



TOWN COUNCIL MEETING

TOWN OF PALM BEACH

MARCH 30, 2026

9:30 AM

TOWN HALL COUNCIL CHAMBERS, 2ND FLOOR | 360 SOUTH COUNTY RD | PALM BEACH, FL 33480

Danielle H. Moore, Mayor
Bobbie D. Lindsay, President
Lew Crampton, President Pro Tem
Julie Araskog
Ted Cooney
Bridget Moran

AGENDA

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

COMMENTS

1. MAYOR AND TOWN COUNCIL MEMBERS
2. PUBLIC - 3 MINUTE LIMIT

For those unable to attend in person: [Submit a written comment](#) [Register to comment virtually](#)

ORDINANCES

3. SECOND READING

- 3.1 11-2026** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 2 "Administration" To Add The Appointment Of Special Magistrates To Preside Over Certain Code Enforcement Violation Hearings By Amending Division 1 "Generally," Sec. 2-367; Amending Division 2 "Code Enforcement Board," Sections 2-401-2-405; Amending Division 3 "Procedure," Sections 2-426-2-427, 2-429-2-430, 2-432-2-437; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ANY OTHER BUSINESS

4. **49-2026** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Appointing Paul J. Nicoletti, Esq. As A Code Enforcement Special Magistrate; And Providing For An Effective Date.

ADJOURNMENT

Access this meeting video on the 'Public Meetings' page at www.townofpalmbeach.com.

If a person decides to appeal any decision made with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made for such purposes, which shall include the testimony and evidence upon which the appeal is to be based.

Disabled persons needing accommodations to participate in this meeting should contact the Town Clerk's Office at (561) 838-5416 at least one day prior to the meeting.

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 30, 2026

To: Town Council

Via: Kirk W. Blouin, Town Manager

From: Nicholas Caristo, Chief of Police

Re: An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 2 "Administration" To Add The Appointment Of Special Magistrates To Preside Over Certain Code Enforcement Violation Hearings By Amending Division 1 "Generally," Sec. 2-367; Amending Division 2 "Code Enforcement Board," Sections 2-401-2-405; Amending Division 3 "Procedure," Sections 2-426-2-427, 2-429-2-430, 2-432-2-437; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. 11-2026

Date: 2/23/2026

STAFF RECOMMENDATION

Staff recommends that the Town Council appoint a Florida barred attorney as Special Magistrate pursuant to Florida Statutes Chapter 162 to oversee code violations of Chapter 74 of the Town Code. It is preferred that the Special Magistrate have experience handling maritime issues or issues common to coastal municipalities because the Special Magistrate will have limited jurisdiction to hear cases involving and enforce the provisions of Chapter 74 of the Town Code. Chapter 74 "Parks and Recreation," encompasses beaches, inlets, boats and aquatic activities.

GENERAL INFORMATION

Chapter 162, Florida Statutes, authorizes local governments to enforce its code of ordinances through the appointment of:

1. Code Enforcement Boards composed of volunteer members; and
2. Special Magistrates appointed by the local governing body.

Much like the current Code Enforcement Board, a Special Magistrate vested with authority to:

- Conduct quasi-judicial hearings;

- Administer oaths;
- Receive testimony;
- Issue findings of fact and conclusions of law; and
- Assess fines within statutory limits for noncompliance

Appeals of the Code Enforcement Board and of any Special Magistrate decision proceed to Circuit Court, making the legal sufficiency of the record critical.

Knowledge of Maritime and Coastal Law

Coastal municipalities routinely encounter code violations involving:
Riparian and littoral rights;

- State sovereignty submerged lands versus privately owned submerged lands;
- Marine construction (docks, seawalls, boat lifts, mooring);
- Environmental and navigational compliance; and
- Interplay between local, state, and federal regulatory frameworks.

An attorney with maritime or coastal law experience serving as Special Magistrate to hear violation cases specific to Ch. 74 brings subject-matter expertise in these complex areas of law. This specialized knowledge reduces the likelihood of legal error, strengthens written findings, and enhances the defensibility of enforcement actions on appeal.

Volunteer Code Enforcement Boards, while valuable in many contexts, may lack familiarity with the nuanced statutory and jurisdictional issues unique to marine and coastal code enforcement cases.

