

ORDINANCE NO. 28-16

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 INCLUDE SPECIAL EVENTS, PROVIDING A DEFINITION, AND PROVIDING FOR THE CITY MANAGER TO PROMULGATE POLICIES, RULES AND REGULATIONS FOR SPECIAL EVENTS; AMENDING CHAPTER 99, "NOISE CONTROL," SECTION 99.05, "TEMPORARY PERMITS"; AUTHORIZING THE CITY TO ISSUE A TEMPORARY PERMIT TO ALLOW NOISE WHEN IT ISSUES A SPECIAL EVENT PERMIT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission held a Goal Setting Workshop Meeting on February 10, 2015 where the impact of special events on the City of Delray Beach was discussed; and

WHEREAS, on June 9, 2015, the City Commission directed City staff to review the events policy and to draft new policy and uniform guidelines for special events in order to help City staff administer the production of special events.

WHEREAS, acknowledging these needs, the Special Events Task Force was commissioned to make recommendations to facilitate Commission direction; and

WHEREAS, at the March 8, 2016 City Workshop meeting, the Special Events Task Force proposed a Special Events Policy and Special Events Guidebook that contained recommendations of the Task Force that were based on City Commission direction and the results of several meetings with community residents, businesses, stakeholders, and veteran City staff involved in the production and support of these special events.

WHEREAS, the City Commission appreciates that special events provide opportunities to the City that build a sense of community, draw visitors and contribute to the economy; and

WHEREAS, the City Commission aspires to maintain an environment for its citizens, businesses and visitors that does not jeopardize their health, safety and welfare or negatively impact their quality of life; and

WHEREAS, the City Commission desires to ensure that Special Events held within the City do not pose a serious hazard to the City's buildings, structures, parks and roads in order to preserve the City's character and aesthetics; and

WHEREAS, the City Commission understands the importance of balancing the needs of the City and its residents with the overall impact of special events; and

WHEREAS, based on the recommendations of the Special Events Task Force, the City Commission desires to amend its Code of Ordinances in order to provide clarity to the definition of special events, allow the City Manager to promulgate policies regarding special events and authorize the use of temporary permits during special events to allow noise;

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

Section 1. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct factual findings and are made a specific part of this Ordinance.

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, in excess of 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 assembling conducting a special event, where over twenty-five (25) persons are involved 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 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 3. Chapter 99, "Noise Control," Section 99.05, "Temporary Permits," Subsection 99.05(A)(1), "Special events," of the Code of Ordinances of the City of Delray Beach, Florida, be, and the same is hereby amended to read as follows:

(1) *Special events.* When an applicant is applying for a Special Use permit or a Special Event permit, a temporary permit to allow noise may be granted at the same time. ~~A special event is a non-routine happening or social activity bringing people together in a defined area on City facilities, right of way, or private property which requires City services to ensure safety and coordination. Special events include, but are not limited to, activities such as festivals, concerns, sporting events, parades, walks and runs, etc.~~

Section 4. 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 5. All ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section 6. 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 _____, 20__.

MAYOR

ATTEST:

City Clerk

First Reading _____

Second Reading _____