

**1. Discussion Objective:**

**Work Session Date: April 16, 2012**

The Town Council will discuss whether to modify the existing Special Events Ordinance, fee schedule and guidelines.

**2. Submitter of Information:**

- Council
- Town Staff – Public Works
- Town Attorney

**3. Estimated Time for this item:**

30 minutes

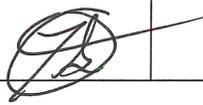
**5. Background:**

The Special Event ordinance 98-01 was initially adopted by Town Council and amended with ordinance 00-16. Since 2000 no modification or amendments have been made to the regulations. Several years ago a Council made a determination that all special events involving consumption of alcohol required Town Council approval. Recently, another Town Council provided the Town Manager with the administrative ability to approve special events that proposed the consumption of alcohol for any event lasting up to a 3 day maximum. In recent years there have been many requests for special event activities that are not provided for in the current ordinances. Staff has been requested to look at existing provisions and recommend updates to the policies associated with special events.

A few of the specific changes include: setting fees and charges by Resolution, addressing conditions associated with fee waivers, indemnification and liability coverage, and signage. The ordinance also provides the Town Manager the ability to approve any and all special event applications.

Current fees and charges have also been evaluated and updated as represented on the resolution.

Attached for your review are the established ordinances, the proposed ordinance and resolution in draft form, and the special event application and guidelines. .

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, REPEALING ORDINANCES 98-1 AND 00-16, WHICH ARE CODIFIED IN CHAPTER 22 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** Ordinances 98-1 and 00-16 which are codified in Chapter 22 of the Town of Fort Myers Beach Code of Ordinances in Section 22-1 through 22-14 are hereby repealed in their entirety.

**Section 2.** The following regulations relating to Special Events are hereby adopted and codified into Chapter 22 of the Town of Fort Myers Beach Code of Ordinances as follows:

Sec. 22-1. Definitions.

*Political Demonstration.* A public gathering, procession or parade, the primary purpose of which is the exercise of the rights of assembly and free speech as guaranteed by the First Amendment to the Constitution of the United States.

*Special Event.* Any meeting; activity; gathering; group of persons, animals, or vehicles; or a combination thereof, having a common purpose, design or goal, in any area of the town, which event is intended to or does draw public attention and substantially inhibits or has the potential to substantially inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building and results in preemptive use by the general public or which deviates from the established use. Such events may include entertainment, dancing, music, dramatic presentations, art exhibitions, or the sale of merchandise, food, or alcohol, or any combination thereof and which of necessity requires for its successful execution the provision and coordination of Town services to a degree over and above that which the Town routinely provides under ordinary everyday circumstances. The term shall include, but not be limited to, festivals, carnivals, concerts, parades, walks, races, and fundraising events, but does not include events which are solely political demonstrations, unless such political demonstration is proposed as an integral part of a larger event.

Sec. 22-2. Permit Required. No person or entity shall initiate, sponsor, organize, promote, conduct or advertise a special event unless a permit has been obtained from the Town Manager or designee. Applicants requesting special event permits may include, but are not limited to commercial, educational, civic, recreational, and religious organizations.

Sec. 22-3. Exemptions from Permit Requirement.

The following shall not require a special event permit:

(a) Events conducted by religious entities, provided such events are conducted entirely on property owned by the religious entity.

(b) Events conducted solely for the purpose of exercising a group's first amendment right of free speech and/or assembly. If an event has any commercial aspect, then this exemption shall not apply.

Sec. 22-4. Fees.

All fees that relate to special events and special events permits shall be established by Town Council by resolution.

Sec. 22-5. Permit fee exemption for special events conducted by the Town

The Town shall be exempt from all permit fees relating to special events conducted by the Town.

Sec. 22-6. Requests for permit fee waivers.

(a) Any not-for-profit entity shall be eligible for a special event permit fee waiver. The Town Council may each year, as part of the Annual Budget, approve an amount of money that will be utilized for such fee waivers and may, upon the request of any specific not-for-profit entity or group, specifically allocate an amount to be used for fee waivers for that entity or group. Requests for fee waivers may be handled on a first come, first served basis until such time as the annual budgeted amount has been exhausted. Once the annual amount has been exhausted, no further fee waivers shall be granted. If, in any given fiscal year, funds for fee waivers remain unused at the end of the Town's fiscal year, such amounts shall be carried over into the following year budget.

(b) The Town Manager shall have the authority to waive a special event permit fee in instances where a not-for-profit entity or group provides in-kind services that benefit the Town.

