

TAB 2

POINT PAPER

CONSIDERATION OF AMENDMENT TO THE REQUIREMENTS RELATING TO SPECIAL FUNCTION PERMITS

August 17, 2009

ISSUE: In reviewing the existing City Code requirements, the Mayor and City Commission have become aware of issues related to the extraordinarily broad requirements in the Code for the need for a Special Function Permits. This resulted in a discussion relating to the appropriate time to require special function permits and the criteria for issuance of a special function permit.

BACKGROUND: Based on discussions with the Commission, the draft ordinance narrows the scope of a Special Function Permit to:

1. Events or organized activities taking place on city property where the number of people expected to attend will be 50 or more people;
2. All activities which require the closing of a city street or sidewalk; and
3. Any promotion or sale activities on city property.

City meetings, activities and events are exempt from requiring a Commission approved Special Function Permit. There has been some debate on the number of attendees of an event necessary to require a Special Function Permit, but the draft presently remains at 50 subject to further Board direction.

The other significant revision involves the clarification of the insurance requirements. The draft language retains the indemnification language, but effectiveness of such language in many cases is questionable depending on the assets of the sponsor and the authority of that sponsor to bind an organization.

DISCUSSION: Four issues were raised at the prior City Commission meeting for which staff needs direction for drafting purposes:

1. At what number of attendees of an event does the Commission wish to review Special Function Permits? The current draft provides for the need for a Special Function Permit when 50 or more people are expected to attend. There was some discussion on raising this number to 75.
2. What should happen if the Commission is not scheduled to meet between the time of the application submittal and the event?

The current ordinance provides for possible administrative approval and the Commission discussed a firm deadline for submittal of 30 days in advance of the event with no possibility of administrative approval if one misses the deadline. Both approaches have drawbacks. The possibility of administrative approval removes review by the Commission. A 30-day in advance submittal requirement would prevent a number of events from occurring because this type of application is often not submitted in a timely manner. One possible alternative is to provide that if the application is submitted too late for Commission consideration at a scheduled meeting, then it may receive administrative approval but only after written notice to the Commission of the intent to approve. If a Commissioner requests a special meeting, within a specified period of not less than 48 hours after transmittal of the Notice of Intent, a special hearing will be held to review and consider the event. If no special meeting is requested, then Special Function Permit may be administratively approved.

3. In addition to providing insurance, should the Sponsor have to indemnify the City for possible injuries or damages related to the event? It is suspected that many signatories do not understand this provision, and if they did, they possibly would not sign the indemnification, would not have the authority to sign the indemnification or have limited assets to pursue in the event of an incident.
4. Should the proposed Sponsor be required to attend the City Commission meeting where the Special Function Permit is being considered? Currently, it is at the Sponsors option and risk, but the Commission can consider the application.

**CITY OF PALMETTO
SPECIAL FUNCTION PERMITS**

Sec. 19-171. Established

There is hereby established a special function permit for the temporary use of city owned property or facilities.

Sec. 19-172. Limits of permit.

A special function permit shall be granted, upon proper application and payment of established fees, for the limited purposes set forth in such application, or as modified in the permit.

Sec. 19-173. Uses requiring a special function permit.

A special function permit shall be required for all events or organized activities which take place on city property where the number of people reasonably expected to attend will be fifty (50) or greater, all activities which require the closing or other disruption of city streets or sidewalks, and all promotional or sales activities on city property. City meetings, activities and events are exempt from obtaining a special function permit. Uses requiring a special function permit shall include, but are not limited to: Promotional or sales activities, sporting events, sidewalk sales or bazaars, rummage sales, flea markets, Christmas tree sales, holiday events, charitable and other fund raising events, parades, plant sales, grand openings, art shows, fairs, festivals, revivals, filming productions and all other similar functions of a temporary nature.

Sec. 19-174. Application.

Application for special function permits shall be made available through the office of the City Clerk during normal business hours. Each application shall identify a sponsor for the event or activity. To the extent practicable, a completed application for a permit shall be filed with the office of the City Clerk at least thirty (30) calendar days prior to the planned event.

Sec. 19-175. Review and approval of application.

Upon filing of the application for a permit, the City Clerk shall route the application to all department heads for review and sign-off and then present the application to the City Commission for approval. A majority vote of City Commission is required to approve the application and reasonable conditions necessary to protect public safety and public property may be placed on such approval.

Sec. 19-176. Review if City Commission unable to vote.

In the event the City Commission is not scheduled to meet on an application prior to the date of the event, the City Clerk, with the approval of the Mayor, shall approve or disapprove the application and report such action to the City Commission without delay.

Sec. 19-177. Fee and security deposit required.

After use, the facility shall be returned to a condition substantially consistent with its condition prior to the use. Any damage or cleaning necessary to return the facility to such prior condition shall be the responsibility and the cost of sponsor. A fee and security deposit shall be required for use of City property or facilities pursuant to a special function permit. The required fee and security deposit amounts shall be established, and amended from time to time, by resolution of the City Commission. The City Commission shall have the authority to require an additional security deposit for a particular activity or function where it finds that doing so is in the best interest of the public health, safety or welfare.

Sec. 19-178. Alcoholic beverages at event for which permit has been issued.

The sale or consumption of alcoholic beverages on city property by any person sponsoring or attending an event for which a special function permit has been issued is prohibited.

Sec. 19-179. General liability insurance to be procured.

Unless waived or reduced by the City Commission because of the minimal risk of liability for the City, a policy of general liability insurance shall be procured by the sponsoring organization, which shall insure the city, its officers, employees and agents from liability arising out of the event for which the permit is issued. Evidence of such insurance shall be a condition of issuance of a permit. The required amount of such insurance shall be established by the City Commission. The City Commission may require additional types of insurance depending on the use and type of facility. Additionally, the sponsor shall indemnify and hold harmless, the City, its officers, employees and agents from any and all liability arising from such event.

Sec. 19-180. City facility rentals.

The city permits individuals and organizations to rent certain city property and facilities for exclusive use pursuant to established policies and procedures. Where exclusive use of specific city property or facilities is permitted under an approved city facility rental agreement, a special function permit shall not be required if the number of people reasonably expected to use the property or facility is estimated to be less than fifty (50).