

## **MEMORANDUM**

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February 6, 2014

**TO:** Honorable Mayor and City Commission

**VIA:** Kenneth Fields, City Manager

**FROM:** Katie Kinloch, Administrative Assistant

**SUBJECT:** American Legion Post 71 Special Event Permit Application  
Request to close city lot for Carnival

**SYNOPSIS:** The approval of the Special Event Permit Application will allow the American Legion to host a Kid's Carnival during the Mardi Gras activities, allow for the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue, and grant a waiver of the business tax for the carnival as requested by American Legion Post 71.

### **RECOMMENDATION**

The American Legion Post 71 is requesting that the City Commission to take the following action:

- Approve the Special Event Permit application for the American Legion Post 71 to host a Kids' Carnival beginning Tuesday, February 25 to Saturday, March 1, 2014 between the hours of 10:00 a.m. and 10:00 p.m.
- Approve the temporary closing of the City lot located at the intersection of First Street and Tillman Avenue for the carnival to be set up beginning on Monday, February 24, 2014 through Saturday, March 1, 2014. The carnival will tear down their rides and games on March 2, 2014.
- Approve the waiver of the business tax of \$750.00 for the carnival as the American Legion is non-profit and the tax can be waived by the commission (per Chapter 14, Sec. 14-114, Local business tax receipt required).

### **BACKGROUND**

Ira Anderson, Commander for the American Legion Post 71 submitted a Special Event Permit Application to host the Great Amusement Company's Carnival during the Lake Wales Mardi Gras event. They are requesting the temporary closing of the City lot at the intersection of First Street and Tillman Avenue beginning on February 24, 2014 for the set up of the carnival and continuing until March 2, 2014 when the rides and games will be taken down and removed. The carnival, if approved, will be from 10:00 a.m. to 10:00 p.m. on Tuesday, February 25 to Saturday, March 1, 2014.

The American Legion is also requesting a waiver from the City Commission for the business tax for the carnival (per Chapter 14, Sec. 14-114) for \$750.00 (per Chapter 19, Sec. 19-130). Chapter 14,

Sec. 14-114 provides for an exception when the event is sponsored by a local nonprofit civic, professional, educational, or religious organization. The local business tax may be waived with prior approval of the city commission.

City staff has reviewed the application and has found no issues with its approval as long as certain conditions are met as follows:

- The American Legion will be responsible in providing a dumpster and sanitary facilities at the site.
- The American Legion will be responsible in making sure that the Great Amusement Company has the required permit from the State of Florida Division of Hotels and Restaurants and an annual permit from the State of Florida Department of Agriculture Division of Consumer Services.
- A Certificate of Liability insurance is required naming the city as additionally insured.
- The American Legion is responsible in making sure the Great Amusement Company cleans up the trash during and at the end of the day, and that the city lot is cleaned of all trash when the carnival is concluded. The Streets Division will place trash containers at this location, however, the City will not be providing clean up services.

## **OTHER OPTIONS**

Do not approve the carnival, the temporary closing of the city lot or the waiver of the business tax.

## **FISCAL IMPACT**

This event was not budgeted in FY13/14 for in-kind services. The American Legion Post 71 will pay in-kind services that might be provided by the City at 100%.

## **ATTACHMENTS**

Special Event Permit Application

Notarized Agreement of Financial Responsibility

Location Map of City lot and carnival

Chapter 14, Sec. 14-114

Chapter 19, Sec. 19-130,053.01

# City of Lake Wales Application for Special Event Permit

Sponsor LAKE WALES MEMORIAL POST 71, AMERICAN LEGION

Name of Event MARDI GRAS

Description GREAT SOUTHERN AMUSEMENT CO.

Location 15<sup>th</sup> STREET between CENTRAL & TILLMAN on the west side

Beginning Date 2-24-14 Ending Date 3-1-14 Hours of Operation T-F 10-10 SAT 10-10 Leave Sunday

Sponsor Contact TERRY DOHRING / IRA ANDERSON

Mailing 43 W. PARK AVE

City LAKE WALES State FL Zip 33853

Sponsor Type NON-profit Contact Phone # (863) 589 5689  
(non-profit civic, professional, educational, religious, etc / commercial)

Indicate manner in which each will be handled; if City assistance is requested, please indicate. (if item is not applicable, indicate "N/A")

Sanitary facilities Porta Lets / American Legion must provide

Parking N/A on site next to lot

Site preparation N/A

Site clean-up GREAT SOUTHERN AMUSEMENT CO. & AMERICAN LEGION

- |   |  |  |
|---|--|--|
| Will vehicular traffic control be required? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires coordination with city Police & Public Works departments)       |
| Will pedestrian control be required?        | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires coordination with city Police & Public Works departments)       |
| Will city street(s) be closed?              | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires Commission approval)  |
| Will state road(s) be closed?               | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires permit from Dept of Transportation)                             |
| Will add'l trash receptacles be required?   | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires coordination with BFI)  |
| Will tent(s) be erected?                    | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires building permit & inspection)                        |
| Will temporary structure(s) be erected?     | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires building permit & inspection)                        |
| Will electrical service be installed?       | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires electrical permit & inspection) <u>Generators</u>    |
| Will live animal(s) be included in event?   | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes (Requires coordination with city Code Enforcement Officer)                |
| Will amusement ride(s) be operated?         | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires permit from Dept of Agriculture & Consumer Services) |
| Will food vendor(s) be utilized?            | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires health permit & county occupational license)         |
| Will craft or other vendor(s) be utilized?  | <input type="checkbox"/> No            | <input checked="" type="checkbox"/> Yes (Requires county occupational license)                         |

Attachments. (items marked "x" are required with all applications; indicate additional attachments)

- |  |
|--|
| <input checked="" type="checkbox"/> Diagram showing site location & layout, parking areas, traffic patterns, electrical, etc |
| <input checked="" type="checkbox"/> Agreement to Assume Financial Responsibility for Injury or Damage <u>INSURANCE</u>       |
| <input type="checkbox"/> Legal description & notarized letter of consent (required for event on private property)            |
| <input type="checkbox"/> Dept of Transportation Road Closing Permit (required for state road closing)                        |

Sponsor has received a copy of Ordinance 93-02 and understands that Sponsor will be required to show proof of Liability Insurance and will be required to reimburse City for costs associated with Special Event unless such requirements are specifically waived by the City Manager in granting the permit. City occupational license fees are required for some events as specified in Ordinance 93-02.

Signature of Sponsor's Authorized Representative

Date

(0237) 2/93





**CITY OF LAKE WALES  
FACILITY USE APPLICATION, CONTRACT AND PERMIT FOR  
AGREEMENT TO ASSUME FINANCIAL RESPONSIBILITY FOR INJURY OR DAMAGE**

Applicant: American Legion Post 71 Event: Carnival Location: Tilman & First Street

The Sponsor (hereinafter referred to as "the permittee"), shall indemnify, defend, and hold harmless the City of Lake Wales (hereinafter referred to as "the City"), and all of its officers, agents, and employees from any claim, loss, damage, cost, change, or expense arising out of any acts, actions, neglect, or omission by the Permittee, its agent, employees, or subcontractors during the performance of the permitted event, whether direct or indirect, and whether to any person or property to which the City or said parties may be subject, except that neither the Permittee nor any of its agents, employees, or subcontractors will be liable under the agreement for damages arising out of the injury or damage to persons directly caused or resulting from the SOLELY negligence of the City or any of its officers, agents, or employees.

Permittee's obligation to indemnify, defend and pay for the defense or at the City's option, to participate and associate with the City in the defense and trial of any damage claim or suit and any related settlement negotiations, shall be initiated by the City's notice of claim for indemnification to Permittee. Permittee's inability to evaluate liability or its evaluation of liability shall not excuse Permittee's duty to defend and indemnify within seven days after such notice by the City is provided by registered mail. Only an adjudication or judgement after highest appeal is exhausted specifically finding the City SOLELY negligent shall excuse performance of this provision by Permittee. Permittee shall pay all costs and fees related to this obligation and its enforcement by the City. City's failure to notify Permittee of a claim shall not release the Permittee of the above duty to defend.

It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in land to be entered upon and used by the Permittee, and the Permittee will, at all times, assume all risk of and indemnify, defend, and save harmless the City from and against any and all loss, damage, cost, and expense arising in any manner on account of the exercise or attempted exercise by said Permittee of the aforesaid rights and privileges.

During the event, the Permittee shall observe all safety regulations of the City, and the Permittee shall take measures to ensure the safety of the public.

In case of non-compliance with the City's requirements in effect as the approved state of the permit resulting from this agreement, said permit is void.

Signature of Sponsor or Authorized Representative of Sponsor

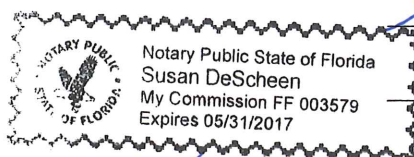
Date

IRA ANDERSON  
Printed Name

State of Florida  
County of Polk

The forgoing instrument was acknowledged before me this 31 day of January, 2014 by

Ira Anderson



Signature of Notary Public-State of Florida

Name of Notary Typed, Printed, or Stamped

(NOTARY SEAL)

Personally Known \_\_\_\_\_ OR Produced Identification ☒

Type of Identification Produced: FDID

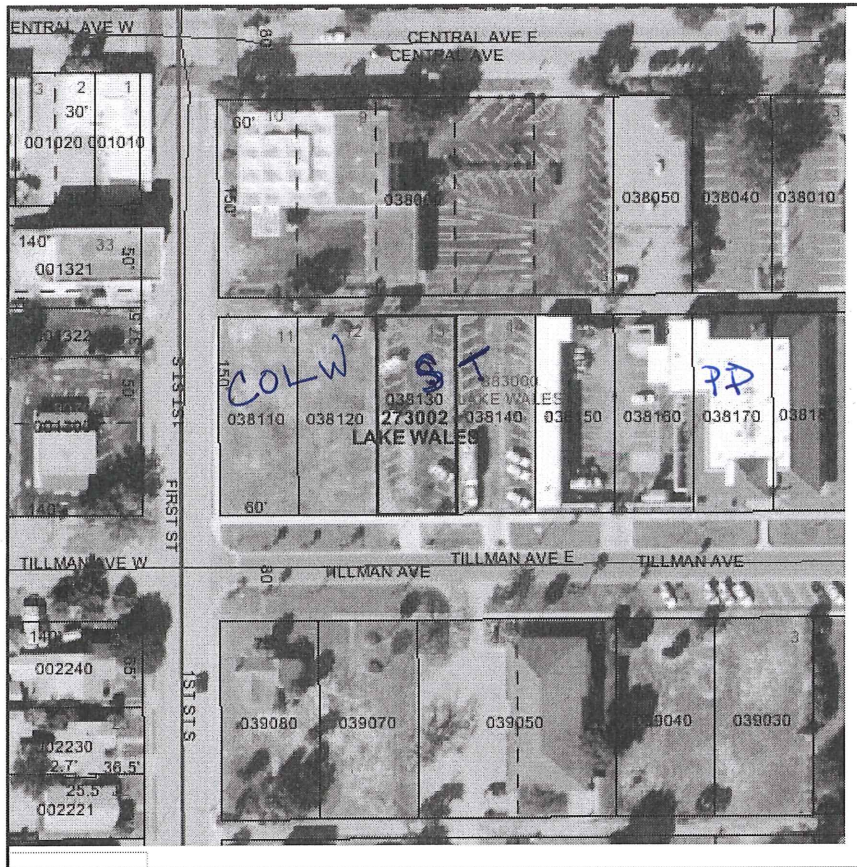


## Polk County Property Appraiser

Internet Mapping

Select Language

Powered by Google Translate



DISCLAIMER: All maps are worksheets used for illustrative purposes only. They are not surveys. The information is provided "as is."

## Parcel Info

Parcel ID: 273001883000038130

Owner 1: SUNTRUST BANK  
CORP REAL ESTATEAddress: 0 TILLMAN AVE  
LAKE  
WALES, FL 33853Legal Desc: LAKE WALES PB 1  
PG 88A 88B S1&2 T30  
R27 BLK 38 LOT  
13Property (DOR) 2805 (Commercial  
Parking Lots)  
Use Code:

Acreage: 0.2067 Acres

Taxing District: 90320 (LAKE  
WALES/SWFWMD)

## Sales Information

Date of Sale	Q/U	Sales Price
12/21/2000	U	\$0.00
6/1/1998	U	\$0.00
8/1/1991	U	\$10,000.00
4/1/1988	U	\$82,000.00

All above information is current (as of 1/30/2014 2:21:43 AM). All below information is 2013 Final.

## Value Summary

Value Name	Price
Building Value	\$0
Extra Feature Value	\$12,285
Land Value (Market)	\$32,418
Just Market Value	\$44,703
Assessed Value	\$33,235
Exempt Value	\$0
Taxable Value	\$33,235

# Chapter 14 Sec 14-114

§ 14-112

## LAKE WALES CODE

- (2) No circus, carnival or other similar public amusement, whether profit or nonprofit, shall operate within the city unless inspected and licensed by the state division of agriculture and consumer services and operated in conformance with rules and regulations promulgated by that agency.  
(Ord. No. 93-02, § 1, 5-4-93)

### **Sec. 14-113. Liability insurance.**

Prior to issuance of a permit or license for any special event as set forth above, the city manager may require the applicant to file with the city clerk a certified insurance policy issued by a company authorized to do business in the state, against the liability of such applicant for a license hereunder for injuries to any one (1) person in the sum of not less than one hundred thousand dollars (\$100,000.00). Such policy shall be in the generally accepted form for liability insurance used in the state and shall include an endorsement that the same cannot be canceled for any cause without notice of such cancellation being served upon the city clerk at least fifteen (15) days prior to such cancellation. Failure by any licensee hereunder to maintain such policy at all times shall be grounds for revocation of the permit and license.  
(Ord. No. 93-02, § 1, 5-4-93)

### **Sec. 14-114. local business tax receipt required.**

Upon receiving a special event permit, the applicant shall obtain the local business tax receipt required under section 19-130, except when the event is sponsored and operated by a local nonprofit civic, professional, educational or religious organization. If the special event is sponsored by a local nonprofit civic, professional, educational or religious organization but operated by a commercial organization, the local business tax may be waived with the prior approval of the city commission.  
(Ord. No. 93-02, § 1, 5-4-93; Ord. No. 2006-47, § 3, 12-5-06)

### **Sec. 14-115. Administration.**

(a) *Public notice.* At the discretion of the city manager, public notice to property owners within two hundred (200) feet of the proposed location may be required. The decision to require public notice shall be made within five (5) days of receipt of the completed application. The application shall provide a certificate of mailing within five (5) days after notification of this requirement. Payment of notification costs will be the responsibility of the applicant.

(b) *Approval of permit.* Upon finding that the application does sufficiently comply with those general standards set forth above, as conditioned as provided for herein, the city manager shall issue a special event permit, setting forth the duration of the period and specifying such conditions as to hours, location, parking, traffic access, and safety requirements and any other conditions as will protect the health, safety and welfare of the public and which will protect the adjoining properties from any adverse effects of the activity.



## Chapter 19 Sec. 19-130

046.01	Agricultural products .....	100.00
046.02	Mortgage .....	100.00
046.03	Trucking and transportation .....	100.00
046.04	Stocks, bonds, mutual funds and other securities .....	100.00
046.05	Futures .....	100.00
046.06	other than listed .....	100.00
	(Maximum tax for combination of categories not to exceed \$200.00)	
	(Mortgage broker requires licensing by department of banking and finance. Stocks, bonds and mutual fund broker requires licensing by SEC, NASD or state comptroller. See also Real estate.)	
047.01	Building materials, paint or hardware sales or distribution; up to 4 employees .....	30.00
047.02	5-8 employees .....	60.00
047.03	more than 8, each additional employee .....	3.00
048.00	Bus line operating into or out of municipal limits .....	50.00
049.01	Butcher or meat dealer selling fresh meats at retail and paying no other license business tax; up to 4 employees .....	30.00
049.02	5-8 employees .....	60.00
049.03	more than 8, each additional employee .....	3.00
	(Requires food permit from department of agriculture and consumer services.)	
050.00	Cabinet maker or furniture maker; including 2 employees .....	60.00
	plus, for each additional employee .....	3.00
051.00	Cable TV (franchise) .....	30.00
052.00	Canning plant or factory; including 2 employees .....	100.00
	plus, for each additional employee .....	3.00
	(Requires food permit from department of agriculture and consumer services.)	
053.01	Carnival or carnival-type rides or activities; per week or fraction thereof .....	750.00
	(Proof of insurance is required. Location and receipt subject to approval of city manager and subject to other provisions of this Code of Ordinances pertaining to public amusements.)	
	Carpentry: See Contractor.	
054.01	Carpet or floor covering sales or installation; up to 4 employees .....	30.00
054.02	5-8 employees .....	60.00
054.03	more than 8, each additional employee .....	3.00
	Carpet cleaning: See Cleaning service.	
055.00	Caterer not included in a receipted business; including 2 employees .....	60.00
	plus, for each additional employee .....	3.00
056.00	Cement, concrete or artificial stone manufacturers or distributors; including 2 employees .....	60.00
	plus, for each additional employee .....	3.00
	(See also Contractor.)	
057.00	Cemetery; including 2 employees .....	500.00
	plus, for each additional employee .....	3.00
	(Classification includes the sale of burial rights and perpetual care services but does not include the sale of tombstones, grave markers, monuments or other services.)	
	(Requires licensing by the department of banking and finance.)	
	Child care: See Day nursery.	
058.00	Chiropractor; each .....	60.00
	(Requires licensing by department of professional regulation. See also Medical office.)	
059.01	Circus; per week or fraction thereof .....	750.00
	(Proof of insurance is required. Location and receipt subject to approval of city manager and subject to other provisions of this Code of Ordinances pertaining to public amusements.)	
060.00	Claim or collection agency; including 2 employees .....	30.00
	plus, for each additional employee .....	3.00
061.00	Cleaning or janitorial service by 2 or more individuals, residential or commercial; including 2 employees .....	30.00
	plus, for each additional employee .....	3.00