

ORDINANCE NO. 195

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 22, "ENVIRONMENT," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE X, "FERTILIZER FRIENDLY ORDINANCE;" PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection ("FDEP") has classified specific water bodies in Palm Beach County as "impaired" as a result of the presence of excessive nutrients; and

**WHEREAS**, Section 403.9337, Florida Statutes, requires that local governments located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, Florida Statutes, adopt an ordinance for Florida-Friendly™ fertilizer use on urban landscapes; and

**WHEREAS**, on March 2, 2011, FDEP issued its Palm Beach County Municipal Separate Storm Sewer System Permit No. FLS 000018-003 ("MS4 Permit") to forty-one (41) governmental entities, including the Town of Hypoluxo; and

**WHEREAS**, the MS4 permit requires local governments within the watershed of a nutrient impaired water body to adopt FDEP's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes or an Ordinance that includes all the requirements set forth in the Model Ordinance; and

**WHEREAS**, surface water runoff and base flow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of Palm Beach County and enters into natural and artificial stormwater and drainage conveyances and natural water bodies in Palm Beach County; and

1       **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the  
2 degradation of surface water, are commonly the primary components of fertilizer for turf  
3 and landscape application; and  
4

5       **WHEREAS**, the quality of streams, lakes, and wetlands is important to  
6 environmental, economic, and recreational prosperity and to the health, safety, and  
7 welfare of the residents of Palm Beach County; and  
8

9       **WHEREAS**, algae blooms and accelerated growth of aquatic weeds in Palm  
10 Beach County's water bodies have heightened community concerns about water quality  
11 and eutrophication of surrounding waters; and  
12

13       **WHEREAS**, it is generally recognized that eastern Palm Beach County soils  
14 naturally have adequate phosphorus content for most vegetative needs and that  
15 additional phosphorus is therefore only occasionally needed to create or maintain a  
16 vibrant landscape; and  
17

18       **WHEREAS**, it has been recognized that proper application of slow-release  
19 nitrogen sources is more efficiently used by plants and less likely to leach or runoff; and  
20

21       **WHEREAS**, this Ordinance is part of a regulatory program to address non-point  
22 sources of nutrient pollution which is scientifically based, and economically and  
23 technically feasible; and  
24

25       **WHEREAS**, in the process of adoption of this Ordinance, the Town Council has  
26 considered scientific information, including input from the Department of Environmental  
27 Protection, the Department of Agriculture and Consumer Services, and the University of  
28 Florida Institute of Food and Agricultural Sciences; and  
29

30       **WHEREAS**, the Town Council determines that the adoption of this Ordinance is  
31 in the best interests of the residents and citizens of the Town of Hypoluxo.  
32

33       **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**  
34 **TOWN OF HYPOLUXO, FLORIDA** as follows:  
35

36       **Section 1.** The foregoing "Whereas" clauses are hereby ratified and  
37 incorporated herein.  
38

39       **Section 2.** The Town Council hereby amends Chapter 22, "Environment," of  
40 the Town Code of Ordinances by adopting a new Article X, "Fertilizer-Friendly Use  
41 Ordinance," to read as follows (additional language underlined):  
42

1                   **ARTICLE X. FERTILIZER-FRIENDLY USE ORDINANCE**

2  
3                   **Sec. 22-196. Title.**

4  
5                   This article shall be known as the town's fertilizer-friendly use  
6                   ordinance.

7  
8                   **Sec. 22-197. Definitions.**

9  
10                  When used in this article, the following terms shall have the  
11                  meanings ascribed to them in this section except where the context clearly  
12                  indicates a different meaning:

13  
14                  Application or apply means the actual physical deposition of  
15                  fertilizer to turf or landscape plants.

16  
17                  Applicator means any person who applies fertilizer on turf and/or  
18                  landscape plants in the town.

19  
20                  Approved test means a soil test from the University of Florida,  
21                  government, or other commercial licensed laboratory that regularly  
22                  performs soil testing and recommendations.

23  
24                  Best management practices (BMP's) means turf and landscape  
25                  practices or combination of practices based on research, field-testing, and  
26                  expert review, determined to be the most effective and practical site-  
27                  specific means, including economic and technological considerations, for  
28                  improving water quality, conserving water supplies and protecting natural  
29                  resources.

