

ORDINANCE NO. 013-2024

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 74, PARKS AND RECREATION, AT ARTICLE VI, RECREATIONAL ACCESS CLOSURES, BY AMENDING SECTION 74-282; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Palm Beach, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has the authority, pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Chapter 166, Florida Statutes, to adopt such regulations as it deems appropriate to further the health, safety, and welfare of its residents: and

WHEREAS, in the interest of public safety and the protection of the public, the Town deems it important that access to all Town-owned parks be curtailed between the hours of 11:00 p.m. and 5:00 a.m. subject to certain necessary exceptions.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. The recitations set forth above are incorporated herein.

Section 2. Chapter 74, Parks and Recreation, is hereby amended at Article VI.-Recreational Area Closures, by amending Section 74-282 as follows:

Sec. 74-282. Closure of ~~Bradley Park and Lake Drive Park~~ Parks.

It shall be unlawful for any person to enter or go upon the grounds of ~~Bradley Park and Lake Drive Park~~ Town owned parks between the hours of 11:00 p.m. and 5:00 a.m. The town manager or the town manager's designee is authorized to post signs setting forth the prohibition set forth above. Any person found guilty of a violation of this section by being present during the closure shall be subject to the terms of section 1-14 of this Code or, alternatively, the provisions of Chapter 2, Article V, Code Enforcement.

The following exceptions apply to this section: (1) Town personnel within the scope of their employment and other persons working on the behalf of the town may enter and go upon ~~Bradley Park and Lake Drive Park~~ Town owned parks when said grounds are not open for public use. (2) The holder of a special event permit issued by the Town of Palm Beach granting specific authorization for such after-hours use. (3) Registered Town Marina customers and guests shall

be allowed travel through Lake Drive Park as necessary for dock or vessel access when said park is not open for public use.

Section 3. 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 4. 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 5. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 6. 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 9th day of April, 2024, and for second and final reading on this 14th day of May, 2024.

Danielle H. Moore, Mayor

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Bobbie D. Lindsay, Town Council Member

Kelly Churney, Acting Town Clerk

Bridget Moran, Town Council Member