

RESOLUTION NO. 09-044

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CONCHED OUT PROMOTIONS TO CONDUCT A REGGAE CONCERT TO BENEFIT THE MONTESSORI SCHOOL ON SATURDAY, MARCH 21, 2009 FROM 5:30 P.M. TO 11:00 P.M AT THE SOUTHERNMOST BEACH CAFÉ AT 1405 DUVAL STREET; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 1400 BLOCK OF DUVAL STREET(SOUTH OF THE SOUTHERNMOST HOUSE) ON MARCH 21, 2009 FROM 5:30 P.M. TO 11:00 P.M; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 P.M. TO 11:00 P.M; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA;PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Conched Out Promotions wishes to conduct a Reggae Concert at the Southernmost Beach Cafe for the Montessori School; and

WHEREAS, Conched Out Promotions has pledged \$1,000.00 or 25% of gross revenues, whichever is greater, to the Montessori School.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Key West, Florida;

SECTION 1. That Conched Out Promotions is hereby granted permission to conduct a street closure on the day and during the hours stated above; PROVIDED that all trash is adequately collected and contained; that a guarantee indemnifying the city is executed; that the organization meet the terms and conditions set forth by the City Manager.

SECTION 2. that Conched Out Promotions is hereby granted permission for the closure of the 1400 block of Duval Street on the date and during the hours stated above.

SECTION 3. that Conched Out Promotions is hereby granted a Special Event Permit under Section 6-86 of the Key West Code of Ordinances for an event that will take place and time herein described.

SECTION 4. That pursuant to Section 18-86 of the Key West Code of Ordinances, Conched Out Promotions is hereby granted permission allowing the sale and consumption of alcoholic beverages within the enclosed area.

SECTION 5. That Conched Out Promotions will adhere to the recycling plan of the City of Key West.

SECTION 6. That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and Clerk of the Commission.

Passed and adopted by the Commission at a meeting held this 18 day of February, 2009.

Authenticated by the presiding officer and Clerk of the Commission on February 19, 2009.

Filed with the Clerk February 19, 2009.


MORGAN MCPIERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

Feb 18
R629



CONCHED OUT PROMOTIONS
P.O. BOX 2418
KEY WEST, FL 33045
(305) 304-7674
WAVE.WHACKER@HOTMAIL.COM

RECEIVED
JAN 21 2009
CITY MANAGER

Jan. 12, 2009

Maria Radcliff, Special Events Coordinator
City of Key West
P.O. Box 1409
Key West, FL 33041

Re: Reggae Concert
Southernmost Beach Café
1405 Duval Street
Saturday March 21, 2009 7:00 PM-11:00 PM

Dear Maria,

Attached please find the required, completed Special Event Application for the above captioned. The City already has SBC's required Insurance Certificate in hand and I shall procure the neighboring property representatives signatures post haste.

Of note are the following:

- 1) Naturally only SBC shall be permitted to sell liquor on site
- 2) We only request Duval Street be closed just South of the Southernmost House's driveway toward (south) the Beach.
- 3) No vendors will be permitted in the Street.
- 4) Very little, if any, City Cleanup will be required.

Feel free to call me if the City requires any additional clarifications.

Sincerely,

John Stuempfig
Event Coordinator

CITY OF MIAMI BEACH
APPLICATION FOR A SPECIAL EVENT PERMIT

Name of Applicant(s) Southernmost Beach Cafe
Address of Applicant(s) 1405 Duval St Key West
Phone Number of Applicant(s) Matt Babich 304-6708 AMIAN 587-7113

Name of Non-Profit(s) Montessori Children's School
Address of Non-Profit(s) 1221 Varela St. Key West
Phone Number of Non-Profit(s) 294-5302

Amount or Percentage of Revenue Non-Profit(s) anticipates receiving \$1000 - min.

Date(s) of Event Saturday March 21, 2009

Hours of Operation 6:00 PM - 11:00 PM

Estimated/anticipated number of persons per day 1000

Location of Event 1405 Duval St

Street Closed 5:30 PM - 12:00 Midnight

Detailed Description of Event: REGGAE Concert

Noise exemption required: Yes No

Alcoholic beverages sold/served at event: Yes No

The applicant does ac knowledge and hereby affirms that any and all information is accurate to the best of his/her knowledge. The applicant(s)/permitee agrees to assume full responsibility and liability for and indemnify, and suits for or by reason of any injury to any person or damages to any property of the parties hereto or of the third persons for any and all cause or causes whatsoever or in any way connected with the holding of said event or any act or omission or thing in any manner related to said event and its operation irrespective of negligence, actual or claimed, upon the part of the City, their agents or employees.

