

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES CODE BY AMENDING: (I) CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE I "IN GENERAL," SECTION 38.7 "BEGGING AND SOLICITING ALMS"; AND (II) ARTICLES VI AND VII OF CHAPTER 62 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," TO CLARIFY AND IMPROVE THE CITY'S EXISTING SCHEME FOR THE REGULATION AND PERMITTING OF SPECIAL EVENTS, PARADES, AND PUBLIC ASSEMBLIES HELD IN PUBLIC PLACES IN THE CITY OF CORAL GABLES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

RECITALS AND LEGISLATIVE FINDINGS

WHEREAS, the City Commission finds that it is necessary and expedient to amend the city code in order to clarify and improve the city's existing scheme for the regulation and permitting of special events, parades and public assemblies held in public places in the City of Coral Gables; and

WHEREAS, the City Commission finds that it has important and compelling interests in protecting the health, safety, and welfare of the general public and participants in special events, parades, and public assemblies held in the city; in protecting municipal and private property located in the city; in minimizing the obstruction of vehicular and pedestrian traffic in the city; in minimizing the disruption of city services and business activities in the city; and in protecting residents' right to the quiet and peaceful enjoyment of their homes and neighborhoods in the city; and

WHEREAS, the City Commission finds that the restrictions presented in this Ordinance are content and viewpoint neutral and directs that the provisions of this Ordinance must always be applied to be consistent with the requirements of the First Amendment to the U.S. Constitution and all other applicable laws; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on _____, 2016, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the city code, and, after due consideration and discussion, (approved/denied) the amendment on First Reading (vote: __-__).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE

CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Code of the City of Coral Gables is hereby amended as follows (changes in ~~strike-through~~ / underline format):

CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. – IN GENERAL

* * * *

Sec. 38.7. – Begging and soliciting alms, and obstruction of vehicular and pedestrian traffic.

* * * *

(a) *Definitions.* . . .

Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take unreasonable evasive action to avoid physical contact.

* * * *

(b) *Prohibited acts.*

- (1) A person is guilty of pedestrian interference if, in a public place, he intentionally:
- a. Obstructs pedestrian or vehicular traffic; or
 - b. Aggressively begs.

* * * *

(c) *Permitted activities.* Acts authorized as an exercise of one’s constitutional right to picket ~~or to legally protest, and a~~ Acts specifically authorized by a permit duly issued by a lawful authority shall not constitute obstruction of pedestrian or vehicular traffic.

* * * *

CHAPTER 62 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

* * * *

ARTICLE VI. – PARADES AND PUBLIC ASSEMBLIES AND PICKETING

Sec. 62-182. – Definitions.

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

Director of public safety means the Assistant City Manager/Director of Public Safety appointed by the City Manager to provide executive level leadership for public safety matters in the City of Coral Gables or his/her designee.

Chief of police means the chief of police of the City of Coral Gables or his/her designee.

Fire chief means the chief of fire rescue of the City of Coral Gables or his/her designee.

~~*Fireworks* means any composition or device for the purpose of producing a visible or an audible effect for indoor or outdoor entertainment purposes by combustion, deflagration, or detonation that meets the definition of "Consumer Fireworks or Display Fireworks" as set forth in the Florida Fire Prevention Code.~~

~~*Nonprofit* means any bona fide charitable, benevolent, eleemosynary, education, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for profit or nonprofit organization.~~

~~*Parade* means any march, ceremony, show, exhibition, pageant, demonstration, footrace, motorcade or procession of any kind, consisting of persons, animals, or vehicles or a combination thereof upon the public place or public places within the city with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks or other public grounds.~~

~~*Parade or public assembly permit* means a permit as required by this article.~~

~~*Public assembly* means any meeting, demonstration, picket line, rally, or gathering of (a) thirty (30) or more persons, for any common purpose, as a result of prior planning, which occupies any public place open to the general public, or (b) any person or group, for any common purpose, as a result of prior planning, which occupies any public place open to the general public and is reasonably anticipated to interfere with the normal flow or regulation of pedestrian or vehicular traffic, more than ten or more persons for a common purpose as a result of prior planning that is reasonable anticipated to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.~~

~~*Public place or public places*, for the purpose of this article, means streets, sidewalks, parkways, highways, boulevards, avenues, alleys, plazas, medians, entrances and any and all spaces dedicated to the public use or used in any way by the city for the benefit of the public, including but not limited to, buildings, parks and all public areas.~~

~~*Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.~~

Special event means the temporary use of any public place or public places by ten or more persons or three or more vehicles for the purposes of conducting certain outdoor, short term events such as a festival, parade, rodeo, fundraising, walkathon, bikeathon, jogging activity, or any other similar organized activity whether for profit or not for profit wherein the public place or public places are to be utilized.

Special events advisory committee is the committee designated to receive, process, review and approve applications for special events on or in a public place or public places.

Specified area means the public place or public places wherein the special event is held. In addition, it shall include two blocks (approximately 1,200 feet) on either side of a parade route and the parade route, a four block (approximately 2,400 feet) radius from any park, plaza or square, or any area mutually agreed upon by the event sponsor and the city during a pre-permit coordination meeting.

Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof not including sidewalks.

(Code 1958, § 24A-1; Code 1991, § 22-186; Ord. No. O-2004-33, § 2, 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)

Sec. 62-183. – Permit No permit required; notification; restrictions.

- (1) No permit shall be required to hold or engage in a public assembly, as defined herein, provided the public assembly does not also qualify as a special event or parade under article VII of this chapter.
- (2) At least 24-hours prior to the commencement of any public assembly, any individual or organization seeking to hold a public assembly shall notify the city manager's office in writing of the date, time, location, duration, and expected size of the event, so that arrangements can be made to provide police, fire, and other city services at the event, as necessary. No individual or organization shall hold a public assembly in the City of Coral Gables without first providing the city manager's office with proper notice of the public assembly.
- (3) Upon being provided notice of a planned public assembly, the city manager shall notify the following officials of the date, time, location, duration, and expected size of the public assembly:
 - a. City Attorney;
 - b. Director of Public Safety;
 - c. Chief of Police;

- d. Fire Chief;
- e. Director of Parks and Recreation;
- f. Director of the Public Works Department;
- g. Director of Code Enforcement; and
- h. Responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route or location of the proposed public assembly.

No person shall engage in or conduct any parade, special event, or public assembly unless a permit is issued by the special events advisory committee.

(Ord. No. O-2004-33, § 2(22-186.1), 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)

Sec. 62-184. — Exceptions.

This article shall not apply to the following:

- (1) Funeral processions;
- (2) ~~Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;~~
- (3) ~~A governmental agency acting within the scope of its functions;~~
- (4) ~~Spontaneous events occasioned by news or affairs coming into public knowledge within two days of such public assembly, provided that the organizer thereof gives written notice to the city at least 24 hours prior to such parade or public assembly and provided further that the provisions of Section 62-202 are complied with, if otherwise applicable;~~
- (5) ~~Block parties, which are events amongst residents of a specific block where no commercial activity is allowed, no admission fee is charged, and members of the general public are not allowed access. Provided, however, that individuals or organizations shall have notified the city manager's officer when a block party is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event in accordance with applicable provisions of this Code;~~
- (6) ~~Political or public issue events, which are events of a political nature or public concern, including, but not limited to, speech making, picketing, protesting, marching, demonstrating, or debating public issues on a public place or public places.~~

Provided, however, that individuals or organizations shall have notified the city manager's office of when a political event is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event and provided further that the provisions of Section 62-202 are complied with, if otherwise applicable;

(7) A motor vehicle or motor vehicles operating in compliance with all applicable traffic laws, ordinances and regulations; and

(8) A pedestrian or pedestrians merely crossing a street, or traversing a sidewalk, while obeying all applicable traffic and pedestrian laws, ordinances and regulations, and which crossing or traversing does not obstruct other pedestrian traffic on a sidewalk.

(Ord. No. O-2004-33, § 2(22-186.2), 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)

Sec. 62-185. — Application, contents.

