

TOWN OF PALM BEACH

Information for Second Public Hearing on: September 29, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: Jane Struder, Finance Director

Date: September 24, 2010

Subject: Fiscal Year 2011 Budgets and Millage Rate
Second Public Hearing on September 29, 2010, at 5:01PM.

STAFF RECOMMENDATION

Staff is recommending that the Town Council adopt attached Resolution No.110-10 and Resolution No.111-10 to adopt the final millage rate and budgets for FY11. Staff is also recommending that the Town Council adopt Ordinance No. 27-10 and Ordinance No. 28-10 and Resolution No. 104-10 to establish fees for various services that will be in effect as of October 1, 2010. Finally, staff is recommending that the Town Council adopt Ordinance No. 29-10 to amend the Town's regulations regarding parades and special events.

GENERAL INFORMATION

Attached for your review and consideration are Resolution No.110-10 and Resolution No.111-10 which will adopt the final millage rate and budgets for FY11.

At the September 13 public hearing, Town Council adopted the tentative FY11 millage rate and tentative FY11 budget. The FY11 millage rate of 3.2512 is equal to the rate adopted for FY09 and FY10. We are recommending adoption of Resolution No. 110-10 and Resolution No. 111-10 which will constitute the Town's final action on these matters for FY11.

In addition, Ordinance No. 27-10, Ordinance No. 28-10, and Resolution No. 104-10 are included on the agenda because they need to be adopted prior to October 1, 2010, so that all current fee schedules will be in place for the new fiscal year. The aforementioned Ordinances and Resolution will create escalating penalties for untimely submittal of charitable solicitation permit applications, the State required surcharge of 3% of each building permit fee (of which the Town shall keep 10%), and a permit application fee for peddlers licenses.

Finally, we also recommend adoption of Ordinance No. 29-10 to provide greater flexibility to the Town (and only the Town) for planning and executing parades and special events. This ordinance was originally intended to be adopted on October 12, 2010, but it was inadvertently advertised for second and final reading on September 29, 2010, along with the two ordinances that must be adopted that evening to meet the October 1 deadline.

ATTACHMENTS

- Agenda
- Resolution No. 110-10
- Resolution No. 111-10
- Ordinance No. 27-10
- Ordinance No. 28-10
- Ordinance No. 29-10
- Resolution No. 104-10

cc: Thomas G. Bradford, Deputy Town Manager
All Department Directors
Spencer D. Wilson, Information Systems Manager



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

SPECIAL TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS – SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, SEPTEMBER 29, 2010

5:01 P.M.

WELCOME!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

- I. CALL TO ORDER AND ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com <mailto:finance@townofpalmbeach.com>

IV. PUBLIC HEARING ON FINAL FY2010 MILLAGE RATES AND BUDGETS

- A. Proof of Publication
- B. Announcement of Proposed Operating Millage Rate
- C. Reasons for Proposed Operating Millage Rate Decrease from the Rolled-Back Millage Rate
- D. Comments and Questions from Public
- E. RESOLUTION NO. 110-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Adopting The Final Millage Rate And Levying Ad Valorem Taxes For The Fiscal Year Beginning October 1, 2010, And Ending September 30, 2011; Setting Forth Certain Information Regarding The "Rolled-Back Millage Rate"; Directing The Town Manager Or The Finance Director To Adjust The Adopted Millage Rate In The Event Of Changes In The Assessment Roll And Taxable Value; Providing An Effective Date.
- F. RESOLUTION NO. 111-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Final Budget And Appropriating Funds For The Fiscal Year Beginning October 1, 2010, And Ending September 30, 2011; Providing For An Effective Date.

V. ORDINANCES-SECOND READING

- A. ORDINANCE NO. 27-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Building And Building Regulations, Section 108.2(1) Permit Fees; Providing For State Required Building Permit Fee Surcharges; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
[Thomas G. Bradford, Deputy Town Manager]
- B. ORDINANCE NO. 28-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 78 Peddlers And Solicitors, Article II Peddlers, Section 78-40; And At Article III Charitable Solicitations, Sections 78-40; And At Article III Charitable Solicitations, Sections 78-102 And 78-105, So As To Provide For An Administrative Processing Fee And Late Fees As Adopted By Resolution Of The Town Council; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.
[Thomas G. Bradford, Deputy Town Manager]

