

**ORDINANCE**  
**No. 2024-05**

**AN ORDINANCE OF THE TOWN OF LEE, MADISON COUNTY, FLORIDA, CREATING A SPECIAL EVENT PERMIT WITH CRITERIA TO REGULATE SPECIAL EVENTS OCCURRING WITHIN THE TOWN; PROVIDING FOR RATIFICATION; PURPOSE AND INTENT; PERMIT REQUIRED; DEFINITIONS APPLICATION AND FEE; MINIMUM CRITERIA PRIOR TO ISSUANCE OF A SPECIAL EVENT PERMIT; SPECIAL EVENT VENDOR; DURATION OF SPECIAL EVENT AND LOCATION; HOURS OF OPERATION; INDEMNIFICATION; SUSPENSION OR REVOCATION OF SPECIAL EVENT PERMIT; APPEAL; ENFORCEMENT, VIOLATIONS AND PENALTIES; SOVEREIGN IMMUNITY; SEVERABILITY; CONFLICT; INCORPORATION IN CODE AND EFFECTIVE DATE.**

**WHEREAS, it is beneficial to the Town and its residents to attract special events to the Town of Lee,**

**WHEREAS, from time to time special events have occurred in the Town without any formal review procedures; and**

**WHEREAS, it is necessary to provide minimum criteria to regulate special events occurring in the Town; and**

**WHEREAS, the Town Council has received input, comments and evidence from interested persons and citizens of the Town; and**

**WHEREAS, the Town Council has determined that it is in the best interest of the public health, safety, environment and general welfare to adopt this Ordinance establishing minimum criteria to regulate special events.**

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEE, MADISON COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. RATIFICATION.** The above recitals are hereby ratified, confirmed and adopted as legislative findings of the Town Council.

**SECTION 2. PURPOSE AND INTENT,** The purpose and intent of the Town Council in adopting this Ordinance is to recognize that there are certain special or unique events, which provide for an economically viable community. Special events have been determined to be in the best interest of the public and may be allowing by the Town Council under special permits.

**SECTION 3. PERMIT REQUIRED.** Any special event held within the corporate limits of the Town of Lee shall obtain a special event permit, unless exempt by the provisions of this Ordinance. All special events shall comply with the provisions set forth in this Ordinance, and

with all terms, conditions and requirements identified in an issued permit. A Town sponsored event may be exempt by the Town Council from the requirements of this Ordinance.

SECTION 4. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meanings ascribed to them in this Section; except where the context clearly indicates a different meaning:

*Applicant* means the individual(s) or entity that makes application to the Town to hold a special event.

*Town* means the Town of Lee, Florida.

*Town sponsored event* means any event sponsored by the Town. Town sponsored events may be *exempt* for the procedural and fee requirements contained herein as determined by the Town Council.

*Special event(s)* means an event or activity that is characterized by its limited duration, infrequent occurrence, or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include, but are not limited to, carnivals, circuses, outdoor seasonal sales, concerts, marathons, races (vehicle or pedestrian), walks, use of a tent or sound amplification.

*Special vent application* means the form provided by the Town for the purpose of processing a special event.

*Special event fee* means the fee &n applicant is required to pay, in accordance with the special event permitting procedures, before a special event application will be processed.

*Special event permit* means the permit that is issued by the Town Council.

*Special event permitting procedures* means the procedures adopted by this Ordinance; as may be amended from time to time, pertaining to the issuance, suspension and revocation of a special event permit.

*Special event vendor* means a person, corporation, company or business that sells or offers for sale, goods, wares, merchandise, beverages or food-stuff of any kind or nature whatsoever at a special event.

#### SECTION 5. APPLICATION AND FEE.

(a) A person seeking issuance of a special event permit shall file an application with the Town Clerk on forms provided by the Town. The application fee and any additional charges shall be established by resolution and may vary depending upon the event and entities for profit and entities not for profit as determined by the Town Council.

(b) The application for a special event permit may be changed from time to time by

the Town Manager to improve the information or process, but shall include the following minimum information:

