



Item No. 11c

AGENDA ITEM MEMORADUM

Town Commission

Chris Vincent

Department

Town Commissioner

COMMISSION MEETING DATE - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> May 22, 2012	May 18

**Subject to Change*

Presentation Reports **Consent** Ordinance

FY2012 DESIGNATED HIGH PRIORITY ITEM -

SUBJECT TITLE: 4th of July Fireworks Permit

EXPLANATION: At the April 24th Commission meeting the Commission approved the deployment of the fireworks from behind the Minto Sales Center. While meeting with the Public Safety officials, Zambelli's and Walter Dennis from the Department of Environmental Protection Agency (DEP) it was determined that deploying the fireworks from the beach near the water's edge as shown in **Exhibit 1** would be allowed. By deploying the fireworks in this location a larger safety zone could be created to allow the use of 3" inch and 2" shells. By using this location El Mar Drive would not have to be blocked off as part of the safety zone for this busy holiday event.

Walter Dennis of DEP has issued a field permit (#8027345) **Exhibit2** to allow the use of the beach for the deployment of the fireworks and Don Prince has e-mailed copies of the permit and site plans to Broward County and Fish and Wildlife. Don Prince also contacted these agencies to see if a turtle monitor would be required or if they had any comments or concerns. A turtle monitor will not be required and neither agency had any concerns.

Zambelli will start placing the fireworks after the turtle monitors complete their survey. Town Staff and the VFD will set up the safety zone and remove it immediately following the show.

Although the location will change and 3" shells will be used the cost will remain at \$15,000

RECOMMENDATION: Approve the change of locations

On Town Attorney approved form

Yes No

Town Manager Initials CV

July 4th, 2012. Lauderdale-By-The-Sea Beach fireworks. Needed 210 ft radius from launch site. The City will section about 275 ft north and south of the display site to individuals.





FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Beaches and Coastal Systems
3900 Commonwealth Blvd - MS 300
Tallahassee, FL 32399-3000
(850) 488-7708

Permit Number: 0021345 - B0
No. of Pages Attached:

FIELD PERMIT PURSUANT TO SECTION 161.053 or 161.052, FLORIDA STATUTES

FINDINGS OF FACT AND CONCLUSIONS OF LAW: The request for a permit was considered by the staff designee of the Department of Environmental Protection and found to be in compliance with the requirements of Chapter 62B-33, Florida Administrative Code (F.A.C.). Approval is specifically limited to the activity in the stated location and by the project description, approved plans (if any), attached standard conditions, and any special conditions stated below pursuant to Paragraph 161.053(5), Florida Statutes. This permit may be suspended or revoked in accordance with Section 62-4.100, F.A.C.

PROJECT LOCATION: 4501 AIA Town of Lauderdale By the Sea FL
4520 ELMAR DRIVE on the Shore Line

PROJECT DESCRIPTION: Zambelli Fireworks / Lauderdale By the Sea Beach Fire work from 9 PM TO 9:15 PM
Equipment to be installed a Three inch mortar racks built on small wooden platforms with a 3-4 inch wooden plug in each mortar tube. All equipments will be removed after the event.

SPECIAL PERMIT CONDITIONS: This permit is valid only after all applicable federal, state, and local permits are obtained and does not authorize contravention of local setback requirements or zoning or building codes. This permit and public notice shall be posted on the site immediately upon issuance and shall remain posted along with local approval until the completion of any activity authorized by this permit. Other special conditions of this permit include:

DEP/FWC special Events permit conditions as attached will apply. Contact Lou Fisher 954-517-1255 and Laura Wright 954-267-3672 at Broward County Turtle Conservation Program Prior TO Event

STANDARD PERMIT CONDITIONS: The permittee shall comply with the attached standard field permit conditions.

APPLICANT INFORMATION: I hereby certify that I am either: (1a) the owner of the subject property or (1b) I have the owner's consent to secure this permit on the owner's behalf; and that (2) I shall obtain any applicable licenses or permits which may be required by federal, state, county, or municipal law prior to commencement of the authorized work; (3) I acknowledge that the authorized work is what I requested; and (4) I accept responsibility for compliance with all permit conditions.

Applicant's Signature: Don Prince Date: 5/16/12 Telephone No. (954) 275-0908
Applicant's Printed Name: Don Prince Address: 4501 N Ocean Drive
If applicant is an agent: Town of Lauderdale by the Sea same as above
printed name of property owner property owner's address property owner's telephone no.

