

**ORDINANCE NO. 11- 2014**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, OF THE TOWN CODE ENTITLED "SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-120 TO SPECIFY WHEN A SPECIAL EVENT PERMIT IS REQUIRED; PROVIDING FOR THE AMENDMENT OF SECTION 18-121 IDENTIFYING DEADLINES FOR THE SUBMISSION OF SPECIAL EVENT PERMIT APPLICATIONS; PROVIDING FOR THE AMENDMENT OF SECTION 18-122 SPECIFYING THE CRITERIA FOR THE REVIEW OF SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-123 TO REQUIRE APPLICANTS FOR SPECIAL EVENT PERMITS TO ARRANGE FOR SANITATION SERVICES FROM THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING INSURANCE REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF SECTION 18-124 PERTAINING TO THE ISSUANCE OF PERMITS ONLY UPON MEETING ALL OF THE ESTABLISHED CRITERIA AND PAYMENT OF ALL FEES; PROVIDING FOR THE AMENDMENT OF SECTION 18-125 TO ELIMINATE THE REQUIREMENT TO PROVIDE A TRAFFIC CIRCULATION PLAN AND REPLACING IT WITH THE AUTHORITY TO REVOKE A SPECIAL EVENT PERMIT UPON THE DETERMINATION THAT THE CONDITIONS UPON WHICH THE PERMIT HAS BEEN ISSUED HAVE BEEN VIOLATED; PROVIDING FOR THE REPEAL OF SECTIONS 18-126 AND SECTION 18-127; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to special event permits in the Town, which have been codified at Chapter 18, of the Code of Ordinances; and

**WHEREAS**, Town staff has recommended to the Town Commission that Sections 18-120 through 18-127 of Chapter 18 be amended to provide additional guidelines, controls, and standards for special event permits within the Town; and

**WHEREAS**, the Town Commission, has reviewed the recommendations of staff and has determined that amending Chapter 18, Article IV of the Code Town would further the public health, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are hereby incorporated as true and correct findings of fact of the Town Commission.

**Section 2.** Sections 18-120 through 18-127 are hereby amended as follows:

**Sec. 18-120. Special event permit required.**

(a) A special event permit is required when the activity being conducted is expected to impact the Town or a portion of the Town beyond the normal operations or operating hours of a business, neighborhood, park or other public property, or when the exterior of a property is utilized beyond its approved use. In some cases, special events may require the temporary installation of infrastructure. Examples of special events include; grand openings and special sales events for commercial and business uses; religious functions and other types of ceremonies, craft shows and fairs, festivals and holiday events, residential/neighborhood block parties, certain sports and recreation events and functions, fundraisers, events and functions held in town parks or on town property, and other resident or residential, business and commercial events that meet the criteria and requirements of this article.

(b) Special event permits may be issued by the Town for single use special events and for multiple special events not to exceed more than 12 special events per property per calendar year, with not more than 4 special events per calendar year per the same applicant, or any person or entity affiliated with a prior permit-holder. Special event permits are not intended, nor shall the issuance of a special event permit by the Town be

deemed or construed to supersede existing zoning and other Town regulations, or to effectuate or constitute a waiver of such regulations.

**Sec. 18-121. Application deadlines for permit; conditions.**

Applications for a special event permit shall be submitted on forms provided by the Town to the Community Development Department for approval or denial. Applications must be submitted to the Community Development Department not less than 21 calendar days prior to the date of the proposed special event. For special events held in Town parks, or on Town Property, an applicant shall submit a special event permit to the Town at least 60 days in advance of the proposed special event. The Community Development Director shall be responsible for issuing all special event permits, however, in the event that an applicant requires either a waiver of Town imposed fees or other code regulations; or closure of any Town streets for more than a 24-hour period, such, request must be approved by the Town Commission. Final approval of a special event permit issued by either the Community Development Director or approved by the Town Commission may impose conditions which are deemed necessary to protect or further the public health, safety, and general welfare.

