

ORDINANCE NO: 2024-03

AN ORDINANCE OF THE CITY OF BLOUNTSTOWN, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 34, CODE OF ORDINANCES, CONCERNING STREETS, SIDEWALKS AND OTHER PUBLIC PLACES; PROVIDING FOR REGULATION OF SPECIAL EVENTS AND ISSUANCE OF PERMITS RELATING THERETO; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A STATEMENT OF THE PROPOSED AMENDMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, The City of Blountstown is empowered to provide for the health, safety, welfare, and infrastructure for the citizens of Blountstown, Florida; and

WHEREAS, the City is empowered to oversee special events occurring or being produced within City limits and the issuance of permits relating thereto; and

WHEREAS, The City Council of the City of Blountstown, Florida has determined that it is in the public interest to provide for the amendment proposed herein; and

WHEREAS, The City Council of the City of Blountstown, Florida therefore proposes to amend Chapter 34 of its Code of Ordinances to provide for the regulation and oversight of special events within the City and issuance of permits relating thereto.

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

SECTION ONE: The following ordinance amendment, concerning special events within the City and the issuance of permits relating thereto, shall be amended as follows:

CHAPTER 34 – STREETS, SIDEWALKS, AND OTHER PUBLIC SPACES

...

ARTICLE V. SPECIAL EVENTS

Sec. 34-91. Definitions.

The term "*event venue*" shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one (1) or more patron gathering spaces, in particular indoor and outdoor spaces but also other types of spaces with different occupancy limits.

The term "*municipal services*" shall mean law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, or any other services

necessary for the implementation of a special event within the corporate limits of the City of Blountstown performed by employees of the City Police or Fire department.

The term "*special event*" shall mean any assembly of persons which also meets one (1) or more of the following six (6) criteria. Each of the first three (3) criteria define a planned event. Each of the last three (3) criteria define a "pop-up" event.

- (a) ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law applicable to that space, and (ii) for each other space at the rate of one (1) person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces.
- (b) VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of five (5) persons per vehicle.
- (c) MUNICIPAL RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of municipal services by the City or by the event producer to a material degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities (herein "municipal services").
- (d) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.
- (e) ACTUAL VEHICLE AND PEDESTRIAN CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.
- (f) MUNICIPAL RESOURCES ACTUALLY REQUIRED (Pop-up Event). The municipal services required for an unpermitted assembly exceed at any point in time the level of municipal services typically available from the City for that time and season after taking into consideration the similar, municipal-type services provided by the person or persons, if any, encouraging the assembly.

All special events are divided into three (3) classes:

- (a) A "*small event*" being an event with an anticipated, maximum attendance at any point in time of five hundred (500) persons or less.

- (b) A "medium event" being an event with an anticipated, maximum attendance at any point in time of more than five hundred (500) but less than two thousand five hundred (2,500) persons.
- (c) A "large event" being an event with an anticipated, maximum attendance at any point in time exceeding two thousand five hundred (2,500) persons.

A parade held on a public street or road and lasting no more than two (2) hours is not, without more, a special event.

The term "Special Event Zone" shall mean a contiguous area on or along a roadway, street, or highway which is designated by warning signs. The term includes a parking structure, a parking lot, or any other property, whether public or private, immediately adjacent to or along the designated area.

Sec. 34-92. Permit required; purpose.

No person or entity shall organize, stage, promote or conduct any special event as defined herein without holding a valid special event permit granted by the City Manager under this Chapter. The purpose of this law is to ensure that special events do not endanger public health or safety and to permit the City to understand and prepare for known collateral and secondary effects of special events in the community. The permitting process is not intended to control or regulate special events based on their content, the nature or type of speech involved, or any speaker's viewpoint.

Sec. 34-93. Suspension of permit; remedy of excesses (planned events).