- (1) The name, local and permanent address, telephone numbers and email address of the applicant seeking to conduct such special event;
- (2) If the special event is proposed to be conducted for, or on behalf of, or by an organization, the names, local and permanent addresses, telephone numbers and email address of the headquarters of the applicant organization and of the authorized and responsible head(s) of such organization;
- (3) The name, address, telephone numbers and email address of the person who will be responsible for conducting the special event. If the person conducting the event is not the property owner, written permission from the owner of the property must be provided;
- (4) The type of special event;
- (5) The date or dates when the special event is to be conducted, the hours of such event and the location;
- (6) The estimated number of participants or those otherwise attending, and the estimated number of vehicles participating or parking near the event;
- (7) The applicant shall submit a site plan reflecting the intended temporary show, and included in said site plan shall be the particular property, together with dimensions of said property, all structures, tents, sanitary facilities. Parking (on and off site), ingress and egress, setbacks, pedestrian traffic access, vehicular traffic control plan, emergency access, buffering of adjacent residential uses, signage, and other information as may be necessary to review said application;
- (8) The number, type, location and provision for toilet facilities during the event;
- (9) Provisions for security, traffic control, crowd control and fire safety;
- (10) Life safety plan;
- (11) Provisions for any needed electric power;
- (12) Whether loudspeakers will be used for announcing and whether any music will be provided, the hours of duration and location of such loudspeakers or bands, along with the numbers and types of such amplifiers or other such devices;
- (13) Intent to have food and drinks and whether or not such food and drinks will be sold or otherwise disbursed and who will be supplying such food or drinks;

- (14) A statement describing what portion of any street will be impacted by the event;
- (15) Provisions for clean-up during and after the conclusion of the Special event;
- (16) Other information requested by the Town or deemed applicable by the applicant.

SECTION 6, MINIMUM CRITERIA PRIOR TO ISSUANCE OF A SPECIAL EVENT PERMIT.

(a) A special event permit shall not be issued until the Town Council in its sole discretion determines that the following criteria will be met and if deemed necessary, determines conditions to be placed upon any approval to insure compliance. The applicant must show or represent how the following will be provided, as applicable;

- (1) All temporary structures, sanitary facilities and electrical wiring to be permitted and inspected.
- (2) If the proposed event is to have temporary trailers, and said trailers are to be open for use by the general public; they shall be required to be handicap accessible. In addition, trailers open to the general public are required to provide proper tie downs for appropriate wind load restraint and receive site inspections/approval from the Town. This requirement shall not be required if the trailers are not open to the general public and used only by sales staff representatives to conduct the temporary sales event.
- (3) All tents shall be required to be fire retardant and appropriate documentation noting fire retardants is required to be provided to the Town. The Town will inspect tents on-site for appropriate documentation and setup.
- (4) The applicant shall be responsible for arranging all the required inspections prior to the commencing of the event. Failure to obtain the required inspections shall cause the special event permit to become void.
- (5) A banner/sign, prominently displaying the name and address of the person or entity responsible shall be required to be placed on-site. All -flags, banners, and signs, shall be in compliance with the sign code.
- (6) The traffic to be generated by the intended temporary use. Ingress and egress to the property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in the case of a fire or catastrophe.
- (7) The effect of the temporary use upon surrounding properties and general

compatibility with adjacent properties and other properties in the district. Nuisance factors detrimental to adjacent and nearby properties shall be considered. Nuisance factors shall include, but not be necessarily be limited to, noise, odor, smoke, glare electrical interference, and/or mechanical vibrations.

(8) Compliance with all applicable codes, including but not limited to: buildings, safety and fire regulations as approved by the Town. The Town reserves the right to place additional conditions and bill for recovery of costs associated with assuring code compliance.

(9) A plan shall be provided by the applicant detailing the parking and loading/staging for the event, both on the event site and off site, with particular attention to the ingress and egress to the event site. The area of the event/show shall not place the existing use of the site under its minimum onsite parking requirements.

(10) Screening and buffering of adjacent residential uses.

(11) Temporary signs and temporary proposed exterior lighting with reference to glare, traffic safety, economic effect, compatibility and harmony with surrounding properties. All signs and lighting shall be in compliance with the Town's sign and lighting requirements.

(12) Adequate law enforcement services shall be required at the event. The number of public law enforcement personnel and the number of applicant(s) provided private security personnel required to service the special event shall be determined by the Town.

(13) Adequate fire protection services shall be required at the event. The number of certified Fire Department personnel, if any, and the level of fire protection services required to service any special event shall be determined by the Town in consultation with the Fire Chief, with final approval by the Town. The fee for fire protection services shall be established by Resolution.

(14) Adequate emergency medical services shall be required at the event. The number of emergency medical services personnel, if any, and the level of emergency medical care services necessary shall be determined by the Town in consultation with the Fire Chief. The fee for emergency medical services shall be established by Resolution.

(15) The number and location of portable toilets located on-site and on public property within one thousand (1000) feet of the property on which the event is conducted, shall be determined by the Town.

(16) Garbage pickup and trash collection on site as well as on public property within one thousand (1000) feet of the property on which the event is conducted shall be the sole responsibility of the applicant.

