



Town of Fort Myers Beach

Special Event Application Checklist

2525 Estero Boulevard, Fort Myers Beach, Florida 33931

Tel: (239) 765-0202 ext. 1303 * Fax: (239) 765-0909 Email: permits@fmbgov.com

- All necessary department approvals – an application is not considered completed until all approvals have been turned in to Town Hall.

- Detailed description of entire event including set up and breakdown

- Liability Insurance (\$1 million each occurrence and \$2 million general aggregate) naming the Town of Fort Myers Beach as certificate holder

- Site plan – marked off with placement of objects (chairs, tables, tents, etc.)

- Parking Plan – if applicable

- A copy of the 500 foot notification letter for any amplification along with the mailing list

- Letters of permission if using someone else's property for event.

- A **completed** application is to be turned in 45 days **prior** to the event or a \$5.00 per day cost will be added to the permit cost.

- If Town Council action is required the **completed** application must be turned in 60 days prior to the event in order to get put on the Council agenda to be brought forth to Council, also any application turned in after the 60 days a 10% additional charge to the permit will be added.



Town of Fort Myers Beach

2525 Estero Boulevard, Fort Myers Beach, Florida 33931
Tel: (239) 765-0202 Fax: (239) 765-0909 Email: permits@fmbgov.com

Name of event _____

Attach separate sheet of paper with detailed description of event

Date(s) and times of event _____

Address of event _____

Expected # of participants/attendees _____

Sponsoring Organization _____

Organization address _____

Contact Person/Phone# _____

E-mail _____

Amplified Music Y____ N____ 500 Ft Notifications _____ Copy of Letter _____

Renting Town Property Y____ N____ Renting Parking Spaces Y____ N____

How many Spaces? _____ How many hours _____

Extension of Premises? Y____ N____ ABT Form _____ **How many days?** _____ (Over 3 days needs to go to Council)

Letters of Permission to use Property _____

Letters of Permission to use Parking _____ Parking Plan _____

Site Plan _____ Insurance _____ (Naming Town of FMB as Certificate Holder)

Requesting Water Y____ N____ Electric Y____ N____

Requires Council Approval:

Waiver of open container Y____ N____ **Waiver of Town parking fees** Y____ N____

Waiver of Noise Ordinance Y____ N____ **Recurring Event** Y____ N____

Applicant Signature _____

Printed Name _____

This permit is subject to the applicant meeting all requirements contained in Fort Myers Beach Code of Ordinance Book Part 2 Chapter 22 and in compliance with all items in the special event application.

Applicant to Complete:

Company managing trash removal: _____

No. of dumpsters: _____ Type of dumpsters: _____

Who is responsible for clean-up and payment: _____

City right-of-way Parking Use: _____ Number of spaces: _____

To be completed by Town Hall employees:

FMB Public Works:

Public Works remarks: _____

Approval: _____ Date: _____

FMB Environment Science: Tel (239)765-0202 Fax (239)765-0909

FMB Environmental Sciences remarks: _____

Approval: _____ Date: _____

Please forward the completed application and site plan along with the individual approval request to each identified agency below. Once complete return all to our office.

Florida DEP: DEP now provides an online application process for minor event approval

Self Certification for CCCL Permit Guidance Document: <http://www.dep.state.fl.us/beaches/>

FOR MAJOR EVENTS ONLY CONTACT

Jennie Cowart

Tel (239)344-5627 Fax (850)412-0590

Email: Jennifer.cowart@dep.state.fl.us

Florida DEP remarks: _____

Check list: Application _____ Site Plan _____ Description _____

Florida DEP approval: _____ Date: _____

Turtle Time Inc.: Eve Haverfield

Tel (239)481-5566 eve@turtletime.org

Turtle Season is May 1 through October 31

Turtle Time remarks: _____

Turtle Time approval: _____ Date: _____

FORT MYERS BEACH FIRE DEPT
100 Voorhis St, Fort Myers Beach, FL 33931

Tel (239) 590-4205
Fax (239) 432-1554

Fire Guards: (how many?) _____

Fee: _____

Flammable Vegetation: _____

First Aid Equipment: _____

Fire Extinguishing Equipment: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

PREVENTION@FMBFIRE.ORG – For Fire Department Handbook and additional application.

