



# Community Development Department

## Special Event Use Approval Part I of II

**NOTICE:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities, such as water management districts, state agencies, or federal agencies.

Date: \_\_\_\_\_

Owner(s) of the property: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Operator's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Site address of the special event: \_\_\_\_\_

(Provide a copy of the property record card for the site of the special event)

What is the purpose of the special event, please be specific: \_\_\_\_\_

Name of the Event: \_\_\_\_\_

Date of the event: \_\_\_\_\_ Estimate of Participants: \_\_\_\_\_

Owner, Agent or Operator's Signature

**TO BE COMPLETED BY CITY STAFF:**

Application Fee: \$100.00

Special Event # \_\_\_\_\_ Zoning: \_\_\_\_\_ Alternate Key # \_\_\_\_\_

Address #: \_\_\_\_\_

Use of site approved: ☐ Yes ☐ No

Name and title of Community Department

Signature of Staff

Date

# City of Fruitland Park

## Special Event Application Part II of II

Date of Application: \_\_\_\_\_

Date of Special Event: \_\_\_\_\_

- Part I of the Special Event Application must be completed and approved prior to Part II being submitted.
- **This application shall be submitted at least ninety (90) days in advance** of the Commencement of the event for which the application is filed.

Are the owners, agents and operators the same as listed on Part I of this application:  
\_\_\_\_ Yes      \_\_\_\_ No

If no, please update the information below:

**Owner(s) of the property:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Operator's Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Email Address: \_\_\_\_\_

What are the exact times and dates of the commencement and conclusion of the event including Setup and clean-up: \_\_\_\_\_

\_\_\_\_\_

Please provide the following items and information; detailed descriptions of requirements are attached to this application:

1. Adequate plans, which includes: site construction, sanitation facilities, sewage disposal, garbage and refuse disposal, drainage, floodlighting during darkness, insect and rodent control, water supply and food service.
2. An adequate geographic description and scale map or plan of the event site, showing the location of all required facilities, all points of ingress and egress and designated parking area(s) outside the performance area and designated safe pedestrian routes that indicate travel between the designated parking area(s) and the performance area.

**Rescheduling of Event:**

If the event is cancelled due to causes outside the control of the applicant, such as unfavorable weather, the applicant shall notify the Community Development Director or designee no later than 24 hours prior to the approved start date. Upon receipt of timely notice of cancellation of the event, the permit shall remain valid for 30 days beyond the approved start date to allow for rescheduling of the event. The applicant shall provide the Community Development Director or designee a minimum of five (5) days' notice prior to the start of the rescheduled event. The permit shall expire if the event is not rescheduled within the time frame stated herein.

**Deviation or Violation of Conditions and Plans:**

If there are any deviations or violations of or from the conditions and plans submitted under this section or violation of other provisions of the Special Event Code, or any material misrepresentation in the application for the permit, the Community Development Director or designee may revoke the special event permit.

**To be completed by City staff:**

Special Event # \_\_\_\_\_

Environmental Health review: \_\_\_APPROVE      NOT APPROVED\_\_\_ NOT REQUIRED

\_\_\_\_\_  
(Print name and signature of staff) Date: \_\_\_\_\_

Public Works review: \_\_\_APPROVE      NOT APPROVED\_\_\_ NOT REQUIRED

\_\_\_\_\_  
(Print name and signature of staff) Date: \_\_\_\_\_

Police Dept. review: \_\_\_APPROVE \_\_\_ NOT APPROVED\_\_\_ NOT REQUIRED

\_\_\_\_\_  
(Print name and signature of staff) Date: \_\_\_\_\_

**Fire Rescue review:** ☐ APPROVE ☐ NOT APPROVED ☐ NOT REQUIRED

\_\_\_\_\_  
(Print name and signature of staff) Date: \_\_\_\_\_

**Emergency Medical Svcs. review:** ☐ APPROVE ☐ NOT APPROVED ☐ NOT REQUIRED

\_\_\_\_\_  
(Print name and signature of staff) Date: \_\_\_\_\_

**Community Dev't Dept. review:** ☐ APPROVE ☐ NOT APPROVED ☐ NOT REQUIRED

\*\* \_\_\_\_\_ Date: \_\_\_\_\_  
(Print name and signature of staff from Community Development Department)