- C. ORDINANCE NO. 29-10 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks, And Other Public Places, At Article Vi, Parades, Division 2, Permit, Section 106-216, So As To Exempt The Town Of Palm Beach From The Requirements Relating To Parade Permits For Parades Officially Sponsored By The Town Of Palm Beach With Approval Of The Town Council; Providing An Amendment To Article VII, Special Events On Public Property, Division 2, Permit, Section 106-281, Exempting The Town From Requirements For Permitting And Regulations Relating To Special Events, Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. [Peter B. Elwell, Town Manager]

VI. RESOLUTION ADOPTING CERTAIN FEES FOR FY11

- A. RESOLUTION NO. 104-10 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting Surcharges On Plan Review Fees And Construction Permit Fees In Accordance With Chapter 18, Section 108.2 (I) Of The Town Code Of Ordinances; Adopting A Permit Application Fee In Accordance With Section 78-40(4) Of The Town Code Of Ordinances; Adopting A Schedule Of Late Permit Filing Fees In Accordance With Section 78-102(B) Of The Town Code Of Ordinances; Establishing An Administrative Processing Fee In Accordance With Section 78-105 Of The Town Code Of Ordinances; Providing An Effective Date.
[Jane Struder, Director of Finance]

VII. ANY OTHER MATTERS

VIII. ADJOURNMENT

Note: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

RESOLUTION NO. 110-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA ADOPTING THE FINAL MILLAGE RATE AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; SETTING FORTH CERTAIN INFORMATION REGARDING THE "ROLLED-BACK MILLAGE RATE"; DIRECTING THE TOWN MANAGER OR THE FINANCE DIRECTOR TO ADJUST THE ADOPTED MILLAGE RATE IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Palm Beach held a public hearing on September 13, 2010, on the proposed millage rate and tentative budgets for the 2010-2011 fiscal year, and has approved the proposed millage rate and tentative budgets; and

WHEREAS, the Town Council of the Town of Palm Beach proposes by Resolution No. 111-10 to adopt a final budget and make appropriations for various funds for the Town of Palm Beach for the fiscal year beginning October 1, 2010, and ending September 30, 2011; and

WHEREAS, the budgets as proposed will require that the sum of \$36,245,500 be raised and collected by an ad valorem tax levy.

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

Section 1. The sum of \$36,245,500 shall be raised and collected for the Town of Palm Beach by ad valorem taxes for the fiscal year beginning October 1, 2010, and ending September 30, 2011 as follows:

- 1) There is hereby levied on all non-exempt taxable property within the Town of Palm Beach an ad valorem tax of 3.2512 mills for operational purposes.
- 2) Such millage shall be levied upon the dollar amount of the assessed valuation of all non-exempt taxable property in the Town of Palm Beach as determined by the Palm Beach County Property Appraiser and as shown by the 2010 assessment roll for the Town, allowing homestead and other lawful exemptions. All such taxes so specified and levied are ordered extended upon the assessment roll to show the tax attributable to all taxable property, and shall be collected by the Palm Beach County Tax Collector as provided by law.

Section 2. The ad valorem taxes hereby levied are for the purpose of raising funds, revenues, and monies to be used, set aside, and expended for the functions and purposes of the municipal government of the Town of Palm Beach pursuant to the provisions of the Town Charter and the laws of the State of Florida.

Section 3. The following information is set forth as required by Section 200.065(2)(d), Florida Statutes:

- 1) The operating millage rate of 3.2512 levied herein is 11.71% less than the “rolled-back rate” of 3.6826 mills.

Section 4. Pursuant to Section 200.065(5), Florida Statutes, the Town Manager, or in his absence the Finance Director, is hereby authorized and required to adjust the adopted millage rate set forth herein if the taxable value within the jurisdiction of the Town of Palm Beach as certified by the Palm Beach County Property Appraiser is at variance from the taxable value shown on the assessment roll to be extended. The adjustment shall be such that the taxes computed by applying

the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll to be extended. However, no adjustment shall be made to the levies required by law to be a specific millage amount. The Town Manager or the Finance Director shall certify to the Property Appraiser the aggregate change in the assessment roll and taxable value, if any, from that certified.