LEE COUNTY SHERIFF'S DEPT Tel (239)477-1830 Fax (239)432-0268
15650 Pine Ridge Road, Fort Myers, FL 33908

Parking: _____

Deputies (how many?) _____

Traffic Control: _____

Fees: _____

Special Arrangements: _____

Print Name

Approval Signature

Date

Fort Myers Beach Fire Control District Outdoor Festival and Special Event Guide Book



FORT MYERS BEACH FIRE SPECIAL EVENT APPLICATION:

Complete and return form to the Fort Myers Beach Fire Department FAX: 463-6761 or in Person
(CHECK ALL THAT APPLY)

WILL EVENT HAVE OUTDOOR TENTS FOR SEATING OR COOKING

WILL THERE BE VENDORS SERVING HOT FOOD

LOCATION: _____

DATE OF SET-UP: _____ DATE OF TAKE DOWN: _____

EVENT DATE(S): _____ START TIME: _____ END TIME: _____

EVENT SPONSOR: _____

SPONSOR ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____ EMAIL: _____

SPONSOR CONTACT: _____ PHONE: _____

BRIEF DESCRIPTION OF EVENT:

PLEASE NOTE:

- APPLICATION MUST BE SUBMITTED WITH SITE PLAN FOR EVENT.
- ALLOW UP TO (14) DAYS FOR REVIEW AND APPROVAL. SAME DAY APPROVAL IS NOT POSSIBLE.
- INSPECTION AND REVIEW FEES SHALL BE IN ACCORDANCE WITH THE FORT MYERS BEACH FIRE CONTROL DISTRICTS SCHEDULE OF FEES.
- LIFE SAFETY EVALUATION MAY BE REQUESTED IN COMPLIANCE WITH THE FLORIDA FIRE PREVENTION CODE: NFPA 1: CHAPTER 10.
- PLEASE ENSURE ALL EVENT VENDORS READ AND UNDERSTAND FIRE DISTRICT GUIDELINES GOVERNING SPECIAL EVENTS. FAILURE TO COMPLY MAY RESULT IN ADDITIONAL INSPECTION FEES AND/OR A SHUTDOWN OF VENDOR.
- PLEASE VISIT WWW.FMBFIRE.ORG FOR SPECIAL EVENT GUIDELINES.
- **ALL SPECIAL EVENT FEES ARE DUE AT TIME OF APPLICATION PICK-UP. NO APPLICATION WILL BE RELEASED UNTIL FULL PAYMENT OF FEES ARE RECEIVED.**

Fort Myers Beach Fire Control District

OUTDOOR FESTIVAL and SPECIAL EVENT GUIDEBOOK

The purpose of this guidebook is to establish the responsibilities for the event promoters, sponsors, vendors, and the Fort Myers Beach Fire Control District.

Event Sponsor

The Event Sponsor assumes overall responsibility for the set-up and running of the event and insures compliance with Fire and Life Safety guidelines.

The Event Sponsor shall:

- ✓ Secure the proper permits from the Town of Fort Myers Beach or Lee County for Public Safety approval.
- ✓ Secure any additional permits from the Fire Department Prevention Division. These may include Pyrotechnics, Open Flames and Tents.
- ✓ Provide a site plan to the Fire Department showing:
 - The name of all streets and areas that are included in the event
 - The location(s) of Fire Department Access Lanes (20 ft. minimum width)
 - The location of stages, non- food booth vendors, food vendors and display areas
 - Location of Emergency Exits
 - A list of food vendors with the type of food and cooking method
- ✓ The Event sponsor shall distribute to each Hot Food Vendor a copy of the requirements for Hot Food Vendors.
- ✓ Provide event radios (if used) with a list of assigned channels.
- ✓ **PARADE FLOATS:** All motorized parade floats and towing apparatus in accordance with the **FFPC: NFPA 1: Subsection 10.17.2 shall** be equipped with a **2A:10B:C** portable fire extinguisher that is readily accessible to the operation.

Event Vendors

Event Vendors are responsible for the safe operation of their booth, display or attraction. Vendors shall coordinate the event setup and take down with the Event Sponsor to insure compliance with Fire and Life Safety regulations.

- ✓ Shall keep Fire Lanes, Fire Department Connections and building access clear and unobstructed.
- ✓ Read, sign and post the Hot Food Vendor requirements in the booth.
- ✓ Be prepared, at anytime, for a Fire Inspection.
- ✓ Correct any violations prior to opening for business.
- ✓ Maintain all Fire and Life Safety requirements for the duration of the event.

Fire Department Special Event Staff

Fire Department Staff are responsible for inspecting the event prior to opening. They shall inspect all related aspects of the event. The event inspectors shall issue correction notices if required and re-inspect to insure compliance.

The Fire Department Inspections shall include, but not be limited to the following:

- ✓ Hot Food Vendors
- ✓ Fire Department access
- ✓ Access to hydrants, Fire Department Connections, and Fire Control Rooms
- ✓ Event egress
- ✓ Rides and displays
- ✓ Generators and propane tanks
- ✓ Stages
- ✓ Non-food vendors
- ✓ Beer and wine gardens
- ✓ Pyrotechnics and open flame effects

Pyrotechnics and Open Flame Effects

Pyrotechnics: All Pyrotechnic displays are required to be permitted by the Fort Myers Beach Fire Control District. A licensed pyrotechnic operator is required for all displays.

