

ORDINANCE NO. 2021-25

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY PERMITS, REVISING AND CLARIFYING THE CRITERIA FOR THE ISSUANCE OF PERMITS FOR THE USE OF PUBLIC PROPERTY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Venice ("City") owns, maintains, and manages right-of-way and other property that may be desired for a specific or defined purpose by members of the public; and

WHEREAS, the City desires to revise its regulations governing the use of public right-of-way and other property in order to better protect the public interest and contribute to a safe and healthy environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 62, Streets, Sidewalks and Other Public Places, Article V, Public Right-Of-Way and Public Property Permits, is hereby amended as follows:

ARTICLE V. PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY PERMITS

Sec. 62-121. Activities requiring permit.

The following temporary activities upon any public right-of-way or public property within the city require a permit in accordance with this article:

- (1) ~~Any parade, march, procession or~~ A special event permit is required for parades, fairs, festivals, exhibitions, and similar activities.
- (2) ~~Any fair, show, festival, exhibition or special event.~~
- (3) A display permit is required for ~~the display and/or sale of any merchandise.~~
- (4) ~~The display of any sign permitted in the zoning regulations.~~
- (5) A café permit is required for the ~~placement of tables, chairs or other items for food and/or beverage services.~~
- (6) ~~Entertainment.~~

Sec. 62-122. Exemptions.

The permit provisions of this article shall not apply to the following activities:

- (1) Garage sale and open house signs in compliance with the standards contained in section 86-401.
- (2) ~~Political signs.~~ News racks.
- (3) ~~Newspaper vending machines.~~

Sec. 62-123. Application.

~~(a) To obtain a special event, display, or café permit to utilize the public right-of-way or public property,~~ an application shall be submitted to the city manager or his designee in advance of the commencement of the activity according to the city permit review schedule. The application shall contain the following information:

(a) General information.

- (1) The name, address, ~~and~~ telephone number and e-mail address of the applicant.
- (2) A detailed description of the activity for which the permit is sought.
- (3) A detailed description of the public right-of-way or public property sought to be utilized.
- (4) The length of time for which the permit is sought.
- (5) The hours during which the activity will occur.

(b) For café permits, for any use that extends beyond the length of the public right-of-way or public property immediately adjacent to (measured parallel to front lot line) the subject property, the written consent of the adjacent, affected property owner must be obtained and provided to the city in advance of issuance of a permit.

(c) For display permits, for any use that extends beyond the length of the public right-of-way or public property immediately adjacent to (measured parallel to front lot line) the subject property, the written consent of the adjacent, affected property owner must be obtained and provided to the city in advance of issuance of a permit.

(d) For special event permits, the following is also required:

- (1) A description of the event;
- (2) A timeline for the event; and
- (3) A map or layout for the event.

~~(6e)~~ All other information which the city deems relevant for consideration of the application.

~~(7) For any use that extends beyond the length of the public right-of-way or public property immediately adjacent to (measured parallel to front lot line) the subject property, the written consent of the adjacent, affected property owner.~~

~~(b) The completed application shall be submitted to the city manager or his designee prior to commencement of the proposed activity.~~ An application fee, as established by the city manager or his designee, shall accompany all applications. ~~Any applicant that is a not for profit organization may request a waiver of the application fee from city council.~~

Sec. 62-124. Issuance; conditions; transfer.

- (a) Upon submission of a completed application and payment of the application fee and any other applicable charges ~~for use of public rights-of-way and public property as provided in section 62-123~~, the city manager or his designee may either issue, issue with conditions, or deny the permit. The city manager or his designee shall consider the following factors in deciding whether or not to issue the permit:
 - (1) The extent to which the proposed activity will disrupt normal municipal functions.
 - (2) The extent to which the proposed activity will impact the public health, safety and welfare.
 - (3) The extent to which the proposed activity is compatible with the surrounding area.
 - (4) The extent to which the proposed activity impacts previously permitted activity.
- (b) The city manager or his designee may impose conditions on the permit which he deems necessary in light of the factors enumerated in this section. Any permit issued in accordance with this article shall be nontransferable, must be renewed annually, and shall define and illustrate all objects to be placed in the permitted area to include size, dimension and location of such items.
- (c) Café permits and display permits.
 - (e1) Permits shall be displayed so they are clearly visible from the public right-of-way or public property at all times.
 - (e2) The permittee is responsible for general maintenance of the permitted area and any permittees that provide food and/or beverage service shall power wash the permitted area at least once a quarter.
 - (e3) Permittees shall at all times maintain a clear unobstructed pedestrian pathway of at least six feet (48 inches) wide, or a width to meet the current Americans with Disabilities Act (ADA) pedestrian pathway standard, whichever is greater. The city, or permittee if so required, shall mark or otherwise delineate the pedestrian pathway. It is the responsibility of the permittee to ensure the pathway remains free of impairment or obstruction including chairs, tables and other objects.
 - (f4) The permittee shall maintain an unobstructed clearing of a minimum of 24 inches from the face of curb. The city shall mark or otherwise delineate the curb clearing.
 - (g5) A permitted use may extend to the end (as measured parallel to the front lot line) of one adjacent property, but may not then extend to the end of any other adjacent property.

Sec. 62-125. Prohibitions.

The use of misters, misting apparatuses, and similar devices capable of emitting a spray, propellant, liquid or other substance onto a public street, public sidewalk, or other public right-of-way is prohibited.

Sec. 62-126. Schedule of fees and charges.

The city may establish a schedule of fees and charges for the use of public rights-of-way and public property. The schedule of fees and charges may be adopted and changed by resolution of city council.

Sec. 62-127. Liability insurance; identification of city.

- (a) No permit shall be issued in accordance with this article until the applicant has provided the city with proof of liability insurance and where applicable, proof of liquor liability insurance with coverage limits deemed adequate by the risk manager. The city manager or his designee shall require that the city be named as an additional insured upon any such policy of insurance.
- (b) In consideration for the issuance of a permit in accordance with this article, the applicant shall indemnify and hold harmless the city and its officers, agents and employees from any liability or loss sustained as a result of claims or demands arising from any permit issued in accordance with this article or any activity conducted in connection therewith.

Sec. 62-128. Violations; enforcement ~~Penalties.~~

~~The city may enforce this article through the city code enforcement board in addition to any county or circuit court proceedings. In enforcing this article, the code enforcement board shall have the authority to levy such fines and penalties as are provided in chapter 2, article VI, division 2, relating to the code enforcement board.~~

- (a) Any person violating any provision within this article or a condition contained in a permit shall constitute a violation of this article.
- (b) Violations of this chapter will be enforced by the code enforcement process as established in chapter 2 Administration, Article VI, Code Enforcement, of this Code.

SECTION 3. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24TH DAY OF AUGUST 2021.

First Reading: July 13, 2021

Final Reading: August 24, 2021

Adoption: August 24, 2021

Ron Feinsod, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 24th day of August, 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of August, 2021

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney