

ORDINANCE NO. 1110 – 2018

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
FLORIDA, CREATING CHAPTER 80, “SPECIAL
EVENTS,” OF THE CITY’S CODE OF ORDINANCES TO
PROVIDE FOR RELATED REGULATIONS, PERMITS,
AND OUTDOOR EVENT REQUIREMENTS; PROVIDING
FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE; PROVIDING
FOR IMPLEMENTATION; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City of Miami Springs (the “City”) wishes to create Chapter 80, “Special Events,” of the City’s Code of Ordinances (the “Code”); and

WHEREAS, in an effort to standardize the City’s special events permitting process, the City desires to codify procedures for approval of special event permits; and

WHEREAS, the City believes that it is appropriate and in the best interest of the City’s residents for special events permits to be reviewed by various City departments to ensure compliance with the City’s Code and the safety of the City’s residents and visitors during special events; and

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and protects the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals Adopted. The above-stated recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with ~~double strikethrough~~ and double underline.

Section 2. Creating Chapter 80 of the City Code. The Code of Ordinance of the City of Miami Springs, Florida is hereby amended by creating Chapter 80, "Special Events," which Chapter shall read as follows:

Chapter 80 - SPECIAL EVENTS

Sec. 80-10. - Title.

This article shall be known and cited as the "City of Miami Springs Outdoor Events Ordinance."

Sec. 80-20. – Definitions; Restrictions.

(a) The following words, terms and phrases, when used in this section and section 80-21, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Outdoor events means concerts, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, and other similar activities or gatherings taking place in an open-air space or venue, 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. Outdoor events shall not be permitted to locate or operate in the city except as provided in this article.

(b) This article shall not apply to outdoor events at city facilities where different regulations have been enacted. This article further excludes private events/party rentals.

(c) An outdoor event may be held in any zoning district of the city.

Sec. 80-21. - Application fee; agreement.

(a) The city council may, after an application has been filed and reviewed, and after passage of an appropriate Resolution, 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 City Manager's Office at least 60 days in advance of the beginning date of the event and shall contain a detailed proposal of the location, hours, and dates of operation, and a copy of any contract between the applicant and any person providing rides, mechanical entertainment, or amusement devices for the event. The applicant shall pay an application fee when the application is filed and submit any additional

information required by the City Manager's Office. A late fee shall be imposed on applicants that file within the 60-day period prior to the scheduled event. Fees imposed pursuant to this Chapter shall be established by Resolution of the City Council.

(b) If the information submitted by the applicant is responsive and if the 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 this article and such other terms and conditions as the city may specify.

(c) No person or organization shall hold a special or outdoor event prior to the delivering to the city the original and properly executed agreement and the certificate of insurance required by this article, as well as any pending department fees within ten (10) days prior to the subject event.

Secs. 80-22—80-45. - Reserved.

Sec. 80-46. – Permit Required.

It shall be unlawful and a violation of this division for any person to play, broadcast or transmit music or sound in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate in or on any open space, lot, yard, sidewalk or street, or to permit the same to occur on or from any property owned, leased or occupied by said person without first having obtained a permit to do so from the City Manager's Office; except no permit shall be required of any person in order to engage in such activity within the residential property wherein such person resides. The use of any amplifier or loudspeaker to play, broadcast or transmit music or sound shall constitute prima facie evidence that the music or sound is being played, broadcasted or transmitted in such a manner as would reasonably be calculated to attract a crowd or cause numbers of persons to congregate.

Sec. 80-47. - Time restrictions.

Permits issued under this division shall specify the date and time during which the activity authorized by the permit may be conducted. No permit shall be issued which encompasses more than three consecutive calendar days, nor shall the requested activity commence or continue beyond the hour of 11:00 p.m. in any case, unless approved by the city manager or his designee.

Sec. 80-48. - Application.

The application for a permit under this division shall contain the following information:

- (1) The name, address and telephone number of the person who will be in charge of the activity for which a permit is requested, or designated representative thereof;
- (2) The name of the person, firm, partnership or corporation seeking the permit;
- (3) The exact date and times for which the permit is sought;

- (4) The exact location of the event for which a permit is requested;
- (5) The number of persons anticipated to be in attendance; and
- (6) Any special permissions, requests, or conditions associated with the event.

Sec. 80-49. - Filing requirements.

Applications for a permit required under this division must be submitted to the City Manager's Office at least sixty (60) days prior to the date of the event for which the permit is requested. Applications filed less than sixty (60) days before the event are subject to a late application fee.

Sec. 80-50. - City Manager's Office to administer.

The City Manager's Office is hereby authorized and directed to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.

Sec. 80-51. - Criteria for permit issuance; bond; security deposit.

(a) Issuance of the permit required under this division shall be based on a determination by the City Manager's Office that the event for which a permit is requested does not constitute:

- (1) A threat to public safety;
- (2) A danger or impediment to the normal flow of traffic; or
- (3) A potential disturbance of the peace and quiet of persons outside the premises where the event is located.

(b) Subsequent permits under this division may be denied to, or a bond required of, any person or entity known to have violated a previous permit under this division.

(c) Deposit. The deposit shall be in an amount sufficient to secure the costs of cleanup and repair or replacement of damage or destruction of property and shall be subject to forfeiture for purposes of paying any fees assessed by the City and/or judgment against the permit holder which may be entered by a court of competent jurisdiction on account of such property damage or destruction or cleanup cost.

Sec. 80-52. - Display of permit upon demand.

It shall be unlawful and a violation of this division for the person designated in the permit application as being in charge of the event for which a permit is sought, or a designated representative thereof, to fail or refuse to display or exhibit the permit, on demand, to any state, county, or city police officer.

