

ORDINANCE NO. 0-7-16

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA; AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUSINESSES, OCCUPATIONS AND PROFESSIONS, ARTICLE II, BUSINESS TAXES, SEC. 18-27, REVISING GENERAL SPECIAL EVENT PERMIT REQUIREMENTS BY REGULATING ALL BEACH EVENTS TO BE HELD ON THE TOWN'S BEACH THROUGH THE SPECIAL EVENTS PERMIT PROCESS; PROVIDING THAT ALL OTHER SECTIONS AND SUBSECTIONS OF CHAPTER 18 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, it has come to the attention of the Town Commission that there is a need to regulate beach events on the Town's beach, regardless of the size of the event, due to unique issues associated with beach clean-up, limited parking, and environmental concerns including, but not limited to protection of dune vegetation and sea turtle nesting; and

WHEREAS, the Town Commission desires to address this need by requiring special event permits for all beach events, regardless of size; and

WHEREAS, the Town Commission also desires to use the permit process to educate applicants regarding their responsibilities related to the above issues; and

WHEREAS, the Town Commission believes the following amendments to the Town code of ordinances will promote the public health, safety, and welfare, and are in the best interest of the citizens of The Town of Palm Beach Shores.

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 18, Article II, Sec. 18-27 of the Code of Ordinances of the Town of Palm Beach Shores, Florida, is hereby amended to revise general special event permit requirements by regulating beach events on the Town's beach, regardless of the size of the event, due to unique issues associated with beach clean-up, limited parking, and environmental concerns including, but not limited to protection of dune vegetation and sea turtle nesting; providing that Sec. 18-27 of the Code of Ordinances of the Town of Palm Beach Shores shall hereafter read as follows:

Sec. 18-27. - Special events permits.

(a) *Permit required; exemption.* Any person, corporation or other entity of any kind whatsoever who desires to conduct any type of special event within the town (except for events to be conducted on the Town's beach, which are specially regulated below at paragraph (f)) at which more than 50 persons are proposed to be in attendance and which is not covered under the regular business tax and registration sections set forth herein, i.e., general amusements, promotional, recreational or sporting event(s), must obtain a permit from the town in order that the town may adequately provide for the potential impacts created by the proposed event. Specifically exempted from this permit requirement is any special event where there is proposed to be 50 persons or less in attendance. The fee for such permit, if granted, shall be set by resolution of the town commission, the amount of which shall be commensurate with the costs incurred by the town.

(b) *Written application; increased permit fee for late applications.* Written application is to be submitted to the town clerk at least 30 days prior to the town commission meeting immediately preceding the date proposed for the special event. An application for a special event permit submitted after the 30-day application deadline as set forth hereinabove may be accepted by the town staff subject to an increased permit fee equal to three times the regular permit fee amount which would have been imposed had the application been received timely. Applications for permits submitted less than five days prior to the town commission meeting immediately preceding the date proposed for the special event will not be accepted by the town staff. The application accepted for review shall contain the following information:

- (1) Type of event(s) proposed.
- (2) Sponsor or person(s) responsible for event.
- (3) Proposed location with owner's written consent and acknowledgment of responsibility.
- (4) Proposed date, commencement time and duration of event.
- (5) Approximate number of participants.
- (6) Proof of insurance.
- (7) Traffic, fire/rescue, utilities impact, if any, and proposed mitigation and area clean-up plan.
- (8) Copy of all required state and county permits if event will be held on or utilize state and/or county controlled property.

(c) *Minimum impact.* All special events shall be coordinated with the town in order to lessen adverse impacts and to allow for continuous protection of the health, safety and welfare of all. In

order to provide such protection, all applications for special events shall be submitted to the town commission who shall have ultimate authority to act on such applications. The town commission may approve the application, deny the application in whole or in part, or may approve the application with conditions. All persons operating under a special events permit shall operate such special event in compliance with this section and all other rules and regulations of the town.

(d) *Failure to obtain the required permit.* Any person hosting a special event without first obtaining the required permit shall be subject to a \$500.00 fine. The owner of property on which the special event is held without a permit shall also be subject to a \$500.00 fine. The host and/or property owner may be cited to the town code enforcement board or special magistrate for a code enforcement hearing or the town may take such other legal action as deemed appropriate.

(e) *Films motion picture/television.* Application for special permits to allow film making by motion picture and/or television production crews shall be submitted to Palm Beach County in accordance with the "one-stop permitting" process approved by the town commission by Resolution No. 401, adopted September 4, 1992. The permit is to be issued by the Palm Beach County Film Liaison Office of the Tourist Development Council; however, prior to the issuance of a permit, the written consent of the town mayor or his representative must be obtained. No permit shall be issued without such written consent of the town mayor or the Mayor's his representative.

(f) *Beach events.* Due to unique issues associated with beach clean-up, limited parking, and environmental concerns including, but not limited to sea turtle nesting, all special events to be held on the Town's beach, regardless of the number of persons proposed to be in attendance at such event, shall require the issuance of a special event permit in accordance with the requirements of this section. This requirement is in addition to any separate Community Center use agreement that may be associated with the proposed beach event.

Section 3: Each and every other section and subsection of Chapter 18 – Businesses, Occupations and Professions shall remain in full force and effect as previously adopted.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

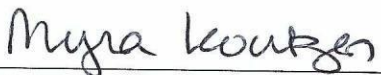
Section 5: Should any section or provision of this ordinance, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 6: Specific authority is granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Palm Beach Shores, Florida.

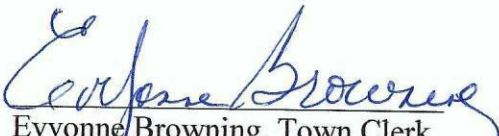
Section 7: This ordinance shall take effect immediately upon adoption.

FIRST READING this 21st day of November, 2016.

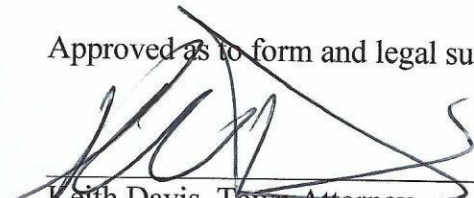
SECOND & FINAL READING this 19th day of December, 2016.


Myra Koutzen, Mayor

ATTEST:


Evyonne Browning, Town Clerk

Approved as to form and legal sufficiency


Keith Davis, Town Attorney

(SEAL)