The provisions contained herein are for review and approvals required of the police chief and special events committee for purposes of conducting a special event, parade or public assembly on or about the public place or public places, as provided herein.

- (1) A person seeking a special event, parade or public assembly permit shall file an application with the special events committee with a copy to the chief of police on forms provided by such office and the application shall be signed by the applicant under oath.
- (2) For single special events or nonrecurring parades or public assemblies, an application for a permit shall be filed with the special events committee, with a copy to the chief of police at least 30 and not more than 180 days before the parade or public assembly is proposed to commence. The chief of police may waive the minimum 30-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the city services required in connection with the event, the chief of police determines that the waiver will not present a hazard to public safety.
- (3) For special events, parades, or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the special events committee, with a copy to the chief of police at least 60 and not more than 180 days before the date and time at which the first such parade or public assembly is proposed to commence. The chief of police may waive the minimum 60-day period after due consideration of the factors specified in subsection (2) of this section.
- (4) The application for a special event, parade or public assembly permit shall set forth the following information; otherwise, the basis for denial of application will be, but will not be limited to, traffic control, street and property maintenance, and/or protection of public health, safety, and welfare:

- a. ~~The name, address and telephone number of the organization or group seeking to conduct such parade or public assembly, including:
 - 1. ~~The name, address and telephone number of the person or persons who will act as chairperson of the special event and be responsible for the conduct thereof.~~
 - 2. ~~The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors.~~
 - 3. ~~The nature of the event, the estimated number of persons to participate and otherwise attend, and the number and types of vehicles (if any) to participate.~~
 - 4. ~~The method of notifying participants of the terms and conditions of the special event.~~
 - 5. ~~The date the event is to be conducted and the hours it will commence and terminate.~~~~
- b. ~~The names, addresses and telephone numbers of the headquarters of the organization for which the special event, parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;~~
- e. ~~The route to be traveled, including the starting point and the termination point;~~
- d. ~~A statement as to whether the special event, parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traversed;~~
- e. ~~The location by street of any assembly areas for such special event, parade or public assembly;~~
- f. ~~The time and location at which units of the special event, parade or public assembly will begin to assemble at any such area;~~
- g. ~~The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal;~~
- h. ~~The intervals of space to be maintained between units of such special event, parade or public assembly;~~
- i. ~~If the parade or public assembly is designed to be held by or on behalf of any person other than the applicant, the applicant for such permit shall file a letter~~

from that person with the chief of police authorizing the applicant to apply for the permit on his behalf;

- ~~j. The type of public assembly, including a description of activities planned during the event;~~
- ~~k. A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly:
 - ~~1. Whether any music will be provided, either live or recorded;~~
 - ~~2. The number, types and locations of all loudspeakers and amplifying devices to be used;~~~~
- ~~l. The approximate number of participants (spectators are by definition not participants);~~
- ~~m. The approximate number of spectators;~~
- ~~n. A designation of any public facilities or equipment to be utilized;~~
- ~~o. Assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines. For fireworks displays, the applicant shall provide copies of four weeks' notice prior to the date of the requested display, all professional fireworks licenses, appropriate insurance, and 15 days' notice to all property owners within 1,000 feet of an outdoor display;~~
- ~~p. Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area. For events ending by 6:00 p.m., all cleaning activities shall be completed within six hours after the end of the event; and for events ending after 6:00 p.m., all cleanup activities shall be completed by 8:00 a.m. the following morning. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the city manager or his designee;~~
- ~~q. Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event.~~

(Code 1958, § 24A-2; Code 1991, § 22-187; Ord. No. O-2004-33, § 2, 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)

Sec. 62-1846. – Application permit required for work or commercial activities that obstruct or close a public right of way or impede traffic; permit for assemblies; permit for parades; prohibitionsCarrying of signs and weapons.

(a) No person shall obstruct, close or cause to be obstructed or closed, any public place or public places in this city or impede the general movement of vehicular or pedestrian traffic without first having obtained a permit approved by the chief of police, public works department, and fire rescue department, and subject to the approval by the office of the city manager for permit issuance based on approvals of the city commission or consistent with other articles and regulations in the city codes.

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(b) Such permit shall set forth minimal reasonable conditions necessary for the protection of property and personal safety. Willful violation of the conditions of the permit shall render the permit null and void.

(c) It shall be a condition precedent to the issuance of any permit under this section that the applicant shall assume all civil liability for applicant's acts or omissions and shall, further, hold the city harmless from any and all actions or claims arising or resulting from the permitted work or commercial event including any omissions on the part of the city. The applicant shall insure that adequate safety precautions are in effect at all times during the term of the permit. Prior to the issuance of any such permit, the applicant shall submit to the city a certificate binder or policy of liability insurance in an amount not less than \$300,000.00 per person, \$1,000,000.00 aggregate per incident, or the amounts set forth as the limits of liability in F.S. § 768.28, whichever is greater, unless a different amount is approved by the city commission, said policies to include the city as an additional insured, and shall contain waiver of subrogation provisions, and shall remain in full force and effect during the term of the permit.

(d) Permits for special events, fireworks displays, parades and processions shall be required and obtained pursuant to the following provisions:

(1) — No special event, parade or procession shall occupy, march or proceed along any public street, roadway or public property except in accordance with a permit issued by the special events committee and approved by the chief of police and fire chief, and with such other applicable regulations as set forth in this Code.

(2) — The written application for such permit shall be filed with the special events committee with a copy to the chief of police and the fire chief on an approved form not less than 30 calendar days nor more than 60 calendar days prior to the proposed parade to allow adequate arrangements to be made for the proper policing of same. The application shall contain the information provided in this chapter.

(e) Permits for public assemblies shall be required and obtained pursuant to the following:

~~(1) No public assembly shall occupy, march or proceed along any public street, roadway or public property except in accordance with a permit issued by the special events committee and approved by the chief of police and with such other applicable regulations as are set forth in this Code.~~

~~(2) The written application for such permit shall be filed with the special events committee, with a copy to the chief of police on an approved form not less than five calendar days or as soon as practicable if the event is of a spontaneous or urgent nature nor more than 60 calendar days prior to the proposed assembly or procession so that the city can make any preparations necessary to provide personnel or other city services to minimize the obstruction to pedestrian and vehicular traffic and to otherwise protect the participants and the public. The application shall include the information required above.~~

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~~The following prohibitions shall apply to all special events, parades and public assemblies; except those listed under section 62-184, necessary for use by a disabled person, honor guard, or color guard approved by the chief of police, and will not apply to spontaneous events, block parties, etc.:~~

~~(1) It shall be unlawful for any person at any special event, parade or public assembly to carry or possess any weapon, as defined below.~~

~~(2)~~

~~a. any dirk, knife (except a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or dart-firing stun gun, each as defined in Section 790.001 of the Florida Statutes, unless expressly authorized pursuant to Chapter 790 of the Florida Statutes or other applicable local, state, or federal law, ; carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.~~

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~~b. Tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.” “Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.~~

~~e. Any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.~~

~~d. Any device having one or more darts that are capable of delivering an electrical current.~~

As used in this section, “tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.”

“Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.

~~(3)~~(1) It shall be unlawful for any person to carry or possess any sign, poster, plaque or notice unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, flexible or cardboard material no greater than one-quarter inch in thickness.

~~(4)~~(2) Nothing in this section is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation. The purpose of this section is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

(Code 1958, § 24A-3; Code 1991, § 22-188; Ord. No. O-2004-33, § 2, 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006; Memo. of 2-8-2013)

State Law reference – Field of regulation of firearms and ammunition preempted, F.S. § 790.33.

Sec. 62-187. Fees.