Sec. 22-7. General criteria and limitations.

The following general criteria and limitations shall apply to special event permits:

(a) The activity proposed must be compatible with the surrounding land uses, provided, however, that no special event permits shall be issued for events in areas zoned for single-family residential use.

(b) An individual applicant may not receive a special event permit more than six (6) times within a calendar year, provided, however, that the Town Manager may grant businesses or entities approval for a recurring event permit that is not subject to this limitation. Such recurring event, however, must be the same type of event and must be held in the same location. Examples of a recurring event include, but are not limited to "bike nights," "sunset celebrations," and music or art themed events. Recurring special events are subject to the following requirements:

- (1) Each Event must be held at the same location at the same time of day and in accordance with the same site plan.

(2) All dates for the recurring event must be listed on the original application.

(3) Each individual event must be of the same genre with similar anticipated attendance.

(4) A recurring special event can occur no more often than weekly and for no more than one (1) year on a single application.

(c) An applicant must submit an affidavit that permission has been obtained from the owner of any land upon which the special event is to be held unless the event is to be held exclusively on public property.

(d) All applicants must include a site plan that identifies any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with a special event activity, a general site plan and parking plan shall be included as part of the special event permit application. The location of any accessory structures shall not obstruct traffic or violate any applicable Town, county or state laws.

(e) Any special event that will take place all or in part upon the beach shall be subject to all requirements contained in Section 14-11 of the Land Development Code and any requirements of State or Federal agencies relating to activities that take place on the beach.

Sec. 22-8. Application requirements.

(a) Any person or entity seeking issuance of a special event permit shall file a written application with the Town Manager on forms provided by the Town.

All applications for special event permits should be filed with the Town Manager not less than forty-five (45) days prior to the date of the event, provided, however, that if the event is to be held during the tourist season (February through April), the application must be submitted prior to January 1. Applications received less than forty-five (45) days prior to the event will incur an additional permit application fee. Applications received less than ten (10) days before the special event will not be processed.

(b) The permit application shall include the following information:

(1) The name of the special event and its purpose in general terms.

(2) The name(s) of the person(s) or organization(s) sponsoring the special event, together with the addresses and telephone numbers of all such persons or organizations.

(3) The proposed date or dates of the special event.

(4) The specific location(s) within the Town where the special event is to be held. The applicant shall also be required to submit a site plan describing the layout of the special event, including locations of all temporary structures.

(5) In instances where a proposed special event will be held within 500 feet of residential property, the applicant shall provide notice to such owners and advise

them of the nature of the event and the dates and times when the event will be held. The 500 feet shall be measured from the perimeter of the site where the special event will take place.

- (6) The expected number of persons who will attend the event.
- (7) A description of how vehicle parking for the event will be managed.
- (8) Whether any street closings are requested and, if so, which streets and the times when they will be closed.
- (9) Whether any alcoholic beverages will be served and whether appropriate state licenses have been applied for.
- (10) If any entertainment will be included, details as to the type of entertainment, times and location shall be provided.
- (11) Whether utility services such as electrical power or water will be required.
- (12) Letters of approval of the special event from the Fire District and the Sheriff.
- (13) The Town Manager shall have the authority to require any additional information from the applicant that the Town Manager deems necessary.

Sec. 22-9. Review of Application. Upon receipt of the completed application and application fee, the Town Manager shall forward copies of the application to all affected Town departments for their review. The Town Manager shall grant or deny an application for a special event permit within fifteen (15) business days from the date of the filing of a complete application. An application shall not be deemed complete and ready for review by the Town Manager until all federal, state, and local permits or approvals have been obtained. Upon the expiration of the fifteenth business day after submission of a complete application, if no decision has been rendered by the Town Manager, the application shall be deemed to be granted upon the following business day.

Sec. 22-10. Grounds for Denial.

(a) The Town Manager may deny an application for a special event permit if the applicant, or the person on whose behalf the application for a permit was made, has on a prior occasion made a material misrepresentation regarding the nature or scope of an event or activity previously permitted by a special event permit, or, who has previously violated the terms of a prior special event permit, issued to or on behalf of the applicant. an application for a special event permit may also be denied for any of the following reasons:

- (1) The application for a special event permit (including any required attachments and submissions) is not fully completed and properly executed;
- (2) The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification agreement, insurance certificate, or security deposit, if any, within the times prescribed by the Town Manager.

