

## ORDINANCE NO. 21-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 74 OF THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE V, BEACH ACCESS CLOSURE TO INCLUDE THE BEACH ACCESS POINT AT ROOT TRAIL AS PUBLIC; PROVIDING FOR CLOSURE FROM SUNSET TO SUNRISE DAILY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the street ends from Wells Road to Sunset Avenue which includes Wells Road, Dunbar Road, and Sunset Avenue, which provide access to the public beach are dedicated to the use of the public; and

**WHEREAS**, the beach access point at the end of Root Trail has also been dedicated for public use; and

**WHEREAS**, although the Town recognizes the right of the public to use said access points to the public beach, it has become necessary for the safety and protection of Town residents and the public to close said access points from sunset to sunrise daily; and

**NOW, THEREFORE**, be it ordained as follows:

Section 1. Chapter 74 of the Town's Code of ordinances titled Parks and Recreation is hereby amended at Article V titled Beach Access Closure to read as follows:

### ARTICLE V. – BEACH ACCESS CLOSURE

#### **Sec. 74-281. - Limited closure of access from Wells Road South to Sunset Avenue**

1. The beach access areas between Wells Road south to Sunset Avenue, including Wells Road, Dunbar Road, Root Trail, and Sunset Avenue, shall be closed to the public each day from ~~9:30 P.M. to 5:30 A.M.~~ sunset to sunrise the following day.
2. The Town Manager or the Town Manager's designee is authorized to post signs at said access points setting forth the prohibition set forth above.
3. Any person found guilty of a violation of this Section by using such access points during the times of required closure shall be punished in accordance with the terms of Section 1-14 of this Code

or, alternatively, pursuant to the provisions of Chapter 2, Article V, Code Enforcement.

Section 2. 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. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be codified 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 11th day of August 2021, and for second and final reading on this 14th day of September, 2021.

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Danielle H. Moore, Mayor

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Margaret A. Zeidman, Town Council President

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Bobbie Lindsay, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Edward A. Cooney, Town Council Member

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Queenester Nieves, CMC, Town Clerk

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Lewis S.W. Crampton, Town Council Member