The following information is required for a Pyrotechnic Display:

- ✓ A copy of the Operators and crew Licenses
- ✓ Site plan of shooting area, including fallout zones
- ✓ Show script with a list of product to be used
- ✓ Method of transport and storage plan

Open Flame Effects:

All Open Flame and theatrical flame effects shall be reviewed by the Fire Department. Open Flame effects shall include, but not be limited to the following:

- ✓ Fire dancing
- ✓ Stage props and effects
- ✓ Fire eating
- ✓ Magic acts

ACCESS FOR FIRE APPARATUS

During large events it is especially important to maintain access for fire apparatus. This not only includes Suppression (engines and trucks) vehicles, but Medical Units as well. To insure a safe event, all fire access requirements shall be enforced at all times.

Access thru the event:

- ✓ A Fire Lane no less than 20 feet wide and no lower than 13.5 feet high shall be maintained as designated by the Fire Department.
- ✓ Fire Lane distance in excess of 150 feet, with no exit, shall have provisions for turning the Apparatus around. The radius for the turns shall be approved by the Fire Department.
- ✓ As required by the Fire Department, signs shall be provided designating Fire Access Only/No Parking
- ✓ All existing Fire Lanes shall be enforced

Access to Buildings:

As required by the Fire Department, access to building openings and walkways shall be provided. The width of the access and walkways shall also be determined by the Fire Department. **Please note: The access to buildings may vary depending on the building and the venue.** Access to the following shall not be obstructed:

- ✓ All exterior doors and openings
- ✓ Fire Control Rooms
- ✓ Fire Pump Rooms
- ✓ Parking structures
- ✓ Exterior SMUD vaults

Access to Water Supplies:

Access to Fire Hydrants and other water supply connections shall be enforced. Event Promoters, Sponsors, Vendors etc. shall be required to maintain a 15 foot clearance around all fire hydrants. Any vendors blocking access to water supplies shall be relocated immediately.

The access to the following shall not be obstructed:

- ✓ Fire Hydrants
- ✓ Fire Department Connections
- ✓ Post Indicator Valves
- ✓ OS&Y Valves
- ✓ All Fire Code sections pertaining to blocking of hydrants and connections shall be enforced.

Event Egress

This section will address two types of events:

1. Fenced Events: normally located in Parks or other large open areas.
2. Blocked Streets: normally done at events where main streets and cross streets are closed.

FENCED EVENTS

This type of event typically takes place in a Park or other large open area where the designated area for the event is closed off by temporary fencing.

Number of exits:

The number of exits shall be in addition to the main entrance.

Three Exits shall be provided when the site accommodates from 1,000 to 3,000 persons.

Four Exits shall be provided when the site accommodates more than 3,000 persons.

Exit Spacing:

Exits shall be equally spaced along the perimeter of the fence. The exits shall be spaced so that no exit is greater than a distance of 400 ft. of travel. Additional exits shall be added if needed.

Exit Width:

Exit width shall be understood to be a panel's width of temporary fencing, to provide an opening of no less than 48 inches.

Exit Staffing: Each exit shall have a member of the security staff assigned to it. The Security provider shall provide a gate assignment roster upon request.

Exit Sign / Marking:

Each Emergency Exit shall be designated as follows:

- ✓ Exit signs shall have a white background with contrasting red letters
- ✓ Exit signs shall measure 18 x 24 inches
- ✓ Sign lettering shall measure 12 inches in height
- ✓ Signs shall be placed at the top center of the exit panel

BLOCKED STREETS

This type of event blocks off a main street and may block cross streets. In addition to providing access for fire apparatus, public egress shall also be accounted for.

Exit Placement:

Exits shall be placed at both ends of the street closure. Cross streets shall also have Emergency Exit access.

Access thru the event:

A Fire Lane no less than 20 feet wide and no lower than 13.5 feet high shall be maintained as designated by the Fire Department.

TENTS, CANOPIES AND TEMPORARY MEMBRANE STRUCTURES

The following tents and canopies are subject to inspection:

Tent that is larger than 200 square feet.

Canopy that is larger than 400 square feet.

Definition of a tent:

A temporary structure, enclosure or other shelter constructed of fabric or pliable material supported by any other manner except by air or the contents it protects.

Sources of Ignition:

Smoking is prohibited in tents, canopies, and temporary membrane structures and in adjacent areas where combustible materials are stored or used. "No Smoking" signs shall be conspicuously posted.

Fireworks, open flames and devices capable of igniting combustible material shall not be used adjacent to temporary membrane structures, tents or canopies unless otherwise approved. (Propane powered heaters are not permitted inside)

The following items shall be submitted along with the application:

- ✓ A site plan for the location of the tent, with measurements showing distances to buildings and property lines. A minimum 20-foot separation and fire access is required.
- ✓ A floor plan of the tent, showing the location and number of exits, fire extinguishers, stages, seating arrangements, tables and other objects.
- ✓ Certificates showing the tent to be flame retardant with manufacturers' documentation attesting to this fact.
- ✓ Any cooking or open flames.
- ✓ Heaters and ventilation
- ✓ Any other information that may be required specific to your event.

UPON REQUEST OF THE FIRE DISTRICT, ANY SPECIAL EVENT APPLICANT MAY BE REQUESTED TO SUBMIT A LIFE SAFETY EVALUATION, ALONG WITH, A FIRE DISTRICT SPECIAL EVENT APPLICATION.

Life Safety Evaluations shall be in compliance with the Florida Fire Prevention Code (FFPC): Chapter 10: Subsection 10.15 and contain the following required information

Requirements for Life Safety Evaluation:

- Name of event participants, and projected number of attendees
- Access and egress movement, including crowd density problems
- Medical Emergency mitigation plan
- Fire Hazards
- Permanent and temporary structures
- Mitigation plan for severe weather
- Mitigation plan for civil or other disturbances
- Mitigation plan for hazardous material incidents within and near the facility
- Relationship among facility management, event participants, emergency response agencies, and others having a role in the events accommodated in the facility

IF ANY OF THE ABOVE ITEMS ARE MISSING, YOUR APPLICATION WILL NOT BE ACCEPTED

HOT FOOD VENDOR REQUIREMENTS

The use of food booths is regulated by the Fire Department. These requirements apply to single vendor, freestanding booths. Cooking within tents containing seating is subject to additional requirements. All food vendors are subject to inspection prior to an event. *Failure to comply with the following regulations may result in closure of the location.*

Flame Retardant Requirements

The sidewalls, drops and tops of tents and canopies shall be of flame resistant material or treated with a flame retardant in an approved manner recommended by the manufacture.

Portable Fire Extinguishers

A portable dry chemical fire extinguisher shall be provided for each food booth. The minimum size for the extinguisher is a 2A10B:C (5 lbs.). If a Deep Fat Fryer is being used, a K TYPE portable extinguisher shall also be provided. Extinguishers shall have a current INSPECTION TAG. The extinguishers shall be attached in an accessible and visible location, between 3 and 5 feet above the ground.

Location

Food booths shall have a clearance of at least 20 feet on two sides. The booth shall not be located within 10 feet of any rides or devices. Cooking that produces sparks or grease-laden vapors shall not be conducted within 10 feet of a structure.

Gas Stoves

All gas stoves, BBQ's and burners shall be listed by either Underwriters Laboratories (UL) or the American Gas Association (AGA).

Deep Fat Fryers

Deep Fat Fryers shall not be used in food vendor tents. If a Deep Fat Fryer is to be used it shall be outside the tent and at least 18 inches from the outside wall of the tent. If a Fryer is used in conjunction with a BBQ, it shall be at least 3 feet away from the BBQ. Deep Fat Fryers also require the addition of a K TYPE fire extinguisher.

Bar – B –Ques

BBQ's are not permitted within the food booth. Fuel for the BBQ shall be kept at least 10 feet away from the BBQ. BBQ's shall be located at least 10 feet from a structure or combustible materials. BBQ's and other open flame devices, located outside of structures shall be secured from falling and contact by the public.

Fuel

Fuel tanks (LPG) shall be stored outside of the structure. The tanks shall also be located away from public access. The size of the tank shall be limited to 25 LBS, unless otherwise approved. Fuel tanks shall be secured from falling.

Smoking

Smoking is not allowed at anytime within the food booth, or within 25 feet of any fuel source.