- (3) The application contains a material falsehood or misrepresentation.
- (4) The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged Town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Town;
- (5) A fully executed prior application for a special event permit for the same time and place has been received, and a special event permit has or will be granted to the prior applicant, authorizing uses or activities which do not reasonably permit multiple occupancy of the area where the event is proposed to be held;
- (6) The use or activity intended by the applicant will conflict with previously planned programs organized or conducted by a governmental agency and previously scheduled for the same time and place;
- (7) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;
- (8) The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the Town concerning the sale or offering for sale of any goods or services; or
- (9) The use or activity intended by the applicant is prohibited by state or federal law or by ordinances or regulations of the county or the Town.

(b) If the special event application is denied, the applicant shall not be entitled to receive any reimbursement from the Town for any costs incurred during the application process, including the application fee.

Sec. 22-11. Notification of Denial and Right of Appeal.

(a) Any applicant who is denied a special event permit shall be notified in writing no later than fifteen (15) days prior to the date of the proposed event. Said notification shall state the reasons for the denial and the right of appeal to the Town Council, and shall be sent by registered mail to the applicant.

(b) The applicant shall have ten (10) days from receipt of the written notification of permit denial to request an appeal hearing before the Town Council.

(c) An appeal of the decision of the Town Council may be made to the circuit court by filing a petition for writ of certiorari as provided for under the Florida Rules of Appellate Procedure. A decision of the Town Council shall be deemed to have been rendered on the date the Town Council votes to either grant or deny the appeal.

Sec. 22-11. Litter.

(a) Special event permit holders shall be responsible for ensuring that the area where the event is held is free of all litter and debris within twenty-four hours of the time the special event ends. Events that span more than a twenty-four hour period shall be responsible for removing all garbage and litter at the end of each day.

(b) In the event this section is not complied with, the Town Manager shall have the authority to contract with a cleaning service and the cost of the clean up shall be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit.

Sec. 22-12. Security for Unpaid Expenses.

The Town Manager may require the posting of a security deposit, or other form of security acceptable to the Town, to ensure that any unpaid expenses or damages incurred as a result of the event are satisfied.

Sec. 22-13. Indemnification and Liability Insurance.

(a) Prior to the issuance of the special event permit, the applicant shall be required to execute an Indemnification and hold Harmless Agreement in a form acceptable to the Town Attorney.

(b) Prior to the issuance of the special event permit, the applicant shall maintain, at its sole expense, public liability insurance, with minimum limits as required by the Town, that includes coverage for any Town property utilized and naming the Town as an additional insured.

Sec. 22-14. Signage.

(a) All signage relating to special events shall comply with Chapter 30 of the Land Development Code.

(b) All banners are permitted to hang for a period of not less than two (2) weeks prior to the event, provided, however, that the Town Manager may permit a banner to be hung for a period of up to four (4) weeks if availability allows. All banners must have grommets that are no less than two feet (2') apart on the top and bottom. Banners can be no larger than sixteen feet (16') in width and three feet (3') high. Banners shall not contain any commercial information for the purpose of advertising anything other than the special event. All banner proofs must be approved by Town Manager or his designee.

(c) For any special event where a requested road closure has the potential to affect a sizeable segment of the community, notice of such closure must be provided to the public at least five (5) days prior to event if variable message signs are utilized or fourteen (14) days prior to an event if static signs are utilized. Type and placement of signs shall be determined by Public Works Director.

Sec. 22-15. Noise.

All permitted special events shall be subject to the noise regulations adopted by the town. Such activities may also be subject to additional specific limitations on noise as set forth in the permit. Any violation of such conditions shall constitute grounds for immediate revocation of the permit by the Town Manager or designee.

Sec. 22-16. Revocation.

The Town Manager shall have the authority to revoke a special event permit issued pursuant to this Chapter upon violation of any of the requirements contained in the permit or in this Code.

During the event, the Sheriff or the Fire Chief or their designee shall have the authority to order that the event cease if the continuance thereof will contribute to public disorder or endanger life or property, or if the application is found to be fraudulent in any manner.

**Section 3.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.** Effective Date. This ordinance shall take effect immediately upon adoption by the Town Council.