30  
31                  Code enforcement officer, official, or inspector means any  
32                  designated employee or agent of the town whose duty it is to enforce  
33                  codes and ordinances enacted by the town.

34  
35                  Commercial fertilizer applicator except as provided in section  
36                  482.1562(9), Florida Statutes, means any person who applies fertilizer for  
37                  payment or other consideration to property not owned by the person or  
38                  firm applying the fertilizer or the employer of the applicators.

39  
40                  Fertilizing or fertilization means the act of applying fertilizer to turf,  
41                  specialized turf, or landscape plants.

42  
43                  Fertilizer means any substance or mixture of substances that  
44                  contains one or more recognized plant nutrients and promotes plant  
45                  growth, or controls soil acidity or alkalinity, or provides other soil  
46                  enrichment, or provides other corrective measures to the soil.

1  
2       Institutional applicator means any person, other than a private, non-  
3 commercial or a commercial applicator (unless such definitions also apply  
4 under the circumstances), that applies fertilizer for the purpose of  
5 maintaining turf and/or landscape plants. Institutional applicators shall  
6 include, but shall not be limited to, owners, managers, or employees of  
7 public lands, schools, parks, religious institutions, utilities, industrial or  
8 business sites and any residential properties maintained in condominium  
9 and/or common ownership.

10  
11       Landscape plant means any native or non-native tree, shrub, or  
12 groundcover (excluding turf).

13  
14       Pasture means land managed for livestock grazing.

15  
16       Person means any natural person, business, corporation, limited  
17 liability company, partnership, limited partnership, association, club,  
18 organization, and/or any group of people acting as an organized entity.

19  
20       Prohibited application period means the time period during which a  
21 flood watch or warning, a tropical storm watch or warning, or a hurricane  
22 watch or warning is in effect for any portion of the town, issued by the  
23 national weather service, or if heavy rain (2 inches or more within a  
24 twenty-four (24) hour period) is likely.

25  
26       Saturated soil means a soil in which the voids are filled with water.  
27 Saturation does not require flow. For the purposes of this article, soils  
28 shall be considered saturated if standing water is present or the pressure  
29 of a person standing on the soil causes the release of free water.

30  
31       Slow-release, controlled release, timed release, slowly-available, or  
32 water insoluble nitrogen means nitrogen in a form which delays its  
33 availability for vegetative uptake and use after application, or which  
34 extends its availability to the vegetation longer than a reference rapid or  
35 quick release product.

36  
37       Turf, sod, or lawn means an area of grass-covered soil held  
38 together by the roots of the grass.

39  
40       Urban landscape means pervious areas on residential, commercial,  
41 industrial, institutional, highway rights-of-way, or other nonagricultural  
42 lands that are planted with turf or landscape plants. For the purposes of  
43 this section, agriculture has the same meaning as provided in section  
44 570.02, Florida Statutes.

1       **Sec. 22-198. Findings.**  
2

3               As a result of the Florida Department of Environmental Protection's  
4 determination that certain water bodies within Palm Beach County are  
5 impaired for excessive nutrient levels, the town council finds that the best  
6 management practices contained in the most recent edition of the "Florida-  
7 Friendly Best Management Practices for Protection of Water Resources  
8 by the Green Industries", are required in this article.  
9

10       **Sec. 22-199. Purpose and intent.**  
11

12               This article regulates the proper use of fertilizers by any applicator;  
13 requires proper training of commercial and institutional fertilizer  
14 applicators; establishes training and licensing requirements; establishes a  
15 prohibited application period; and specifies allowable fertilizer application  
16 rates and methods, fertilizer-free zones, and exemptions. This article  
17 requires the use of best management practices to minimize negative  
18 environmental effects associated with excessive nutrients in our water  
19 bodies. These environmental effects have been observed in and on Palm  
20 Beach County's natural and constructed stormwater conveyances, rivers,  
21 creeks, canals, lakes, estuaries and other water bodies. Collectively,  
22 these water bodies are an asset important to the environmental,  
23 recreational, cultural and economic well-being of Palm Beach County  
24 residents and the public health. Overgrowth of algae and vegetation  
25 hinders the effectiveness of flood attenuation provided by natural and  
26 constructed stormwater conveyances. Regulation of nutrients, including  
27 both phosphorus and nitrogen contained in fertilizer, is anticipated to help  
28 improve and maintain water and habitat quality.  
29

30       **Sec. 22-200. Applicability.**  
31

32               This article shall be applicable to and shall regulate any and all  
33 applicators of fertilizer and areas of application of fertilizer to urban  
34 landscapes within the Town, unless such application is specifically  
35 exempted by section 22-206 of this article. This article shall be  
36 prospective only, and shall not impair any existing contracts.  
37

38       **Sec. 22-201. Timing of fertilizer application.**  
39

40               (a) No applicator shall apply fertilizers containing nitrogen  
41 and/or phosphorus to turf and/or landscape plants during the prohibited  
42 application period or to saturated soils.  
43

44               (b) Fertilizer containing nitrogen and/or phosphorus shall not be  
45 applied before seeding or sodding a site, and shall not be applied for the  
46 first thirty (30) days after seeding or sodding, except when hydro-seeding

1 for temporary or permanent erosion control in an emergency situation  
2 (wildfire, etc), or in accordance with the stormwater pollution prevention  
3 plan for that site.  
4

5 **Sec. 22-202. Fertilizer free zones.**  
6

7 Fertilizer shall not be applied within ten (10) feet, or three (3) feet if  
8 a deflector shield or drop spreader is used, of any pond, stream, water  
9 body, lake, canal, or wetland as defined by the Florida Department of  
10 Environmental Protection in Chapter 62-340, Florida Administrative Code  
11 or from the top of a seawall or lake bulkhead. Newly planted turf or  
12 landscape plants may be fertilized in this zone only for a sixty (60) day  
13 period beginning thirty (30) days after planting if needed to allow the  
14 vegetation to become well established. Caution shall be used to prevent  
15 the direct deposit of fertilizer into the water.  
16

17 **Sec. 22-203. Fertilizer content and application rates.**  
18

19 (a) Fertilizers applied to turf within the town shall be applied in  
20 accordance with requirements and directions provided by Rule 5E-  
21 1.003(2), Florida Administrative Code, *Labeling Requirements For Urban*  
22 *Turf Fertilizers*. Under Rule 5E-1.003(2), Florida Administrative Code,  
23 required application rate and frequency maximums, which vary by plant  
24 and turf types, are found on the labeled fertilizer bag or container.  
25

26 (b) Nitrogen or phosphorus fertilizer shall not be applied to turf  
27 or landscape plants except as provided in section (a) above for turf, or in  
28 UF/IFAS recommendations for landscape plants, vegetable gardens, and  
29 fruit trees and shrubs, unless a soil or tissue deficiency has been verified  
30 by an approved test.  
31

32 (c) Fertilizer used for sports turf at golf courses shall be applied  
33 in accordance with the recommendations in "Best Management Practices  
34 for the Enhancement of Environmental Quality on Florida Golf Courses",  
35 published by the Florida Department of Environmental Protection, dated  
36 January 2007, as may be amended. Fertilizer used at park or athletic  
37 fields shall be applied in accordance with Rule 5E-1.003(2), Florida  
38 Administrative Code.  
39

40 **Sec. 22-204. Fertilizer application practices.**  
41

42 (a) As required in section 22-202 of this article, spreader  
43 deflector shields shall be used when fertilizing via rotary (broadcast)  
44 spreaders. Deflectors must be positioned such that fertilizer granules are  
45 deflected away from all impervious surfaces, fertilizer-free zones and  
46 water bodies, including wetlands. Any fertilizer applied, spilled, or

1 deposited, either intentionally or accidentally, on any impervious surface  
2 shall be immediately and completely removed to the greatest extent  
3 practicable.

4  
5 (b) Fertilizer released on an impervious surface must be  
6 immediately contained and either legally applied to turf or any other legal  
7 site, or returned to the original or other appropriate container.

8  
9 (c) In no case shall fertilizer be washed, swept, or blown off  
10 impervious surfaces into stormwater drains, ditches, conveyances, or  
11 water bodies.

12  
13 (d) Property owners and managers are encouraged to use an  
14 Integrated Pest Management (IPM) strategy as currently recommended by  
15 the University of Florida Cooperative Extension Service publications.