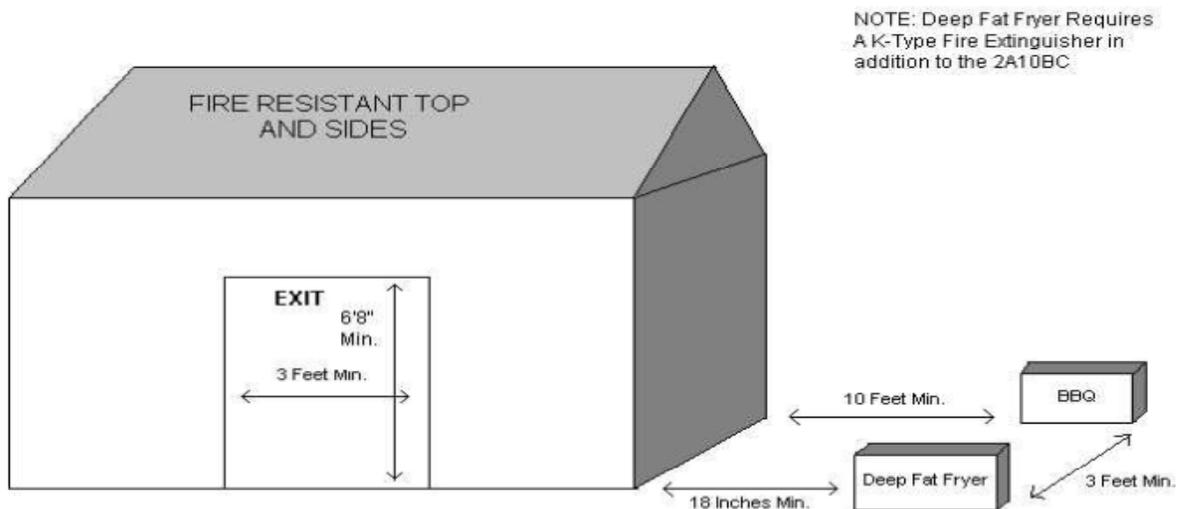
Generators

Generators shall be located a minimum of 20 feet from tents or canopies. They shall also be isolated from contact with the public by approved means. The refueling of hot generators is not allowed.

Flammable and Combustible Liquids:

- ✓ Flammable liquid filled equipment shall not be used in temporary membrane structures, tents, or canopies
- ✓ Flammable and combustible liquids shall be stored outside and in approved container and no less than (50) feet from temporary membrane structures, tents, or canopies
- ✓ Refueling shall be performed in an approved location not less than (20) feet from temporary membrane structures, tents, or canopies and have a 2A10B:C (5 lbs.) available.

Should you have any questions, contact the **Fire Prevention Bureau at 239-590-4206.**



ORDINANCE NO. 16-03

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING ORDINANCE 12-04 CODIFIED IN CHAPTER 22 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES PERTAINING TO SPECIAL EVENTS; AMENDING DEFINITIONS, PERMIT REQUIREMENTS; EXEMPTIONS FROM PERMIT REQUIREMENTS; AND FEES; REPEALING PROVISIONS RELATING TO FEE WAIVERS AND BUDGET ALLOCATIONS; AMENDING GENERAL PERMIT CRITERIA AND LIMITATIONS, PROVISIONS FOR REOCCURRING SPECIAL EVENTS, APPLICATION REQUIREMENTS, PROCEDURE FOR REVIEW, APPROVAL AND APPEAL OF DENIAL OF PERMITS; REPEALING REGULATIONS APPLICABLE TO PERMITS FOR POLITICAL DEMONSTRATIONS; AMENDING PROVISIONS RELATED TO LITTER, INDEMNIFICATION AND LIABILITY INSURANCE; AND SIGNAGE; REPEALING PROVISIONS RELATED TO NOISE; AND AMENDING PROVISIONS FOR REVOCATION OF PERMITS; REPEALING RESOLUTION 12-08 OF THE TOWN OF FORT MYERS BEACH CONTAINING A SCHEDULE OF FEES FOR SPECIAL EVENTS; PROVIDING SEVERABILITY; CONFLICTS; CODIFICATION, SCRIVENER'S ERRORS; AND, AN EFFECTIVE DATE.

WHEREAS, the Town of Fort Myers Beach has authority pursuant to Fort Myers Beach Charter Section 3.01 to enact and amend ordinances and regulations necessary to the proper functioning of the Town; and

WHEREAS, the Town Council has adopted Code of Ordinances, Town of Fort Myers, Beach, Florida (Code) Chapter 22 pertaining to Special Events Permits; and

WHEREAS, the Town Council finds it is appropriate to update and amend these provisions.

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

SECTION 1. AMENDMENT TO TOWN OF FORT MYERS BEACH CODE OF ORDINANCES CHAPTER 22.

Town of Fort Myers Beach Code of Ordinances Chapter 22 is hereby amended as follows, with strike through identifying deleted text and underlining identifying additional text.

CHAPTER 22 SPECIAL EVENTS

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, brings people together in one location that normally would not include a concentration of population, 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, garage sales, weddings, retirement parties 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.~~ Any activity conducted on public or private property that will or has the potential to substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public forums, including any temporary activity conducted on private property that is not authorized by the certificate of use or certificate of occupancy issued for any business operating on the property where the activity is planned, or any temporary activity conducted on private property where the area of the activity coincides with parking spaces required for the operation of any business.

Sec. 22-2. Permit Required.