The foregoing Ordinance was adopted by the Town Council upon a motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor  
Joe Kosinski  
Alan Mandel

Bob Raymond, Vice Mayor  
Jo List

DULY PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2011, BY THE  
TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

ATTEST:

By: \_\_\_\_\_  
Larry Kiker, Mayor

By: \_\_\_\_\_  
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
FOWLER WHITE BOGGS, Town Attorney

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 12-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH ADOPTING A SCHEDULE OF FEES FOR SPECIAL EVENTS IN THE TOWN OF FORT MYERS BEACH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has adopted Ordinance 12-XX relating to "Special Events" that are held by various groups and entities in the Town; and

WHEREAS, Section 22-4 of that Ordinance provides that all fees that relate to Special Events will be adopted by Town Council by resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Fort Myers Beach, Florida as follows:

Section 1. The Town of Fort Myers Beach Special Events Schedule of Fees, as set forth on attached Exhibit "A" is hereby approved.

Section 2. *Effective Date.* This Resolution shall take effect on adoption.

A motion to approve this Resolution was made by Councilmember \_\_\_\_\_ and seconded by \_\_\_\_\_ and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	_____
Robert Raymond, Vice-Mayor	_____
Jo List	_____
Alan Mandel	_____
Joe Kosinski	_____

ADOPTED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

ATTEST: TOWN OF FORT MYERS BEACH

By: \_\_\_\_\_  
Michelle Mayher, Town Clerk

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to legal sufficiency by:

By: \_\_\_\_\_  
Fowler White Boggs, Town Attorney

## Exhibit "A"

### SPECIAL EVENTS SCHEDULE OF FEES

#### Special Event Permit Application Fees

Complete application received 45 days or more before Event:	\$ 40.00
Complete application received 22 - 44 days before Event:	\$ 40.00/each day of Event
Complete application received 14 – 21 days before Event:	\$ 75.00/each day of Event
Complete application received 10 -14 days before Event:	\$ 150.00/each day of Event
1 – 3 day events:	No additional fee
4 – 10 day events:	Additional 5% per day
Events for more than 10 days:	TBD by Town Manager

#### Anticipated number of attendees:

1 – 500	No additional fee
501 +	TBD by Town Manager

Banner Fee: \$ 160.00

#### Barricade Fee:

Barricade prices are set by a daily rental fee consistent with market prices plus a set up and breakdown fee. Prices are subject to change.

The type and amount of barricades needed for event shall be determined by Town Manager or designee consistent with applicable laws for highway safety.

#### Electric Fee:

Any Event wishing to utilize electricity from the Town must pay an Electric Use Fee, price determined by Town Manager or Designee based on Event size and duration.

#### Water Fee:

Any Event wishing to use the municipal water supply must contact the water department at (239) 463-9914 and acquire a temporary water meter and pay for all water used for duration of Event.

Parking Fee:

Any Event wishing to reserve public parking or utilize Town Right-of-Way where parking will be inaccessible to the general public shall pay for said parking at the rates charged by the Town for subscription parking.

Public Works Fee:

Any Event that generates trash, set up or breakdown, sign placing or any other activity that goes beyond the normal daily scope of work for the Public Works Department will be assessed a fee to cover incurred costs. The fee will be determined by the Public Works Director based on actual cost.

Recurring Events:

The fee for a Recurring Event shall be determined by the following formula: (Number of Dates) X (50% of Application Fee) + (Application Fee) Example = 52 Event Dates X \$20.00 = \$1040.00 + \$40.00 = \$1080.00. All recurring events shall have the appropriate percentage rate added to the (Application Fee) consistent with the current rates and fees as previously described.

ORDINANCE No. 00-16

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 78, TOWN OF FORT MYERS BEACH SPECIAL EVENTS ORDINANCE; SECTION THREE: PERMIT REQUIRED; SECTION FOUR: PERMIT APPLICATION; PROVIDING AUTHORITY; AMENDMENT TO CHAPTER 78 SECTION FOUR: PERMIT APPLICATION; PROVIDING SEVERABILITY; AND EFFECTIVE DATE.

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

SECTION 1. 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 2. AMENDMENT. Chapter 78 SECTION THREE., of the ordinance establishing the Town of Fort Myers Beach Special Events Ordinance is hereby amended to read as follows:

78. SECTION THREE: PERMIT REQUIRED

No person, corporation, partnership, or other organization shall advertise, conduct, maintain, or sell or furnish tickets for more than six events in one calendar year ~~an event~~ within the boundaries of the Town of Fort Myers Beach and no such event shall be held unless and until that person or entity has obtained a permit from Town of Fort Myers Beach to conduct such event.