(17) The Town shall have the full authority to dictate the closure of any Town street or roadway and/or the detour of all traffic flow on any Town street or roadway in relation to the management of a permitted special event. The applicant is responsible for submitting a plan detailing a proposed street closure. Barricades and temporary signage for approved locations shall be provided by the applicant(s), subject to Town approval. It shall be the responsibility of the applicant(s) to provide setup and breakdown at the approved times.

(18) Pedestrian traffic access from parking areas to the event shall be designated on the site plan and approved by the Town. Pedestrian traffic access involving the crossing of a major road may require additional traffic control measures to be implemented.

(19) It shall be the responsibility of the applicant to ensure that the structural integrity of all temporary structures erected for the special event are safe, structurally sound and adequately based on the number of persons specified to use the structure. The height of approved temporary structures shall not exceed thirty (30) feet above the existing ground elevation at the location the temporary structure is erected. The location of all temporary structures, erected for the purpose of the event, shall be approved by the Town.

(20) The Town may consider any additional criteria deemed necessary and place any conditions and/or requirements necessary to insure compliance with this Ordinance or with any additional criteria that may be imposed on granting a special event permit.

(b) The applicant shall be responsible for compliance with the terms and conditions set forth in any issued special event permit and the requirements set forth in this Ordinance.

(c) The Town may require that the head(s) of any entity or organization making application to the Town for a special event permit be personally liable for compliance with the terms and conditions set forth in any issued special event permit and the requirements set forth in this Ordinance.

(d) If a special event is not approved, the Town shall not be responsible for any costs incurred by the applicant.

#### SECTION 7. DURATION OF SPECIAL EVENT AND LOCATION.

(a) A special event permit may be granted by the Town Council for up to a maximum of ninety (90) consecutive days. The Town Council may provide for a review of a permit at any time to determine compliance with this Ordinance and any conditions placed on the approval of the special event permit. The Town Council may authorize the Town Manager, or designee to conduct a review of the permit to determine compliance with this Ordinance and all conditions or requirements placed on the permit and authorize the continuance of the permit provided there is no outstanding violation(s) of this Ordinance or any conditions or requirements placed on the

issuance of the special event permit. However, under no circumstances shall the special event permit be valid for more than ninety (90) consecutive days from the date of approval by the Town Council.

(b) Religious institution related events on their own property on lands consisting of less than five (5) acres under any land use or zoning designation are exempt from the requirements of this Ordinance.

SECTION 8. HOURS OF OPERATION. No use shall be conducted between the hours of 11:00 p.m. and 8:00 a.m. Setup, take down and cleaning activities are not subject to the above hours of use restrictions and may be conducted at any time. No person shall be allowed to reside on the premises overnight, except for a security guard and the guard's family members and personnel associated with an event. The Town Council, pursuant to any conditions it may deem necessary, may in its sole discretion, allow other persons to stay on the premises overnight.

SECTION 9. INDEMNIFICATION. The special event permit shall contain an indemnification provision to indemnify, defend, and hold harmless the Town in substantially the following form:

Indemnification

Applicant (others)("Indemnitor") shall at its own cost and expense hold harmless, defend and indemnify the Town of Lee, Florida, its Town Council, employees, officers and agents (collectively "Indemnitee") hereunder from any and all claims, demands, actions and causes of action, losses, damages, liabilities, costs, expenses; and court. costs, including, without limitation, interest, penalties, and reasonable attorneys' fees and expenses, asserted against, related to, resulting from, imposed upon, or incurred by Indemnitee, directly or indirectly, by reason of, relating to, or resulting from loss or damage or injury of any kind whatsoever (including death) which may arise from the issuance of the special event permit, arising from any cause whatsoever whether foreseen or unforeseen, known or unknown, whether by negligent act or omission or otherwise. Nothing herein is intended to serve as a waiver or sovereign immunity by the Town to which sovereign immunity from, or limitation of, liability the Town may have under the Doctrine of Sovereign Immunity of Section 768.28 Florida Statutes, as amended. Nothing herein shall be construed as consent by the Town to be sued by third parties in any matter whether arising out of the special event permit or anything else whatsoever.

SECTION 10. SUSPENSION OR REVOCATION OF SPECIAL EVENT PERMIT

(a) Upon a failure to comply with any of the requirements of this Ordinance or any conditions or requirements imposed on the approval of the special event permit, the Town Manager or designee shall have the authority to immediately suspend the special event permit and order, in writing, the use of the property to immediately cease and desist until the violation(s) is corrected. The Town Council shall have the authority to revoke the special event permit. Prior to taking any action to revoke the special use permit, the applicant shall be notified in writing of the violation(s) and be given two (2) days to correct the violation(s). The time to correct the violation(s) may be extended for up to an additional ten (10) days, in two (2) day intervals by the Town Manager or designee, at the sole discretion of the Town Council, upon a showing of good

cause, that is beyond the control of the applicant. If the applicant does not correct the violation(s) within the time allowed, the Town Council shall hold a hearing on the matter and the applicant shall be given written notice of the date, time and place of the hearing. The applicant shall have the right to appear in person or through an attorney and respond to the action proposed to be taken. The decision of the Town Council shall be final. This action by the Town Council is in addition to any action that may be taken through the Code Enforcement process.

(b) The Town Manager or designee shall have the authority to suspend or revoke a special event permit issued hereunder instantly when a public-emergency arises where the police resources required for that emergency are so great that the deployment of police services for the special event would have an immediate and adverse effect upon the welfare and safety of persons or property.

#### SECTION 11. APPEAL.

(a) Any aggrieved applicant shall have the fourteen (14) calendar days to appeal any decision by the Town Manager to the Town Council. The Town Council shall hold a hearing on the matter and the applicant shall be given written notice of the date, time, and place of the hearing. The applicant shall have the right to appear in person or through an attorney. The decision by the Town Council on such appeal shall be final.

(b) Any person desiring to appeal a final decision of the Town Council under this Ordinance may apply for judicial relief to the Circuit Court in the Third Judicial Circuit in and for Madison County within thirty (30) days after rendition of the decision by the Town Council. Review shall be governed by the Florida Rules of Appellate Procedure.

#### SECTION 12. ENFORCEMENT, VIOLATIONS AND PENALTIES.

(a) The Town Manager or designee or Code Enforcement Officer are hereby directed to enforce this Ordinance except where enforcement is by the building official or other authorized individual, board or Town Council

(b) Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be punished or otherwise subject to the provisions of Sections 1-5, 1-6 and 2-166 *et. al*, as amended, of the Code of Ordinances of the Town of Lee, Florida. Each day a violation exists shall constitute a separate offense.

#### SECTION 13. SOVEREIGN IMMUNITY.

(a) Nothing in this Ordinance shall be construed to effect in any way the Town's rights, privileges and immunities as set forth in Section 768.28 Florida Statutes 2008, as amended.

(b) Nothing herein is intended to serve as a waiver or sovereign immunity by the Town to which sovereign immunity from, or limitation of, liability the Town may have under the Doctrine of Sovereign Immunity of Section 768.28 Florida Statutes, as amended. Nothing herein

shall be construed as concept by the Town to be sued by third parties in any matter, whether arising out of the special event permit or anything else whatsoever.


SECTION 14. SEVERABILITY. If any portion, clause, phrase, sentence or classification of this Ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the Ordinance. It is hereby declared to be express opinion of the Town Council of the Town of Lee, Florida that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this Ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this Ordinance, the Town Council would have enacted the valid constitutional portions thereof:

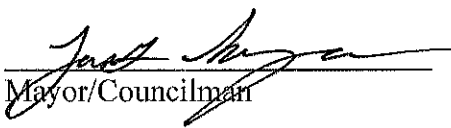
SECTION 15. CONFLICT. All previous ordinances, resolutions or motions of the Town, which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 16. INCORPORATION IN CODE. The provisions of this Ordinance may be incorporated into the Code of Ordinances of the Town of Lee, Florida and the word "ordinance" may be changed to "section", "article", "chapter", or other appropriate word, and the sections of the ordinance may be re-titled, re-numbered, or re-lettered, to accomplish such codification.

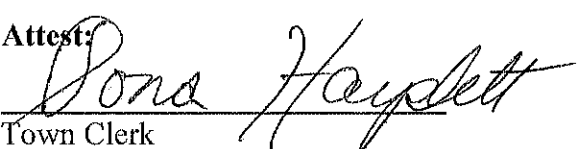
SECTION 17. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

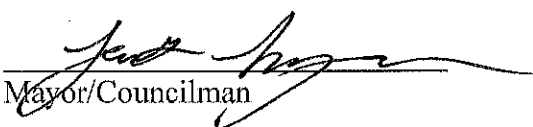
**THE ABOVE AND FOREGOING ORDINANCE WAS DULY PASSED** upon first reading in a regular meeting of the Town Council of the Town of Lee, Florida on this 3<sup>rd</sup> day of September 2024.

Attest:   
Town Clerk

  
Mayor/Councilman

**THE ABOVE AND FOREGOING Ordinance** was duly **PASSED AND ADOPTED** after proper publication and second reading in a regular meeting of the Town Council of the Town of Lee, Florida on this 1<sup>st</sup> day of October, 2024.

Attest:   
Town Clerk

  
Mayor/Councilman