- (1) Each plan included in the special event application, and any conditions imposed by the City Manager or Chief of Police pursuant to this Article, shall be continuously implemented during the special event, and any failure to do so shall result in the automatic suspension of the permit and suspension of the event until full implementation is made.
- (2) Should the actual attendance in the event venue or any gathering space within the event venue and including persons attempting to enter the event, or the actual number of vehicles or the municipal services actually required at a permitted event exceed for a period of one (1) hour the number or level anticipated by the application and permit, it shall become the duty of all persons owning or able to control the event or the event venue to take reasonable, diligent, and constant measures to reduce the excess until achieved. The failure of any such person to immediately, after notice from the City, make a reasonable, diligent and constant effort to reduce the excess shall be a violation of this law punishable by civil penalties specified in this Article and criminal penalties specified in City Code section 1-7. The Chief of Police or his designee is authorized to approve actions to partially or slowly reduce the excess as compliance if he or she finds (i) that such person is acting in good faith after notice of the excess, (ii) that full and immediate elimination of the excess will not be feasible and (iii) that it would be safer to taper down the event rather than to abruptly close the venue or stop the event.
- (3) Conversely, should actual attendance fall below the permit estimates for a sustained period and appear likely to continue at reduced levels, the City Manager or his or her designee

shall be authorized, but not required, to allow the applicant to reduce staffing to the minimums reasonably required.

Sec. 34-94. Spontaneous unpermitted assembly (pop-up events).

The City has found and determined that some special events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media.

- (1) If an assembly develops into a special event spontaneously (and therefore without a permit) in either a commercial or non-commercial venue, it shall become the duty of all persons or entities owning or able to control the event venue or who is providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances which caused the assembly to become a special event - that is for example but not limited to:
 - a. Reducing occupancy to the permitted capacity of the venue or providing transportation to eliminate unpermitted off-site parking or vehicular or pedestrian congestion; or
 - b. Providing the additional municipal type services needed to regulate event traffic, maintain the peace and protect the public health and safety;
- (2) The failure of any such person or entity to immediately after notice from the city make a reasonable, diligent and constant effort to reduce the event below the applicable criteria threshold shall be a violation of this law punishable by civil penalties specified in this Article and criminal penalties specified in City Code section 1-7.
- (3) The Chief of Police or his or her designee is authorized to approve actions to partially or slowly reduce the event below the applicable criteria threshold as compliance if he or she finds (i) that such person is acting expeditiously and reasonably to employ feasibly available resources to address the issues after notice that the assembly has become a special event, (ii) that full reduction to the criteria threshold will not be feasible and (iii) that it would be safer to taper down the event rather than to abruptly close the venue or stop the event.
- (4) Whether a spontaneous assembly has developed into a special event based upon attendance, vehicle congestion or a need for municipal services (as those services are defined in this Article), or any combination of those three (3), shall be determined by an objective and reasonable examination of the totality of the circumstances at hand, including but not limited to the following factors:
 - a. With respect to attendance and attempted attendance:
 - (i) The size of the venue.
 - (ii) Whether the attendance is ticketed.
 - (iii) Actual attendance at prior, similar events.
 - (iv) The extent of commercial promotion and advertisement of the event, especially promotion outside of Calhoun County, Florida by traditional or digital means, but excluding spontaneous social media not initiated, encouraged or orchestrated by a commercial event producer or any person

acting on behalf of the event producer or any person with a financial or other personal interest in the event ("spontaneous social media").