- ~~(a) *Administrative costs.* At the time of application, an applicant shall deposit a non-refundable fee based on the schedule provided herein with the parks and recreation department with a copy to police department, to cover administrative costs of processing the permit.~~
- ~~(b) *City services.* If the application is for the use of any city property or if any city services shall be required for the parade or public assembly, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs approved by the city commission by resolution.~~
- ~~(c) *Commercial events.* The fees charged for special and commercial events shall be as established by the city commission.~~
- ~~(d) *Waiver of fees.* The fees described in subsections (a) and (b) of this section may be waived or reduced by the city.~~
- ~~(e) *Neighborhood or block parties.* Neighborhood or block parties shall be exempt from the provisions of this article so long as no commercial activity is conducted, no admission fee is charged, and members of the general public are not allowed access. Provided, however, that individuals or organizations should notify the city manager's office when a neighborhood party is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event.~~

~~(f) *Closing fee.* The closing fee shall be construed as being in addition to other fees or charges imposed for labor, materials, police or fire protection services, or any other charges for city services incidental to the assembly or street closing and other fees shall still be levied and collected in addition to the closing fee herein provided.~~

~~(g) *Public assembly.* This section shall not prevent any person or persons from assembling in any public place or public places for the purpose of making any speech, engaging in spontaneous expression, or conveying any message to the public or government without holding a permit pursuant to this section. Provided, however, that the free flow of traffic, both pedestrian or otherwise, shall not be impeded.~~

~~(h) *Political or public issue events.* Political or public issue events shall be exempt from the provisions of this section. Individual or organizations planning such event shall notify the city manager's office when a political or public issue event is planned so that police, fire and other emergency service organizations will be aware of the time, place, and scope of the event and the name or names of persons in charge. The remaining provisions of this chapter shall apply.~~

~~(i) *Special events.* The schedule of fees for special events shall be as established by the city commission.~~

~~(Code 1958, § 24A-4; Code 1991, § 22-189; Ord. No. O-2004-33, § 2, 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)~~

Sec. 62-188. — Admissions charge.

~~The city may grant permission to the sponsor of an event in a public right-of-way to charge an admission fee for attendance at the event. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of events at the location, and other appropriate factors.~~

~~(Ord. No. O-2004-33, § 2(22-189.1), 8-24-2004)~~

Sec. 62-189. — Police services.

~~(a) The chief of police shall determine whether and to what extent additional police protection is reasonably necessary for the special event, parade or public assembly for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the~~

event. If additional police protection is deemed necessary by the chief of police, then the applicant is free to request another time, date, and/or location. If the applicant wishes to proceed at the date or time requested and the adequate police services can be provided as an additional expense, then the applicant may request that the permit be issued upon agreement by the applicant to pay the cost of the additional police service.

- (b) ~~Persons engaging in parades or public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection provided by the city.~~

~~(Code 1958, § 24A-5; Code 1991, § 22-190; Ord. No. 2933, § 1, 2-26-1991; Ord. No. O-2004-33, § 2, 8-24-2004)~~

Sec. 62-189.1. Fire and life safety protection.

~~The fire chief shall approve or deny all applications for fireworks displays based on the criteria contained herein. The fire chief will determine whether and to what extent additional fire and life safety protection is reasonably necessary for the special event, parade, public assembly, or fireworks display. The fire chief shall base this decision on the requirements of the Florida Fire Prevention Code, crowd size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, and the number of streets and intersections blocked. If additional fire protection is deemed necessary by the fire chief, the fire chief shall so inform the applicant for the permit. The applicant then shall have the duty to secure the fire protection deemed necessary by the fire chief at the sole expense of the applicant. The decision of the fire chief shall be final.~~

~~(Ord. No. 2006-37, § 2, 12-12-2006)~~

Sec. 62-190. Standards and criteria for approval of application.

- (a) ~~The chief of police shall approve a permit application as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, it is determined that:~~
- ~~(1) The conduct of the special event, parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;~~
 - ~~(2) The conduct of the special event, parade or public assembly will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;~~
 - ~~(3) The concentration of persons, animals, and vehicles at public assembly points of the parade or public assembly will not unduly interfere with~~

~~proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;~~

- ~~(4) The conduct of the special event, parade or public assembly is not reasonably likely to cause injury to persons or property;~~
- ~~(5) The special event, parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;~~
- ~~(6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;~~
- ~~(7) There are sufficient parking places near the site of the special event, parade or public assembly to accommodate the number of vehicles reasonably expected;~~
- ~~(8) The applicant has secured the necessary police protection;~~
- ~~(9) Such special event, parade or public assembly is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits and/or structures used in the special event or parade;~~
- ~~(10) No special event, parade or public assembly permit application for the same time but location is already granted or has been received and will be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property;~~
- ~~(11) No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed special event, parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property;~~
- ~~(12) The application for permit does not contain any material falsehood or misrepresentation;~~
- ~~(13) The applicant is legally competent to contract or to sue and be sued;~~

~~(14) The applicant, or person on whose behalf the application for permit was made, has not previously made any material misrepresentation regarding the nature or scope of an event or activity previously permitted;~~

~~(15) The application for permit is fully complete and executed; and~~

~~(16) The applicant, or person on whose behalf the application for permit was made, has never damaged or failed to pay for damage to city property.~~

~~(b) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk, or right-of-way unless advance approval for the erection or placement of the structure is obtained from the city manager.~~

~~(c) Such permits shall set forth conditions reasonably necessary for the protection of the rights, property and personal safety of all parties based on the criteria set forth herein. Failure to substantially fulfill the conditions set forth in such permit shall render such permit null and void.~~

~~(d) The chief of police's approval and requirements and recommendations shall be forwarded to the special events committee for final review and consideration. If the chief denies the application, the reasons therefore shall be forwarded to the special events committee for review as provided herein.~~

~~(Code 1958, § 24A-6; Code 1991, § 22-191; Ord. No. O-2004-33, § 2, 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)~~

~~Sec. 62-191. Compliance; possession of permit.~~

~~(a) A permittee under this Code shall comply with all permit directions and conditions and with all applicable laws and sections of this Code and other ordinances.~~

~~(b) The chair or other person heading or leading the special event, parade or public assembly shall carry the parade permit personally during the conduct of the parade.~~

~~(c) Upon issuance of such permit, the police department shall provide police services adjacent to the permit area to regulate vehicular and pedestrian traffic, conditioned upon the availability of a sufficient contingent of on-duty personnel to provide such services without diminishing routine service levels to the entire community. The on-duty contingent shall be required and supplemented by the number of off-duty officers or overtime officers, or a combination thereof, providing special police services as required pursuant to the city police standard operating policies.~~

~~(d) By applying for and being granted such permit, the applicant shall assume all conditions on the face of the permit.~~

(Code 1958, § 24A-7; Code 1991, § 22-192; Ord. No. O-2004-33, § 2, 8-24-2004)

Sec. 62-192. Nondiscrimination.

The chief of police shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this article based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

(Ord. No. O-2004-33, § 2(22-193), 8-24-2004)

Sec. 62-193. Notice of denial of application.

The chief of police shall act promptly upon a timely filed application for a special event, parade or public assembly permit but in no event shall grant or deny a permit less than 48 hours prior to the event. If the chief of police disapproves the application, the chief of police shall notify the applicant and special events committee either by personal delivery or certified mail at least 48 hours prior to the event of action and state the reasons for denial.

(Ord. No. O-2004-33, § 2(22-194), 8-24-2004)

Sec. 62-194. Alternative permit.

(a) The chief of police, in denying an application for a special event, parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police.

(b) An alternate special event, parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a special event, parade or public assembly permit issued under this article.

(Ord. No. O-2004-33, § 2(22-194.1), 8-24-2004)

Sec. 62-195. Appeal procedure.

(a) Any applicant shall have the right to appeal the denial of a special event, parade or public assembly permit to the city commission. A denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the chief of police and special events committee, and a copy of the notice with the city clerk. The city commission shall act upon the appeal at the next scheduled meeting following receipt of the notice of appeal.

(b) In the event that the city commission rejects an applicant's appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

(Ord. No. O-2004-33, § 2(22-194.2), 8-24-2004)

Sec. 62-196. — Notice to city and other officials.

Immediately upon the approval of a special event, parade or public assembly permit, the chief of police shall send a copy thereof to the following:

- (1) City manager;
- (2) City attorney;
- (3) Fire chief;
- (4) Director of the public works department;
- (5) Postmaster; and
- (6) City manager and responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed parade or public assembly.

(Ord. No. O-2004-33, § 2(22-194.3), 8-24-2004)

Sec. 62-197. — Contents of permit.

Each parade or public assembly permit shall state the following information:

- (1) Starting and approximate ending time;
- (2) Minimum speed of parade units;
- (3) Maximum speed of parade units;
- (4) Maximum interval of space to be maintained between parade units;
- (5) The portions of the streets that may be occupied by the parade or public assembly;
- (6) The maximum length of the parade in miles or fractions thereof; and
- (7) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Ord. No. O-2004-33, § 2(22-195), 8-24-2004)

Sec. 62-198. — Violations declared to be unlawful.

In additions to other prohibitions provided in this article, the following prohibitions shall apply to all parades and public assemblies:

- (1) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit as herein provided;
- (2) It shall be unlawful for any person to participate in a parade or public assembly for which the person knows a permit has not been granted;
- (3) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed parade or public assembly to knowingly fail to comply with any condition of the permit;
- (4) It shall be unlawful for any person to engage in any parade or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of property;
- (5) It shall be unlawful for any person participating in a special event, parade or public assembly to utilize sound amplification equipment at noise levels that exceed those limits imposed by City Ordinance; and
- (6) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven any animal or any animal drawn vehicle upon any public street, unless specifically authorized by the permit.

(Ord. No. O-2004-33, § 2(22-196), 8-24-2004; Ord. No. 2006-37, § 2, 12-12-2006)

Sec. 62-199. — Public conduct during parades or public assemblies.

- (a) No person shall unreasonably hamper, obstruct or impede, or interfere with any special event, parade or public assembly or with any person, vehicle or animal participating or used in a special event, parade or public assembly.
- (b) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a special event, parade or public assembly.
- (c) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a parade or public assembly. The chief of police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

(Ord. No. O-2004-33, § 2(22-197), 8-24-2004)

Sec. 62-200. – Revocation of permit.

The chief of police shall have the authority to revoke a parade or public assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this article or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

(Ord. No. O-2004-33, § 2(22-198), 8-24-2004)

Sec. 62-185201. – Dispersal of non-complying public assemblies; Penalties.

- (1) The chief of police, or his or her designee, and the director of code enforcement, or his or her designee, is empowered to enforce the requirements of this article.
- (2) Any public assembly violating the provisions of any section of this article shall be ordered to immediately disperse. Any person violating the provisions of any section of this article shall, upon conviction, be punished by fine not to exceed \$500.00 or imprisonment of not more than 60 days, or both.
- (3) No person shall be arrested or imprisoned for failing to provide the city with sufficient advance notice of a public assembly, as required by section 62-183 of this article.

(Ord. No. 2006-37, § 2, 12-12-2006)

Secs. 62-186. – Prohibition against public assemblies in residential districts at night.

No public assembly may be held in the SFR, MF1, MF2 or MFSA zoning districts between the hours of 11:00 p.m. and 7:30 a.m. the following day on Sunday, Monday, Tuesday, Wednesday or Thursday, or between the hours of midnight and 9:00 a.m. the following day on Friday or Saturday.

Sec. 62-187202. – Prohibition against picketing before or about a dwelling unit.

(a) *Definitions.*

- (1) “Picket”; “picketing”; and “protest.” The terms “picket,” “picketing,” and “protest” shall all mean, for purposes of this section, any assembly of one or more persons, who, through conduct, speech, or other form of expression criticize, protest, or complain about any matter in which a particular person, group of persons, or type of person is specifically targeted for protest, complaint, or criticism, and where such assembly stands, loiters, congregates, or mills before or about a dwelling unit in which a person who is a target or subject of such protest resides or is perceived to reside.

One or more persons may be considered picketing or protesting within the meaning of this section even if the message being communicated is intended to be heard or seen by persons in addition to the resident or residents inside a dwelling unit.

(2) The term “dwelling unit” shall mean a building or portion thereof that is designed for residential occupancy, and shall include single-family homes, zero lot line residences, townhomes or connected homes, duplexes, and other single- and multi-family dwelling units located in the SFR, MF1, MF2, and MFSA zoning districts. Where a single-family residence is grandfathered-in in another zoning district and is still used for single-family residential purposes, it shall be included in this definition. Excluded from this definition are apartment buildings and condominiums located in a zoning district other than the SFR, MF1, MF2, and MFSA districts.

(3) The term “buffer area” shall mean that area of public property, including any park, public street, public right-of-way, or sidewalk, located within an area that extends 50 linear feet in any direction measured from the property line of a dwelling unit. Privately owned property shall not be considered to be included in the buffer area, although the laws of trespass shall apply.

- (b) *Prohibition against protest and picketing before or about a dwelling unit.* It shall be unlawful for any person or persons to picket, protest, or conduct any picketing or protesting activity, within a buffer area of 50 linear feet in any direction from the property line of any dwelling unit in the City of Coral Gables.
- (c) *Enforcement and penalty for violation.* A person violating the provisions of this section shall be guilty of an offense punishable as provided in Section 1.7 of the City Code.
- (d) *Supplement to other provisions of law.* The provisions of this section supplement other provisions of law that protect the public order and safety, including, but not limited to, the following: provisions of the City Code and other law governing noise limitations; provisions of the City Code and other law prohibiting obstruction or interference with passage on a public right-of-way, sidewalk, or street; and provisions of the City Code and other law that prohibit trespass, assault, battery, destruction of property or other injury to person or property.
- (e) *Alternative means.* The city manager or designee shall, on application, make reasonable efforts to make available city-owned land reasonably near or abutting a residential zoning district for any protest or picket, for a reasonable period of time during daylight hours, subject to all laws applying to the conduct of persons engaged in the protest or picket. Furthermore, nothing in this section shall be read to prohibit a protest or picketing in a zoning district that is not listed in Section 62-202(a)(2) above, so long as the conduct of such protest or picket is otherwise lawful.

Secs. 62-188—62-220. – Reserved.

ARTICLE VII. – SPECIAL EVENTS AND PARADES

Sec. 62-221. – Definitions.

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

Director of public safety means the Assistant City Manager/Director of Public Safety appointed by the City Manager to provide executive level leadership for public safety matters in the City of Coral Gables, or his/her designee.

Chief of police means the chief of police of the City of Coral Gables or his/her designee.

Fire chief means the chief of fire rescue of the City of Coral Gables or his/her designee.

Events committee means the committee designated under this article to receive, process, review and approve or deny applications to hold special events and parades in accordance with the provisions of this article.

Fireworks means any composition or device for the purpose of producing a visible or an audible effect for indoor or outdoor entertainment purposes by combustion, deflagration, or detonation that meets the definition of “Consumer Fireworks or Display Fireworks” as set forth in the Florida Fire Prevention Code.

Nonprofit means any bona fide charitable, benevolent, eleemosynary, education, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

Obstruct or obstruction means: (a) to walk, stand, sit, lie, or place an object in such a manner as to block passage by a person or a vehicle or to require a person or a driver of a vehicle to take unreasonable evasive action to avoid physical contact, or (b) to make use of a city street, sidewalk, or other public place, so as to prevent the use of such city street, sidewalk, or other public place by persons not participating in the parade or special event.

Parade means any organized moving march, ceremony, show, exhibition, pageant, demonstration, motorcade or procession of any kind, whether for profit or not for profit, consisting of persons, animals, or vehicles, or a combination thereof, that requires the closure, exclusive use, or obstruction of one or more city streets.

Permit means a special event or parade permit as required by this article.

Public place or public places, for the purpose of this article, means streets, sidewalks, parkways, highways, boulevards, avenues, alleys, plazas, medians, entrances and any and all spaces dedicated to the public use or used in any way by the city for the benefit of the public, including but not limited to, buildings, parks and all public areas.

Sidewalk is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

Special event means the temporary use of public property by ten or more persons or three or more vehicles for the purposes of conducting certain outdoor, short-term events such as a festival, parade, rodeo, fundraising, walkathon, bikeathon, jogging activity, or any other similar organized activity, whether for profit or not for profit, wherein public streets, parks or other public areas are to be utilized.