Sec. 80-53. - Person designated as being in charge to be present.

The person designated in the permit application required in this division as being the person in charge of the event for which the permit is sought must remain at the location of said event during the entire time stated in the permit for which the event is authorized. It shall be unlawful and a violation of this division for said designated person in charge to fail to remain in attendance at the location of the event authorized by the permit for the entire time specified in the permit.

Secs. 80-54—80-81. - Reserved.

DIVISION 3. - MISCELLANEOUS REGULATIONS

Sec. 80-82. - Outdoor event requirements.

(A) The applicant shall secure all necessary and required building, electrical, plumbing, or other permits, and shall immediately furnish proof of such permits upon request from the city.

(B) Sanitary facilities shall be provided by the applicant and shall be of the type and in a sufficient number as to meet the requirements established by the building department.

(C) The building department shall conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems.

(D) Current flameproof certificates must be provided for all canvas tents, awnings, or canopies and shall be submitted to the building department for approval.

(E) The applicant is responsible for providing adequate security at the outdoor event. The police department may require the applicant to provide and pay for security personnel for crowd control and traffic direction purposes. The county fire rescue department may require the applicant to provide and pay for fire watch personnel.

(F) The applicant is responsible for securing and maintaining, at the applicant's cost and expense, insurance as provided in this subsection. The applicant shall provide a certificate of insurance satisfactory to the city manager or designee, such insurance to be comprehensive general liability insurance in a minimum amount as may be determined by the city's risk management division, naming the city as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the outdoor event, the dispensing, serving, sale and/or distribution of alcoholic beverages at an outdoor event shall be factored into the amount of insurance coverage that may be required.

(G) The applicant shall agree to indemnify and hold harmless the city for any damage to persons or property, which might occur during or as a result of the operation of the outdoor event.

Sec 80-83. - Supplemental event requirements.

(A) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the county fire rescue department.

(B) All providers offering food and/or beverages at an outdoor event shall meet all applicable state, county, and city health codes.

Sec. 80-84. - Exceptions.

The following are exceptions to these regulations:

- (1) A minor activity, which is defined as an outdoor event that has a total attendance of less than 50 persons, has a limited impact on traffic, parking, and noise in surrounding neighborhoods, and does not exceed the capacity of the facility proposed to be used.
- (2) Events by a self-insured governmental entity.
- (3) Outdoor events by schools, churches, governmental entities, and other charitable or nonprofit organizations may hold events regulated by this article at any location or zoning district in the city, provided city council approval is obtained under this article, unless the event is defined as a minor outdoor activity. The organizer of an outdoor event that will be hosted solely on school and/or church property shall submit all details of such proposed activity to the building department at least thirty days in advance of the event.
- (4) Outdoor retail events in which the owner or lessee of the property used for a retail use is selling his/her/its merchandise on site may be exempt from the provisions of this article, provided that: such an outdoor retail event is contained wholly on the retail property (shall not occupy public sidewalks, rights-of-way, or property or other private property); event areas may not occupy any required parking spaces; four feet of clear passage is maintained in any occupied private sidewalks; adequate sanitary facilities are available in the subject retail business to accommodate patrons; and patron attendance does not exceed 200 persons at any one time. The sponsor of the proposed outdoor activity may submit all details of such proposed outdoor retail event, including a site plan, to the planning and zoning department at least seven days in advance of the event in order to obtain an opinion as whether the event is exempt as per this section. If a proposed outdoor retail event fails to meet this criteria, the owner or

lessee of the retail property shall be required to submit an application for, and obtain, an outdoor event permit as provided in this article.

Sec. 80-85. - Exception for city-sponsored events.

A sponsored event is one that s wholly or partially planned, organized, funded, and/or executed by the city as approved by the City Council. Events sponsored or co-sponsored by the city and held at municipal facilities or on other property owned or controlled by a governmental entity are exempt from the provisions of this article; provided, however, that the co-sponsor of a co-sponsored event shall provide the required insurance certificates.

Sec. 80-86. - Enforcement.

(A) Permits shall be posted in a conspicuous location at the site on which the special event occurs. Upon request of any police officer or code compliance officer of the city, the owner, lessee of the property or other representative of the special events shall produce such permit for inspection.

(B) Those engaged in an outdoor event without a permit shall be subject to enforcement by city police officers or code compliance officers, through the issuance of immediate cease and desist orders, the violations of which may be subject to fines imposed by the Code Compliance Board or special magistrate. For repeat offenders, the city manager or his designee may decline to issue permits to such person or entity for one year, or such period as the city manager deems appropriate.

* * *

Section 3. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in Code. That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word

Section 6. Implementation. The City Manager, City Attorney, and City Clerk are hereby authorized to take such further action as may be needed to implement the purpose and provisions of this Ordinance

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING this 8th day of October, 2018, on a motion made by Councilwoman Zapata and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 22nd day of October, 2018, on a motion made by Councilwoman Zapata and seconded by Vice Mayor Petralanda.

Vice Mayor Jaime Petralanda
Councilman Bob Best
Councilwoman Maria Puente Mitchell
Councilwoman Mara Zapata
Mayor Billy Bain

YES
YES
YES
YES
YES



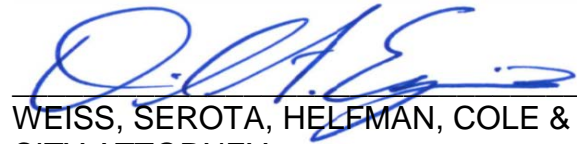
BILLY BAIN, MAYOR

ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

A handwritten signature in blue ink, appearing to read 'D. A. E.', is written over a horizontal line.

WEISS, SEROTA, HELEMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY