

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3 **ORDINANCE 2020-**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
5 ALACHUA COUNTY, FLORIDA; REQUIRING FIRE/EMS COVERAGE FOR
6 SPECIAL EVENTS; PROVIDING DEFINITIONS; PROVIDING FOR
7 SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND
8 SCRIVENER'S ERROR; PROVIDING AN IMMEDIATE EFFECTIVE DATE.

9 WHEREAS, Alachua County finds that it has a compelling governmental interest in the
10 health, safety, and welfare of its citizens; and

11 WHEREAS, Alachua County finds that large gatherings of people present a real and
12 potentially catastrophic danger of a major fire, medical emergency or both; and

13 WHEREAS, Alachua County finds that large gatherings of people present hazards and
14 risks requiring crowd control and planning to minimize disruption to the flow of traffic caused
15 by travel to and from the gathering; and

16 WHEREAS, Alachua County seeks to understand and prepare for the known collateral
17 and secondary effects that special events present; and

18 WHEREAS, the intent of this Ordinance is to promote, protect and improve the health,
19 safety and welfare of the citizens of Alachua County by requiring certain event promoters to
20 obtain Fire/EMS coverage for special events.

21 BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF
22 ALACHUA, FLORIDA:

23 SECTION 1. The Board of County Commissioners finds and declares that all statements
24 in the preamble of the ordinance are true and correct.

25 SECTION 2. Article III of Chapter 52 of the Alachua County Code is created as follows:
26

1 **ARTICLE III. Alachua County Special Event Permit**

2 **Sec. 52.46. Title of Article**

3 This article shall be known and cited as the “Alachua County Special Event Permitting
4 Act.”

5 **Sec. 52.47. Definitions**

6 The following words and phrases, when used in this ordinance are defined as follows:

7 *Advanced Life Support Service* means any emergency medical transport or non-transport service
8 which uses advanced life support techniques as defined in this article and Florida Statutes,
9 chapter 401.

10 *County* means the Alachua County Board of County Commission, its departments and divisions.

11 *EMS* means emergency medical services.

12 *Emergency medical technician (EMT)* means any person who is trained in basic life support and
13 who is certified by the department and the system medical director to perform such procedures in
14 emergency situations.

15 *Event promoter* means the applicant (person, corporation, host organization or similar entity)
16 who files a special event permit with Alachua County and is the principle person responsible for
17 the special event.

18 *Fire service* means EMS, fire service and personnel provided by Alachua County Fire Rescue.

19 *Fire Rescue Chief* means the chief officer of Alachua County Fire Rescue.

20 *Private property* means property that is owned, leased, operated, maintained or controlled by one
21 or more individuals, corporations, organizations, or similar entities.

22 *Public property* means property that is owned, leased, operated, maintained or controlled by
23 Alachua County.

24 *Special event* means a temporary preplanned event of an: entertainment, cultural, recreational,
25 educational, political, religious, or sporting nature, sale, or any other nature, that is sponsored by
26 an individual or entity and is open to the public as set forth below, whether on public or private
27 property.

28 (a) A “*small event*” is an event with an anticipated, maximum attendance at any point in time
29 of less than two thousand (2,000) persons.

30 (b) A “*medium special event*” is an event with an anticipated, maximum attendance at any
31 point in time of more than two thousand (2,000) but less than ten thousand (10,000)
32 persons.

33 (c) A “*large special event*” is an event with an anticipated, maximum attendance at any point
34 exceeding ten thousand (10,000) persons.

(d) Temporary filming or audio recording of still, live or motion picture productions for theatres, television entertainment, industrial use or internet content. Excluded from these permit requirements are any individuals filming or videotaping for personal or family use only, employees of print or electronic news media when filming on-going news events, or students and faculty filming exclusively for educational purposes.

Temporary is defined as any event up to seven consecutive days in length or ten consecutive time periods of four days or less per quarter.

Sec. 52.47. Application for Special Event Permit

(a) The following event types require Fire/EMS Service:

(1) An event that has two thousand (2,000) or more anticipated attendees at any time.

(2) An event incorporating pyrotechnics, explosives or other incendiary devices, or involves stunts of any kind.

(3) An event that the Fire Rescue Chief determines has an adverse impact on public safety due to, diminished access to buildings, structures, fire hydrants and fire apparatus access roads.

(4) An event that the Fire Rescue Chief determines requires EMS or fire service due to the topography of the land, weather conditions, nature of event, time of day or because alcohol is sold or served.

(b) All applications for a permit under this Article must contain:

(1) The name and address of the event promoter and if not a natural person the names and addresses of the corporation and its principle officers or designees.

(2) The start and end dates and times of the special event.