Special event means an organized activity, event, celebration, or other gathering, whether for profit or not for profit, which:

- (1) involves the temporary use of any city street, sidewalk, or other public place open to the general public;
- (2) requires the provision and coordination of municipal services to a degree significantly over and above that which the city routinely provides under ordinary everyday circumstances; and
- (3) either (a) seeks the exclusive use or closure of a city street, sidewalk, or other public place; or (b) involves the erection of stages, utility poles, booths, tents, stands, or other temporary structures in a public place; or (c) substantially and necessarily affects or interferes with the use of a city street, sidewalk, or other public place by persons not participating in the special event.

Specified area means the public place or places park, plaza, square or public street wherein the special event or parade is held. In addition, specified area shall include any parade route, two blocks on either side of any parade route, and the parade route; a four-block radius from any park, plaza or square, or and any area mutually agreed upon by the event sponsor/permit applicant and the city events committee during a pre-permit coordination meeting.

Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof not including sidewalks.

(Code 1991, § 22-220; Ord. No. 3593, § 1(22-220), 9-24-2002)

Sec. 62-222. – Exceptions.

This article shall not apply to the following:

- (1) A governmental agency, including the City of Coral Gables, acting within the scope of its functions or conducting an event that would otherwise qualify as a special event or parade;
- (2) Funeral processions; or
- (3) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

Sec. 62-223. – Permit required.

Except as provided in section 62-222 of this article, no person shall hold or engage in any special event or parade, as defined herein, unless a permit is first issued by the events committee or by the city commission.

Sec. 62-224 – Special events and parades committee.

- (1) Authorization of committee. A special events and parades staff committee (the “events committee”) shall perform the functions identified in this article.
- (2) Committee composition. The events committee shall be composed of the following: the Director of Public Safety, the Chief of Police, the Fire Chief, the Director of Parks and Recreation, the Director of Code Enforcement, and any other designees of the City Manager.
- (3) Approval or denial of permit applications. The events committee shall be charged with the duties of reviewing and deciding whether an application for a permit to hold a special event or parade should be approved or denied under the criteria set forth in this article.
- (4) Applicant’s appearance before events committee. An applicant for a permit to hold a special event or parade shall be required to appear before the events committee at a pre-permit coordination meeting. Upon receipt of a permit application, the events committee shall select a date and time for the meeting to occur and provide reasonable notice to the applicant of such meeting.

Sec. 62-225. – Application, contents.

Application to conduct a special event shall be made to the city manager, in writing, by the person or persons in charge or responsible therefore. The application shall set forth, at a minimum the following information:

The provisions contained herein are for review and approvals required for purposes of conducting a special event or parade, as provided herein.

- (1) Permit application. A person seeking a special event or parade permit shall file an application with the events committee, with copies to the chief of police and fire chief, on forms provided by the city, and the application shall be signed by the applicant under oath.
- (2) Contents of application. The application for a special event or parade permit shall set forth the following information:

a. ~~(1)~~–The name and address of the individual, organization, or group

organizing the special event or parade.

b. ~~(2)~~ The name, address and telephone number of the person who will act as chairperson of the special event or parade and be responsible for the conduct thereof.

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~~(3) The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors.~~

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c. The name, address, and telephone number of the headquarters of the organization or group for which the special event or parade is to be conducted, if any, and the authorized and responsible heads of the organization.

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d. If the special event or parade is designed to be held by or on behalf of any person or entity other than the applicant, the applicant for such permit shall file a letter from that person or entity with the events committee authorizing the applicant to apply for the permit on his, her, or its behalf.

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e. The type of special event or parade, including a description of activities planned during the event.

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f. ~~(4)~~ The purpose of the special event or parade, the estimated number of persons to participate and otherwise attend, and the number and types of vehicles and animals (if any) to participate.

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~~(5) The method of notifying participants of the terms and conditions of the special event.~~

~~(6) The date the event is to be conducted and the hours it will commence and terminate.~~

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g. The approximate number of participants (spectators are by definition not participants).

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h. The approximate number of spectators.

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i. A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the special event or parade, including: (1) whether any music will be provided, either live or recorded, and (2) the number, types and locations of all loudspeakers and amplifying devices to be used.

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j. The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors.

k. The method of notifying participants of the terms and conditions of the

special event or parade.

l. The date the event is to be conducted and the hours it will commence and terminate.

m. The route to be traveled, if any, including the starting point and the termination point.

n. A statement as to whether the special event or parade will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed or public place proposed to be used.

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o. (7) The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal.

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(8) Whether any music will be provided, either live or recorded.

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(9) The number, types and locations of all loudspeakers and amplifying devices to be used.

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p. The time and location at which units of the special event or parade will begin to assemble.

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q. A site plan and/or a traffic plan, if required by the events committee.

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r. (10) Assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines, including those set forth in section 62-231 of this article.

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s. (11) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event or parade during and after the special event or parade in the specified area. For events ending by 6:00 p.m. all cleaning activities shall be completed within six hours after the end of the event; and for events ending after 6:00 p.m., all cleanup activities shall be completed by 8:00 a.m. the following morning. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which bond shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the city manager or his designee.

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t. Assurance that the applicant will not begin to set-up any stages, tents, utility poles, booths, stands, signs or any other movable fixtures more than 24 hours prior to the time at which the special event or parade is scheduled to commence.

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u. ~~(12)~~ Assurance that the applicant will cause all stages, tents, utility poles, booths, stands, signs, booths, stands, signs and any and all other movable fixtures pertaining to the special event or parade to be removed immediately after the special event or parade.

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v. ~~(13)~~ Such other information as the ~~city manager~~ events committee may deem necessary in order to make arrangements to protect the health, safety and welfare of general public and participants in special event or parade, to protect municipal and private property located in the city, to minimize the obstruction of vehicular and pedestrian traffic in the city, to minimize the disruption of city services and business activities in the city, and to protect residents' right to the quiet and peaceful enjoyment of their homes and neighborhood, in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

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(3) False Claims and Presentations. An applicant submitting an application for permit shall be subject to the requirements of Chapter 39 (False Claims and Presentations Ordinance) of the City Code.

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(Code 1991, § 22-221; Ord. No. 3593, § 1(22-221), 9-24-2002)

Sec. 62-2263. – Time limitation for application.

~~No permit shall be issued for a special event unless application has been made not less than 30 days in advance of the date on which the special event is sought to be held, except as follows: The city may consider an application for permits filed less than 30 days before the special event upon good cause showing and payment of two times the application fee and payment for all actual costs incurred by the city in expediting said request including overtime costs. Said costs are in addition to any and all costs and charges contained in this article.~~

(1) Timing of application for single special event or parade. For single special events or nonrecurring parades, an application for a permit shall be filed with the events committee, with copies to the chief of police and fire chief, at least 30 and not more than 180 days before the special event or parade is proposed to commence. The events committee may waive the minimum 30-day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the special event or parade, the anticipated number of participants, and the city services required in connection with the event, the events committee determines that the waiver will not present a hazard to public safety. Where the events committee authorizes a single special event or nonrecurring parade to be held less than 30 days following the submission of the permit application, the applicant shall be required to pay two times the standard application fee and all actual costs incurred by the city in expediting said request, including overtime costs. Said costs are in addition to any and all other costs and charges contained in this article.

(2) Timing of application for reoccurring special events or parades. For special events or parades held on a regular or recurring basis at the same location, an application for a permit covering all such special events or parades during that calendar year may be filed with the events committee, with copies to the chief of police and fire chief, at least 60 and not more than 180 days before the date and time at which the first such special event or parade is proposed to commence. The events committee may waive the minimum 60-day period after due consideration of the factors specified in subsection (1) of this section. Where the events committee authorizes a reoccurring special event or parade to be held less than 60 days following the submission of the permit application, the applicant shall be required to pay two times the standard application fee and all actual costs incurred by the city in expediting said request, including overtime costs. Said costs are in addition to any and all other costs and charges contained in this article.

