

**ORDINANCE NO. 2004-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING IN THE CITY CODE OF ORDINANCES, AN ARTICLE ENTITLED "OUTDOOR EVENTS," PROVIDING FOR REGULATIONS; PROVIDING FOR APPLICATION FEES; AND AGREEMENTS WITH RESPECT TO OUTDOOR EVENTS HELD IN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, outdoor events such as concerts, festivals, carnivals, races, triathlons, walks, shows, exhibitions, and the like are regularly held in the City of Doral; and

**WHEREAS**, in the interests of safety and in preserving the quality of life enjoyed by the City's residents, it is necessary to regulate outdoor events occurring within the City of Doral; and

**WHEREAS**, the City Council of the City of Doral has determined that it is in the best interests of the citizens and visitors to the City of Doral to enact an Outdoor Events Ordinance, providing for regulations, review, permits, and agreements with respect to outdoor events taking place within the city limits; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** The Code of Ordinances of the City of Doral, thereof, be, and the

same is hereby amended to create an ordinance entitled "Outdoor Events," as follows:

**Sec. 1. Title.**

This article shall be known and cited as the "City of Doral Outdoor Events Ordinance."

**Sec. 2. Restricted Generally.**

(a) Outdoor events shall mean concerts, festivals, races, walks, triathlons, circuses, carnivals, shows, exhibitions, and other similar outdoor events, whether operated totally by outdoors, on stage, under tents or with the use of temporary buildings or structures, to which members of the public are invited as participants or spectators. Outdoor events shall not be permitted to locate or operate in the city except as provided in this article.

(b) This article shall not apply to outdoor events at city facilities where different regulations have been enacted.

(c) An outdoor event may be held in any non-residential zoning district of the City.

**Sec. 3. Application fee; agreement.**

(a) The city council may, after an application has been filed and reviewed, and after passage of an appropriate motion, permit events coming under the provisions of this article to operate within the city for temporary periods of time. Such application shall be filed with the parks and recreation department not less than sixty (60) days in advance of the beginning date of the event and shall contain a detailed proposal of the location, hours, and dates of operation, and a copy of any contract between the applicant and any person providing rides, mechanical entertainment, or amusement devices for the event. The applicant shall pay an application fee of \$350.00 when the application is filed and submit any additional information required by the parks and recreation department. A late fee in the amount of \$200.00 shall be imposed on applicants that file within such sixty-day period prior to the scheduled event; and

(b) If the information submitted by the applicant is responsive and if the parks and recreation department has reviewed and approved the application, the city shall prepare and submit to the applicant an agreement incorporating the terms and conditions listed in this article and such other terms and conditions as the city may specify.

(d) No person or organization shall hold an outdoor event prior

to the delivering to the city the original and properly executed agreement and the certificate of insurance required this article.

**Sec. 4. Outdoor event requirements.**

(a) The use of fireworks shall comply with all applicable state laws and requires a fireworks permit from the county fire-rescue department.

(b) Sanitary facilities shall be provided by the applicant and shall be of the type and in a sufficient number as to meet the requirements established by the community development department.

(c) The community development department shall conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems.

(d) Sponsors of events at which food or beverages will be sold or distributed shall meet all applicable state, county, and city health codes.

(e) Current flameproof certificates must be provided for all canvas tents, awnings, or canopies and shall be submitted to the community development department for approval.

(f) The applicant is responsible for providing adequate security at the outdoor event. The police department may require the applicant to provide and pay for security personnel for crowd control and traffic direction purposes. The county fire-rescue department may require the applicant to provide and pay for fire watch personnel.

(g) The applicant is responsible for securing and maintaining, at applicant's cost and expense, insurance as provided in this subsection. The applicant shall provide a certificate of insurance satisfactory to the city manager or designee, such insurance to be comprehensive general liability insurance in a minimum amount of one million (\$1,000,000.00) dollars combined single limit coverage, naming the city as an additional insured. If alcoholic beverages are to be dispensed, served, sold or distributed at the outdoor event, the applicant shall in addition provide liquor liability insurance in a minimum amount of five hundred thousand (\$500,000.00) dollars.

(h) The applicant shall agree to indemnify and hold harmless the city for any damage to person or property, which might occur during or as a result of the operation of the outdoor event.

(i) The applicant shall secure all necessary and required

building, electrical, plumbing, or other permits, and shall immediately furnish proof of such permits upon request from the city.

**Sec. 5. Exceptions.**

(a) Schools, churches, governmental entities, and other charitable or nonprofit organizations may hold events regulated by this article at any location or zoning district in the city, provided City Council approval is obtained under this article.

(b) A minor outdoor activity is an activity which will be attended by less than two hundred (200) persons, have a limited impact on traffic, parking, and noise in surrounding neighborhoods, and which does not exceed the capacity of the facility to other property proposed to be used. A minor outdoor activity sponsored by a charitable or nonprofit organization or a civic, neighborhood, or homeowner association shall be exempted from the insurance requirements of this article. The sponsor of a proposed minor outdoor activity shall submit all details of such proposed activity to the parks and recreation department at least thirty (30) days in advance of the event.

(c) A self-insured governmental entity may be exempted from the insurance requirements of this article.

**Sec. 6. Exception for city-sponsored events.**

Events sponsored or co-sponsored by the city and held at municipal facilities or on other property owned or controlled by a governmental entity are exempt from the provisions of this article; provided, however, that the co-sponsor of a co-sponsored event shall provide the required insurance certificates. A sponsored event is one which partially planned, organized and funded or otherwise supported by the city at the request of another person or entity and as determined by the city council.

**Section 3.** All Ordinances or parts of Ordinances in conflict herewith is and the same are repealed to the extent of such conflict.

**Section 4.** It is the intention of the City Council of the City of Doral, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed

to "Section" or other appropriate word.

**Section 5.** If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall become effective immediately upon its passage and adoption.

The foregoing Ordinance was offered by Councilwoman Ruiz who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

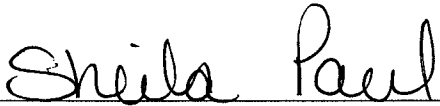
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA ON FIRST READING THIS 10<sup>th</sup> DAY OF NOVEMBER, 2004.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA ON SECOND AND FINAL READING THIS 8<sup>th</sup> DAY OF DECEMBER, 2004.

CITY OF DORAL, FLORIDA

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JOHN J. HEARN, CITY ATTORNEY