Section 5. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 29th day of September 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

RESOLUTION NO. 111-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on September 13, 2010, on the Town of Palm Beach's proposed millage rate and its tentative budget for the 2010-2011 Fiscal Year; and

WHEREAS, the Town Council of the Town of Palm Beach adopted a tentative budget and the proposed millage rate necessary to fund the tentative budget; and

WHEREAS, a further public hearing was held to adopt a final millage rate and finalize the budget.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The budget for the Town of Palm Beach as attached, marked Exhibit A, incorporated herein and by this reference made an integral part hereof, is hereby adopted as the final budget for the fiscal year beginning October 1, 2010, and ending September 30, 2011, pursuant to Town Charter and Town Code of Ordinances.

Section 2. Funds are hereby appropriated in accordance with Town Code of Ordinances, Article VII, Financial Matters, as amended by Ordinance 18-99.

Section 3. The Town Manager is hereby authorized to approve requested intrafund transfers throughout the fiscal year as may be needed to ensure the continuity of municipal operations.

Section 4. All funds appropriated for the 2009-2010 Fiscal Year which are encumbered, but unexpended as of the last day of the fiscal year shall be deemed reappropriated for the same purposes for the 2010-2011 Fiscal Year.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 29th day of September 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

BUDGET SUMMARY
TOWN OF PALM BEACH - FISCAL YEAR 2010-2011

General Fund 3.2512

		GENERAL FUND	DEBT SERVICE FUND	CAPITAL PROJECTS FUND	ENTER- PRISE FUND	INTERNAL SERVICE FUND	TRUST FUND	TOTAL ALL FUNDS
ESTIMATED REVENUES								
Taxes:	Millage per \$1,000							
Ad Val Taxes - Operating	3.2512	\$36,245,500	\$0	\$0	\$0	\$0	\$0	\$36,245,500
Sales and Use Taxes		7,829,000	0	0	0	0	0	7,829,000
Licenses and Permits		6,104,300	0	0	0	0	0	6,104,300
Intergovernmental Revenue		1,129,000	0	4,827,100	0	0	845,000	6,801,100
Charges for Services		3,351,803	0	0	5,017,276	8,464,565	0	16,833,644
Fines and Forfeitures		841,000	0	0	0	0	0	841,000
Contributions		0	0	0	0	0	13,580,544	13,580,544
Special Assessments		0	0	944,000	0	0	0	944,000
Bond Proceeds		0	0	0	0	0	0	0
Interest		1,366,000	1,500	551,000	22,000	194,302	3,495,000	5,629,802
Miscellaneous		287,500	0	0	400	30,000	1,000	318,900
TOTAL SOURCES		\$57,154,103	\$1,500	\$6,322,100	\$5,039,676	\$8,688,867	\$17,921,544	\$95,127,790
Transfers In		2,039,000	4,481,728	4,850,000	0	0	0	11,370,728
Fund Balances/Reserves/Net Assets		4,541,745	116,565	33,935,800	0	3,750,000	28,616	42,372,726
TOTAL REVENUES, TRANSFERS & BALANCES		\$63,734,848	\$4,599,793	\$45,107,900	\$5,039,676	\$12,438,867	\$17,950,160	\$148,871,244
EXPENDITURES								
General Government		\$12,158,058	\$0	\$0	\$0	\$11,601,328	\$6,354,200	\$30,113,586
Public Safety		30,121,180	0	0	0	0	8,830,000	38,951,180
Physical Environment		11,540,278	0	0	0	0	0	11,540,278
Transportation		1,077,595	0	41,570,800	0	0	0	42,648,395
Culture and Recreation		1,747,737	0	0	4,239,572	0	0	5,987,309
Principal Retirement		0	4,359,663	0	0	0	0	4,359,663
Interest and Fees		0	11,500	0	0	0	0	11,500
TOTAL EXPENDITURES		\$56,644,848	\$4,371,163	\$41,570,800	\$4,239,572	\$11,601,328	\$15,184,200	\$133,611,911
Transfers Out		7,090,000	116,565	3,525,163	639,000	0	0	11,370,728
Fund Balances/Reserves/Net Assets		0	112,065	11,937	161,104	837,539	2,765,960	3,888,605
TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES AND BALANCES		\$63,734,848	\$4,599,793	\$45,107,900	\$5,039,676	\$12,438,867	\$17,950,160	\$148,871,244

PUBLISH: SEPTEMBER 26, 2010

ORDINANCE NO. 27-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDING AND BUILDING REGULATIONS, SECTION 108.2(I), PERMIT FEES; PROVIDING FOR STATE REQUIRED BUILDING PERMIT FEE SURCHARGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 18, Building and Building Regulations; Section 108.2(I), Schedule of Permit Fees, to read as follows:

“108.2 Schedule of permit fees. On all new and existing buildings, structures, plumbing, mechanical, electrical, and gas systems, site work, and swimming pools and spas, requiring a permit as set forth in section 104, and all right of way permits, a fee shall be paid based on the construction value and is required at the time of filing application in accordance with the following schedule:

- a. A minimum permit fee as established by resolution shall apply to all construction permits and right-of-way work.
- b. The permit fee for all permits for construction within the town shall be assessed in accordance with the fee schedule adopted by the Town Council by resolution. Subcontractors for all work will be required to obtain a permit and will be charged in accordance with the fee schedule above. Separate permits will be required for each separate building and a separate permit will be required for all site work (to include walkways, driveways, property walls and fences, gates, irrigation, landscaping, exterior lighting, patios, slabs, etc.). Separate permits will be required for all structures such as pools, docks and seawalls.
- c. Demolition -- Fee based on construction value, same as a. and b. above, unless condemned by the Town, then no fee will be charged.
- d. Moving a Building -- Fee based on construction value in accordance with the fee schedule adopted by the Town Council by resolution.

- e. Permit Refund Fee -- Fee shall be based upon the time required for staff processing, plan review, inspections, etc. as determined by the building official, but in no case less than the minimum permit fee established by resolution. All requests for refunds must be received within 30 days from issuance of permit.
- f. Permit transfer fee -- Fee as determined by the building official but not to exceed the amount established by resolution of the Town Council.
- g. Plan examination fee -- Fee not to exceed the amount as established by resolution.
- h. Major Plan rechecking fee -- Second and additional check list charge will be ten (10) percent of permit fee each time rechecked.
- i. Expedited Plan Review Fee -- At the option of the contractor and with the approval of the building official, the town, at its discretion, will perform a special plan review to expedite permit applications and plan revisions. Fees will be assessed in accordance with the fee schedule adopted by the Town Council by resolution, and are based upon the current availability of personnel and the current cost for plan review services.
- j. Each re-inspection failed due to wrong address, work rejected because of faulty construction, work not ready for inspection at time requested, or repairs or corrections not made at time of subsequent inspection will be assessed in accordance with the fee schedule adopted by the Town Council by resolution. Fees for re-inspection shall be paid in the town planning, zoning & building department before the re-inspection is made. No further inspections will be made or permits issued until such fees have been paid.
- k. For education travel and certification maintenance for development regulation and fire prevention personnel -- one and one-half percent (1.5%) of the fees outlined in a. through j. shall be directed to a separate expenditure account specifically and solely for educational travel and certification maintenance of development regulation and fire prevention personnel.
- l. A surcharge shall be collected, in accordance with Florida Statutes 468.631 and 553.721, as amended, copies of which are on file in the Department to fund the Homeowners' Construction Recovery Fund and the functions of the Building Code Administrators and Inspectors Fund. This surcharge shall be adopted by resolution of the Town Council and may be amended from time to time.
- m. The sanitary sewer capital connection charge (CAP) shall be collected at the time of the issuance of the building permit according to the fee schedule adopted by the Town Council by resolution. No capital connection charge shall be assessed for a building addition, remodel, renovation or replacement of a building within twelve (12) months of its demolition, unless a larger water meter is installed. In such event, only the fee difference between the two meter sizes shall be assessed for the water service capital connection charge.
- n. Tents and Other Temporary Structures. Permit Fee is assessed in accordance with the fee schedule adopted by the Town Council by resolution. In addition to the permit fee, a fee in accordance with the fee schedule adopted by the Town Council by

resolution per tent, per month (or portion thereof) will be charged for any tent standing for more than fifteen (15) days. For multiple events over a period of time, a re-inspection will be required for each event, at a fee in accordance with the fee schedule adopted by the Town Council by resolution.

