

Ordinance No. 021-2023

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida Providing Amendments To Chapter 106, Streets, Sidewalks And Other Public Places At Article VII, Special Events On Public Property At Division 1. Generally By Amending Section 106-258. Penalties, By Adding The Following New Sections 106-259. Permits Nontransferable, 106-260. Waiver Of Provisions And 106-261. False Information Prohibited In Application; Further Amending Division 2. Permit At Section 106-282. Application, Section 106-283. Standards For Issuance, By Deleting Section 106-284. Notice Of Approval Or Denial, By Amending Section 106-285. Appeal Procedure And By Renumbering Said Section, By Renumbering Section 106-286. Duties of Permittee, By Amending Section 106-287. Possession and By Renumbering Said Section, By Deleting Section 106-288. Revocation, By Renumbering Section 106-288.1. Walks and Runs, And By Adding A New Section 106-288. Religious Holiday Symbol Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing For An Effective Date.

BE IT ORDAINED by the Town Council of the Town of Palm Beach as follows:

Section 1 –

Chapter 106, Streets, Sidewalks And Other Public Places is hereby amended at Article VII. Special Events On Public Property as follows:

ARTICLE VII. SPECIAL EVENTS ON PUBLIC PROPERTY

DIVISION 1. GENERALLY

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.

Sec. 106-257. Regulations relating to special event.

The following regulations shall apply to all special events held within the town:

- (1) There shall be held at the location requested no more than one special event per month, without priority for any particular date, to be granted to the first person to submit a completed application designating that day. The town reserves the right to limit use of public spaces at any time to prevent overuse and/or adverse impacts to adjacent neighborhoods.
- (2) The maximum total duration of each special event and the assembly thereof shall be five hours.
- (3) Any signs, props, or displays used in conjunction with the special event must be removed immediately after the time permitted for the special event has expired.
- (4) The use of banners, flags (other than flags of official governmental bodies), streamers, balloons, or any similar devices, in connection with the event, shall be prohibited.
- (5) The use of decorated vehicles and trailers in connection with the event is prohibited.
- (6) The granting of a special event permit under this article shall not require the complete blockading of streets or intersections to vehicular traffic, and the town shall be empowered to apportion such streets and intersections for simultaneous use by special event participants and vehicular and pedestrian traffic.
- (7) The concentration of persons and/or vehicles at the special event will not interfere unduly with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly area or other areas of the town.
- (8) There are sufficient parking places near the site of the special event to accommodate the approximate number of automobiles reasonably expected to be driven to the special event.
- (9) The event is not otherwise in violation of ordinances or regulations of the town or the state or of federal law.

Sec. 106-258. Penalties.

Any person determined to be in violation of the provisions of this article, not relating to revocation of the permit, shall be subject to section 1-14. Persons found to be in violation of any provision of this chapter may be subject to penalties provided by law for the violation of municipal ordinances or, alternatively, may be subject to the jurisdiction of the

code enforcement board. Nothing in this section shall prevent the town from seeking civil injunctive relief if deemed appropriate by the town in the circumstances. Any person, organization, corporation, agency, or entity that holds a special event on public property without having first obtained a valid permit shall be assessed a penalty, in accordance with the fee schedule adopted by the town.

Sec. 106-259. Permits nontransferable.

Permits issued under this article shall be nontransferable.

Sec. 106-260. Waiver of provisions.

The town council may in its discretion waive any requirements of this article.

Sec. 106-261. False information prohibited in application.

No person shall knowingly falsify or misrepresent any information or representations made in the permit application.

DIVISION 2. PERMIT

Sec. 106-281. Required.

No person shall engage in, participate in, aid, form, or start any special event unless a special event permit shall have first been obtained from the town manager or designee. No permit shall be required, and none of the limitations above shall apply for special events officially sponsored by the town government and/or approved by the town council, nor shall the regulations set forth in this division 2 apply to such special events.

Sec. 106-282. Application.

- (a) Required. A person seeking issuance of a special event permit shall file an application with the town ~~clerk's office on forms provided by the town.~~
- (b) Filing. A completed application for a special event permit, providing all information required herein, shall be filed with the town ~~clerk's office.~~ If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change not less than 45 days (or a shorter period of time as deemed appropriate at the discretion of the town manager) and not more than nine months for residents and four months for non-residents before the date on which it is proposed to conduct the special event.
- (c) Applicant shall provide at its own cost and expense Comprehensive General Liability Insurance coverage with limits of liability not less than \$1,000,000 Each Occurrence/\$2,000,000 Aggregate. The Certificate of Insurance shall indicate an Occurrence Basis. The Town of Palm Beach shall be endorsed as an additional

insured under the General Liability coverage. The applicant's General Liability coverage shall be primary and non-contributory.

All required insurance policies shall provide a waiver of subrogation and rights of recovery against the Town of Palm Beach, including its agents, officers, past and present employees, elected officials, and representatives, the insurance policy in effect shall protect both parties and be primary and non-contributory for any and all losses covered by the above-described insurance. Insurers have no recourse against the Town of Palm Beach for payment or assessments in any form on any insurance policy.

The Town of Palm Beach reserves the right to require additional coverages and limits based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the Town requires and shall be entitled to coverage for the higher limits maintained by the applicant.

