

ORDINANCE NO. 16-817

AN ORDINANCE OF THE CITY OF ANNA MARIA, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ANNA MARIA BY RENAMING CHAPTER AND ADDING REGULATORY CONTROLS REGARDING SPECIAL EVENTS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF ANNA MARIA THAT:

SECTION 1. Chapter 10, now named "Amusement and Entertainments" of the Code of Ordinances of the City of Anna Maria is hereby is hereby renamed "Amusements and Special Events" and amended to read as follows:

CHAPTER 10: AMUSEMENTS AND SPECIAL EVENTS

ARTICLE I. IN GENERAL

Secs. 10-1 – 10-30. – Reserved.

ARTICLE II. AMUSEMENT DEVICES

Sec. 10-31. - Standard Amusement Device Code adopted.

The Standard Amusement Device Code edition that is adopted by the city commission and on file in the city hall, as published by the Southern Building Code Congress International, Inc., shall be the amusement device code of the city.

Secs. 1—32 – 10-50. – Reserved.

ARTICLE III. SPECIAL EVENTS

Sec. 10-51. – Purpose and findings.

- (a) The purpose of this Article is to protect the health, safety and welfare of the citizens of Anna Maria and its visitors.
- (b) The city hereby finds that special events, left unregulated, could have a negative effect on the peace and serenity of the citizens of, and visitors to, the City of Anna Maria, and could negatively affect the public infrastructure of the city.

- (c) The city hereby finds that regulation of special events is necessary to protect the primary residential character of the City of Anna Maria, and the health, safety and welfare of all people in Anna Maria.

Sec. 10-52. Definitions

- (a) *Administrative special event* is a special event that can be approved by the mayor or his designee, unless the mayor deems it appropriate to take the application to the city commission for review and approval. *Administrative special events* shall be all events other than non-administrative special events.
- (b) *City* shall mean the City of Anna Maria. For purposes of processing special event applications, the term *city* shall refer to the city staff member(s) designated by the mayor to process such applications.
- (c) *Event planner* is a person who is paid to arrange or put on a special event, or who receives a commission or other payment of any sort as a result of a special event.
- (d) *Non-administrative special event* is a special event that must be approved by the Anna Maria city commission. All street closing special events, and all special events that are to take place on the beach when there will be amplified sound, furniture, tents or chairs, shall be non-administrative special events.
- (e) *Person* includes individuals, firms, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, limited liability companies, unincorporated associations, companies, corporations, and all other groups, combinations, or legal entities.
- (f) *Special event* is an activity, of a specifically limited time and purpose, having higher impacts on adjacent areas and public services than would be reasonably expected from a normally permitted land use or activity. Special events include, but are not limited to, indoor and outdoor arts and crafts shows; bazaars; carnivals; sports events; commercial and sales activities; sidewalk sales; flea markets; rummage sales; holiday events; Christmas tree sales; plant sales; grand openings; festivals; fairs; auctions; breakfasts; weddings and wedding receptions, block parties, races, and similar events; charitable and other fundraising events; and parades. Exempted from the definition of special events are non-commercial activities on private property put on for the specific benefit of the property owner or the property owner's immediate family. Garage sales shall not be deemed as a special event in residential districts unless they involve three or more contiguous dwelling units or if they are held more often than four days within any 14-day period at any one dwelling unit. After the fourth day, no less than 90 days must pass

before further garage sales may be held at a site without a special event permit.

- (g) *Street closing special event* is a special event for which there is a request to close a street for a period in excess of two (2) hours.

