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**VILLAGE OF ESTERO, FLORIDA**

**ORDINANCE NO. 2019 - 19**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF ESTERO, FLORIDA, AMENDING  
SPECIAL EVENTS PERMITTING PROVISIONS OF  
THE CODE PREVIOUSLY ADOPTED BY REFERENCE;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Estero was incorporated by referendum held on November 4, 2014; and

**WHEREAS**, the Charter of the Village of Estero (“Charter”) at Section 11, “General Provisions,” paragraph (5) “Transitional Ordinances and Resolutions,” provides that all applicable lawful Lee County ordinances currently in place at the time of passage of the referendum, unless specifically referenced in the Charter, shall remain in place unless rescinded by the Village Council or unless they are in conflict with an ordinance, rule or regulation of the Village; and

**WHEREAS**, the Village Council has determined that it is in the best interests and welfare of the Village and its residents to revise certain provisions of the Lee County Code to specifically apply to the Village.

**NOW, THEREFORE**, be it ordained by the Village Council of the Village of Estero, Florida:

**Section 1.     Lee County Code Sections amended.**

The following sections were included in the Code of Laws and Ordinances, of the Village of Estero, Florida by virtue of their inclusion in the Lee County Code and are hereby amended as ordinances of the Village of Estero. These amendments are not intended to affect the validity of these provisions as laws of Lee County.

Lee County Code Chapter 25 Special Events Permitting, previously adopted by reference is amended to read as follows.

**Sec. 25-1.     Title.**

This chapter is titled and may be cited as the "~~Lee County~~ Estero Special Events Permitting Ordinance."

Words underlined are additions; Words ~~struck through~~ are deletions.

45 **Sec. 25-2. Definitions.**

46

47 The following words and phrases, when used in this chapter are defined as follows:

48

49 Film means a production of a feature film, TV special/commercial/pilot/series,  
50 industrial film/video or photography shoot.

51

52 Private property means property that is owned, leased, operated, maintained or  
53 controlled by one (1) or more individuals or private entities.

54

55 Public property means property that is owned, leased, operated, maintained or  
56 controlled by the ~~county~~ village.

57

58 Sale or consumption of alcohol within ~~Lee County~~ Estero facilities and public parks  
59 means an event being held within a ~~county~~ village facility or public park at which alcohol is to  
60 be sold or consumed.

61

62 Special event means a temporary preplanned gathering or event of an entertainment,  
63 cultural, recreational, educational, political, religious, or sporting nature, or any other nature,  
64 that is sponsored by an individual or entity and is open to the public in general with an expected  
65 attendance of one thousand (1,000) or more, whether on public or private property.

66

67 Use of ~~county~~ village property means an event being held within Estero ~~unincorporated~~  
68 ~~Lee County, in a county park or facility.~~

69

70 **Sec. 25-3. Permit.**

71

72 (a) Required. The following event types require a permit:

73 (1) An event that is expected to draw one thousand (1,000) or more persons at any  
74 session as participants or spectators, which is proposed to be held on public or private property;  
75 and/or

76 (2) An event that is expected to be held on public property or within a ~~county~~  
77 village park; and/or

78 (3) An event at which alcohol is expected to be sold or consumed within a ~~county~~  
79 village facility or public park; and/or

80 (4) An event at which filming or photography will affect public property or on  
81 private property and incorporating pyrotechnics, explosives or other incendiary devices,  
82 firearms or use of gunfire or involves stunts of any kind.

83 (b) Application. At least thirty (30) days prior to the scheduled start of the event,  
84 the completed application with descriptive plans for all arrangements must be submitted to the  
85 community development department along with any applicable fees as outlined in the external  
86 fees and charges manual as may be amended from time to time. The applicant must comply  
87 with any and all conditions set forth in the application by the required sign-off agencies and as  
88 required by the ~~county~~ village manager or designee.

Words underlined are additions; Words ~~struck through~~ are deletions.

89 (c) Conditions. The county village reserves the right to establish such additional  
90 conditions, criteria or detailed specifications for the special event permit as it may deem  
91 necessary to carry out the intent of this article, for the protection of the public health, safety  
92 and welfare of the public.

93 (d) Advertising. No person, corporation, partnership, or other organization may  
94 advertise, conduct, maintain, or sell or furnish tickets for an outdoor concert or event in ~~Lee~~  
95 County Estero unless and until that person or entity has obtained a permit from the ~~county~~  
96 village.

