

## ORDINANCE NO. 06-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 106 OF THE TOWN CODE OF ORDINANCES AT ARTICLE VII, SPECIAL EVENTS ON PUBLIC PROPERTY, AT DIVISION 1, SECTION 106-256, DEFINITIONS, SO AS TO AMEND THE DEFINITION OF SPECIAL EVENT TO INCLUDE WALK/RUN; FURTHER AMENDING SECTION 106-283, STANDARDS FOR ISSUANCE, SO AS TO PROVIDE THAT SPECIAL EVENTS SHALL BE SUBJECT TO SECTION 106-289; INCLUDING A NEW SECTION 106-289 TITLED WALKS AND RUNS, SO AS TO PROVIDE FOR APPLICATIONS FOR SUCH ACTIVITIES AND PROCEDURES AND CRITERIA FOR APPROVING A WALK/RUN EVENT; 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. Chapter 106, Article VII of the Town Code of Ordinances is hereby amended at Section 106-256, Definitions, to read as follows:

**“Sec. 106-256. - 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:

*Special event* means any meeting, activity, walk/run, or gathering of a group of persons having a common purpose, design or goal, upon any public street, sidewalk, alley, park, beach or other public place or building, which special event substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area or building, which results in preempted use by the general public or which deviates from the established use. Nothing in this article shall preclude the use of such areas by the town for governmental purposes.”

Section 2. Chapter 106, Article VII of the Town Code of Ordinances is hereby amended at Section 106-283, to read as follows:

**“Sec. 106-283. - Standards for issuance.**

The town manager shall issue a special event permit, when from consideration of the application and from such other information as may otherwise be obtained, he/she finds that:

- (1) No other applicant has obtained a permit for the date requested.
- (2) The special event applicant has agreed in writing to abide by all provisions set forth in this article.
- (3) All required information is set forth in the application and is in accordance with all provisions set forth in this article.
- (4) The concentration of persons and vehicles at assembly points of the special event will not interfere with the proper fire and police protection of or ambulance services to areas contiguous to such assembly areas.
- (5) The conduct of such special event will not interfere with the movement of police and fire rescue vehicles and equipment en route to a fire or the movement of emergency medical services equipment en route to an emergency.
- (6) The special event is not being held for the purpose of advertising any product, goods or event, and shall not be held for private profit or fund raising, unless the applicant is a 501 (c) 3 non-profit, in which a charitable solicitation permit would also be required.
- (7) The conduct of the special event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to the place of the special event.
- (8) The conduct of the special event will not result in damage to town-owned property or constitute a hazard to the safety of other persons within the immediate vicinity of the event.
- (9) No event is scheduled elsewhere in the town where the town's resources required for that event are so great that the deployment of resources for the proposed assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (10) An original certificate of insurance was supplied to the town naming the town as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00 or an amount higher based upon the particular special event proposed.

Applications for the use of Phipps Plaza Park shall receive town council approval prior to the issuance of a special events permit. Said requirement shall automatically expire after three years from the adoption of Ordinance 29-2019.

Applications for special events that involve leaving the primary event location (public or private properties) to utilize public sidewalks, streets and/or bike paths shall receive town council approval prior to the issuance of a special event permit and shall be subject to section 106-289.”

Section 3. Chapter 106, Article VII of the Town Code of Ordinances is hereby amended to include a new Section 106-289, titled Walks and Runs, to read as follows:

**“Sec. 106-289. — Walks and Runs**

Applications for activities or events that involve leaving the primary event location on public or private properties that will utilize public sidewalks, streets and/or bike paths, and other right-of-way areas for the purpose of organized walks or runs of any distance, shall receive Town Council approval prior to the issuance of a special event permit.

The following procedure and criteria for approving a walk/run event shall be as follows:

- a) Applications for walk/run events shall be submitted as required in section 106-282.
- b) The Town Manager or his/her designee will submit a staff report, the special event application and supporting documentation to the Town Council for its consideration and final approval.
- c) Approval of a walk/run event application shall be subject to the following requirements:
  1. Adequacy of the location of the start and finish line as well as the walk/run route, relative to public safety and impact to the residents; and
  2. The date(s) and start time(s) of the event, and/or whether or not it will conflict with a town sponsored event or another event in close proximity of the proposed event, and will not adversely impact adjacent residential areas.
  3. The maximum number of events held in the requested route area is no more than three per year calendar year and no more than one event every other month.
  4. The maximum number of persons permitted by the Town to participate in a walk/run event (including but not limited to spectators, vendors, volunteers, and staff) is 400.
  5. Set-up prior to Council approved walk/run event shall not begin prior to 8:00am without Council approval.
  6. No amplified music or speaking shall be permitted prior to 9:00am without Council approval.
  7. No walk/run events shall be held on a Sunday.”

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 10th day of March, 2020, and for second and final reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Gail L. Coniglio, Mayor

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Danielle H. Moore, Town Council President

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Margaret A. Zeidman, Council President Pro Tem

\_\_\_\_\_  
Bobbie Lindsay, Town Council Member

ATTEST:

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Patricia Gayle-Gordon, Acting Town Clerk

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Lewis S.W. Crampton, Town Council Member