

ORDINANCE NO. 30-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 21-2021 AT ARTICLE V. – BEACH ACCESS CLOSURE AT SECTION 74-281. – LIMITED CLOSURE OF ACCESS FROM WELLS ROAD SOUTH TO SUNSET AVENUE, TO INCLUDE A NEW SUBSECTION 2 RECOGNIZING THE RIGHT OF ROOT TRAIL PROPERTY OWNERS TO HAVE CONTINUOUS ACCESS TO THE BEACH ACCESS AREA LOCATED AT ROOT TRAIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the property owners on Root Trail possess certain property rights to the beach access point at the end of Root Trail recorded in Plat Book 1, Page 22 of the official records of Palm Beach County;

NOW, THEREFORE, be it ordained as follows:

Section 1. Ordinance 21-2021 is hereby amended to read as follows:

Chapter 74 of the Town's code of ordinances is hereby amended at Article V, 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 sunset to sunrise the following day.
2. Notwithstanding section 1 above, the beach access area located at Root Trail shall remain accessible at all times to Root Trail property owners possessing property rights established and recorded in Plat Book 1, Page 22 of the official records of Palm Beach County.
3. The Town Manager or the Town Manager's designee is authorized to post signs at said access points setting forth prohibitions set forth above.
4. Any persons 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: 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 December, 2021, and for second and final reading on this _____ day of _____, 2022.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward A. Cooney, Town Council Member

Pat Gayle Gordon,
Acting Town Clerk

Lewis S.W. Crampton, Town Council Member