SECTION 3. AMENDMENT. Chapter 78 SECTION FOUR., of the ordinance establishing the Town of Fort Myers Beach Special Events Ordinance is hereby amended to read as follows:

78. SECTION FOUR: PERMIT APPLICATION

No person, corporation, partnership, or other organization shall advertise, conduct, maintain, or sell or furnish tickets within the boundaries of the Town of Fort Myers Beach

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, or prior to January 1, if the event is to be held during the season (February through April), 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 4. 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 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

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

Anita T. Cereceda	aye
Daniel Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye

DULY PASSED AND ENACTED this 6<sup>th</sup> day of November, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: \_\_\_\_\_  
Marsha Segal-George, Town Clerk

By: \_\_\_\_\_  
Daniel Hughes, Mayor

Approved as to form by:

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

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	aye
Ted FitzSimons	aye
John Mulholland	aye
Garr Reynolds	aye
Ray Murphy	aye

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

ATTEST:

TOWN OF FORT MYERS BEACH

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

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

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

**Town of Fort Myers Beach  
Special Event Application**



Describe event including times, dates, activities and general overview of event.

For special events requesting public assistance - define Public Purpose.

Date of Event	<input type="text"/>
Name of Event	<input type="text"/>
Expected # of participants	<input type="text"/>
Request for Public Assistance	<input type="checkbox"/> YES <input type="checkbox"/> NO
Organization	<input type="text"/>
Contact Person	<input type="text"/>
Contact Phone #	<input type="text"/>
Fax #	<input type="text"/>
E-mail	<input type="text"/>
Amount of Request	\$ <input type="text"/>

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Ordinances # 98-01 and #00-16 and compliance with all items in the Special Event Application.

**FOR GROUPS REQUESTING FINANCIAL ASSISTANCE:**  
*FOUR (4) COPIES OF THE APPLICATION AND ALL SUPPORTING DOCUMENTS  
 MUST BE SUBMITTED TO THE FINANCE DEPARTMENT NO LATER THAN APRIL 30TH.  
 THE REQUEST WILL BE CONSIDERED FOR INCLUSION IN THE NEXT FY BUDGET (OCTOBER - SEPTEMBER)*

*for office use only:*

Date received: \_\_\_\_\_

To Council Committee: \_\_\_\_\_

by: \_\_\_\_\_

Recommendation: \_\_\_\_\_

**APPROVALS**

**FMB Public Works** –

Tel 765-0202 Fax 765-0909

Company managing trash removal: \_\_\_\_\_

No. of dumpsters: \_\_\_\_\_ Type of dumpsters: \_\_\_\_\_

Who is responsible for clean-up and payment: \_\_\_\_\_

City right-way Parking Use: \_\_\_\_\_ How many spaces: \_\_\_\_\_

Public Works remarks: \_\_\_\_\_

FMB-Public Works approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Florida DEP:** Jennie Cowart  
Pager 1-877-314-1329

Tel 344-5600 Fax 332-6969  
email: Jennifer.cowart@dep.state.fl.us

Florida DEP remarks: \_\_\_\_\_

Florida DEP approval: \_\_\_\_\_ Date: \_\_\_\_\_

**FMB Environment Science:** Keith Laakkonen - Tel 765-0202 Fax 765-0591

FMB Environment Science remarks: \_\_\_\_\_

FMB approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Turtle Time Inc:** Eve Haverfield

Tel 481-5566 Fax 481-5397

Turtle Time remarks: \_\_\_\_\_

Turtle Time approval: \_\_\_\_\_ Date: \_\_\_\_\_





**Town of Fort Myers Beach  
Special Events Budget Request Form**

Requested Amount from the Town of Fort Myers Beach: \_\_\_\_\_

Business or Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Your Event: \_\_\_\_\_

Why are you requesting funding from the Town? \_\_\_\_\_

\_\_\_\_\_

How do you think this event will benefit the residents and visitors of the Town of Fort Myers Beach? \_\_\_\_\_

\_\_\_\_\_

If your business or organization has submitted similar requests in the past, please describe. \_\_\_\_\_

Have you secured any other contributors? Please list. \_\_\_\_\_

\_\_\_\_\_

Describe, in detail, the budget allocations for your event including anticipated costs and revenue. (May be a separate attachment):

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Where will the Town's money be allocated? \_\_\_\_\_

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Please include any other information you think would be beneficial to the Town Council as it reviews your request (Such as charitable contributions and non-profit organizations).

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The Town's possible funding will be addressed based on a "net" event cost. Anyone requesting funding must show all anticipated revenue against the "gross" cost of the event. The Town Council prefers to limit event funding to no more than 50% of the net cost of an event. However, the Town Council reserves the right to adjust funding percentages on an event by event basis. Should the Town Council choose to fund this event; the Town of Fort Myers Beach shall be recognized as a major sponsor in all promotional material. The Town Council requests finance reports along with copies of expenditures, paid receipts and profit within 60 days following the completion of the event.



