

**ORDINANCE NO. 12-2008**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 18, ARTICLE IV, OF THE TOWN CODE PERTAINING TO THE ISSUANCE OF SPECIAL EVENTS PERMITS FOR NON-TOWN SPONSORED EVENTS TO CREATE NEW CODE SECTION 18-120 TO BE ENTITLED "PURPOSE"; AMENDING SECTION 18-121 ENTITLED "APPLICATION FOR PERMIT; SPECIFIC USES; CONDITIONS"; AMENDING SECTION 18-122 PRESENTLY ENTITLED "CRITERIA FOR ISSUANCE OF PERMIT"; AMENDING SECTION 18-123 ENTITLED; "CONDITIONS FOR PERMIT APPROVAL"; AMENDING SECTION 18-125 ENTITLED "TRAFFIC CIRCULATION PLAN"; AMENDING SECTION 18-126 ENTITLED "CANCELLATION OF PERMIT"; AMENDING SECTION 18-127 ENTITLED "APPEAL OF CANCELLATION OF PERMIT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; 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**, pursuant to Ordinance No. 27-1990, the Town Commission enacted provisions pertaining to the issuance of special event permits which were codified in former Town Code Chapter 17, Article III, but which have recently been recodified in Chapter 18, Article IV; and

**WHEREAS**, Town staff has reviewed the existing permitting procedures and since the initial adoption of the original ordinance creating this procedure, has identified various areas of the Town Code which should be amended to make the permitting process more expeditious and efficient; and

**WHEREAS**, among the portions of this Chapter 18, Article IV, and Section 18-121 through 18-127, inclusive of the Town Code which Town staff is recommending revision, include, but are

not limited to: (1) eliminating the existing requirement of the joint review of special event permit applications by both the Town Manager and the Community Development Director, and delegating the sole discretion for the review and approval of the permit to the Community Development Director, (2) limiting the number of special event permits issued by the Town to not more than twelve (12) permits per calendar year, (3) adding a new Code Section 18-120 to be entitled “Purpose”, and (5) making other minor clerical revisions to various Sections contained within this portion of the Town Code and noted more specifically herein; and

**WHEREAS**, Town staff has presented its recommendation of approval of this Ordinance to the Town Commission; and

**WHEREAS**, the Town Commission has conducted a duly noticed hearing to consider the proposed text amendments for special event permitting as set forth herein; and

**WHEREAS**, at this hearing, the Town Commission considered the evidence presented by Town Staff, and other interested parties and members of the public as to the proposed amendments and has determined that the text amendments contained herein are in the furtherance of the public, health, safety, and general welfare and should be adopted.

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

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

**Section 2.** Chapter 18, Article IV, is hereby amended by amending the title of Article IV, creating new Code Section 18-120 to be entitled “Purpose”, and amending Code Sections 18-121 through 18-127 inclusive, to read as follows:

**ARTICLE IV. SPECIAL EVENTS PERMITS FOR PUBLIC PROPERTY**

**Sec. 18-120. Purpose.**

(a) Special events permits are issued by the Town for events which may include but are not limited to, the following type of activities conducted within the Town, which due to the nature and/or extensiveness of the event, may have an impact on the Town or a portion of the Town, which thereby warrants the requirement of a special event permit: 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, and which the Town’s Community Development Director, in his/her sole discretion determines will not be injurious to the public health, safety and general welfare of the Town, and its residents, business owners, and visitors.

(b) Special events permits may be issued by the Town for single use special events and for multiple special events not to exceed more than twelve (12) special events per calendar year, notwithstanding any other existing Town Code provisions and other regulations which might otherwise prohibit the proposed special event. Special events 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. Not more than four (4) special events permits shall be issued by the Town to any applicant or any person or entity affiliated with a prior permit-holder, including individuals, businesses, commercial uses, and other types of applicants, in any single calendar year. Applicants, which are found to have attempted to circumvent this prohibition by using another person or entity as a qualifier or surrogate applicant, may be barred from applying for and obtaining another special events permit from the Town for up to three (3) years.