No person or entity shall can initiate, sponsor, organize, promote, conduct or advertise a special event ~~or political demonstration~~ unless a permit has been obtained from the Town. 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~~ do not require a special event permit:

- ~~(1) Events conducted by religious entities, provided such events are conducted entirely on property owned by the religious entity.~~
- (1) Private events that will make no use of a public property other than for lawful parking.
- (2) 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, or is a political demonstration as defined in ~~section~~ § 22-1, then this exemption shall will not apply.

Sec. 22-4. Fees.

All fees that relate to special events and special events permits shall will be established by ~~Town Council by resolution~~ as stated in the current Town of Fort Myers Beach Fee Schedule.

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

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

~~Sec. 22-6. Requests for fee waivers and budget allocations.~~

~~(a) Any not for profit entity shall be eligible for a special event fee waiver. The Town Council shall 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, provided however that Town Council, at any time during the year, may take action to increase the amount budgeted for such fee waivers.~~

~~(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. 22-67. General criteria and limitations.

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

- (1) The activity proposed must be compatible with the surrounding land uses, provided, however, that special event permits for events in areas zoned for single-family residential use are limited to family celebrations (i.e. weddings, retirement parties, graduation parties and the like), residents' block parties and garage sales.
- (2) An individual applicant may not receive a special event permit more than six times within a calendar year, provided, however, that the Town Council may grant businesses or entities approval for a recurring event permit that is not subject to this limitation (see § 22-7) and provided further that the Town Council shall have has the authority to permit an individual applicant to exceed the six event annual limitation in its discretion. ~~To qualify as a recurring event, the event 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:~~
 - a. ~~Each event must be held at the same location at the same time of day.~~
 - b. ~~All dates for the recurring event must be listed on the original application.~~
 - c. ~~Each individual event must be of the same genre with similar anticipated attendance.~~
 - d. ~~a recurring special event can occur no more often than weekly and for no more than one year on a single application.~~
- (3) ~~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.~~
- (4) ~~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. A and parking plan shall be included as part of with the special event permit~~

~~application. The location of any parking and accessory structures shall not obstruct traffic or violate any applicable Town, county or state laws.~~

- ~~(3) For any special event that will include a temporary use regulated by LDC Chapter 34 (see LDC §§ 34-3041 thru 34- 3051) a temporary use permit may also be required.~~
- ~~(54) For aAny special event that will take place all or in part upon the beach shall will be subject to all requirements contained in section LDC § 14-11 of the Land Development Code and any requirements of State or Federal agencies relating to activities that take place on the beach.~~
- ~~(5) For any special event where alcoholic beverages will be sold, the applicant must obtain a temporary one-day permit as proscribed in LDC § 34-1264, as applicable. Applicants must obtain any required permits from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.~~
- (6) The following types of special events must be approved by the Town Council:
 - a. Special events with a duration of four days or more where alcohol will be served;
 - b. Special events with an anticipated attendance of more than 500 people;
 - c. Recurring special events (see § 22-7);
 - d. Any special event that includes a waiver of the Town's open container regulations (see Code Chapter 4, Article IV);
 - e. Special events held annually, once initially approved by Town Council, may be administratively approved by the Town Manager (ie. without formal action by Town Council) for subsequent years, so long as they do not include a Noise Ordinance waiver request (see § 22-6(6)g) or a material change in the nature of the annual special event. Material changes include an anticipated increase in attendance of 10% or more, an increase of the area of the special event of 10% or more; changes or additions to the parking plan for the special event; or other changes as determined in the sole discretion of the Town Manager;

- f. Special events for which a waiver of parking or other fees is requested. If the waiver was previously approved by the Town Council in conjunction with approval of a recurring special event or annual event and special event is subject to administrative approval, then the related waiver may also be administratively approved; and
- g. Special events for which a waiver of the Fort Myers Beach Noise Ordinance is requested.
- b. ~~Special events requesting funding; and~~
- e. ~~Special events where the noise is anticipated to exceed what is permitted by the Town Code.~~

Sec. 22-7. Recurring special events.

To qualify as a recurring event, the event 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 farmers' markets, "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.
- (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 may not occur more often than weekly over a period of one year based upon a single application.

Sec. 22-8. Application requirements.

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

~~An application for a special event must be filed with the town manager not less than 45 days prior to the date of the event. Applications received less than 45 days prior to the event will incur an additional permit application fee. Applications received less than ten days before the special event will not be processed.~~

(b) If any Town Council actions are required in connection with a planned special event, the application for the permit must be filed at least 60 days prior to the date of the planned event.

(c) Applications for special event permits that do not require Town Council action must be filed at least 15 days prior to date of the planned event.

(d) Incomplete applications will not be processed for approval.

