

ORDINANCE NO. C-12-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 5-3 OF ARTICLE I, ENTITLED "IN GENERAL", OF CHAPTER 5 OF THE CODE OF ORDINANCES, ENTITLED "ALCOHOLIC BEVERAGES", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department has proposed certain changes to Chapter 5 of the Code of Ordinances; and

WHEREAS, the City Commission discussed these changes to Chapter 5 of the Code of Ordinances at its March 6, 2012 Conference Agenda meeting;

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

SECTION 1. That Section 5-3, Consumption, possession in beach area, of the Code of Ordinances of the City of Fort Lauderdale, Florida is hereby amended to read as follows:

Sec. 5-3. - Consumption, possession in beach area.

...

(d) *City-approved special events.* The city commission may, by motion, grant approval to individuals or nonprofit organizations to conduct special events which have a public or quasi-public purpose, as determined by the commission, within the beach area designated in subsection (b) of this section. During such events, alcoholic beverages may be sold by or under the auspices of the individual or organization, and possessed and consumed by patrons of the event, if each of the following conditions is observed:

(1) ~~The organization has demonstrated to the city that it is a nonprofit organization authorized to conduct not for profit operations pursuant to law.~~

(2) The individual or organization has submitted a written request to the city parks and recreation department a minimum of sixty (60) days prior to the beginning of the event.

The request must contain a detailed description of the special event proposed to be conducted, including all elements set forth in (d)(4) below. The parks and recreation department will coordinate review of the request by the police, fire, public works and ~~building and zoning~~ sustainable development departments and such other departments as the city manager shall designate. The city reserves the right to disapprove any such request if it is determined to be inconsistent with the public interest or have an adverse effect upon public safety, health or welfare.

~~(3)~~

~~(2)~~ The individual or organization has obtained a temporary liquor license from the state.

~~(4)~~

~~(3)~~ The individual or organization has executed an agreement with the city at least thirty (30) days in advance of the event, which agreement will contain, but not be limited to the following elements:

- a. A designation of the event dates and hours for sale of alcoholic beverages. The city retains in its sole discretion the right to approve or disapprove such dates and hours.
- b. A plan for enclosing, restricting or controlling access to the special event area, which must be approved by the police and parks and recreation departments as well as any other governmental agency which may have jurisdiction.
- c. A plan for police protection, crowd and traffic control. The plan and personnel necessary to implement it shall be approved by the police department and furnished at the expense of the organization.
- d. ~~A provision which will prohibit any sale, possession or consumption of any alcoholic beverage on any portion of the sandy beach except that portion of the sandy beach east of and adjacent to the South Beach Parking Lot. The area where special events with alcoholic beverages shall be permitted shall be delineated and described as follows:~~

~~A portion of the sandy beach lying east of State Road A1A, bounded on the south by the northerly boundary of the "Sheraton Yankee Clipper" Hotel and on the north by the easterly and westerly extensions of the north edge of the existing basketball courts located south of the entrance to the south beach parking lot; being more particularly described as: All that portion of the sandy beach lying within Parcels~~

~~37, 37A, 38, 38A, 39 and 39A, "Bahia Mar," according to the plat thereof, recorded in Plat Book 35, Page 39 of the Public Records of Broward County, Florida, lying south of a line fifty three (53) feet south of and parallel with the north line of said parcels 37 and 37A, said line being approximately coincident with the easterly and westerly projections of the north line of aforesaid basketball court; the northerly one hundred fifty (150) feet of said beach being bounded on the east by a line which is one hundred thirty (130) feet west of and parallel with the mean high water line of the Atlantic Ocean; the remainder of said beach being bounded on the east by a line which is one hundred eighty (180) feet west of and parallel with the mean high water line of the Atlantic Ocean.~~

- e. Provisions for sanitary facilities and for safety inspections as determined to be necessary by the fire and building and zoning departments.
- ~~f. Provision for the posting of an adequate cash security bond or other security approved by the parks and recreation department, public works department and city attorney to ensure that refuse generated by the event will be collected and that the event area will be cleaned.~~
- ~~g.~~
- ~~e.~~ A provision which will indemnify and hold the city, its officials and employees harmless from any claim and comprehensive general liability insurance in a minimum amount of one million dollars (\$1,000,000.00) combined single limit coverage, evidenced by a certificate approved by the city's risk manager.
- ~~h.~~
- ~~f.~~ A provision which reserves the right of the city to immediately revoke permission and to suspend or terminate the event or any portion of it if any of the elements of the agreement are violated.
- ~~i.~~
- ~~g.~~ Any other provision, term, plan or condition deemed necessary by the city.

Events sponsored or cosponsored by the city and conducted upon municipal property or at municipal facilities may also be approved by the city commission, subject to compliance with the foregoing requirements, as applicable.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten days from the date of final passage.

PASSED FIRST READING this the 17th day of April, 2012.
PASSED SECOND READING this the 1st day of May, 2012.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

L:\COMM2012\Ords\May 1st\C-12-12.docx