner plots:** The sum of the actual street frontages exclusive of outparcels.

Animated sign. A sign designed to utilize motion of any part by any means, including wind power, or designed to display changing colors, flashing, oscillating or intermittent lighting, electronic messages or moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs, as defined herein.

Area of sign. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

Awning or umbrella. A shelter made of fabric, plastic, vinyl or other non-rigid material supported by a metal frame.

Awning sign. A type of sign that is painted, stitched, stamped, perforated or otherwise affixed to an awning or umbrella.

Balloon sign. A type of sign that is temporary, three-dimensional, and usually made of non-rigid material, inflated by air or other means to a point of semi-rigidity and used for advertising purposes, with or without copy.

Banner or pennant sign. A type of sign, with or without a frame and with or without characters, letters, symbols or illustrations, made of cloth, fabric, paper, vinyl, plastic or other non-rigid material for the purpose of gaining the attention of persons.

Bench sign. Any sign painted on or affixed to a bench or to a shelter for persons awaiting public transportation.

Billboard sign. A type of sign which directs attention to a business, commodity, service, product, activity or ideology not conducted, sold, offered, available or propounded on the premises where such sign is located and the copy of which is intended to be changed periodically.

Building frontage. The wall extending the length of the building or lease lines of any building, the legal use of which is one of commercial or industrial enterprise and including the location of public entrance(s) to the establishment.

Building identification sign. A mandatory sign providing the address of the structure, dwelling unit, or business to which it is attached. All building identification signs must be attached to the structure and easily identifiable. Building identification signs for non-residential structures may be in the form of an awning sign.

Building wall sign. A type of sign where its entire area is displayed upon or attached to any part of the exterior of a building wall, facade or parapet, approximately parallel to and not more than 12 inches from the face of the wall upon which it is displayed or attached.

Cabinet sign. Any sign, other than a banner or pennant sign, which is designed so that the sign face is enclosed, bordered or contained within a boxlike structure or cabinet, frame or other similar device. This definition shall not include individual channel letters.

Campaign sign. See "opinion sign."

Canopy. A permanent, unenclosed shelter attached to and extending from a building or a free-standing permanent shelter.

Canopy sign. A type of sign that is painted on or otherwise affixed to the fascia of a canopy, marquee or mansard roof.

Changeable copy sign. A sign designed in a manner that allows the copy to be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts which can change the visual message without altering the sign face.

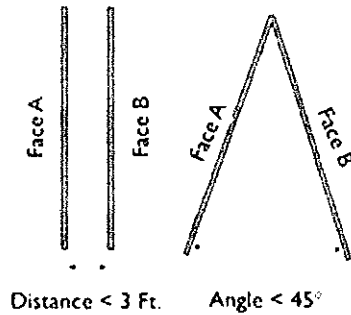
Copy. The linguistic or graphic content of a sign, either in permanent or removable form.



Directional sign. A sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.

Directory sign. A sign, which may consist of an index, designed to provide the names of tenants in an office building, shopping center or other multi-tenant complex.

Double-faced sign. A sign with two sign faces which are parallel and less than three feet of each other or are not parallel but are connected and within 45 degrees of each other. See diagram.



Façade. That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

Fascia. The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

Fence or wall sign. A type of sign attached to and erected parallel to the face of or painted on a fence or free-standing wall and supported solely by such fence or free-standing wall.

Flag. A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

Frontage. The total distance along any street line.

Garage sale sign. A sign designed to advertise the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

General information sign. A sign designed to provide information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

Grand opening sign. A temporary sign designed to announce the opening of a newly licensed business not previously conducted at the location by the same person(s).

Hanging wood frame sign. A type of sign hung or suspended from a free-standing wood frame, such frame being not higher than five feet, nor wider than four feet.

Holiday or seasonal signage. The temporary lighting, garlands, wreaths or other decorations relating to a particular regional or nationally recognized holiday and containing no advertising.

Identification sign. A sign designed to provide the name, owner, address, use, and/or service of a particular activity located on the premises where such sign is displayed.

Illuminated sign. Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

Interior sign. Any type of sign located inside a building which is not clearly visible from and not intended to be seen from the exterior of the building.

Internal illumination. A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Menu sign. A sign designed to indicate the food items, products, services or activities provided on the premises. Such signs are commonly, but not necessarily, associated with fast-food restaurants at the entrance to drive-through facilities.

Mobile sign. Any type of sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, sandwich signs, sidewalk signs, curb signs, and unanchored signs.

Monument sign. A type of freestanding sign supported by an internal structural framework or integrated into a solid structural feature other than support poles. In order to qualify as a monument sign, the supporting structure shall not be less in width than 50 percent of the sign face, inclusive of any box, cabinet, or frame.

