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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
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Summary of Ordinance

The purpose of this ordinance to update the existing regulations to address special events proposed to take place in the unincorporated county. The ordinance will provide for a definition of what constitutes a special event and provide for a process by which an event coordinator can obtain a special event permit.

ORDINANCE NO. 2013-4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING AND REPLACING ARTICLE V, CHAPTER 13, LAKE COUNTY CODE, ENTITLED MUSIC OR ENTERTAINMENT FESTIVALS; RENAMING THE ARTICLE TO SPECIAL EVENTS; PROVIDING FOR DEFINITION; PROVIDING CRITERIA FOR A SPECIAL EVENT PERMIT; AMENDING SECTION 14-37, ENTITLED EXEMPTIONS (NOISE CONTROL); AMENDING SECTION 15-16, LAKE COUNTY CODE, REGARDING TEMPORARY CLOSING OF COUNTY ROADS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lake County Code contains provisions governing music or entertainment festivals; and

WHEREAS, Lake County has increasingly become a destination for a variety of special events; and

WHEREAS, in order to promote economic development within the County, it is necessary to provide clear and concise regulations for the conduct of special events; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the citizens of Lake County to revise its regulations regarding these types of events.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Repeal and Replacement. Article V, Chapter 13, Lake County Code, entitled Musical or Entertainment Festivals, shall be repealed and replaced in its entirety with the following:

1 the performance area. Designated parking areas shall provide for at least one (1)
2 parking space for every (3) patrons. No motor vehicle, motorcycle, or
3 mechanized vehicle shall be permitted in the event area except when necessary to
4 ensure compliance with this section or when being used as part of the special
5 event.
6

7 (3) An adequate plan that addresses all appropriate public safety requirements.
8 Appropriate public safety requirements may include, but are not limited to
9 internal security, traffic control, communications, fire protection, and medical
10 services, including ambulance transportation, in and around the event area. For
11 each discipline specific component of the public safety requirements, the County
12 Manager or designee shall designate the appropriate governmental entities to
13 review and approve each component.
14

15 (i) The Security Plan shall provide a detailed description of security
16 operations. Security operations include, but are not limited to the event
17 management's capabilities to deter, prevent and take action to potential
18 acts that could be disruptive to the event or criminal acts as defined by
19 Florida Statutes or local ordinances. For every five hundred (500) patrons,
20 event security shall include at least one (1) person professionally trained
21 and certified in security or at least one (1) State of Florida certified law
22 enforcement officer with jurisdictional authority. Event security shall be
23 on duty at all times during the event. The ratio of security personnel to
24 event patrons may need to be increased depending upon the nature of the
25 event, traffic impact, event timing and duration, and the service and/or
26 consumption of intoxicants.
27

28 (ii) The Traffic Plan shall include a detailed description of the safe and
29 efficient management of traffic flow from public roadways to the
30 designated parking area(s), movement of pedestrian traffic to and from the
31 event area and traffic movement out of the designated parking area(s) to
32 public roadways. On-site, private property event traffic management shall
33 be at least one (1) person professionally trained in traffic control or at least
34 one (1) State of Florida certified law enforcement officer with
35 jurisdictional authority. Traffic control of public roadways shall only be
36 conducted by a State of Florida certified law enforcement officer with
37 jurisdictional authority. Event traffic management shall be on-duty at all
38 times during the event. A road closure permit may be required as set forth
39 in Section 15-16, Lake County Code, or as required by the State for state
40 roads.
41

42 (iii) The Communications Plan shall provide a detailed description of event
43 communications. Event communications include, but are not limited to
44 the internal communication between the event management and event
45 staff, the external communication between the event's public safety
46 components and the County's public safety agencies. The

1 Communications Plan shall include all contact information for all persons
2 and/or entities involved in the event sponsorship and management,
3 suppliers and vendors responsible for goods and services to the event; and
4 all public safety agencies with jurisdictional authority. Community
5 notification may be required.
6

7 (iv) The Fire Protection Plan shall provide a detailed description of fire service
8 operations. Fire service operations include, but are not limited to a
9 detailed plan to manage pyrotechnics or fireworks, tents that exceed 200
10 square feet in size, temporary structures, inflatables such as balloons and
11 structures such as jump houses, and review and approval of vendors'
12 cooking platforms at the special event. A tent permit may be required by
13 the Lake County Building Division.
14

15 (v) The Medical Services Plan shall include a detailed description of the
16 medical operations. Medical operations include, but are not limited to a
17 dedicated staging area for ambulance and fire service vehicle(s); event
18 operational times with assignments and locations of all medical resources
19 and a list of the closest hospital with contact information. If the event's
20 medical operations and management are to be conducted by a private
21 organization, the following information is required: (1) Medical Director's
22 name, copy of professional medical credentials and twenty-four (24) hour
23 contact information; (2) names, contact information and copy of
24 professional medical credentials for all care responders assigned to the
25 special event; (3) provide procedures for normal event operations, and
26 emergency operations such as mass casualty incidents, mass treatment and
27 emergency evacuation; (4) locations for first aid and rehabilitation; and (5)
28 a complete listing of all medical resources required to maintain the level of
29 service as designated by the event's medical director. Coordination with
30 Lake Emergency Medical Services, Inc. may be required.
31

32 For special events that include federal, state, adjacent counties and/or municipal
33 jurisdictions in addition to unincorporated Lake County, the County Manager or
34 designee may include the federal, state and/or municipal jurisdictions to
35 participate in the review and approval of the appropriate section of the public
36 safety requirements.
37

38 (4) Upon receipt of a Special Events Application and associated application fee,
39 the County Manager or designee will review the event application not only for
40 completeness, but will evaluate all the information to determine the complexity of
41 the entire event. Events that are determined to be more complex may require
42 additional public safety planning that will require the implementation of an
43 Incident Action Plan (IAP). The County Manager or designee will coordinate
44 with the event manager/sponsor to create, implement and maintain an Incident
45 Action Plan. If an IAP is required, an additional application fee may be charged
46 by the County.

1
2 (5) Full and complete compliance with all beverage license laws and other laws,
3 ordinances and regulations applicable to the county shall be required.
4

5 (6) The applicant shall provide for the exact date and time of commencement and
6 the exact date and time of the conclusion of the event. Any time required for
7 setup or clean-up shall be included.
8

9 (7) A written public liability insurance policy insuring the person staging,
10 promoting or conducting the event against any and all claims and demands made
11 by any person or persons for injuries received in connection with the staging,
12 promoting, conducting or attendance of or at the event, written within limits of
13 not less than three hundred thousand dollars (\$300,000.00) damage or injury to
14 any one (1) person for bodily injury or otherwise, and for not less than five
15 hundred thousand dollars (\$500,000.00) for damages incurred or claimed by more
16 than one (1) person for bodily injury or otherwise, plus one hundred thousand
17 dollars (\$100,000.00) damages to property. The original or duplicate of the policy
18 shall be attached to the application for a special entertainment permit, together
19 with adequate evidence that the premiums are paid.
20

21 (8) The actual admission ticket to be used at said event. The ticket shall contain
22 thereon a provision that the holder will consent to the search of his vehicle or any
23 package for illicit drugs, and that if he fails to do so, he will be denied admission
24 and his money will be refunded.
25

26 (9) Event parking shall be prohibited on public right-of-way unless advanced
27 written approval is received from the entity having jurisdiction over such right-of-
28 way. The County Manager or designee shall have the authority to post temporary
29 "No Parking" signs along any public right-of-way which may be affected by the
30 special event.
31
32

33 (d) The application for a special event permit shall be submitted to the County Manager
34 or designee at least ninety (90) days in advance of the commencement of the event for
35 which the permit application is filed, to permit the County Manager or designee to
36 evaluate the application in an orderly and expeditious manner. The County Manager
37 may waive this time frame if the applicant shows exigent circumstances not caused by the
38 applicant.
39

40 (e) If there shall be any deviation or violation of or from the conditions and plans
41 submitted under this section or violation of other provisions of this article, or any
42 material misrepresentation in the application for the permit, the County Manager or
43 designee may revoke the special event permit granted. Such violation or
44 misrepresentation shall be prosecuted as provided by law. Each violation shall constitute
45 a separate offense.
46

1 **Sec. 13-148. Grant or denial of permit.**

2 (a) Time period for granting or denying permit.
3

4 (1) The County Manager or designee shall grant or deny a completed application
5 for a special event permit under this article within thirty (30) days from the date
6 of its filing. Upon the expiration of the thirtieth day without a grant or denial, the
7 application shall be deemed denied.
8

9 (2) Notwithstanding the granting of an special event permit under this article,
10 nothing in this chapter exempts or excuses the permittee or applicant, whatever
11 the case may be, from having to obtain any other required permits, licenses or
12 certificates needed to lawfully operate a business, including a land use permit,
13 building permit, business tax receipt or certificate of occupancy.
14

15 (b) Granting of application for permit. If the County Manager or designee has not made a
16 finding that would require denial of the application, the County Manager or designee
17 shall grant the application and issue the permit to the applicant.
18

19 (c) Denying an application for permit.
20

21 (1) The County Manager or designee shall review the findings and deny the
22 application for any of the following reasons:
23

24 (i) The application contains material false information or is incomplete;
25

26 (ii) The applicant has failed to comply with a provision of the state statutes,
27 including Chapter 607, Florida Statutes (regarding corporations), Chapter
28 620, Florida Statutes (regarding partnerships) or section 865.09, Florida
29 Statutes (regarding fictitious names), as applicable;
30

31 (iii) The granting of an application would violate a statute or ordinance, or an
32 order from a court of law which effectively prohibits the applicant from
33 obtaining a special event permit; or
34

35 (iv) The granting of the application would adversely affect the public health, safety or
36 welfare of the citizens of Lake County.
37

38 (2) If the County Manager or designee denies the application, the County
39 Manager or designee shall notify the applicant of the denial by certified mail,
40 return receipt requested, and state the reasons for the denial.
41

42 (d) Appeals. If the permit is denied, the applicant shall have the right to appeal the
43 decision to the Board of Adjustment (BOA).
44

45 (e) Reapplication. If a person re-applies for a permit at a particular location within a

1 period of one (1) year from the date of denial of a previous application for a permit at that
2 location, and there has not been an intervening change in the circumstances which will
3 lead to a different decision regarding the former reason(s) for denial, the application shall
4 be rejected.
5

6 (f) Rescheduling of Event. If the event is cancelled due to causes outside the control of
7 the applicant such as unfavorable weather, the applicant shall notify the County Manager
8 or designee no later than twenty-four (24) hours prior to the approved start date. Upon
9 receipt of timely notice of cancellation of the event, the permit shall remain valid for
10 thirty (30) days beyond the approved start date to allow for rescheduling of the event.
11 The applicant shall provide the County Manager or designee a minimum of five (5) days
12 notice prior to the start of the rescheduled event. The permit shall expire if the event is
13 not rescheduled within the time frame stated herein.
14

15
16 **Section 3. Amendment.** Section 14-37, Lake County Code, Entitled Exemptions
17 (Noise Controls), shall be amended to read as follows:
18

19 **Sec. 14-37. - Exemptions.**

20 The following uses and activities shall be exempt from the provisions of this article:

21 (1) Sounds resulting from any authorized emergency vehicle when responding to an
22 emergency call or acting in time of emergency, and including any required equipment
23 testing of emergency vehicles during non-emergency times.

24 (2) Sounds resulting from emergency work. Emergency work shall be defined to mean
25 any work made necessary to restore property to a safe condition following an emergency, or
26 to protect property threatened by an imminent emergency, to the extent such work is
27 necessary to protect persons or property from exposure to imminent danger or damage.

28 (3) Any aircraft operated in conformity with, or pursuant to, federal law, federal air
29 regulations and air traffic control instruction used pursuant to and within the duly adopted
30 federal air regulations; and any aircraft operating under technical difficulties in any kind of
31 distress, under emergency orders of air traffic control, or being operated pursuant to and
32 subsequent to the declaration of an emergency under federal air regulations.

33 (4) All sounds coming from the normal operation of interstate motor and rail carriers, to
34 the extent that local regulation of sound levels of such vehicles has been preempted by the
35 Noise Control Act of 1972 (42 U.S.C. § 4901 et seq.) or other applicable federal laws or
36 regulations.

37 (5) Sounds coming from motor vehicles to the extent they are regulated by F.S. § 316.293.

38 (6) Any nonamplified noise generated by noncommercial public speaking activities
39 conducted on any public property or public right-of-way pursuant to legal authority.

40 (7) Sounds produced at (i) organized sporting events, (ii) events with an approved special

1 event permit, (iii) by fireworks; and (iv) by permitted parades on public property or public
2 right-of-way.

3 (8) Construction of commercial or industrial structures properly permitted by the agency
4 having jurisdiction over such property.

5 (9) Sounds produced by normal agricultural activities located in appropriate zoning
6 districts.

7
8 **Section 4. Amendment.** Section 15-16, Lake County Code, entitled Temporary
9 Closing/Special Use of County Road, shall be amended to read as follows:

10
11 **15-16 Temporary closing/~~special use~~ of county road.**

12
13 (a) Upon application, the county manager or designee may issue a permit for the temporary
14 closing ~~or special use~~ of a county road. Applications to close local roads shall be made to the
15 public works department. Applications to close collector or arterial roads shall be made in
16 accordance with Article V, Chapter 13, Lake County Code.

17
18 (b) ~~All applications~~ Applications shall be accompanied by maps, plans and management of
19 traffic exhibits as appropriate. The proposed traffic management shall adhere to the latest
20 versions of the Federal Highway Administration's Manual on Uniform Traffic Control Devices
21 for Streets and Highways and the Manual of Uniform Minimum Standards for Design,
22 Construction and Maintenance for Streets and Highways (commonly known as the "Green
23 Book").

24
25 (c) Prior to the issuance of a permit, the county manager or designee shall make a
26 determination that the temporary closure ~~or special use~~ of the road is reasonable, that it will not
27 cause a danger to the public, and that it will not interfere with the safe and efficient movement of
28 traffic. No permit shall be issued if the county manager or designee determines that the closure
29 ~~or special use~~ of the county road will endanger the health, safety, and general welfare of the
30 public by causing distractions to motorists, unsafe pedestrian movement within travel lanes,
31 sudden stoppage or slowdown of traffic, rapid lane changing and other dangerous traffic
32 movement, increased vehicular accidents, and motorist injuries and fatalities.

33
34 (d) The county manager or designee may revoke a permit or approval issued under this
35 section if there has been any false statement or misrepresentation as to a material fact in the
36 application, maps, plans, or exhibits on which the permit or approval was based.

37
38 (e) The board of county commissioners may, from time to time, establish by resolution such
39 permit fees as the board shall deem equitable and necessary. Applications for a permit shall be
40 accompanied by any fee established hereunder.

41
42
43 **Section 5. Severability.** If any section, sentence, clause or phrase of the Ordinance
44 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding

1 shall in no way affect the validity of the remaining portion of this Ordinance.

2
3 **Section 6. Inclusion in the Code.** It is the intent of the Board of County
4 Commissioners that the provisions of this Ordinance shall become and be made a part of the
5 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and
6 the word "ordinance" may be changed to "section", "article" or such other appropriate word or
7 phrase in order to accomplish such intentions.

8
9 **Section 7. Filing with the Department of State.** The clerk shall be and is
10 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for
11 the State of Florida.

12
13 **Section 8. Effective.** This Ordinance shall become effective as provided for by
14 law.

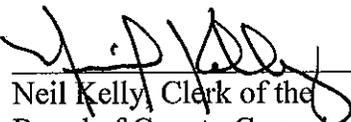
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16 Enacted this 22nd day of January, 2013.

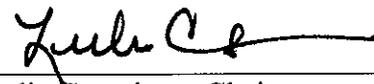
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18 Filed with the Secretary of State February 4, 2013.

19
20 Effective February 4, 2013.

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26 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

27
28 
29 _____
30 Neil Kelly, Clerk of the
31 Board of County Commissioners
32 of Lake County, Florida

33 
34 _____
35 Leslie Campione, Chairman

36
37 This 25th day of January, 2013.

38 Approved as to form and legality:

39 
40 _____
41 Sanford A. Minkoff
42 County Attorney
43