

**ORDINANCE NO. 2019-13**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA AMENDING THE CITY OF MOUNT DORA CODE OF ORDINANCES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR THE REPEAL OF CHAPTER 74, PART III; PROVIDING FOR THE CREATION OF A NEW CHAPTER ENTITLED SPECIAL EVENTS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Special Events are an integral part of tourism, economic development, and a sense of community in the City of Mount Dora; and

**WHEREAS**, the City has determined that a legitimate public purpose will be advanced through the repeal of Chapter 74, Part III, of the City of Mount Dora Code of Ordinances; and

**WHEREAS**, the City of Mount Dora has an ongoing history and commitment to cultural and Special Event activities, which encourages volunteerism, promotes commerce and tourism, and fosters economic benefits in Lake County; and

**WHEREAS**, in order to promote success, manage impacts, and protect the public health, safety, and welfare at Special Events held in Mount Dora, the City has determined that it is necessary and prudent to create a new Chapter, of the City of Mount Dora Code of Ordinances, entitled Special Events.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.**

The City of Mount Dora City Council has complied with all requirements and procedures of the Florida Law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. IMPLEMENTING ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary, and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

**SECTION 3. REPEALING CHAPTER 74, PART III, CITY OF MOUNT DORA CODE OF ORDINANCES.**

City of Mount Dora Code of Ordinances, Chapter 74, Part III – Use of Public Property, is hereby repealed in its entirety.

**SECTION 4. CREATING NEW CHAPTER ENTITLED SPECIAL EVENTS.**

A new Chapter of the City, of Mount Dora Code of Ordinances, entitled Special Events is hereby created and shall include the following:

**Note:** Underlined words constitute additions.

- A. **Purpose.** Special Events are an integral part of tourism, economic development, and a sense of community in the City of Mount Dora. As such, it is the purpose of these regulations to promote success, manage impacts, and protect the public health, safety, and welfare at Special Events held in Mount Dora.
- B. **Exemptions.** The provisions of this Chapter shall not apply to the following:
- (1) City Events;
  - (2) Funeral processions and services;
  - (3) Events conducted entirely on private property that do not meet the definition of “special event”;
  - (4) Sports activities occurring at sports facilities located on City property.

Nothing in this Chapter shall limit the City's ability to enter into any agreement on such terms and conditions as the City determines to be favorable for the use of City property.

- C. **Definitions.** The following words, terms, and phrases, when used in this Chapter, shall have the stated meanings, except where the context clearly indicates a different meaning:

Applicant means any person or organization that seeks a permit from the City to conduct a Special Event governed by this Chapter.

Right-of-way is land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for traveling purposes, including all roads, streets, alleys, sidewalks, trails, paths, utilities, drainage ways, shoulders, and the publicly controlled land immediately abutting and appurtenant to the traveled and drainage ways.

Special Event means an organized, temporary activity or series of temporary

activities held outdoors, on public property, and open to the public by advertisement or invitation, with or without charge. Any reference to "special event" in the Code other than in this Chapter shall mean "Special Event" as defined herein.

Special Events Team means representatives from City Fire, Police, Risk Management, Public Works, Parks, and other relevant departments, as well as the City's Cultural and Special Events Coordinator, designated by the City Manager to administer the provisions of this Chapter.

**D. Special Event Criteria.**

- (1) All Special Events must be planned and conducted in accordance with the following objectives:
  - (a) The Special Event provides a unique and organized civic, cultural, educational, entertainment, or recreational activity or experience.
  - (b) The size, attendance, and nature of the Special Event are suitable for the proposed location and duration.
  - (c) Both vehicle and pedestrian traffic associated with the Special Event must be managed to accommodate expected attendance.
  - (d) A parking plan should be provided to accommodate Special Event staff, participants, and spectators.
  - (e) Adequate security, emergency medical services, and fire protection services, as determined by the Chief of Police and Fire Chief, must be provided to protect the safety of Special Event staff, participants, spectators, and the public.
  - (f) All temporary structures are safe as determined by the Fire Department.
  - (g) Restroom facilities must be provided to accommodate expected Special Event attendance.
  - (h) Trash must be managed and removed in a timely manner after the Special Event, and the site must be returned to the same or better condition than before the Special Event.
  - (i) Noise must be managed to minimize the impact on neighboring residences and businesses.
  - (j) Economic and other impacts to City residences and businesses must be adequately considered so that the net aggregate impact of the Special Event on the area is positive.
- (2) The Applicant shall demonstrate the ability to successfully carry out the proposed Special Event, including, if applicable, a past record of successful Special Event performances.
- (3) The Applicant shall ensure that the Special Event is conducted in

compliance with all applicable laws, ordinances, and City policies, regulations, and procedures.

