

M E M O R A N D U M

To: Town Commission
From: Howard Tipton, Town Manager
Report date: September 26, 2024
Meeting date: October 7, 2024
Subject: Ordinance 2024-09, Amending Chapter 56 of the Town Code

Recommended Action

Adopt Ordinance 2024-09 following second reading and public hearing.

Background

After a disaster, the primary mission of the Town will be to clear public streets, restore governmental services, and protect lives and property. Chapter 56 of the Town Code, Clearing Private Streets, Roads, Roadways, and Private Property, was established to provide a process by which the Town may evaluate and, if necessary, remove debris from along the curb of privately owned streets, roads, roadways, and other private property in the event of an immediate threat to life, public health, and safety after a significant disaster.

Ordinance 2006-20 established Chapter 56 of the Town Code and included the Debris Management Maps. During the 2024 hurricane season, the Debris Management Maps were reviewed and required modifications were noted and are being incorporated, herein, through Ordinance 2024-09. The modified map, Exhibit A, is attached for your review. The following summarizes the changes that have been made.

Debris Removal Route Map

Page 1 - Pine Street is public, not private.

Page 8 - Bay Isles Road is public, not private.

Additionally, as approved by the Town Commission in February 2019, Ordinance 2024-09 includes capitalization and punctuation modifications throughout the Chapter.

Also, it was noted at the prior commission meeting that the debris maps did not accurately illustrate building footprints and was it possible to have the maps updated. Public Works researched the source of these maps and they were created in 2006 by a company that no longer exists. Therefore, the map building footprints have not been updated.

Staff Recommendation

Adopt Ordinance 2024-09 following second reading and public hearing.

Attachments

- A. Ordinance 2024-09
- B. Debris Management Route Maps

Business Impact Estimate

Ordinance -ORD 2024-09 Clearing Private Streets, Roads, Roadways, and Private Property

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by State law¹ for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Removing debris can be a challenging job for residents, business owners and governments. The modified map details routes for debris removal for private and public properties.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

FEMA may determine that debris removal from private property is eligible for program funding, but there are factors that affect that decision. Those factors are based on the severity of the disaster and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

All

4. Additional information the governing body deems useful (if any):

End of Agenda Item