

ORDINANCE NO. C-19-36

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 15, ARTICLE V - OUTDOOR EVENTS, SECTION 15-181 – RESTRICTED GENERALLY – DEFINITIONS; SECTION 15-182 – APPLICATION FEE; AGREEMENT; SECTION 15-184 – EXCEPTIONS; AND SECTION 15-187 - EXPEDITED APPLICATIONS FOR HOTEL-SPONSORED OUTDOOR EVENTS; OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR BETTER DEFINITIONS, REVISING THE APPLICATION DEADLINE TO OBTAIN A PERMIT, FEES, EVENT PERMIT COMPLIANCE AND EVENT LIMITATIONS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 20, 2018, the City Commission directed the Nighttime Economy Manager to develop a special events working group consisting of City staff, community leaders and neighbors, to review the City of Fort Lauderdale's (the "City") outdoor events ordinance and recommend policy and ordinance changes to better define the outdoor event process; and

WHEREAS, recommendations for changes to the City's outdoor event policy and ordinance were presented at the September 12, 2019 City Commission Conference Meeting; and

WHEREAS, on September 12, 2019, the City Commission directed staff to implement the changes recommended by the special events working group; and

WHEREAS, implementing the changes recommended by the special events working group establishes uniformity and promotes and ensures the health, safety, morals and general welfare of the residents of and visitors to the City of Fort Lauderdale;

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

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

Sec. 15-181. – Restricted generally.

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1. Definitions.

(a) *Outdoor events* shall mean any event held in an area not within an enclosed building on public property, private property (if road closures or music exemption are needed), 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, ~~aces, walks, triathlons,~~ circuses, carnivals, shows, exhibitions, and any other similar event conducted outdoors.

(b) *Minor events* are those events with a sustained attendance level under 501 persons with no road closures, no alcohol and no music exemptions. These events require administrative approval and do not require city commission approval.

(c) *Intermediate events* are those events with a sustained attendance level under 501 persons with a road closure, and/or alcohol, and/or music exemption, or a sustained attendance level between 501 and 5,000 persons. These events require City Commission approval.

(d) *Major events* are those events with a sustained attendance level over 5,000. These events require City Commission approval.

(be) *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.

(ef) *Outdoor social service event* shall mean any outdoor event wherein the act of furnishing, distributing, or serving food or meals, or the act of furnishing hygiene products or services, including but not limited to mobile services, as a social service, as defined herein, to members of the public, at no cost or at a very low cost, and generally holding such an event outside of a building or structure or without permanent facilities on a property.

(dg) *Mobile services* shall mean any social service, including but not limited to, temporarily providing shower or hygiene facilities or laundry equipment, upon or within any vehicle, cart, trailer, or apparatus.

SECTION 2. That Section 15-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide 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 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 city manager's office Parks and Recreation Department not less than sixty (60) days; for minor events, ninety (90) days for intermediate events (two (2) or more years of history with good standing), one hundred and twenty (120) days for all other intermediate events, one hundred twenty (120) days for major events or and seven (7) days in the case of outdoor social service events under section 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 of any contract between the applicant and property owner of the property on which the event is to be held (if applicable), or any person providing rides, mechanical entertainment or amusement devices for the event. With the exception of outdoor social service events under section 15-186, the applicant shall pay a fee established by the city manager when the application is filed and submit any additional information required by the city manager's office Parks and Recreation Department. The city manager may establish a late fee to be imposed on applicants that file within such sixty day period. The city manager or his or her designee has the authority to reject an event if they find they do not have staff resources to support the event. Social service events shall be approved by the city manager or his or her designee.
- (b) With the exception of outdoor social service events under section 15-186, if the information submitted by the applicant is responsive and if the city manager's office 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 city manager's office 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 events under section 15-186, 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 events pursuant to section 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.
- (e) Event organizers must comply with all components of the application and agreement. Failure to comply will result in fines of \$200.00 for the first violation, \$500.00 for the second violation, and \$1,000 for the third violation. If an event organizer receives three violations over a three-year period, they will need city commission approval to submit future applications.

SECTION 3. That Section 15-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide 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 manager's office~~ Parks and Recreation Department, 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 ~~city manager's office~~ Parks and Recreation Department at least ~~thirty (30)~~ sixty (60) 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 events under section 15-186 shall not be permitted upon any public beach, as defined in section 8-71 of this Code.
- (d) Social service events under section 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 4. That Section 15-187 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Sec. 15-187. - Expedited applications for hotel-sponsored outdoor events.

- (a) Each hotel located on State Road A-1-A between Holiday Drive on the South and 2030 North Ocean Boulevard on the North, including the hotel at 2030 North Ocean Boulevard, by and through its owner, operator, or other authorized representative, may apply for consideration on an expedited basis, to hold one-day hotel-sponsored events, the number of which shall not exceed twelve (12) per calendar year, on the public beach.
- (b) For each hotel-sponsored outdoor event, an outdoor event application and application fee must be submitted to the ~~Fort Lauderdale city manager's office~~ Parks and Recreation Department not less than thirty (30) days in advance of the date of the event. The city manager may establish a late fee to be imposed on applicants that do not submit an application within such thirty-day period. The city manager or his or her designee shall review the application. If approved by the city manager or his or her designee, a permit to hold the hotel-sponsored outdoor event will be issued to the applicant. All City services required must be identified by City staff prior to the event and paid for by the applicant.
- (c) Upon approval of an application, the city manager is authorized to enter into an event agreement with the owner or operator of the hotel for which the application was submitted. The event agreement shall incorporate all requirements and provisions set forth in section 15-183.

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- (d) Expedited hotel-sponsored outdoor beach access events must comply with all of the following additional requirements:
- (1) The events must be for hotels hosting a conference or convention or designated hotels at which lodging is provided for such conference or convention;
 - (2) The events must be held on the beach area directly across from the hotel with its parameters extending no further south or north of the hotel's footprint;
 - (3) The event area for events must be cordoned off by the hotel holding the events;
 - (4) No road closures are permitted in connection with the events;
 - (5) Hotel owners or operators sponsoring the outdoor events shall instruct event attendees to cross State Road A1A at designated crosswalks;
 - (6) Only authorized agents of the hotels, or hotel owners or operators may submit applications on the hotel's behalf to hold outdoor events;
 - (7) Events may not be held where there is a previously scheduled events to be held in the same location;
 - (8) No outdoor events may be held between the hours of 10 p.m. and 7 a.m.;
 - (9) Hotel-sponsored outdoor event applicants must obtain all necessary approvals from the State of Florida and all other applicable governmental agencies for the outdoor events; and
 - (10) Hotel-sponsored outdoor events shall be limited to the westernmost fifty (50) percent of the beach.
- (e) 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 applicant, as identified on the application, in writing stating the action which has been taken and the reason therefor. The applicant may request a hearing to appeal such denial, revocation or suspension to the city manager within three (3) days of receipt of the notice. An appeal does not stay the decision of the city manager.
- (f) If the hotel-sponsored outdoor event is conducted after notice of the denial, revocation, or suspension of the event, the applicant shall be subject to the

penalties in section 1-6 of this Code. Each day the violation exists shall constitute a separate violation under this article and shall be punishable as such.

SECTION 5. That, at the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, and clause numbers and letters, and capitalization, set forth in this Ordinance, to the numbering, lettering, and capitalization structure established in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct non-substantive scrivener's errors in the codification of this Ordinance.

SECTION 6. 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 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the 19th day of November, 2019.

PASSED SECOND READING this the 3rd day of December, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI

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