\*\* \_\_\_\_\_ Date: \_\_\_\_\_  
(Print name and signature of staff from Building Division)

**City Manager or designee review:** ☐ APPROVE ☐ NOT APPROVED

\_\_\_\_\_  
(Print name and signature of City representative) Date: \_\_\_\_\_

Staff notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPLICANT AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared \_\_\_\_\_

\_\_\_\_\_, who being by me first duly sworn on oath deposes and says:

- 1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires \_\_\_\_\_ to allow \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Affiant (Applicant's Signature)

State of Florida

County of \_\_\_\_\_

The Foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,  
by \_\_\_\_\_ who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath

(Notary Seal)

Notary Public - State of Florida

Commission No \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

# OWNER'S AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LAKE

Before me the undersigned authority, personally appeared \_\_\_\_\_

\_\_\_\_\_, who being by me first duly sworn on oath deposes and says:

- 1) That he/she is the fee-simple owner of the property legally described on attached page of this application.
- 2) That he/she desires \_\_\_\_\_ to allow \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- 3) That he/she has appointed \_\_\_\_\_ to act as agent on his/her behalf to accomplish the above. The owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act on his/her behalf.

\_\_\_\_\_  
Affiant (Owner's Signature)

State of Florida

County of \_\_\_\_\_

The Foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_,  
by \_\_\_\_\_ who is personally known to me or has produced  
\_\_\_\_\_ as identification and who did or did not take an oath  
(Notary Seal)

Notary Public - State of Florida  
Commission No \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES PERTAINING TO SPECIAL EVENTS WITHIN THE CITY OF FRUITLAND PARK; SPECIFICALLY PROVIDING FOR PROCEDURES AND REGULATIONS APPLICABLE TO CONDUCTING SPECIAL EVENTS AS DEFINED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park City Commission desires to provide procedures and regulations relating to conducting special events within the City; and

WHEREAS, the City of Fruitland Park City Commission hereby amends the Code of Ordinances to do so.

NOW THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

**SECTION 1.** Chapter 95 of the City of Fruitland Park Code of Ordinances is hereby amended to add a new section 95.100 as follows:

**Section 95.100. Special Events.**

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. "Special event" shall mean a temporary and exclusive use by people of public facilities or public right-of-way, or a gathering of any number of people that disrupts the ordinary and normal use of a public facility, public right-of-way, public street or private street subject to the exemptions contained in this chapter and/or requires the provision of increased or supplemental public services above that normally required in the absence of the event. It is further understood that special events may include, but not be limited to the following: athletic or sporting events, arts and crafts festivals, flea-markets, and similar transient amusement or recreational activities. Notwithstanding anything herein to the contrary, "special event" as defined herein shall not include events held in city parks, recreation areas, and structures as are addressed in Section 95.50 of the City Code.

2. "Supplemental public services" shall mean those reasonable and necessary services provided by the City of Fruitland Park which specifically result from the planning, operations, maintenance, capital and other support services and expenses associated with the special event. These supplemental public services result in measurable financial costs which are above and beyond the normal levels of health and safety services on a non-event day. Examples of supplemental public services may include, but not be limited to, police protection, traffic control, fire monitoring, dedicated paramedic or EMS services, parks facility and building services, provision of utility services, signage, sanitation, crowd management control and other services necessary to ensure the protection of participants and citizens, the proper functioning of city services, and the proper administration of this part and Code provisions.



3. "Temporary" shall mean no longer than seven consecutive days nor more than a total of fifteen (15) special event dates in a single calendar year for non city-sponsored special events. City sponsored special events are not subject to time limitations.

