

SUNRISE, FLORIDA

ORDINANCE NO. 449-09-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 7 "LOCAL BUSINESS TAX; LOCAL BUSINESS TAX RECEIPTS AND BUSINESS REGULATIONS*", ARTICLE III. "AMUSEMENTS", DIVISION 3. "CIRCUSES, CARNIVALS AND OUTDOOR SHOWS", SECTION 7-107 "MARKHAM PARK"; TO PROVIDE FOR AMENDMENTS TO THE MAXIMUM DAILY ATTENDANCE PERMITTED; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, all-day events which occur at Markham Park have at times become more heavily attended than anticipated; and

WHEREAS, this heavy attendance can strain the resources of the police and fire department employees assigned to staff such events; and

WHEREAS, by amending the total number of patrons an event at Markham Park can incur in any one day will help to control and manage these events;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That Section 7-107 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Sec. 7-107. Markham Park.

(a) *Maximum capacity for special events.* Notwithstanding any other provision of this chapter, the following requirements and procedures are applicable to special events at Markham Park. Because of its size and limited accessibility, the maximum daily attendance permitted for an all-day special event shall be fifteen thousand (15,000) persons.

(b) *Special event permit.* The person seeking permission to hold a special event at Markham Park shall obtain the applicable permit from the Broward County Parks and Recreation Division. The permit holder shall comply with all requirements of the county permit as well as all requirements of this section. The city may prohibit the on-site sale of tickets to regulate event crowds.

(c) *Insurance:* The permit applicant shall obtain general liability insurance with minimum limits of one million dollars (\$1,000,000.00) per occurrence for events expected to draw less than five thousand (5,000) persons; minimum limits of two million dollars (\$2,000,000.00) per occurrence for events expected to draw more than five thousand (5,000) but less than ten thousand (10,000); and minimum limits of five million dollars (\$5,000,000.00) per occurrence for events expected to draw more than ten thousand (10,000) persons. Notwithstanding the limits set forth above, the city shall be named as an additional insured on all insurance policies obtained by the permit applicant at the limits of the permit applicant's insurance or the limits set forth above, whichever is greater.

(d) *Traffic management; security; safety.* The permit applicant shall submit a traffic management plan to the city for its review and approval.

(1) *Eighth Street.* The city will determine, in its sole and exclusive discretion, on a case-by-case basis, whether to allow special event traffic to exit the park on Northwest Eighth Street. If permission is granted by the city, event traffic exiting the park on Eighth Street shall not be allowed direct access

to Eighth Street east of Northwest 136th Avenue.

- (2) ~~Permits.~~ At least ten (10) days prior to the event, the permit applicant shall obtain the necessary permit(s) from the Florida Department of Transportation to use the Sawgrass Expressway right-of-way to access Markham Park from Eighth Street or State Road 84.
 - (3) *Off-duty details.* The permit applicant shall contract for off-duty police services for Sunrise Police Officers for traffic control and security, and with Sunrise paramedics for emergency medical aid, as determined by the police and fire-rescue departments. If an adequate number of Sunrise Police Officers do not volunteer to provide off-duty services, then permit applicant may either contract for off-duty services from Broward Sheriff's Office deputies or Florida Highway Patrol Troopers. If an adequate number of Sunrise Fire-Rescue do not volunteer to provide off-duty services, then permit applicant may either contract for off-duty services from Broward Sheriff's Office fire-rescue or with properly licensed emergency medical services provider authorized to work in Broward County.
- To the extent permit applicant elects to provide or is required to provide additional police services or fire emergency services above and beyond the city's requirement, permit applicant, shall contract for such services from off-duty Sunrise Police Officers, subject to the same contingency for unavailability as provided for above for police officers and fire emergency services.
- (4) *First aid station.* The permit applicant shall separately staff a first-aid station(s) with qualified non-city medical personnel.
 - (5) *Other requirements.* Notwithstanding the foregoing, permit applicant must also comply with the requirements established under the special event permit for police, fire and other related personnel and the city's off-duty personnel ordinance.

(e) All ~~Other~~ permits: The permit applicant shall obtain and demonstrate possession of all necessary permits including any City resolution ~~or~~ for all special event activities a minimum of forty-five (45) days prior to the date of the special event.

(f) Use restrictions: No more than one (1) carnival may be held per calendar year. Concerts may be held only if they are ancillary to an all-day special event, as determined by the city, except that concert-only events may be held if they are not expected to draw more than seven thousand five hundred (7,500) persons. No more than three (3) all-day special events and ~~no more than two (2) concert-only special events~~ may be held per calendar year. Notwithstanding Section 7-107(a), the City Commission may annually, by resolution, establish a maximum daily attendance that exceeds fifteen thousand (15,000) persons for one or more special events provided the police chief, fire chief, and chief building official determine that the permit applicant has demonstrated sufficient traffic management, fire safety, and public security measures, and the City Manager recommends the special event to the City Commission. Any resolution shall ensure that the police and fire departments can take all necessary action to protect safety and security notwithstanding the maximum daily attendance capacity. No more than two (2) concert-only special events may be held per calendar year.

(g) Application: The building department may establish application procedures for the approval of Markham Park events. The chief building official ~~building department director~~ will approve the special event if all applicable requirements of this section have been met.

(h) County promoted events: Special events promoted and operated solely by the Broward County Parks and Recreation Division are exempt from the requirements of this section, however, the division shall advise the city of any county-promoted and operated special events expected to draw more than seven thousand five hundred (7,500) persons daily and shall coordinate any traffic and security issues with the city.

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code

sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 8TH DAY OF SEPTEMBER, 2009.

PASSED AND ADOPTED upon this second reading this 21ST DAY OF SEPTEMBER, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: ALU
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
SOFIELD: YEA
WISHNER: YEA

SECOND READING

MOTION: ALU
SECOND: SCUOTTO

ALU: YEA
ROSEN: YEA
SCUOTTO: YEA
SOFIELD: YEA
WISHNER: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency.

Stuart R. Michelson