Mural. A graphic, artistic representation painted on a wall, not including graffiti, which contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

Neon sign. A type of sign formed by luminous or gaseous tubes in any configuration.

Nonconforming sign. A sign or advertising structure which was lawfully erected and maintained prior to the current provisions of this Code regulating signs, which by its height, type, design, square foot area, location, use or structural support does not conform to the requirements of this article.

Off-premises sign. A sign, other than a billboard, designed to direct attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located.

Opinion sign. A sign designed to containing language, wording or an expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature; or a sign indicating belief concerning an issue, name, cause or affiliation, including signs advertising political parties or any political information.

Outdoor event sign. A temporary sign designed to identify an outdoor event which is of general interest to the community.

Panel sign. A type of sign having the sign face or faces supported between two columns or poles, with no open area between such columns or poles.

Parapet. A false front or wall extension above the roof line of a building.

Permanent sign. Any sign which, when installed, is intended for permanent use. For the purposes of this article, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

Pole sign. A type of free-standing sign erected upon a pole or poles which are visible and wholly independent of any building or other structure for support.

Projecting sign. A type of sign attached to and supported by a building or other structure and which extends at any angle therefrom.

Public service sign. A type of sign erected by a governmental authority, within or immediately adjacent to a right-of-way, indicating the location of public or governmentally owned facilities, such as airports, public transportation, hospitals, schools, parks or indicating street names or other messages of public concern.

Real estate sign. A temporary sign designed to indicate a property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Roof sign. A type of sign erected above the roofline or parapet, or any sign placed on rooftop structures.

Sign. Every device, frame, letter, figure, graphic, character, mark, permanently fixed object, ornamentation, plane, point, design, picture, logo, stroke, stripe, symbol, trademark, reading matter or other representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

Sign face. The part of a sign, visible from one direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

Sign width. The horizontal distance, in lineal feet, measured along the lower edge of a sign cabinet, box, frame or other surface containing a sign face.

Sign structure. Any structure erected for the purpose of supporting a sign, including decorative cover and/or frame.

Snipe sign. A sign of any material, including paper, cardboard, wood or metal, which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree, stake, fence, structure, building, trailer, dumpster or other object, with the message thereon not applicable to the present use of the premises upon which the sign is located.

Subdivision sign. A sign designed to indicate the name of a subdivision or neighborhood or other residential development.

Temporary sign. Any sign, other than a snipe sign, with an intended use of six months or less.



Traffic control sign. Any sign designed to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.

Window sign. A sign designed to be located in a window or other transparent surface, or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the public. This term shall not include merchandise located in a window or interior signs.

Section 80-025. - Special event permits.

- (A) *[Issuance.]* Permits for certain special events may be issued subject to the granting of a Special Exception and subject to compliance with this section.
- (B) *Minimum site requirements.* All special events shall require a minimum of five acres of open space with not less than 200 feet of street frontage on a public right-of-way.
- (C) *Setbacks.* No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any special event shall be closer than 300 feet from any surrounding residential plot, nor closer than 100 feet from a street line.
- (D) *Access.* Vehicular access onto any plot used for a special event shall be only from a public street as specified in subsection (B), above.
- (E) *Parking.* Event parking shall comply with the requirements of Article 95, "Parking and Loading" insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.
- (F) *Lighting.* Temporary lighting used to illuminate the special event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with Section 50-030, "Outdoor Lighting."
- (G) *Temporary structures, exhibits, and mechanical riding devices.* Temporary structures, exhibits, and mechanical riding devices shall be permitted in conjunction with special events subject to permit and inspection requirements of all applicable town, county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within three days after the conclusion of the event.
- (H) *Signs.* One temporary sign advertising the event may be erected on the plot where the event will be held not more than 14 days prior to the event. Such signs shall be no larger than 24 square feet in sign area and no higher than ten feet above the ground, and shall observe the site distance triangle requirement of Article 105, "Sight Distance." The sign shall be removed by the permit holder within three days of the conclusion of the special event.
- (I) *Frequency and duration.* No special event shall be permitted for a period of time exceeding three consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three special events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

- (J) *Liability insurance.* Before any permit for a special event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of \$1,000,000.00. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Town Attorney prior to issuance of any special event permit.
- (K) *Performance bond.* Before any permit for a special event is issued, a performance bond or similar security acceptable to the Town and naming the Town as beneficiary in the sum of \$1,000.00, shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security must be approved by the Town Attorney, and shall be in effect for the duration of the special event and for six months subsequent to the end of the event. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:
- (1) The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state or federal laws regarding the sale of goods as permitted;
 - (2) The applicant will pay all judgments rendered against said applicant for any violation of said laws; and
 - (3) The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.
- (L) *Plans.* A plan, drawn to scale, shall be submitted to the Town as part of the Special Exception application indicating the following:
- (1) Plot dimensions;
 - (2) Adjoining streets and points of access to the plot;
 - (3) Location of all activities and temporary structures and setbacks from plot lines;
 - (4) Location and use of any permanent structures and uses existing on the plot;
 - (5) Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.
 - (6) Location and number of any loud speakers and description of any use of them (i.e. music, announcements);
 - (7) Location and number of temporary restroom facilities; and
 - (8) Description of proposed waste management for both trash and portable toilet facilities.