Sec. 10-53. Permitting

(a) Procedure. Special events may be specifically permitted in any zoning district, upon approval of a required application. Prior to a special event permit being issued, an application must be completed and submitted to the city under the following procedure:

- (1) A pre-application conference with the City is required.
- (2) The applicant must complete and submit an application on forms provided by the city. The city commission may set a reasonable application fee schedule by resolution from time to time.
- (3) The application shall include, at a minimum, the following information:

a. Name of the applicant and location of site. If the applicant is not the owner of the property upon which the special event will take place, an authorization form appointing the applicant as the landowner's representative, signed by the landowner and notarized, stating that the owner approves the special event and will be responsible for activities at the special event, shall be submitted. If the special event is to take place upon property owned or controlled by the public, permission to use such property may be sought in conjunction with the city approval of the permit.

b. Site plan or other graphic representation of special event. The site plan need not be professionally drawn, but shall instead be required to show with reasonable accuracy the layout of the property where the special event will be located, or if a parade or other similar use, the parade route. This site plan shall include a traffic flow plan, parking, location of major components of the use, such as bandstands, food booths, restroom facilities, dumpster locations, and any other information reasonably necessary for the reviewing agencies to assess the special event or activity. All food booth vendors shall be licensed by Manatee County and/or the State of Florida. The site plan shall also demonstrate compliance with the U.S. Americans with Disabilities Act regarding accessible facilities (one handicapped accessible port-o-let must be available when unisex port-o-lets are provided).

c. Description of the special event. A description of the special event, including purpose, size of expected crowds, hours of operation, required governmental services, and dates of the special event or activity. If alcohol is to be served, the provisions of subsection (d) shall apply to the event. The city may allow items to be thrown by parade participants provided written description of the item(s) to be thrown and measures to be taken to assure the safety of onlookers is provided to the city as part of the special events application.

d. A maximum of five (5) Temporary off-site directional signs may be allowed providing the following standards are met:

1. A map indicating the location of the off-site directional signs shall be included in the special events application.

2. Off-site directional signs shall not include streamers, wind signs, balloons, rotating devices and unofficial flags.

3. Off-site directional signs must be a minimum of 18" X 24" and a maximum of 24" X 32" and shall include the special events Permit number on the back of each sign.

4. Off-site directional signs may only be erected 5 days prior to the event and must be removed within 24 hours after the completion of the event.

5. Off-site directional signs may not be located within street medians, attached to traffic control signs or highway signs.

6. Off-site directional signs shall be located a minimum of thirty (30) feet from street intersections, and a minimum distance of six (6) feet from the edge of the pavement.

7. Off-site directional signs shall be a minimum of one (1) foot above the surrounding grade and not exceed a height of five (5) feet above the surrounding grade.

(4) The city shall review the application for completeness and advise the applicant of any further information needed to complete the application. After the city has received any requested additional information, or if no additional information is necessary, the application shall be deemed complete. While the application is deemed complete, it does not guarantee approval of the application.

(5) The completed application must be received by the city at least six weeks prior to the date of the special event for which the application is being submitted. For street closing special events, the completed application must be submitted at least six months prior to the date of the event.

(b) Review. Non-administrative special events shall comply with provisions (1) through (7) below. Administrative special events shall only comply with provisions (5) through (7).

(1) The city shall forward the application to the fire district, chief law enforcement officer of the city, and other affected agencies as follows:

a. The reviewing agencies shall review the application and may recommend any reasonable contingencies or conditions designed to lessen the impact the special event on the general public. The reviewing agencies shall use their own best professional judgment in reviewing the application in making any recommendations. The following may be used as general guidelines for planning purposes:

1. Security services. The city's law enforcement staff will review the permit application and assess the need for security services based upon the size of the crowd, location, traffic flow, whether alcohol will be served, and other information shown on the application. If security services are required, the applicant must provide for the security services before the permit can be approved and provide the city reasonable assurances that security services will be provided. The chief law enforcement officer for the city, or his or her designee, shall be the city commission's primary advisor on the need for security services, including the number of security officers required and the hours assigned.

2. Fire protection/rescue. The West Manatee Fire District staff will review the permit application and assess the need for fire district services based upon its criteria and the information provided in the application. The fire chief of the district, or his designee, is the final authority on the need for fire district services. The applicant shall be responsible for contracting with the district and paying any required fee for its services.

b. The comments and recommendations of the reviewing agencies shall be returned to the city at least five (5) working days prior to

the city commission meeting where the application is scheduled for review.