## Town of Ft. Myers Beach

### SPECIAL EVENT APPLICATION

**Ordinances #98-01 and #00-16 are attached** which establish the permit requirements and application procedures to obtain a special events permit.

1. **The application fee (\$30.00) and the completed application with all necessary approval signatures must be turned in to Town Hall no less than twenty-one (21) days prior to the event. Application fee is non refundable. One application per event.**

**(a) If the event is to be held during the months of February through April then the completed application must be submitted prior to January 1<sup>st</sup>.**

**(b) If the event will extend for more than 3 days then application must go before the Town Council, so it is recommended that the applicant contact Town Hall no less than sixty (60) days prior to the event to have the matter put on the agenda for the next council meeting. A representative from the event committee *must* be present at that meeting to answer any questions that the council might have.**

**(c) IF THE EVENT ORGANIZERS ARE REQUESTING FINANCIAL SUPPORT FROM THE TOWN, THE APPLICATION MUST BE SUBMITTED TO THE FINANCE DEPARTMENT BY APRIL 30<sup>TH</sup> FOR CONSIDERATION FOR THE FOLLOWING FY (OCTOBER 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>).** The budget request form is attached. If the event organizer has received funding from the Town for the event, the following back-up and supporting documentation shall be included with this application:

- Budget request form as submitted for consideration for funding from Town.
- Budget schedule depicting how the Town funding is to be used.
- The proposed press release(s) showing that the Town is a sponsor for the event.
- Financial detail of the prior year's event, if applicable, summarizing the event including the Town's funding.
- Press release(s) from prior year's event, if applicable.

**A REPRESENTATIVE OF THE EVENT ORGANIZER MUST BE PRESENT AT THE MEETING WHEREBY TOWN COUNCIL WILL CONSIDER THE APPLICATION TO ANSWER QUESTIONS.**

2. **Description of the Event:** Prepare a narrative description of the event including details which will assist in the evaluation of the request. Example: Dates, time of day, expected attendance, Contact names with phone numbers and a site plan for the location of the event.
3. **Owner Statement:** Attach a statement from the owner of the premises indicating consent to hold the special event on their premises.

4. **Parking and Trash management:** Attach a detailed site plan and your proposed parking accommodations with the approval from FMB Public Works. See attachments.
5. **Certificate of Insurance:** You must obtain a Certificate of Insurance that meets or exceeds the Town's requirements. The certificate must name the Town of Fort Myers Beach as additional insured.
6. **Required Approvals:** The **Lee County Sheriff's Office and Fort Myers Beach Fire District** must approve the event and sign the attachments included in this document.
7. **Additional Approvals:** Any event on *any part* of the sandy beach must have a field permit from the FL Department of Environmental Protection (DEP), and must also be reviewed by Fort Myers Beach Environmental Sciences (this includes sandy beach areas that are contained within private property). It is the responsibility of the applicant to obtain these approvals. See attachments.
8. **Sea Turtle Season:** May 1<sup>st</sup> through October 31<sup>st</sup> is sea turtle nesting season. There can be no lighted activities on the beach past 9:00 PM during this time. And the event must be reviewed and approved by Turtle Time, Inc. Contact Eve Haverfield Tel 239-481-5566 and Fax 239-481-5397
9. **Banners:** If an event has a banner, the banner must be supplied with a \$150.00 fee. The banner will be placed by the Town at a designated location. Banner size must be no larger than 3feet by 25 feet.
10. **Tents:** For tents, provide a Certificate of Flame Resistance, the name of the tent company address and phone numbers supplying the tent.
11. **Vehicle on the Beach:** If the event has a vehicle going onto any part of the sandy beach the vehicle must have a Restricted Beach Transit Vehicle Permit.
12. **Road Closures:** If the event will include road closure the following will be required. For a Town owned roadway, the applicant will be required to pay for the installation and removal of barricades. This fee will be due prior to the special event permit being issued. The applicant will also be required to make provisions for the cost of paid parking if road closure or event area includes areas with paid parking. Should the event include Estero Blvd., the applicant shall also obtain necessary permits from Lee County and will be required to post message boards or static signs at least 7 days prior to the date of the event.
13. **Bond:** As part of the approval process, the Town Manager, will establish the amount of the bond should it be required.