DEPARTMENT FINAL ACTION AND FILING AND ACKNOWLEDGMENT: This field permit is approved on behalf of the Department of Environmental Protection by the undersigned staff designee, and filed on this date, pursuant to section 120.52, F.S., with the undersigned designated Deputy Clerk, receipt of which is hereby acknowledged.

Staff Designee/Deputy Clerk: Ideris Walla Denis Date: 5/16/12

PUBLIC NOTICE IS ON THE BACK OF THIS PERMIT. EXPIRATION DATE: 8/16/12
(Emergency permits issued pursuant to Section 62B-33.014, F.A.C., are valid for no more than ninety days and other field permits are valid for no more than 12 months. The staff designee may specify a shorter time limit.)

EMERGENCY PERMIT: YES NO Approved plans are attached: YES NO

AND PUBLIC NOTICE CONSPICUOUSLY ON THE SITE



Florida Department of Environmental Protection (DEP)
Division of Water Resource Management
Bureau of Beaches and Coastal Systems
3900 Commonwealth Boulevard, Mail Station 300
Tallahassee, Florida 32399-3000
(850) 488-7708

SPECIAL EVENTS PERMIT CONDITIONS FOR MARINE TURTLE GUIDELINES

Pursuant to subsection 62B-33.005(11), F.A.C.

Field Permit No. 8027345

- 1 The following conditions are required for special events for the protection of marine turtles during the marine turtle nesting season. The nesting season is March 1 – October 31 in Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties, and is May 1 – October 31 in all other coastal counties in Florida.
- 2 All structures proposed to be constructed in marine turtle nesting habitat and left out overnight shall have three (3) feet of vertical clearance beneath them, at least seven (7) feet of horizontal clearance between the supports where they meet the beach, and shall be located as far landward as possible. Any structures or materials not meeting these criteria must be removed by sundown each day. All staging and storage of event equipment and materials shall be off the beach.
- 3 The use of heavy equipment is prohibited, and the use of street vehicles to transport event equipment is prohibited except on beaches where public beach driving is allowed by local ordinance. A lightweight, ATV-type vehicle with 10 p.s.i. or less ground-to-tire pressure may be used for equipment transport if allowed by local ordinance. Use of vehicles shall be minimized, and restricted to event set-up and break-down.
- 4 In order to place structures on the beach, surveys for marine turtle nesting activity must be ongoing, and have been conducted daily for 65 days previous to the event date or since the beginning of marine turtle nesting season. It is the responsibility of the applicant to ensure that nesting surveys have been conducted in accordance with the following conditions:
 - a) All nesting surveys shall be conducted by qualified persons who hold a valid marine turtle permit issued by the FFWCC pursuant to Florida Administrative Code Rule 68E-1. No materials or equipment may be set up on the beach until the applicant has coordinated with the marine turtle permit holder.
 - b) Nest surveys shall be conducted daily between sunrise and 9 a.m. during marine turtle nesting season. No activity shall occur in any location prior to completion of the necessary marine turtle nest survey and protection measures.
 - c) Nests deposited within the event area shall be marked and left in place unless natural factors threaten the success of the nest. Any nests left in the event area shall be clearly marked and the actual location of the clutch determined. A circle with a radius of ten (10) feet, centered at the clutch, shall be marked by stake and survey tape or string. No activities shall enter this circle and no adjacent activities shall be allowed which might directly or indirectly disturb the area within the staked circle. During marine turtle hatching season (July 1 - October 31), no structures or materials which could impede the progress of turtle hatchlings may remain seaward of a nest overnight
- 5 No lighting associated with the event is authorized after 9:00 p.m. during the marine turtle nesting season.
- 6 No water from the structure or event area shall be allowed to run onto the beach where it could impact adjacent sea turtle nests.
- 7 In the event an unmarked marine turtle nest is exposed, or a dead, injured, or sick marine turtle is discovered during the event, the marine turtle permit holder shall be notified immediately such that appropriate conservation measures can be taken. Within 24 hours of any such occurrence, a report of the incident shall be faxed to the FFWCC Bureau of Protected Species Management at (850) 921-6988.
- 8 The permittee shall not disturb existing beach and dune topography and vegetation. No excavation of sand landward of the mean high water line is permitted. Any temporary minor disturbances in the sand (including ruts, depressions, holes, or mounds) shall be filled in and raked smooth with hand tools each evening.

(applicant signature)

5/16/12

(date)