

ORDINANCE NO. 28-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA; AMENDING CHAPTER 101, "PARKS, BEACHES AND RECREATION," SECTION 101.32, "ASSEMBLIES"; TO PROHIBIT THE CLOSURE OF THE ATLANTIC AVENUE BRIDGE, THE GEORGE BUSH BOULEVARD BRIDGE, AND THE LINTON BOULEVARD BRIDGE DURING A SPECIAL EVENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Commission recognizes the value that special events provide to the City by building a sense of community, drawing visitors, and contributing to the local economy; and

WHEREAS, the City Commission strives to maintain an environment that does not compromise the health, safety, and welfare of its residents, businesses, and visitors; and

WHEREAS, the City Commission recognizes that the closure of its bridges poses a potentially dangerous situation and jeopardizes the safety of those residing on the City's Barrier Island; and

WHEREAS, the City Commission deems approval of this Ordinance to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. Chapter 101, "Parks, Beaches and Recreation," Section 101.32, "Assemblies," of the Code of Ordinances of the City of Delray Beach, Florida, be, and the same is hereby amended to read as follows:

**Sec. 101.32. ASSEMBLIES AND SPECIAL EVENTS.**

(A) "Special Event" shall mean an organized or planned gathering of persons having a common purpose, design, or goal, that is to occur on City-owned, City-controlled, or private property that has an overt impact on the services that are regularly provided by the City, such as

health, fire and police. Special Events shall include, but are not limited to, festivals, fundraisers, exhibitions, musical performances, races, parades, and athletic events that:

- (1) Require street closings or detours such that the usual flow of pedestrians or vehicular traffic is inhibited; or
  - (2) Utilize City property above normal usage; or
  - (3) Are intended to or likely to attract substantial crowds; or
  - (4) Are unlike the customary or usual activities generally associated with the property; or
  - (5) Require the use of City resources, financial or otherwise, more than the City's normal day to day operations; or
  - (6) Any additional criteria as deemed by the City Manager.
- (B) No person shall use any portion of any park, recreation or municipal beach site for the purpose of conducting a special event, unless a special event permit has been obtained in accordance with the City's adopted Special Event Policy, which may be amended from time to time.
- (C) The closure of the Atlantic Avenue Bridge, the George Bush Boulevard Bridge, or the Linton Boulevard Bridge during a special event is prohibited.
- (D) The City Manager is authorized to promulgate additional policies, rules and regulations that are consistent with and that further the provisions set forth within this Section in accordance with Florida Statutes, Special Act or Resolution of the City Commission that pertain to the conduct and operation of a special event.

Section 2. Should any section or provision of this Ordinance or any portion thereof, 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 hereof as a whole or part thereof other than the part declared to be invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 4. Specific authority is hereby given to codify this Ordinance.

Section 5. This ordinance shall become effective upon its adoption on second and final reading.

PASSED AND ADOPTED in regular session on the second and final reading on the \_\_\_\_\_  
day of \_\_\_\_\_, 2023.

ATTEST:

\_\_\_\_\_  
Katerri Johnson, City Clerk

\_\_\_\_\_  
Shelly Petrolia, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Lynn Gelin, City Attorney