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

14 **WHEREAS**, the City of Lake Worth Beach, Florida (the “City”), is a duly constituted
15 municipality having such power and authority conferred upon it by the Florida Constitution and
16 Chapter 166, Florida Statutes; and
17

18 **WHEREAS**, the Federal Aviation Administration is responsible for the regulation of airspace;
19 and
20

21 **WHEREAS**, the City has authority through its police powers to regulate the use of its parks
22 and recreation facilities for the launching and landing of aircraft, including unmanned aircraft systems
23 also known as drones; and
24

25 **WHEREAS**, the City Commission recognizes it has threatened and endangered species within
26 its jurisdiction that may be impacted by the use of drones; and
27

28 **WHEREAS**, the City Commission desires to regulate the launching and landing of aircraft at
29 its parks and recreation facilities to increase protection for such threatened and endangered species;
30 and
31

32 **WHEREAS**, the City Commission finds and declares that the adoption of this ordinance is
33 appropriate, and in the best interest of the health, safety and welfare of the City, its residents and
34 visitors.
35

36 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF**
37 **LAKE WORTH BEACH, FLORIDA:**
38

39 **Section 1.** The foregoing “WHEREAS” clauses are ratified, confirmed, and incorporated
40 herein as true and correct and as the legislative findings of the City Commission.
41

42 **Section 2.** Chapter 7 Beaches, Parks and Recreation, Article I Parks, Recreational Facilities
43 and Public Property, Section 7-13 is hereby adopted to read as follows:
44

45 **Sec. 7-13. – Aircraft.**
46

47 **No one** operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon,
48 **dirigible, parachute, drone, unmanned aircraft system, or other aerial apparatus shall take off from or**

49 land such device within Lake Worth Beach Golf Course, Snook Islands (including but not limited to
50 floating docks or the fishing pier), South Palm Park, Old Bridge Park, Steinhardt/Jewell Cove or Bryant
51 Park except by government agencies in furtherance of the public’s health or safety, or when written
52 permission has been obtained from the city manager or designee.

53
54 **Section 3.** Enforcement. The city’s law enforcement agency is hereby authorized to enforce
55 this subsection through the issuance of a city civil citation as set forth in Chapter 2, Article X of this
56 Code. Law enforcement may, in the alternative, issue a notice to appear.

57
58 **Section 4.** Severability. If any section, subsection, sentence, clause, phrase or portion of this
59 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
60 such portion shall be deemed a separate, distinct, and independent provision, and such holding shall
61 not affect the validity of the remaining portions thereof.

62
63 **Section 5.** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
64 herewith are hereby repealed to the extent of such conflict.

65
66 **Section 6.** Codification. The sections of the ordinance may be made a part of the City’s Code
67 of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance”
68 may be changed to “section”, “division”, or any other appropriate word.

69
70 **Section 7.** Effective Date. This ordinance shall take effect ten days following adoption.

71
72 The passage of this ordinance on first reading was moved by Commissioner Diaz, seconded by Vice
73 Mayor McVoy and upon being put to a vote, the vote was as follows:

74
75 Mayor Betty Resch AYE
76 Vice Mayor Christopher McVoy AYE
77 Commissioner Sarah Malega AYE
78 Commissioner Kimberly Stokes AYE
79 Commissioner Reinaldo Diaz AYE

80
81 The Mayor thereupon declared this ordinance duly passed on first reading on the 3rd day of January,
82 2023.

83
84
85 The passage of this ordinance on second reading was moved by _____, seconded by
86 _____, and upon being put to a vote, the vote was as follows:

87
88 Mayor Betty Resch
89 Vice Mayor Christopher McVoy
90 Commissioner Sarah Malega
91 Commissioner Kimberly Stokes
92 Commissioner Reinaldo Diaz
93

94
95 The Mayor thereupon declared this ordinance duly passed on the _____ day of
96 _____, 2023.

97
98 LAKE WORTH BEACH CITY COMMISSION

99
100
101 By: _____
102 Betty Resch, Mayor

103 ATTEST:

104
105
106 _____
107 Melissa Ann Coyne, City Clerk