Procedural Integrity and Application of Evidence Standards

Code enforcement proceedings are quasi-judicial in nature. Decisions must be supported by competent, substantial evidence and comply with fundamental due process requirements.

A Florida barred attorney with experience in maritime or coastal legal issues will better serve the Town in code enforcement proceedings that involve these unique issues of maritime law. Having a Special Magistrate preside over maritime issues may reduce procedural vulnerabilities in any orders issued by the Code Enforcement Board.

Efficiency and Administrative Continuity

A Special Magistrate eliminates quorum concerns and provides:

- Greater scheduling flexibility;
- Faster handling of emergency or hazardous maritime violations;
- Consistency in rulings across similar complex cases; and
- Administrative continuity.

Efficiency and scheduling flexibility are particularly important where violations may involve unsafe marine structures, environmental damage, or navigational hazards.

Assessment of Fines and Liens

Under Chapter 162, fines may be imposed up to statutory maximums, including enhanced penalties for repeat violations. Maritime violations can involve:

- High-value waterfront structures;
- Significant environmental impacts;
- Restoration costs; and
- Potential damages in the thousands of dollars per violation.

An attorney with maritime or coastal experience is well positioned to:

- Assess proportional and legally defensible fines;
- Properly structure lien orders;
- Receive and assess evidence involving unique maritime issues; and
- Reduce exposure to appeals.

Funding

The estimated cost associated with appointing a Special Magistrate is based on an anticipated hearing schedule of one (1) session per month, with each session lasting approximately three to four (3–4) hours, in addition to a similar amount of time required for case preparation and review. At an estimated rate of \$400 per hour, the total monthly cost for Special Magistrate services is projected to range between \$3,500 and \$4,000, depending on case volume and complexity.

Conclusion

For coastal and maritime-focused jurisdictions, the appointment of an attorney as a Special Magistrate provides significant advantages as laid out herein. Given the legal complexity and potential financial exposure associated with maritime enforcement matters, the appointment of a Florida barred attorney as Special Magistrate represents a prudent and legally sound approach for these unique enforcement cases.

NC

cc: Carolyn Stone, Assistant Town Manager
Robert Miracle, Assistant Town Manager
Paul Brazil, Director of Public Works
Joanne O'Conner, Town Attorney

STRATEGIC PLAN

Strategic Priorities:

Safe and Resilient Community, Environmental Stewardship

Strategic Focus Areas:
Quality of Life

FUNDING
Operating

ORDINANCE NO. 11-2026

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 2 "ADMINISTRATION" TO ADD THE APPOINTMENT OF SPECIAL MAGISTRATES TO PRESIDE OVER CERTAIN CODE ENFORCEMENT VIOLATION HEARINGS BY AMENDING DIVISION 1 "GENERALLY," SEC. 2-367; AMENDING DIVISION 2 "CODE ENFORCEMENT BOARD," SECTIONS 2-401-2-405; AMENDING DIVISION 3 "PROCEDURE," SECTIONS 2-426-2-427, 2-429-2-430, 2-432-2-437; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, coastal municipalities such as the Town, routinely encounter code enforcement violations involving riparian and littoral rights, submerged lands, marine construction (docks, seawalls, boat lifts, mooring), marine environmental and navigational issues, and the interplay between local, state, and federal regulatory frameworks with respect to bodies of water within the Town's jurisdiction; and

WHEREAS, chapter 74 of the Town's code of ordinances governs "Parks and Recreation," which encompasses ordinances governing beaches, inlets, boats and boating, and aquatic activities; and

WHEREAS, given the nuances and complexities typically associated with violations involving riparian and littoral rights, submerged lands, marine construction (docks, seawalls, boat lifts, mooring), marine environmental and navigational issues, and the interplay between local, state, and federal regulatory frameworks with respect to bodies of water within the Town's jurisdiction, the Town Council finds that code enforcement violations of such nature would best be brought before a Special Magistrate who would be a Florida attorney in good standing with the Florida Bar with specialized knowledge in maritime or coastal municipal law; and

WHEREAS, in order to protect the health, safety, and welfare of its residents and visitors, the Town Council finds that a Special Magistrate shall be appointed to preside over all code enforcement violations of Chapter 74 of the Town Code.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The recitations set forth above are true and correct and incorporated herein as legislative findings of the Town Council.