- o. Local Product approval. If a local product approval of a product per Department of Community Affairs Rule 9B-72 is requested, a fee in accordance with the fee schedule adopted by the Town Council by resolution will be required with the application for such local product approval.”

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of September, 2010, and for second and final reading on this 29th day of September, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

ORDINANCE NO. 28-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 78 PEDDLERS AND SOLICITORS, ARTICLE II PEDDLERS, SECTION 78-40; AND AT ARTICLE III, CHARITABLE SOLICITATIONS, SECTIONS 78-102 AND 78-105, SO AS TO PROVIDE FOR AN ADMINISTRATIVE PROCESSING FEE AND LATE FEES AS ADOPTED BY RESOLUTION OF THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 78, Peddlers and Solicitors; Article II, Peddlers; Section 78-40, Permit Application Required, to read as follows:

"Sec. 78-40. Permit application required.

If any person desires a peddler's permit, he shall furnish the chief of police a sworn statement showing the following:

- (1) The name of the applicant.
- (2) The organization or organizations represented by him.
- (3) The nature of goods, wares or merchandise to be offered for sale or for which orders will be taken.
- (4) A permit application fee shall be assessed in accordance with the fee schedule adopted by the Town Council by resolution as may be amended from time to time."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permit; Section 78-102, Application; subparagraph (b) to read as follows:

"(b) Each application shall be sworn to and filed with the town at the office of the town clerk at least 60 days prior to the proposed effective date of the permit applied for. Permits applied for less than 60 days prior to the effective date of the permit shall be subject to late fees as determined by resolution of the Town Council as may be amended from time to time."

Section 3. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permit; Section 78-105, Fees to read as follows:

"Sec. 78-105. Fees.

Before a permit is issued pursuant to this article, there shall be paid to the town clerk an administrative processing fee, and in the event of a late filing a late filing fee, in accordance with the fee schedule adopted by the Town Council by resolution as may be amended from time to time."

Section 4. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 5. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 6. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of September, 2010, and for second and final reading on this 29th day of September, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

P:\DOCS\13156\00008\DOC\1915019.DOC

ORDINANCE NO. 29-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AT ARTICLE VI, PARADES, DIVISION 2, PERMIT, SECTION 106-216, SO AS TO EXEMPT THE TOWN OF PALM BEACH FROM THE REQUIREMENTS RELATING TO PARADE PERMITS FOR PARADES OFFICIALLY SPONSORED BY THE TOWN OF PALM BEACH WITH APPROVAL OF THE TOWN COUNCIL; PROVIDING AN AMENDMENT TO ARTICLE VII, SPECIAL EVENTS ON PUBLIC PROPERTY, DIVISION 2, PERMIT, SECTION 106-281, EXEMPTING THE TOWN FROM REQUIREMENTS FOR PERMITTING AND REGULATIONS RELATING TO SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places, at Article VI, Parades; Division 2, Permit; Section 106-216, to read as follows:

"Sec. 106-216. Required.

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the chief of police. No permit shall be required for parades officially sponsored by the Town of Palm Beach government and approved by the Town Council, nor shall the regulations set forth in this Division 2 apply to such parades."

Section 2. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 106, Streets, Sidewalks and Other Public Places, at Article VII, Special Events on Public Property, Division 2, Permit; Section 106-281, to read as follows:

"Sec. 106-281. Required.

No person shall engage in, participate in, aid, form or start any special event unless a special event permit shall have first been obtained from the town manager or his designee. No permit shall be required for special events officially sponsored by the Town of Palm Beach government and approved by the Town Council, nor shall the regulations set forth in this Division 2 apply to such special events."

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of September, 2010, and for second and final reading on this 29th day of September, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

P:\DOCS\13156\00008\DOC\1917106.DOC

RESOLUTION NO. 104-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING SURCHARGES ON PLAN REVIEW FEES AND CONSTRUCTION PERMIT FEES IN ACCORDANCE WITH CHAPTER 18, SECTION 108.2 (I) OF THE TOWN CODE OF ORDINANCES; ADOPTING A PERMIT APPLICATION FEE IN ACCORDANCE WITH SECTION 78-40(4) OF THE TOWN CODE OF ORDINANCES; ADOPTING A SCHEDULE OF LATE PERMIT FILING FEES IN ACCORDANCE WITH SECTION 78-102(b) OF THE TOWN CODE OF ORDINANCES; ESTABLISHING AN ADMINISTRATIVE PROCESSING FEE IN ACCORDANCE WITH SECTION 78-105 OF THE TOWN CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted on first reading Ordinance No. 27-10 and Ordinance No. 28-10 at the September 14, 2010, Town Council meeting; and

