

**ORDINANCE NO. 03-2004**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, SECTION 17-64 OF THE TOWN CODE PERTAINING TO THE ISSUANCE OF SPECIAL EVENTS PERMITS FOR NON-TOWN SPONSORED EVENT TO DELEGATE AUTHORITY TO TOWN MANAGER TO APPROVE CERTAIN SPECIAL EVENT PERMIT REQUESTS; PROVIDING CRITERIA FOR THE ISSUANCE OF SPECIAL EVENTS PERMITS; PROVIDING FOR THE IMPOSITION OF CONDITIONS OF APPROVAL FOR SPECIAL EVENTS PERMITS; PROVIDING PROCEDURES FOR THE CANCELLATION OF SPECIAL EVENTS PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF 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**, the Town of Lake Park Commission presently is the sole entity with the authority to approve applications for special events permits, which are not sponsored by the Town; and

**WHEREAS**, pursuant to Ordinance No. 27-1990, the Town Commission enacted provisions which were codified into the Town Code at Chapter 17, Article III; and

**WHEREAS**, the Town Commission has determined that it is in the best interest of the Town to delegate authority to the Town Manager to approve permit applications for non-Town sponsored special events which have minimal impacts on the surrounding uses; to provide criteria for the issuance of special events permits; to provide for the imposition of conditions of approval for special events permits; and to provide cancellation procedures for special events permits; and

WHEREAS, the Town has the power and authority pursuant to Chapter 166, F.S. to enact laws for the furtherance of the health, safety, and general welfare of its citizens.

NOW, 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.** The Town Commission hereby amends Chapter 17, Article III, Section 17-64 of the Town Code as follows:

**Sec. 17-64.**

(a) After an a Applications for permits for special events of 60 days or less has been shall be filed and reviewed by the community development department and shall be forwarded to the town manager with a recommendation for approval or denial. The town manager may approve special events permits which have minimal impacts on surrounding uses. Uses which are determined by the town manager 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 fund raising events, outdoor religious ceremonies, sidewalk sales, tent sales, Christmas tree sales, lunch wagons, tent sales, and pumpkin sales, building department, the town manager shall forward the application with a recommendation to the town commission for consideration. The town commission may permit events coming under the provisions of this division to operate within the town for designated temporary periods of time. Such application shall be filed with the building department not less than sixty (60) days in advance of the beginning date of the event and Applications for special events permits shall be submitted on forms prepared by the town and shall contain a detailed proposal statement of the locations, hours and dates of operation, and any other information deemed necessary to assist with processing the permit application, and a A copy of any contract between the applicant and any person providing rides, mechanical entertainment or amusement devises for the event shall also be attached to the application. The town manager or commission may impose such conditions as are deemed necessary to protect or further the public's health, safety, morals and general welfare. If approval is granted, by the town commission, the commission shall designate the site location for the event.

(b) Prior to granting a special event permit, the town manager and/or the town commission shall utilize all of the following criteria to determine 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?

(2) Will any nuisance or hazardous feature or activity involved in the special event be suitably separated from adjacent uses?

(3) Will excess vehicular traffic be generated on residential streets?

(4) Will a vehicular parking problem be created either internal or external to the site of the special event?

(5) Will the special event have potential negative audible effects, and if so, to what extent?

(6) Will the special event violate any other provisions of the town code of ordinances?

(7) Will the use be temporary in nature, and not include any permanent improvements?

(8) Will the impacts of nonresidential uses on residential properties be minimized?

(9) Will any streets be closed that may have significant impacts on the overall traffic patterns that cannot be adequately mitigated by an alternate traffic circulation plan?

An application for a special permit may be approved if all of these criteria are satisfied.

(C) As appropriate, the town commission, or the town manager may provide conditions for the permit approval. Such conditions may include, but are not limited to the following:

(1) Limitations on the hours of operation.

(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.

(4) Sanitary restroom facilities. Sanitary facilities shall be provided in a location so as to not negatively impact surrounding properties.

(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.

(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 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 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 of ordinances.

(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) Any other applicable conditions to ensure that the special event does not create a nuisance.

(d) Special permits required by this article shall only be issued to:

(1) A business, organization or individual possessing a valid town occupational license; or

(2) A town resident for a special event at a residence.

(e) 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 (1) day must be approved

by the town commission, and the applicant shall submit a traffic circulation plan which 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 (1) day shall submit a traffic circulation plan which shall be subject to the review of the town staff, including, but not limited to, the town manager and the director of public works.

(f) A special event permit may be canceled by the town manager if at any time 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 event permit application, and shall state the reason for the cancellation.

(g) Any special event permit cancellation by the town manager may be appealed in writing to the town commission within ten (10) business days of the date of the written notice of cancellation.

### **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 18<sup>th</sup> day of February, 2004 the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 3<sup>rd</sup> day of March, 2004 the foregoing ORDINANCE was offered by Commissioner Garretson who moved its adoption. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:


	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

The Mayor thereupon declared Ordinance No.03-2004 duly passed and adopted this 3<sup>rd</sup> day of March, 2004

TOWN OF LAKE PARK, FLORIDA

BY:   
Mayor Paul Castro

ATTEST:

  
Carol Simpkins, Town Clerk  
(Town Seal)



Approved as to form and legal sufficiency:

  
Thomas J. Baird, Town Attorney