Section 2: The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 2 – Administration by amending Divisions I-III as follows:

DIVISION 1. – GENERALLY

Sec. 2-367. - Definitions.

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:

Code inspector means any authorized agent or employee of the town whose duty it is to assure code compliance. The term shall include, but not be limited to town police officials.

Enforcement board means the town code enforcement board.

Special magistrate means the special magistrate(s) appointed by the Town Council.

DIVISION 2. - CODE ENFORCEMENT BOARD AND SPECIAL MAGISTRATE

Sec. 2-401. - Organization.

(a) The town council shall appoint a seven-member code enforcement board and legal counsel for the board. The members shall have the qualifications and terms of office specified in this section.

(b) Members of the enforcement board shall be residents of the town. Appointments shall be made by the town council on the basis of experience or interest in the fields of zoning and building control. The membership of the enforcement board shall, whenever possible, include:

- (1) An architect.
- (2) A businessperson.
- (3) An engineer.
- (4) A general contractor.
- (5) A realtor.
- (6) A subcontractor.
- (7) A general member.

In consideration of the appointment of a general member, or if it is not possible to fill a selection from any of the other categories set forth above, the town council shall give consideration to the appointment of a member to the code enforcement board with experience in the field of public health.

(c) In addition, the town council may appoint two alternate members for the purpose of serving in the absence of any of the board members specified above. The alternate members shall be appointed for a term of three years and shall serve in the absence of any regular member of the enforcement board. Alternate members may be appointed from the general public and need not be selected from any specific category of profession, but must be a resident of the town.

(d) In lieu of, or in addition to the enforcement board, in accordance with Ch. 162, Florida Statutes, the Town Council may appoint special magistrates who are licensed to practice law in the state and are members in good standing of the Florida Bar.

More than one special magistrate may be appointed.

Sec. 2-402. - Terms; removal provisions; absences; conflicts of interest.

(a) In order that terms of office of all members of the enforcement board will not expire at the same time, the initial appointments to the board shall be staggered. Thereafter, members shall be appointed for terms of three years. A member of the enforcement board shall not be appointed for more than two consecutive three-year terms, but shall be eligible for reappointment upon the lapse of nine months after the expiration of the member's second consecutive three-year term. For members who have already served two three-year terms upon the date of the adoption of this Code, they may serve one additional three-year term. The town council has the ability to waive this term limitation in the event the town council determines that it is necessary to extend the term in order to maintain the required number of persons on the ~~code~~ enforcement board.

(b) All members of the ~~code~~ enforcement board, including alternates, serve at the pleasure of the town council and may be removed from the board with or without cause. Members of the board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the office of the chief of police in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the board after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this section.

(c) In the event of excessive conflicts of interest during any one calendar year, the board member shall be automatically removed from the board. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application once declared shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis.

(d) Any appointed special magistrate may be removed by a majority vote of the Town Council.

Sec. 2-403. - Officers.

(a) The members of the enforcement board shall elect a chair. The presence of four or more members shall constitute a quorum of the enforcement board. Members shall serve without compensation but may be reimbursed for such travel expenses, mileage expenses, and per diem expenses as may be authorized by the town council.

(b) The town attorney shall be counsel to the enforcement board.

(c) The town attorney shall be counsel to the Town for any special magistrate hearings.

Sec. 2-404. - Jurisdiction.

The enforcement board shall enforce and have jurisdiction of all chapters of the Code and ordinances of the town except offenses and parking and statutory violations of the traffic code and any violations under Chapter 74 of the Code. Appointed special magistrates shall have exclusive jurisdiction of enforcement cases brought for violations of Chapter 74 of this Code.

Sec. 2-405. - Powers.