- (v) The extent of spontaneous social media encouraging attendance at the assembly.
 - (vi) Whether the location and configuration of the venue, and the nature and presence (sight and sound) of the event, will be likely to draw attendees or observers from the public at large.
 - (vii) The number in attendance and attempting to attend shall be determined by the Chief of Police or his or her designee using recognized or previously established law enforcement estimating techniques.
- b. With respect to actual vehicle congestion, the number of vehicles parked shall be counted, and the number attempting to park shall be determined by the Chief of Police or his or her designee using recognized or previously established law enforcement estimating techniques.
- c. With respect to municipal services actually required:
- (i) Repeated pedestrian trespass.
 - (ii) Repeated vehicular trespass.
 - (iii) Illegal parking.
 - (iv) Traffic congestion.
 - (v) Apparent need for sanitation facilities as evidenced by public urination or other bodily functions.
 - (vi) Repeated and flagrant instances of illegal activity.
 - (vii) Repeated noise ordinance violations after notice, including differing offenders.
 - (viii) Unusual amount of trash being abandoned with no apparent resources available to clean up after event.
 - (ix) Unusual or repeated need for medical assistance.
- (5) For any unpermitted special event, the City Manager is hereby authorized to designate a *Special Event Zone* and, for all areas within that zone, requiring additional traffic control and security measures including but not limited to:
- a. Require the placement of warning signs along each point of ingress/egress into or out of the *Special Event Zone*.
 - b. Subject the commission of traffic violations to the enhanced penalties as provided by F.S. § 316.1891.
 - c. Place and enforce occupancy limits on private and public property in a *Special Event Zone*.
 - d. Assess a reasonable fee for all relevant costs and fees associated with designating and enforcing the *special event zone*, including, but not limited to, costs and fees

for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services.

- e. For any special event which takes places in more than one (1) event venue, the City Manager shall be required to establish a *Special Event Zone* for all contiguous areas between the event venues reasonably necessary to ensure the public health, safety, and welfare.
- f. Any *Special Event Zone* shall be designated by the posting of a clearly legible warning sign at each point of ingress or egress stating, "Special Event Zone—All Fines Doubled. Vehicles Subject to Impoundment for Traffic Infractions and Violations." The warning sign must be large enough to be clearly visible to occupants of passing vehicular traffic on roadways, with letters at least three (3) inches in height, and must be posted at least twenty-four (24) hours before enforcement may commence.

Sec. 34-95. Application for permit.

- (1) Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public:
 - a. Sixty (60) calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.
 - b. Thirty (30) calendar days for a medium event other than at the above times.
 - c. Twenty (20) calendar days for a small event.

Notwithstanding the foregoing, the City Manager shall accept a tardy application and if (i) City staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties or, (ii) the event promoter stands willing and able to pay and deposits a sum of money to cover any overtime for City staff to conduct an ordinary review of the application, and staff volunteers such overtime, then the City will use reasonable efforts to process a tardy application in time to allow the event to be held. Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

- (2) All applications for a permit under this Article must contain:
 - a. The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.
 - b. The dates and times of the event.
 - c. A list of the names and addresses of all vendors, independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer goods or services during the special event, including a description of the goods and services offered by each and the name and address of the person who will have on-site responsibility, if different. The names and addresses of such persons shall be used only for the purposes of (i) identifying the source of good or services after the event, if

necessary, (ii) allowing the City to collect all business license taxes due, and (iii) contacting such persons or firms as necessary in the normal course of City business. The information may not be used to grant or deny a permit. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely provide such a list will result in termination of the special event permit.

- d. The names and addresses of all entertainers. This information shall be used for the sole purpose of the City, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) at past performances to raise an objective and reasonable concern that a performance at the event could require planning for and provision of extraordinary municipal services and precautions due to a special or enhanced danger to public health, safety or welfare, and then, second, to allow the City to contact such entertainers as necessary in the normal course of City business.
- e. Whether (i) patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii) patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii) alcoholic beverages will be prohibited within the event (herein a "no alcohol event").
- f. An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time, a statement as to how such attendance was estimated (i.e., such as historical events, ticket sales, etc.), and a plan for: (i) determining the actual number of persons in attendance at the event venue as the event progresses; (ii) keeping the City informed in real time of that number; and (iii) a plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. The name, address, telephone number and a description of any prior experience in estimating attendance at previous events shall be included for all persons participating in the attendance estimation.
- g. A plan for sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter may be located), water supply and food service. A plan submitted under this section is presumptively a danger to public health and safety if it violates, any rules promulgated by the Department of Health or other executive department pursuant to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws.
- h. A plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.
- i. A plan for parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue.
- j. A plan for the provision of security, on site and off site traffic control, communications, fire protection and emergency services, including ambulance service, and emergency vehicle access in and around the event venue, and the general

background of the training and ability of the personnel to be used in implementing the plan.

