



# AGENDA ITEM REQUEST FORM

Item No. 12.1.c

## Town Manager's Office

Department Submitting Request

## Bud Bentley

Assistant Town Manager BAB

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

**DEADLINE  
TO  
Town Clerk**

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

**DEADLINE  
TO  
Town Clerk**

**July 26, 2011**

July 15 (5:00 pm)

July 12, 2011

July 1 (5:00 pm)

Presentation

Reports

Consent

**Ordinance**

Resolution

Quasi Judicial

Old Business

New Business

**SUBJECT TITLE: Special Event Policies – 1<sup>st</sup> Reading**

**EXPLANATION:** At the June 14, 2011 Roundtable the Commission asked for an Ordinance to be prepared to allow the Town Manager to waive requirements for insurance and Hold Harmless Agreement for certain users of Jarvis Hall and other changes, which was approved on first reading at the June 28, 2011 Commission meeting.

That Ordinance included revisions to the Town Code section on Special Events; however, the changes related to Special Events have been split into a separate Ordinance (**Exhibit 1**) to address code amendment advertising requirements since the special event changes were inadvertently not mentioned in the Ordinance header.

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

**EXHIBIT:** 1. Proposed Ordinance

**FISCAL IMPACT AND APPROPRIATION OF FUNDS:** None

Reviewed by Town Attorney

Yes  No

Town Manager Initials CB

File: 7-26 Special Events Policy revisions AC

# Exhibit 1

## ORDINANCE 2011-16

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 VIII, “SPECIAL EVENTS;”**  
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 VIII, “Special Events,” provides application and permit requirements for special events  
15 within the Town; and

16           **WHEREAS,** the Town Commission desires to revise the Code to clarify  
17 requirements and procedures; and

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

23  
24           **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION**  
25 **OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:**  
26



# Exhibit 1

## ORDINANCE 2011- 16

- 62 (6) Insurance certificates or binders establishing proof of coverage of general liability  
63 insurance, in the amount deemed appropriate by the Town Manager.  
64
- 65 (7) An indemnity and hold harmless certificate in favor of the Town in a form  
66 approved by the Town Attorney.  
67
- 68 (8) For any event including a display of fireworks, as defined in F.S. § 791.01(4), all  
69 of the following shall be required:  
70
- 71 (i) The applicant shall provide evidence that the fireworks display will be  
72 supervised and operated by one or more persons trained in pyrotechnics,  
73 and provide applicable licensing information for such operators.  
74
- 75 (ii) The applicant shall provide a detailed description of the proposed location  
76 of the fireworks display and demonstrate that the location will not pose a  
77 hazard to any structure.  
78
- 79 (iii) The applicant shall provide proof that it holds a liability insurance policy  
80 of not less than \$5,000,000.00 per incident for all claims. The Town shall  
81 be named as a coinsured and held harmless from liabilities relative to the  
82 display of fireworks under the approval. The fireworks vendor shall  
83 provide Insurance certificates or binders establishing proof of coverage of  
84 general liability insurance, in the amount deemed appropriate by the Town  
85 Manager.  
86
- 87 (iv) The applicant shall list the approximate number and kinds of fireworks to  
88 be discharged.  
89
- 90 (v) Time and duration of the display.  
91

### 92 **Sec. 17-114. – Review of application.**

- 93
- 94 (a) The Town's administrative staff shall review all applications at time of  
95 submission. No application shall be accepted if it fails to provide any of the above  
96 required information.  
97
- 98 (b) Following acceptance of an application, the Town's administrative staff may  
99 request additional disclosure to substantiate the veracity of the information  
100 disclosed in the application. If any information is determined to be inaccurate or  
101 incomplete, the application shall be returned to the applicant for correction.  
102

# Exhibit 1

## ORDINANCE 2011-16

- 103 (c) Following acceptance and review of the application, the Town Administration  
104 shall submit the application, any supporting documentation thereto, together with  
105 any recommendation of the Administration to the Town Commission for review  
106 and approval. The Town Administration's recommendation shall address  
107 conditions on the operation of the special event including, but not limited to:  
108
- 109 (1) Limitation on the days and hours of operation.  
110
  - 111 (2) Posting of surety, letter of credit, or cash bond to cover post-event  
112 cleanup, repairs, or unpaid utility charges.  
113
  - 114 (3) Provisions for sanitary facilities.  
115
  - 116 (4) Provisions for electrical and building inspections.  
117
  - 118 (5) Provisions for security.  
119
  - 120 (6) Provisions for the regulation of alcoholic beverages.  
121
  - 122 (7) Provisions for noise and pollution control.  
123
  - 124 (8) Provisions for comprehensive general liability insurance, naming the  
125 Town as an additional insured, or other insurance as deemed necessary.  
126
  - 127 (9) Provisions for traffic control and street closure.  
128
  - 129 (10) Whether, upon considering the location of the proposed special event, the  
130 potential impacts upon neighboring properties, and the day of the week on  
131 which the special event is proposed to occur, it is in the best interests of  
132 the Town to allow the playing or broadcasting of live or recorded music  
133 until 10:00 p.m.  
134
  - 135 (11) If applicable, the location and the hours during which a fireworks display  
136 shall be permitted, and the conditions as may be required by the Chief of  
137 the Fire Department, including attendance of Fire Department personnel  
138 during the display. All costs of providing Fire Department and Police  
139 Department personnel to comply with the conditions of the approval shall  
140 be the responsibility of the applicant.  
141

