

ARTICLE III. SPECIAL EVENTS¹

Sec. 4-101. Title.

This article shall be known as the Special Events Ordinance of Flagler Beach, Florida.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-102. Permit required; compliance with article provisions.

- (a) No special event held within the incorporated portion of the city shall be conducted without obtaining a special event permit, (SEP) unless exempted from permit requirements under this article. All special events shall comply with the provisions set forth in this article and with all terms, conditions, and requirements identified in an issued permit. The applicant must get an itinerant merchant's license ("IML") for each vendor operating at the event site. Fees to be assessed include an application fee, itinerant license fee, and a refundable deposit to be assessed against cost incurred by the city.
- (b) The dispensing of or sale and consumption of alcoholic beverages, at a special event, must be conducted only within a temporary or permanent permitted structure on property properly zoned for commercial activity, and the building and parking must meet all applicable building codes and regulations.
- (c) A permit shall only be issued for a special event that complies with all applicable city zoning district and land use regulations.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-103. 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:

Applicant. The individual(s) or entity that makes application to the city to hold a special event. The applicant is responsible for compliance with terms, conditions set forth in the special event planning meeting, and requirements set forth herein. The owner or owners of any property on which a special event occurs shall also be deemed the applicant in terms of responsibility or liability for violation of this article or other federal, state, or local regulations occurring on any such property because of such special event.

Application means a written application for a proposed special event permit. The application form shall be provided by the city clerk's office.

City sponsored event means those activities or events initiated by the city, which take place on city-owned or city-controlled property for up to three (3) days in which the general public is invited.

¹Editor's note(s) - Ord. No. 2014-06, § 1, adopted March 13, 2014, set out provisions for use herein. At the editor's discretion those provisions were treated as repealing and replacing art. III, §§ 4-101-4-128, in its entirety, to the extent approved by the city council. Former art. III pertained to similar subject matter and was derived from Ord. No. 2005-09, § 1, adopted May 12, 2005; Ord. No. 2006-02, §§ 1-3, adopted February 9, 2006; Ord. No. 2007-02, § 1(Ex. A), adopted January 25, 2007; Ord. No. 2007-23, § 1, adopted July 12, 2007 and Ord. No. 2010-15, § 6, adopted November 18, 2010.

Commercial means for the purposes of this article, "commercial" shall mean the charging of a for-profit admission fee or for-profit sale of goods or services; except that commercial zoning shall mean that category of zoning in the city land development regulations.

Fees shall mean permit application fee, any appeal fee, and all costs to be assessed or required by the city to conduct a special event as set forth by the city commission by resolution, after reasonable notice. Any fees shall be limited to reasonably reflect expected costs.

Public property means any public street, sidewalk, place, property, easement, structure, or facility owned, dedicated, controlled, or otherwise under the proprietary jurisdiction and control of the city.

Resolution means a resolution by the city commission providing dollar amount of fees, licenses, and providing other special event criteria.

Special event means a special event is a non-routine happening or social activity bringing a large number of people together in a defined area for event activities which in the opinion of the police and fire chief require city services to ensure safety and coordination. It can be reasonably expected by promotion efforts or past experience that the number of persons attending the event will require services beyond those that are regularly provided by the city such as additional police services, traffic control, crowd control, fire and/or emergency medical services, street closures, garbage cleanup, or other municipal services which may be necessary to service the event. This may include, but not be limited to, contests, fairs, carnivals, festivals, concerts, seasonal or annual automotive/motorcycle events, competitions, street dances, car shows, art/craft shows, or other similar activities which meet the definition listed herein for special events. Special events may be used to fund-raise for non-profit or charitable organizations serving the city, to enhance community and/or neighborhood relations and unity, to promote cultural and ethnic diversity to market and/or promote the city, or the county and/or to enhance and promote economic activity within the city. Special events shall be classified as follows:

- (1) *Major event.* An event of one (1) or more day duration with a cost of over five thousand dollars (\$5,000.00) for city services, staff, overtime and equipment use.
- (2) *Intermediate event.* An event of one (1) or more day duration with a cost of between one thousand dollars (\$1,000.00) and four thousand nine hundred ninety-nine dollars (\$4,999.00) for city services, staff, overtime and equipment use.
- (3) *Minor event.* An event of one (1) day or less duration, with a cost of less than one thousand dollars (\$1,000.00) for city services, staff, overtime and use of equipment.

