

## ORDINANCE NO. 101

AN ORDINANCE PROVIDING FOR THE PERMITTING AND REGULATION OF OUTDOOR PUBLIC ASSEMBLIES WITHIN THE CITY; REPEALING ORDINANCE NO. 86 AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF BAY LAKE:

Section 1. Definitions. The following words, terms and phrases used in this Ordinance shall have the meanings ascribed to them in this section:

City Manager shall mean the City Manager of the City of Bay Lake.

Outdoor public assembly shall mean any event, ceremony, rally, demonstration including, but not limited to, a demonstration as a means of protest or as a means of presenting a cause or grievance, or assembly of any kind, partially or totally on property owned or dedicated to the City of Bay Lake, Orange County, and/or the Reedy Creek Improvement District within the City of Bay Lake.

Sidewalk shall mean any area or way, not privately owned, whether paved or unpaved, set aside or open to the public for purposes of pedestrian traffic.

Street shall mean any place or way, not privately owned, set aside or open to the general public for purposes of vehicular traffic and not pedestrian traffic, including any berm, right-of-way, median strip or public parking facility.

Section 2. No person shall engage in, participate in, aid, form, advertise or start any outdoor public assembly (assembly) unless an outdoor public assembly permit shall first have been obtained from the City of Bay Lake.

Section 3. Any person seeking the issuance of an outdoor public assembly permit shall file an application with the City, at the Office of the City Manager on forms provided by that office. An application shall be filed no more than sixty (60) days and not less than fifteen (15) days before the date of the assembly; provided however, that for good cause shown, the City may waive the minimum fifteen (15) day filing period and may accept an application filed within a shorter period if, after due consideration of all factors, including the date, time, place and nature of the assembly, the anticipated number of participants, and the necessity for and the amount of public services required in connection with the assembly, the City determines that such waiver will not present a hazard to the public due to the reduced time to process the application. The application shall be signed by the applicant under oath.

Section 4. The application for a permit shall set forth the following, and such other or further information as may from time to time be required by the City Manager:

- a. The name, place of residence, mailing address and telephone number of the person seeking to conduct the assembly.
- b. If the assembly is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the organization, and the authorized responsible head of the organization.
- c. The name, place of residence, mailing address and telephone number of the individual person who will be the assembly chairperson and who will be responsible for the conduct of the assembly.
- d. The date when the assembly is to be conducted.
- e. The nature of the assembly, including the type of activity which will occur.
- f. The hours when such assembly will start and terminate.
- g. The approximate number of participants, not including spectators, who will participate in the assembly.
- h. The exact location of the assembly.
- i. If any public services shall be required for the assembly, the estimated costs to be incurred by the City as a result of the assembly shall be determined by City staff and identified on the application prior to approval. The applicant shall pay, prior to the issuance of a permit, all such costs.
- j. Applicant shall deposit with City cash or certified check in the sum of One Thousand and NO/100 Dollars (\$1,000.00) ("Deposit") as security for any claims, losses, and expenses, including attorney's fees, for any and all claims or actions arising out of or resulting from the holding of the public assembly, including, but not limited to, any and all claims for damaged property, or injury to or death of persons arising out of or resulting from the holding of the assembly or the issuance of the permit. The Deposit less any cost incurred City for the assembly shall be refunded to the applicant within thirty (30) days following the conclusion of the assembly. It is agreed and understood that there shall be no interest payable on the Deposit.

Section 5. The City shall approve a permit for a period not to exceed thirty (30) days as provided herein if, from consideration of the application and from other information as may otherwise be obtained, it appears that: the conduct of the assembly will not interrupt substantially the safe orderly movements of pedestrians on the sidewalks or vehicular traffic on the streets in or contiguous to the location of the assembly; the concentration of people will not interfere with



fire, police or other emergency services; the conduct of the assembly is not reasonably likely to cause injury to persons or property or to provoke disorderly conduct as defined in F.S. Section 877.03; the conduct of the assembly will not result in noise of a level inappropriate for the areas surrounding the assembly; the conduct of the assembly is not reasonably likely to jeopardize the health, safety and welfare of any person participating or not participating in the assembly; the applicant has prepaid all expenses to be incurred by the City as a result of the assembly. Any previous permits issued by the City having a duration greater than thirty (30) days shall expire thirty (30) days after the enactment of this Ordinance.

Section 6. The City shall act upon the application for a permit within a reasonable time.

Section 7. The application for permit shall become the actual permit, upon written approval by the City Manager on the face of the permit, and shall be in the possession of the chairperson of the assembly during the conduct of the assembly. The permit shall be displayed upon demand to the City Manager or his designee or to any law enforcement officer. A permittee hereunder shall comply with all permit directions and conditions, and shall comply with all applicable laws and ordinance.

Section 8. The City manager, or his designee, has the authority to revoke a permit issued hereunder instantly upon violation of any one of the conditions or standards for issuance herein.

Section 9. It shall be unlawful for any person to stage, present or conduct any assembly without first having obtained a permit therefore as provided herein. It shall be unlawful for any person knowingly to participate in any assembly for which a permit has not been granted. It shall be unlawful for any person responsible for the duly permitted assembly to knowingly fail to comply with any condition of the permit. No person shall engage in any activity during the assembly that places any person in the street or blocks the sidewalks within or adjacent to the assembly or otherwise causes a nuisance. Any person convicted of violating the provisions of this Section shall be punished by a fine not to exceed five hundred dollars (\$500) and/or by imprisonment of not more than 60 days, the imposition of civil fines or other administrative actions.

Section 10. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 11. Effective Date. The provisions of this Ordinance shall become effective twenty (20) days after publication following the final passage thereof.

CITY OF BAY LAKE, FLORIDA  
BY ITS CITY COUNCIL

  
Donna L. Palmer, Clerk

Passed and Adopted on First Reading:	July 9, 1997
Publication after First Reading:	July 19, 1997
Passed and Adopted on Second Reading:	July 30, 1997
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