



AGENDA ITEM MEMORADUM

Assistant Town Manager

Bud Bentley

Department

Department Director *AB*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> Aug 23, 2011	Aug 12 th
<input type="checkbox"/> Sept 12, 2011 1 st BUDGET PUBLIC HEARING	Sept 1 st
<input type="checkbox"/> Sept 13, 2011	Sept 2 nd
<input type="checkbox"/> Sept 26, 2011 2 nd BUDGET PUBLIC HEARING	Sept 15 th
<input type="checkbox"/> Sept 27, 2011	Sept 16

*Subject to Change

- Presentation Reports Consent **Ordinance**
 Resolution Quasi-Judicial Old Business New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Special Event Policies – 2nd Reading of Ordinance 2011-16

EXPLANATION: The proposed Ordinance 2011-16, which modifies the Code section on Special Events, was approved on July 26, 2011 on first reading. The amendment to change the time limit for the playing or broadcasting of live or recorded music to 10:30 p.m. has been made in line 130 of the attached Ordinance.

RECOMMENDED: Adopt Ordinance 2011-16 on second reading.

EXHIBIT: Ordinance 2011-16

Reviewed by Town Attorney
 Yes No

Town Manager Initials *CB*

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:**

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- 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.
83
- 84 (iv) The applicant shall list the approximate number and kinds of fireworks to
85 be discharged.
86
- 87 (v) Time and duration of the display.
88

89 **Sec. 17-114. – Review of application.**

- 90
- 91 (a) The Town's administrative staff shall review all applications at time of
92 submission. No application shall be accepted if it fails to provide any of the above
93 required information.
94
- 95 (b) Following acceptance of an application, the Town's administrative staff may
96 request additional disclosure to substantiate the veracity of the information
97 disclosed in the application. If any information is determined to be inaccurate or
98 incomplete, the application shall be returned to the applicant for correction.
99
- 100 (c) Following acceptance and review of the application, the Town Administration
101 shall submit the application, any supporting documentation thereto, together with
102 any recommendation of the Administration to the Town Commission for review

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103 and approval. The Town Administration's recommendation shall address
104 conditions on the operation of the special event including, but not limited to:

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

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

110

111

(3) Provisions for sanitary facilities.

112

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(4) Provisions for electrical and building inspections.

114

115

(5) Provisions for security.

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117

(6) Provisions for the regulation of alcoholic beverages.

118

119

(7) Provisions for noise and pollution control.

120

121

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

123

124

(9) Provisions for traffic control and street closure.

125

126

(10) Whether, upon considering the location of the proposed special event, the
127 potential impacts upon neighboring properties, and the day of the week on
128 which the special event is proposed to occur, it is in the best interests of
129 the Town to allow the playing or broadcasting of live or recorded music
130 until 10:30 p.m.

131

132

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

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(12) For any event which includes a fireworks display, the applicant shall
135 comply with any additional conditions as may be required by the Chief of
136 the Fire Department, including attendance of Fire Department personnel
137 during the display. Any costs of providing Fire Department personnel to
138 comply with the conditions of the approval shall be the responsibility of
139 the applicant.

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

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- 144
145 (1) The application for permit (including any required attachments and
146 submissions) is not fully completed and executed;
147
- 148 (2) The application for permit contains a material falsehood or
149 misrepresentation;
150
- 151 (3) The applicant is legally incompetent to contract or to sue and be sued;
152
- 153 (4) The application or the person on whose behalf the application for permit
154 was made has on prior occasions damaged Town property and has not paid
155 in full for such damage, or has other outstanding and unpaid debts to the
156 Town;
157
- 158 (5) For a special event on public property, if a fully executed prior application
159 for permit for the same time and place has been received, and a permit has
160 been granted to a prior applicant authorizing uses or activities which do
161 not reasonably permit multiple occupancy of the particular park, or other
162 public property or part hereof;
163
- 164 (6) The use or activity intended by the applicant would conflict with planned
165 programs organized and conducted by the Town;
166
- 167 (7) The proposed use or activity is prohibited by or inconsistent with the uses
168 of the park or other public property;
169
- 170 (8) The use or activity intended by the applicant would present a threat to the
171 health, safety or welfare of the applicant, other users of the park or other
172 public property, Town employees or the public;
173
- 174 (9) The applicant has not complied or cannot comply with applicable
175 licensure requirements, ordinances or regulations of the Town concerning
176 the sale or offering for sale of any goods or services;
177
- 178 (10) The use or activity intended by the applicant is prohibited by law, or
179 ordinances or regulations;
180
- 181 (11) The applicant or the person on whose behalf the application for permit was
182 made has on prior occasions made material misrepresentations regarding
183 the nature or scope of an event or activity previously permitted;
184

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

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

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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
revenues when anticipated.

239

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
support of the sponsorship.

242

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

243 Town.

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247 **SECTION 3. Codification.** This Ordinance shall be codified in accordance with

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

253

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

ORDINANCE 2011-16

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

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

261 Passed on the first reading, this 26th day of July, 2011.

262 Passed on the second reading, this ____ day of August, 2011.

263
264
265
266

Mayor Roseann Minnet

	First Reading	Second Reading
267		
268 Mayor Minnet	_____	_____
269 Vice-Mayor Dodd	_____	_____
270 Commissioner Clotey	_____	_____
271 Commissioner Sasser	_____	_____
272 Commissioner Vincent	_____	_____
273		

274 Attest:

275 _____
276 Town Clerk June White, CMC

277 (CORPORATE SEAL)

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

280
281 _____
282 Town Attorney, Susan L. Trevarthen

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