(3) An estimated number of people anticipated to be in attendance in the event venue at any point in time, an explanation as to how the attendance was estimated (i.e. ticket sales, RSVPs, historical data for reoccurring events, etc.) and a plan for:

a. determining the actual number of persons in attendance at the event venue as the event progresses;

b. keeping Alachua County informed in real time of that number; and

c. a crowd control plan to manage and control or disburse the persons trying to enter the event after capacity is reached.

(4) A plan for the provision of fire protection and/or EMS, including ambulance service, and emergency vehicle access in and around the event venue. Each special event utilizing county roads shall leave a fifteen-foot (15ft) wide emergency access lane. The

1 Fire/EMS Department shall delineate fire and life safety requirements depending on the nature
2 and size of the event using approved codes and standards. The Fire/EMS Department is
3 authorized to require employment of standby firefighters, EMS or Fire Inspectors for special
4 events.

5 (5) The Applicant shall obtain a written agreement with each Fire/EMS
6 agency that has agreed to participate, in which the Fire/EMS agency identifies the type of EMS
7 or fire service, the number of EMS providers, the vehicles, the equipment and supplies it will
8 provide.

9 (6) A description of the onsite treatment facilities including a map of the
10 special event site.

11 (7) A risk assessment for the event, and a plan for responding to a possible
12 disaster or medical emergency at the event site.

13 (8) A plan for evacuation of the special event site.

14 (9) A plan for educating event attendees regarding Fire/EMS system access
15 and specific hazards, such as topography or severe weather.

16 (10) The applicant shall coordinate Fire/EMS coverage with local emergency
17 care services and public safety agencies—such as EMS, fire rescue and hospital agencies or
18 organizations.

19 (11) Evidence that those law enforcement agencies impacted by traffic or
20 crowd control are aware of the event and are involved in approval of the plan. If the event takes
21 place inside of any municipality and is within 1 mile of the municipal boundary with the County
22 and the natural traffic flow will be along County or State maintained roads once the traffic passes
23 beyond the municipal boundary, traffic control must be coordinated with the Alachua County
24 Sheriff.

25 (c) Each application for a special event permit must be filed with proof of insurance
26 and the permit fee paid, no more than three hundred sixty five (365) days in advance and no less
27 than the following number of days before the opening of the event to the public:

28 (1) Sixty (60) calendar days for a large special event or for a medium special
29 event to be held in whole or in part during University of Florida (UF) home football game
30 weekends, Memorial Day weekend, 4th of July and its closest weekend, and Labor Day
31 weekend.

32 (2) Thirty (30) calendar days for a medium special event other than at the
33 above times.

34 (3) Twenty (20) calendar days for a small event.

35 (4) The County Manger may accept a tardy application if:

1 a. County staff has the capacity to conduct an ordinary review of the
2 application without causing material neglect of other staff duties or,

3 b. The event promoter stands willing and able to pay and deposits a
4 sum of money to cover any overtime for County staff to conduct an ordinary review of the
5 application, and staff volunteers such overtime, then the County will use reasonable efforts to
6 process a tardy application in time to allow the event to be held.

7 (5) Applications shall be reviewed in the order received and priority shall be
8 given to timely filed applications

9 (6) Special event shall not be permitted on Thanksgiving Day or the Friday,
10 Saturday and Sunday following Thanksgiving, Christmas Eve or Christmas Day or on dates that
11 the County sponsors special events.

12 (7) The following events are exempted from this section: Funeral Repast,
13 similar ceremonies, and other events as determined by the County Manager.

14 (d) Plan approval. The applicant shall satisfy the requirements in this section before
15 securing County approval of a special event permit.

16 **Sec. 52.48. Staffing Requirements for Special Events**

17 (a) A medical services plan submitted under this section is a danger to public health
18 and safety if it does not prohibit medical personnel from working more than one (1) twelve-hour
19 (12) shift in any twenty-four-hour (24) period. A medical services plan presents a danger to
20 public safety and health if it does not provide for the following on site professionals to work to
21 event.

22 (1) For an event in which less than two thousand (2,000) persons are expected
23 to attend and the Fire Rescue Chief determines presents a lower hazard that does not require
24 EMS or fire coverage: none.

25 (2) For a special event where there are two to ten thousand (2,000-10,000)
26 anticipated attendees: two (2) Emergency Medical Technicians ("EMTs"), paramedics, or other
27 professionals with equivalent (or higher) medical training, plus an additional two (2) such
28 persons for each ten thousand (10,000) anticipated maximum attendees, or portion over five
29 thousand (5,000) anticipated maximum attendees.

30 (b) The County Manager may approve a special event EMS plan that does not meet
31 this staffing criterion, if it is reasonably shown that public health and safety can be secured
32 through alternative means or that such staffing is not reasonably required for the proposed special
33 event.

