ORDINANCE NO. C-18-48

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING CHAPTER 15, ARTICLE V, OUTDOOR EVENTS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE REVIEW OF APPLICATIONS FOR OUTDOOR EVENTS BY THE CITY MANAGER'S OFFICE, PROVIDING FOR A PROCESS FOR REVIEW AND APPROVAL OF APPLICATIONS FOR CERTAIN HOTEL-SPONSORED OUTDOOR EVENTS, PROVIDING NEW DEFINITIONS FOR OUTDOOR SOCIAL SERVICE EVENTS AND MOBILE SERVICES, DELETING REFERENCES TO OUTDOOR SOCIAL SERVICE FEEDING EVENTS, PROVIDING FOR REGULATION OF OUTDOOR SOCIAL SERVICE EVENTS AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida (the "City Commission") held a joint workshop with the Beach Business Improvement District Advisory Committee ("BID") on October 18, 2017, at which ~~where~~ the issue of expediting the process for approval of outdoor events on the beach for hotel conventions and conference attendees was discussed; and

WHEREAS, the current process for approving outdoor events requires City Commission approval and can take up to several months to complete; and

WHEREAS, hotel-sponsored beach events, event hours, allowed structures and event footprint would be limited to a defined standard for hotel-sponsored events subject to the proposed expedited approval process; and

WHEREAS, events exceeding the defined standard will be required to follow the regular outdoor event process outlined in section 15-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the expedited process for each hotel-sponsored event would follow all the requirements of the City of Fort Lauderdale's regular process for outdoor events, except for the timeframe for application submission and the need for City Commission approval, and;

WHEREAS, the City Manager's office has assumed the responsibility for reviewing the applications for outdoor events in the City of Fort Lauderdale and will also be responsible for coordinating and approving hotel-sponsored outdoor events;

WHEREAS, defining mobile services and providing supplemental regulations for outdoor social service events establishes uniformity and promotes and ensures the health, safety, morals and general welfare of the residents of and visitors to ~~of~~ 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.

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.

(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 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, ~~without~~ at no cost or at a very low cost, ~~as a social service, as defined herein~~ and generally holding such an event ~~providing food~~

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~~distribution services~~ outside of a building or structure or without permanent facilities on a property.

(d) *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 ~~parks and recreation department~~ city manager's office not less than sixty (60) days, or seven (7) days in the case of outdoor social service ~~feeding~~ 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, or any person providing rides, mechanical entertainment or amusement devices for the event. With the exception of outdoor social service ~~feeding~~ 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 ~~parks and recreation department~~ city manager's office. The city manager may establish a late fee to be imposed on applicants that file within such sixty-day period. Social service events shall be approved by the city manager or his or her designee.

(b) With the exception of outdoor social service ~~feeding~~ events under section 15-186, if the information submitted by the applicant is responsive and if the ~~parks and recreation department~~ city manager's office 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~~

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~~department~~ city manager's office 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 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 ~~feeding~~ 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.

SECTION 3. That Section 15-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Sec. 15-183. – Outdoor event requirements

(a) With the exception of outdoor social service ~~feeding~~ events under section 15-186, the agreement for outdoor events shall contain the following terms and conditions:

(1) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the city fire-rescue 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 department of sustainable development.
(3) The 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

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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 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 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's parks and recreation director~~ city manager's office, 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~~ city manager's office at least 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 section 15-186 shall not be permitted upon any public beach, as defined in section 8-71 of this Code.

(d) Social service ~~feeding~~ 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 5. That Section 15-186~~185~~ of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide 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~~plans, organizes and is responsible for the execution of the outdoor social service event;
(2) The date or dates when the outdoor social service event will occur~~food will be furnished, served, or distributed~~;
(3) The times of day when the outdoor social service event ~~food service and distribution~~ is anticipated to begin and end;
(4) The street address or addresses of where the outdoor social service event~~food~~ is anticipated to be ~~furnished, served, or distributed~~held, 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~~service providers 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 five hundred (500) feet from another outdoor social service ~~feeding event, or food distribution center as defined in the ULDR~~;

(2) Not be any closer than five hundred (500) feet from a residential property as defined in section 47-35 of the ULDR;

(c) Applicants for ~~O~~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:

(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.

~~(2) Have adequate storage of food from the time of preparation to the time of service~~;

~~(3) Use the following methods of sanitation before preparing, serving, or distributing food:~~
~~(i) Hand sanitizer; or~~
~~(ii) Disposable gloves~~.

(4~~2~~) 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~~ ~~the~~ service provided; and

(5~~3~~) Remove or cause the removal of all trash or debris from the ~~feeding~~ event 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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(d) Mobile shower and hygiene facilities shall:

(1) have shower stalls and wash basins fully enclosed upon or within any vehicle, cart, trailer, or apparatus;
(2) have sufficient dressing areas within the enclosed shower and hygiene facility to avoid any dressing or undressing outside of the mobile vehicle, cart, trailer, or apparatus, which is strictly forbidden;
(3) provide for complete privacy within the enclosed mobile vehicle, cart, trailer, or apparatus, from outside viewing;
(4) have sufficient enclosed storage capacity for gray water;
(5) use potable water for all showers and wash basins;
(6) provide for segregated separate showering areas for men and women, if more than one person is permitted to shower at one time;
(7) provide for segregated separate showering between adults and children when they are not in the same family; and
(8) not operate before the hours of 7:00 am or after dusk.

(de) Where section 15-186 conflicts with any other section of article V, the requirements of section 15-186 shall govern.

(ef) 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.

(fg) 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 (3) days of receipt of the notice. An appeal does not stay the decision of the city manager.

(gh) 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 this Code. Each day the violation exists shall constitute a separate violation under this article and shall be punishable as such.

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SECTION 6. That Section 15-187 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created 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 ~~no more than 12~~ one-day hotel-sponsored events, the number of which shall not exceed twelve, per calendar year, on the public beach ~~for hotel convention or conference attendees or guests~~.

(b) For each hotel-sponsored outdoor event, an outdoor event application and application ~~permit~~ fee must be submitted to the Fort Lauderdale city manager's office 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 ~~and approve~~ 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 ~~on an expedited basis~~. 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 ~~may~~ enter into an event agreement with the owner or operator of the hotel for which the application was submitted ~~without the need for approval by the City Commission~~. The event agreement shall incorporate all requirements and provisions set forth in section 15-183.

(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 ~~for companies or organizations holding conventions or conferences at the hotel~~;

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(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 ~~conflict with~~ 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 50% 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.

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SECTION 7. 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 8. 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 9. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 10. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the 18th day of December, 2018.
PASSED SECOND READING this the 8th day of January, 2019.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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