(3) After receipt of comments by all reviewing agencies, the city shall review the finalized application and submit it to the mayor, with the recommended contingencies and conditions from the reviewing agencies.

(4) The application and recommendations shall be scheduled for final review by the city commission. The city commission shall review the submitted application and any comments, contingencies or conditions recommended by the reviewing agencies. The city commission is authorized to add its own reasonable contingencies and conditions to the application during its final review.

(5) Upon approval by the city commission for non-administrative special events or by the city staff for administrative special events, the applicant will be notified by the city and advised of any conditions and fees required. The city shall be responsible for forwarding copies of the approved special event permit to the mayor, city commission, law enforcement, and all other agencies or departments affected thereby. Once the applicant has provided assurances that the conditions will be met, the city shall issue the permit.

(6) A special event permit may be approved for no more than three (3) days. The applicant may choose to designate a rain date in the application which may be approved in conjunction with the preferred date of the special event.

(7) The special event permit shall be specifically contingent on the conditions required by the city commission for non-administrative special events, or the city staff for administrative special events. If the conditions are not met, the permit may be withdrawn by the city.

(c) Insurance and fees for services.

(1) All persons requesting public property for the location of the special event or requesting city services shall be required to have appropriate insurance as a condition for approval of the permit. Proof of insurance showing the city as an also-named insured and with a minimum of \$1,000,000.00 general liability coverage, shall be provided to the city at least 48 hours prior to the start of the special event. The applicant shall also agree to indemnify, defend and hold the city, its officials, employees, agents and assigns harmless from any liability or damage or claims that may occur during or arising out of the permitted special event. The applicant may be required to post an appropriate performance bond to

ensure that the proper cleanup, damage and fees are paid after completion of the use.

(2) Should the special event require city or governmental services, the applicant shall pay a reasonable fee for these services. This fee shall be based on the scope of services provided to the special event and no greater than the actual cost to the governmental agency supplying the service.

(3) Issuance of a special event permit does not excuse the applicant from applying for other required permits. These may include building permits, electrical permits or health department permits. The applicant has the responsibility to have all necessary permits issued for the special event. Review of applications for other required city permits may proceed simultaneously with the review of the application.

(d) Temporary sales and service of alcoholic beverages. Notwithstanding the provisions of the City of Anna Maria Code, Sections 114.501 and 114.506, to the contrary, alcoholic beverages may be dispensed or sold in conjunction with a special event permit issued pursuant to this section. Approval of temporary sales and service of alcoholic beverages shall be pursuant to the following conditions:

(1) Any application for temporary sales and service of alcoholic beverages in conjunction with a special event permit must be properly filed with the city no less than six weeks prior to the special event.

(2) The applicant must not only provide the insurance as required in paragraph (e), above, but also an alcohol liability rider with the city as an also-named insured in an amount of no less than \$1,000,000.00.

(3) The boundaries of the site where the special event is located must be clearly marked and informing the attendees that alcoholic beverages must be kept within the perimeter of the site designated for the event and that persons with alcoholic beverages outside the boundaries of the special event are subject to prosecution if other applicable laws are violated.

(4) The city commission reserves the right to attach additional conditions pertaining specifically to alcoholic beverage consumption to any special event permit, such as limiting the hours alcoholic beverages will be available or limiting the type of alcoholic beverages dispensed at the special event.

(5) Applicants for a special event in signing the application, in consideration of being granted a special events permit, shall agree to indemnify and hold harmless the City of Anna Maria and all of its officers and agents from any and all liabilities, claims, actions, suits or demands by

any person, firm or corporation for injuries, death, or property damage arising from the special event.

Sec. 10-4. Additional requirements for special events on the beach

No wedding receptions or similar special events shall be permitted on the beach. Weddings may be permitted, but they shall last no longer than one hour, not including set up and take down, which shall not take more than an additional one hour. There shall be no more than one wedding per day on the beach. The city commission shall have the right to waive these requirements for good cause shown by a super-majority vote of the city commission.

