

ORDINANCE 2017-03

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, PROVIDING FOR AMENDMENT OF THE CODE OF ORDINANCES CHAPTER 13; PROVIDING FOR A NEW ARTICLE VI SPECIAL EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is committed to a fair and uniform application of its codes and ordinances; and

WHEREAS, the City Council aspires to maintain an environment for its citizens, businesses and visitors that does not jeopardize their health, safety and welfare or negatively impact their quality of life; and

WHEREAS, the City Council understands the importance of balancing the needs of the City and its residents with the overall impact of special events; and

WHEREAS, the City Council finds that these regulations are in the interest of the health, safety, and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA THAT:

SECTION I - CREATING

Article VI Special Events

Sec. 13-166 - Findings and intent.

(a) The Council finds that special events offered to the general public or a substantial segment of the public often attract a large gathering of people which may cause adverse public health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, police services, fire rescue personnel and equipment, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health.

(b) It is the intent of the Council that this Article be enacted to protect and promote the health, welfare and safety of the citizens of and visitors to the City of Mary Esther. It is the further intent of the Council that this Article be construed liberally in favor of protecting and promoting the health, welfare and safety of the City's citizens and visitors.

Sec. 13-167 - Definitions.

As used in this Article:

(a) *Applicant* means the authorized responsible party that completes the special event application for a Permit.

(b) *Special Event Permit* means a document issued by the City approving and authorizing a special event.

(c) *Special Event* means an organized or planned gathering of persons having a common purpose, design, or goal, that is to occur on City-owned, City-controlled, or private property that has an overt impact on the services that are regularly provided by the City, such as health, fire and law enforcement services.

Sec. 13-168 -Assemblies and Special Events

(a) Special Events shall include, but are not limited to, festivals, fundraisers, exhibitions, musical performances, races, parades, and athletic events that:

- (1) Require street closings or detours such that the usual flow of pedestrians or vehicular traffic is inhibited; or
- (2) Utilize City property above normal usage; or
- (3) Are intended to or likely are likely to attract substantial crowds; or
- (4) Are unlike the customary or usual activities generally associated with the property; or
- (5) Require the use of City resources, financial or otherwise, in excess of the City's normal day to day operations; or
- (6) Any additional criteria as determined by the City Manager.

Sec. 13-169 - Special Event Permit required.

(a) No person shall stage, promote, advertise or conduct any special event in the City without first obtaining a permit from the City Manager or his or her designee in accordance with the City's adopted Special Event Policy, which may be amended from time to time.

(b) If the City of Mary Esther is the sole event producer or host, it shall be exempt from the permit requirements provided that commercial participants, vendors, contractors, subcontractors and those of similar description and purpose helping to facilitate the event must have a current and valid agreement, license, lease or permit.

Sec. 13-170 - Revocation or suspension of permit.

The City Manager or his or her designee may suspend or revoke a permit issued under this Article for violation of any federal, state or local laws or ordinances during the special event; or for making any material false representation in an application for a permit or for an exemption certificate.

SECTION II - SEVERABILITY

Should any part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, the remaining parts shall remain in full force and effect.

SECTION III - CONFLICT

This Ordinance shall prevail over all prior Ordinances or Resolutions or parts thereof in conflict herewith.

SECTION IV - EFFECTIVE DATE

This ordinance shall become effective upon adoption according to law.

SO DONE THIS 3RD day of JULY 2017.


By:



Chris Stein, Mayor



ATTEST:



Dana L.S. Williams, CMC
City Clerk

1st Reading: June 5, 2017
Published: June 19, 2017
2nd Reading: July 3, 2017