



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	**	_____	_____	_____	_____

**# ADDITIONAL FTE**

**POSITIONS (Cumulative)** \_\_\_\_\_

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account Exp No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Rev No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\*\*Although the proposed amendments to the ordinance include a provision for a \$250 fine for the first violation and a \$500 fine for a repeat violation, the fiscal impact is indeterminable at this time.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

<p><i>Johanna Webb</i> 2/19/14                  5/10/14                  2/19/14                  OFMB</p>	<p><i>Dr. J. [Signature]</i> 2/25/14                  Contract Dev. and Control                  2-24-14 [Signature]</p>
--	--

**B. Legal Sufficiency:**

*Ronald E. [Signature]* 2/18/14  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

1   **ORDINANCE NO. 2014 \_\_\_\_\_**  
2

3           **AN ORDINANCE OF THE BOARD OF COUNTY**  
4           **COMMISSIONERS OF PALM BEACH COUNTY,**  
5           **FLORIDA, AMENDING CHAPTER 17, ARTICLE I OF THE**  
6           **PALM BEACH COUNTY CODE (ORDINANCE NO. 1980-**  
7           **12) RELATING TO LICENSES, TAXATION AND**  
8           **MISCELLANEOUS BUSINESS REGULATIONS, TO BE**  
9           **KNOWN AS THE PALM BEACH COUNTY MOTOR**  
10          **VEHICLE FUEL PRICE POSTING ORDINANCE”;**  
11          **PROVIDING FOR FUEL PRICE SIGNS; PROVIDING FOR**  
12          **REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A**  
13          **SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY;**  
14          **PROVIDING FOR INCLUSION IN THE CODE OF LAWS**  
15          **AND ORDINANCES; PROVIDING FOR CAPTIONS; AND**  
16          **PROVIDING FOR AN EFFECTIVE DATE.**

17  
18  
19           **WHEREAS,** the Board of County Commissioners of Palm Beach County finds and  
20 declares that the public welfare and safety of the existing and future residents requires the  
21 regulation and control of retail sales of motor vehicle fuel to the general public; and

22           **WHEREAS,** Palm Beach County regulates the display of signs on the premises of motor  
23 vehicle fuel service stations that operate in the unincorporated and incorporated areas of the  
24 County; and

25           **WHEREAS,** it is now necessary to amend Article I of Chapter 17 Sec. 2, of the Palm  
26 Beach County Code to address consumers’ concerns and prevent consumers from being misled,  
27 to require retailers of motor vehicle fuel to post the highest price a customer would be required to  
28 pay; and

29           **WHEREAS,** it is also necessary to amend Article I of Chapter 17 Sec. 2, of the Palm  
30 Beach County Code to further protect consumers and ensure they are not misled, to require  
31 retailers of motor vehicle fuel selling fuel at a discounted price to customers paying cash, to  
32 prominently post on the signage displaying the price that it is a “cash only” sales price.

33  
34           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
35  
36 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**  
37

38           **Section 1. Fuel Price Signs.**

39  
40 Chapter 17, Article I Section 17 - 2 of the Palm Beach County Code is amended to read as  
41 follows:  
42

1 Every person that engages in the retail sales of motor vehicle fuel to the general public shall  
2 prominently and continuously display signs on the premises according to Standard I or Standard  
3 II and Standard III:

4 (1) Standard I:

- 5  
6 a. At least one (1) sign shall be displayed which is a minimum of ten (10) square feet  
7 and a maximum of fifteen (15) square feet on its usable face.  
8 b. The sign shall be prominently placed and readable by motorists traveling on the  
9 abutting streets.  
10 c. The sign shall clearly indicate the types of motor vehicle fuel available for sale (i.e.,  
11 leaded, unleaded, diesel, gasohol, etc.) in full or abbreviated form.  
12 d. The sign shall indicate the maximum retail price per gallon, or other unit, to the  
13 nearest tenth of a cent inclusive of all taxes, in numerals at least six (6) inches tall, for  
14 each kind of motor vehicle fuel available for sale. If prices are indicated in units other  
15 than "price/U.S. gallon," the unit must be indicated in lettering not less than three (3)  
16 inches tall.  
17 e. If the prices displayed are for self-service or other limited type of service, the sign  
18 must clearly indicate the type of service.  
19 f. All fuels and services displayed on the signs must be available at the posted prices.  
20