Sec. 10-5. Application criteria

For both administrative and non-administrative special events, the following criteria shall be considered when a determination is being made as to whether to grant a special events permit:

- (1) The special event would endanger public safety;
- (2) The special event would unreasonably infringe upon the rights of abutting property owners or occupants;
- (3) The special event would conflict with another event or interfere with construction or maintenance work in the immediate vicinity;
- (4) There are not sufficient safety personnel or other necessary town staff to accommodate the event;
- (5) There is not adequate police protection to protect the public health, safety and welfare;
- (6) There are not sufficient fire personnel to protect the public health, safety and welfare in the event of an emergency;
- (7) There is not sufficient sanitation to accommodate the special event;
- (8) The special event would cause an unreasonable disruption of traffic;
- (9) There are other events and or seasonal impacts which will occur at the time of the proposed special event which, when taken collectively with the proposed special event, will unreasonably disrupt transportation or endanger the response times for emergency vehicles;
- (10) The applicant failed to complete the application form after being notified of the additional information or documents required;

- (11) Information contained in the application or supplemental information requested from the applicant is found to be false by any of the reviewing agencies;
- (12) The special event would not comply with all applicable ordinances and codes; and
- (13) Failure of the applicant to prepay expenses.

If any one or more of the above factors are found to exist and is not remedied by the applicant within five (5) calendar days of written notice by the city, the city shall deny the permit. If any application is received by the city by, or on behalf of, an event planner who has, both after the date of the adoption of this ordinance, and within the previous five (5) years from the date of the submission of the application, either put on a special event without receiving a permit therefor, or failed to fully comply with all provisions of this ordinance, such application shall be denied.

Sec. 10-55. Appeal

Any person who is aggrieved by the determination of the city in regards to a public events permit, may petition the city commission for review of the city's findings. The petition shall briefly set forth the grounds for review. The city commission's factual review shall be limited to the information before the city when the decision was made on the application. The city commission shall approve, approve with conditions, or deny the petition. In making its determination, the city commission shall consider the provisions of all applicable city codes, including this Article, and state and federal law. Any appeal of a decision by the city commission shall be taken to a court of competent jurisdiction in accordance with applicable state law.

Sec. 10-56. Penalty

- (a) Any person who is found to be in violation of this section shall be punished by a fine in an amount not to exceed \$500.00, or imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment, when such violation is pursued by the City of Anna Maria in county court.
- (b) Every day a violation of this section continues shall constitute a separate offense which shall be separately punished.
- (c) Every discrete violation of different provisions of this Article shall constitute a separate offense which shall be separately punished.
- (d) Every violation of this Article shall also be deemed a civil infraction which may be punished in accordance with the provisions of section 2-65 of this code. For purposes of the civil infraction, the civil penalty shall be \$500.

SECTION 3. CONFLICTS. All Ordinances or parts of Ordinances, insofar as they are inconsistent or in conflict with the provisions of this Ordinance, are hereby repealed to the extent of any conflict.

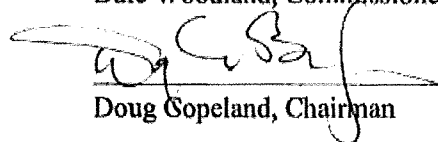
SECTION 4. CODIFICATION. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Anna Maria. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 5. SEVERABILITY. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Ordinance shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this ordinance, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Ordinance, which shall remain in full force and effect. This ordinance shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this ordinance as expressed herein.

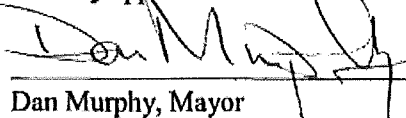
SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage and adoption.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 11th day of August, 2016.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Charles Webb, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner


Doug Copeland, Chairman

I hereby approve this Ordinance:

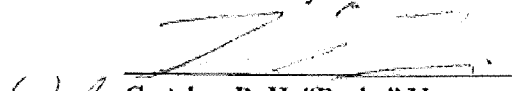

Dan Murphy, Mayor

August 11, 2016

ATTEST:

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only

Diane Percycoe, City Clerk



Gretchen R. H. "Becky" Vose
City Attorney