Special events permit means a permit issued by the city for the purposes of controlling and mitigating the impacts of a special event.

Temporary structures includes, but is not limited to, sheds, booths, bleachers, canopies, tents, stages, and fences for temporary purposes during an event. Such structures shall be removed upon the expiration of the time limit stated in the permit.

Itinerant merchant (vendors or IMs) means any person, vendor, concession, business corporation, entity, or enterprise providing the sale of goods or services for profit at or in conjunction with any special event as defined above, if the applicant provides for the sale of goods or services for profit, the applicant shall be deemed an itinerant merchant.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-104. Submission of application to the city; application fees.

- (a) Whenever a special event requiring a permit is planned to be held within the city, a special events application form provided by the city must be completed by the applicant at least sixty (60) days prior to the event. An application for a major event must be brought to the city commission at least sixty (60) days prior,

and will only be considered for a special events permit if the city commission has voted to approve the event as an agenda item. A check, made payable to the city for a special event application fee, will also be required at time of application. The fee will be in the amount set forth in the resolution, or as otherwise set by ordinance. If the application is denied approval, fifty (50) percent of the application fee shall be returned by the city.

- (b) All special event applications will be submitted through the city clerks office. A copy of the special events ordinance and a sample SEP/IML vendor permit shall be available at city hall or on the city web site for any member of the public. The applicant(s) shall be responsible to obtain and to provide the SEP/IML permit form to each vendor, concession, business, and itinerant merchant who will be participating during the event with copies and payment to the city within three (3) business days before the event, and if alcohol is to be served, applicant shall make special reference to alcohol liability.
- (c) The special event applicant must provide to the city a certificate of insurance in the amount of one million dollars (\$1,000,000.00) and name the city as additionally insured thirty (30) days prior to the event. If the event(s) include pyrotechnics/fireworks a certificate of insurance in the amount of two million dollars (\$2,000,000.00) naming the city as additionally insured will be required thirty (30) days prior to the event.

(Ord. No. 2014-06, § 1, 3-13-14)

Editor's note(s)—At the direction of the city, as a part of Supp. No. 28, subsection (d) was removed in its entirety.

Sec. 4-105. Itinerant merchants (vendors/concessions/businesses).

- (a) The applicant shall obtain and display at all times an itinerant merchant license (IML) from the city for each I.M. located on said applicant's special event property location. Each separate itinerant merchant must have an IML. Any person who claims to be an employee of an itinerant merchant but appears to be operating as an independent merchant must be able to demonstrate to the satisfaction of the city that said person is in fact an employee and not an independent contractor; otherwise, that person will be classified as a separate itinerant merchant. The applicant shall be held responsible for obtaining the IML and meeting the requirements of this article, including payment of the administrative fee.
- (b) Food vendors must meet all the requirements of the division of hotels and restaurants of the state department of business and professional regulation and/or department of agriculture. Food vendors must be able to show proof that they have been properly licensed by these agencies, and hold a certificate of insurance in the amount of one million dollars (\$1,000,000.00) or as otherwise set by the city attorney, with the city named as an additionally insured. The certificate of insurance shall be provided to the city a minimum of thirty (30) days prior to the event.
- (c) Other providers of goods or services must operate in compliance with the provisions set forth in this Code, [and] state statutes pertaining to those goods or services, and any other applicable state regulations. A violation of state law or regulation pertaining to said provision of goods or services shall be deemed a violation of this article.
- (d) Each amusement ride/attraction must comply with the Standard Device Code 1997 edition or as new editions are adopted by the Florida Building Code, along with meeting all general liability requirements, and operator/owner must hold a one million dollar (\$1,000,000.00) certificate of insurance with the city named as an additionally insured provided to the city a minimum of thirty (30) days prior to the event.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-106. Exemptions from special event permit requirements, fees and/or itinerant merchant (I.M.) license requirements.