(4) In addition to the criteria in subsections (1) through (3) of this section, the Cultural and Special Events Coordinator will give preference to Special Events which:

- (a) Partner with Mount Dora businesses to encourage retail and/or restaurant sales.
- (b) Feature or include entertainment or attractions of regional, national, or international quality, interest, or attendance.
- (c) Promote Mount Dora in Special Event-related marketing.
- (d) Provide civic or cultural benefits.
- (e) Are reoccurring events with a demonstrated history of increased annual performance and success.

(5) The Applicant shall obtain any and all additional permits required to conduct the Special Event or related activities as deemed necessary by the City.

E. **Special Event Permits.** All Special Events held in the City of Mount Dora will require a Special Event permit.

F. **Application Procedures and Requirements.**

(1) An Applicant shall complete a Special Event permit application in the form prescribed by the City.

(2) If the Special Events Team or Cultural and Special Events Coordinator determines that an applicant otherwise meets the criteria for a Special Event permit, but additional information is needed, the Applicant shall submit such additional information in the form requested by the City before a permit decision is made.

(1) Each Special Event permit application shall be filed at least 120 days in advance of the event date in order to provide adequate notice for organizing City services. Applications that are not submitted in a timely manner may be denied unless the Applicant demonstrates to the Cultural and Special Events Coordinator that compliance within the deadline was impractical or impossible, or the Coordinator determines that the delayed application will not impair the City's ability to accomplish the purposes of this Chapter.

(2) If a Special Event involves multiple governmental jurisdictions, the Applicant is required to obtain all applicable written authorizations from

other jurisdictions related to the Special Event.

**G. Application Processing**

- (1) The Special Events Team and Cultural and Special Events Coordinator shall make decisions on completed applications only. They shall determine whether to impose permit conditions and whether the Applicant has demonstrated that the applicable requirements are satisfied.
- (2) *Withdrawal.* An Applicant may withdraw the application prior to the issuance of an approval or denial. The City may consider an application withdrawn if the Applicant fails to provide requested information or explanation of why the information cannot be provided within 15 calendar days of the request. The Applicant shall pay to the City all actual costs incurred by the City as a result of the withdrawal.
- (3) *Cancellation.* An Applicant shall notify the Cultural and Special Events Coordinator immediately once the Applicant knows that a permitted Special Event will not occur. The Applicant shall pay to the City all actual costs incurred by the City as a result of the cancellation.
- (4) *Misrepresentations.* If the Applicant makes an intentional misrepresentation on an application, such as a significant understatement of the anticipated number of participants, the Applicant shall pay to the City all actual costs incurred by the City as a result of the misrepresentation. This provision does not apply to crowd size when adversely impacted by weather or disaster.

**H. Fees, Charges, and Expenses.**

- (1) *Fees.* A nonrefundable application fee set forth in the fee schedule, which is adopted by the City from time to time by Resolution, shall accompany a permit application. Prior to issuance of the Special Event permit, the Applicant shall pay all other applicable non-refundable fees as determined by the City, as set forth in the fee schedule, which is adopted by the City from time to time by Resolution.
- (2) *City Support Services.* City support services shall be provided for Special Events as determined by the City to protect the health and safety and welfare of the public, and the costs of such services shall be paid by the Applicant.
- (3) *Police, Fire, Emergency Medical Services, Traffic and Crowd Control.* Police, fire protection, emergency medical services, and traffic and crowd control, to the extent determined necessary by the City, shall be

provided at Applicant's expense.

- (4) The Applicant shall pay to the City all actual costs incurred by the City, as supported by invoice.

I. **Insurance.** The Applicant of a Special Event being conducted on City property must provide certificates of insurance naming the City of Mount Dora as an additional insured for all insurance coverage required by the City at the sole discretion of the City. All such required insurance shall be issued by an insurance company authorized to do business in the State of Florida with a rating specified by the City.

J. **Indemnification.** The Applicant of a Special Event being conducted on City property must agree to indemnify, defend and hold the City harmless from and against any and all claims, suits, causes of action, damages, losses and expenses incurred by the City, which are caused by the acts and/or omissions of the Applicant, or any of its employees, agents, subcontractors, representatives, volunteers, invitees, or the like. Said indemnification, defense, and hold harmless shall not be limited by any required insurance coverage amounts.

K. **Decision on Special Event Application.**

(1) *Special Conditions.* The Special Events Team and Cultural and Special Events Coordinator may approve an application subject to special permit conditions and may also determine the means necessary for complying with such conditions in order to ensure that the Special Event objectives set forth herein are met. If Special Conditions are imposed, the Cultural and Special Events Coordinator shall notify the Applicant in writing of the required conditions.