(Code 1991, § 22-222; Ord. No. 3593, § 1(22-222), 9-24-2002)

Sec. 62-227. – Standards and criteria for approval of application.

The events committee shall approve a permit application as provided for herein when, based on consideration of the application and on such other information as may otherwise be obtained, it is determined that:

- (1) The conduct of the special event or parade will not obstruct the safe and orderly movement of pedestrian or vehicular traffic contiguous to its route or location.
- (2) The conduct of the special event or parade will not unduly disrupt or interfere with city services, business activities or residents' right to the quiet and peaceful enjoyment of their homes and neighborhoods.
- (3) The special event or parade is scheduled to move (if applicable) from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- (4) The applicant has secured the necessary police and fire protection services.
- (5) The conduct of the special event or parade will not require the diversion of so great a number of city police officers to properly police the location of the event, the line of movement, and the areas contiguous thereto as to prevent the normal police protection of the city.
- (6) No special event or parade is scheduled elsewhere in the city where the police, fire, or other city resources required for that special event or parade are so great that the deployment of police, fire, or other city services for the proposed special event or parade would have an immediate and adverse effect upon the welfare and safety of persons and property.

- ~~(6)~~(7) The concentration of persons, animals, and vehicles at the specified area of the special event or parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the specified area or elsewhere in the city.
- ~~(7)~~(8) The special event or parade does not present an unreasonable danger to the health and safety of the applicant, participants, spectators, city employees or agents or the general public or to municipal or private property.
- ~~(8)~~(9) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the specified area.
- ~~(9)~~(10) There are sufficient parking places near the specified area of the special event or parade to accommodate the number of vehicles reasonably expected.
- ~~(10)~~(11) The special event or parade is not for the primary purpose of advertising any product, goods or event that is primarily for private profit, and the special event or parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits and/or structures used in the special event or parade.
- ~~(11)~~(12) No permit application to hold a conflicting special event or parade at the same time and location has already been granted or has been received previously and will be granted.
- ~~(12)~~(13) The special event or parade will not conflict with previously planned programs or events organized by the city that were previously scheduled to occur at or in close proximity to the proposed location for the special event or parade.
- ~~(13)~~(14) The application for permit does not contain any material falsehood or misrepresentation and the applicant has not failed to comply with the requirements of Chapter 39 (False Claims and Presentations Ordinance) of the City Code.
- ~~(14)~~(15) The applicant, or person on whose behalf the application for permit was made, has not previously made any material misrepresentation regarding the nature or scope of an event or activity previously permitted or otherwise previously materially violated the provisions of this article.
- ~~(15)~~(16) The applicant, or person on whose behalf the application for permit was made, has never damaged or failed to pay for damage to city property.
- ~~(16)~~(17) The application for permit is fully complete and executed.
- ~~(17)~~(18) The applicant, or person on whose behalf the application for permit was made, is legally competent to contract and to sue and be sued.

~~(18)~~(19) The special event or parade is not prohibited by or incompatible with the traditionally accepted uses of the public place where the applicant proposes to hold the special event or parade.

(20) The special event or parade does not create a conflict with regard to any federal, state or local law.

(21) The special event or parade is not otherwise contrary to or inconsistent with the best interests of the city.

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Sec. 62-2287. – Indemnification of city; liability insurance.

(1) *Indemnification.* The ~~All~~ applicants for a permit to hold a special event or parade shall agree to indemnify and hold harmless the city, its servants, agents and employees, for any and all claims caused by or arising out of the activities permitted and any work associated therewith. Indemnification provisions shall be approved by the city attorney and set forth in each permit application. The risk management division shall be responsible for monitoring an applicant's compliance with the indemnification requirements and may, in its discretion, waive or reduce such requirements based upon its experience with previous events, size, duration, location, and nature of the event. In ~~certain potentially hazardous situations, as determined by the city manager,~~ the applicant shall ~~provide an appropriate policy of insurance to protect the city from liability that may result from the special event.~~

(2) *Liability insurance.* Insurance coverage requirements approved by the city commission shall be set forth in each permit application to protect the city from liability that may result from the special event or parade and any work associated therewith. All applicants shall provide to the risk management division proof of an appropriate policy of insurance issued by an insurance company with an A.M. Best rating of at least (A-/VI) or the equivalent thereof, which policy shall name the city as an additional insured on a primary and non-contributory basis and contain a waiver of subrogation endorsement in favor of the city. The risk management division shall be responsible for monitoring an applicant's compliance with the insurance requirements and may, in its discretion, waive or reduce such requirements based upon its experience with previous events, size, duration, location, and nature of the event.

(Code 1991, § 22-226; Ord. No. 3593, § 1(22-226), 9-24-2002)

Sec. 62-2298. – Schedule of fees, performance bonds, and exemptions.

(a) *Schedule of fees, performance bonds, and exemptions.* The ~~A~~ schedule of fees, performance bonds and exemptions for special events and parades shall be as established by the city commission.

(b) *Application fee.* At the time of application, an applicant shall deposit a non-refundable application fee based on the schedule approved by the city commission to cover the

administrative costs of processing the permit application.

(c) Fee for city services. If any city services shall be required for the special event or parade, the applicant shall pay, prior to the issuance of a permit, the charges for those services in accordance with a schedule of service costs approved by the city commission. Such charges may include charges for police and fire protection services, code enforcement services, electrical services, exclusive use of city-owned parking spaces, barricades, labor, materials, and any other charges for city services incidental to the special event or parade. In addition, a closing fee shall be imposed following the conclusion of the special event or parade for any additional required city services not paid for by the applicant prior to the issuance of the permit.

(d) Costs of site plan and traffic plan. The events committee may require the applicant to provide a site plan and/or a traffic plan in connection with the proposed special event or parade. If the events committee determines that a site plan and/or a traffic plan is required, the applicant will be responsible for the cost of providing any required plan.

(e) Performance bond. All persons seeking a permit to hold a special event or parade shall be required to post a performance bond securing their obligations to comply with the requirements of this article, including, but not limited to, their obligation to clean-up after the special event or parade. For events ending by 6:00 p.m., all cleaning activities shall be completed within six hours after the end of the event; and for events ending after 6:00 p.m., all clean-up activities shall be completed by 8:00 a.m. the following morning. Requests for additional time by which to complete clean-up activities shall be directed to the events committee and shall be reviewed on a case-by-case basis. An applicant's failure to adequately clean-up after a special event or parade or to otherwise comply with the provisions of this article, as determined by the events committee or its designee, shall result in the forfeiture of the performance bond and may result in the imposition of additional fees and charges on the applicant for costs incurred by the city. A schedule of performance bonds for special events and parades shall be as established by the city commission.

~~(e)(f) Waiver of fees and performance bond. Permit fees for special events shall be as established by the city commission. The city manager or his or her designee may waive or reduce one or more of the enumerated charges for nonprofit organizations fees or the performance bond based upon experience with previous events, size, duration, location, nature of the event and the likelihood of unremoved litter or damage to property. In the event that the nonprofit organization demonstrates that it has contracted for cleanup activities with a city-approved group, the performance bond shall be waived.~~

~~(d) Neighborhood or block parties shall be exempt from the provisions of this article so long as no commercial activity is conducted, no admission fee is charged, and members of the general public are not allowed access. Provided, however, that individuals or organizations should notify the city manager's office when a neighborhood party is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event.~~

~~(e) The closing fee set forth in this article shall be construed as being in addition to other fees or charges imposed for labor, materials, police or fire protection services, or any other charges for city services incidental to the assembly or street closing, and other fees shall still be levied and collected in addition to the closing fee herein provided.~~

~~(f) Political or public issue events shall be exempt from the provisions of this section. Individuals or organizations planning such an event shall notify the city manager's office when a political or public issue event is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event and the name or names of persons in charge.~~

~~(g) Funeral processions shall be exempt from the terms of this article.~~

(Code 1991, § 22-227; Ord. No. 3593, § 1(22-227), 9-24-2002)

Sec. 62-230. – Police services.