21 (2) Standard II:

- 22  
23 a. Pump topper signs placed on the top of each pump.  
24 b. The signs must be placed so they are easily readable by motorists traveling on the  
25 abutting streets.  
26 c. The sign shall indicate the maximum retail price per gallon, or other unit, to the  
27 nearest tenth of a cent inclusive of all taxes, in numerals at least six (6) inches tall for  
28 the motor vehicle fuels available at that pump. If prices are indicated in units other  
29 than "price/U.S. gallon," the unit must be indicated in lettering not less than three (3)  
30 inches tall.  
31 d. If the prices posted are for self-service or other limited type of service, the sign must  
32 clearly indicate the type of service.  
33 e. All fuels and types of service displayed on the signs must be available at the posted  
34 prices.  
35 f. Either the sign, or the pump it is attached to, must indicate the type of fuel available  
36 at that pump (i.e., leaded, unleaded, diesel, gasohol, etc.) in full or abbreviated form,  
37 easily readable from the abutting streets.  
38

39 (3) Standard III:

- 40 a. Any conditions of sale to obtain motor vehicle fuel for a discounted cash price  
41 shall be prominently displayed in lettering at least six (6) inches tall, for each  
42 kind of motor vehicle fuel available for sale on the sign as a "cash only" price.  
43 The "cash only" designation shall be positioned adjacent to the discounted price  
44 for each type of motor vehicle fuel sold at the discounted price.  
45 b. The size of the discounted price sign shall conform to the requirements in  
46 Standards I and II (at least six (6) inches tall). Such sign shall be clearly visible  
47 and legible to motorists of approaching motor vehicles on the abutting streets, and  
48 shall be illuminated in a manner that makes the sign visible at night to a person of  
49 average visual acuity.

- 1 c. The sign(s) shall be kept free from vegetation or other obstructions that may block  
2 the view of the advertised price on the sign from the adjacent street or roadway or  
3 otherwise camouflage the motor fuel pricing.
- 4 d. Any person engaging in the retail sales of motor vehicle fuel found to be in  
5 violation of this Section of the Palm Beach Code shall be required to pay to Palm  
6 Beach County a civil penalty of Two Hundred Fifty Dollars (\$250.00) for the first  
7 violation and Five Hundred Dollars (\$500.00) for each repeat violation.
- 8 e. Persons that engage in the retail sales of motor vehicle fuel to the general public  
9 shall have one year from the effective date of this ordinance to come into  
10 compliance with signage requirements pertaining to maximum prices per gallon.  
11 During the one year period, if a person engaging in the retail sale of motor vehicle  
12 fuel to the general public offers a cash discount, they shall place a sign at the  
13 pump indicating the type of fuel available from the discounted price.

14 **Section 2. Repeal of laws in conflict.**

15  
16 All local laws and ordinances applying to the unincorporated area of Palm Beach County in  
17 conflict with any provision of this article are hereby repealed to the extent of any conflict.

18 **Section 3. Scope of Ordinance.**

19  
20 This Ordinance shall be applicable in both the unincorporated and incorporated areas of Palm  
21 Beach County, except that it shall not apply in any municipality that has adopted and maintains  
22 in effect ordinances or regulations governing the same matters.

23  
24 **Section 4. Savings clause.**

25  
26 Notwithstanding the section of this Ordinance regarding the repeal of laws in conflict, all  
27 administrative and court orders, fines, and pending enforcement issued pursuant to this authority  
28 and procedures established by Chapter 17, Article I, Section 17-2, of the Palm Beach County  
29 Code, shall remain in full force and effect.

30  
31 **Section 5. Severability.**

32  
33 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason  
34 held by the Court to be unconstitutional, inoperative or void, it is the intent of the Board of  
35 County Commissioners that such holding shall not affect the remainder of this Ordinance.

