

ORDINANCE NO. 697

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA DEFINING SPECIAL EVENTS AND ASSOCIATED TERMS; REQUIRING A PERMIT TO HOLD A SPECIAL EVENT; REQUIRING A PERMIT FEE; ESTABLISHING AN APPLICATION PROCESS AND PROCESS FOR APPROVAL AND DENIAL; REQUIRING INSURANCE AND INDEMNIFICATION TO PROTECT THE CITY; REQUIRING PREPAYMENT OF THE COST FOR CITY PERSONNEL AND EQUIPMENT; MAKING VIOLATIONS PUNISHABLE AS MISDEMEANORS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, from time to time, members of the public hold festivals, block parties, and other Special Events (defined below); and

WHEREAS, in order to plan for and protect the health and safety of participants and spectators, City staff should be adequately informed of the details of Special Events; and

WHEREAS, placing reasonable requirements on Special Events protects the general welfare and promotes public health and safety by addressing issues arising out of such events and gatherings, such as traffic congestion, crowd control, public safety, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property; and

WHEREAS, Special Events generally require extra City services and resources and it is reasonable for the City to recoup those costs for extra City services and resources from the Special Event organizer; and

WHEREAS, providing exemptions from certain requirements for Special Events when the Special Event is primarily for First Amendment expression is consistent with the United States and Florida Constitutions; and

WHEREAS, the adoption of a permit requirement to conduct a Special Event provides for the safety and protection of the health and general welfare of Mexico Beach residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

**Section 1.** The following Chapter is adopted by the City of Mexico Beach as part of the Mexico Beach City Code:

Sec. 98-1. - Definitions.

For the purposes of this chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise:

*Applicant* means any person or organization that seeks a Special Event permit from the City to conduct, organize, or sponsor an event governed by this section. An applicant must be eighteen (18) years of age or older.

*Athletic Event* means an occasion in which a group of persons collectively engage in a sport or form of physical exercise on a public street, sidewalk, alley or other public right-of-way, which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls. Athletic Events include bicycle and foot races, bike-a-thons, walk-a-thons, and other organized walks.

*City Administrator* means the City Administrator in consultation with police and relevant department heads.

*Motorcade* means any organized procession containing ten (10) or more vehicles, except funeral processions, upon a public street, sidewalk, alley or other public right-of-way.

*Parade* means any march or procession consisting of people, animals, bicycles, vehicles or combination thereof, except funeral processions, on any public street, sidewalk, alley or other public right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws or controls.

*Special Event* means any parade, fair, show, festival, carnival, tent sale, rally, block party, filming of movie, video or television show, motorcade, run, bike-a-thon, race, walks, Athletic Event, or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way, or if held wholly upon private property, but will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the Special Event. Special Event shall also mean any activity to be held in whole or in part upon publicly owned or controlled property or public rights-of-way where merchandise or services are offered for sale, whether by for profit or nonprofit organizations. Events held at the Civic Center pursuant to a rental arrangement under Section 33.14 of the Mexico Beach City Code shall not be considered Special Events.

Sec. 98-2. - Permit—Required.

- (a) Any person or organization desiring to conduct or organize a Special Event in the City shall first obtain a Special Event permit from the City Administrator.
- (b) Any applicant who desires to conduct or organize a Special Event shall submit a complete application for a Special Event permit, including a site plan depicting existing facilities and proposed temporary facilities and activities, as soon as possible prior to the scheduled start of the Special Event but shall submit such application at least sixty (60) days prior to the scheduled start of the Special Event. If the Special Event will have minimal impact on City resources and will not vary from occurrence to occurrence, multiple occurrences within the same calendar year may be included in a single application.

The City Administrator may, at his/her discretion, and in consideration of traffic circulation or security or safety or parking, or all of these, deny the issuance of a Special Event permit in the event two (2) or more such events are proposed to occur on the same day. In the event such aforementioned determination is made, application approval preference shall be granted to an exempt organization under 501(c) of the Internal Revenue Code of 1986. In the event two (2) or more exempt organizations under 501(c) of the Internal Revenue Code of 1986 propose to conduct

a Special Event on the same day, preference will be given to the exempt organization that first completed an application.

- (c) The City Administrator shall review the application for completeness and notify the applicant of any incomplete items within five (5) working days of the receipt of the application. The City Administrator shall approve, approve with modifications or conditions, or deny the application within ten (10) working days of receipt of a complete application. The City Administrator may deny the issuance of a Special Event permit to an applicant based on the considerations detailed by Section 98-5. A decision of the City Administrator to deny an application under this subsection shall be subject to appeal to the City Council.
- (d) The required permit must be displayed at the site in a conspicuous location for the duration of the function.