(b) Exemptions. The provisions of this chapter shall not apply to the following:

1. Funeral processions and services.

2. Activities conducted or co-sponsored by the City of Fruitland Park in promotion of cultural, recreational, tourism or other activities which advance the public welfare of its citizens. However, in order to coordinate supplemental public services, an application is still required.

3. Lawful picketing or free speech expression activities.

4. Permits for events in city parks, recreation areas, and structures (see 95.50 of the City Code).

5. Sports facilities located on city property.

(c) Permit Required. Any person or organization desiring to conduct or cause to be held a special event within the City of Fruitland Park shall first obtain a special event permit. No special event permit will be issued without a completed application and any additional information requested by the City.

(d) Permit application. Any person or organization wishing to conduct a special event shall apply for a special event permit by filing an application with the City. Said application shall be filed at least 90 days in advance of the event date in order to provide adequate notice for organizing supplemental public services or accommodating potential modifications to the event proposal. Exceptions to this time requirement for filing a permit application may be granted by the city manager within the city manager's discretion. Application forms will be provided by the city. Incomplete applications will be denied. The intent of the application is to identify all impacts and services which may contribute to the operation of the event, and attempt to mitigate any negative impacts upon the community and adjacent neighborhoods.

The City Commission reserves the right to limit the proximity or number of concurrent or overlapping special events when the legislative determination is made that city resources are inadequate to meet the demands of said multiple events, or that the events will result in conditions or activity contrary to the public health, safety, and welfare. The standard policy, unless otherwise directed by the City Commission, is that no other special event application will be received for the same time and location where an existing or anticipated special event application has been or is expected to be approved.

(e) Permit fee. The fee for issuance of a special event permit shall be \$100.00, and such fee may be further adjusted by the City Manager or designee within his or her discretion. This permit fee is separate from the charge incurred for supplemental public services, which will also be billed prior to the event and be the responsibility of the applicant.



(f) Exemptions from permit fee. No fee shall be imposed upon events protected by the First and Fourteenth Amendments to the United States Constitution.

No fee shall apply to a block party with an anticipated attendance of 300 people or fewer that closes off a residential street segment or commercial alley of no more than one block in length, a sidewalk adjacent to a public park, or an unopened right-of-way for eight hours or less during daylight hours, and does not require supplemental public services involving personnel assignment as determined by the City Manager or his designee.

No fee shall be imposed upon a city-sponsored event.

The City Commission reserves the right to waive any applicable permit fee at its discretion.

(g) Supplemental public services. The special permit event applicant shall be liable and shall pay the estimated costs for supplemental public services upon approval of the permit and billing by the city. Charges for supplemental public services shall include the costs of personnel, equipment and other direct-related expenses necessary to support and manage the special event as determined by the city departments in consultation with the city manager. These supplemental public services shall be incorporated into a special event plan which considers the relative impacts of the size and scope of the special event.

In the event that the applicant fails to adequately and expeditiously clear their event site and follow through with the required permit conditions and special event plan, then the applicant will be billed for additional city costs to repair or restore the event site to its normal state. Depending upon circumstances, consideration for future permit applications of the offending applicant will be subject to additional fees, security deposits or bonding.

(h) Denial, revocation, or suspension of permit. A special event permit under the authority of this chapter shall be deemed temporary in nature, shall vest no permanent rights to the applicant, and may be immediately denied, revoked or suspended if any of the following conditions are found to exist within the city manager's discretion:

- (1) The applicant, in the information supplied on the application, has made a misstatement of a material fact.
- (2) The applicant has failed to fulfill a term or condition of the permit or compliance with the special event plan developed by the city.
- (3) The applicant has failed to adequately pay the billed fees by the city for the special event permit in a timely manner.
- (4) The applicant requests cancellation of the event.
- (5) The event endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property.
- (6) At the discretion of the City Commission, the event is determined to not be in the best interests of the City of Fruitland Park and will unreasonably burden the resources of the city.