36  
37 **Section 6. Inclusion in the a Code of Laws and Ordinances.**

38  
39 The provisions of this Ordinance shall become and be made a part of the code of laws and  
40 ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered

1 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"  
2 "article," or any other appropriate word.

3  
4 **Section 7. Captions.**  
5

6 The captions, section headings, and section designations used in this Ordinance are for  
7 convenience only and shall have no effect on the interpretation of the provisions of this  
8 Ordinance.

9  
10 **Section 8. Effective Date**  
11

12 The provisions of this Ordinance shall become effective upon filing with the Department of  
13 State.

14 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
15 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

16

17 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

18  
19  
20  
21

22 By: \_\_\_\_\_  
23 Deputy Clerk

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

24  
25

26 **APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY**

28  
29  
30  
31

By:   
County Attorney

32

33

34 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
35 \_\_\_\_\_, 2014.

ORDINANCE NO. 2014 \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE I OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 1980-12) RELATING TO LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, TO BE KNOWN AS THE PALM BEACH COUNTY MOTOR VEHICLE FUEL PRICE POSTING ORDINANCE”; PROVIDING FOR FUEL PRICE SIGNS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of retail sales of motor vehicle fuel to the general public; and

WHEREAS, Palm Beach County regulates the display of signs on the premises of motor vehicle fuel service stations that operate in the unincorporated and incorporated areas of the County; and

WHEREAS, it is now necessary to amend Article I of Chapter 17 Sec. 2, of the Palm Beach County Code to address consumers’ concerns and prevent consumers from being misled, to require retailers of motor vehicle fuel to post the highest price a customer would be required to pay; and

WHEREAS, it is also necessary to amend Article I of Chapter 17 Sec. 2, of the Palm Beach County Code to further protect consumers and ensure they are not misled, to require retailers of motor vehicle fuel selling fuel at a discounted price to customers paying cash, to prominently post on the signage displaying the price that it is a “cash only” sales price.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Fuel Price Signs.

Chapter 17, Article I Section 17 - 2 of the Palm Beach County Code is amended to read as follows:

1 Every person that engages in the retail sales of motor vehicle fuel to the general public shall  
2 prominently and continuously display signs on the premises according to Standard I or Standard  
3 II and Standard III:

4 (1) Standard I:  
5

- 6 a. At least one (1) sign shall be displayed which is a minimum of ten (10) square feet  
7 and a maximum of fifteen (15) square feet on its usable face.  
8 b. The sign shall be prominently placed and readable by motorists traveling on the  
9 abutting streets.  
10 c. The sign shall clearly indicate the types of motor vehicle fuel available for sale (i.e.,  
11 leaded, unleaded, diesel, gasohol, etc.) in full or abbreviated form.  
12 d. The sign shall indicate the ~~minimum~~maximum retail price per gallon, or other unit, to  
13 the nearest tenth of a cent inclusive of all taxes, in numerals at least six (6) inches  
14 tall, for each kind of motor vehicle fuel available for sale. If prices are indicated in  
15 units other than "price/U.S. gallon," the unit must be indicated in lettering not less  
16 than three (3) inches tall.  
17 e. If the prices displayed are for self-service or other limited type of service, the sign  
18 must clearly indicate the type of service.  
19 f. All fuels and services displayed on the signs must be available at the posted prices.  
20

21 (2) Standard II:  
22

- 23 a. Pump topper signs placed on the top of each pump.  
24 b. The signs must be placed so they are easily readable by motorists traveling on the  
25 abutting streets.  
26 c. The sign shall indicate the ~~minimum~~maximum retail price per gallon, or other unit, to  
27 the nearest tenth of a cent inclusive of all taxes, in numerals at least six (6) inches tall  
28 for the motor vehicle fuels available at that pump. If prices are indicated in units other  
29 than "price/U.S. gallon," the unit must be indicated in lettering not less than three (3)  
30 inches tall.  
31 d. If the prices posted are for self-service or other limited type of service, the sign must  
32 clearly indicate the type of service.  
33 e. All fuels and types of service displayed on the signs must be available at the posted  
34 prices.  
35 f. Either the sign, or the pump it is attached to, must indicate the type of fuel available  
36 at that pump (i.e., leaded, unleaded, diesel, gasohol, etc.) in full or abbreviated form,  
37 easily readable from the abutting streets.  
38

