



# AGENDA ITEM REQUEST FORM

## Town Manager's Office

## Bud Bentley

Department Submitting Request

Assistant Town Manager

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**June 28, 2011**  
 July 26, 2011

June 10 (5:00 pm)  
July 15 (5:00 pm)

June 14, 2011  
 July 12, 2011

June 3 (5:00 pm)  
July 1 (5:00 pm)

Presentation

Reports

Consent

**Ordinance**

Resolution

Quasi Judicial

Old Business

New Business

### SUBJECT TITLE: Policies for the Use of Town Facilities and Special Events

**EXPLANATION:** At the May 24<sup>th</sup> meeting the Property Owners' Association asked the Commission to change the Town policy so users of Jarvis Hall would not have to execute the Town Indemnity and Hold Harmless Agreement. At the June 14, 2011 Roundtable the Commission asked for an ordinance to be prepared with the following changes to the Code:

Jarvis Hall:

1. Use permits to be approved administratively;
2. Expand the list of who can use the facility to include out of town users;
3. Establish rental fees by Resolution to recover our costs for set-up and clean-up and higher fees for out of town users; and,
4. Town Manager may modify or waive insurance requirements or waive indemnity and hold harmless requirements for LBTS residents and civic organizations holding meetings where no alcohol is served.

The attached Ordinance (**Exhibit 1**) also reflects our edits to improve and clarify the Town's use of facilities and special event policy. We are working on a Resolution setting rates for the use of Jarvis Hall, which will be on the July 26, 2011 agenda.

The Town Attorney's Office has advised that if the Town Commission would like to impose limited guidelines for the usage of Jarvis Hall, staff can incorporate any direction provided prior to second reading. Guidelines must be non-discretionary, based on usage and not related to the content of any message a potential user might be presenting. For example, a prohibition on 'funding raising events' would be legally defensible, but restrictions on a specific fund-raising entity would not be.

**Recommended:** We recommend the attached Ordinance (**Exhibit 1**) be approved on First Reading.

**EXHIBITS:** 1. Proposed Ordinance

**FISCAL IMPACT AND APPROPRIATION OF FUNDS:** Minimal

Reviewed by Town Attorney  
 Yes  No

Town Manager Initials CB

**Exhibit 1**

1           **AN ORDINANCE OF THE TOWN OF LAUDERDALE-**  
2           **BY-THE-SEA, FLORIDA, AMENDING CHAPTER 17,**  
3           **“STREETS, SIDEWALKS, AND OTHER PUBLIC**  
4           **PLACES,” ARTICLE VII, “JARVIS HALL;”**  
5           **PROVIDING FOR CODIFICATION; PROVIDING FOR**  
6           **SEVERABILITY; PROVIDING FOR CONFLICTS; AND**  
7           **PROVIDING FOR AN EFFECTIVE DATE.**

8  
9  
10           **WHEREAS**, the Town Commission recognizes that changes to the adopted Code  
11 of Ordinances are periodically necessary in order to ensure that the Town’s regulations  
12 are current and consistent with the Town’s planning and regulatory needs; and

13           **WHEREAS**, Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article  
14 VII, “Jarvis Hall,” provides rules and regulations for the use of Jarvis Hall; and

15           **WHEREAS**, the Town Commission desires to revise the Code to provide greater  
16 access to the Jarvis Hall facility to the public; and

17           **WHEREAS**, the Town Commission conducted a first and second reading of the  
18 proposed ordinance at duly noticed public hearings, as required by law, and after having  
19 received input from and participation by interested members of the public and staff, the  
20 Town Commission has determined that this Ordinance is consistent with the Town’s  
21 Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

22  
23           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION**  
24 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**

**Exhibit 1**

26           **SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and  
27 confirmed as being true, correct and reflective of the legislative intent underlying this  
28 Ordinance and are hereby made a specific part of this Ordinance.

29           **SECTION 2.** Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article  
30 VII, “Jarvis Hall,” is amended to read as follows<sup>1</sup>:

31       **Sec. 17-101. - Use generally.**

32  
33       (a)     ~~The use of Jarvis Hall is limited to:~~ The use of Jarvis Hall is reserved first for the  
34 use of Town meetings and Town organized or sponsored events. The Town may, in its  
35 discretion, rent the facility to other users when not in use by the Town.