~~Contents. The application for a special event permit shall set forth the following information:~~

- ~~(1) The name, address and telephone number of the person seeking to conduct such a special event.~~
- ~~(2) The purpose of the special event.~~
- ~~(3) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.~~
- ~~(4) The date on which the special event is to be conducted.~~
- ~~(5) The exact hours the special event is to be conducted.~~
- ~~(6) The name or type of event.~~
- ~~(7) The exact location of the event.~~
- ~~(8) The approximate number of participants and spectators.~~
- ~~(9) A detailed description of the activity or activities, including whether or not the event requires support facilities such as traffic control, parking volume, crowd control.~~
- ~~(10) The name of the applicant's insurance company for the event and proof of insurance. The town shall be named as additional insured on a policy of liability insurance in an amount not less than \$1,000,000.00. The Town of Palm Beach reserves the right to require additional coverages and limits~~

~~based upon the particular special event proposed by the applicant. If the special event applicant maintains higher limits than the minimums shown below, the town requires and shall be entitled to coverage for the higher limits maintained by the applicant.~~

- ~~(11) The signature of the applicant.~~
 - ~~(12) The name, address and telephone number of the person who will be responsible for the conduct of the special event (i.e., special event chair).~~
 - ~~(13) Provisions for cleanup after conclusion of the special event. The applicant shall be responsible for costs of complete and immediate cleanup.~~
- (d) Fees. Before a permit is issued pursuant to this article, there shall be paid to the town an administrative processing fee, and any other related special event fees, in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time. The following fees in accordance with the fee schedule adopted by the town council by resolution as may be amended from time to time:
- a. ~~An administrative processing fee;~~
 - b. ~~A refundable damage deposit, if applicable;~~
 - c. ~~A usage fee prepaid for the hours requested to hold the proposed special event, if applicable.~~

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 fundraising, 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 an 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, Memorial Park, and Lake Drive Park shall not be accepted, as special event permits shall not be issued for the use of these properties for non-governmental events.

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 106-288.1.~~

~~Sec. 106-284. Notice of approval or denial.~~

~~The town manager or designee shall act upon an application for a special event permit within 20 days after the filing thereof and must notify the applicant of the approval or denial of the application within that same period. If the town manager or designee denies an application, a written notice stating the reasons for denial shall be sent to the applicant by certified mail and made available by the town for inspection within the 20-day period specified above.~~

Sec. 106-284285. Appeal procedure.

The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the terms of the permit. The permit shall

~~be determined to be null and void and may be immediately terminated. If a special event permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal. Any person aggrieved shall have the right to appeal the denial of a special event permit to the town council. The appeal shall be submitted in writing within five days of notice of denial. If an appeal to the town council is made, the town council shall act upon such appeal at the next regular monthly meeting of the town council subsequent to the notice of appeal.~~

Sec. 106-~~285~~286. Duties of permittee.

The permittee under this division shall comply with all provisions of this article, other laws and ordinances of the town, state, federal government, and all permit directions and conditions of the permit.

Sec. 106-~~286~~287. Possession.

The special event chair or other person heading or leading such special event shall carry the special event permit upon his or her person during the conduct of the special event and shall be present at the special event.

Sec. ~~106-288. Revocation.~~

~~The town manager or his designee shall have the authority to revoke a special event permit issued under this division upon violation of the provisions applicable to special event permittees. If a special event is held in violation of the terms of the permit, the permit shall be determined to be null and void and may be immediately terminated. The revocation of a permit may be appealed in the same manner and under the same time limitations as a permit denial.~~

Sec. 106-~~287~~288.1. 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, bike paths, and/or 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 if 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 8:00 a.m. without council approval.
- (6) No amplified music or speaking shall be permitted prior to 9:00 a.m. without council approval.
- (7) No walk/run events shall be held on a Sunday.

Sec. 106-288. Religious Holiday Symbol Permits.

Bradley Park is designated as the location for the erection and display of unattended symbols relating to religious holidays during that period of the year beginning the day after Thanksgiving and ending on January 10 of the ensuing year.

A display of unattended symbols relating to religious holidays permit application shall be filed with the town, ~~clerk's office no less than 60 days, and no more than 120 days, prior to the date upon which the display is to be erected. The application fee is \$150. If, while any application is pending, or during the term of any permit granted pursuant thereto, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the town in writing thereof within 48 hours after such change. Before a permit is issued pursuant to this resolution, there shall be paid to the town an administrative processing fee, in accordance with the fee schedule adopted by the town.~~

The Public Works Director / Designee shall establish that the display does not present a public safety hazard, that the display will remain in place for a period of time of 15 consecutive days or less, and that it will not interfere with the use of the park for other park purposes.

Any display not removed upon the date indicated for removal on the permit may be removed by the town, and the cost for removal billed to the individual and/or organization designated as the responsible party for the display.

The town manager or his designee shall have the authority to revoke a religious holiday symbol permit issued under this division upon violation of the terms of the permit. The permit shall be determined to be null and void and may be immediately terminated. If a religious holiday symbol permit is denied or revoked, any person aggrieved shall have the right to appeal to the town council. The appeal must be filed at least five days prior to the next available meeting of the town council subsequent to the notice of appeal.

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 Or Parts 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 – 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, Florida, on the First Reading the 10th day of October 2023; and for the Second and Final Reading on this 14th day of November 2023.

Danielle H. Moore, Mayor

Margaret A. Zeidman, Town Council President

Bobbie D. Lindsay, President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Edward Cooney, Town Council Member

Kelly Churney, Acting Town Clerk

Lewis S.W. Crampton, Town Council Member