(M)

Permit applications. A permit application shall be submitted to the Town Manager, at least 30 days prior to the special event. The permit application shall include the following:

- (1) The name and address of the applicant;
 - (2) The address and legal description of the plot where the event will be held;
 - (3) The dates and hours of the event;
 - (4) The type of event and sponsor, if any;
 - (5) The plan required by subsection (L) above;
 - (6) An executed performance bond as required in subsection (K) above;
 - (7) Proof of insurance as required in subsection (J) above;
 - (8) Notarized authorization of all property owners of record or their authorized agent, for use of the property for the special event;
 - (9) Proof that the Palm Beach Sheriff's Office or other security officials will be present during the event for safety, security and to direct traffic.
 - (10) A notarized affidavit of proof of posting the notice sign required by subsection (Q) herein;
 - (11) The applicable processing and inspection fee, in accordance with the fee schedule in effect;
 - (12) Proof of notification of the event to all contiguous properties and the written consent of the contiguous owners;
 - (13) Cleanup and site restoration plan.
- (N) *Agency reviews.* Prior to issuance of a permit for a special event, the following entities, as deemed appropriate on a case-by-case basis, shall review and approve the event in accordance with applicable statutes, ordinances and codes:
- (1) Town Manager;
 - (2) Town Attorney;
 - (3) Health Department (State of Florida) if approval is required;
 - (4) Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;
 - (5) Fire Marshal;
 - (6) Building Official;
 - (7) Palm Beach County Sheriff's Office; and
 - (8) Town's current waste collector.
- (O) *Permit issuance.* Once the Town Manager confirms that the application and plot are in compliance with this section and any other applicable code, statute or ordinance, the application shall be placed on the next available Town Council agenda for consideration as a Special Exception. Upon approval by the Town Council, the Town Manager shall issue the permit upon

payment by the applicant of a cleanup deposit in the amount of \$1,000.00 to the Town to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.

- (P) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven days after the end of the special event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the Town. The cleanup deposit shall be used for restoration of the location.
- (Q) *Posting of notice.* The applicant must post a sign of sufficient size at least 30 days prior to the beginning date of the special event in a visible location on each street frontage to inform the public of the dates and nature of the special event which will be held on the property.
- (R) *[Exceptions.]* Exceptions for not-for-profit corporations holding events on their own property.
 - (1) Not-for profit corporations which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond (subsection (K)), a cleanup deposit (subsection (O)) and posting of notice (subsection (Q)).

(Ord. No. 2017-15, § 4(Exh. C), 12-5-2017)

Section 50-030. - Outdoor lighting.

- (A) *Purpose and intent.* The purpose and intent of this section is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Furthermore, it is to preserve the rural character of the Town of Loxahatchee Groves and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this section shall apply to all outdoor lighting from an artificial light source.
- (B) *Definitions.* In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.
- (1) *Athletic field lighting.* Any lighting greater than 35 feet in height utilized to illuminate sports facilities.
 - (2) *Area light.* Light that produces more than 1,800 lumens.
 - (3) *Cutoff, full.* A lighting fixture that emits zero percent of its light above 90 degrees and only ten percent above 80 degrees from horizontal.
 - (4) *Floodlight.* Any light that produces no more than 1,800 lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, flood lights produce from 1,000 to 1,800 lumens. Floodlights are directional fixtures.
 - (5) *Glare.* The sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than 1,800 lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.
 - (6) *Open air parking.* Open air parking shall be synonymous with the term vehicular use area, as defined in ULDC Section 85-015(EE).
 - (7) *Outdoor lighting.* Lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.
 - (8) *Residential and agricultural recreational lighting.* Fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.
 - (9) *Spotlight.* Any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.

Outdoor lighting for non-exempt agricultural or residential uses that exceeds 1,800 lumens per fixture shall be full cutoff fixtures, unless otherwise permitted by the Town prior to installation.

(7) Outdoor lighting for non-exempt agricultural or residential uses that exceeds 1,800 lumens per fixture and all residential and non-exempt agricultural recreational lighting shall be approved by the Town prior to installation, in accordance with the procedures set forth for outdoor lighting permits for nonresidential uses set forth in Section (F) below.