- (i) A traffic control plan submitted under this section is presumptively a danger to public health and safety if it does not provide for at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.
- (ii) A security plan submitted under this section is presumptively a danger to public health and safety if it does not provide for the following on site security officers to work the event:
 - (a) for a "cooler event" at least five (5) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;
 - (b) for an "alcohol sales event" at least three (3) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;
 - (c) for a "no alcohol event" at least one (1) person for every one thousand (1,000) attendees or portion thereof who shall be a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards.

One certified law enforcement officer, licensed security guard, or in-house security person for each event must be designated as the commanding officer tasked with supervision of other security personnel and maintaining compliance with this section. The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event, or alternatively the City Manager may require additional staffing reasonably shown to be required to secure the public health and safety during the proposed event.

A security plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit security and traffic control personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period.

- k. A plan for medical services to be provided at the special event. A medical services plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit medical personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period. A medical services plan presumptively presents a danger to public safety or health if it does not provide for the following on site professionals to work the event. The event shall be staffed by sufficient Medical Aid Personnel as follows:

- (i) For a small event: none.
- (ii) For or a medium event: two (2) Medical Aid Personnel.
- (iii) For a large event: two (2) Medical Aid Personnel, plus an additional two (2) such persons for each five thousand (5,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.
- (iv) One Medical Aid Personnel for each medium and large event must be designated as the commanding officer tasked with supervision of other Medical Aid Personnel and maintaining compliance with this section.
- (v) For the purposes of this section "Medical Aid Personnel" means a person licensed by the State of Florida as an Emergency Medical Technician, paramedic, or other professional with equivalent (or higher) medical training.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event.

The foregoing presumption is intended to address an event presenting a moderate hazard. The staffing guidelines set forth above may be decreased or increased as may be reasonably required to secure the public health and safety during the event depending upon whether the event objectively presents a lower or higher hazard. By way of illustration, the staffing guidelines set forth above are intended for moderate hazard events which include, but are not limited to, concerts, carnivals and fairs. Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.

- l. A plan for assuring that all stages, booths, tents, scaffoldings or structures of any kind on, under or within which persons may congregate, will conform to applicable building and construction codes in effect within the City, and that any entertainment stage erected in connection with a special event will be guarded by a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or an in-house security professionally trained according to recognized standards and authorized and instructed to prevent unsafe, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.
- m. A site plan showing the location and size of the event venue and all parking areas (including required handicap parking), and the location of all other features required by this section.

- n. A plan to provide and control safe pedestrian access between parking area(s) and the event venue which will minimize adverse impacts upon surrounding properties and businesses.
- o. A plan to deal with persons congregating outside the event in public right of ways either seeking entry to the event or attracted to the event should the number of such persons call for municipal services to a degree above that which the City routinely provided under ordinary, everyday circumstances.
- p. A plan to enclose, restrict or control access to all parking at the event venue and to limit the number of persons within the event venue to the maximum number anticipated, and a contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.
- q. A list of all live animals to be used in connection with the event and a plan for the care and safe keeping of such animals.
- r. For medium events, a cash deposit in the amount of two thousand dollars (\$2,000.00) or one thousand dollars (\$1,000.00) per day, whichever is greater, but not to exceed five thousand dollars (\$5,000.00). For large events, a cash deposit in the amount of three thousand dollars (\$3,000.00) or one thousand five-hundred dollars (\$1,500.00) per day, whichever is greater, but not to exceed six thousand dollars (\$6,000.00). The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the City for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance or to pay the City any rent due the City for the use of city facilities in the event. In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the City for such excess to the extent permitted by law.
- s. The plans required by this Article are designed to allow the City to evaluate and assure that the proposed event will not pose an unreasonable danger to public health and safety and will not excessively burden municipal resources without adequate planning so as to create such a danger. Any plan submitted hereunder is presumptively a danger to public health and safety if it does not (i) include evidence that the applicant is reasonably qualified, experienced and capable of executing the plan alone, or written commitments from one (1) or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the City to issue a permit for the event, and (ii) demonstrate that it is reasonably capable of being executed through the equipment, personnel and processes specified in it, and (iii) demonstrate that it will be reasonably effective to protect the public from the health or safety risks it is intended to address.
- t. The City Manager may waive any requirement herein if it is reasonably shown that public health and safety can be secured through alternative means or that such a plan is not reasonably required for the proposed event.

