

ORDINANCE NO. 2023-01 -- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 7 BEACHES, PARKS AND RECREATION, ARTICLE I PARKS, RECREATIONAL FACILITIES AND PUBLIC PROPERTY, ADOPTING A NEW SECTION 7-13 AIRCRAFT; PROVIDING FOR REGULATION OF LAUNCHING AND LANDING OF AIRCRAFT; PROVIDING FOR SEVERABILITY, THE REPEAL OF ALL CONFLICTING ORDINANCES, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City of Lake Worth Beach, Florida (the “City”), 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 Federal Aviation Administration is responsible for the regulation of airspace; and

WHEREAS, the City has authority through its police powers to regulate the use of its parks and recreation facilities for the launching and landing of aircraft, including unmanned aircraft systems also known as drones; and

WHEREAS, the City Commission recognizes it has threatened and endangered species within its jurisdiction that may be impacted by the use of drones; and

WHEREAS, the City Commission desires to regulate the launching and landing of aircraft at its parks and recreation facilities to increase protection for such threatened and endangered species; and

WHEREAS, the City Commission finds and declares that the adoption of this ordinance is appropriate, and in the best interest of the health, safety and welfare of the City, its residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA:

Section 1. The foregoing “WHEREAS” clauses are ratified, confirmed, and incorporated herein as true and correct and as the legislative findings of the City Commission.

Section 2. Chapter 7 Beaches, Parks and Recreation, Article I Parks, Recreational Facilities and Public Property, Section 7-13 is hereby adopted to read as follows:

Sec. 7-13. – Aircraft.

Annually between March 1 and October 31, no one operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute, unmanned aircraft system, or other aerial apparatus shall take off from or land within Lake Worth Beach Golf Club, Snook Islands, William O. Lockhart Municipal Pier, or Bryant Park except by government agencies or when written permission has been obtained from the city manager or his/her designee.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the ordinance may be made a part of the City’s Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 6. Effective Date. This ordinance shall take effect ten days following adoption.

The passage of this ordinance on first reading was moved by _____, seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2023.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk