

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE VII OF CHAPTER 22 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING DEFINITIONS; DESIGNATING CITY PARKS, VENUES, AND FACILITIES; PROVIDING TERMS OF USE; PROVIDING PENALTIES; PROVIDING THE CITY MANAGER THE AUTHORITY TO DECLARE SPECIAL CONDITIONS AND EMERGENCIES; LISTING PROHIBITED ACTIVITIES IN CITY PARKS, VENUES, AND FACILITIES. PROVIDING REGULATIONS FOR LARGE GROUP FEEDINGS IN PARKS; REQUIRING A PERMIT FOR CERTAIN EVENTS IN THE CITY; REQUIRING AN APPLICATION FOR CERTAIN EVENTS IN THE CITY; PROVIDING REQUIREMENTS FOR THE CITY MANAGER UPON APPROVAL OR DISAPPROVAL OF A PERMIT; PROVIDING A PROCEDURE FOR APPEAL; PROVIDING DUTIES FOR A PERMITTEE; PROVIDING AUTHORITY FOR THE CITY MANAGER TO REVOKE A PERMIT UNDER CERTAIN CONDITIONS; PROVIDING PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, St. Johns County receives over 6 million visitors per year, millions of which come to downtown St. Augustine; and

WHEREAS, the City of St. Augustine welcomes millions of visitors per year into a small and dense space with limited public space, parking, and mobility options; and

WHEREAS, the City of St. Augustine is a small city of approximately 14,000 residents with only 53 sworn police officers; and

WHEREAS, the City of St. Augustine has limited space on City rights-of-way; and

WHEREAS, the City of St. Augustine is committed to keeping the City accessible for the mobility-impaired; and

WHEREAS, the City of St. Augustine strives to keep the City rights-of-way compliant with the Americans with Disabilities Act (ADA) and other federal and state regulations; and

WHEREAS, the City committed to maintaining its historic constrained rights-of-way accessible for residents and visitors using ADA mobility devices in *Access Now Inc. v. City of St. Augustine* by keeping its infrastructure ADA accessible wherever possible; and

WHEREAS, the City of St. Augustine owns parks and public spaces and also has parks within its boundaries that are owned by other governmental authorities; and

WHEREAS, the City of St. Augustine has a public health, safety, and welfare interest in keeping the parks within its jurisdiction clean, safe, and available for use by the general public, including residents and visitors; and

WHEREAS, the City of St. Augustine has a compelling interest in protecting parks and other public spaces from damage due to overuse by large groups and/or events, including physical damage to the landscape and hardscape; and

WHEREAS, the City of St. Augustine has an esthetic interest in avoiding visual clutter (see, e.g., *Members of the City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984) and *Metromedia, Inc. v. San Diego*, 453 U.S. 490 (1981)); and

WHEREAS, the City of St. Augustine has a significant interest in keeping parks and other public spaces free from damage from digging, puncturing, or penetrating the landscape, or from traveling through or sitting or lying on shrubberies, flower beds, and other areas that can be damaged by the weight of a human, or from wear and tear due to heavy objects such as tables, chairs, and equipment that can damage grass; and

WHEREAS, the City of St. Augustine has a significant interest in ensuring the public safety and order and in promoting the free flow of pedestrian traffic in city parks, streets, and sidewalks. *Ayres v. City of Chicago*, 125 F. 3d 1010, 1015 (7th Cir. 1997); and

WHEREAS, certain parks are owned by the city or another governmental entity and are traditional parks, but others have a unique historical nature; and

WHEREAS, certain public spaces are not parks and are not generally open to the public, and should be preserved for their intended purposes, including as meeting spaces, public or private event spaces, proprietary governmental facilities, or otherwise; and

WHEREAS, the city may have an interest in certain public or private spaces that are owned and/or operated by a private entity; and

WHEREAS, the City of St. Augustine has a public health, safety, and welfare interest in enforcing limited park hours of operation; and

WHEREAS, the City of St. Augustine has a significant public health interest in preventing people from lying down on tables that are intended for serving and consuming food; and

WHEREAS, the City of St. Augustine has a significant interest in promoting the safety and convenience of its citizens on public parks, streets, and rights-of-way. *Madsen v. Women's Health Center*, 512 U.S. 753, 768 (1994); and

WHEREAS, the City of St. Augustine has a significant interest in the safety and convenience of citizens using public fora such as parks, streets, and sidewalks. *Heffron v. International Soc'y for Krishna Consciousness*, 452 U.S. 640, 650 (1981); and

WHEREAS, large group feedings may be a burden to parks and neighborhoods, and thus should be spread around to different parks in different areas of the city in order to spread the burden around, consistent with *First Vagabonds Church of God v. City of Orlando, Fla.*, 638 F.3d 756 (11th Cir. 2011); and

WHEREAS, such a restriction is a reasonable time, place, and manner restriction. *First Vagabonds Church of God v. City of Orlando, Fla.*, 638 F.3d 756 (11th Cir. 2011); and

WHEREAS, the large group feeding restrictions limit the number of large group feedings in each individual park, but still allow for a large group feeding during each day of the month in the City of St. Augustine; and

WHEREAS, the City of St. Augustine has a significant public interest in requiring a permit to use city property for special events, so long as the regulations are necessary to serve a compelling state interest, content neutral, narrowly tailored to serve a significant government interest, and keep open ample alternative channels of communication. *U.S. v. Gilbert*, 130 F.3d 1458 (11th Cir. 1997); and

WHEREAS, the City of St. Augustine has a compelling government interest in ensuring that large public events are held in locations and spaces suitable for such events, and keeps traffic flowing freely in the City, and ensuring that the event has the proper government personnel, services, and physical facilities necessary to keep the event safe and sanitary for both eventgoers and members of the general public; and

WHEREAS, certain events require law enforcement personnel and/or the closure of public spaces and/or rights-of-way, which can be coordinated in advance through the permitting process; and

WHEREAS, certain areas of the city, due to the historical character or the area, the narrow streets and rights-of-way, or the sensitivity of the physical landscape and hardscape, are not appropriate for large public events; and

WHEREAS, the City of St. Augustine has made many areas of the City open to special events that are appropriate alternative channels of communication; and

WHEREAS, the City of St. Augustine does not base its decision-making process on the content of the event, but rather considers only content-neutral factors outlined in the Terms of Use for Public Property Manual; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Creating Chapter 22, Article VII, Sections 22-521 through 22-533. Chapter 22, Article VII, Sections 22-521 through 22-533 are hereby created, as follows:

ARTICLE VII. – Parks and public events.

Sec. 22-521 - Definitions

The following words and phrases, when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section.

- (a) *Assembly* is any celebration, gathering, ceremony, show, exhibition, concert, pageant, rally, demonstration, or assembly of any kind, which is, (a) calculated to attract at any one time the physical attendance or attention of over fifty (50) persons, and (b) is held in or on any street, sidewalk, or right-of-way, or is held on other property which impacts adjacent streets, sidewalks, or rights-of-way to the extent that closure is necessary in order to assure the safety of vehicular and/or pedestrian movement in the area. For purposes of this article, a parade which meets the definition of section 24-126 is not considered an Assembly.
- (b) *Bathe* means to wash oneself or another while fully or partially nude, as defined by section 15-4 of the Code of Ordinances.
- (c) *Facility* refers to city-owned or controlled properties as listed and described in section 22-522(c) that are neither Parks nor Venues, but are sometimes open to the public for use or enjoyment. This definition, for the purposes of this Article, does not include city-

owned or operated locations used for public works or public services, such as lift stations, wastewater treatment plants, police or fire stations, internal offices of City Hall, or other similar locations that are not typically open to the public for the purpose of use or enjoyment.