[Signature]
Applicant(s) Signature

1/13/09
Date

CITY OF KEY WEST
APPLICATION FOR A SPECIAL EVENT PERMIT
NOISE CONTROL EXEMPTION

\$50.00

Date 1/12/09

Applicant Name Southernmost Beach Cafe

Applicant Address 1405 Duval St Key West

Applicant Phone Number JAMIAN 587-7113 Matt 304-6708

Event Name Southernmost Reggae Fest

Event Address/Location 1405 Duval St

Date of Event Saturday March 21, 2009

Nature of Event Reggae Concert

Profit Non Profit

Time(s) Request for Exemption 6:00 pm - 11:00 pm

Number of Exemptions at this location this calendar year 1/08

Date of last exemption ∅

✓ # 002882

RULES AND REGULATIONS FOR USE OF CITY OF KEY WEST PROPERTY FOR SPECIAL EVENTS

1. All Applicant(s) must fill out a City of Key West (City) application form provided to you by the Office of the City Manager.
2. Application(s) for special event(s) must be in the Office of the City Manager 60 days prior to the event.
3. Application(s) must provide comprehensive liability insurance insuring itself and the City against all claims of damages or injury to persons or property arising for any reason as a result of the activities associated with the special event permitted by the City. The insurance policy shall be written by a solvent insurance company in good standing and shall provide a minimum of \$1 million general liability. The policy shall show the City of Key West as an additional named insured.
Sponsor's Signature MS
4. The applicant shall indemnify and hold the City harmless from all losses, claims, damages, liabilities, and expenses which may be incurred by the City or which may be claimed against the City by any person, firm to the person or property of any person, firm, corporation, or entity which are consequent or arise from the activities of the permit holder or its equipment, employees, agents, guests, licensees, or invitees for the permit holder activities or which damages/injuries are consequent or arise from permit holders failure to comply with all applicable laws, statutes, ordinances and regulations.
Sponsor's Signature MS
5. Applicant(s) who are businesses or private persons who wish to close a City street must make an application jointly with a non-profit entity. When a sponsor proposes a special event that will cause the closing of a city street or other public right-of-way, the sponsor must donate at least 25% of the sponsor's gross revenues or \$1000.00, whichever is greater, to at least one nonprofit organization. The sponsor must designate the nonprofit organization(s) on the application for the event. Each named nonprofit organization must provide the city manger with a letter of assent. Applicant(s) must also hire an off-duty police officer(s) for crowd control and safety as determined by the Key West Police Department or the City Manager's Office. Applicant(s) must have neighboring businesses sign a petition of no objection to the street closure.
Sponsor's Signature MS
6. ***Within 30 days of the events completion the City Commission will receive a letter from the not for profit organization stating the amount of the monetary donation received from the event.***
Sponsor's Signature MS
7. Applicant(s) wishing to sell/consume alcoholic beverages on City property must have approval by the City Commission via Resolution and must hire an off-duty police officer(s) for crowd control and safety as determined by the Key West Police Department or City Manager's Office. Applicant must provide liquor liability insurance.
Sponsor's Signature MS

8. Applicant(s) wishing to have an exemption from the noise control ordinance must fill out an application thirty days before the event. Processing fee for the application is \$50.00.
Sponsor's Signature MS
9. All applications are subject to approval at the discretion of the City Manager and/or City Commission.
Sponsor's Signature MS
10. Notice of the city commission's proposed action on an application for a special event permit shall be mailed prior to the meeting at which the matter is to be considered to all property owners and occupants of property located within a 100-foot radius of the proposed special event. Notice of such proposed action also shall be published in a newspaper of general circulation in the city at least five days prior to the date of the city commission decision. The notice shall identify a contact person and phone number for complaints. The applicant shall pay for the newspaper advertisement.
Sponsor's Signature MS
11. The organizer or sponsor of any special event, which requires the provision of additional or extraordinary support services by police, fire, administration, or other city departments shall pay to the city the cost of such services. A down payment of 10 percent of the costs, as estimated by the city manager, shall be made to the city either by certified check or credit card at least ten days prior to the special event.
Sponsor's Signature MS
12. The first \$1000.00 of costs as specified in subsection (a) of the ordinance may be waived for any organizer or sponsor, which qualified as a tax-exempt nonprofit organization according to state or federal law. Acceptance of this waiver by such sponsor shall render the special event a public accommodation subject to the human rights provision of the section 38-225.
Sponsor's Signature MS
13. Any nonprofit organization accepting the waiver provided for by subsection (d) of the ordinance shall, within 90 days following the special event, submitted to the city commission an accounting of expenses and revenues incurred and generated during the special event.
Sponsor's Signature MS
14. Whenever the sponsor of a special event provides temporary bathroom facilities on the public right-of-way, at least five percent of those facilities or one of those facilities, whichever is the greater number, shall be accessible to persons with physical disability.
Sponsor's Signature MS
15. Where a person has not applied for a special event permit and an event at it's location spills into a street, causing the police department to close all or a portion of the street, the person sponsoring the event shall pay all such extraordinary service costs incurred by the city. On each anniversary of this occurrence, if the person can reasonably anticipate an overflow of people into the street, a special event permit must be applied for consistent with this division. A violation of this section may be grounds for revocation of an occupation license.
Sponsor's Signature MS

16. Special events may use fog, smoke and bubble machines or any device that emits a mist or spray contingent on Key West Fire Department approval. Approval must be obtained a minimum of 48 hours prior to the event. The use of confetti or confetti machines is strictly forbidden.

Sponsor's Signature MS

17. Special Events organizers must submit a adequate recycle plan for the size of the event being requested. Helpful hints and recycling requirements for special events can be found on the city's website. This will help you develop your plan.

Sponsor's Signature MS.

18. All special events are required to comply with the Federal Americans with Disability's Act which requires access to all areas and services provided by the special events. Organizers must insure that all aspects of their event meet the requirements.

Sponsor's Signature MS.

ORDINANCE NO. 02-09

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY AMENDING ARTICLE II PERTAINING TO SPECIAL EVENTS; AMENDING SECTION 6-26 TO REQUIRE A DOWN PAYMENT ON THE COST OF CITY SERVICES, TO ALLOW FOR INTEREST ON LATE PAYMENTS, AND TO INCREASE THE COST WAIVER TO \$1,000.00; ADDING SECTION 6-27 TO RESTRICT PLACEMENT OF FOOD, BEVERAGE AND MERCHANDISE BOOTHS; AMENDING SECTION 6-56 TO REQUIRE THE APPLICATION TO LIST AN EMERGENCY CONTACT PERSON; AMENDING SECTION 6-57 TO ESTABLISH A MINIMUM NON-PROFIT SHARE FOR SPECIAL EVENTS IN WHICH A STREET IS CLOSED; AMENDING SECTION 6-58 TO PROVIDE THAT MAJOR FESTIVAL SPONSORS MAKE APPLICATION SIX MONTHS IN ADVANCE AND APPROVE CERTAIN SALES OF ALCOHOLIC BEVERAGES; ADDING SECTION 6-61 PERTAINING TO HANDICAP-ACCESSIBLE BATHROOM FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City Commission finds that a revision to the regulations governing special events and street closures would promote the health, safety and welfare of the citizens of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 6-26 of the Code of Ordinances is hereby amended as follows*:

Sec. 6-26. Payment for city services.

- (a) The organizer or sponsor of any festival, street fair, fair, carnival, athletic event, contest, competition, parade, fundraiser, rally, boat or car race or other special event which requires city authorization, whether by administrative permit or city commission approval, and which requires the provisions of additional or extraordinary support services by police, fire, administrative, or other city departments in order to maintain order or safety or to escort participants shall pay to the city the cost of such services. A down payment of ten percent (10%) of the costs, as estimated by the city manager, shall be made to the city either by certified check or credit card at least ten (10) days prior to the event.

(b) The city manager shall establish a cost schedule for additional or extraordinary support services for the events referred to in subsection (a) of this section, which schedule shall be subject to approval of the city commission. The city manager is authorized to provide reasonable terms for time and manner of payment. If the event sponsor fails to pay the full costs at the time determined by the city manager or, if no such deadline is established, then within thirty (30) days after the event the city may impose an interest charge on the amount due at the rate of one and one half percent (1½%) per month.

(c) The city commission may grant special exceptions to this section for cause shown upon the public record.

(d) The first ~~\$500.00~~ \$1,000.00 of costs as specified in subsection (a) of this section may be waived for any organizer or sponsor which has qualified as a tax-exempt nonprofit organization according to state or federal law. Acceptance of this waiver by such sponsor shall render the event a public accommodation subject to the human rights provision of the section 38-225.

