

ORDINANCE No. 98- 1

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH CREATING THE TOWN OF FORT MYERS BEACH SPECIAL EVENTS ORDINANCE REGULATING SPECIAL EVENTS; PROVIDING AUTHORITY; DEFINITION OF SPECIAL EVENT; PERMIT REQUIRED; PERMIT APPLICATION; INSURANCE; BOND; MANAGER'S CONDITIONS; PROCESSING APPLICATION; CONSIDERATION OF APPLICATION; REVOCATION OF PERMIT; PARKING; LITTER CLEAN UP; FEES; VIOLATIONS; REMEDIES OF THE TOWN; SEVERABILITY; AND EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION ONE: AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION TWO: DEFINITION OF SPECIAL EVENT

A special event is any social, commercial or fraternal gathering the purpose of being entertained, instructed, viewing a competition or any other reason that would bring them together in one location that normally would not include a concentration of population. Specifically excluded from this ordinance are any gatherings formed and/or sponsored by any recognized religion or religious society.

SECTION THREE: PERMIT REQUIRED

No person, corporation, partnership, or other organization shall advertise, conduct, maintain, or sell or furnish tickets for an event within the boundaries of the Town of Fort Myers Beach unless and until that person or entity has obtained a permit from Town of Fort Myers Beach to conduct such event.

SECTION FOUR: PERMIT APPLICATION

An application shall be made on a standard application form, approved by the Town Manager or designee, for an event permit. The application form may be obtained from Town Hall. At least twenty-one (21) days prior to the scheduled commencement of the event, the completed application with descriptive plans for all arrangements must be submitted along with the applicable fee if any. The applicant shall comply with any and all conditions set forth in the application and as required by the Town Manager or designee, including but not limited to contacting and making sufficient and acceptable arrangements with the following agencies:

- (a) Lee County Sheriff's Department.
- (b) Fort Myers Beach Fire Department
- (c) Any/or other agencies deemed appropriate or necessary by the Town Manager or designee.

Pursuant to these provisions, the Town Manager or designee is provided authority to prepare said application form and revise same from time to time as needed.

SECTION FIVE: INSURANCE

The applicant shall obtain adequate liability and property insurance for the event based upon and subject to periodic revisions. A Certificate of Insurance shall be included with the application and the Town of Fort Myers Beach shall be named as "Additional Insured" on the Certificate.

SECTION SIX: BOND

At its discretion, subject to other applicable laws or ordinances, the Town of Fort Myers Beach may require an indemnity and/or performance security bond for the event, and the amount of the bond shall be set by the Town Manager or designee. The bond shall be with a corporate bonding company authorized to do business in the State of Florida, or a cash bond in the form of a cashier's check payable to the Town. The bond shall totally indemnify the Town of Fort Myers Beach, its agents or employees against any and all claims arising out of the preparations, conduct or aftermath of the event.

SECTION SEVEN: MANAGER'S CONDITIONS

Any applicant may be required to meet any other condition reasonably imposed prior to receiving a permit to conduct an event which the Town Manager or designee deems necessary to protect the health, safety, and welfare of the property and citizens of the Town of Fort Myers Beach.

SECTION EIGHT: PROCESSING APPLICATION

Upon receipt of the completed application with all required attachments, the Town Manager or designee shall review same and make the final determination on all applications.

SECTION NINE: CONSIDERATION OF APPLICATION

The Town Manager or designee shall approve applications when all conditions have been met. Should the applicant be denied, it must be in writing and for good cause. Good cause would be, but not limited to, failure to comply with the necessary arrangements dictated by the agencies listed in Section Four.

SECTION TEN: REVOCATION OF PERMIT

The Town Manager or designee of the Town of Fort Myers Beach, Florida shall have the power to revoke a permit where the applicant fails to comply with any conditions required for operation of an event, ordinances of the Town of Fort Myers Beach, Florida, laws of the State of Florida, or otherwise places persons or property in jeopardy or serious harm or injury. Any person may petition the Town Manager or designee to conduct a review of reason (s) for any revocation.

SECTION ELEVEN: PARKING

The applicant must be prepared to provide documentation that arrangements for attendees are available and sufficient so as not to further burden Town traffic. Unless adequate parking space would be provided on-site, off-site rental/lease of additional spaces must be acquired. Further, should foot traffic from the parking site(s) be unduly burdensome to the attendees, or their route create a public safety hazard, a shuttle service or other common carrier means of transportation must be provided. Posting temporary signs on-site indicating the location of off-site parking is also required.

SECTION TWELVE: LITTER CLEAN UP

All applicants are responsible for returning the area where the event takes place to its original condition. All litter, ancillary equipment (stages, etc.) must be collected and removed from the entire area where the event took place within twenty-four (24) hours of the event's end. Events being held for more than one day will require litter removal immediately after the closing of each day's activities. Ancillary equipment is exempt during this time period.

In the event the clean up is neither performed or does not meet the satisfaction of the Town Manager or designee, the Town Manager is empowered to contract with any cleaning service to assure compliance. The cost of the clean up and/or clearing of debris will be levied against the sponsor and the performance bond required by Section Six of this ordinance.

SECTION THIRTEEN: FEES

Fees are established to offset the Town's administrative processing costs; and are on a graduated scale:

- a) \$30.00 for first time application
- b) \$15.00 for additional events held at the same location, having the same genre, and the same anticipated attendance.
- c) \$80.00 fee should the Town have to initiate remedial actions as outlined in Section Twelve Litter Clean Up.

Applicants who misrepresent information provided under this ordinance shall not be issued a permit, or if issued, may suffer suspension or revocation of the permit.

SECTION FOURTEEN: VIOLATIONS; REMEDIES OF THE TOWN

Special events which are subject to this ordinance and are being held without having obtained a permit as provided in this ordinance are prohibited. Should the permittee, his agents or employees violate the terms of the agreement by which the permit is granted, any ordinance of the Town of Fort Myers Beach, or any law of the State of Florida or the United States, or knowingly allow those laws to be violated, such violation shall constitute a violation of this ordinance. Any violation shall be punished as provided by law. The Town of Fort Myers Beach also retains any and all civil remedies which may be available.

SECTION FIFTEEN: SEVERABILITY

If any one of the provisions of this ordinance should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provision shall be null and void and shall be deemed separate from the remaining provisions of this ordinance , and in no way affect the validity of all other provisions of this ordinance.

SECTION SIXTEEN: EFFECTIVE DATE.

This ordinance shall become effective immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member FitzSimons and seconded by Council Member Murphy and, upon being put to a vote, the result was as follows:

Anita T. Cereceda	<u>aye</u>
Ted FitzSimons	<u>aye</u>
John Mulholland	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>

DULY PASSED AND ENACTED this 23rd day of February, 1998.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George
Marsha Segal-George, Town Clerk
Approved as to form by:

By: Anita T. Cereceda
Anita T. Cereceda, Mayor

Richard V.S. Roosa
Richard V.S. Roosa, Town Attorney