Sec. 34-96. Application fee and municipal services fee.

- (1) Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluating and processing the application:
 - (i) For small event, \$50.00.
 - (ii) For a medium event, \$100.00
 - (iii) For a large event, \$250.00.

In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.

- (2) As part of the City's administrative review of an application for a large or medium event permit, the City shall determine the municipal services or other City resources needed as a direct result of the event and not as a duty to the public generally, together with any municipal services requested by the applicant, and their respective costs, and shall prepare an itemization of the services and their cost (the municipal services fee). The purpose of the municipal services fee is to place upon a large or medium event the reasonable cost of providing municipal services which are reasonably necessary to directly support the event.
- (3) The level of municipal services required shall be determined by an objective, reasonable examination of the totality of the circumstances, including but not limited to the following factors:
 - (i) The size of the event venue and the anticipated attendance.
 - (ii) The location of the event to determine the potential for pedestrian and vehicular congestion.
 - (iii) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.
 - (iv) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.
- (4) The City Manager or his or her designee shall promptly provide the applicant a copy of the itemization and amount of the municipal services fee at such rates as are approved by the City Council by resolution and attempt to schedule or arrange a pre-permit conference with the applicant, or other means of communication between the city and the applicant as may be suggested by the applicant, in order to discuss the conduct of the event, the coordination of public and private resources and the level of municipal services required and the amount of the municipal services fee. It shall be the Applicant's duty to attend the pre-permit meeting at a day and time convenient for City staff, or to request an alternative to the pre-permit meeting and the City Manager shall allow the request if it is reasonable and practical to do so.

- (5) If the applicant does not accept the type and extent of municipal services listed and the amount of the municipal services fee, the City shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicant's objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the municipal services fee be paid before the permit becomes valid or effective. The applicant shall have the right to appeal to the City Council the type and extent of services required and the amount of the fee by letter filed with the City Clerk within three (3) business days after the City shall provide the applicant the itemization and amount of the fee which notice shall state that the applicant may appeal within three (3) business days. The City Council shall uphold or lessen the fee based upon information about the extent of services to be rendered by the City directly related to the event and the cost of those services as presented by City Manager or his/her designee and the applicant in a *de novo*, quasi-judicial hearing held as soon as may be practicable. The City Council's decision, including its reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings. The hearing may be continued from time to time in the sole discretion of the City Council. If the City Council is unable to timely conduct or conclude the hearing in time for the event to be held pursuant to an otherwise valid permit, the applicant may pay to the City the disputed fee under protest, and the permit shall become effective so that the event may be held, in which case the hearing shall be held and concluded after the event at a mutually convenient time. If the fee is upheld, it shall be accepted by the City; if it is reduced the reduction shall be refunded to the applicant.
- (6) Prior to the provision of municipal services at a special event, the City Manager and applicant shall execute an agreement, in a form approved by the City Attorney, which delineates the specific services to be performed by the City at the special event which agreement shall specify the number and roster of personnel, schedule of work, and all rates, fees, and taxes to be provided by the City and paid by the applicant.
- (7) Following the execution of a municipal services agreement, should the applicant determine that the municipal services for which it contracted will no longer be required the promoter shall request a reduction in services from the coordinating department no later than twenty-four (24) hours prior to the start of such services for a small or medium event and seventy-two (72) hours prior to a large event. Upon receipt of such request, the coordinating department may deny the request if the department determines the reduction would create a safety risk to the public. In the event that the applicant fails to timely request a reduction, the City shall charge a minimum of two (2) hours for each employee who reports for duty to the applicant's event.