WHEREAS, Ordinance No. 27-10 and Ordinance No. 28-10, in addition to other amendments to the Town of Palm Beach Code of Ordinances, provide for amendments to existing Town fees, imposition of late permit filing fees and a State of Florida mandated plan review fee and building permit fee surcharge, to be adopted by and amended by resolution of the Town Council; and

WHEREAS, in order to effectuate these new fees on or before October 1, 2010, as may be required by Florida law or to accommodate anticipated Town workload and other Town concerns, the Town Council wishes to adopt the aforementioned fee amendments, late permit filing fees and fee surcharge amendments subsequent to adoption of Ordinance No. 27-10 and Ordinance No. 28-10 on second reading as advertised pursuant to state statute at the Special Town Council meeting scheduled for September 29, 2010.

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. Pursuant to the Code of Ordinances of the Town of Palm Beach, Chapter 18, Building and Building Regulations; Section 108.2(l), Schedule of Permit Fees, a surcharge of 1.5% on all plan review fees and construction permit fees imposed by the Town, with a minimum surcharge of \$2, is hereby adopted pursuant to Florida Statute for the Building Code Administrators and Inspectors Fund. The Town shall remit surcharge collections to the State pursuant to State statute and adopted State administrative procedures associated therewith, retaining for the Town the maximum allowed by law or administrative procedure for the Town's use as allowed by law. The Planning, Zoning and Building Department shall record, collect and transmit all such surcharge collections in accordance with adopted Town accounting policies and shall coordinate such activities with the Town's Department of Finance.

Section 3. Pursuant to the Code of Ordinances of the Town of Palm Beach, Chapter 18, Building and Building Regulations; Section 108.2(l), Schedule of Permit Fees, a surcharge of 1.5% on all plan review fees and construction permit fees imposed by the Town, with a minimum surcharge of \$2, is hereby adopted pursuant to Florida Statute for the Florida Homeowners' Construction Recovery Fund. The Town shall remit surcharge collections to the State pursuant to State statute and adopted State administrative procedures associated therewith, retaining for the Town the maximum allowed by law or administrative procedure for the Town's use as allowed by law. The

Planning, Zoning and Building Department shall record, collect and transmit all such surcharge collections in accordance with adopted Town accounting policies and shall coordinate such activities with the Town's Department of Finance.

Section 4. Pursuant to the Code of Ordinances of the Town of Palm Beach, Chapter 78, Peddlers and Solicitors; Article II, Peddlers; Section 78-40 (4), Permit Application Required, there is hereby adopted a permit application fee of \$25.

Section 5. Pursuant to the Code of Ordinances of the Town of Palm Beach, Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permit; Section 78-102, Application; subparagraph (b) there is hereby adopted a late permit filing fee in accordance with the following schedule:

- a) Permit applications submitted 31-59 days prior to the event date shall incur a 25% late permit filing fee, as a percentage of the administrative processing fee, to be paid in addition to the administrative processing fee.
- b) Permit applications submitted 16-30 days prior to the event date shall incur a 50% late permit filing fee, as a percentage of the administrative processing fee, to be paid in addition to the administrative processing fee.
- c) Permit applications submitted 8-15 days prior to the event date shall incur a 75% late permit filing fee, as a percentage of the administrative processing fee, to be paid in addition to the administrative processing fee.
- d) Permit applications submitted 7 days or less prior to the event date shall incur a 100% late permit filing fee, as a percentage of the administrative processing fee, to be paid in addition to the administrative processing fee.

Section 6. Pursuant to the Code of Ordinances of the Town of Palm Beach, Chapter 78, Peddlers and Solicitors; Article III, Charitable Solicitations; Division 2, Permit; Section 78-105, Fees, there is hereby adopted an administrative processing fee of \$460 for Charitable Solicitation Permits.

Section 7. This Resolution shall become effective immediately upon passage by the Town Council.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 29th day of September, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member