- 36           (1) ~~— A resident of the Town;~~  
37           (2) ~~— A business that holds a Town occupational license;~~  
38           (3) ~~— A local civic organization; or~~  
39           (4) ~~— A local, County, State, or Federal government entity or agency.~~

40  
41       (b)     Use of Jarvis Hall shall be in accord with the procedures and limitations provided  
42 in chapter 17, article VII of the Code of Ordinances.

43  
44       **Sec. 17-102. - Definitions.**

45  
46       For the purposes of this article:

47  
48       Event shall mean a meeting, concert, lecture, exhibit, board meeting, or other community  
49 or civic event. The use of Jarvis Hall by the Supervisor of Elections as a polling place for  
50 any special or general election shall not constitute an event under the terms of this article.

51  
52       **Sec. 17-103. - Standards for use.**

53  
54       ~~(a) — Local civic organizations which are based in the Town may use Jarvis Hall~~  
55 ~~without charge.~~

56  
57       (b)     All ~~other persons or~~ organizations will be charged fees in accordance with the  
58 schedule of user fees adopted by Town resolution.

59  
60       (c)     Service of alcoholic beverages shall be limited to beer and/or wine and pre-  
61 approval, as part of the permit process is required.

62

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<sup>1</sup> Additions to text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

**Exhibit 1**

- 63 (d) All persons or organizations conducting events where alcoholic beverages will be  
64 sold or served shall provide the Town with insurance certificates or binders  
65 establishing proof of coverage for general liability insurance with a minimum  
66 coverage of \$1,000,000.00 per occurrence as determined by the Town Manager.  
67
- 68 (e) All persons or organizations using Jarvis Hall shall provide the Town with an  
69 indemnity and hold harmless agreement, the form of which shall be approved by  
70 the Town Attorney, provided that this requirement may be waived by the Town  
71 Manager or designee if there will be no alcohol.  
72
- 73 (f) All events occurring in Jarvis Hall shall be subject to video recording for  
74 broadcast or rebroadcast on the Town's governmental access channel if the event  
75 is determined by the Town Commission to be of great public importance.  
76

**Sec. 17-104. - Application.**

77  
78  
79 All persons or organizations who desire to use Jarvis Hall for any event shall first submit  
80 an application to the Town. The application shall provide information regarding the  
81 following:

- 82
- 83 (1) A detailed description of the event and the hours of operation.  
84
- 85 (2) The names and addresses of all financial sponsors of the event.  
86
- 87 (3) The names and addresses of all charitable or not-for-profit organizations which  
88 will receive any portion of proceeds from the event.  
89
- 90 (4) Insurance certificates or binders establishing proof of coverage of general liability  
91 insurance, unless waived.  
92
- 93 (5) An indemnity and hold harmless certificate in favor of the Town in a form  
94 approved by the Town Attorney, unless waived.  
95

**Sec. 17-105. -~~Review of application.~~**

- 96
- 97
- 98 ~~(a) The Town's administrative staff shall review all applications at time of~~  
99 ~~submission. No application shall be accepted if it fails to provide any of the above~~  
100 ~~required information.~~
- 101
- 102 ~~(b) Following acceptance of an application, the Town's administrative staff shall~~  
103 ~~investigate the veracity of the information disclosed on the application. If any~~  
104 ~~information is determined to be inaccurate or incomplete, the application shall be~~  
105 ~~returned to the applicant for correction.~~  
106

Exhibit 1

107 ~~(c) Following acceptance and review of the application, the Town Administration~~  
108 ~~shall submit the application, any supporting documentation thereto, together with~~  
109 ~~any recommendation of the administration to the Town Commission for review~~  
110 ~~and approval.~~

111  
112 ~~(cd) Organizations which intend to have multiple or continuing events may submit one~~  
113 ~~application.~~

114  
115 **Sec. 17-106. - Issuance of permit.**

116 (a) The Town's administrative staff shall review all applications at the time of  
117 submission. No application shall be accepted if it fails to provide any of the  
118 required information.

119 (b) Organizations that intend to have multiple or continuing events within a twelve  
120 month period may submit one application.

121 (c) Following acceptance of an application, the Town's administrative staff shall  
122 investigate the veracity of the information disclosed on the application. If any  
123 information is determined to be inaccurate or incomplete, the application shall be  
124 returned to the applicant for correction.