Sec. 34-97. Municipal services reservation.

Municipal services performed by City personnel in support of a special event are available on a first-come first-serve basis. The City is not obligated to provide or reserve any personnel prior to the execution of an agreement between the applicant and the City for the services to be rendered and payment of any municipal services fee, such fee to be determined by the City Manager and approved by the City Council from time to time.

Sec. 34.98. Additional information.

Before denying a permit or conditioning a permit upon things not included in the application or agreed to by the applicant, the City Manager or his or her designee shall give the applicant written notice of the deficiencies in the application or the need to add conditions to the permit and provide the applicant an opportunity to present additional written information addressing those deficiencies or needs. The City Manager shall make a reasonable effort to facilitate the applicant's addressing the deficiencies in time to hold the event, but also taking into consideration the city's resources and other matters at hand.

Sec. 34-99. Action on the application and appeal.

- (1) The City Manager must decide to grant or deny an application at the earliest possible time after receipt.
- (2) The City Manager may deny a permit on one or more of the following grounds:
 - a. The permit application is incomplete; a complete application is one that provides all the information or items required by this Article regardless of the sufficiency of the information or item.
 - b. The application fee has not been paid;
 - c. The proposed event is unlawful;
 - d. The application contains a material falsehood or misrepresentation;
 - e. It reasonably appears that the proposed event will present a clear and present danger to the public safety or health;
 - f. The proposed event is of such a nature or duration that it cannot be reasonably accommodated in the particular venue applied for; or
 - g. The applicant has refused to attend or participate in good faith in a pre-permit meeting requested by the City Manager following reasonable notice and scheduling attempts by the City Manager and failed to propose reasonable alternatives.
- (3) The City Manager is expressly prohibited from denying any permit based upon the identity of any speaker or entertainer or the viewpoint, content, or type of speech or expression to be displayed so long as such speech or expression is lawful.
- (4) Every denial of a permit shall be in writing and shall clearly explain the reason(s) for denial. The purpose of the requirement is to allow the applicant to know the grounds upon which the permit was denied and to permit City Council the opportunity to verify and confirm the objective validity of any denial and to ensure that any limited discretion given to the City Manager under this Ordinance is not abused so as to disfavor protected speech or expression.
- (5) The City Manager may
 - a. Condition any permit with reasonable requirements concerning the time, place or manner of holding a special event as is necessary to coordinate municipal services,

multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements are narrowly tailored to address these concerns and are not implemented for the purpose of regulating or restricting protected speech or expressive conduct.

- b. Designate a *Special Event Zone* for any special event and, for all areas within that zone, requiring additional traffic control and security measures including but not limited to:
 - (i) Require the placement of warning signs along each point of ingress/egress into or out of the *Special Event Zone*.
 - (ii) Direct the Police Department to undertake strict and enhanced enforcement of traffic violations within the *Special Event Zone*. The City Council specifically finds that any actions which impede the normal flow of traffic within a *Special Event Zone* established under this section constitutes a violation of F.S. § 316.191(2) and shall be subject to the enhanced penalties set forth therein.
 - (iii) Assess a reasonable fee for all relevant costs and fees associated with designating and enforcing the *special event zone*, including, but not limited to, costs and fees for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic and sanitation services.
 - (iv) For any special event which takes places in more than one (1) event venue, the City Manager shall be required to establish a *Special Event Zone* for all contiguous areas between the event venues reasonably necessary to ensure the public health, safety, and welfare.
 - (vi) Any *Special Event Zone* for a permitted event shall be designated by the posting of a clearly legible warning sign at each point of ingress or egress stating, "Special Event Zone—Traffic Violations Strictly Enforced." The warning sign must be large enough to be clearly visible to occupants of passing vehicular traffic on roadways, with letters at least three (3) inches in height, and must be posted at least twenty-four (24) hours before enforcement may commence.