The enforcement board and special magistrate shall have the power to:

- (1) Adopt rules for the conduct of its hearings.
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by town's police department.
- (3) Subpoena records, surveys, plats and other material.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

DIVISION 3. - PROCEDURE**Sec. 2-426. - Initiation; notification.**

- (a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes. No member of a board and no special magistrate shall have the power to initiate such enforcement proceedings.
- (b) Any violation of a town code or ordinance shall constitute a civil infraction.
- (c) Except as otherwise provided in sections 2-432 and 2-433, if a violation of the codes is found, the code inspector shall notify the violator and give the violator a reasonable time, which shall not exceed 30 days, to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall issue a citation as described in section 2-431 to the person who has committed the violation. Upon issuance of the citation, the code inspector shall deposit the original citation and one copy of the citation with the enforcement board or special magistrate. Written notice of the enforcement board or special magistrate hearing shall be hand delivered or mailed to the violator as provided in section 2-437 within a reasonable time prior to ~~the board~~ any hearing. At the option of the enforcement board or special magistrate, notice may additionally be served by publication or posting as provided in section 2-437. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board or special magistrate even if the violation has been corrected prior to the ~~board~~ hearing; and the notice shall so state.

Sec. 2-427. - Repeat violation.

If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the

enforcement board or special magistrate and request a hearing. The enforcement board or special magistrate, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 2-437. The case may be presented to the enforcement board or special magistrate even if the repeat violation has been corrected prior to the ~~board~~ hearing, and the notice shall so state. If the repeat violation has been corrected, the enforcement board or special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the enforcement board or special magistrate.

Sec. 2-429. - Violator's choices.

Upon receiving a citation, an alleged violator may elect to proceed to the enforcement hearing indicated in the notice before the enforcement board or special magistrate or may elect to pay the civil penalty if the violation is one that is specifically provided in the fine schedule set forth in section 2-439. If a person elects to contest the citation, proceed to the enforcement hearing indicated in the notice. He shall appear before the enforcement board or special magistrate on the date set forth in the notice pursuant to section 2-437. If a person elects not to contest the violation he shall pay the civil penalty provided in the schedule set forth in section 2-439 within ten days after issuance of the citation.

Sec. 2-430. - Penalty.

- (a) A civil penalty for violation of any town code or ordinance shall not exceed \$250.00 for a first violation or \$500.00 for a repeat violation; and, in addition, may include all costs of repairs pursuant to F.S. § 162.09(1). However, if the enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
- (b) If the alleged violator elects not to contest the citation, the maximum civil penalty for the violation may be reduced from the amount imposed if the person elected to contest the violation.
- (c) If a person fails to pay the civil penalty within the time allowed, or fails to appear before the enforcement board or special magistrate to contest the citation, he shall be deemed to have waived his right to contest the citation, whereupon judgment may be entered against the person up to the fines provided in subsection (a) of this section.
- (d) The enforcement board or special magistrate may reduce any civil penalty imposed pursuant to this division if, in the board's sole discretion, it is determined that the circumstances warrant such reduction.

Sec. 2-432. - Conduct of hearing.

- (a) Upon the request of the code inspector, or at such other times as may be necessary, the chair of the enforcement board may call hearings of the enforcement board. Hearings may also be called by written notice signed by at least three members of the enforcement board. The enforcement board or the special magistrate at any hearing may set a future hearing date. The enforcement board should attempt

to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings by the enforcement board, and all hearings shall be open to the public. The town shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for the proper performance of its duties. Upon request of the code inspector or of the chief of police, or at such other time as may be necessary, the special magistrate may call a special magistrate hearing. Minutes shall be kept of all hearings by the special magistrate, and all hearings shall be open to the public. The town shall provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of his or her duties.

(b) Each case before the enforcement board or special magistrate shall be presented by a member of the town's administrative staff.

(c) If the town ~~council~~ prevails in prosecuting a case before the enforcement board or special magistrate, it shall be entitled to recover all costs incurred in prosecuting the case ~~before the enforcement board~~, and such costs may be included in the lien authorized under section 2-435.

(d) The enforcement board or special magistrate shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board or special magistrate shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply; however, fundamental due process shall be observed and govern the proceedings.

(e) At the conclusion of the hearing, the enforcement board or special magistrate shall issue findings of fact based on evidence of record and conclusions of law and shall issue an order affording the proper relief consistent with powers granted in this article. The finding shall be by motion approved by a majority of those present and voting for matters heard by the enforcement board, except that at least four members of the enforcement board must vote for the action to be official, or shall be made by the special magistrate during or at the conclusion of each case presented. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in section 2-433, the cost of repairs may be included along with the fine if the order is not complied with by said date.

(f) A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property; and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board or special magistrate shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

Sec. 2-433. - Fines for violations.