125  
126 (d) No permit shall be issued by the Town until the special event has been approved  
127 by the Town Manager or his or her designee majority vote of the Town  
128 Commission.

129  
130 (e) Permits for specific dates may be issued based on the availability of the facility,  
131 on a first-come, first-serve basis, with priority given to Town meetings and  
132 events.

133  
134 (f) Town events and regular or special meetings of the Town Commission, Planning  
135 and Zoning Board, or other Town Board or Committee shall take precedence. If  
136 the Town Manager deems that time is of the essence for scheduling of a Town  
137 meeting or event for the efficient conduct of City business, any previously  
138 scheduled rental may be required to reschedule to another date.

139  
140 (c) The Town Manager or his or her designee Commission may impose conditions on  
141 the permit necessary to protect the property and the health, safety and welfare of  
142 the participants in the event. No permit shall be issued until the conditions  
143 established by the Town Commission are reduced to writing and signed by the  
144 applicant.

145  
146 **Sec. 17-107. - Town-sponsored and co-sponsored events.**

147  
148 The Town Commission may agree to sponsor or co-sponsor a special event. If an  
149 applicant seeks sponsorship or co-sponsorship by the Town, it shall include in its  
150 application a statement of how the Town will benefit from the proposed event, shall

151 project and net revenues from the event, and contain a statement of how the revenues will  
 152 be distributed. The Town Administration shall estimate the total cost of the proposed  
 153 event in terms of expenditures, costs, lost revenues where applicable and projected  
 154 revenues when anticipated.

155  
 156 The Town Commission's approval to act as sponsor or co-sponsor of the event shall  
 157 include a provision stating the source of funds that the Town will use, if any in support of  
 158 the sponsorship.

159  
 160 This section is not applicable to Town events organized and managed by the Town.  
 161  
 162

163 **SECTION 3.** Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article  
 164 VIII, “Special Events,” is amended to read as follows<sup>2</sup>:

165 \* \* \* \* \*

166  
 167 **Sec. 17-113. – Application.**  
 168

169 All persons interested in conducting special events in the Town shall first submit  
 170 an application on a form available from the Town Clerk. An application for a special  
 171 event shall be filed along with a filing fee as hereinafter described, no less than 60 days in  
 172 advance of the beginning date of the event and shall contain the following:

- 173 (1) A detailed description of the location of the event, the hours of operation, and  
 174 length (in number of days) of the event.  
 175  
 176 (2) If the special event, or any part thereof, is to be held only on private property, an  
 177 affidavit from the owner(s) of the property on which the event is to be conducted  
 178 stating that the owner(s) has legal title to the property, consents to the event, and  
 179 will be responsible for cleanup of the property following the conclusion of the  
 180 event. If the special event is to be held on public property, in whole or in part, an  
 181 acknowledgement by the applicant that the applicant is responsible for cleanup of  
 182 public property unless cleanup is otherwise assumed by the Town.  
 183  
 184 (3) If the event will include amusement rides, a copy of any contract between the  
 185 applicant and any person providing a ride, mechanical entertainment or  
 186 amusement device, together with a valid County or State business license. No  
 187 carnival operation shall be permitted to begin erecting its activities until the  
 188 issuance of a special events permit.

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<sup>2</sup> Additions to text are shown in underline. Deletions to the text are shown in ~~strike through~~.

- 189  
190 (4) The names and addresses of all financial sponsors of the event.  
191  
192 (5) The names and addresses of all charitable or not-for-profit organizations which  
193 will receive any portion of proceeds from the event.  
194  
195 (6) Insurance certificates or binders establishing proof of coverage of general liability  
196 insurance, in the amount deemed appropriate by the Town Manager.  
197  
198 (7) An indemnity and hold harmless certificate in favor of the Town in a form  
199 approved by the Town Attorney.  
200  
201 (8) For any event including a display of fireworks, as defined in F.S. § 791.01(4), all  
202 of the following shall be required:  
203  
204 (i) The applicant shall provide evidence that the fireworks display will be  
205 supervised and operated by one or more persons trained in pyrotechnics,  
206 and provide applicable licensing information for such operators.  
207  
208 (ii) The applicant shall provide a detailed description of the proposed location  
209 of the fireworks display and demonstrate that the location will not pose a  
210 hazard to any structure.  
211  
212 (iii) The applicant shall provide proof that it holds a liability insurance policy  
213 of not less than \$5,000,000.00 per incident for all claims. The Town shall  
214 be named as a coinsured and held harmless from liabilities relative to the  
215 display of fireworks under the approval.  
216  
217 (iv) The applicant shall list the approximate number and kinds of fireworks to  
218 be discharged.  
219  
220 (v) Time and duration of the display.