All permit applications shall be deemed granted as applied for if the City Manager does not grant, grant with conditions, or deny the permit in writing within thirty (30) calendar days of receiving an application for a large event, fifteen (15) calendar days of receiving an application for a medium event, and five (5) business days of receiving an application for a small event. A permit which is granted automatically under this section is conditioned upon any required city services fee being paid before the permit becomes valid or effective.

- (6) The automatic granting of permits provided herein shall not apply if:
 - a. The permit application fee has not been paid;
 - b. The City Manager has indicated his or her intent to deny a permit and the applicant has agreed, in writing, to supply the City Manager with additional information which may allow the permit to be granted. In this case, the permit

application will be deemed granted if the City Manager does not grant, grant with conditions, or deny the permit in writing within ten (10) calendar days of receipt of the additional information, unless the applicant agrees in writing to provide further additional information, which shall renew the terms and time frames of this paragraph; or

- c. The City Manager requests additional time to review the application and the request is agreed to in writing by the applicant. In this case, the permit application will be deemed granted if the City Manager does not grant, grant with conditions, or deny the permit in writing by the expiration of the agreed date.
- (7) Every denial of a permit and every conditional grant of a permit challenged by an applicant is appealable to the City Council by letter filed with the City Manager's office within three (3) business days after receipt of the denial or proposed conditional grant. The City Council shall grant or deny the permit, or uphold or rescind the conditions, based upon information presented by the applicant and the City Manager or his designee in a *de novo*, quasi-judicial hearing held as soon as practicable. The City Council's decision, including its reasons therefor, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings and which may, but shall not be required to, express findings of fact and conclusions of law. The hearing may be continued from time to time in the sole discretion of the City Council, provided that if the City Council does not render a final order within fifteen (15) days after filing of the letter of appeal the permit shall be deemed granted.

Sec. 34-100. Enforcement and penalties.

- (1) The City finds that a violation of any section of this Article presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
- (2) Each violation of this Article shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

First violation of this Article: \$100.

Second violation of this Article: \$200.

Third and all subsequent violations of this Article: \$500.

Unless otherwise specified, a person who does not contest the civil citation for violation of this Article shall be subject to a civil penalty in the following amount:

First violation of this Article: \$50.

Second violation of this Article: \$100.

Third and all subsequent violations of this Article: \$250.

The penalty for uncontested civil citations may be paid directly to the City Manager's office.

- (3) This Article may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Calhoun County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.
- (4) The civil penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Blountstown Code of Ordinances or state law, including the criminal penalties set forth in City Code section 1-7.
- (5) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

Sec. 34-101. Remedial purpose and severability.

- (1) This Article will promote the public good by establishing necessary standards to define special events in the digital age and creating incentives and mechanisms to promote the public welfare by fostering preparation for, and curbing the excesses of, those assemblies, and also to employ those same standards to require persons owning or controlling property upon which a spontaneous, unplanned event occurs to use their best efforts to immediately control the event if feasible and provide an incentive to better secure their property in the future. Therefore, even though this Article contains civil penalties, it is adopted for the remedial purposes set forth here and in the lengthy recitals to the adopting ordinance, and if challenged the Article should nonetheless be given an equitable construction in order to achieve the clear and remedial purposes determined by the City Council.
- (2) If any part or provision of this Article is held to be unenforceable for any reason, the remainder shall remain in full force and effect to the fullest extent possible under as liberal construction as may be needed to achieve its remedial purposes.

SECTION TWO: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected hereby.

SECTION THREE: EFFECTIVE DATE AND REPEALER

- A. This amendment shall become effective immediately upon its adoption.
- B. All ordinances and parts of existing ordinances in conflict herewith are hereby repealed.

ATTEST:

CITY OF BLOUNTSTOWN

Traci S. Hall, City Manager

Tony Shoemake, Mayor