# Exhibit 1

## ORDINANCE 2011- 16

- 142 (d) Notwithstanding the foregoing, the Town Administration may recommend denial  
143 of a permit for a special event, and the Town Commission may deny the  
144 application, on any of the following grounds:  
145
- 146 (1) The application for permit (including any required attachments and  
147 submissions) is not fully completed and executed;  
148
  - 149 (2) The application for permit contains a material falsehood or  
150 misrepresentation;  
151
  - 152 (3) The applicant is legally incompetent to contract or to sue and be sued;  
153
  - 154 (4) The application or the person on whose behalf the application for permit  
155 was made has on prior occasions damaged Town property and has not paid  
156 in full for such damage, or has other outstanding and unpaid debts to the  
157 Town;  
158
  - 159 (5) For a special event on public property, if a fully executed prior application  
160 for permit for the same time and place has been received, and a permit has  
161 been granted to a prior applicant authorizing uses or activities which do  
162 not reasonably permit multiple occupancy of the particular park, or other  
163 public property or part hereof;  
164
  - 165 (6) The use or activity intended by the applicant would conflict with planned  
166 programs organized and conducted by the Town;  
167
  - 168 (7) The proposed use or activity is prohibited by or inconsistent with the uses  
169 of the park or other public property;  
170
  - 171 (8) The use or activity intended by the applicant would present a threat to the  
172 health, safety or welfare of the applicant, other users of the park or other  
173 public property, Town employees or the public;  
174
  - 175 (9) The applicant has not complied or cannot comply with applicable  
176 licensure requirements, ordinances or regulations of the Town concerning  
177 the sale or offering for sale of any goods or services;  
178
  - 179 (10) The use or activity intended by the applicant is prohibited by law, or  
180 ordinances or regulations;  
181

# Exhibit 1

## ORDINANCE 2011- 16

- 182 (11) The applicant or the person on whose behalf the application for permit was  
183 made has on prior occasions made material misrepresentations regarding  
184 the nature or scope of an event or activity previously permitted;  
185
- 186 (12) The applicant has violated the terms or conditions of prior permits issued  
187 to or on behalf of the applicant; or  
188
- 189 (13) The applicant has been issued a citation or notice to appear for a violation  
190 of section 13-6 "Noise Limitations" of the Code of Ordinances in  
191 connection with a prior permitted event;  
192
- 193 (14) An application that includes ~~The applicant has not complied or cannot~~  
194 ~~comply with the requirement that a display of fireworks, as defined in F.S.~~  
195 ~~§ 791.01(4), be reviewed and approved by~~ fails to:  
196 i. comply with Florida Statutes,  
197 ii. comply with the application requirements of this Article; or  
198 iii. receive approval from the Chief of the Fire Department. All of the  
199 ~~following requirements shall be met:~~  
200
- 201 (i) ~~The applicant shall provide evidence that the fireworks display will~~  
202 ~~be supervised and operated by one or more persons trained in~~  
203 ~~pyrotechnics, and provide applicable licensing information for~~  
204 ~~such operators.~~  
205
- 206 (ii) ~~The applicant shall provide a detailed description of the proposed~~  
207 ~~location of the fireworks display and demonstrate that the location~~  
208 ~~will not pose a hazard to any structure.~~  
209
- 210 (iii) ~~The applicant shall provide proof that it holds a liability insurance~~  
211 ~~policy of not less than \$5,000,000.00 per incident for all claims.~~  
212 ~~The Town shall be named as a coinsured and held harmless from~~  
213 ~~liabilities relative to the display of fireworks under the approval.~~  
214
- 215 (iv) ~~The applicant shall list the approximate number and kinds of~~  
216 ~~fireworks to be discharged.~~  
217
- 218 (v) ~~Approval of a fireworks display shall be for a time period not to~~  
219 ~~exceed four hours and shall provide with certainty the location and~~  
220 ~~the hours during which the display shall be permitted.~~  
221

Exhibit 1

ORDINANCE 2011-16

222 (vi) ~~The applicant shall comply with any additional conditions as may~~  
223 ~~be required by the Chief of the Fire Department, including~~  
224 ~~attendance of Fire Department personnel during the display. Any~~  
225 ~~costs of providing Fire Department personnel to comply with the~~  
226 ~~conditions of the approval shall be the responsibility of the~~  
227 ~~applicant.~~

228

229

\* \* \* \* \*

230

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

232

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

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

243 This section is not applicable to Town events organized and managed by the  
244 Town.

245

246

\* \* \* \* \*

247

248 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with  
249 the foregoing. It is the intention of the Town Commission that the provisions of this  
250 Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of  
251 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and  
252 the word “ordinance” may be changed to “section”, “article” or such other appropriate word  
253 or phrase in order to accomplish such intentions.

254 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this  
255 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,

**Exhibit 1**

**ORDINANCE 2011- 16**

256 then said holding shall in no way affect the validity of the remaining portions of this  
257 Ordinance.

258 **SECTION 5. Conflicting Ordinances.** All prior ordinances or resolutions or  
259 parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

260 **SECTION 6. Effective Date.** This Ordinance shall become effective  
261 immediately upon passage on second reading.

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

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

264  
265  
266 Mayor Roseann Minnet  
267

	First Reading	Second Reading
268		
269 Mayor Minnet	_____	_____
270 Vice-Mayor Dodd	_____	_____
271 Commissioner Clotey	_____	_____
272 Commissioner Sasser	_____	_____
273 Commissioner Vincent	_____	_____
274		

275 Attest:  
276 \_\_\_\_\_  
277 Town Clerk, June White, CMC

278 (CORPORATE SEAL)

279 Approved as to form only for the use  
280 by the Town of Lauderdale-By-The-Sea:  
281  
282 \_\_\_\_\_  
283 Town Attorney, Susan L. Trevarthen

284