221  
222 **Sec. 17-114. – Review of application.**  
223

- 224 (a) The Town's administrative staff shall review all applications at time of  
225 submission. No application shall be accepted if it fails to provide any of the above  
226 required information.  
227  
228 (b) Following acceptance of an application, the Town's administrative staff may  
229 request additional disclosure to substantiate the veracity of the information

230 disclosed in the application. If any information is determined to be inaccurate or  
231 incomplete, the application shall be returned to the applicant for correction.

232

233 (c) Following acceptance and review of the application, the Town Administration  
234 shall submit the application, any supporting documentation thereto, together with  
235 any recommendation of the Administration to the Town Commission for review  
236 and approval. The Town Administration's recommendation shall address  
237 conditions on the operation of the special event including, but not limited to:

238

239 (1) Limitation on the days and hours of operation.

240

241 (2) Posting of surety, letter of credit, or cash bond to cover post-event  
242 cleanup, repairs, or unpaid utility charges.

243

244 (3) Provisions for sanitary facilities.

245

246 (4) Provisions for electrical and building inspections.

247

248 (5) Provisions for security.

249

250 (6) Provisions for the regulation of alcoholic beverages.

251

252 (7) Provisions for noise and pollution control.

253

254 (8) Provisions for comprehensive general liability insurance, naming the  
255 Town as an additional insured, or other insurance as deemed necessary.

256

257 (9) Provisions for traffic control and street closure.

258

259 (10) Whether, upon considering the location of the proposed special event, the  
260 potential impacts upon neighboring properties, and the day of the week on  
261 which the special event is proposed to occur, it is in the best interests of  
262 the Town to allow the playing or broadcasting of live or recorded music  
263 until 10:00 p.m.

264

265 (11) The location and the hours during which the display shall be permitted.

266

267 (12) For any event which includes a fireworks display, the applicant shall  
268 comply with any additional conditions as may be required by the Chief of  
269 the Fire Department, including attendance of Fire Department personnel  
270 during the display. Any costs of providing Fire Department personnel to

271 comply with the conditions of the approval shall be the responsibility of  
272 the applicant.

273

274 (d) Notwithstanding the foregoing, the Town Administration may recommend denial  
275 of a permit for a special event, and the Town Commission may deny the  
276 application, on any of the following grounds:

277

278 (1) The application for permit (including any required attachments and  
279 submissions) is not fully completed and executed;

280

281 (2) The application for permit contains a material falsehood or  
282 misrepresentation;

283

284 (3) The applicant is legally incompetent to contract or to sue and be sued;

285

286 (4) The application or the person on whose behalf the application for permit  
287 was made has on prior occasions damaged Town property and has not paid  
288 in full for such damage, or has other outstanding and unpaid debts to the  
289 Town;

290

291 (5) For a special event on public property, if a fully executed prior application  
292 for permit for the same time and place has been received, and a permit has  
293 been granted to a prior applicant authorizing uses or activities which do  
294 not reasonably permit multiple occupancy of the particular park, or other  
295 public property or part hereof;

296

297 (6) The use or activity intended by the applicant would conflict with planned  
298 programs organized and conducted by the Town;

299

300 (7) The proposed use or activity is prohibited by or inconsistent with the uses  
301 of the park or other public property;

302

303 (8) The use or activity intended by the applicant would present a threat to the  
304 health, safety or welfare of the applicant, other users of the park or other  
305 public property, Town employees or the public;

306

307 (9) The applicant has not complied or cannot comply with applicable  
308 licensure requirements, ordinances or regulations of the Town concerning  
309 the sale or offering for sale of any goods or services;

310

311 (10) The use or activity intended by the applicant is prohibited by law, or  
312 ordinances or regulations;