Sec. 98-3. - Permit—Not required (exemptions).

A Special Event permit is not required for the following:

- (1) Funeral and wedding processions and ceremonies (exemption does not apply to associated parties, celebrations, or activities that are not part of the ceremony);
- (2) Parades involving a total of fifty (50) or fewer pedestrians marching along a parade route that is restricted to marching on sidewalks or non-paved areas of right-of-way, and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls.
- (3) Special Events sponsored in whole by the City of Mexico Beach;
- (4) Gatherings of fifty (50) or fewer people in a City park or the beach, unless merchandise or services are offered for sale.

Sec. 98-4. - Permit fee.

The application for a Special Event permit shall be accompanied by a permit fee of one hundred dollars (\$100.00). A reduced fee of twenty-five dollars (\$25.00) applies to organizations qualified under 501(c) of the Internal Revenue Code. The Mexico Beach Special Events Committee and the Mexico Beach Community Development Council are exempt from a permit fee.

Sec. 98-5. - Permit—Denial.

City Administrator may deny an application for a Special Event permit if he/she determines from a consideration of the application, or other pertinent information, that:

- (1) Information contained in the application, or supplemental information requested from the applicant, is found to be false, misleading or nonexistent in any material detail or the applicant has evaded or suppressed any material fact; or
- (2) The proposed event would not comply with all other applicable City ordinances or the proposed event would be unlawful or constitute a public nuisance; or

- (3) The applicant fails to complete the application form after having been notified of the additional information or documents required; or
- (4) The applicant refuses to agree, to abide or comply with all of the conditions and terms of this chapter and the permit; or
- (5) It is found that the purpose of the Special Event is principally devoted to the advertising of a commercial product or service; or
- (6) The time, route, hours, location and size of the Special Event will unnecessarily disrupt the movement of traffic within the area; or
- (7) The Special Event is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the event, site and contiguous areas, that allowing the Special Event would unreasonably deny police protection to the remainder of the City and its residents; or
- (8) Another Special Event permit application has already been received, or has already been approved, to hold another event at the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion, or the police department or another City department is unable to meet the needs for police and other City services for both events; or
- (9) The location of the Special Event would cause undue hardship for adjacent businesses or residents; or
- (10) The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way, or a previously granted encroachment permit; or
- (11) The applicant has not paid the City in full for any amount due based on another Special Event held in the City or any other charge or fee invoiced by the City to applicant that has not been appealed by the applicant.

Sec. 98-6. - Conditions.

City Administrator may condition the issuance of a Special Event permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons and property and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such restrictions may include but are not limited to:

- (1) Alteration of the date, time, route or location of the event proposed on the event application;
- (2) Elimination of an activity which cannot be mitigated to a point as to ensure public safety and welfare, or which causes undue liability to the City;
- (3) Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
- (4) Conditions concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street or right-of-way;

- (5) Requirements for the use of traffic cones or barricades;
- (6) Requirements for the use of City personnel and equipment;
- (7) Requirements for the provision of first aid or sanitary facilities;
- (8) Requirements for the use of event oversight or security and providing notice of permit conditions to event participants;
- (9) Requirements to provide notice to surrounding property owners;
- (10) Restrictions on the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures and decorated vehicles for safety;
- (11) Compliance with animal protection ordinances and laws;
- (12) Requirement for the use of garbage containers, cleanup and restoration of City property;
- (13) Restrictions on the use of amplified sound;
- (14) Compliance with any relevant ordinance or law and obtaining any legally required permit or license;
- (15) Any other restriction or requirement deemed necessary to ensure public safety and well-being;
- (16) State of Florida, Department of Health, approval for all food vendors.

Sec. 98-7. - Conformance with other regulations.