39 (3) Standard III:

- 40 a. Any conditions of sale to obtain motor vehicle fuel for a discounted cash price  
41 shall be prominently displayed in lettering at least six (6) inches tall, for each  
42 kind of motor vehicle fuel available for sale on the sign as a "cash only" price.  
43 The "cash only" designation shall be positioned adjacent to the discounted price  
44 for each type of motor vehicle fuel sold at the discounted price.  
45 b. The size of the discounted price sign shall conform to the requirements in  
46 Standards I and II (at least six (6) inches tall). Such sign shall be clearly visible  
47 and legible to motorists of approaching motor vehicles on the abutting streets, and  
48 shall be illuminated in a manner that makes the sign visible at night to a person of  
49 average visual acuity.



1        c. The sign(s) shall be kept free from vegetation or other obstructions that may block  
2                    the view of the advertised price on the sign from the adjacent street or roadway or  
3                    otherwise camouflage the motor fuel pricing.

4        d. Any person engaging in the retail sales of motor vehicle fuel found to be in  
5                    violation of this Section of the Palm Beach Code shall be required to pay to Palm  
6                    Beach County a civil penalty of Two Hundred Fifty Dollars (\$250.00) for the first  
7                    violation and Five Hundred Dollars (\$500.00) for each repeat violation.

8        e. Persons that engage in the retail sales of motor vehicle fuel to the general public  
9                    shall have one year from the effective date of this ordinance to come into  
10                   compliance with signage requirements pertaining to maximum prices per gallon.  
11                   During the one year period, if a person engaging in the retail sale of motor vehicle  
12                   fuel to the general public offers a cash discount, they shall place a sign at the  
13                   pump indicating the type of fuel available from the discounted price.

14        **Section 2. Repeal of laws in conflict.**

15  
16        All local laws and ordinances applying to the unincorporated area of Palm Beach County in  
17        conflict with any provision of this article are hereby repealed to the extent of any conflict.

18        **Section 3. Scope of Ordinance.**

19  
20        This Ordinance shall be applicable in both the unincorporated and incorporated areas of Palm  
21        Beach County, except that it shall not apply in any municipality that has adopted and maintains  
22        in effect ordinances or regulations governing the same matters.

23  
24        **Section 4. Savings clause.**

25  
26        Notwithstanding the section of this Ordinance regarding the repeal of laws in conflict, all  
27        administrative and court orders, fines, and pending enforcement issued pursuant to this authority  
28        and procedures established by Chapter 17, Article I, Section 17-2, of the Palm Beach County  
29        Code, shall remain in full force and effect.

30  
31        **Section 5. Severability.**

32  
33        If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason  
34        held by the Court to be unconstitutional, inoperative or void, it is the intent of the Board of  
35        County Commissioners that such holding shall not affect the remainder of this Ordinance.

36  
37        **Section 6. Inclusion in the a Code of Laws and Ordinances.**

38  
39        The provisions of this Ordinance shall become and be made a part of the code of laws and  
40        ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered

1 or re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"  
2 "article," or any other appropriate word.

3  
4 **Section 7. Captions.**  
5

6 The captions, section headings, and section designations used in this Ordinance are for  
7 convenience only and shall have no effect on the interpretation of the provisions of this  
8 Ordinance.

9  
10 **Section 8. Effective Date**  
11

12 The provisions of this Ordinance shall become effective upon filing with the Department of  
13 State.

14 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
15 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 2014.

16

17 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

18

19

20

21

22 By: \_\_\_\_\_  
23 Deputy Clerk

By: \_\_\_\_\_  
Priscilla A. Taylor, Mayor

24

25

26 **APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY**

28

29

30 By: \_\_\_\_\_  
31 County Attorney

32

33

34 EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of  
35 \_\_\_\_\_, 2014.