**Sec. 18-122. Criteria for review of permit.**

(a) *Generally.* Prior to issuing a special event permit, the Community Development Director or designee shall review the application for a special event permit and all other supporting documentation submitted by the applicant in conjunction with the following criteria and any additional relevant factors or considerations to determine whether a special event permit shall be issued by the Town:

- (1) Will the requested special event be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare?
- (2) Will any nuisance or hazardous feature or activity involved in the special event be suitably separated from adjacent uses? If yes, does the application adequately detail the methods and means to be used to buffer adjacent uses from the nuisance or harmful effects that the special event may generate, and does the Community Development Director concur that the applicant's proposal will be sufficient in this regard?
- (3) Will excess vehicular traffic be generated on residential streets? If so, will off-duty law enforcement personnel be necessary? Are there other mitigating solutions which can be implemented to address the effects of excess traffic?

- (4) Will a vehicular parking problem be created either internal or external to the site of the special event? If so, has the applicant provided any mitigation plan, such as off-site valet parking or other proposals to relieve anticipated parking problems?
- (5) Will the special event have potential negative audible effects, and if so, to what extent, and has the applicant presented any noise mitigation plan with the application?
- (6) Will the special event violate any other provisions of the Town Code, and if so, what Code sections are in conflict?
- (7) Will the use be temporary in nature, and not include any permanent improvements? If permanent improvements are proposed and approved by the Town, the applicant may be required to transfer ownership of any improvements to the town via a bill of sale or other legal instrument.
- (8) Will the impacts of nonresidential uses on residential properties be minimized, and if so how?
- (9) Will any streets, roads, or rights-of-way be closed? Has a Maintenance of Traffic (MOT) plan been submitted? Has the applicant agreed to make the necessary arrangements and pay all related expenses in advance?
- (10) Will any proposed signage comply with the sign code requirements of chapter 70 of this Code and has a separate signage application been submitted?

**Sec. 18-123. Additional criteria for permit approval.**

The Community Development Director may impose conditions as part of the permit approval which may include, but are not limited to, the following:

- (1) *Hours of operation.* Limitations on the hours of operation of the special event.
- (2) *Noise limitations.* Noise limitations more restrictive than the provisions of the Town Code which may be imposed to the protection of adjacent uses.
- (3) *Traffic control.* A Maintenance of Traffic (MOT) plan ensuring adequate and safe traffic control, provisions for the placement of barricades, signage, or law enforcement personnel, will be required for all proposed street closures and must be provided at the sole expense of the applicant. Any required traffic control and/or

safety devices must be arranged for and pre-paid by the applicant prior to the issuance of the permit, and proof of same shall be submitted by the applicant to the Community Development Director for determination of compliance with any such condition.

(4) *Sanitary restroom facilities.* Sanitary facilities shall be provided at the sole expense of the applicant, and shall be placed in a location(s) which will not negatively impact adjacent properties. Any required sanitary facilities must be arranged for and pre-paid by the applicant prior to the issuance of the permit, and proof of same shall be submitted by the applicant to the Community Development Director for determination of compliance with any such condition.

(5) *Food and beverages.* The preparation and sale of food and beverages is prohibited unless a permit is obtained from the Palm Beach County Health Department, and any other regulatory bodies with jurisdiction. The applicant is solely responsible for ensuring all food and beverage vendors are licensed.

(6) *Trash and garbage disposal.* Provisions for on-site garbage and trash containers and their disposal shall be provided in a location so as to prevent negative impacts on surrounding properties. All sites for special events shall be maintained in a neat and orderly manner, including the final collection and disposal of all wastes at the end of the special event. Applicants must make arrangements with the Town of Lake Park Public Works Department for special events held on public property, prior to the issuance of a special event permit and the applicant is responsible for the pre-payment of required sanitation services.

(7) *Insurance.* Insurance is required for events on Town property. Insurance coverage must be obtained by the applicant and evidenced by a certificate of insurance coverage with limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, and naming the Town of Lake Park as the certificate holder and as an additional insured with respect to commercial general liability. If liquor is to be served at the special event, the certificate of insurance must include liquor legal liability insurance coverage usual to the insured's operations with the minimum limit of \$1,000,000. Proof of insurance must be submitted prior to the issuance of the Special Event Permit. Applicants which are found to have attempted to circumvent this requirement by using another person/entity for the purposes of obtaining the required insurance coverage shall be barred from obtaining another special event permit within the Town for three years.

(8) *Surety or bond.* A reasonable surety or a bond may be required to insure and secure any expenses that may be incurred by the Town as a result of the permitted special event.

(9) *Other applicable zoning regulations.* Special events shall comply with all other applicable regulations of the Town Code.