No event shall be conducted within the City unless in compliance with all applicable City ordinances and applicable county and state requirement, to include (a nonexclusive list):

- (1) Adequate toilet facilities shall be available at the site or be provided by the permittee at the site. Public or common use toilets must comply with the Federal ADA accessibility guidelines, which require that five (5) percent of the total number, or no less than one (1) toilet facility per each cluster of toilet facilities, must be accessible to guests with disabilities.
- (2) All electrical wiring must be installed in compliance with the provisions of the National Electric Code. A diagram of the electrical plan must be included with the application.
- (3) All tents and other temporary structures shall be erected in compliance with the provisions of the Standard Building Code and the Standard Fire Prevention Code.
- (4) Circus activities shall provide Circus Fire Protection precautions and equipment adhering to the guidelines approved under NFPA 102, including specifications as necessary for Fire Safety Equipment and Operational Procedures.
- (5) No tent, or other temporary structure, shall be situated in such a manner that it could create a traffic hazard. All tents and other temporary structures shall comply with the setback and buffer requirements of the Land Development Regulations.
- (6) All mechanical equipment associated with amusement rides shall conform to the requirements of the Southern Building Code Congress International Standard Amusement Device Code, 1985 edition.

- (7) It shall be the responsibility of the applicant to provide for the collection of solid waste and litter. All solid waste, litter and recyclable materials shall be removed from the site following the event. For multiple day events, the grounds shall be maintained during each day of the event with no on-site accumulations which would cause a nuisance or pose a health hazard. All solid waste must be deposited at the appropriate county landfill by a county approved garbage operator.
- (8) Proof of license to sell or exhibit wildlife from the applicable state agency.

Sec. 98-8. - Permit—Issuance.

City Administrator shall issue the Special Event permit once the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit as well as the sections of this chapter dealing with indemnification, insurance, fees for City services and cleanup charges, when applicable.

Sec. 98-9. - Indemnification agreement.

Prior to the issuance of a Special Event permit, the permit applicant and authorized officer of the sponsoring organization, if any, must sign an agreement to defend the City against, and indemnify and hold harmless the City, its officers, employees and agents, where such claim arises in whole or in part out of the activities for which such permit is issued; except any claims arising solely out of the negligent acts or omissions of the City, its officers, employees and agents.

Sec. 98-10. - Insurance requirements.

- (a) *Liability coverage required.* The applicant/permittee of a Special Event must possess or obtain general liability insurance to protect against loss from liability for damages on account of bodily injury and property damage arising from the Special Event. A certificate of insurance shall be filed forty-five (45) days prior to the Special Event with City Administrator, and shall name the City, its officials, employees and agents, as additional named insured. A specimen copy of the policy shall be filed ten (10) days prior to the Special Event. Insurance coverage must be maintained for the duration of the event.
- (b) *Minimum limits defined.* Coverage shall be no less than one million dollars (\$1,000,000.00) per occurrence for bodily injury and property damage.

If food or nonalcoholic beverages are sold or served at the event, the policy must also include an endorsement for product liability. If alcoholic beverages are sold or served at the event the policy must also include an endorsement for liquor liability. The City Administrator may require additional endorsements depending upon the proposed activity.

If alcoholic beverages are sold or served at the Special Event, an alcohol open container waiver is required by the City Council. An open container waiver may not be provided for a public street.

- (c) *Waiver or reduction of required limits.* The City Administrator may waive or reduce the insurance requirements of this article under the following conditions:
  - (1) The applicant or an officer of the permittee organization signs a verified statement that he/she believes the Special Event's purpose is First Amendment expression, that sales of goods or services are not a significant aspect of the Special Event, and that the cost of

obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of two (2) insurance agents or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage.

- (2) The applicant or an officer of the permittee organization signs a verified statement that insurance coverage in the limits required is impossible to obtain for reasons other than excessive safety risk. The statement shall include the name and address of two (2) insurance agents or other source of insurance coverage contacted.
- (3) The City Administrator determines that the insurance limits are in excess of the reasonable risk presented by the proposed Special Event.
- (4) In the event of subsections (2) or (3) above occurring, the City may require lower, reissued insurance coverage.

Sec. 98-11. - City services and equipment use fees.

(a) *Prepayment of fees.* Upon approval of an application for a Special Event permit, the City Administrator shall provide the applicant with a statement of the estimated cost of providing City personnel and equipment. The applicant/permittee of the Special Event shall be required to prepay these estimated costs for City services and equipment ten (10) days prior to the Special Event. City services and equipment may include the use of police officers and public works employees for traffic and crowd control, pick up and delivery of traffic control devices, picnic tables, extraordinary street sweeping, extraordinary park maintenance, and any other needed, requested or required City service and the cost of operating City equipment to provide such services.

(b) *Fees for City services.* Fees for City services may be adjusted periodically and without amending this ordinance if based on increases to the City for the cost of employing the applicable personnel, including benefits. The initial fees for City services shall be:

Public Works Employee:	\$25.00 per hour per employee
Police Officer	\$30.00 per hour per employee
Fire Rescue	\$30.00 per hour per employee

(b) *Refunds or overruns.* If the actual cost for City services and equipment for the Special Event is less than the estimated cost, the permittee will be refunded the difference by the City within ten days after the conclusion and cleanup of the Special Event. If the actual cost for City services and equipment on the date(s) of the Special Event is greater than the estimated cost, the applicant/permittee will be billed for the difference.

(c) *Waiver of fees.* The fees for the use of City services and equipment may be waived in part or in full by the City Council, if in review of the application it finds that the event is of sufficient community benefit to warrant the expenditure of City funds without reimbursement by the applicant/permittee.

The fees for City services and equipment may also be waived in part or in full by City Administrator if the applicant/permittee signs a verified statement that the Special Event's purpose

is First Amendment expression, that sales of goods or services are not a significant aspect of the event, and that the cost of City services and equipment is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression.

Sec. 98-12. - Cleanup charge.

If the property used for the Special Event has not been properly cleaned or restored, the applicant/permittee shall be billed for the actual cost by the City for cleanup and restoration.

- (1) *Required for certain Special Events.* The permittee of a Special Event involving the sale of food or beverages for immediate consumption, erection of structures, horses or other large animals, water aid stations or any other event likely to create a substantial need for cleanup, may be required to provide documentation of pre-paid contracted cleanup services or a cleanup deposit prior to the issuance of a Special Event permit.
- (2) *Refunds and overruns.* The cleanup deposit shall be returned after the Special Event if the area used for and around the Special Event has been cleaned and restored to the same condition as existed prior to the Special Event.

Sec. 98-13. - Revocation of permit.

Any permit issued pursuant to this chapter may be summarily revoked by the City Administrator or the Mayor at any time when, by reason of disaster, public calamity, riot or other emergency City Administrator or Mayor determines that the safety of the public or property requires such revocation. The City Administrator may also summarily revoke any permit issued pursuant to this article if he/she finds that the permit has been issued based upon false information or when the permittee exceeds the scope of the permit. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or certified mail at the address specified by the permittee in his/her application.

Sec. 98-14. - Inspection required.

Prior to the opening of the Special Event, the permittee shall call for an inspection to assure compliance with all permitting conditions. If the City Administrator, building official, or fire marshal shall, upon inspection, find that all permitting conditions have not been met, he/she shall notify the applicant indicating the corrections to be made and then he/she shall again inspect the work or apparatus. The Special Event may not commence until the corrections have been made.

Sec. 98-15. - Violation—Penalty.

- (a) *Unlawful to organize or participate in an event without a permit.* It is unlawful for any person to organize or conduct a Special Event requiring a Special Event permit pursuant to this chapter unless a valid permit has been issued for the Special Event. It is unlawful for any person to participate in such an event with the knowledge that the organizer of the Special Event has not been issued a required, valid permit.
- (b) *Unlawful to exceed scope of permit.* The Special Event permit authorizes the permittee to conduct only such an event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee to willfully violate the terms and condition of the permit, to allow the Special Event to exceed the scope permitted, or for any



event participant with knowledge thereof to willfully violate the terms and conditions of the permit.

- (c) *Violation is a misdemeanor.* Any person or organization violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, is subject to a penalty of a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment. Additionally, the City may impose civil penalties as defined by the City Code.

## **Section 2. Application and Permit Form.**

The attached Application and Guidance packet is adopted and may be revised from time to time by staff without the need for an ordinance so long as the changes are consistent with this ordinance and do not add material new requirements.

## **Section 3. Repealer.**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

## **Section 4. Codification.**

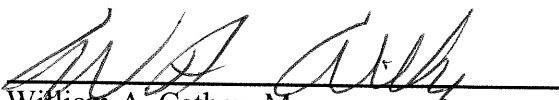
The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Mexico Beach Code of Ordinances. Section numbers may be assigned and changed whenever necessary or convenient.

## **Section 5. Effective Date.**

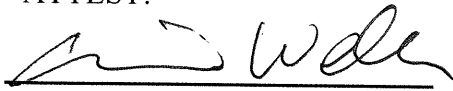
This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Mexico Beach, Florida, this 10<sup>th</sup> day of July, 2018.

CITY COUNCIL  
CITY OF MEXICO BEACH, FLORIDA

  
\_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Adrian Welle', written over a horizontal line.

Adrian Welle, City Clerk