

ORDINANCE No. 2019-18

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 35, "SPECIAL EVENTS," OF THE CITY CODE OF ORDINANCES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2006, via Ordinance # 2006-20, the City Council for the City of Doral (the "City") enacted legislation regulating special events (the "Special Event Ordinance"), in the interest of safety and preservation of the quality of life enjoyed by the City's residents; and

WHEREAS, the growth of the City has caused staff to evaluate the application of the Special Event Ordinance to various situations in City, which has a revealed the need to update certain aspects of the Outdoor Event Ordinance to include indoor events in City venues; and

WHEREAS, the City Council has determined that the policy changes established herein are in the best interest of the Community.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

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

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 35 – SPECIAL EVENTS

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ARTICLE II. - OUTDOOR SPECIAL EVENTS

* * *

Sec. 35-19. - Title.

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

Sec. 35-20. - Restrictions.

(a) The following words, terms and phrases, when used in this section and section 35-21, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Special Outdoor events are ~~special events and include~~ concerts, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, and other similar-activities or gatherings taking place in City venues of events that take place in an open-air space or venues, 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. Special 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.

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

(d) Events that expect 400 or more attendees shall require the approval of the city council.

(e) Events longer than three consecutive days shall require city council approval.

(f) Events where the application fee is filed less than forty- five days prior to the event must be approved by the city council.

Sec. 35-21. - Application fee; agreement.

It shall be unlawful to engage in special events without a special event permit. A special event is defined as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district but would be permitted if controlled with special review in accordance with this section.

The Planning and Zoning Director or his or her designee, as applicable may, after a complete an application has been filed and reviewed and approved may 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 planning and zoning department not less than 90 days in advance of the beginning date of the event and shall contain a site plan detailing the proposed 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 of \$350.00 when the application is filed. An additional charge in the amount of \$200.00 shall be imposed on applicants that file more than 60 days but less than 90 days prior to the event. An application filed between 45 and 60 days prior to the event shall incur an additional charge of \$400. The application filed less than 45 days prior to the event shall pay a \$1,000 nonrefundable fee and requires approval of the city council. and after passage of an appropriate motion, 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 planning and zoning department not less than 60 90 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 of \$350.00 when the application is filed and submit any additional information required by the parks and recreation department. A late fee in the amount of \$200.00 shall be imposed on applicants that file within such 60 90-day period prior to the scheduled event.

- a) The city council or it's designee may impose such fees as they determine appropriate considering the impact of the special event on city facilities and services, including without limitation, user fees for particular city properties, square footage rates for exclusive use of public property, and concession agreements, for paid admissions, and anticipated revenues from sale of food, beverage and merchandise on public property.
- b) The city council may, in its discretion, reduce or waive the submission periods, or fees for events by not-for-profit corporations, for a particular event when such waiver is found to be in the best interest of the city.
- c) The manager or his or her designee will determine specific requirements, and city departments will determine minimum staffing levels, for the event consistent with the special events requirements and guidelines.

- d) Special events requirements and guidelines. The city council may adopt special events requirements and guidelines as they pertain to special events being held in the city. The manager may authorize amendments to the requirements and guidelines proposed by the administration, consistent with the intent and purpose of this section, or may present such amendments to the city council for approval, by resolution
- e) If the information submitted by the applicant is responsive and if the planning and zoning department 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.
- f) No person or organization shall hold an 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 department fees within ten (10) days prior to the subject event.
- g) Conflict with noise provisions. The city manager or the manager's designee, may issue a permit that authorizes a special event in conflict with Section 29-45, of this Code, only where the applicant has met all of the city's requirements for obtaining a permit as prescribed in this section and the requirements and guidelines, and the special event cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what locations. Such permit authorization may be modified or revoked at the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state or federal laws.

35-22 City sponsorship of events. In considering approval of a sponsorship for an event, the city commission may consider:

- (1) The event organizer's history and performance in delivering quality events;
- (2) Any benefits being directly provided to the general public with respect to the event, such as free or discounted tickets to persons residing in the City of Doral, seniors, veterans, or members of disadvantaged groups;

- (3) The demonstrable economic impacts associated with the event;
- (4) The demonstrable media commitments secured by the event organizer for the event; or
- (5) The efforts undertaken by the event organizer to mitigate any quality of life impacts associated with the event, including noise, littering, traffic, or parking impacts associated with an event.

35-23 Sponsorship terms and conditions. The number of special events the City sponsors will depend on budget and operating impacts and will vary annually.