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- (a) As a participating I.M., existing city business tax receipt holders are exempt from the I.M. requirements and the administrative fees.
 - (b) Any organization may request a need based fee waiver from the city commission. Non-profit organizations in possession of a certificate granting a tax exempt status recognized by the United States Internal Revenue Service are exempt from the application fee.
 - (c) City sponsored events are exempt from special event permit requirements, fees and/or itinerant merchant license requirements.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-107. Review of permit application.

- (a) The manager and/or his/her designee will review the initial application, after receiving a copy of a complete special events application from the city. The manager and/or his/her designee shall make every attempt to review the request within five (5) business days of receipt to determine if the proposed event will in fact be designated as a special event. If so determined, the city will schedule a special event-planning meeting with the applicant. The manager and/or his/her designee and the applicant(s) will review the proposed events impact on the city to establish procedural requirements, necessary city services, and appropriate fees and correct any deficiencies from public health and safety standpoint that may be necessary and/or in the best interest of the city. Minor and intermediate events will be approved/disapproved by the city manager and/or his/her designee, and shall be notified in writing of any other additional requirements or modification of requirements within approximately ten (10) days after the special event planning meeting. For major events the applicant(s) shall be notified in writing of placement on commission agenda, and/or any other additional requirements or modification of requirements, within approximately ten (10) days after the special event planning meeting described afore. Any other provision notwithstanding upon the determination of the building department, fire department or the police department, that any additional health, safety, welfare requirement or modification of requirements is reasonably necessary, such notice may be given to the applicant at any time. No permits will be issued until all fees are paid. If the manager and/or his/her designee deems that the application qualifies as a major event, it shall be placed on the next available commission agenda for discussion/approval/disapproval within approximately thirty (30) days of receipt of application.
- (b) A special event application may be denied on any of the following grounds:
 - (1) The application for permit (including any required attachments and submissions) is not fully completed and executed.
 - (2) The applicant has not tendered the required application fee with the application.
 - (3) The applicant is legally incompetent to contract or to sue and be sued.
 - (4) The proposed event or activity is prohibited by or inconsistent with this Code or the city comprehensive plan.
 - (5) The activity described in the application would present an unreasonable danger to the health or safety of the applicant, participants, public employees or members of the public.
 - (6) The proposed event or activity is prohibited by federal, state, or local regulations.
- (c) An applicant may appeal the denial of an application to the city commission at the next available meeting. Any such appeal must be filed with the manager and/or his/her designee within seven (7) business days of the date the permit denial was sent to the applicant. Appeal fees shall be set by resolution.
- (d) If an event is not approved, the city shall not be responsible for any costs incurred in relation to the event, but shall refund fifty (50) percent of the application fee.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-108. Special event permit; fee/issuance.

If permit requirements are met, the city will prepare a checklist stipulating the terms and conditions of the permit and all estimated fees. In addition to the pre-paid event application fee, the applicant(s) shall be required to pay all required fees by sections 4-112 through 4-116 as set by resolution by the city commission. Applicant shall provide written proof of payment of all required fees prior to issuance of permit.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-109. Control of outdoor noise.

Control of outdoor noise shall be in accordance with the city noise control ordinance.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-110. Other terms and conditions.

The city reserves the right to reasonably limit, alter, or deny special events permits due to the following conditions:

- (1) The event is proposed for a site that is not properly zoned and/or there is not adequate parking to accommodate the event.
- (2) The event is proposed for a site that is inherently hazardous to the participants or other highway users.
- (3) The event would have a substantial adverse impact on the health, safety, and welfare of neighboring residents and businesses located within one-quarter (¼) mile of the proposed event.
- (4) The city police department in conjunction with other law enforcement agencies does not have sufficient resources to manage the necessary road closures and/or traffic control necessary to service the event.
- (5) The applicant has not timely submitted the application in accordance with this article.
- (6) The information furnished in the application is not materially complete and accurate.
- (7) The requirements identified by the city manager, staff and the commission to ensure public health, safety, and welfare have not been met.
- (8) The city may reasonably limit the duration of the event including the hours of the event and the number of days it can be conducted to minimize adverse impact caused by the activity.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-111. Alcohol and beverage sales.