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- (11) The applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted;
- (12) The applicant has violated the terms or conditions of prior permits issued to or on behalf of the applicant; or
- (13) The applicant has been issued a citation or notice to appear for a violation of section 13-6 "Noise Limitations" of the Code of Ordinances in connection with a prior permitted event;
- (14) An application that includes ~~The applicant has not complied or cannot comply with the requirement that a display of fireworks, as defined in F.S. § 791.01(4), be reviewed and approved by~~fails to:
  - i. comply with Florida Statutes,
  - ii. comply with the application requirements of this Article; or
  - iii. fails to receive approval from the Chief of the Fire Department.~~All of the following requirements shall be met:~~
    - (i) ~~The applicant shall provide evidence that the fireworks display will be supervised and operated by one or more persons trained in pyrotechnics, and provide applicable licensing information for such operators.~~
    - (ii) ~~The applicant shall provide a detailed description of the proposed location of the fireworks display and demonstrate that the location will not pose a hazard to any structure.~~
    - (iii) ~~The applicant shall provide proof that it holds a liability insurance policy of not less than \$5,000,000.00 per incident for all claims. The Town shall be named as a coinsured and held harmless from liabilities relative to the display of fireworks under the approval.~~
    - (iv) ~~The applicant shall list the approximate number and kinds of fireworks to be discharged.~~
    - (v) ~~Approval of a fireworks display shall be for a time period not to exceed four hours and shall provide with certainty the location and the hours during which the display shall be permitted.~~
    - (vi) ~~The applicant shall comply with any additional conditions as may be required by the Chief of the Fire Department, including attendance of Fire Department personnel during the display. Any costs of providing Fire Department personnel to comply with the conditions of the approval shall be the responsibility of the applicant.~~

355 \* \* \* \* \*

356

357 **Sec. 17-116. – Town-sponsored and co-sponsored events.**

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359 The Town Commission may agree to sponsor or co-sponsor a special event. If an  
360 applicant seeks sponsorship or co-sponsorship by the Town, it shall include in its  
361 application a statement of how the Town will benefit from the proposed event, shall  
362 project any net revenues from the event, and contain a statement of how the revenues will  
363 be distributed. The Town Administration shall estimate the total cost of the proposed  
364 event in terms of expenditures, costs, lost revenues where applicable and projected  
365 revenues when anticipated.

366 The Town Commission's approval to act as sponsor or co-sponsor of the event  
367 shall include a provision stating the source of funds that the Town will use, if any in  
368 support of the sponsorship.

369 This section is not applicable to Town events organized and managed by the  
370 Town.  
371

372 \* \* \* \* \*

373

374 **SECTION 4. Codification.** This Ordinance shall be codified in accordance with  
375 the foregoing. It is the intention of the Town Commission that the provisions of this  
376 Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of  
377 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and  
378 the word “ordinance” may be changed to “section”, “article” or such other appropriate word  
379 or phrase in order to accomplish such intentions.

380 **SECTION 5. Severability.** If any section, sentence, clause, or phrase of this  
381 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
382 then said holding shall in no way affect the validity of the remaining portions of this  
383 Ordinance.

384 **SECTION 6. Conflicting Ordinances.** All prior ordinances or resolutions or  
385 parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

386 **SECTION 7. Effective Date.** This Ordinance shall become effective  
387 immediately upon passage on second reading.

388 Passed on the first reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

389 Passed on the second reading, this \_\_\_\_ day of \_\_\_\_\_, 2011.

390  
391  
392  
393

\_\_\_\_\_  
Mayor Roseann Minnet

	First Reading	Second Reading
394		
395 Mayor Minnet	_____	_____
396 Vice-Mayor Dodd	_____	_____
397 Commissioner Clotney	_____	_____
398 Commissioner Sasser	_____	_____
399 Commissioner Vincent	_____	_____
400		

401 Attest:

402 \_\_\_\_\_  
403 Town Clerk, June White, CMC

404 (CORPORATE SEAL)

405 Approved as to form only for the use  
406 by the Town of Lauderdale-By-The-Sea:

407 \_\_\_\_\_  
408 \_\_\_\_\_  
409 Town Attorney, Susan L. Trevarthen

410 File: U:\0 Agenda Commission & PZ Board\6-28 Commission\6-28 Ex 1 Ord Town Facility Policy.doc