97 (e) Insurance. The applicant, at its sole expense, agrees to procure and maintain in  
98 force during the entire term of the application, liability insurance in the amounts determined  
99 by ~~county~~ village risk management to protect against damages or other claims arising from use  
100 of ~~county~~ village property by the applicant or its guests. Other limits may also be established  
101 by ~~county~~ village risk management for events which will be serving or consuming alcoholic  
102 beverages at approved ~~county~~ village property. The insurance policy must also include  
103 coverage for the applicant's contingent liability on damages, claims or losses. "~~Lee County~~  
104 Estero board of county commissioners village council" must be named as "additional insured"  
105 on the certificate of insurance, and the certificate must be delivered to ~~Lee County Estero~~ prior  
106 to the applicant's use of the property. The insurance may not be canceled during the term of  
107 the event, if this occurs, the ~~county~~ village has the right to revoke approvals related to use of  
108 the ~~county~~ village property for the event, without recourse by the applicant.

109 (f) Bond. At its discretion, subject to other applicable laws or ordinances, the  
110 ~~county~~ village may require an indemnity and/or performance security bond for an event. The  
111 bond must be with a corporate bonding company authorized to do business in the State of  
112 Florida, or a cash bond in the form of a cashier's check payable to the board. The bond must  
113 indemnify ~~Lee County Estero~~, its agents or employees against any and all claims arising out  
114 of the preparations, conduct or aftermath of the event.

115  
116 **Sec. 25-4. Indemnification.**

117  
118 The applicant agrees to indemnify, release and save harmless the ~~board~~ village against  
119 any and all claims, costs, demands, damages, judgments or injuries of any nature arising from  
120 the conduct or management of, or from any work or thing whatsoever done in or about ~~county~~  
121 village property or any building or structure appurtenant thereto or equipment thereof during  
122 the term of this permit, or arising during the term of use from any act of negligence of the  
123 applicant, applicant's agents, contractors, or employees, or arising from any accident, injury,  
124 or damage whatsoever, however caused, to any person or persons, or to any property of any  
125 person, persons, corporation or corporations, occurring during the term of this agreement on,  
126 in, or about said ~~county~~ village property, and from and against all costs, attorney's fees,  
127 expenses and liabilities occurring in connection with any such claim or any action or  
128 proceeding brought thereon.

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133 **Sec. 25-5. Delivery, acceptance and surrender of premises.**

134

135 (a) The applicant agrees to accept the ~~county~~ village property on possession as  
136 being in a satisfactory state of repair and in sanitary condition.

137 (b) The applicant must surrender the premises to the ~~county~~ village in the same  
138 condition as when the applicant takes possession, allowing for reasonable use and wear, and  
139 damage by acts of God. The applicant agrees to remove all business signs or symbols placed  
140 on the premises by the applicant before redelivery of the premises to the ~~county~~ village, and  
141 restore the premises to the condition in which it existed before their placement. Any signs and  
142 markings created or used in connection with this event must be temporary and removable;  
143 painting roadways, trees or any other fixed object is strictly prohibited. The applicant agrees  
144 to clear the ~~county~~ village property of litter at the close of the event.

145

146 **Sec. 25-6. Consideration of application.**

147

148 Upon receipt of the completed application with all required attachments, the ~~county~~  
149 village manager or designee must review and make final determination on all applications. The  
150 ~~county~~ village manager or designee will approve applications when all conditions have been  
151 met. The ~~county~~ village reserves the right to deny any applications. Should the application be  
152 denied, it will be in writing and for good cause. Good cause would be, but not limited to, failure  
153 to comply with the necessary arrangements dictated by the sign-off agencies or an event that  
154 would create a severe and actual nuisance to the surrounding community.

155

156 **Sec. 25-7. Violations.**

157

158 The ~~county~~ village may revoke the event permit granted under this chapter upon the  
159 occurrence of any violation of this chapter.

160

161 **Section 2. Effective Date.**

162

163 This ordinance shall become effective immediately upon adoption.

164

165 **PASSED** on first reading this 10<sup>th</sup> day of July, 2019.

166

167 **PASSED AND ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero,  
168 Florida this 2<sup>nd</sup> day of October, 2019.

169

170 Attest:

**VILLAGE OF ESTERO, FLORIDA**

171

172

173 By: \_\_\_\_\_  
174 Kathy Hall, MMC, Village Clerk

By: \_\_\_\_\_  
Bill Ribble, Mayor

175

176

Words underlined are additions; Words ~~struck through~~ are deletions.

177 Reviewed for legal sufficiency:

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179

180 By: \_\_\_\_\_

181 Burt Saunders, Esq., Village Attorney

182

183	Vote:	AYE	NAY
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184	Mayor Ribble	_____	_____
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185	Vice Mayor Errington	_____	_____
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186	Councilmember Batos	_____	_____
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187	Councilmember Boesch	_____	_____
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188	Councilmember Levitan	_____	_____
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189	Councilmember McLain	_____	_____
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190	Councilmember Wilson	_____	_____
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