



AGENDA ITEM REQUEST FORM

Item No. 12.2.d

Town Manager's Office

Department Submitting Request

Bud Bentley

Assistant Town Manager *BB*

**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)

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

SUBJECT TITLE: **Jarvis Hall Use Policies – 2nd Reading**

EXPLANATION: At the May 24th 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, which was approved on first reading at the June 28, 2011 Commission meeting.

The amending Ordinance makes the following changes to the Jarvis Hall section of the Code:

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.

A Resolution setting rates for the use of Jarvis Hall will be scheduled as soon as possible.

Originally, this Ordinance had included modifications to the Code related to Special Events. The changes related to Special Events have been split into a separate ordinance to address code amendment advertising requirements since they were inadvertently not mentioned in the ordinance header. The Ordinance for Special Events is on this agenda for first reading as a separate item.

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

EXHIBIT: 1. Proposed Ordinance

FISCAL IMPACT AND APPROPRIATION OF FUNDS: Minimal

Reviewed by Town Attorney
 Yes No

Town Manager Initials *CB*

File: 7-26 Jarvis Hall Use Policy AC

Exhibit 1

ORDINANCE 2011-

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:**

25
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.

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29 SECTION 2. Chapter 17, “Streets, Sidewalks, and Other Public Places,” Article
30 VII, “Jarvis Hall,” is amended to read as follows¹:

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
37 (1) ~~—A resident of the Town;~~

38
39 (2) ~~—A business that holds a Town occupational license;~~

40
41 (3) ~~—A local civic organization; or~~

42
43 (4) ~~—A local, County, State, or Federal government entity or agency.~~

44
45 (b) Use of Jarvis Hall shall be in accord with the procedures and limitations provided
46 in chapter 17, article VII of the Code of Ordinances.

47
48 **Sec. 17-102. - Definitions.**

49
50 For the purposes of this article:

51
52 Event shall mean a meeting, concert, lecture, exhibit, board meeting, or other community
53 or civic event. The use of Jarvis Hall by the Supervisor of Elections as a polling place for
54 any special or general election shall not constitute an event under the terms of this article.

55
56 **Sec. 17-103. - Standards for use.**

57
58 (a) ~~Local civic organizations which are based in the Town may use Jarvis Hall~~
59 ~~without charge.~~

60
61 (b) All ~~other persons or~~ organizations will be charged fees in accordance with the
62 schedule of user fees adopted by Town resolution.

63
64 (c) Service of alcoholic beverages shall be limited to beer and/or wine and pre-
65 approval, as part of the permit process is required.

66
67 (d) All persons or organizations conducting events where alcoholic beverages will be
68 sold or served shall provide the Town with insurance certificates or binders
69 establishing proof of coverage for general liability insurance with a minimum
70 coverage of \$1,000,000.00 per occurrence as determined by the Town Manager.

¹ Additions to text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

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(e) All persons or organizations using Jarvis Hall shall provide the Town with an indemnity and hold harmless agreement, the form of which shall be approved by the Town Attorney, provided that this requirement may be waived by the Town Manager or designee if there will be no alcohol.

(f) All events occurring in Jarvis Hall shall be subject to video recording for broadcast or rebroadcast on the Town's governmental access channel if the event is determined by the Town Commission to be of great public importance.

Sec. 17-104. - Application.

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

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

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

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

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

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

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116 ~~(ed) Organizations which intend to have multiple or continuing events may submit one~~
117 ~~application.~~
118

119 **Sec. 17-106. - Issuance of permit.**

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

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

125 (c) Following acceptance of an application, the Town's administrative staff shall
126 investigate the veracity of the information disclosed on the application. If any
127 information is determined to be inaccurate or incomplete, the application shall be
128 returned to the applicant for correction.
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130 (d) No permit shall be issued by the Town until the special event has been approved
131 by the Town Manager or his or her designee majority vote of the Town
132 Commission.
133

134 (e) Permits for specific dates may be issued based on the availability of the facility,
135 on a first-come, first-serve basis, with priority given to Town meetings and
136 events.
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138 (f) Town events and regular or special meetings of the Town Commission, Planning
139 and Zoning Board, or other Town Board or Committee shall take precedence. If
140 the Town Manager deems that time is of the essence for scheduling of a Town
141 meeting or event for the efficient conduct of City business, any previously
142 scheduled rental may be required to reschedule to another date.
143

144 (c) The Town Manager or his or her designee Commission may impose conditions on
145 the permit necessary to protect the property and the health, safety and welfare of
146 the participants in the event. No permit shall be issued until the conditions
147 established by the Town Commission are reduced to writing and signed by the
148 applicant.
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150 **Sec. 17-107. - Town-sponsored and co-sponsored events.**

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152 The Town Commission may agree to sponsor or co-sponsor a special event. If an
153 applicant seeks sponsorship or co-sponsorship by the Town, it shall include in its
154 application a statement of how the Town will benefit from the proposed event, shall
155 project and net revenues from the event, and contain a statement of how the revenues will
156 be distributed. The Town Administration shall estimate the total cost of the proposed
157 event in terms of expenditures, costs, lost revenues where applicable and projected
158 revenues when anticipated.
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160 The Town Commission's approval to act as sponsor or co-sponsor of the event shall
161 include a provision stating the source of funds that the Town will use, if any in support of
162 the sponsorship.

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164 This section is not applicable to Town events organized and managed by the Town.
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166 * * * * *

167
168 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with
169 the foregoing. It is the intention of the Town Commission that the provisions of this
170 Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of
171 Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and
172 the word "ordinance" may be changed to "section", "article" or such other appropriate word
173 or phrase in order to accomplish such intentions.

174 **SECTION 4. Severability.** If any section, sentence, clause, or phrase of this
175 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,
176 then said holding shall in no way affect the validity of the remaining portions of this
177 Ordinance.

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

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

182 Passed on the first reading, this ____ day of _____, 2011.

183 Passed on the second reading, this ____ day of _____, 2011.

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Mayor Roseann Minnet

Exhibit 1

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	First Reading	Second Reading
188		
189	Mayor Minnet	
190	Vice-Mayor Dodd	
191	Commissioner Clotney	
192	Commissioner Sasser	
193	Commissioner Vincent	
194		

195 Attest:

196 _____
197 Town Clerk, June White, CMC

198 (CORPORATE SEAL)

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

201 _____
202 _____
203 Town Attorney, Susan L. Trevarthen

204