- (d) Hardscape is defined as an improved Sidewalk surface area, including, but not limited to, concrete, brick, pavers, tile, or other masonry materials, and statuary, memorials, or other decorative elements.
- (e) Landscape is defined as an improved area of ground specifically intended to grow various plant materials, which may consist of turf, lawn, grass, trees, tree wells, shrubs, hedges, flowers, flowering plants (annuals and perennials), planter beds, planter pots, planter bowls, hanging baskets, and all plant materials contained therein.
- (f) Large Group Feeding is defined as an event intended to attract, attracting, or likely to attract twenty-five (25) or more people, including distributors and servers, in a park owned or controlled by the City, including adjacent Sidewalks and rights-of-way in the City, for the delivery or service of free or nominally priced food. Excluded from this definition are activities of City licensed or contracted concessionaires, lessees, or licensees.
- (g) Manual means the Terms of Use for Public Property Manual, as updated from time to time.
- (h) Parade is defined as it is in section 24-126.
- (i) Parks are those areas owned or controlled by the City or another governmental entity, which are generally open to the public as a public space, not including areas that are normally used for mobility, such as highways, Streets, Sidewalks or other walking paths (other than those Sidewalks that are part of the hardscape of a park), and other similar rights-of-way.
- (j) Park Grounds are the real property, including Landscape and Hardscape upon which parks are located and any and all buildings, structures, trees, shrubbery, flowers, leaves, grasses, plants, fruit, dirt and rocks located above, on, or under said property.
- (k) Person is any individual person, or any firm, partnership, association, corporation, company, or organization of any kind, or any combination of such persons.
- (l) Protest has the same meaning as it does in section 22-4 and is consistent with case law and common usage.
- (m) Public Use is any lawful utilization of Park, Park Grounds, Venues, and Facilities which is not prohibited by any applicable regulation, ordinance, or law and which does not in fact interfere with, or tend to interfere with or obstruct the use of the Park, Park Grounds, Venues, or Facilities by the general public or by any other person or person previously authorized to utilize the same.
- (n) Sidewalk is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
- (o) Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
- (q) Venues are those locations that are owned and/or operated by the City of St. Augustine and may be permitted by the City for the purpose of holding public, semi-public, or private events.

Sec. 22-522 – Parks, Venues, and Facilities.

(a) The following are designated as city Parks solely for the purposes of administration of this Article and this subsection is not intended to be exhaustive nor is it otherwise intended to limit the City Commission or City Manager from designating other areas as Parks of the city:

1. Dr. Robert B. Hayling Freedom Park
2. Zora Neale Hurston Memorial Park.
3. Davenport Park.
4. Hamilton Upchurch Neighborhood Park.
5. Eddie Vickers Park.
6. Lighthouse Park/J. Edward "Red" Cox Recreational Facility.
7. Nelmar Terrace Park.
8. Joe Pomar, Jr. Park.
9. Project SWING.
10. Twine Park.
11. Gibbs Park.
12. Parque de Menendez.
13. Fish Island Park.
14. Coquina Park.
15. Oyster Creek Park.
16. Wiles Park.
17. Oglethorpe Park.
18. Any Park Landscape owned by another governmental entity, along with any interior or adjacent Hardscape. However, if another governmental entity controls public access to some or all of the Park Grounds, including enforcing its own terms of use and Park hours, it is not a park for the purposes of this article.
19. The areas of the Plaza de la Constitución that do not otherwise require a permit to use. The Plaza is listed as a Park solely for the purposes of administration of this article; there is no intention by the City of St. Augustine to in any way alter the historical character or nature of the Plaza or to provide any additional rights or benefits to the public with respect to the Plaza by listing it in this section. Nor is this ordinance intended to supersede sections 22-4, 22-6, or any other provision from another chapter, article, or section of this Code that regulates activity in the Plaza.

(b) The following are Venues and are explicitly not Parks for the purposes of this article:

1. Francis Field.
2. The Willie Galimore Center.
3. The Plaza de la Constitución's Gazebo.
4. The St. Augustine Municipal Marina.
5. The Lightner Museum Courtyard.

(c) The city may have some property interest in the following Facilities, but they are neither Parks nor Venues, nor are they traditional public fora:

1. The Lightner Museum and surrounding areas to the east and west, including the courtyard, gardens, loggias, balcony, porch, staircase, and fountains.
2. The Visitor Information Center, Historic Downtown Parking Facility, and the promenade area between the VIC and the Parking Facility.
3. The Llambias House Garden and St. Francis Park.
4. Pena Peck House – Woman’s Exchange.
5. Other properties that the city holds in trust, or that are held in trust on behalf of the City of St. Augustine, including properties subsequently acquired for the use and enjoyment of the public that do not meet the definition of Parks or Venues.
6. Other proprietary city Facilities not otherwise listed in this section that are sometimes open for the use or enjoyment of the public.

Sec. 22-523 – Park hours; penalty.

- (a) All Park, Venue, and Facility hours shall be as posted by the City Manager or his or her designee, except for the skate park at Hamilton Upchurch Neighborhood Park, which is closed for use from 8 p.m. until 9 a.m. between April 1 and September 30, and from 6 p.m. through 10 a.m. from October 1 through March 31, though the City Manager may post and enforce hours that are more restrictive.
- (b) Any Park, Venue, or Facility that has athletic fields, courts, or surface areas that are significantly and purposefully illuminated by the city or another governmental entity for nighttime use of such area shall be considered open while illuminated, regardless of normal or posted hours.
- (c) It shall be unlawful for any person to willfully enter upon and remain within any of the Parks, Venues, or Facilities listed above during such hours as the Parks, Venues, or Facilities are closed to public use. Such presence shall be punished as provided in section 1-8 of this Code.

Sec. 22-524 – City Manager authority.

The City Manager has the authority to:

- (a) Close or restrict the hours of operation for designated city Parks, Venues, and Facilities if, in his or her discretion, said closure or alteration is in the best interest of the public health, safety, and welfare and upon the erection of appropriate signs giving notice thereof.
- (b) Enforce regulations to cover emergency, hazardous, or special conditions and place and maintain appropriate signs to warn the public.
- (c) Make temporary rules regulating the use of listed Parks, Venues, or Facilities if such measures are deemed by the City Manager to be in the best interest of the public health, safety, and welfare. Such temporary rules shall not remain in effect for more than ninety (90) days without approval by City Commission, nor shall any such rule be binding upon the public unless indicated by appropriate signs.
- (d) Determine the terms of use for any city property, or property held in trust for the benefit of the city, to the extent allowed by law, charter, or ordinance, by publishing such terms of use, in which case, the City Manager’s terms of use shall be controlling. Terms of use published by the City Manager must be consistent with any specific instrument

that provides terms of use for an individual Venue and may not prevail over the specific instrument, in the event of a conflict. Penalties and remedies for violations of the terms of use shall be in accordance with section 22-533 of this Code, unless the instrument provides penalties for that Park, Venue, or Facility. Additionally, the city may elect to pursue any penalty or remedy otherwise available at law.

Sec. 22-525 – Prohibited activities.

Except for activities of a governmental agency within the scope of its governmental authority, or unless specifically permitted to do so by a permit or approval issued pursuant to this Chapter, a person is not allowed to do any one or more of the following in a Park, Venue, or Facility owned or controlled by the City. These prohibited activities shall be enforced consistent with section 22-12 of this code, and state and federal law as interpreted by the courts.

- (a) Lie or otherwise be in a horizontal position on a table or where prohibited by signs.
- (b) Affix any hammock to any tree, light pole, sign, post, monument, or any other similar object, whether natural or man-made.
- (c) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage.
- (d) Construct any hut, shanty, or other shelter.
- (e) Leave personal property unattended.
- (f) Cook foodstuffs except where grills or other food preparation areas are provided by the City.
- (g) Set or stoke a fire except where appropriate fire pits are provided by the City.
- (h) Discharge or deposit human wastes, except in toilets provided by the City. This provision does not prohibit discarding soiled diapers in a waste receptacle.
- (i) Drive stakes or posts, dig holes, or otherwise penetrate or disturb the natural surface of the ground. This does not apply to permitted events on Francis Field except as dictated by the Terms of Use for Public Property Manual or the event permit.
- (j) Arrange or place commercially rented or otherwise commercially provided chairs in conjunction with a permitted event, except for permitted events in the Lightner Courtyard or if specifically approved in the event permit.
- (k) Place tables, chairs, canopies, tents, and other obstructions on Landscape or rights-of-way without a permit.
- (l) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds.
- (m) Erect signs or affix signs to any tree, light pole, existing park sign, post or Park Grounds, except for signs containing government speech posted by the City Manager or his or her designee, unless otherwise allowed by the Terms of Use for Public Property Manual or the event permit.
- (n) Throwing, batting, hurling, or otherwise causing the flight of sharp or hard projectiles, except for in areas clearly intended for such purpose, such as a baseball field or tennis court, for example.
- (o) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, or bird, or touch, break, remove, or relocate any animal, nest, or egg located above, upon, or under Park, Venue, or Facility grounds.

- (p) Write, paint, or draw on, or otherwise deface, damage, remove, or destroy any part of a Park or Park Grounds.
- (q) Use public restrooms to shave, bathe, shampoo hair, shower, or wash clothes to the extent that a person is nude, as defined by Section 15-4 of this Code. This provision is not intended to restrict the intended use of baby changing stations found in a restroom.
- (r) Bathe or otherwise be or remain in a water fountain and/or reservoir.
- (s) Climb, scale, stand, sit, or lie in or on any trash receptacles, monuments or memorials, light fixtures, chains, fences, railings, pavilions, planters, or newspaper dispensers provided for public use.
- (t) Fail to remove any excreta deposited upon public property including City Parks, Venues, Facilities, Landscapes, Hardscapes, Sidewalks, and rights-of-way by any animal within the care, custody, ownership, or control of such person.
- (u) Amplify sound or music without either a special permit, as described in section 11-92, or a notation that amplified sound or music is allowed on a permit issued under this Article. However, any permit for amplified sound or music at Hamilton Upchurch Neighborhood Park must be approved by the City Commission, notwithstanding the City Manager's approval authority for other types of permits. In evaluating noise permit requests for the Hamilton Upchurch Neighborhood Park, the City Commission shall only approve amplification of sound in a westerly direction, and the permit must include decibel compliance checks prior to the commencement of the permit period as well as continual monitoring throughout the event, to ensure adherence to the maximum permissible sound limitations in chapter 11, article IV of the Code. Any approval shall contain a specific condition that limits amplified sound at a skating event to announcements only, with no amplified music allowed.
- (v) Tie or chain an animal to any Hardscape or Landscape feature.
- (w) Add or install any temporary or permanent skating infrastructure Hardscape, ramps, pipes, rails, or other similar modifications or noise-producing elements at the Hamilton Upchurch Neighborhood Park, other than emergency repairs necessary to preserve public safety, without prior approval by the City Commission. The City Commission shall consider the impact of any change to the skating infrastructure to avoid creating a nuisance to the adjacent neighborhood. Specifically, any change in operational policy must address the design of the existing wall and its ability to attenuate sound propagation from the skating surface. Proposed physical changes to the skating infrastructure will require an acoustical engineering analysis of sound propagation, frequencies, and ambient noise level as these impact the adjacent neighborhood.
- (x) Alter, damage, or turn on or off a landscape utility faucet or sprinkling device, or alter, damage, or plug any device into an electrical outlet or fixture without written authorization to do so.
- (y) Park a vehicle anywhere other than a marked public parking stall or space without written authorization to do so.
- (z) Place anything over or onto any statuary, monument, government sign, traffic control device, parking pay station, bollard, fence, railing, or utilities without written authorization to do so.

Sec. 22-526 – Large Group Feeding in Parks

Unless conducted as part of the city's government speech or specifically permitted to do so by a permit approval issued pursuant to this article:

- (a) It is unlawful to knowingly sponsor, conduct, or participate in the distribution or service of food at a Large Group Feeding at a Park, Venue, or Facility owned or controlled by the City of St. Augustine without a Large Group Feeding Permit issued by the City Manager or his or her designee.
- (b) It is unlawful to fail to produce and display the Large Group Feeding Permit during or after a large group feeding, while still on the site, to a law enforcement officer upon demand. It is an affirmative defense to this violation if the offender can later produce, to the City Attorney or the Court, a Large Group Feeding Permit issued to him/her, or the group, which was valid at the time of the event.
- (c) The City Manager or his or her designee, shall issue a Large Group Feeding Permit upon application and payment of the application fee as established by the City. Not more than eight (8) Large Group Feeding Permits shall be issued to the same person, group, or organization for large group feedings for the same Park during the same calendar month.
- (d) The City Manager shall not issue a Large Group Feeding Permit for any Venue or Facility or for any of the following Parks:
 1. The Plaza de la Constitución.
 2. Zora Neale Hurston Memorial Park.
 3. Davenport Park.
 4. Hamilton Upchurch Neighborhood Park.
 5. Project SWING.
 6. Coquina Park.
 7. Fish Island Park.
 8. Wiles Park.
 9. Oyster Creek Park.
 10. Any unnamed Park.
- (e) Any applicant shall have the right to appeal the denial of a Large Group Feeding Permit pursuant to appeal procedure in Section 22-528, with written notice to the City Manager and with a copy to the City Clerk.
- (f) Exceptions:
 - (1) Any corporation, person, or other legal entity that holds a valid lease or licensing agreement with the city for use of the Park, Venue, or Facility is exempt from the requirements of this section to the extent that the lease or licensing agreement allows for Large Group Feedings, and the terms of the lease or licensing agreement are controlling. For Facilities, the lease or licensing agreement need not specifically address Large Group Feedings. It is sufficient that the lease or licensing agreement gives the corporation, person, or other legal entity control over the operations of the Facility.
 - (2) Any Park under the direct control of another governmental entity is exempt from the requirements of this section.

Sec. 22-527 – Permit required

- (a) A permit is required to conduct an Assembly on the rights-of-way of the City of St. Augustine or any Park or Venue.**
- (b) The issuance of such a permit from the City Manager shall not relieve any person from the duty to secure other permits or approvals as may be required by the City Code or other governmental agencies.**

Sec. 22-528 – Application for event permit

Any person seeking the issuance of an event permit shall file an application as specified by the Terms of Use for Public Property Manual on forms provided by the City. All permits must be considered for approval by the City Manager or his or her designee. Applicants must adhere to a specific instrument governing terms of use at a particular Facility and the Manual. All applications must be completed on forms provided by the City in order to be considered.

Sec. 22-529 – Approval or disapproval of event permit

The City Manager or his or her designee shall approve or disapprove a timely filed, fully completed application for a permit. If the City Manager disapproves the application, the applicant shall be promptly notified in writing and the notice shall set forth the reasons for the denial of the permit.

Sec. 22-530 – Appeal procedure

Any applicant for a permit under this article shall have the right to appeal the disapproval of a permit by appealing the decision to the City Commission within 30 days of the date of the notice of disapproval. If the 30th day falls on a weekend or city holiday, or the appeal is delivered after 5 p.m. on the 30th day, no additional time shall be granted. The appeal to the City Commission shall be made by the applicant by filing a written appeal with the City Manager. The City Commission shall consider the appeal at the earliest practical regularly scheduled meeting following receipt by the City Manager of the appeal. The City Commission shall review the appeal, application, and the notice of disapproval with testimony from the applicant, if requested by the applicant. The City Commission shall direct the City Manager to issue a permit if the applicant has met the criteria set forth in this article and/or the Terms of Use for Public Property Manual for issuance of a permit. The City Commission's decision constitutes final administrative action.

Sec. 22-531 – Duties of permittee

- (a) A permittee hereunder shall comply with all permit directions and conditions, and with all applicable laws and ordinances, and with any requirements contained in the Terms of Use for Public Property Manual.**
- (b) The applicant or other person heading or leading such event shall carry the permit upon his or her person during the event and shall display the permit upon demand by a city official.**

Sec. 22-532 – Revocation of event permit

The City Manager or his or her designee may revoke a permit issued hereunder immediately upon violation of any provision of this Code, or a condition or requirement of the permit. The City Manager or his or her designee may revoke a permit when a public emergency arises where the police resources required for that emergency are so great

that deployment of police services for the assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.

Sec. 22-533 – Penalties

- (a) It shall be unlawful for any Person to stage, present, or conduct any Assembly, including a Large Group Feeding, in a public Park, Venue, or Facility without first having obtained permits therefor as herein provided, if required.
- (b) It shall be unlawful for any Person knowingly to participate in an Assembly or Large Group Feeding for which permits have not been granted if a permit is required.
- (c) It shall be unlawful for any person in charge of or responsible for the conduct of a duly licensed assembly or event to knowingly fail to comply with any condition of a permit.
- (d) Unless otherwise designated within a specific section, violations of this article shall be punishable as non-criminal infractions of city ordinances. Fines shall not exceed \$250.

Section 2. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 5. Effective Date. This Ordinance shall become effective immediately upon passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this 14th day of September, 2020.

ATTEST:


Darlene Galambos, City Clerk

(SEAL)


Tracy Upchurch, Mayor-Commissioner