(E) *Nonconforming outdoor lighting.* Nonconforming outdoor lighting legally installed prior to November 1, 2010 is exempt from this section, except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by 50 percent or more shall require that all lighting on site be brought into compliance with these regulations. Lighting illegally installed that does not conform to all of the provisions of this section shall come into compliance within one years of the effective date of these regulations

(F) *Outdoor lighting permits for non-residential/non-agricultural uses.* All outdoor lighting on non-residential/non-agricultural plots of greater than 4,000 lumens (separate fixture or combined) per plot shall be approved by the Town prior to installation.

(1) Application. The application for an outdoor lighting permit shall be accompanied by a photometric plan, prepared by a licensed engineer, in sufficient detail to demonstrate compliance with these regulations, including mounting heights, fixture specifications, and isofootcandle plots for individual fixture installations or a ten by ten-foot luminance grid for multiple fixture installations. All photometric plans shall overlay a site plan showing all structures, vehicular use areas (open air parking areas) and walkways. The plan shall also show all on-site and off-site existing and proposed trees within 25 feet of any existing or proposed open air parking area light fixture along the property line that abuts a residential zoning district

(2) Prior to final inspection and the subsequent issuance of a final approval of any outdoor lighting, a letter of compliance from a registered professional engineer shall be provided to the Town stating that the installation has been field checked and meets the requirements of these regulations.

(G) *[Inspection.]* The Town reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this section, and if appropriate, to require remedial action at no expense to the Town.

(H) *Maintenance.* Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this section.

(Ord. No. 2019-06, § 3(Exh. A), 10-15-2019)

- (10) *Stadium lighting*. See the definition for "athletic field lighting."
- (11) *Temporary lighting*. Portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.
- (12) *Uplighting*. Light projected above the horizontal plane formed by the top of fixture.

(C) *Prohibited outdoor lighting*. The following types of outdoor lighting are not permitted in the Town of Loxahatchee Groves.

- (1) Uplighting, unless limited to 1,000 lumens and either shielded by an architectural overhang or landscape element or used to illuminate the flag of the United States of America.
- (2) Area lights other than those with full cutoff fixtures.
- (3) Lighting that results in glare onto adjacent properties or streets.
- (4) Athletic field lighting.
- (5) Street lights within residential zoning districts, except as determined necessary by the Town Council to protect public health, safety and welfare based upon consideration of traffic volumes and roadway conditions.

(D) *Outdoor lighting standards*. All applications for a development permit, submitted after the effective date of this Code, shall comply with the following standards.

- (1) The overspill of light originating from any plot, regardless of zoning, onto any other plot or street located within a residential zoning district in the Town shall not exceed one-tenth horizontal foot-candle measured at grade level at the property line.
- (2) All non-residential/non-agricultural (Refer to Section 85-015(U) for definition) open air parking areas shall be lighted in compliance with the minimum standards established by the Illuminating Engineering Society of North America, using cutoff lighting with a maximum height of 25 feet. For purposes of this provision, "vehicular use area" does not include streets.
- (3) Vegetation screens shall not be employed as the primary means for controlling glare. Glare control shall be achieved primarily through the use of cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, lighting intensity, placement and angle.
- (4) For development in districts other than Agricultural Residential, electrical feeds for all pole mounted fixtures installed after the effective date of this Code shall run underground, not overhead.
- (5) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.

(6)

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Section 50-010. - Excessive noise.

(A) The following are prohibited in the Town in that such activities create excessive noise.

- (1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m.
- (2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m.
- (3) Any use, activity or operation that creates a sound level in excess of the foregoing limits for more than ten percent of any time period of not less than ten minutes, shall be a violation of these regulations.

(B) Sound Level Measurement Compliance shall be determined using a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at the required structural setbacks of the property of the landowner filing the complaint.

(C) The following exceptions apply:

- (1) Outdoor events (operating with a valid permit)
- (2) Government sanctioned activities (e.g., parades, Town celebrations)
- (3) Temporary, Portable Generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider.
- (4) Sound generated from motor vehicles legally operating on any public right-of-way regulated by F.S. ch. 316, (Uniform Traffic Control Law).

Section 50-020. - Vibration.

In all districts, no use shall operate nor any activity take place so as to produce vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers.

Select Year:

The 2023 Florida Statutes (including Special Session C)

[Title XIV](#)

TAXATION AND FINANCE

[Chapter 205](#)

LOCAL BUSINESS TAXES

[View Entire Chapter](#)

205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—

(1) A local business tax receipt is not required of any person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such person in the state.

(2) A wholesale farmers' produce market may pay a tax of not more than \$200 for a receipt that will entitle the market's stall tenants to engage in the selling of agricultural and horticultural products therein, in lieu of such tenants being required to obtain individual local business tax receipts to so engage.

History.—s. 1, ch. 74-271; s. 2, ch. 87-367; s. 17, ch. 2006-152; ss. 3, 9, ch. 2011-7; HJR 7103, 2011 Regular Session.