- (1) In no event shall any sponsorship contract provide for a waiver of city costs.
- (2) City Sponsorships shall be limited to \$5,000 unless the City Council in its sole discretion decides to increase the amount.
- (3) The event organizer shall provide the City with certified copies of its two most recent tax returns and an income statement, statement of comprehensive income, balance sheet or statement of cash flow.
- (4) Any sponsorship approved pursuant to this article shall be memorialized in a sponsorship contract, which shall, at a minimum, include the following provisions:
 - (a) That the event organizer shall provide a final report to the city, which report shall include third-party verification of event outcomes including, without limitation, event attendance figures, media impressions generated by the event.
 - (b) That no more than 15 percent of any city cash sponsorship contribution may be made in advance of any the event organized by a for profit organizer, with all remaining cash contributions to be made on a reimbursement basis, following the conclusion of the event and submission of the final report referenced in subsection ~~(b)(1)~~ (4)(a) herein;
 - (c) Where the event organizer is a "non-profit" entity 50% or the documented actual costs to be incurred, whichever amount is greater shall be advanced from the city cash sponsorship contribution and the remaining cash contribution shall be made on a reimbursement basis, following the conclusion of the event and submission of the final report referenced in subsection (4)(a) herein;

(d e) That the event organizer shall comply with all governmental requirements and laws applicable to the conduct of its business and the production of the event;

(e d) That the city shall have the right to audit the event organizer's compliance with the sponsorship contract and performance thereunder, in accordance with generally accepted accounting principles; and

(f e) That the city shall receive sponsorship recognition, on all media or promotional platforms related to the event, at the same sponsorship level as other sponsors providing financial or other support comparable to the city's sponsorship.

35-24 Fee reductions and waivers: In no event shall the City waive or reduce the actual costs incurred by the city to provide services to support the event. However, not for profit organizations that have a documented federal tax-exempt status may request a reduction of the application permit fees. For any requests to Council, not for profit organizations must comply with the city's lobbyist code. In no event shall the city waive the additional charges for applications filed less than 90 days prior to the event.

Secs. 35-225—35-45. - Reserved.

DIVISION 2. - PERMIT

Sec. 35-46. - Required.

It shall be unlawful and a violation of this division for any person to play, broadcast or transmit music 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 planning and zoning department; 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 shall constitute prima facie evidence that the music 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. 35-47. - 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~~ two (2) 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. 35-48. - Application—Information.

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

- (1) The name, ~~date of birth~~, address and telephone number of the person who will be in charge of the activity for which a permit is requested, or a 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 in attendance; and
- (6) Any special permissions, requests or conditions associated with the event.

Sec. 35-49. - Same—Filing requirements.

Applications for a permit required under this division must be submitted to the planning and zoning department at least ~~five~~ ninety (90) days prior to the date of the event for which the permit is requested.

Sec. 35-50. - Director of planning and zoning to administer.

The director of the planning and zoning department is hereby authorized and directed to promulgate reasonable rules and procedures for the application, issuance and revocation of such permits.

Sec. 35-51. - Criteria for permit issuance; bond, security deposit, payment of City fee for the event and payment for city services.

- (a) Issuance of the permit required under this division shall be based on a determination by the planning and zoning department 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 known to have been convicted for violations of a previous permit under this division.
- (c) ~~Bond-Deposit.~~ The deposit ~~bond~~ 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.
- (d) Security Deposit. A refundable security deposit identified below will be required no later than fourteen (14) days in advance of any event on public property. Based on the scope and location of the event, a pre and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded approximately in 3-4 weeks after event if all conditions are followed; public property is left in as good condition or better and without damage and all City invoices paid. Failure to comply with conditions imposed may result in forfeiture of the entire or part of deposit.
- (e) The payment for all required fees and costs shall be required no later than fourteen (14) days in advance of the event.

<u>Maximum Attendance</u>	<u>Security Deposit</u>
<u>150</u>	<u>\$2,500</u>
<u>151-1500</u>	<u>\$5,000</u>
<u>1501-3000</u>	<u>\$10,000</u>
<u>3001+</u>	<u>\$20,000</u>

Sec. 35-52. - Review of permit denial or revocation.

Any person dissatisfied or aggrieved with the decision of the director of the planning and zoning department, with reference to his/her denial of the application for such permit or the revocation of such permit, may, within ten days after such denial or revocation, appeal to the City Manager, who shall review the decision and make a final determination. The decision of the City Manager shall

~~be final. and appear before the special magistrate; and, upon the approval of the action taken by the director of the planning and zoning department, and the police department, such action shall be final and subject to judicial review by writ of certiorari in accordance with the Florida Rules of Appellate Procedure. In the event the magistrate or his designee, upon the original review, determines that the applicant is entitled to such permit, the director of the planning and zoning department shall immediately issue such permit.~~

Sec. 35-53. – ~~Surrender-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 designated representative thereof, to fail or refuse to ~~surrender~~ display or exhibit the permit, on demand, to any state, county, or city police officer.