Depending upon the timing and urgency of need, notification to the applicant of a denial, revocation or suspension may be in writing (preferred), either certified or regular mail, or verbally.

(i) **Appeal procedure.** Any applicant shall have the right to appeal the denial of a special event to the City Commission. The appeal shall specifically state the grounds upon which it is asserted and why the termination should be modified or reversed. The appeal shall be initiated within five days after receipt of the notice of denial by filing a written notice with the city clerk and a copy to the city manager. The City Commission shall consider the appeal at the next regularly scheduled meeting within 21 days following receipt of the appeal by the city clerk. The formal rules of evidence shall not apply to an appeal under this section, and the basis for the decision shall be a preponderance of evidence as presented at the appeal hearing. The City Commission may affirm, modify or reverse all or part of the permit requirements, conditions or other factors arising to a decision of denial by the city manager. The City Commission's decision on the appeal is final.

(j) **Event cancellation fee.** In the circumstance that a special event is cancelled prior to the event date by virtue of denial, revocation, suspension or voluntary cancellation, the applicant forfeits their application fee. The costs for supplemental public services will be returned with a cancellation fee imposed that recovers any actual expenses of the city incurred for the event.

(k) **Indemnification.** The applicant, and other persons, organizations, firms or corporations on whose behalf the application is made by filing a special event application, shall present, stipulate, contract and agree that they will jointly and severally indemnify and hold harmless the city against any and all liability. Said liability shall include costs for court and attorney fees, attorney fees on appeal, and any and all claims for damages to property, or injury to or death of a person arising out of or resulting from the issuance of the special event application, or the conduct of the assembly or any of its participants.

(l) **Insurance.** Proof of liability insurance shall be required in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 cumulative for each special event, with the City of Fruitland Park named as an additional insured for all accidents in the designated event area. Acceptability of insurance certificate is subject to approval by the city's risk manager. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event. The City Manager or his or her designee may adjust the insurance coverage amounts after evaluating the circumstances of each individual event.

(m) **Alcoholic Beverages.** The sale and/or consumption of alcoholic beverages at any duly permitted special event may be permitted pursuant to the terms of the special event permit. In order for any alcoholic beverages to be sold at a special event under this subsection, a licensed alcoholic beverage vendor must show evidence of ownership of a valid liquor license allowing the sale of alcohol at the special event. This provision shall impose no duty upon city staff to allow the sale and/or consumption of alcoholic beverages in any particular circumstance, and the City may attach any conditions that it, in its discretion, deems reasonable and necessary to any special event at which the sale and/or consumption of alcoholic beverages is proposed to occur. The liability insurance provided for the special event must cover the sale and/or consumption of alcohol to the City's satisfaction.

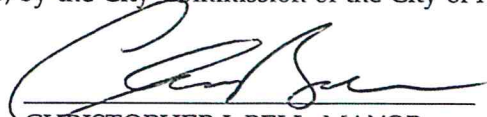
**SECTION 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.



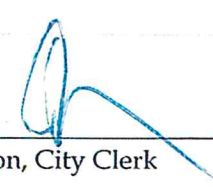
**SECTION 3.** This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," or other appropriate designation.

**SECTION 4.** This Ordinance shall become effective upon passage on second and final reading by the City Commission of the City of Fruitland Park.

**PASSED AND ORDAINED** this 9<sup>th</sup> day of April, 2015, by the City Commission of the City of Fruitland Park, Florida.

  
CHRISTOPHER J. BELL, MAYOR

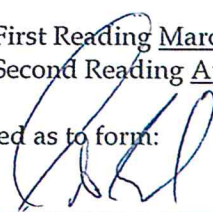
Attest:

  
\_\_\_\_\_  
Esther Coulson, City Clerk






Passed First Reading March 26, 2015

Passed Second Reading April 9, 2015

Approved as to form:

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney

Vice Mayor Cheshire  
Commissioner Ranize  
Commissioner Lewis  
Commissioner Gunther  
Mayor Bell

 (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
 (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
 (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
 (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
 (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)