(e) Any nonprofit organization accepting the waiver provided for by subsection (d) of this section shall, within 90 days following the special event, submit to the city commission an accounting of expenses and revenues incurred and generated during the event.

* (Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2.

That section 6-27 is hereby added to the Code of Ordinances as follows:

Sec. 6-27. Food, beverage and merchandise booths.

No booth or stall set up for a special event and serving any amount or type of food and/or beverage, or selling merchandise, shall be placed directly in front of, or within five (5) feet of the property line of, a restaurant or a bar or a retail store (selling primarily the same or similar merchandise), unless the owner of the restaurant, the bar or the store consents. This section shall not apply to major festivals as defined in section 6-58.

Section 3.

That section 6-56 of the Code of Ordinances is hereby amended as follows:

Sec. 6-56. Application.

(a) Except as provided in section 6-58, At least 60 days prior to a proposed special event that will result in the closing of a public street, the sponsor shall submit an application to the city manager. An application may be made either by a tax-exempt nonprofit organization (nonprofit) or jointly by a nonprofit and a private or business entity.

(b) If the city manager approves the application, he shall then schedule it for consideration by the city commission. However, if the special event proposes to close only one block, is intended to end prior to 9:00 p.m. on any day of the year, and does not seek either a fee cost waiver or a noise exemption, the city manager may give final approval to the application.

(c) Each application shall include the name of a sponsor's contact person and that person's 24-hour telephone number(s), in case of emergency.

Section 4.

That section 6-57 of the Code of Ordinances is hereby amended as follows:

Sec. 6-57. Donation of percentage of revenue to nonprofit organization.

(a) A major festival is a special event of regional impact. Major festivals are: ~~Fancy Fantasy~~ Fest, Hemingway Days, Goombay Festival, Conch Republic Celebration, the Poker Run, the Valentine's Day event for Wesley House, the Red Ribbon event at ~~Mango's~~ Mangoes, and such other special events as may be added or subtracted by resolution of the city commission. Private persons or business entities who sponsor major festivals are not required to provide funds to a non-profit organization per section 6-57. An application for a major festival must be received in the city manager's office at least six (6) months in advance of the scheduled event. Have a non-profit coapplicant or to provide a percentage of revenues to a charitable cause.

(b) A business that seeks to sell alcoholic beverages at a major festival pursuant to an APS state license, and which is not a bar or restaurant or other concern that sells alcoholic beverages in the ordinary course of its business, must obtain the written approval of the major festival sponsor and provide such approval to the city of key west.

Section 6

That section 6-61 is hereby added to the Code of Ordinances as follows:

Sec. 6-61. Temporary bathroom facilities.

Whenever the sponsor of a special event provides temporary bathroom facilities on the public right-of-way, at least five percent (5%) of those facilities or one of those facilities, whichever is the greater number, shall be accessible to persons which physical disability.

Section 7.

If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefore and shall be construed as reasonable and necessary to achieve the lawful purposes of this ordinance.

Section 8. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 9. This Ordinance shall go into effect on January 1, 2003.

Read and passed on first reading at a regular meeting held this 16th day of October, 2002.

Read and passed on second reading at a regular meeting held this 6th day of November, 2002.

Read and passed on final reading at a regular meeting held this 19th day of November, 2002.

Authenticated by the presiding officer and Clerk of the Commission on 21st day of November, 2002.

Filed with the Clerk November 21, 2002.

Sponsor's Signature 



**CONCHED OUT PROMOTIONS
P.O. BOX 2418
KEY WEST, FL 33045
(305) 304-7674
WAVE.WHACKER@HOTMAIL.COM**

SPECIAL EVENT RECYCLE PLAN

Southernmost Beach Club
1405 Duval Street
Music Concert
Saturday March 21, 2009
7:00 PM – 11:00 PM

Recycle Coordinator: Damian Deangelis, GM, SBC

Recycle Coordinator shall:

- ~Educate Staff, Bartenders, Servers on Recycling Procedures
- ~Oversee Placement of Properly Marked Recycle Containers
- ~Oversee Pickup of Recyclables and Report Same to Annalise Mannix
- ~Instruct Beverage Ticket Sales Persons to Alert Concert Attendees to Recycle

Recycle Plan:

- 1) Have Well-Marked Recycle Containers for All Cans and Bottles
- 2) Have Recycle Containers Within 50 Feet of All Beverage Sales Locations
- 3) Have an Additional 5 (Min.) Recycle Containers Strategically Placed Throughout Venue
- 4) Have Recycle Container at Exit/Entrance Area

Additional Comments:

- 1) There Will Be No Beverages Sold on Duval Street
- 2) SBC Shall Recycle All Cardboard
- 3) There Will Be No Food Vendors on Duval Street



THE CITY OF KEY WEST

P.O. BOX 1409
KEY WEST, FL 33041-1409

PUBLIC NOTICE

THIS IS TO NOTIFY YOU THAT **CONCHED OUT PROMOTIONS** HAS APPLIED TO THE KEY WEST CITY COMMISSION FOR A SPECIAL EVENT PERMIT UNDER SECTION 6-86 OF THE CITY'S NOISE CONTROL ORDINANCE. THE APPLICATION IS FOR AN EVENT TO TAKE PLACE ON, **SATURDAY, MARCH 21, 2009 FROM 7:00 A.M. TO 11:00 P.M. AT SOUTHERNMOST BEACH CAFÉ 1405 DUVAL STREET** WHICH IS LOCATED WITHIN 100 FEET OF YOUR PROPERTY. A HEARING ON THE APPLICATION WILL TAKE PLACE AT THE CITY COMMISSION MEETING ON **FEBRUARY 18, 2009, AT 6:00 P.M., OLD CITY HALL, 510 GREENE STREET.**

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT MARIA RATCLIFF THE CITY MANAGER'S OFFICE AT 809-3881.

Key to the Caribbean – Average yearly temperature 77° F.

CITY OF KEY WEST SPECIAL EVENTS
DEPARTMENT APPROVALS (in order of routing):

EVENTS (INITIAL SIGNOFF):

Maria Pataky 1/28/09
SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

Plz Submit estimates

PUBLIC WORKS

SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

POLICE DEPARTMENT

SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

FIRE DEPARTMENT

SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

KWDOT/PORT

SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

CODE COMPLIANCE

SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

EVENTS:

REQUEST HAS BEEN APPROVED _____
DENIED _____

(if denied attach explanation)



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3888

**SPECIAL EVENT
(Exemption from Noise Ordinance)**

STREET CLOSURE APPLICATIONS

The following applications for Special Events/Street closures will be considered at the city commission meeting of Feb 18, 2009 , 6:00 p.m. Old City Hall

A copy of each application is on file at the City Clerks Office for public inspection.

The Rotary Club of Key West
7th Annual Boat Show & Nautical Flea Market
Truman Waterfront
February 26, 2009 through March 1, 2009
6:00 a.m. to 11:00 p.m.
Contact Kathleen Ream – 305 896-7300

Finnegan's Wake
St Patrick's Day Celebration
Street Closure & Noise Exemption
Tuesday, March 17, 2009
11:00 a.m. to 9:00 p.m.
James Street between Grinnell & Margaret
Contact: Wayne Keller 305 293-0222

Conched Out Promotions
Reggae Concert at the Southernmost Beach Café
1405 Duval Street
1400 Block of Duval Street (South Side of the Southernmost Most Home)
March 21, 2009
5:30 p.m. to 11:00 p.m.
Contact: John Stumpfig 305 304-7674

Lunched Out Promotions

RECEIVED

JAN 30 2009

CITY MANAGER

CITY OF KEY WEST SPECIAL EVENTS
DEPARTMENT APPROVALS (in order of routing):

City Manager

EVENTS (INITIAL SIGNOFF):

Maria Ramirez 1/28/09
SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

Plc. Submit estimates

PUBLIC WORKS

CONDITIONS/RESTRICTIONS:

SIGNATURE DATE

POLICE DEPARTMENT

CONDITIONS/RESTRICTIONS:

SIGNATURE DATE

FIRE DEPARTMENT

[Signature] 1/29/09
SIGNATURE DATE

CONDITIONS/RESTRICTIONS:

No Cooking Outside
No Controlled Menus of Egress
No Fire Prevention Needed

KWDOT/PORT

CONDITIONS/RESTRICTIONS:

SIGNATURE DATE

[Signature]
M. Davila

CODE COMPLIANCE

CONDITIONS/RESTRICTIONS:

SIGNATURE DATE

EVENTS:

REQUEST HAS BEEN APPROVED _____
DENIED _____

(if denied attach explanation)