

ORDINANCE NO. C-17-

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 15-181, 15-182, 15-183, 15-184, AND 15-185 OF ARTICLE V, ENTITLED "OUTDOOR EVENTS," OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND CREATING SECTION 15-186 ENTITLED "SUPPLEMENTAL REGULATIONS FOR OUTDOOR SOCIAL SERVICE FEEDING EVENTS," PROVIDING FOR SEVERABILITY, THE REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, it is the purpose of this ordinance to regulate outdoor events occurring throughout the City of Fort Lauderdale, and to establish reasonable and uniform regulations in order to promote and ensure the health, safety, morals and general welfare of the residents and visitors of the City of Fort Lauderdale,

WHEREAS, the provisions of this ordinance have neither the purpose nor effect of restricting or denying any individuals' freedom of speech or association;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 15-181, Restricted generally, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 15-181. - Restricted generally.

1. Definitions.

- (a) *Outdoor events* shall mean any event held in an area not within an enclosed building on public property, private property, or both, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, to which members of the public are invited as participants, or spectators such as but not limited to concerts, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, and any other similar event conducted outdoors. ~~outdoor events on public property, private property,~~

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~~or both, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, to which members of the public are invited as participants or spectators. Outdoor events shall not be permitted to locate or operate in the city except as provided in this article.~~

~~(b) This article shall not apply to outdoor events at the following facilities in the city; Lockhart Stadium, Fort Lauderdale Stadium, War Memorial Auditorium, the Fort Lauderdale Aquatics Complex and the International Swimming Hall of Fame.~~

(b) *Social Services* shall mean any service provided to the public to address public welfare and health such as, but not limited to, the provision of food, hygiene care, group rehabilitative or recovery assistance, or any combination thereof, rehabilitative or recovery programs using counseling, self-help or other treatment or assistance, and day shelter or any combination of same.

(c) *Outdoor Social Service Feeding Event* shall mean the act of furnishing, distributing, or serving food or meals to members of the public, without cost or at a very low cost, as a social service, as defined herein and generally providing food distribution services outside of a building or structure or without permanent facilities on a property.

SECTION 2. That Section 15-182, Application fee; agreement, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 15-182. - Application fee; agreement.

(a) Notwithstanding any other provision of the City of Fort Lauderdale's Code of Ordinances and Unified Land Development Regulations, The the city commission may, after an application has been filed and reviewed, and after passage of an appropriate motion, permit events coming under the provisions of this article to operate within the city for temporary periods of time. Such application shall be filed with the parks and recreation department not less than sixty (60) days, or seven (7) days in the case of Outdoor Social Service Feeding Events under Sec. 15-186, in advance of the beginning date of the event and shall contain a detailed proposal and description of the location, hours and dates of operation, and a copy

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of any contract between the applicant and property owner of the property on which the event is to be held or any person providing rides, mechanical entertainment or amusement devices for the event. With the exception of Outdoor Social Service Feeding Events under Sec. 15-186, ~~The~~ the applicant shall pay a fee established by the city manager when the application is filed and submit any additional information required by the parks and recreation department. The city manager may establish a late fee to be imposed on applicants that file within such sixty-day period.

- (b) With the exception of Outdoor Social Service Feeding Events under Sec. 15-186, ~~if~~ if the information submitted by the applicant is responsive and if the parks and recreation department has reviewed and approved the application, the city shall prepare and submit to the applicant an agreement incorporating the terms and conditions listed in section 15-183 and such other terms and conditions as the city may specify. If the parks and recreation department determines that the event is subject to the provisions of Section 15-186, the application is to be processed as outlined in Section 15-186.
- (c) With the exception of Outdoor Social Service Feeding Events under Sec. 15-186, ~~No~~ no person or organization shall hold an outdoor event prior to the delivery to the city of properly executed copies of the agreement and the certificate of insurance provided for in this article.
- (d) Permits issued for Outdoor Social Service Feeding Events pursuant to Sec. 15-186, shall be valid for a period of one (1) calendar month and shall be renewed monthly on the first business day of each month. Permit applications submitted after the first of the month shall be valid for the remainder of that month with a renewal required for the following calendar month.