16  
17 **Sec. 22-205. Management of grass clippings and vegetative matter.**

18  
19 In no case shall grass clippings, vegetative material, and/or  
20 vegetative debris intentionally be washed, swept, or blown on to or into  
21 stormwater drains, ditches, conveyances, water bodies, wetlands,  
22 sidewalks or roadways. Vegetative material may be placed within the  
23 roadway right-of-way, but not over the storm drains, for pickup by the  
24 town's vegetative waste hauler.

25  
26 **Sec. 22-206. Exemptions.**

27  
28 The provisions of this article shall not apply to:

29  
30 (a) Bona fide farm operations as defined in the Florida Right-to-  
31 Farm Act, Section 823.14, Florida Statutes;

32  
33 (b) Other properties not subject to or covered under the Florida  
34 Right-to-Farm Act that have pastures used for grazing livestock; and

35  
36 (c) Any lands used for bona fide scientific research, including,  
37 but not limited to, research on the effects of fertilizer use on urban  
38 stormwater, water quality, agronomics, or horticulture.

39  
40 **Sec. 22-207. Training.**

41  
42 (a) All commercial and institutional applicators of fertilizer within  
43 Palm Beach County shall abide by and successfully complete the six-hour  
44 training program in the "Florida-Friendly Best Management Practices for  
45 Protection of Water Resources by the Green Industries" offered by the  
46 Florida Department of Environmental Protection through the University of

1 Florida/Palm Beach County Cooperative Extension Service "Florida-  
2 Friendly Landscapes" program or an approved equivalent program.

3  
4 (b) Non-commercial and non-institutional applicators not  
5 otherwise required to be certified, such as private citizens on their own  
6 residential property, are encouraged to follow the recommendations of the  
7 University of Florida/IFAS "Florida-Friendly Landscape Program" and label  
8 instructions when applying fertilizers.

9  
10 **Sec. 22-208. Licensing of commercial applicators.**

11  
12 (a) All businesses applying fertilizer to turf or landscape plants  
13 (including, but not limited to, residential lawns, golf courses, commercial  
14 properties, and multi-family and condominium properties) must ensure that  
15 the business owner or his/her designee holds the appropriate "Florida-  
16 Friendly Best Management Practices for Protection of Water Resources  
17 by the Green Industries" training certificate prior to the business owner  
18 obtaining a business tax receipt. Owners for any category of occupation  
19 which may apply any fertilizer to turf and/or landscape plants shall provide  
20 proof of completion of the program to the town. It is the responsibility of  
21 the business owner to maintain the "Florida-Friendly Best Management  
22 Practices for Protection of Water Resources by the Green Industries"  
23 certificate to receive a business tax receipt annually.

24  
25 (b) After December 31, 2013, all commercial applicators of  
26 fertilizer within the town shall have and carry in their possession at all  
27 times when applying fertilizer, evidence of certification by the Florida  
28 Department of Agriculture and Consumer Services as a commercial  
29 fertilizer applicator per Rule 5E-14.117(18), Florida Administrative Code.

30  
31 (c) After December 31, 2012, all businesses applying fertilizer to  
32 turf and/or landscape plants (including, but not limited to, residential  
33 lawns, golf courses, commercial properties and multi-family and  
34 condominium properties) must ensure that at least one (1) employee has  
35 an appropriate "Florida-Friendly Best Management Practices for  
36 Protection of Water Resources by the Green Industries" training certificate  
37 prior to the business owner obtaining a business tax receipt.

38  
39 **Sec. 22-209. Enforcement; penalties; appeals.**

40  
41 (a) Enforcement. The provisions of this article shall be enforced  
42 by the town's code enforcement special magistrate pursuant to the  
43 authority granted by Section 162.01, Florida Statutes, et seq., as may be  
44 amended, and the town through its authority to enjoin and fine any person  
45 violating its code. The town may pursue these or any other enforcement  
46 remedies available to the town under state law.



