

# TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2023

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To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

Via: Carolyn Stone, Deputy Town Manager

From: Jess Savidge, Administrative Manager

Re: Amendment of Town Clerk's Office Permits  
Ordinance No. 016-2023, No. 018-2023 – No. 022-2023

Date: September 29, 2023

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## **STAFF RECOMMENDATION**

Staff recommends the Town Council approve the proposed revisions of the Town's Code of Ordinances concerning the Town Clerk's Office's permit procedures.

## **GENERAL INFORMATION**

This proposed amendment of the code would allow the Town Clerk's Office to revise its permit applications and update and standardize language across permits processed by the Town Clerk's Office ahead of the upcoming digital conversion of the Town's permit process into an online portal. this coming year. These proposed revisions would eliminate restrictive subsections, allowing for streamlining the applications and simplifying the permit process for applicants and processors, without compromising the review process and due diligence required to uphold the code's direction.

General changes to all or most permit ordinances:

- The various ordinances related to Town Clerk permits previously had different combinations of the following sections with different wording or rules; These proposed ordinances will now contain the same language. Language has been standardized across all permits for sections regarding:
  - Notifying the town of changes to an application;
  - Removal of fees in the code to now instead refer to the master fee schedule adopted by resolution;
  - Appealing a denied application, which has now been combined with previous language dealing with permit suspensions and revocations;
  - The penalties associated with not acquiring a needed application or violating the ordinance in question;
  - The duties of the permittee;
  - The prohibition of false information in an application;
  - The prohibition of transferring an application;
  - The ability of the town council to waive provisions of these ordinances at their discretion; and
  - The need for an applicant to possess their permit onsite at the event location.

- The window of time the applicant has to notify the Town of changes to their pending application has been extended across all permits from 24 to 48 hours, per Councilmember Araskog's suggestion.
- Language regarding application fees will be standardized to state that fees will be in the fee schedule, whereas previously, some permit code language included fee amounts. The proposed standardized language will eliminate the need to update the code when fees are updated.
- Language in the code specifying time windows (i.e., how many days prior to the event the application must be filed, or the amount of time allowed to provide notice of approval or denial of a permit) has been removed from the code; however, the time windows will remain in place during the review process through the Master Fee Schedule's fee structure. The procedure and review process will not change due to this change to the code.
- The proposed removal of the required application information is in preparation for the digital permit portal implementation in 2024. All information necessary for staff to do due diligence in their review of the application will remain. Draft paper applications display the application if proposed code changes are adopted, as shown in Exhibits A-N. These will build the fields for the digital versions.
- "Town manager" has been changed to "town manager or designee" where necessary to allow for greater flexibility, if needed. Similarly, language stating that the Town Clerk will issue the permit has been changed to "the town" in several places because it is the town issuing the permit, and the permit will be processed through a centralized portal.
- Updated Hold Harmless language received from the Risk Management Division has been inserted where needed.
- Any language implying that the application must be submitted on a physical form has been updated to allow for the future conversion of permits into the online portal.

Additional permit-specific edits:

#### **Charitable Solicitations**

- Former section 78-79 which requires receipts from contributors to charitable solicitations has been removed as they are no longer verified during the permit due diligence review process.
- Sections 78-110, and 78-111, requiring the applicant to provide accounting records of the event to the town clerk to verify, have also been edited or removed as these are no longer verified. Instead, the town clerk's office verifies that the organizations are registered with the Florida Department of Agriculture and Consumer Services. They require that organizations answer many of the same questions we ask but are responsible for reviewing their financial documentation and confirming the organization's validity. Section 78-104 has also been edited to reflect that the town is not responsible for verifying that these organizations are not fraudulent, as it has already been verified by the Department of Agriculture and Consumer Services.

#### **Auctions and Auctioneers**

- The restrictions preventing auctions from being held at night, between November 1 and April 30, and on specific streets have also been removed. Discovery identified that this rule was not applied to issued permits in the past. Auction language remains limiting two events per calendar year.

- Language concerning auction permits has been edited to specify that auctions held in connection with a charitable event will not require an auction permit and will instead be subject to the regulations surrounding a charitable solicitation permit.

**Special Events**

- It was the intention of staff to clean up the code related to town clerk permits, but not to make any procedural changes. The minutes of the ORS Committee meeting on January 9, 2020, and the regular Town Council meeting on February 11, 2020, included in the backup, contain some recommended provisions for the regulation of walks and runs. On February 11, 2020, it was the consensus of the Town Council that they would rather have criteria for one more event one-third the size of the Turkey Trot where people would have to register, than to have a prohibition of an additional event. If a deeper review of this section is needed, it is the recommendation of staff that the proposed changes to Article VII. Special Events on Public Property be approved without modification to newly renumbered Section 106-287 Walks and Runs, and that this section be re-reviewed separately by the ORS committee at a later date.

**Permits per category, as recorded in the Town’s permit database:**

Temporary Animal	58 since 2015
Charitable Solicitation	1,511 since 2010
Auction	10 since 2015
Closing-Out/Distress Sales	3 since 2001
Special Event	174 since 2013
Religious Display	8 since 2017
Commercial Motion Picture	1 since 2011

**STRATEGIC PLAN**

These changes are in support of the Strategic Plan, including the strategic focus areas of Sound Fiscal Management, Collaborative Town Government, and Quality of Life.

**TOWN ATTORNEY REVIEW**

The proposed document has been reviewed and approved for legal form and sufficiency.

- CC: John C. Randolph, Town Attorney  
 Kelly Churney, Acting Town Clerk  
 Pat Gayle-Gordon, Deputy Town Clerk  
 Katherine deClaire, Clerk Support Assistant