SECTION 3. That Section 15-183, Outdoor event requirements, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 15-183. - Outdoor event requirements.

- (a) With the exception of Outdoor Social Service Feeding Events under Sec. 15-186, ~~the~~ agreement for outdoor events shall contain the following terms and conditions:

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- (1) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the city fire department.
- (2) Sanitary facilities shall be provided and shall be of the type and in a sufficient number as to meet the requirements established by the ~~building and zoning department~~ Department of Sustainable Development.
- (3) The ~~department of sustainable development~~ Department of Sustainable Development shall conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems.
- (4) Sponsors of events at which food or beverages will be sold or distributed shall meet all applicable state, county and city health codes.
- (5) Current flameproof certificates must be provided for all canvas tents, awnings or canopies and shall be submitted for approval to the city fire-rescue department.
- (6) The applicant shall pay for the expense of all city services provided as a result of the event identified by city staff prior to the event. The police department may require the applicant to provide and pay for security personnel for crowd control and traffic direction purposes. The fire-rescue department may require the applicant to provide and pay for EMS and fire watch personnel, or both. Police, fire and EMS costs are exempt from prior notice provisions.
- (7) The applicant shall provide a certificate of insurance satisfactory to the office of the risk manager, such insurance to be comprehensive general liability insurance in a minimum amount of one million dollars (\$1,000,000.00) combined single limit coverage, naming the city as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the outdoor event, the applicant shall in addition provide liquor liability insurance in a minimum amount of five hundred thousand dollars (\$500,000.00). The applicant shall also agree to indemnify and hold harmless the city for any damage

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to person or property which might occur during or as a result of the operation of the outdoor event.

SECTION 4. That Section 15-184, Exceptions, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 15-184. - Exceptions.

- (a) A self-insured governmental entity may be exempted from the insurance requirements of this article.
- (b) The city's parks and recreation director, in consultation with the risk manager, shall determine whether an event qualifies as a minor outdoor activity based on the following factors:
 - (1) Not anticipated to exceed the capacity of the facility or other property proposed to be used;
 - (2) Limited or no closing of streets/limited impact on traffic;
 - (3) Limited parking and noise in surrounding neighborhood(s);
 - (4) The absence of activities having an inherent risk or which increased exposure for either bodily injury or property damage;
 - (5) Limited size and scope of event; limited use of facility outside of normal use; no activities involving third party vendors.

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The sponsor of a proposed minor outdoor activity shall submit all details of such proposed activity to the parks and recreation department at least ~~sixty (60)~~ thirty (30) days in advance of the event. If an event is determined to be a minor outdoor activity, it shall be exempted from the provisions of section 15-183(a)(7) of this article.

(c) Outdoor Social Service Feedings Events under Sec. 15-186 shall not be permitted upon any Public Beach, as defined in Sec. 8-71 of the Code of Ordinances.

~~(d) Outdoor Social Service Feeding Events under Sec. 15-186, which either furnish food or meals to less than fifteen (15) members of the public, or solely distribute food in commercially prepared prepackaged cans and bottles, or other prepackaged containers, which are not opened, processed, or otherwise prepared before received by a consumer at the Event, are exempt from the provisions of Sec. 15-182 and Sec. 15-186 this article, except for the requirements of Sec. 15-186(b)(1) and (2).~~

(e) Social Service Feeding Event under Sec. 15-186, may be provided in response to a Declaration of a State of Emergency by the City and such provision of service shall not be subject to these requirements.

SECTION 5. That Section 15-185, Exceptions for City-Sponsored Events, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 15-185. – Exceptions for city-sponsored events.

