

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, CREATING A SPECIAL EVENTS AND WEDDINGS ON THE BEACH ORDINANCE AMENDING CHAPTER 10 – AMUSEMENTS AND ENTERTAINMENTS – AND ADDING A NEW ARTICLE III, SECTION 10-33, “SPECIAL EVENTS AND WEDDINGS ON THE BEACH”; PROVIDING FOR THE PERMITTING OF SPECIAL EVENTS AND WEDDINGS ON THE BEACH; ENACTING PENALITIES FOR VIOLATION; INCORPORATING FINDINGS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Indian Shores (the Town) is a Florida municipal corporation and political subdivision of the State of Florida; and

WHEREAS, the assemblage of significant numbers of people celebrating or attending a coordinated event may create circumstances contrary to public health, safety, and welfare; and

WHEREAS, special events left unregulated, could have a negative effect on the peace, serenity, and quiet enjoyment of property of the citizens or residents of, and visitors to, the Town; and

WHEREAS, large gatherings of people left unfettered and without warning can strain and negatively impact the public infrastructure of the Town; and

WHEREAS, in order to address public health, safety, and welfare issues such as the need for additional police services, sanitation, indemnification for the Town, traffic and parking coordination, noise and crowd control, the Town Council of Indian Shores (The Council) has determined that the establishment of guidelines and standards for special events is required; and

WHEREAS, the Council finds that it is in the best interest of the Town, and the health, safety and welfare of its residents, visitors and businesses, to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: That all of the above recitals are true and correct, and the same are incorporated into this Ordinance as if fully set forth herein.

Section 2: That the Town of Indian Shores Code of Ordinances, Chapter 10 – Amusements and Entertainment – is hereby amended by the addition of a new Article III, Sec. 10-33, and shall hereby be created to read as follows:

Sec.10-33. Special Events and Weddings on the Beach.

(a) Definitions

Applicant shall mean the person or entity applying for the special permit.

Special Event is an activity, of a specifically limited time and purpose, having higher impacts on adjacent areas and public services than would be reasonably expected from a normally permitted land use or activity. Special events include, but are not limited to, indoor and outdoor arts and crafts shows; bazaars; carnivals; sports events; commercial and sale activities; sidewalk sales; flea markets; rummage sales; holiday events Christmas tree sales; plant sales; grand openings; festivals; fairs auctions; breakfasts; weddings and wedding receptions; block parties; races; flash mobs and floatopias and similar social media generated events; charitable and other fundraising events; and parades. Exempted from the definition of special events non-commercial activities on private property put on for the specific benefit of the property owner or the property owner's immediate family. Garage sales shall not be deemed as a special event in residential districts unless they involve three or more contiguous dwelling units or if they are held more often than four days within any 14-day period at any one dwelling unit. After the fourth day, no less than 90 days must pass before further garage sales may be held at a site without a special event permit.

Town shall mean the Town of Indian Shores. For the purposes of processing special event applications, the term Town shall refer to the town employees designated to review and process such applications.

Town Council shall mean the Town Council of Indian Shores.

- (b) No person shall organize, stage, promote, or conduct any special event without holding a valid and unsuspended special event permit granted by the Town.
- (c) The applicant must complete and submit an application on forms provided by the Town.
- (d) The Town may set a reasonable fee scheduled by resolution from time to time.
- (e) The information contained in the application shall include at a minimum: applicant's name, applicant's email address, applicant's address, and applicant's telephone number; date, address, and end/start time(s) of the event; a brief description of the event to include activities, service of alcohol, traffic/crowd control assistance, size of anticipated crowd, tents to be used, goods and services provided, and entertainment to be offered; a site plan of the special event, including, but not limited to the layout of parking, tents, size and location of temporary fencing/gates, bandstands, and outdoor cooking facilities.
- (f) The Town will review the application for completeness and the applicant will be advised of any further information needed. When the application is deemed complete, it does not guarantee approval of the application. The application will be reviewed by

the Indian Shores Police Department and by the Indian Shores Building Department and by the Pinellas Suncoast Fire and Rescue District.