1  
2 (b) Penalties. Failure to comply with the requirements of this  
3 article shall constitute a violation of this article and each new day the  
4 violation exists shall be considered a separate and distinct offense. Fines  
5 shall be determined by considering the factors set forth in Section 162.09,  
6 Florida Statutes, as may be amended, and shall not exceed the amounts  
7 authorized by state law.  
8

9 (c) Disposition of penalty funds. Funds generated by penalties  
10 imposed pursuant to this article shall be used by the town for the  
11 administration and enforcement of Section 403.9337, Florida Statutes, and  
12 the corresponding sections of this article, and to further water  
13 conservation and non-point pollution prevention activities.  
14

15 (d) Appeals. Appeals of administrative orders of the special  
16 magistrate shall be as provided under state law, and as further set forth in  
17 section 2-51 of the town code.  
18

19 **Section 3.** The provisions of this Ordinance shall become and be made a part  
20 of the Code of the Town of Hypoluxo, Florida.  
21

22 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this  
23 Ordinance is for any reason held by a court of competent jurisdiction to be  
24 unconstitutional, inoperative or void, such holding shall not affect the remainder of the  
25 Ordinance.  
26

27 **Section 5.** All ordinances and resolutions, or parts of ordinances and  
28 resolution, in conflict with this Ordinance are hereby repealed to the extent of such  
29 conflict.  
30

31 **Section 6.** This Ordinance shall become effective immediately upon adoption  
32

33 [Remainder of page intentionally blank]  
34

Signature Page for Ordinance 195

Passed on first reading this 19<sup>th</sup> day of Sept., 2012.

APPROVED:

Kenneth M. Schultz  
Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

✓ Michael Brown  
Vice Mayor Michael C. Brown

✓ Karen C. Miller  
Karen C. Miller

✓ Daniel L. Monahan  
Daniel L. Monahan

✓ William J. Smith  
William J. Smith

✓ Richard J. Roney  
Richard J. Roney

ATTEST:

Barbara L. Searls  
Barbara L. Searls, Town Clerk

Passed on second and final reading this 17<sup>th</sup> day of October, 2012.

APPROVED:

Kenneth M. Schultz  
Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

✓ Michael C. Brown  
Vice Mayor Michael C. Brown

✓ Karen C. Miller  
Karen C. Miller

✓ Absent  
Daniel L. Monahan

✓ William J. Smith  
William J. Smith

✓ Richard J. Roney  
Richard J. Roney

ATTEST:

Barbara L. Searls  
Barbara L. Searls, Town Clerk

Approved as to form and legal sufficiency:

Leonard G. Rubin  
Leonard G. Rubin, Town Attorney

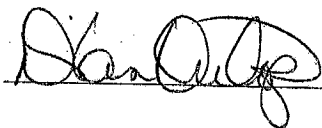
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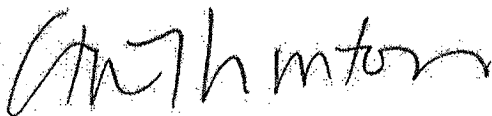
## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Dottie Van Overloop**, who on oath says that she is **Legal Advertising Clerk** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Ordinances 194, 195 & 196** was published in said newspaper in the issues of **October 7, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 8<sup>th</sup> day of October, A.D. 2012.  
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA  
**Karen M. McLinton**  
Commission #DD832672  
Expires: NOV. 15, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 15545

### NOTICE OF PUBLIC HEARINGS

The Town Council for the Town of Hypoluxo, Florida, will hold public hearings to consider the adoption of the following ordinances on second and final reading:

#### ORDINANCE NO. 194

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 14, "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IV, "SIMULATED GAMBLING DEVICES," TO PROHIBIT THE USE OF SUCH DEVICES WITHIN THE TOWN, PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

#### ORDINANCE NO. 195

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 22, "ENVIRONMENT," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE X, "FERTILIZER FRIENDLY ORDINANCE," PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

#### ORDINANCE NO. 196

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 34, "SOLID WASTE," OF THE TOWN CODE OF ORDINANCES TO ADOPT A NEW SECTION 34-1, "PLACEMENT OF SOLID WASTE MATERIALS FOR COLLECTION," PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Town Council will conduct the public hearings on Wednesday, October 17, 2012 at 7:00 p.m., or as soon thereafter as these matters can be heard, at Hypoluxo Town Hall, 7580 South Federal Highway, Hypoluxo, Florida 33462. All members of the public are invited to appear at the public hearings, which may be continued from time to time, and be heard with respect to these matters. Copies of the ordinances are on file at the Town Clerk's Office for inspection by members of the public.

If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which the decision is based. (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Clerk's Office at 682-0155 at least 72 hours prior to the meeting date.

Town of Hypoluxo  
PUB: The Palm Beach Post  
October 7, 2012