

ORDINANCE NO. O-5-16

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA; AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 82, "WATERWAYS," ARTICLE II, "BEACH REGULATIONS," SEC. 82-34. TO AMEND REGULATIONS REGARDING THE ISSUANCE OF NON-RESIDENT PARKING PASSES FOR THE BEACH PARKING LOT; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF CHAPTER 82 WILL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission desires to amend Town code regarding the issuance of non-resident beach parking passes to allow greater flexibility in the number of passes issued on an annual basis and regarding fees associated therewith; and

WHEREAS, the Town Commission believes the following amendments to the code of ordinances are in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA:

Section 1. The facts and recitations contained in the preamble of this ordinance are adopted and incorporated by reference as if set forth in this section.

Section 2: Chapter 82, Article II. Sec. 82-34 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended regarding the issuance of non-resident beach parking passes to allow greater flexibility in the number of passes issued on an annual basis and regarding fees associated therewith; providing that Sec. 82-34 of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Sec. 82-34. – Beach and community center parking; permit required; penalty; restriction on alcoholic beverages; ~~keys for storage room.~~

- (a) The town's parking facility adjacent to the town beach and town community center is reserved exclusively for the parking of vehicles associated with beach or community center use. Parking for any other purpose, without the prior approval of the Town Manager or

designee, is prohibited. Parking of motor vehicles and other vehicles other than bicycles at this parking facility shall be by annual vehicle parking permits issued by the town.

- (b) Annual vehicle parking permits are available commencing July 1 of each year to town residents at a cost to be set by resolution of the town commission. Registration of the vehicle and driver's license or proof of residence must be submitted at the time of application.
- (c) Each residence is entitled to purchase one annual vehicle parking permit per vehicle and one annual residence guest card permit.
- (d) Annual vehicle parking permits are not transferable.
- (e) Guest cards must be filled out at the time of application and must include the name and address of the resident making application.
- (f) Annual guest cards for use by motels/hotels are also available for a fee to be set by resolution of the town commission. Motels/hotels containing no more than 30 units may purchase up to five guest cards. Motels/hotels containing more than 30 units may purchase up to ten guest cards. All such annual guest cards are to be issued only in the name of the motel/hotel or its owner.
- (g) All parking permits issued pursuant to this section shall be affixed to the right-rear bumper of the registered vehicle, or to the right-rear window with tape. Permit numbers shall be recorded by the police department. Guest cards shall likewise be prominently displayed in the vehicle's right-rear window.
- (h) Nonresidents may purchase an annual vehicle parking permit by submitting the vehicle registration and paying the applicable fee to be set by resolution of the town commission. The Mayor and/or Town Manager or designee, in consultation with the Police Chief, shall determine the number of nonresident vehicle parking permits that will be sold each year. This determination shall be based on anticipated demand, the number of available parking spaces, and other factors deemed relevant by the Mayor and/or Town Manager or designee, and the Police Chief. ~~A maximum total of ten nonresident~~ Nonresident vehicle parking permits shall be issued ~~per year~~ on a first come, first served basis, commencing July 1 of each year.
- (i) No commercial vehicle parking is permitted at any time at the town's parking facility adjacent to the town beach and town community center. No overnight parking shall be

permitted at the town's parking facility adjacent to the town beach and town community center.

- (j) A fine shall be assessed for a parking violation at the parking facility adjacent to the town beach and town community center; the amount of which shall be set by resolution of the town commission and may be amended from time to time.
- (k) Upon the posting of appropriate warning signs authorized by the town commission, unauthorized vehicles may be towed away at the owner's expense.
- (l) No alcoholic beverages are permitted on the beach, in the town parking facility adjacent to the town beach and town community center, or at the picnic area adjacent to the beach without first obtaining a permit from the town clerk.

Section 2: Each and every other section and subsection of Chapter 82 – Waterways, shall remain in full force and effect as previously adopted.

Section 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Should any section or provision of this ordinance, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 5: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

Section 6: This ordinance shall take effect immediately upon adoption.

FIRST READING this 18th day of July, 2016.

SECOND & FINAL READING this 15th day of August, 2016.

Myra Koutzen Mayor

Myra Koutzen, Mayor

Approved as to legal sufficiency

Keith Davis
Keith Davis, Town Attorney

ATTEST:

Evyonne Browning
Evyonne Browning, Town Clerk
(Seal)