(2) *Denial.* If a Special Event application is denied, the Cultural and Special Events Coordinator shall notify the Applicant in writing of the action, including:

- (a) The grounds for denial.
- (b) An explanation of the Applicant's right to appeal the action.
- (c) An explanation of the right to resubmit the application, the total amount of fees to be assessed if the application is resubmitted and the calculation of such fees.

L. **Permit Revocation.**

(1) A permit may be revoked by the City Manager for any of the following reasons:

- (a) Failure to conduct the Special Event as presented on the application.
  - (b) Failure to comply with terms and conditions of the permit.
  - (c) Failure to adequately pay the billed fees by the City in a timely manner.
  - (d) The Special Event poses a threat to public health, safety, or welfare.
  - (e) State of emergency declared by the City or another governmental entity.
- (2) If a Special Event permit is revoked, the Cultural and Special Events Coordinator shall notify the Applicant in writing of the action, including:
- (a) Grounds for revocation.
  - (b) Explanation of the right to appeal the permit revocation except in the event of a declared state of emergency.

**M. Appeal of Denial, Special Condition or Revocation.**

- (1) If a Special Event permit has been denied or revoked, or Special Conditions imposed, by the City Manager, an Applicant may appeal the denial, revocation or Special Conditions to City Council as follows:
- (a) The appeal must be filed with the Cultural and Special Events Coordinator within 10 calendar days from the date of the initial decision.
  - (b) The appeal shall include the specific reasons for the appeal and any supporting documentation.
- (2) City Council shall make a decision on the appeal within 21 calendar days of receiving the appeal.
- (3) After considering the appeal, City Council may uphold, reverse or modify a permitting-related decision. The decision of City Council is final.

**N. Termination of Special Event.** The Chief of Police or designee may terminate a Special Event and disperse participants and spectators as deemed necessary due to breach of peace or any violation of law.

**O. Unauthorized acts.** It shall be unlawful for any person to:

- (1) Hold a Special Event that requires a permit under this Chapter without obtaining the approved permit.
- (2) Fail to conduct the Special Event as presented on the application.

- (3) Hold a Special Event that violates the terms and conditions of the Special Event permit.
- (4) Hold a Special Event that violates the law, including, but not limited to, laws relating to traffic regulations, disturbing the peace, public nuisance, unlawful assembly, and/or trespass.

**P. Administration and Implementation.**

- (1) The City Manager shall be responsible for administering and implementing this Chapter and may designate City employees as deemed necessary in order to facilitate administration of this Chapter.
- (2) The City Manager may develop reasonable policies to implement this Chapter.
- (3) Any additional policies developed by the City Manager shall be subject to review by City Council and the City Attorney, filed with the City Clerk, and posted pursuant to the City's regular practice.

**Q. Animals at Public Events.** Animals shall be permitted at public events, at the discretion of the Applicant. Animals providing a service to a person with a disability as defined by the Americans with Disabilities Act and Florida law (Service Animals) may not be excluded from any Public Event. The following shall apply to all Animals (including Service Animals) attending Public Events:

- (1) Animals must be leashed at all times, except for Service Animals if the disability of the owner/handler does not allow for the Animal to provide effective assistance when leashed.
- (2) Animals must be trained so that, absent illness, the Animal controls its waste elimination.
- (3) Animals must be maintained in compliance with the City's animal control and public health ordinances.
- (4) The owner/handler of an Animal will be responsible for any injury, damage, or destruction caused by the Animal.
- (5) An Animal may be excluded from a public event if the Animal's behavior poses a direct threat to the health, safety, or welfare of others.
- (6) Providing false information about or misrepresenting the status of a Service Animal is punishable as a second-degree misdemeanor under Florida law.

**SECTION 5. CODIFICATION; SCRIVENER'S ERRORS.**

A. The newly created Chapter of this Ordinance entitled Special Events, as set forth in Section 4 hereof, shall be codified in the City of Mount Dora Code of Ordinances. The sections, divisions, and provisions of this newly created Chapter may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Code of Ordinances.

B. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 6. SAVINGS CLAUSE.**

All prior actions of the City pertaining to the Special Events Chapter of the City of Mount Dora Code of Ordinances, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 7. CONFLICTS.**

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 8. SEVERABILITY.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon enactment by the City Council.

**FIRST READING: October 15, 2019**

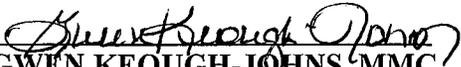
**SECOND READING: November 5, 2019**

**PASSED AND ADOPTED this 5<sup>th</sup> day of November, 2019.**



**NICK GIRONE**  
**MAYOR of the City of Mount Dora, Florida**

**ATTEST:**

  
GWEN KEOUGH-JOHNS, MMC  
CITY CLERK

For the use and reliance of the city of Mount Dora only.  
Approved as to form and legality.

  
Sherry G. Sutphen  
City Attorney