**Sec. 18-121. Application for permit; specific uses; conditions.**

Applications for a special events permits for special events of 60 days or less shall be submitted presented for review to filed and reviewed by to the community development department and shall be forwarded to the town manager with a recommendation for approval or denial. A technically complete application must be submitted to the community development department not less than

fourteen (14) calendar days prior to the date of the proposed special event. The ~~town manager~~ community development director may approve special events permits, which have minimal impacts on surrounding uses. Uses which are determined by the ~~town manager~~ community development director to have potential significant impacts on surrounding uses shall require the approval of the town commission. Uses which typically have minimal impacts on surrounding uses include, but are not limited to, art, antique and craft shows, block (street) parties, and other neighborhood events, grand opening sales, outdoor fundraising events, outdoor religious ceremonies, sidewalk sales, tent sales, Christmas tree sales, lunch wagons, tent sales, and pumpkin sales. Applications for special events permits shall be submitted on forms prepared by the town and shall contain a detailed statement of the location(s), hours and dates of operation, and any other information deemed necessary by the community development director to assist with processing the permit application. A copy of any contract between the applicant and any person providing rides, musical, theatrical, and/or mechanical entertainment or amusement devices for the event shall also be submitted attached to the completed application. The ~~town manager~~ community development director or town commission, whichever has final approval authority, may impose ~~such~~ conditions of the permit approval which as are deemed necessary to protect or further the public's health, safety, ~~morals~~ and general welfare.

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

(a) *Generally.* Prior to issuing ~~granting~~ a special events permit, the ~~town manager~~ community development director and/or the town commission shall ~~utilize all of~~ review the application for a special events 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; ~~the issuance of a special permit:~~

- (1) Will the requested special event be injurious to the area involved or otherwise detrimental to the public health, safety and welfare? If yes, does the benefit of granting the permit outweigh the potential negative or detrimental effects?
- (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? Will the benefit of granting the permit outweigh the effect of the violation(s) of the other requirements of other Sections of the Town Code?

(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 that may have significant impacts on the overall traffic patterns that cannot be adequately mitigated by an alternate traffic circulation plan? If yes, what are the costs and expenses for the road closures and related measures that may be required to detour traffic such as law enforcement personnel directing traffic, barricades, etc., and 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?

~~(b) Approval of application. An application for a special events permit may be approved if all of these criteria are satisfied.~~

### **Sec. 18-123. Conditions for permit approval.**

As appropriate, the town commission or the ~~town manager~~ community development director may provide conditions for the permit approval. ~~Such~~ Conditions of permit approval ~~conditions~~ 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 ~~present~~ town code may be imposed for the benefit of surrounding uses.

(3) *Traffic control.* To ensure adequate and safe traffic control, provisions for the placement of barricades, signage, or law enforcement personnel may be required at the 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 so as to not negatively impact surrounding 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 county health department, and any other regulatory bodies with jurisdiction.

(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.

(7) *Insurance.* Liability insurance, of at least \$1,000,000.00, may be required to be obtained by the applicant with the coverages and insurance provider to be ~~and~~ approved by the town. Such liability insurance shall insure both the applicant and the town as an additional named insured. ~~The insurance company providing the liability insurance shall be acceptable to the town.~~

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

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

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

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

(12) *Other conditions.* Any other applicable conditions may be imposed to ensure that the special event does not create a nuisance.

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

Special events permits issued pursuant to ~~required by~~ this article shall only be issued, following payment of the appropriate application fee to:

- (1) A business, organization or individual possessing a valid town business tax receipt; or
- (2) A town resident for a special event to be held at a residence located within the Town or in or upon other public or private property within the Town.

#### **Sec. 18-125. Traffic circulation plan.**

Applicants submitting applications for special events to be located within the public right-of-way of an arterial or collector road for a period of more than one day must be approved by the town commission, and the applicant shall submit a traffic circulation plan which is subject to the review and final approval of ~~shall be reviewed and approved by~~ the town commission. Applicants submitting applications for special events to be located within the public right-of-way of a local road, or within an arterial or collector road for one day shall submit a traffic circulation plan which shall be subject to the review and final approval of the town staff, including, but not limited to, the town

manager and the director of public works.

**Sec. 18-126. Cancellation of permit.**

A special events permit may be canceled by the community development director ~~town manager~~ if at any time if the terms or conditions of the permit are violated. When possible, all cancellations shall be in writing and sent by certified and regular mail to the applicant at the address listed on the special events permit application, and the cancellation notice shall state the reason for the cancellation.

**Sec. 18-127. Appeal of cancellation of permit.**

Any special events permit which is cancelled ~~cancellation~~ by the ~~town manager~~ community development director may be appealed in writing to the town commission within ten business days of the date of the issuance of the written notice of cancellation by the community development director.

**Section 3. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Codification.**

The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

**Section 5. Repeal of Laws in Conflict.**

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

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon adoption by the Town Commission.



Upon First Reading this 16 day of July, 2008, the foregoing Ordinance, was offered by Commissioner Osterman who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 20 DAY OF July, 2008**

Upon Second Reading this 6 day of August, 2008, the foregoing Ordinance, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No. 12-2008** duly passed and adopted this 6 day of August, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois  
Mayor, Desca DuBois

ATTEST:

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

Approved as to form and legal sufficiency:

Thomas J. Baird  
Town Attorney, Thomas J. Baird