- (g) To the extent that the applicant properly discloses the date(s) and time(s) of the performances of bands or the generation of amplified sound, the regulation of noise shall not be applicable to the special event pursuant to §34-82 of the Code of Ordinances of Indian Shores. If the applicant fails to disclose or incorrectly discloses band performances or amplified sound generation associated with the special event or allows same to occur during periods outside of the special event time(s) and date(s) approved in the permit, such noise regulations shall be applicable and enforceable against the applicant and any contractor, vendor or other person failing to comply with the terms thereof.
- (h) In the event applicant seeks to serve alcohol during the special event. Applicant must comply with the terms of §6-5 of the Code of Ordinances of Indian Shores.
- (i) All applicants requesting public property for the location of their special event shall be required to have appropriate insurance as a condition for approval of the permit. Proof of insurance showing the Town as an also-named insured and with a minimum of \$1,000,000.00 general liability coverage, shall be provided to the Town at least 48 hours prior to the start of the special event. The applicant shall also agree to indemnify, defend and hold the Town, its officials, employees, agents and assigns harmless from any liability or damage or claims that may occur during or arising out of the permitted special event. The applicant may be required to post an appropriate performance bond to ensure that the proper cleanup, damage, and fees are paid after the completion of the use.
- (j) Should the special event require Town or governmental services, the applicant shall pay a reasonable fee for those services. This fee shall be based on the scope of services provided for the special event and no greater than the actual cost to the governmental agency applying the services.
- (k) Any applicant aggrieved by the determination of the Town in regard to a special event permit, may petition the Town Council for review of the Town's findings. The petition shall briefly set forth the grounds for review. The Town Council's factual review shall be limited to the information before the Town when the decision was made on the application. In making its determination, the Town Council shall consider the provisions of all applicable town codes, including this Article, and state and federal law.
- (l) Weddings on the beach are not open to the public, but are held on property owned, managed, or controlled by the Town. Wedding events are permitted on the beach. However, applicants must follow the procedure outlined for special events. No wedding receptions or similar events are allowed on the beach.

(m) A violation of this section may be enforced by issuance of a citation by a duly authorized law enforcement officer pursuant to Fl. St. §327.72. Every violation of this section shall be deemed a civil infraction punishable by a fine not to exceed \$500. Every day a violation of this section continues shall constitute a separate offense which shall be separately punished. Every discrete violation of this section shall constitute a separate offense which shall be separately punished.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That if any provision or part of this Ordinance is declared invalid or unenforceable as a matter of law, the offending portion shall be stricken and all other provisions hereof shall remain valid and enforceable.

Section 5: That the provisions of this Ordinance shall become a part of and be included in the Town of Indian Shores Code of Ordinances, and the keeper of the Code is hereby authorized to renumber and incorporate said provisions into the Code Ordinances as may be required to accomplish the orderly codification of same.

Section 6: This Ordinance shall become effective immediately upon adoption in the manner provided by law.

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FIRST READING this 9th day of May, 2023.

The first reading of the above Ordinance, upon motion by Vice Mayor Diantha Schear and seconded by Councilor Mike Petruccelli as duly approved at a regular Council Meeting held on the 9th day of May, 2023.

Voting in favor of the First Reading: **Mayor Patrick C. Soranno, Vice Mayor Diantha Schear, Councilor Ellen Bauer, Councilor Mike Petruccelli, Councilor Bill Smith**

Voting in opposition: **None** Absent: **None** Abstaining: **None**

SECOND READING AND FINAL PASSAGE this 13th day of June, 2023.

The second reading of the above Ordinance, upon motion by Vice Mayor Diantha Schear and seconded by Councilor Ellen Bauer as duly approved at a Regular Town Council Meeting held on the 13th day of June, 2023.

Voting in favor of the Second Reading: **Mayor Patrick C. Soranno, Vice Mayor Diantha Schear, Councilor Ellen Bauer, and Councilor Mike Petruccelli.**

Voting in opposition: **None** Absent: **Councilor Bill Smith** Abstaining: **None**

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES, FLORIDA, THIS 13th day of June, 2023.



Patrick C. Soranno
Mayor

ATTEST:

Freddie Lozano, CMC
Town Clerk

Approved as to form:



Regina A. Kardash

Regina A. Kardash, Esq.
Town Attorney

Page 5 of 5
Ordinance No. 2023-03, Town of Indian Shores, FL