Events sponsored or co-sponsored by the city, or events related to recreational programs pursuant to written agreement with the city, and held at municipal facilities or on other property owned or controlled by a governmental entity are exempt from the provisions of this article; provided, however, that the co-sponsor of a co-sponsored event shall provide the insurance certificates required in section 15-183(7). A sponsored event is one which is solely or primarily planned, organized and funded by the city. ~~A co-sponsored event is one which is partially planned, organized and funded or otherwise supported by the city at the request of another person or entity as established by city commission policy.~~

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SECTION 6. That Article V, Outdoor Events, is hereby amended to add a new Section 15-186, Supplemental Regulations for Outdoor Social Service Feeding Events, as follows:

Sec. 15-186. – Supplemental Regulations for Outdoor Social Service Feeding Events.

(a) An application for an Outdoor Social Service Feeding Event shall contain the following information:

- (1) the name of the individual or organization that will be furnishing, serving or distributing food;
- (2) the date or dates when food will be furnished, served, or distributed;
- (3) the times of day when food service and distribution is anticipated to begin and end;
- (4) the street address or addresses of where food is anticipated to be furnished, served, or distributed, or if the location has no street address, a description of the location by street block number or by naming the nearest intersecting streets; and
- (5) the approximate or expected number of food preparers and servers on the site where the food will be furnished, served, or distributed and the approximate or expected number of individuals that will be served, provided the number of individuals that are anticipated to be served exceeds fifteen (15) individuals at the same Outdoor Social Service Feeding Event.

(b) All Outdoor Social Service Feeding Events shall:

- (1) not be closer than 500 feet from another Outdoor Social Service Feeding Event, or Food Distribution Center as defined in the ULDR;

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(2) not be any closer than 500 feet from a residential property as defined in Sec. 47-35 of the ULDR;

(c) Outdoor Social Service Feeding Events which furnish, serve, or distribute food or meals to more than fifteen (15) members of the public must obtain a permit as set forth herein and shall:

(~~3~~1) have written consent from the property owner to conduct that activity on the property: if the City is the property owner, the city manager or the city manager's designee is authorized to provide written consent on behalf of the City. If the city manager or the city manager's designee withholds consent to conduct the activity on the property, the reason(s) for denial shall be provided in writing to the applicant.

(42) have adequate storage of food from the time of preparation to the time of service;

(~~5~~3) use the following methods of sanitation before preparing, serving, or distributing food:

(i) hand sanitizer; or

(ii) disposable gloves.

(~~6~~4) have and provide a sufficient number of trash bags to dispose of the solid waste generated by the food furnished, served, or distributed by the servers; and

(~~7~~5) remove or cause the removal of all trash or debris from the feeding site that was generated by the service or distribution of food, and shall deposit the trash or debris in a public trash receptacle, or in a private trash receptacle if permission from the receptacle owner has been obtained.

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(ed) Where Section 15-186 conflicts with any other section of Article V, the requirements of Section 15-186 shall govern.

(de) The city manager or the city manager's designee shall issue a permit to the applicant evidencing that the requirements of this Article have been met.

(ef) The city manager or the city manager's designee may deny, revoke or suspend any permit issued pursuant to this Article if the event violates any of the regulations set forth in this Article. Upon the denial, revocation, or suspension the City Manager or his or her designee shall give notice of such action to the event organizer, as identified on the application, in writing stating the action which has been taken and the reason therefor. The event organizer may request a hearing to appeal such denial, revocation or suspension to the City Manager within three days of receipt of the notice. An appeal does not stay the decision of the City Manager.

(fg) If the outdoor event is conducted after notice of the denial, revocation, or suspension of the event, the event organizer shall be subject to the penalties in Section 1-6 of the Code of Ordinances. Each day the violation exists shall constitute a separate violation under this Article and shall be punishable as such.

SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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SECTION 9. That this Ordinance shall be in full force and effect thirty (30) days from the date of final passage.

PASSED FIRST READING this the 11th day of July, 2017.

PASSED SECOND READING this the ___ day of August, 2017.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFF MODARELLI

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