(e) Applications received less than the specified days before the date of the planned event, may be accepted at the discretion of the Town Manager. If the late application is accepted, the Town Manager has the discretion to impose additional permit fees, as per the Town of Fort Myers Beach Fee Schedule, to facilitate timely review and approval. No applications will be accepted less than ten (10) days before the planned event date.

(~~bf~~) A complete permit application shall must include, but may not be limited to, the following:

(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 expected number of persons who will attend the event.

(45) The specific location(s) within the Town where the special event is to be held. The applicant shall also be required to must submit a general site plan describing the layout of the special event, including locations of all temporary structures that identifies the area(s) of the property used for the event activities, any and all tents, canopies, recreational vehicles, or accessory structures that are to be utilized in connection with a the special event activity. A parking plan must be included as part of with the special event permit application. The location of any parking and accessory structures may not obstruct traffic or violate any applicable Town, county or state laws.

(56) In instances where a proposed special event will be held within 500 feet of residential property and will include any amplified sound, 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 event will take place and for condominium properties, a single written notification to the condominium association will be sufficient. The notification shall advise the owner of their

right to submit a letter of objection to the town manager, and shall include the date by which any such letter of objection must be submitted.

- ~~(6) The expected number of persons who will attend the event.~~
- ~~(7) A description of how vehicle parking for the event will be managed.~~
- (87) Whether any street closings are requested and, if so, which streets and the times when they will be closed.
- (98) Whether any alcoholic beverages will be sold or served and ~~whether appropriate state licenses have been applied for.~~ If alcoholic beverages will be sold the applicant must obtain all necessary permits as described in § 22-6.
- (109) If any entertainment will be included, details as to the type of entertainment, times and location shall must be provided.
- (140) Whether utility services such as electrical power or water will be required.
- (11) Whether the applicant is requesting to have a banner hung in association with the event, see § 22-15. A proof of the proposed banner is required.
- (12) ~~Proof that a written request for indicating approval of the event has been submitted to from~~ all applicable outside state and local agencies.
- (13) In instances when the sound emanating from a proposed special event is anticipated to exceed the limits established in Code § 14-23, the applicant must provide proof of application for a waiver for relief from the maximum allowable noise levels in accordance with § 14-25 of the Fort Myers Beach Code of Ordinances. As part of the waiver application process, the applicant is required to provide notice to all property owners within 500 feet of the location of the proposed special event, advising them of the nature of the event and the dates and times when the event will be held. The 500 feet is measured from the perimeter of the site where the special event will take place; and for condominium properties, a single written notification to the condominium association is sufficient.
- (14) Proof of application for/approval of any temporary use permits required in conjunction with the special event, see § 34-3041-3051 of the Fort Myers Beach Land Development Code.

- (15) An affidavit, signed by the applicant, that all the information provided in the application is a complete and accurate description of the proposed event.
- (16) An affidavit, signed by the applicant, 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.
- (137) The Town Manager ~~shall have~~ has 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 an application that contains all of the items listed in § 22-8 and required application fees, the Town Manager ~~shall~~ will forward copies of the application to all affected Town departments for their review.

- (1) If the special event permit can be approved by the Town Manager administratively, the Town Manager ~~shall~~ will grant or deny an application for a special event permit within ~~15 business~~ 10 days of receipt of a complete ~~after the application is complete~~.
- (2) Special event permits requiring Town Council approval ~~action~~ shall will be scheduled for consideration at the next available regularly scheduled Town Council Regular Meeting. ~~An application shall not be deemed complete until the Town has received notification that all federal, state, and local permits or approvals have been obtained. If the permit is one that can be issued by the Town Manager and the Town Manager has received one or more letters of objection from residents who are within 500 feet of the location of the proposed event, the permit must be approved by~~
- (3) T~~he~~ Town Council ~~Manager and~~ and the Town Council ~~shall~~ have the right to place conditions on the a special event permit to mitigate any anticipated adverse effects on nearby residential properties.

Sec. 22-10. Grounds for Denial.

(a) The Town Manager or Town Council 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~~ is 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 by the Town Manager ~~shall~~ will be notified in writing, ~~of the denial no later than five (5) days prior to the date of~~

~~the proposed event.~~ Said notification ~~shall~~ will state the reasons for the denial and the right of appeal to the Town Council, and ~~shall~~ will be sent by registered mail to the applicant.

(b) The applicant ~~shall~~ will have ten days from receipt of the written notification of permit denial to request an appeal hearing before the Town Council. If the appeal cannot be heard by the Town Council prior to the date when the event is scheduled to be held, the filing of an appeal ~~shall~~ will not entitle the applicant to conduct the event on that date but, if the appeal is successful, the applicant may hold the event on a rescheduled date that is after the Town Council meeting at which the appeal was heard.

