

**CITY OF SANIBEL
ORDINANCE 18-011**

AN ORDINANCE AMENDING CHAPTER 110 - SPECIAL EVENTS, OF THE SANIBEL CODE TO INCREASE THE DEADLINE FOR SPECIAL EVENT APPLICATIONS FROM 30 CALENDAR DAYS PRIOR TO EVENT DATE TO 60 CALENDAR DAYS PRIOR TO EVENT DATE; TO INCREASE SPECIAL EVENT APPLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 110, Sanibel Code of Ordinances, regulates the City's current system for issuance of special events permits; and

WHEREAS, the special event permit system was established and is set up for the benefit of the general public to address special events within the City that occur from time to time; and

WHEREAS, the Council has determined it necessary and appropriate that a limited application process be established for a Student or Youth Group Event as defined in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sanibel, Florida:

SECTION 1. The Code of Ordinances of the City of Sanibel, Chapter 110, Special Events, is hereby amended, with underlining indicating additions and strikethroughs indicating deletions as follows:

SPECIAL EVENTS

ARTICLE I. IN GENERAL

Generally, Special Events are temporary uses that extend beyond the normal uses and standards allowed by City Ordinances that are held wholly or in part upon a public or nonpublic street, city right-of-way or any publicly or non-publicly owned property.

Sec. 110-1. Definitions.

For the purpose of this chapter, the following words and terms shall have the meanings respectively ascribed:

Approved structure means any structure constructed and used in compliance with a development permit issued by the city or any structure constructed prior to the adoption of the city Code or this land development code which is being used in full compliance with the regulations of this land development code, chapter 126, article V in particular.

Garage sale means any sale, primarily of used goods, conducted at a residential dwelling unit by the owner or tenant thereof.

Holiday Sidewalk Sales Special Event: means any sidewalk sale of merchandise by a City of Sanibel licensed business, authorized to conduct commercial retail sales at their Sanibel business address if located in the City of Sanibel commercial district, pursuant to the relevant requirements of the Land Development Code.

Special event means any sale, grand opening, wedding, photo shoot, party, holiday celebration, bazaar, concert or other performance, fair, tent revival, fundraising event, art festival, race, tour, rally, parade, bicycle run, demonstration, contest, exhibition, block party, outdoor display, or similar event or occurrence, including the use of tents, or other devices or structures to conduct, advertise or promote any such event occurring on public or non-public lands or in a public right-of-way such as a public or non-public street, shared-use path, alley or other public place or building, park, beach, parking lot, vacant lot, in which a special event would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area or building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the City; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) Any garage sale conducted in compliance with the requirements of this chapter.

Student or Youth Group Event means an event or activity which has the following characteristics:

- (1) All proceeds solely benefit the Sanibel student or youth group conducting the event;
- (2) A single day event generally lasting not longer than 8 hours;
- (3) No vendor or related fees are charged (only the youth group fee or contribution is solicited);
- (4) The event is managed and conducted solely by volunteers;
- (5) Temporary and/or permanent structures are not required.

DIVISION 2. PERMIT

Sec. 110-49. Applications.

A. Applications for special event permits shall be submitted to the city manager, on forms provided by the city, at least ~~30~~ 60 calendar days prior to the event, accompanied by a ~~\$50~~ non-refundable application fee of \$50.00 for residents and \$150.00 for non-residents. The city manager may, however, accept an application made less than ~~30~~ 60 calendar days prior to the event, accompanied by a \$5 per day non-refundable late fee in addition to the non-refundable application fee, if the applicant demonstrates that changing the date will result in a hardship and that, due to circumstances beyond control of the applicant, the application could not reasonably have been made in time. Applications will not be accepted later than 7 calendar days prior to the event. The application shall be signed by the owner of the land for which such a permit is requested or by the owner's authorized representative. The property owner must submit, in writing, the owner's authorized agent or representative's name and contact information. Applications for a Holiday Sidewalk Sales Special Events Permit must be submitted no later than 7 days prior to the first holiday for which application is made, accompanied by a ~~\$50~~ non-refundable application fee of \$50.00 for residents and \$150.00 for non-residents. Each application shall include or be accompanied by the following:

- (1) Complete information as to the type of activity planned; the date and time; the expected number of spectators and participants; any commercial activities included; the number, type, and location of any temporary structures to be used; the number, type, and location of any signs or advertising to be used; provisions made for parking; admission charge, if any; and the desired location, along with any factors particularly affecting the choice of location;
- (2) The names and addresses of the applicants and sponsors of the activity other than the applicants; and
- (3) The telephone number at which an applicant or other responsible party may be reached while the activity is occurring.

B. Limited Application for Student or Youth Group Event.

The Council finds that, in general, Student or Youth Group Events as defined in this Ordinance (including, by way of example and not limitation, student car washes) serve an important community purpose and require only a limited City review in order to assure that each such event is conducted in compliance with applicable City regulations. Therefore, the City Manager is authorized to prepare a limited application for a Student or Youth Group Event which provides sufficient information and detail for the City Manager or her designee to confirm that such event is planned and conditioned in compliance with all applicable City regulations. There is hereby established a \$5.00 application fee for a Student or Youth Group Event.

ARTICLE III. REGULATIONS

Sec. 110-84. Fees.

The City Council shall, by Resolution, adopt a schedule of fees, including all applicable application and service fees relating to Special Events as described in this Chapter. Such fee schedule may be revised from time to time, by City Council Resolution, as deemed necessary by Council. Such Schedule of Fees shall specifically provide for a vendor registration fee for each vendor or exhibitor participating in the Special Event.

SECTION 2. Codification.

This ordinance shall be deemed an amendment to the Code of Ordinances of the City of Sanibel and Article II of the Sanibel Code of Ordinances is hereby amended.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severability.

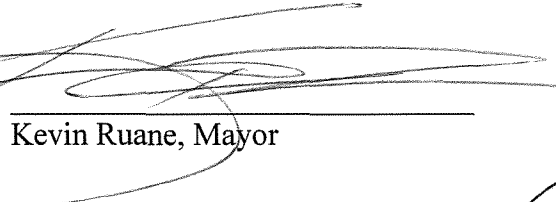
If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such

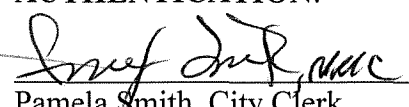
portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of application hereof.

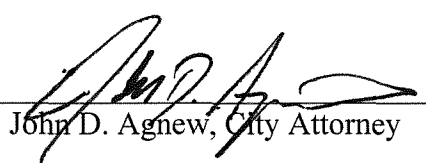
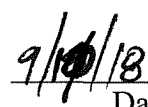
SECTION 5. Effective date.

This Ordinance shall become effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 10th day of September, 2018.


Kevin Ruane, Mayor

AUTHENTICATION:

Pamela Smith, City Clerk

APPROVED AS TO FORM:  
John D. Agnew, City Attorney Date

First Reading: August 07, 2018
Publication Date: August 30, 2018
Second Reading: September 10, 2018

Vote of Council members:

Ruane	yea
Denham	yea
Goss	yea
Maughan	yea
Smith	yea

Date filed with City Clerk: September 10, 2018