34 (1) The staffing guidelines set forth above in section (a) (2) may be increased
35 or decreased as may be reasonably required to secure the public health and safety during the
36 event depending upon whether the event objectively presents a lower or higher hazard. The
37 staffing guidelines set forth above are intended for moderate hazard special events which
38 include, but are not limited to, concerts, carnivals, fairs or similar events. Low hazard special

1 events include, but are not limited to, car shows, flea and farmers markets, local festivals, craft
2 shows and expositions, local high or middle school sporting events and organized sporting
3 tournaments. High hazard events include, but are not limited to, an event with stunts or having
4 potential for presenting danger to participants or spectators or the potential for attendees to be
5 exposed to extreme ambient temperature or weather. A special event which would normally be
6 categorized as either a low or moderate hazard event may be reclassified as high hazard due to
7 extreme weather or temperature.

8 (2) High hazard events may be required to provide Advance Life Support
9 Service with transportation capability. Staffing shall be equipped with customary supplies
10 necessary to treat injuries and illnesses commonly associated with outdoor activities or similar
11 events.

12 **Sec. 54.49. Proof of Liability Insurance**

13 (a) Insurance for Private Property. The event promoter shall provide to the County a
14 Certificate of Liability Insurance for special events with an anticipated attendance of two
15 thousand (2,000) or more persons. This Certificate shall show general liability insurance
16 coverage limits in the amount of one million dollars (\$1,000,000). Insurance coverage for
17 workers' compensation shall be shown on a Certificate for any employees of the event promoter.

18 (b) Insurance for Public Property. The event promoter shall provide a Certificate of
19 Liability Insurance to the County Risk Management for special events with an anticipated
20 attendance of two thousand (2,000) or more persons. This Certificate shall show general liability
21 coverage limits in the amount of one million dollars (\$1,000,000), naming Alachua County as an
22 Additional Insured. Insurance coverage for workers' compensation shall be shown on a
23 Certificate for any employees of the event promoter.

24 (c) Alachua County reserves the right to require additional types of insurance, or to
25 raise or lower the above limits stated above upon the identified risk of the special event. All
26 insurance companies named on certificates must show a current A.M. Best Company rating of
27 B+ or higher.

28 **Sec. 54.50. Indemnification of Alachua County**

29 The event promoter shall indemnify, defend (with counsel acceptable to the county) and
30 hold harmless the county, its officers, employees, elected officials, agents, boards, consultants,
31 independent contractors, commissions and any successors to county's interest, from and against
32 any and all claims, demands, losses, damages (including but not limited to personal injury
33 resulting in death), liabilities (including those arising from releases of hazardous materials),
34 suits, fines, penalties, charges, administrative and judicial proceedings and orders, judgments and
35 all costs and expenses incurred in connection therewith, including without limitation reasonable
36 attorney's fees and costs of defense (collectively, the "Losses") arising from acts or omissions of
37 the event promoter or its successors, agents, contractors or employees, in connection with or
38 related in any way to the employment of EMS or fire personnel at special events, except to the
39 extent any losses arise from the negligent or wrongful act or omission of the county or its
40 employees acting within the course and scope of their employment. The foregoing obligation
41 shall extend, but shall not be limited to, claims for the following: damages to persons or

property; invasion of the right of privacy; loss of ticket sales; failure to comply with the provisions of applicable law.

Sec. 54.51. Mitigation of Impact

Due to the nature of the special event, Alachua County may require the event promoter to notify residents, business, and places of worship, schools and other entities that may be directly impacted by the special event no later than three (3) days before the start of the event. The event promoter shall pay all costs associated with notifying affected entities.

Sec. 54.52. Suspension of Special Event Permit

Each plan included in the special event application, any conditions imposed by the County Manager pursuant to Sec. 52.47, and any applicable Alachua County Ordinances, shall be continuously implemented throughout the duration of the special event. Any failure to do so shall result in the automatic suspension of the permit and suspension of the special event until the event promoter fully complies.

Sec. 54.53. Compliance with Fire Code

All Special Events must comply with the current Fire Protection Code as adopted by the State of Florida.

Sec. 54.54. Territory Embraced

This portion of the Code covers the unincorporated portion of Alachua County along with any municipality where the County by contract or otherwise provides Fire and EMS Services.

SECTION 3. Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Inclusion in the Code, Scrivener's Error. It is the intent of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provision of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, Florida; that the section of this ordinance may be renumber or re-lettered to accomplish such intent and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the

1 ordinance may be authorized by the County Manager or designee without public hearing, by
2 filling a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

3 SECTION 5. Effective Date. This ordinance shall take effect immediately upon filing
4 with the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Robert Hutchinson, Chair

J.K. Irby, Clerk

APPROVED AS TO FORM

County Attorney

(SEAL)