(1) Review of applications; police services. The chief of police or his or her designee shall review each permit application and determine whether and to what extent police protection is reasonably necessary for the special event or parade for traffic control and public safety. The chief of police shall base this decision on the size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. The chief of police shall, pursuant to the city police standard operating policies, determine the number of off-duty officers or overtime officers, or a combination thereof, needed to provide special police services in connection with the special event or parade. The applicant shall be responsible for the cost of any such off-duty or overtime officers deemed necessary by the chief of police. If possible without the disruption of ordinary police services or the compromise of public safety, the chief of police may provide regularly scheduled on-duty police personnel to provide police services at the special event or parade.

(2) Revocation of permit. The chief of police or his or her designee shall have the authority to revoke a special event or parade permit instantly upon violation of the conditions or standards for issuance set forth in this article or when a public emergency arises provided the police, fire or other city resources required for that emergency are so great that deployment of police, fire or other services for the special event or parade would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 62-231. – Fire and life safety protection.

(1) Review of applications; fire protection services. The fire chief or his or her designee shall review each permit application and determine whether and to what extent additional fire and life safety protection is reasonably necessary for any special event or parade presenting a fire-safety concern or incorporating a fireworks display. The fire chief shall

base this decision on the requirements of the Florida Fire Prevention Code, crowd size, location, duration, time and date of the event, the expected sale or service of alcoholic beverages, and the number of streets and intersections blocked. If additional fire and life safety protection services are deemed necessary by the fire chief, the applicant shall have the duty to secure the fire and life safety protection services deemed necessary by the fire chief at the sole expense of the applicant.

(2) Professional licenses, insurance, and notice to property owners for fireworks displays.

For any fireworks or pyrotechnic displays, the applicant shall provide: (a) copies of all professional fireworks licenses and appropriate insurance to the events committee or its designee no less than four weeks prior to the date of the requested display, and (b) notice of the display to all property owners within 1,000 feet of the location of the display no less than 15 days prior to the date of the requested display.

Sec. 62-232. – Nondiscrimination.

The events committee, all other city officials, and the city commission, as necessary, shall uniformly consider each application upon its merits and shall not discriminate in exercising authority under this article based upon political, religious, ethnic, race, disability, sexual orientation, or gender related grounds, or upon the content of the participants' speech.

Sec. 62-233. – Notice of denial of application.

The events committee shall act promptly upon a timely filed application for a special event or parade permit, but in no event shall the events committee grant or deny a permit less than 48 hours prior to the proposed special event or parade. Where a permit application is disapproved, the events committee shall notify the applicant by personal delivery or certified mail at least 48 hours prior to the proposed special event or parade and state the reasons for denial.

Sec. 62-234. – Alternative permit.

The events committee, in denying an application for a special event or parade permit, may authorize the conduct of the special event or parade at a date, time, location, or route different from that requested by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the events committee, file a written notice of acceptance with the events committee, with copies to the chief of police and fire chief. An alternate special event or parade permit shall conform to the requirements of, and shall have the effect of, a special event or parade permit issued under this article.

Sec. 62-23524. – Issuance or denial of permit; a Appeals.

If the city manager shall find the special event is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace or unreasonably interfere with the public use of the streets and sidewalks, and that all necessary assurances will be met as to police presence, if any, fire protection and garbage and litter clean up, he shall issue a permit or, for

reasons stated, shall deny the requested permit. Should the permit be denied, the applicant shall have a right to file a written notice of appeal to the city commission no later than ten days after the denial. The written notice of appeal shall be provided to the city clerk together with a written statement containing the grounds and basis for the appeal. The city commission shall hear the appeal no later than at its next regularly scheduled meeting after receiving the notice of appeal.

- (1) Appeal to City Manager. Any adverse decision rendered by the events committee or any other city official exercising authority under this article is initially appealable to the city manager. An initial appeal to the city manager must be submitted within five business days after receipt of the adverse decision by filing a written notice of appeal, together with a written statement containing the grounds for the appeal, with the city manager, with copies of the notice of appeal and statement of grounds provided to the events committee. The city manager shall promptly act upon a timely filed appeal following receipt of the notice of appeal.
- (2) Appeal to City Commission. Upon a denial by the city manager of an applicant's timely appeal under subsection (1) of this section, the applicant shall have the right to appeal to the city commission the adverse decision rendered by the events committee or any other city official exercising authority under this article. The applicant shall make the appeal to the city commission within five business days after receipt of the city manager's denial of the initial appeal by filing a written notice of appeal, together with a written statement containing the grounds for the appeal, with the city manager, with copies of the notice of appeal and statement of grounds provided to the city clerk and the events committee. The city commission shall act upon the appeal at its next regularly scheduled meeting following receipt of the notice of appeal.
- (3) Standard of review. On appeal to the city manager or the city commission, the city manager or the city commission, as applicable, shall determine whether the adverse decision rendered by the events committee or other city official was appropriate based on the criteria set forth in this article.
- (4) Court review. In the event that the city commission rejects an applicant's timely appeal, the applicant may file an immediate request for review with a court of competent jurisdiction.

(Code 1991, § 22-223; Ord. No. 3593, § 1(22-223), 9-24-2002)

Sec. 62-236. – Notice to city and other officials.

Immediately upon the approval of a special event or parade permit, the events committee shall send a copy thereof to the following:

- (1) City Attorney;
- (2) Director of Public Safety;

(3) Chief of Police;

(4) Fire Chief;

(5) Director of Parks and Recreation;

(6) Director of the Public Works Department;

(7) Director of Code Enforcement; and

(8) Responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route or location of the proposed special event or parade.

Sec. 62-237. – Contents of permit.

Each special events or parade permit shall state or attach the following information:

(1) Where a special event or parade is excused from compliance with other provisions of the city code or zoning code as provided in this article, the terms and conditions on which the permittee is excused from compliance with other provisions of the city code or zoning code.

(2) The starting and approximate ending time.

(3) Any site plan and/or a traffic plan required by the events committee.

(4) The minimum and maximum speed of any parade units.

(5) The maximum interval of space to be maintained between any parade units.

(6) The portions of the streets, sidewalks or other public places that may be occupied by the special event or parade.

(7) The maximum length of any parade in miles or fractions thereof.

(8) That persons in the special event or parade are authorized to ride or drive, or cause to be ridden or driven, animals or animal-drawn vehicles upon public places or streets (if applicable).

(9) Such other information as the events committee shall find necessary to the fulfill the purposes of this article, including any reasonable conditions necessary for the protection of the rights, property and personal safety of persons.

Sec. 62-238. – Compliance; possession of permit.

- (1) A permittee under this article shall comply with all permit directions and conditions. By applying for and being granted a permit, the applicant shall assume all conditions on the face of the permit.
- (2) A permittee shall comply with all applicable laws and sections of the city code and zoning code. Notwithstanding the foregoing sentence, the events committee is authorized to issue permits that expressly allow special events and parades to violate specified provisions of the city code and/or the zoning code for the duration of the special event or parade, including, for example, the signage restrictions set forth in the city code and zoning code and the prohibition against obstruction of pedestrian or vehicular traffic. Any permitted exceptions to the provisions of the city code or zoning code must be expressly listed on the face of the permit.
- (3) The chair or other person heading or leading the special event or parade shall carry the permit personally during the conduct of the special event or parade.

Sec. 62-239. – Prohibitions; carrying of signs and weapons; sound level limitations.

In additions to other prohibitions provided in this article, the following conditions and prohibitions shall apply to all special events and parades:

- (1) It shall be unlawful for any person to participate in a special event or parade for which the person knows a permit has not been granted.
- (2) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly licensed special event or parade to knowingly fail to comply with any condition of the permit.
- (3) It shall be unlawful for any person to ride or drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.
- (4) It shall be unlawful for any person to carry or possess at any special event or parade:
 - (i) any dirk, knife (except a common pocketknife, plastic knife, or blunt-bladed table knife), metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or dart-firing stun gun, each as defined in Section 790.001 of the Florida Statutes, unless expressly authorized pursuant to Chapter 790 of the Florida Statutes or other applicable local, state, or federal law, or
 - (ii) any sign, poster, plaque or notice unless such sign, poster, plaque, or notice is constructed solely of a cloth, paper, flexible or cardboard material no greater than one-quarter inch in thickness.
 - a. As used in this section, “tear gas gun” or “chemical weapon or device” means any weapon of such nature, except a device known as a “self-defense chemical spray.” “Self-defense chemical spray” means a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of

chemical.