The enforcement board or special magistrate, upon notification by the code inspector that a previous order of the enforcement board or special magistrate has not been complied with by the set time, or upon finding that the same violation has been

repeated by the same violator, may order the violator to pay a fine as provided in [section 2-430\(a\)](#) for each day the violation continues past the date set for compliance, or for each time the violation has been repeated; a hearing shall not be necessary for issuance of the order.

Sec. 2-434. - Factors determining amount of fine.

In determining the amount of the fine, the enforcement board [or special magistrate](#) shall consider the following factors:

- (1) The gravity of the violation;
- (2) Any actions taken by the violator to correct the violation; and
- (3) Any previous violations committed by the violator.

Sec. 2-435. - Recording of order imposing fine; lien.

(a) A certified copy of an order imposing a fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator superior to all other liens, encumbrances, titles and claims and equal in rank and dignity with a lien for ad valorem taxes; and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

(b) After three months from the filing of any such lien which remains unpaid, the enforcement board [or special magistrate](#) may authorize the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under Fla. Const. art. X, § 4.

(c) No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded. In an action to foreclose on a lien brought pursuant to this section, the prevailing party is entitled to recover all costs, including reasonable attorney's fees.

Sec. 2-436. - Appeal.

An aggrieved party, including the town council, may appeal a final administrative order of the enforcement board [or special magistrate](#) to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board [or special magistrate](#). An appeal shall be filed within 30 days of the execution of the order to be appealed.

Sec. 2-437. - Notices.

(a) All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector or other person designated by the town; or by leaving the notice at the violator's usual place of residence with any person residing

therein who is above 15 years of age and informing such person of the contents of the notice.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the enforcement board [or special magistrate](#), notice may also be served by publication or posting, as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

(2) In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted for at least ten days in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at city hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(3) Notice by publication or posting may run concurrently with or may follow an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.

(4) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b)(2) of this section, shall be sufficient to show that the notice requirements of this division have been met, without regard to whether or not the alleged violator actually received such notice.

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 3rd day of March 2026, and for second and final reading this 30th day of March 2026.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member



Business Impact Estimate

TOWN OF PALM BEACH

TITLE OF ORDINANCE:

Business Impact Estimate

This is provided in accordance with section 166.041(4), Florida Statutes. According to Section 166.041(4)(c) of the Florida Statutes, if one or more boxes are checked below, state law **does not** require a business impact estimate for 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. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220 - 163.3243.
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts.
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention

In accordance with the provisions of controlling law, the Town hereby publishes the following information:

1. Summary of the proposed ordinance:
2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
4. Additional information the governing body deems useful (if any):

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Palm Beach's website by the time notice of the proposed enactment of the ordinance is published.

RESOLUTION NO. 49-2026

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPOINTING PAUL J. NICOLETTI, ESQ. AS A CODE ENFORCEMENT SPECIAL MAGISTRATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 162, Fla. Stat., the Town of Palm Beach ("Town") may appoint Code Enforcement Boards and/or Special Magistrates to oversee Code Enforcement proceedings; and

WHEREAS, the Town adopted Ordinance No. 028-2025, which amended Chapter 74 of the Town Code by regulating overnight anchoring limitations and mooring and live-aboard vessels in the body of waters within the Town's jurisdiction ; and

WHEREAS, the Town adopted Ordinance No. 11-2026 appointing a Special Magistrate to hear Code Enforcement cases involving violations of Chapter 74 of the Town's Code; and

WHEREAS, the Town has appointed Paul J. Nicoletti, Esq. to serve as a Special Magistrate to oversee Code Enforcement cases relating to violations of Chapter 74 of the Town's Code; and

WHEREAS, the Town has determined that Paul J. Nicoletti, Esq. is duly qualified and has agreed to serve as a Special Magistrate for the Town.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The foregoing recitals are incorporated herein.

Section 2: The Town Council hereby approves and appoints Paul J. Nicoletti, Esq. as a Special Magistrate for the Town to hear Code Enforcement cases regarding violations of Chapter 74 of the Town Code.

Section 3: The Special Magistrate shall be paid the sum of \$400 per hour for all work performed as a Special Magistrate for the Town.

Section 4: This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 30th day of March 2026.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Council President
Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Kelly Churney, CMC, Town Clerk

Bridget Moran, Town Council Member