

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

**AN ORDINANCE OF THE CITY OF ARCADIA CREATING CHAPTER 22 REGARDING SPECIAL EVENTS; PROVIDING FOR: DEFINITIONS; PERMITS; EXEMPTIONS; FEES; REQUESTS FOR FEE WAIVERS AND BUDGET ALLOCATIONS; GENERAL CRITERIA AND LIMITATIONS; APPLICATION REQUIREMENTS; APPLICATION REVIEW; GROUNDS FOR DENIAL; APPEALS; LITTER CONTROL; SECURITY FOR UNPAID EXPENSES; ALCOHOL AND BEVERAGE SALES; INDEMNIFICATION AND LIABILITY INSURANCE; SIGNAGE; NOISE CONTROL; TEMPORARY BATHROOM FACILITIES; REVOCATION; REGULATION OF MOBILE, ITINERANT AND STREET VENDORS WITHIN ONE THOUSAND FEET OF EVENT; AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is beneficial to the City and its residents for special events to be held in the City; and

**WHEREAS**, over time, a large number of varied special events have occurred in the City without clearly defined regulations; and

**WHEREAS**, it is necessary to provide clear criteria to regulate and facilitate special events occurring in the City; and

**WHEREAS**, the City Council finds that special events that utilize City services over and above the normal level of service should reimburse the City for such additional services; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public health, safety, environment and general welfare to adopt this Ordinance establishing criteria for the regulation of special events,

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA:**

**SECTION 1.** Findings. The Council hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Council.

**SECTION 2.** Amendment of the Code of Ordinances. Chapter 22 of the Code of Ordinances of the City of Arcadia is hereby created as follows:

**"CHAPTER 22  
SPECIAL EVENTS**

**Sec. 22-1. Definitions.**

The following words, terms and phrases, when used in this Ordinance shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Applicant* means the individual(s) or entity that makes the application to the City to hold a special event.

*City* means the City of Arcadia, Florida.

*City Council* means the City Council of the City of Arcadia, Florida.

*City sponsored event* means any event sponsored by the City.

*Special event* means any organized gathering or activity which occurs within the City of Arcadia, whether on public or public-access private property, assembled with a common purpose which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, or rights-of-way, or the normal use of parks or other public grounds or which is not normal to any licensed or regular routine business or private activities. Special events include, but are not limited to concerts, fairs, carnivals, circuses, parades, flea markets, marathons, walkathons, festivals, races, bicycle events, celebrations or any other gathering or events of similar nature. Special events do not include non-commercial events held on private property such as private celebrations, social parties or residential yard or garage sales.

*Special event application* means the form provided by the City for the purpose of processing a special event.

*Special event fee* means the fee an Applicant is required to pay as reimbursement for City services utilized by the special event above the level of service customarily provided by the City, in accordance with the special event permitting procedures, before a special event permit will be processed. Special event fee rates shall be as established by resolution of the City Council, which may be amended from time to time.

*Special event organizer* means an individual or group of individuals responsible for organizing the special event.

*Special event permit* means a letter or other correspondence to the special event organizer following approval of the special event by City Council outlining the conditions of approval.

*Special event permitting procedures* means the procedures adopted by this Ordinance pertaining to the issuance, suspension, and revocation of a special event permit.

*Special event vendor* means a person, corporation, company or business that sells, or offers for sale, goods, wares, merchandise, beverages, or food-stuff of any kind or nature whatsoever at a special event and includes all persons, corporations, companies or businesses, whether for profit or not-for-profit.

#### **Sec. 22-2. Permit Required.**

No person or entity shall initiate, sponsor, organize, promote, conduct or advertise a special event or political demonstration unless a permit has been obtained from the City. 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.
- c) City sponsored events.

**Sec. 22-4. Fees.**

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

**Sec. 22-5. Requests for Fee Waivers and Budget Allocations.**

- a) Any not-for-profit entity shall be eligible for a special event fee waiver. The City 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 the City Council, at any time during the year, may take action to increase the amount budgeted for such fee waivers.
- b) The City Council may waive a special event permit fee without a budget allocation in instances where a not-for-profit entity or group provides in-kind services that benefit the City.

**Sec. 22-6. 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 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) and residents' block parties.
- b) An applicant may not receive a special event permit more than six times within a calendar year; provided, however, that the City Council may grant businesses or entities approval for a

recurring special event permit that is not subject to this limitation; and provided further that the City Council shall have the authority to permit an applicant to exceed the six special events annual limitation in its discretion. To qualify as a recurring event, the special event must be the same type of special event and must be held in the same location. Examples of a recurring special event include, but are not limited to, "antique fairs," "car shows," and music or art themed events. Recurring special events are subject to the following requirements:

- i. Each event must be held at the same location at the same time of day.
  - ii. All dates for the recurring special event must be listed on the original application.
  - iii. Each individual special event must be of the same genre with similar anticipated attendance.
  - iv. A recurring special event can occur no more often than monthly and for no more than one 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 special event is to be held exclusively on public property.

**Sec. 22-7. Application Requirements.**

- a) Any person or entity seeking issuance of a special event permit shall file a written application with the City Administrator, or designee, on forms provided by the City.
- b) An application for a special event permit must be filed with the City Administrator, or designee, not less than 45 days prior to the date of the special event. Applications received less than 45 days prior to the special event will incur an additional permit application fee. Applications received less than ten days before the special event will not be processed.
- c) A permit application shall include the following:
  - i. The name of the special event and its purpose in general terms.
  - ii. 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.
  - iii. The proposed date or dates of the special event.
  - iv. The specific location(s) within the City where the special event is to be held. The applicant shall also be required to submit a general site plan, which shall:

- A) Describe the layout of the special event;
- B) Identify locations of all vendors, concessions, tents, canopies, recreational vehicles and any temporary or accessory structures;
- C) Identify and describe a parking plan; and
- D) Identify the locations of all temporary bathroom facilities, as required by section 22-17 herein.

v. 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 special event and the dates and times when the special event will be held. The 500 feet shall be 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 shall be sufficient. The notification shall advise the owner(s) of their right to submit a letter of objection to the City Administrator and shall include the date by which any such letter of objection must be submitted.

vi. The expected number of persons who will attend the special event.

vii. A description of how vehicle parking for the special event will be managed.

viii. Whether any street closings are requested and, if so, which streets and the times when they will be closed.

ix. Whether any alcoholic beverages will be served and whether appropriate state licenses have been applied for.

x. If any entertainment will be included, details as to the type of entertainment, times and location shall be provided.

xi. Whether utility services, such as electrical power or water, will be required.

xii. Proof that a written request for approval of the special event has been submitted to all applicable outside state and local agencies.

xiii. The City Administrator shall have the authority to require any additional information from the applicant that the City Administrator deems necessary.

**Sec. 22-8. Review of Application.**

Within seven (7) days of receipt of an application that contains all of the items listed in section 22-7 and the application fee, the City Administrator, or designee, shall forward copies of the application to all affected City departments for their review. An application shall not be deemed complete until the City has received notification that all federal, state and local permits or approvals have been obtained. If the City Administrator, or designee, has received one or more letters of objection from residents who reside within 500 feet of the proposed special event location, the City Council shall have the right to place conditions on the special event permit to mitigate any adverse effects on nearby residential properties.

**Sec. 22-9. Grounds for Denial.**

- a) The City 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:
- i. The application for a special permit (including any required attachments and submissions) is not fully completed and properly executed;
  - ii. The applicant has not tendered the required application fee, if any, with the application or has not tendered any other required fees, indemnification and hold harmless agreement, insurance certificate, or security deposit, if any, within the times prescribed by the City Administrator, or designee;
  - iii. The application contains a material falsehood or misrepresentation;
  - iv. The applicant or the person on whose behalf the application for the special event permit has been made has on prior occasions damaged City property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City;
  - v. 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;

- vi. 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;
  - vii. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the public;
  - viii. The applicant has not complied or cannot comply with applicable licensure requirements, laws, ordinances or regulation of the state, the county or the City concerning the sale or offering for sale of any goods or services; or
  - ix. 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 City.
- b) If the special event application is denied, the applicant shall not be entitled to receive any reimbursement from the City for any costs incurred during the application process, including the application fee.

**Sec. 22-10. Appeals.**

The City Council's decision to permit or deny any application shall be considered final agency action.

**Sec. 22-11. Litter Control.**

- a) Special event permit holders shall be responsible for ensuring that the area where the special event is held is free of all litter and debris within 24 hours of the time the special event ends. Special event permit holders shall be responsible for removing all garbage and litter at the end of each day when the special event spans more than a 24-hour period.
- b) In the event this section is not complied with, the City Administrator 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 City Administrator or City Council may require the posting of a security deposit, or other form of security acceptable to the City, to ensure that any unpaid expenses or damages incurred as a result of the special event are satisfied.

**Sec. 22-13. Alcohol and Beverage Sales.**

Alcohol and beverage sales conducted on the property on which the special event is being held shall be in accordance with Florida Statutes and the City of Arcadia Code of Ordinances, Chapter 18. Furthermore, it is the responsibility of the alcohol licensee to ensure that no open containers of alcohol sold on the premises shall be permitted beyond the designated special event site.

**Sec. 22-14. 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 City Attorney.
- b) Prior to the issuance of the special event permit, subject to other applicable laws or ordinances, the City may require the applicant to procure public liability insurance coverage for the special event in the minimum limits of coverage of not less than \$1,000,000.00 combined single limit coverage of bodily injury, property damage or combination thereof. City shall be listed as an additional insured on the policy and the special event organizer must provide City with a current certificate of insurance evidencing the required coverage prior to the special event. A special event that involves higher risk activities may be required to have higher limits of coverage at the discretion of City Council.
- c) If alcoholic beverages are to be dispensed, served, sold or distributed at an outdoor special event, the applicant(s) shall also provide liquor liability insurance in the amount of \$500,000.00 and include the City as an additional insured.

**Sec. 22-15. Signage.**

- a) All signage relating to special events shall comply with Article 8 of the City's Unified Land Development Code.
- b) All banners are permitted to hang for a period of not less than two weeks prior to the event; provided, however, that the City Administrator 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 advertising information other than for the special event. All banner proofs must be approved by the City Administrator, or 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 a special event if variable message signs are utilized or 14 days prior to a

special event if static signs are utilized. Type and placement of signs shall be determined by the City public works director.

**Sec. 22-16. Noise Control.**

All permitted special events shall be subject to the noise regulations adopted by the City. 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 City Administrator, or designee.

**Sec. 22-17. Temporary Bathroom Facilities.**

- a) The number and location of portable toilets located on-site and on public property within five hundred (500) feet of the special event location shall be determined by the City Administrator, or designee, during the application process.
- b) If structures within five hundred (500) feet of the special event site have existing toilet facilities easily identified and readily available to the public, and there is no charge to the public to have access or to utilize them, the City Administrator may take those into consideration when determining the required number and location of portable toilets to be located on-site and on public property within five hundred (500) feet of the special event location
- c) At least five percent (5%) of bathroom facilities or two (2) of those facilities, whichever is the greater number, shall be accessible to persons with physical disability.

**Sec. 22-18. Revocation.**

- a) The City Administrator, or designee, shall have the power to revoke a special event permit where the Applicant fails to comply with any conditions required for operation of the special event, ordinances of the City of Arcadia, laws of the State of Florida, or otherwise places persons or property in jeopardy of serious harm or injury.
- b) During the special event, the City Marshal or fire chief, or their designee, shall have the authority to order that the special event cease if the continuance thereof will contribute to public disorder or endanger life or property.

**Sec. 22-19. Mobile, Itinerant and Street Vendors Within One Thousand Feet of Special Event.**

All vendors participating in a special event will be required to register with the applicant obtaining the special event permit or cease any business within 1,000 feet of the special event

area. Registration will be required of all vendors regardless of tax status, exempt or nonprofit. Failure to register will result in a fine in accordance with Section 22-20 herein.

**Sec. 22-20. Enforcement.**

- a) *Violation.* Any violation of this Article shall be a violation with penalties imposed as set forth in Section 2-151(b) of the City of Arcadia Code of Ordinances. Citations for violations of this Article may be prosecuted as set forth in the City Code.
- b) *Criminal.* Any person, corporation or entity who shall conduct, manage, operate or maintain a special event defined in this chapter who violates any provision of this chapter may upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days, or both. Said fine is exclusive of all costs related to enforcement, attorney's fees and all other fees as provided herein. Each day of violation shall be considered a separate offense.
- c) *Civil.* Nothing herein contained shall prevent the City from separately seeking civil relief for actual expenses incurred for violation(s) of this chapter from the person(s), corporation or entity so violating or from seeking injunctive relief if a special event is being held in violation of this chapter.”

**SECTION 3. Codification.** The publisher of the City’s Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Section 2 above into the Code of Ordinances of the City of Arcadia, Florida as Chapter 22.

**SECTION 4. Severability.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

**SECTION 5. Effective Date.** This ordinance shall be effective immediately upon final passage by the City Council.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ARCADIA, FLORIDA**, on  
this \_\_\_ day of \_\_\_\_\_, 2014.

City of Arcadia, Florida

\_\_\_\_\_  
\_\_\_\_\_, Mayor

Attest:

By: \_\_\_\_\_  
Penny Delaney, City Clerk

Passed on First Reading this \_\_\_\_\_ of \_\_\_\_\_, 2014

Passed on Second Reading this \_\_\_\_\_ of \_\_\_\_\_, 2014

Approved as to Form:

\_\_\_\_\_  
Thomas J. Wohl, City Attorney