Alcohol and beverage sales conducted on the property on which the special event is being held shall be in accordance with state statutes and this Code. Furthermore, it is the responsibility of the alcohol licensee to ensure that no open containers of alcohol sold on the premises shall be permitted beyond the designated special event site. All beverages shall be served in paper, plastic or aluminum containers. Applicant shall provide means to identify persons as to prevent underage drinking. See also subsection 4-102(b).

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(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-112. Public law enforcement and private security services.

- (a) The number of public law enforcement personnel and the number of applicant-provided private security personnel required to service the special event shall be determined in the special event planning meeting with final approval by the police chief. The city police department and its reserve officers shall be the sole provider for public law enforcement services unless the police chief authorizes the use of other sworn personnel. The applicant will only be required to provide private security when it is deemed by the police chief to be necessary under the particular circumstances of each situation.
- (b) The police chief shall establish the appropriate time frames in which public law enforcement and private security are needed for each aspect of the special event. The applicant(s) will provide a tentative schedule of activities for each day of the event at the special event planning meeting. Because the final activities schedule may change, the police chief or supervisor in charge of the detail shall have the authority to adjust the work schedule to cover any activities that may require additional or fewer public law enforcement services. Fees for police services shall be based on subsection 14-5(b), which set the rate for special police services. Vehicle usage incurred by the result of such special services may vary due to scheduling adjustments determined and approved onsite by the police supervisor and reviewed by the applicant(s) during the event. Any additional fees generated by scheduling adjustments shall be the responsibility of the applicant(s).
- (c) If offsite traffic control is necessary, due to the high volume of traffic generated by the event, as determined by the police chief; the applicant shall pay the city for all costs related to providing this service.
- (d) In the event the applicant(s) are authorized to utilize sworn law enforcement officers from an agency other than the city police department, that agency must meet the requirements for security, as agreed in the special event planning meeting. Law enforcement officers from other agencies shall be responsible for arresting, booking and transporting arrestees as the law may require in each situation.
- (e) The fee schedule for determining officer personnel, administrative, and equipment costs, to be paid in advance by the applicant(s) of the event, shall be determined by subsections 14-5(a) and (b), police services for private commercial activities, as outlined by a fee schedule formula adopted by a resolution.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-113. Public works services.

- (a) Should the services of the city public works department be required, the number of personnel, type of equipment and the type of public works services required to service the event shall be determined by the city in the special event planning meeting.
- (b) The fee for determining public works department personnel costs and equipment costs fees to be paid by applicant(s) of event shall be those set by a fee schedule formula adopted by a resolution.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-114. Building department services.

The number of building department personnel and services required to service the special event shall be limited to inspection services required by the Florida Building Code. All inspection/permit fees for these services shall be paid by the applicant as set by a fee schedule formula adopted by a resolution.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-115. Portable toilets; number required, locations, servicing.

- (a) The number and location of portable toilets located onsite, when the special event is conducted, shall be determined in the special event planning meeting and shall be approved by the city. The ratio of one (1) portable toilet for up to one hundred fifty (150) people, and one (1) portable toilet for every additional one hundred fifty (150) people (or fraction thereof) onsite at any one (1) time, shall be considered the normal requirement, but may be reasonably adjusted by the city for specific events.
- (b) If portable toilets are required, the determination of the number of units (including ADA compliant) shall be established at the special event planning meeting and approved by the city. All portable toilets shall be serviced a minimum of one (1) time per day for each day of the event. Any units located on public property shall be removed no later than the first day, following the last day, of the event. If structures on the event site have toilet facilities easily identified and readily available to the public, and there is no charge to the public to have access or to utilize them, they may be used in the formula to determine the number of units needed.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-116. Garbage pickup; servicing; fees.