(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~~ will be deemed to have been rendered on the date the Town Council votes to either grant or deny the appeal.

~~Sec. 22-12. Permits for Political Demonstrations.~~

~~Applications for permits to conduct political demonstrations as defined in Sec. 22-1, shall have the same requirements as applications for special event permits, provided, however, that the time period for approval or denial of such permits for political demonstrations shall be expedited and shall not exceed five (5) business days, and provided further that any appeal of a denial of such permit shall also be expedited and shall be heard by Town Council at its next regular meeting or, if such meeting is more than ten (10) business days from the date of the filing of an appeal, the Town Council shall hold a special meeting within that ten (10) business day period to hear the appeal.~~

Sec. 22-123. Litter.

(a) Special event permit holders ~~shall be~~ are responsible for ensuring that the area where the event is held is free of all litter and debris within 24 hours of the time the special event ends. Events that span more than a 24 hour period ~~shall be~~ are 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~~ has the authority to contract with a cleaning service and the cost of the cleanup ~~shall~~ will be the responsibility of the permit holder and, if not promptly paid, may be deducted from any required security deposit (see §22-14).

Sec. 22-134. 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. 22-145. Indemnification and Liability Insurance.

(a) Prior to the issuance of the special event permit, the applicant ~~shall be~~ is 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~~ is required to obtain, 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. 22-156. Signage.

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

~~(b)~~ *Banners across Town of Fort Myers Beach rights-of-way. Special event permit applicants may request to hang a banner advertising the special event across the Town of Fort Myers Beach right-of-way at the base of the Sky Bridge. All banners must be approved by Town Manager. Banners may not contain any commercial information for the purpose of advertising anything other than the special event. Banners will not be approved until approval has been obtained for the associated special event. Banners are hung on a on a first come first served basis. All Banners are permitted to may hang for a period of not less than two 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 weeks if availability allows. All banners must have grommets that are no less than two feet apart on the top and bottom. Banners can be no larger than 16 feet in width and three feet 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 the 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 days prior to event if variable message signs are utilized or 14 days prior to an event if static signs are utilized. Type and placement of signs shall will be

determined by Public Works Director. The applicant is responsible for any fees associated with the static signs or variable message boards.

Sec. 22-17. 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. 22-168. Revocation.

~~The Town Manager shall have has 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 2: REPEAL OF TO TOWN OF FORT MYERS BEACH RESOLUTION 12-08.

The Town of Fort Myers Beach Special Events Schedule of Fees set forth in Resolution 12-08 is hereby repealed.

SECTION 3: 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 for any reason whatsoever beheld invalid, then such provision will be null and void and will 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 4: CONFLICTS OF LAW.

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION 5: CODIFICATION AND SCRIVENER'S ERRORS.

The Town Council intends that this ordinance will be made part of the Fort Myers beach Code of ordinances; and that sections of this ordinance can be renumbered or relettered and the word "ordinance" can be changed to "section", "article" or some other

appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the Town Manager or designee, without the need for a public hearing.

SECTION 6: EFFECTIVE DATE.

This ordinance becomes effective immediately upon its adoption.

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

| | |
|-----------------|-----|
| Dennis Boback | Aye |
| Anita Cereceda | Nay |
| Rexann Hosafros | Nay |
| Tracey Gore | Aye |
| Summer Stockton | Aye |

DULY PASSED AND ENACTED this 22 day of August, 2016.

ATTEST:

By: 
Michelle Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Dennis Boback, Mayor

Approved as to form by:


Dawn E. Perry-Lehnert,
Town Attorney

ADDITIONAL CODE SECTIONS TO REVISE

MAKE THESE IN A SUBSEQUENT ORDINANCE THESE ARE LDC SECTIONS SO THAT ORDINANCE HAS TO GO TO THE LPA

LDC Ch. 30 – Signs

LDC Sec. 30-151. – Temporary signs. / 30-151(6) Special event signs.

c. Banners – delete current text and reference 22-16(b)

LDC Ch. 34 - Zoning

Article IV. Supplemental Regulations

Division 34. Special Events

LDC Sec. 34-2441 – 2442 Delete current text and reference Code Ch. 22.

Division 37. Subordinate and Temporary Uses

Subdivision II. Temporary Uses

LDC Sec. 34-3041(d)(2) revise to permit temporary use permits 4 times per year.

LDC Sec. 34-3042 Carnivals, fairs, circuses, and amusement devices. Section (d) revise to reference Code Ch. 22.

Add Farmer's Markets to Temporary Uses (?)

Subdivision III. Special events.

LDC Sec. 34-055 Special Events – Delete in entirety, redundant of LDC Secs. 34-2441-2442.