

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

MAY - 1 2007

JW/BW

EFFECTIVE DATE

MAY 1 0 2007

ORDINANCE NO. 2007-03

**AN ORDINANCE AFFECTING THE UNINCORPORATED
AREA OF ORANGE COUNTY; CREATING A BLOCK
PARTY ORDINANCE TO BE CODIFIED IN ARTICLE VIII,
CHAPTER 21, ORANGE COUNTY CODE; AND PROVIDING
AN EFFECTIVE DATE**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY:

Section 1. *Creation of Article VIII of Chapter 21.* An Article VIII, to be entitled "Block Parties," is hereby created at Section 21-276 through Section 21-290 of Article VIII of Chapter 21 ("Highways, Bridges, and Miscellaneous Public Places") of the Orange County Code, to read as follows:

**ARTICLE VIII.
BLOCK PARTIES**

Sec. 21-276. Title.

This article shall be known and may be cited as the "Orange County Block Party Ordinance," or the "Block Party Ordinance."

Sec. 21-277. Intent and purpose.

This article is enacted under the home rule power of Orange County for the purpose of providing reasonable and necessary regulations of block parties in the unincorporated area in the interest of the public health, safety, and welfare of the residents and citizens of Orange County. This article is intended to establish a process for issuing permits for holding a block party on a road, as authorized by Section 316.2045(3), Florida Statutes.

Sec. 21-278. Definitions.

For purposes of this article, the following terms and words shall have the following definitions:

Block party shall mean a neighborhood social event intended to, and actually, taking place in whole or in part on a road in a residential area, and which obstructs vehicular traffic in a manner described in Section 316.2045(1), Florida Statutes.

Local street shall mean a local road that is situated completely within the single family residential area where a block party takes place. A local street shall not include a collector road. The local road shall mean only the paved portion of the right-of-way. The local road shall not include a private road within the single family residential area where a block party takes place unless the gated communities ordinance so provides or an agreement for traffic law enforcement on private roads has been executed pursuant to Section 316.006(3), Florida Statutes.

Person shall mean an individual, partnership, corporation, association, or other entity.

Single-family residential area shall mean an area consisting of single-family and two-family dwellings, as defined in Section 38-1, Orange County Code.

Sec. 21-279. Permit required; application for permit; fee.

(a) No person may conduct a block party without a permit having been issued pursuant to an application filed under subsection (b).

(b) An application for a permit to conduct a block party must be submitted by an authorized person on a form provided by the Fire Rescue Department and shall have a notarized signature of the person applying for the permit. The application shall be filed with the Fire Rescue Department at least ten (10) calendar days prior to the event. The applicant shall identify the local street or portion thereof where the block party is proposed to take place. Within seven (7) calendar days after receipt of the application, the Fire Rescue Department shall approve the permit, with or without conditions, or deny the permit. If the application is denied, the reasons for denial shall be stated in the denial notice. Before making a decision regarding the application, the Fire Rescue Department shall distribute

copies to the Orange County Sheriff's Office, the Public Works Department, the Risk Management Division, the Zoning Division, and any other Department or Division the Fire Rescue Department deems appropriate. Those other offices, departments, and divisions shall review the application and forward their comments and recommendations to the Fire Rescue Department in a timely manner for consideration in determining whether to approve or deny the application. If issued, such a permit shall be valid only for the date and time period for the event as set forth in the permit. The permittee, not the County, shall be responsible for supplying cones, barricades, regulating traffic, or for notifying affected individuals that the block party is scheduled to take place. Moreover, the County shall not be responsible or liable for any injury, death, or damage to property that may occur during the course of the block party. The permittee and participants shall be responsible or liable for, and shall indemnify and hold the County harmless for, any such injury, death, or damage, and they shall assume all risk of holding and participating in the block party in the local street.

(c) A non-refundable application fee of Twenty-Five Dollars (\$25.00) to defray the costs and expenses of reviewing the application shall be included with the application.

Sec. 21-280. Requirements for conduct of block party.

A block party shall be subject to the following requirements:

(a) The block party shall take place only within a single-family residential area;

(b) The block party permit shall be posted in a conspicuous location where the block party takes place;

(c) If the neighborhood where the block party is planned is governed by a mandatory homeowners association, the applicant for the permit may be the Association, acting through its representative Board of Directors, or one or more neighborhood residents. If the neighborhood is not governed by a mandatory homeowners association, the applicant shall be one or more neighborhood residents. All applications shall be accompanied by a petition of non-objection to the block party that has been signed by at least a majority of the persons residing in the homes on the local street where the block party is planned to take place;

(d) The road where the block party takes place shall be a local street;

(e) A block party shall not take place on a particular road more than four times per calendar year;

(f) Whenever possible, the block party shall take place in a cul de sac;

(g) The block party shall begin no earlier than 10:00 a.m. and shall end no later than 10:00 p.m. the same day; except that a block party that begins on December 31st shall end no later than 1:00 a.m. on January 1st;

(h) The block party shall not be open to the general public;

(i) An admission fee shall not be charged or solicited to attend the block party;

(j) The anticipated attendance shall not equal or exceed one hundred (100) persons at any point in time;

(k) Alcoholic beverages shall not be permitted, served, or consumed on the local street;

(l) The permittee shall control the parking of motor vehicles so as not to create a hazard or an unsafe condition adjacent to or near the location of the block party, shall place cones, a movable barricade or the like at the site of the local street where the block party takes place, and shall ensure that no motor vehicles, inflatables, tents, canopies, banners, stages, and/or fixed barriers obstruct access to the street for a width of at least fourteen (14) feet, and a vertical distance of at least thirteen and one-half (13-1/2) feet;

(m) In accordance with Section 316.2035, Florida Statutes, the local street that is used for the block party shall not be disturbed or damaged, and structures shall not be affixed to it;

(n) Commercial activity by commercial vendors shall not be conducted on the local street, sidewalk, or other right-of-way where the block party takes place;

(o) Sound amplification equipment or similar devices shall be permitted, subject to, and in compliance with, the Noise and Vibration Control Ordinance. If live entertainment is proposed, the

applicant shall describe the nature of that entertainment in the application. Depending upon its nature, the County may prohibit the live entertainment, or approve it with conditions;

(p) The block party shall be subject to the conditions of the block party permit, if any; and

(q) The block party shall be subject to all other applicable laws and ordinances, except that the public assembly ordinance shall not apply to a block party.

Sec. 21-281. Suspension or revocation of permit.

The Fire Rescue Department may suspend or revoke a block party permit if it learns or finds that the block party is being conducted in a manner contrary to the permit or to any of the provisions of this article.

Sec. 21-282. Rules and regulations.

The Board of County Commissioners may enact reasonable rules and regulations to implement the provisions of this article.

Sec. 21-283. Penalties; remedies.

(a) A person who conducts a block party or causes a block party to be conducted in violation of this article may be punished as provided in Section 125.69, Florida Statutes, and Section 1-9, Orange County Code.

(b) In addition to the penalties described above, Orange County may institute any appropriate action or proceeding to enjoin, prevent, restrain, correct, or abate a violation of this division. To the extent not inconsistent with Florida law, a violation of this division shall be subject to an injunction, temporary or permanent, without the necessity of a showing of irreparable harm.

Secs. 21-284 – 21-290. Reserved.

Section 2. Effective date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 1ST DAY OF MAY, 2007.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Richard T. Crotty*

Richard T. Crotty

County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

S:\RALfonso\Ordres\Block Party Ordinance - 04-11-07 CLEAN.doc (04/11/07)