Sec. 35-54. - 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, or a designated representative thereof, 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. 35-55—35-81. - Reserved.

DIVISION 3. - MISCELLANEOUS REGULATIONS

Sec 35-82. - 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.

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

(Bb) 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 ~~planning and zoning~~ building department.

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

~~(d) Sponsors of events at which food or beverages will be sold or distributed shall meet all applicable state, county, and city health codes.~~

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

(Ef) 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.

(Fg) 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, ~~of \$1,000,000.00 combined single limit coverage~~, naming the city as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the outdoor event, ~~the applicant shall in addition provide liquor liability insurance in a minimum amount of \$500,000.00~~. 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. The certificate of insurance must be provided four weeks prior to the event date.

(Gh) 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.

~~(i) 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.~~

Sec 35-82.1. - 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. 35-83. - Exceptions.

The following are exceptions to these regulations:

- ~~(1)~~ A minor outdoor activity, on private property which is defined as an outdoor event and is self-contained that has a total attendance of less than one hundred (100) persons, less than four hundred (400) persons has a limited impact on traffic, parking and noise in surrounding neighborhoods, and does not exceed the capacity of the facility to other property proposed to be used.
- ~~(2)~~ 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 planning and zoning department at least thirty days in advance of the event.
- ~~(2)~~ Events by a self-insured governmental entity may be exempted from the insurance requirements of this division.
- ~~(3)~~ Corporate parties/gatherings located on business premises that does not require any city services. The sponsor of the proposed outdoor activity shall submit all details of such proposed activity to the planning and zoning department at least ~~seven~~ thirty days in advance of the event. ~~Corporate events may occur twice in a calendar year.~~
- ~~(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. 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.
- ~~(5)~~ Outdoor events occurring with an authorization or permit from the city. An outdoor event is defined as a temporary use of public or private property that may not be permitted generally or without restriction throughout a particular zoning district but would be permitted if controlled with special review in accordance with this division.

- (a) Outdoor events that occur entirely on private property within areas designated downtown mixed use on the city's comprehensive development master plan future land use map and on the city's official zoning map, and which contain retail/dining/entertainment space in excess of 150,000 ~~200,000~~ square feet, are allowed without restriction or limitation as to participants and without the need for a permit, provided that the owner or developer provides the city manager with a site plan that shows the location of the special events and that such locations are:
- (i) Entirely within private property;
 - (ii) Will not substantially limit access to parking or for life safety/fire rescue vehicles; or
 - (iii) reduce parking facilities within the property by more than five percent.
- (b) For all other outdoor events, the city manager or his/her designee has the authority to issue, modify or revoke permits for outdoor events in accordance with this division. Applicants wishing to hold an outdoor event must submit a completed application to the planning and zoning department, including, but not limited to, a site plan, fees, deposits, at least seven days prior to the event. The city manager or the manager's designee will determine specific requirements; city departments will determine minimum staffing levels for the event consistent with this division. In case of events that expect 400 ~~200~~ or more attendees, the matter will be referred for review and recommendation to the city council. Outdoor events shall be limited to once every six months and for no longer than four consecutive days per event. If the planning and zoning department determines that an outdoor retail event meets the conditions of subsection (5) herein and is exempt from the frequency restriction of once every six months, then the sponsor will be permitted to have regular events without city council approval. Events longer than four consecutive days shall require city council approval. Events for the sale of items or in celebration of and directly related to federally recognized holidays may occur once per year for a maximum of 30 consecutive days.

Sec. 35-84. - Exception for city-sponsored events.

A sponsored event is one that is wholly or partially planned, organized and/or funded 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. 35-85. - 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 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.
- (C) The following civil fines must be imposed for a violation of this section and cannot be mitigated by the Special Master:
- a. First offense within a 12-month period must be a fine of \$1,000.00;
 - b. Second offense within a 12-month period must be a fine of \$2,500.00;
 - c. Third offense and subsequent offenses within a 12-month period must be a fine of \$5,000.00.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word

“ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Vice Mayor Mariaca upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 19 day of June, 2019.

PASSED AND ADOPTED on SECOND READING this 28 day of August, 2019.

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK



JUAN CARLOS BERMUDEZ, MAYOR

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



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY