

Ordinance 4389

**AN ORDINANCE OF THE CITY OF SWEETWATER  
MODIFYING SECTIONS 58-51 AND 58-52 OF THE CITY'S  
CODE OF ORDINANCES, REGARDING PARADES AND  
STREET CLOSURES, IN ORDER TO BETTER INTEGRATE  
SAID SECTIONS WITH THE SPECIAL EVENTS  
ORDINANCE; PROVIDING FOR SEVERABILITY AND  
PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, contemporaneous herewith, the City has enacted a special events ordinance;  
and,

**WHEREAS**, sections 58-51 and 58-52 conflict in part with the special events ordinance;  
and,

**WHEREAS**, it is in the City's best interest for said sections to integrate with the special  
events ordinance;

**NOW THEREFORE**, be it ordained by the City of Sweetwater:

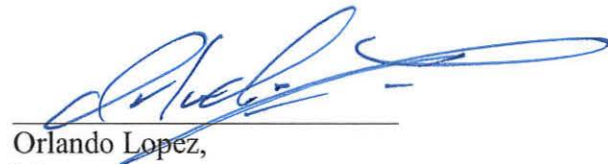
1. The foregoing preamble is incorporated herein as if set forth in full.
2. Sections 58-51 and 58-52 of the City's code of ordinances are modified as  
provided in the document attached hereto and made part hereof by deletion of the  
~~stricken through text~~ and addition of underscored text.
3. This ordinance shall become effective upon its adoption by the City Commission  
and approval by the Mayor or if vetoed, upon its reenactment by the City  
Commission as provided by the Charter of the City of Sweetwater.
4. If any portion of this ordinance is held unenforceable by a court of competent  
jurisdiction, the remainder shall continue in effect nonetheless.

First Reading March 5, 2018

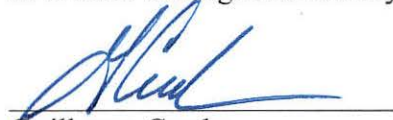
Passed and adopted on April 2, 2018.

Attest:

  
Carmen Garcia,  
City Clerk

  
Orlando Lopez,  
Mayor

as to form and legal sufficiency

  
Guillermo Cuadra  
City Attorney

  
Idania Llanio,  
Commission President

Idania Llanio, President of the City Commission	Absent
Joniel Diaz, Vice President of the City Commission	yes
Prisca Barreto, Commissioner	yes
David Borerro, Commissioner	yes
Manuel Duasso, Commissioner	yes
Cecilia Holts-Alonzo, Commissioner	Absent
Marcos Villanueva, Commissioner	yes

Ord# 4389

**Sec. 58-51. - Permit required to obstruct or close street or sidewalk or impede traffic; fees; waiver of fees.**

(a)

No person shall obstruct, close, or cause to be obstructed or closed any street or sidewalk in this city or impede the general movement of vehicular or pedestrian traffic without first having obtained a permit from both the city police department and Miami-Dade County Fire Rescue. In the case of special events and festivals, an additional permit must also be obtained prior to the event/festival as required by the City's Special Events Ordinance. ~~from the city clerk, who shall issue such permits only after approval for permit issuance has been granted by the mayor or designee. Said approval shall be contingent upon a favorable recommendation by said departments for the issuance of said permits.~~

(b)

Such special events permit shall set forth minimal reasonable conditions necessary for the protection of property and personal safety. Willful violation of the conditions set forth shall render such permit null and void.

(c)

It shall be a condition precedent to the issuance of any such special events permit that the applicant shall assume all civil liability for his acts of omission or commission and shall, further, hold the city harmless for any acts arising or resulting from the issuance of said permit and any omissions or commissions on the part of the city. The applicant shall ensure that adequate safety precautions are in effect at all times during the term of the permit. Prior to the issuance of any such permit, the applicant shall submit to the city a certificate binder or policy of liability insurance as required by the City's Special Events Ordinance. ~~in an amount not less than \$50,000.00 per person, or the amounts specified as a limit of liability set forth in F.S. § 768.28, whichever is greater, which shall include the city as an additional insured and which shall provide that it will remain in full force and effect during the term of the permit.~~

(d)

Fees.

(1)

*Generally.* ~~A~~ In lieu of the fees contemplated by the Special Events Ordinance, the fee for street closures shall be fee of \$100.00 \$500 which shall accompany each permit application to the police department, to be retained by the city regardless of action taken in the grant or denial of the permit.

(2)

*Special events and festivals.* A fee of ~~\$0.50~~ \$5.00 per day per linear foot of street obstructed by the event/festival shall also accompany each permit application to the city clerk for the use of public rights-of-way. The linear footage shall be calculated by the city clerk using the city's officially established monument lines.

(3)

*Waiver of fees.* The fees described in subsections (d)(1) and (2) of this section may be waived or reduced by the city commission if the commission determines by a five-sevenths (5/7) vote that such a waiver or reduction is in the city's best interest.

• **Sec. 58-52. - Permit required for demonstrations, parades, and processions.**

(a)

No demonstration, procession, or parade, except a procession or parade of the forces of the United States armed services, the military forces of this state and the forces of the police department, shall occupy, march or proceed along any public street, roadway or public property except in accordance with a ~~permit issued by the chief of police and with such other applicable regulations as are set forth in this Code. The chief of police shall issue such permit only after the approval for such issuance is given by the mayor, or his designee, following the receipt of a recommendation for action upon the issuance of such permit by the chief of police~~ permit under the City's Special Events Ordinance.

(b)

~~The written application for such permit shall be filed with the chief of police on a form approved by him sufficiently in advance of the proposed demonstration, parade, or procession to allow adequate arrangements to be made for the proper policing of same. The application shall contain the following:~~

(1)

~~The name of applicant, the sponsoring organization, the demonstration, parade, or procession chairman, and the addresses and telephone numbers of each.~~

(2)

The purpose of the demonstration, parade, or procession, the date when it is proposed to be conducted, the location of the assembly area, route to be traveled and the approximate time when the demonstration, parade, procession or motorcade will assemble, start and terminate.

(3)

A description of the individual floats, marching units, vehicles, bands, if any, including a description of any sound amplification equipment to be used.

(4)

~~Such other information as the chief of police may deem reasonably necessary.~~

(c)

Such permits shall set forth conditions reasonably necessary for the protection of the rights, property and personal safety of all parties. Failure to substantially fulfill the conditions set forth in such permit shall render such permit null and void.

(d)

~~Upon issuance of such permit, the police department, shall provide police services adjacent to the permit area to regulate vehicular and pedestrian traffic, conditioned upon the availability of a sufficient payment for off duty personnel.~~

(e)

By applying for and being granted such permit, the applicant shall assume all civil liability arising from conditions, restrictions or omissions on the face of the permit.

~~(f)~~(e)

The fee under this section shall be \$250 ~~In addition to permit fee of \$100.00, payment of a nonrefundable fee of \$50.00~~ for the administrative costs involved in the processing of the herein demonstration, parade, or procession permit application shall accompany the filing of the permit application and shall remain in the general revenues of the city without regard to the final action taken by the mayor or his designee.