- (a) The number and location of portable garbage cans and dumpsters located on the property on which the special event is conducted shall be determined in the special event planning meeting and shall be approved by the city.
- (b) The formula for determining the number of portable garbage containers shall be five (5) thirty-two-gallon size containers for every fifty (50) persons attending the event, per day. There shall be a minimum of one (1) six-cubic-yard capacity garbage dumpster available onsite during the duration of the event. An additional four-cubic-yard capacity dumpster shall be added for every three hundred (300) persons per day over one thousand five hundred (1,500). All portable containers on and off site shall be emptied a minimum of one (1) time per day for each day of the event. Additional empties shall be determined in the special event planning meeting. Dumpster(s) may be serviced as needed. All garbage containers temporarily located on public property shall be removed no later than the first day following the last day of the event. Garbage container and dumpster pickup fees shall be the responsibility of the applicant(s). The above formula may be adjusted, with the manager and/or his/her designee's approval, to allow for functionally equivalent garbage service. Dumpsters may be rented from the city as set by a fee schedule formula adopted by resolution. If dumpsters are attained from another source besides the city, they must be rear load dumpsters and the city is to be the sole provider of trash removal services not associated with construction activities unless they are in possession of a city business tax receipt to conduct such services.
- (c) The applicant(s) shall be responsible for maintaining the event site and public property from trash, garbage, litter and any other debris within five hundred (500) feet of the boundaries of the property line on which the special event takes place. This responsibility shall extend from the first calendar day of the special event consecutively through the first twenty-four-hour period after the last day of the special event. The property shall be maintained in the same or better condition existing prior to the commencement of the special event. The applicant(s) is responsible for removing all remaining trash or debris gathered or relocated on the property as a result of the event. Uncontained accumulation of trash/debris is prohibited, and the city retains the right to remove accumulations and back charge the special event applicant for the cost incurred.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-117. Location of public parking; transportation services.

The applicant(s) shall be responsible for submitting a plan that allows for adequate public parking, and a special event permit shall only be issued for those events with adequate onsite parking. This plan shall include a site sketch designating all available parking and proposed locations for temporary signage. Temporary parking signage shall be regulated pursuant to article VII of the Land Development Code. The formula for determining adequate available parking shall be the estimated number of attendees divided by two and one-half (2.5) people per car. Attention shall be given to traffic circulation and emergency access for police, fire, and medical personnel. The applicant(s) may be required to post approved signage at all designated parking and make allowances for the security of all parking areas during the duration of the event. All signs shall be removed within twenty-four (24) hours of the event closing. Written permission from property owners approving offsite parking shall be provided. The applicant(s) shall designate and maintain adequate and easily accessible parking location for all security, fire protection, and emergency medical services onsite. Failure to provide for adequate parking and/or transportation services, during the planning stages, shall be grounds for event disapproval. The parking formula may be adjusted by the city at the special event planning meeting.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-118. Public street barricades/street closures/detours.

The city shall have the full authority to close any city street or roadway and/or the detour of all traffic flow on any city street or roadway in relation to the management of a permitted special event. The applicant(s) is responsible for submitting a plan detailing the proposed street closure. Approved barricades and temporary signage for approved locations shall be provided by the applicant(s), subject to city approval. Barricades may be supplied by the city at the designated rate as specified by a fee schedule formula adopted by resolution of the city commission. It shall be the responsibility of the applicant(s) to provide setup and breakdown of barricades and temporary signage; if not city property; at the approved times as determined in the special event planning meeting when deemed necessary.

The city shall have the authority to request from the state road closures for any state owned roadways for the purposes of special events in designated time frames.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-119. Emergency vehicle access.

Access, traffic lanes, and parking for emergency vehicles shall be determined and approved by the manager and/or his/her designee, chief of police and fire chief at the special event planning meeting when deemed necessary; and in accordance with all state, federal regulations

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-120. Pedestrian traffic access.

Pedestrian traffic access from parking areas to the event involving the crossing of a major thoroughfare may require additional traffic control measures to be implemented as determined in the special event planning meeting when deemed necessary.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-121. Temporary structures; integrity, height, location.

It shall be the responsibility of the applicant(s) of the special event to ensure that the structural integrity of all temporary structures erected for the special event are safe, structurally sound and adequately based on the number of persons specified to use the structure(s). The location of all temporary structures, erected for the purpose of the special event, shall be approved by the city and shall not be located as to damage the environment or to create safety concerns. All temporary structures shall be properly anchored against the possibility of strong weather conditions. Temporary structures, if deemed necessary will be inspected and approved by the city or their representatives.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-122. Number and location of vendors/concessions/itinerant merchants/stands/booths.

All proposed vendors, concessions, itinerant merchants, and/or stands/booths or designated sites for same shall be noted on the site plan sketch and approved by the city. The applicant shall be responsible for obtaining an itinerant merchant's license for each vendor at applicant's event. The applicant shall pay by three (3) business days prior to the event all IML fees. All vendors must comply with fire code requirements and shall be inspected if deemed necessary. All vendors and concessions facilities related to the special event shall complete a SEP/IML. The applicant(s) shall submit the form(s) to the city.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-123. Location of staff management headquarters/telephone numbers/sound system location/uniform identification.

Applicant(s) shall be responsible to provide the city with the location of the special event management team headquarters and telephone number(s) to call during the event and after hours for emergency situations. Name(s) of onsite contact person(s) and telephone number(s) shall be collected at the special event planning meeting. Applicant(s) staff personnel shall wear identification (shirts, badges, or other easily identifiable means) to indicate event staff affiliation during the open hours of the event. Location of public address sound system shall be designated. Applicant must have a designated person in charge of the event at all times.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-124. Number and location of special needs.

The number and location of special needs characteristic of the special event shall be discussed and determined during the special event planning meeting. Specific proposed locations shall be designated on the site plan sketch. This shall include such items as launching areas for watercraft, pet and animal attractions, active equipment operations, car shows, and any other activities unique to the special event.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-125. Temporary signs/banners.

Temporary signs and banners shall be regulated pursuant to article VII of the Land Development Code.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-126. Promotional visual effects.

All special lighting and/or visual effects such as high-powered sky lighting units or fireworks attractions must be approved by the city. The location of visual effects shall also be approved by the city.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-127. Miscellaneous requirements.

The following requirements shall be discussed and approved in the special event planning meeting in regard to specific activities and/or operations related to the special event:

- (1) *Inspections to ensure compliance.* In addition to scheduled inspections designated in the special event planning meeting, the city may initiate safety and/or complaint inspections by the building department or fire chief when public safety is at risk. The inspections are to ensure compliance that permit safety requirements are being met by the applicant(s) and all associate applicants, owners, itinerant merchants and their special event employees.
- (2) *Permits—Other.* All federal, state and city-required permits (department of environmental protection, department of transportation, division of alcoholic beverages and tobacco, federal aviation administration, fire permits, etc.) shall be obtained and provided to the city if deemed necessary before the start of the event.
- (3) *Accessibility for the handicapped.* All applicable laws and requirements for accessibility and accommodations for the handicapped shall be met by the applicant(s) regarding structures, site locations, and event activities. This will be noted in the site plan. It shall be the applicant's responsibility to comply with state and federal handicap access requirements, including parking and sanitation needs.
- (4) *Late fees.* Any outstanding balances due the city from the event applicant, later than thirty (30) days after the last day of the event, will be subject to late fees as established by a fee schedule formula adopted by resolution by the city commission. No new permit shall be issued to an applicant/organization with past due amounts.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-128. Penalties and enforcement.

Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each incident or separate occurrence of any act that violates this article shall be deemed a separate offense. In addition to the penalties provided under this section, violators of this article shall be subject to any other appropriate civil or criminal action provided by law in a court of competent jurisdiction, including, but not limited to, injunctive relief and code enforcement under F.S. ch. 162.

(Ord. No. 2014-06, § 1, 3-13-14)

Sec. 4-129. Temporary waivers from certain Code provisions.

- (a) The city commission may grant temporary waivers from the provisions of this Code as provided herein. Such waivers shall apply for the duration of the special event permit unless the city commission includes a shorter

duration for the temporary waiver as a condition of approval of the waiver. In no event shall a waiver granted herein apply beyond the duration of the special event permit. The city commission shall not grant a temporary waiver to any provision of this Code not specifically contained herein.

- (b) The provisions of this Code for which waivers may be granted and the criteria for granting such waivers are:
- (1) A temporary waiver of the prohibition of or special exception requirement for temporary structures provided in the section 2.04.02.8 and from the location and lot coverage restrictions provided in section 2.06.08.4.1 shall be granted upon a showing by competent substantial evidence that:
 - a. The flow of pedestrian and vehicular traffic on the subject property will not be negatively impacted;
 - b. No temporary structures located on the subject property will be located in relationship to a street or highway in such a manner as to cause threats to vehicular or public safety;
 - c. Trees and vegetation located on the subject property will not be removed or destroyed as a result of locating temporary structures on the subject property; and
 - d. Temporary structures shall not exceed the height limitations provided for the zoning district in which they are located.
 - (2) A temporary waiver from the number of required off-street parking spaces required by section 2.06.02.1(2) may be granted upon a showing by competent substantial evidence that:
 - a. Adequate parking exists on the property on which the special event shall occur or the applicant provides a signed temporary parking agreement to use off-site off-street parking within walking distance to the special event; and
 - b. The special event is timed in such a manner that the use of on-site off-street parking and/or off-site off-street parking would not cause existing uses of such properties to be deficient in required parking spaces during the business or operating hours of such uses; the owner of the property or tenant engaged in the permitted use shall be required to execute a sworn affidavit stating its business or operating hours in order to establish this criterion is met.
 - (3) A temporary waiver from the prohibition on concessions on the beach provided in section 6-1 shall be granted upon a showing by competent substantial evidence that:
 - a. The concessions shall not impede pedestrian access and traffic on the beach;
 - b. The concessions shall not impede emergency vehicle access to or on the beach; and
 - c. The applicant will adequately collect, contain and remove trash and solid waste from the beach during the special event; said plan shall contain an agreement between the city and the applicant that the applicant shall be responsible for providing, emptying and removing trash containers included in the applicant's plan.
 - (4) A temporary waiver from the prohibition on consumption and dispensing alcoholic beverages in public parks and recreation areas and upon the municipal pier provided in sections 6-73 and 6-27 shall be granted upon a showing by competent substantial evidence that:
 - a. All necessary licenses for any sale or distribution of alcoholic beverages have been or will be obtained;
 - b. The applicant will take appropriate measures to ensure compliance with section 4-111 herein; and
 - c. The consumption of alcoholic beverages with comply with all other federal, state and local laws and regulations.

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- (5) A temporary waiver from the prohibition on blocking streets, sidewalks and public places provided in section 14-11 shall be granted upon a showing by competent substantial evidence that:
- a. The blocking of the street, sidewalk or public place will not create a public safety hazard;
 - b. Effective and convenient detour routes exist;
 - c. The detouring of vehicular and/or pedestrian traffic will not create public safety hazards on detour routes; and
 - d. Appropriate signage will be placed by the applicant to warn vehicular and pedestrian of the blockage and notify vehicular and pedestrian traffic of detour routes.
- (c) Upon written request of the applicant the city commission shall conduct a quasi-judicial hearing to consider waivers of certain provisions of this Code. The applicant's request for a hearing to consider waivers shall include: the Code provisions for which a waiver is sought, the specific activity for which the waiver is needed and a sworn statement explaining how the criteria for the requested waiver stated herein are or will be satisfied. At the hearing on the request for waivers the city commission shall hear testimony related to the criteria for waiver stated herein from the applicant, city staff and the public. After receiving testimony the city commission may grant the requested waiver in full or in part, grant the requested waiver with conditions or deny the requested waiver. The city commission's decision shall be based on competent substantial evidence received at the hearing.

(Ord. No. 2014-06, § 1, 3-13-14)

Secs. 4-130—4-160. Reserved.