- b. Nothing in this section is intended to authorize the possession or use of materials, weapons or devices that are otherwise prohibited by any other local, state or federal ordinance, statute or regulation. The purpose of this section is to prohibit the carrying or possession of items and materials that have the potential to be used as weapons to cause physical or personal damage, and whose possession might not otherwise be prohibited by local, state or federal law.

~~(3)~~(5) Amplified sound levels.

- a. Unless otherwise agreed upon in advance with the events committee and incorporated into the permit, no amplified sound generated by the organizers of a special event or parade shall exceed 75 dBA for special events and parades adjacent to residential areas or 85 dBA for special events and parades not adjacent to residential areas. Amplified sound is defined for purposes of this section as sound resulting from any loudspeaker, public address system, amplifier, or any other device which electronically or mechanically augments the volume of sound including, by way of example, a radio, television set, bullhorn, or musical instrument.
- b. To comply with the sound level limitations set forth in subsection (5)(a) of this section, the source under investigation must not exceed the applicable sound level limitation as measured both from (i) a distance of 100 feet from the source of the amplified noise, and (ii) the real property line of any sound affected site or unit. Real property line is defined for purposes of this section as either: (i) the boundary line of a parcel; (ii) the vertical and horizontal boundaries of a dwelling unit that is part of a multifamily dwelling; or (iii) on a mixed-use property, the interface between the two portions of the property on which different categories of activity are being performed.
- c. The sounds levels shall be measured with a sound level meter manufactured according to standards prescribed by the American National Standards Institute. Three (3) measurements of the sound source under investigation shall be taken. The metric that shall be applied is the maximum sound level measured during the sound measurement period. Each of the three (3) measurements shall be no less than thirty (30) seconds in duration, and all three (3) measurements shall be taken within a one-hour period. If the sound source under investigation is of a total duration of less than ninety (90) seconds, one thirty-second measurement shall be sufficient.
- d. Correction for ambient sound level shall be made as specified in Table 1, below. If the measured difference between the applicable ambient sound level and the alleged violating sound level is five (5) dBA, each alleged violating sound level shall be reduced by two (2) dBA. If the measured difference is six

(6) to eight (8) dBA, the alleged violating sound level readings shall be reduced by one (1) dBA. If such measured difference is nine (9) or more dBA, the alleged violating sound level shall not be adjusted based upon the difference. Fractional decibels shall be rounded to the nearest whole decibel.

TABLE 1

<u>Difference between alleged violating sound level and ambient sound level (in dBA)</u>	<u>Correction (to be subtracted from the measured alleged violating sound level)</u>
<u>9 and higher</u>	<u>0</u>
<u>6-8</u>	<u>1</u>
<u>5</u>	<u>2</u>

Ambient noise is defined for purposes of this section as the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. The ambient sound level is synonymous with background sound level. Ambient sounds are differentiated from extraneous sounds by the fact that the former are of a more steady state, although they may not be continuous. For purposes of this definition, extraneous sound means a sound of high intensity and relatively short duration which is neither part of the ambient sound, nor comes from the sound source under investigation.

Sec. 62-24025. — Conditions contained in permit; closing of streets; parking prohibited. Public conduct during special events and parades; closing of streets; parking prohibited.

Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in time, duration or number of participants. For the purposes of public safety and welfare, the city manager may order the temporary closing of streets and/or may temporarily prohibit parking along same during the event, and shall direct the posting of proper warning signs in connection therewith.

- (1) No person shall unreasonably hamper, obstruct or impede, or interfere with any special event or parade or with any person, vehicle, or animal participating or used in a special event or parade.
- (2) No driver of a vehicle shall drive between the vehicles, persons, or animals comprising a special event or parade when such vehicles, persons, or animals are in motion and are conspicuously designated as part of a special event or parade.
- (3) The chief of police shall have the authority, when reasonably necessary, to: (i) temporarily close streets, sidewalks, and public places constituting a part of the route or location of a special event or parade, and (ii) temporarily prohibit or restrict the parking of vehicles along a street constituting a part of the route or location of a

special event or parade. The chief of police shall post signs to that effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

(Code 1991, § 22-224; Ord. No. 3593, § 1(22-224), 9-24-2002)

Sec. 62-24126. – Determination of time specified area will be used; maximum length of events; location and time of events.

- (1) Determination of time specified area will be used. The maximum amount of time that the specified area will be utilized for the purpose of holding the special event or parade will be determined by the ~~city manager or his designee~~ events committee based upon the information contained in the application and the criteria set forth in this article.
- (2) Maximum length of events. No single special event or parade shall be conducted for more than four consecutive days. No single special event or parade shall be conducted on any consecutive days of the week other than Thursday, Friday, Saturday, or Sunday.
- (3) Undue burden on specific locations. The events committee is empowered to limit the number of special events and parades to be held in any specific neighborhood, area or location in the city within a single calendar year in order to prevent an undue burden from being placed on specific neighborhoods, areas or locations in the city.

(Code 1991, § 22-225; Ord. No. 3593, § 1(22-225), 9-24-2002)

Sec. 62-24229. – Admissions charge.

The ~~city events committee~~ may grant permission to the sponsor of an special event or parade in a public right-of-way to charge an admission fee for attendance at the special event or parade. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of events at the location, and other appropriate factors.

(Code 1991, § 22-228; Ord. No. 3593, § 1(22-228), 9-24-2002)

Sec. 62-24330. – Prohibition on use of expanded polystyrene.

(a) *Definitions.* For purposes of this section only the following definitions should apply:

- (1) *Expanded polystyrene* means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of

polymer spheres (expandable bead foam), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

- (2) *Expanded polystyrene containers* means plates, bowls, cups, containers, lids, trays, coolers, ice chests, food containers and all similar articles that consist of expanded polystyrene.
- (3) *City facility* includes, but is not limited to, any building, structure, park, or golf course owned, operated or managed by the city.
- (4) *Special event or parade permittee* means any person or entity, and their subcontractor(s), issued a special events or parade permit by the city for a special event or parade on city property, in a city facilities or in the city's right-of-way.

(b) *Prohibited use of expanded polystyrene; penalties.*

- (1) Special event and parade permittees, and their subcontractor(s), shall not sell, use, provide food or drink in, or offer the use of, expanded polystyrene articles in city facilities.
- (2) Upon warning, the special event or parade permittee must stop use of the polystyrene item and replace it with a non-polystyrene alternative as soon as practicable. If the special events or parade permittee does not do so within a reasonable amount of time, he/she may be forced to discontinue the service, sale or participation in the event.
- (3) A violation of this section shall constitute a City Code violation and may result in the revocation of the special events or parade permit and fines and may be grounds for the placement of conditions on or for denial of a future special events or parade permit.

(Ord. No. 2016-08, § 4, 2-9-2016)

Sec. 62-244. – Penalties.

- (1) Any person violating the provisions of any section of this article shall, upon conviction, be punished by fine not to exceed \$500.00 or imprisonment of not more than 60 days, or both.
- (2) Notwithstanding subsection (1) of this section, a fine of up to \$15,000 per violation may be imposed for violations of the provisions of this article if the code enforcement board or a special magistrate finds a violation to be irreparable or irreversible in nature. In determining the amount of the fine, if any, the enforcement board or special magistrate shall consider the following factors: (a) the gravity of the violation; (b) any actions taken by the violator to correct the violation; and (c) any previous violations committed by the violator.

Secs. 62-245—62-256. – Reserved.

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SECTION 3. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word “ordinance” changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2016.

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY