

ORDINANCE NO. 91-05

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ARTICLE 1, CHAPTER 10, BY ADDING SECTION 10-14; PROVIDING FOR ONCE A MONTH PONY RIDES AND ONCE A WEEK DISC JOCKEY OR OTHER OUTDOOR MUSIC ENTERTAINMENT IN COMMERCIAL ZONED DISTRICTS, CONDITIONED UPON OBTAINING PERMIT; PROVIDING STANDARDS FOR ISSUANCE; PROVIDING FOR PERMIT FEES IN THE SUM OF FIFTEEN DOLLARS (\$15.00) FOR EACH DAYS' ACTIVITY; PROVIDING FOR APPROVAL OF THE CITY MANAGER; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to assist merchants in their promotion of business activities; and

WHEREAS, merchants have requested the Commission to allow for promotional purposes, pony rides and disc jockey outdoor entertainment; and

WHEREAS, present City ordinances have prevented such promotional activity by the merchants; and

WHEREAS, the City Commission has determined that it would be in the best interest of the City of West Miami to authorize on a limited basis, such activity in the commercial areas of the City.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA,

Section 1. That Article I, Chapter 10 of the West Miami Code be amended by adding section 10-14 as follows:

Sec. 10-14. Exception allowing pony rides, disc jockey or other outdoor entertainment; permit fees; standards and conditions.

(a) Nothing in any provision of the Code and ordinances of the City of West Miami shall be construed as a prohibition against the use and operation of pony rides, disc jockey and other outdoor entertainment using loud speakers, sound amplifiers, musical instruments, phonographs, sound tapes, musical compact disks, or other machine system equipment or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising, entertainment or attracting the attention of the public to any commercial business or establishment in commercial districts, provided and conditioned upon the following:

(1) A permit shall be obtained from the City Manager before commencement of such use, operation, activity or event.

(2) A permit for pony rides shall allow one event per per day per calendar month during the hours of 9:00 a.m. and 6:00 p.m. and the permit fee for such event shall be \$15.00 per day per calendar month.

(3) A permit for disc jockey or other outdoor musical entertainment shall allow one event per day per week per calendar month during the hours of 9:00 a.m. and 9:00 p.m., and the permit fee for such event shall be \$15.00 per day.

(4) A permit fee shall be charged in the sum of \$30.00 per day per event, where both disc jockey or outdoor musical entertainment occur on the same day.

(5) A person seeking issuance of a permit hereunder shall file an application with the City Clerk and pay such permit

fee. Where the applicant is a tenant, the landlord shall consent to the application. The application shall state:

(a) The name and address of applicant;

(b) The name and address and telephone number of all persons participating in the operation of the event.

(c) The day and hours for which the permit is desired.

(d) The location and area for which such permit is desired with attachment of a sketch showing location of the area of intended use or operation, including but not limited to the buildings, structures, parking lot, pedestrian walkways, landscape, driveways, egress and ingress to buildings, public streets and sidewalks.

(e) Any other information which the City Manager shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

6. Standards for permit issuance.

The City Manager shall issue a permit hereunder when he finds:

(a) That the proposed activity or use applied for will not unreasonably interfere with or endanger the public health, safety and general welfare.

(b) That the proposed activity or use is not reasonably anticipated to incite violence, crimes or disorderly conduct.

(c) That the proposed activity or use will not entail unusual, extraordinary or burdensome expense or police or other operation by the City.

(d) That all conditions of this section 10-14 are complied with.

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 4. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the West Miami Code; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section, article" or such other appropriate word or phrase in order to accomplish such intentions.


Section 5. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 7 day of AUGUST, 1991.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY CLERK

Approved as to form and sufficiency

1/1/ Gus Cephinion  
CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo Y

Vice Mayor Sosa Y

Commissioner Busse NO

Commissioner Hickey-Patton NO

Commissioner Trigo Y

Date of 1st reading: 7/17/91-

Date of Publication: 7/26/91-

Date of 2nd reading: 8/7/91-

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