(10) *Building and sign permits.* Necessary building, sign, electrical, engineering, or similar permits shall be obtained prior to commencement of the special event.

(11) *Crowd control.* To ensure adequate and safe crowd control, provisions for security or law enforcement may be required by the Town's law enforcement services agency at the sole expense of the applicant.

(12) *Non-profit organizations:* A non-profit organization which proposes a special event shall submit the Certificate of Insurance along with the other information required in the application form.

(13) *Other conditions.* Other appropriate conditions may be imposed by the Community Development Director, in conjunction with all reviewing departments, to ensure that the special event does not create a nuisance.

**Sec. 18-124. Permit issuance.**

Special event permits issued pursuant to this article shall only be issued following the submittal of all required paperwork and payment of all required fees.

**Sec. 18-125. Revocation of permit.**

A special event permit may be revoked by the Community Development Director upon a determination that the terms or conditions of the special event permit have been violated or cannot be met. If this determination is made during or after the event takes place, the applicant of the special event Applicant will be subject to the forfeiture of 50% of the deposit for events on Town property, or a \$150 penalty for events on private property and will be subject to code enforcement proceedings as established in the Town Code.

**Section 3.** **Severability.** If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 4.** **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 5.** **Codification.** The provision of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Park. The Sections of the Ordinance maybe renumbered or re-lettered to accomplish such.

**Section 6.** **Effective date.** This Ordinance shall take effect immediately upon passage.

Upon First Reading this 20 day of August, 2014, the foregoing Ordinance was offered by Commissioner O'Rourke, who moved its approval. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 24 DAY OF August, 2014**

Upon Second Reading this 3 day of September, 2014, the foregoing Ordinance, was offered by Commissioner Rapoza, who moved its adoption. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>Absent</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No.** 11-2014 duly passed and adopted this 3 day of September, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: James DuBois  
Mayor, James DuBois

ATTEST:

Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)  
TOWN OF LAKE PARK  
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird



LEGAL NOTICE OF PROPOSED ORDINANCE TOWN OF LAKE PARK

Please take notice that on Wednesday, September 3, 2014 at 6:30 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed adoption thereof:

ORDINANCE NO. 11- 2014

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, OF THE TOWN CODE ENTITLED "SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-120 TO SPECIFY WHEN A SPECIAL EVENT PERMIT IS REQUIRED; PROVIDING FOR THE AMENDMENT OF SECTION 18-121 IDENTIFYING DEADLINES FOR THE SUBMISSION OF SPECIAL EVENT PERMIT APPLICATIONS; PROVIDING FOR THE AMENDMENT OF SECTION 18-122 SPECIFYING THE CRITERIA FOR THE REVIEW OF SPECIAL EVENT PERMITS; PROVIDING FOR THE AMENDMENT OF SECTION 18-123 TO REQUIRE APPLICANTS FOR SPECIAL EVENT PERMITS TO ARRANGE FOR SANITATION SERVICES FROM THE PUBLIC WORKS DEPARTMENT AND ESTABLISHING INSURANCE REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF SECTION 18-124 PERTAINING TO THE ISSUANCE OF PERMITS ONLY UPON MEETING ALL OF THE ESTABLISHED CRITERIA AND PAYMENT OF ALL FEES; PROVIDING FOR THE AMENDMENT OF SECTION 18-125 TO ELIMINATE THE REQUIREMENT TO PROVIDE A TRAFFIC CIRCULATION PLAN AND REPLACING IT WITH THE AUTHORITY TO REVOKE A SPECIAL EVENT PERMIT UPON THE DETERMINATION THAT THE CONDITIONS UPON WHICH THE PERMIT HAS BEEN ISSUED HAVE BEEN VIOLATED; PROVIDING FOR THE REPEAL OF SECTIONS 18-126 AND SECTION 18-127; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-881-3311.

Vivian Mendez, CMC, Town Clerk

Town of Lake Park, Florida

PUB: The Palm Beach Post

8-24/2014 #292171

## RECEIPT

Ad Name: 581799A

Ad ID: 581799

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Editions:  
PB Post Web  
PB Post

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Vivian Mendez, CMC, Town Clerk  
Town of Lake Park, Florida  
PUB: The Palm Beach Post  
8-26/2014 #292171

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