

Chapter 4A AMUSEMENTS*

*Editor's note--Ord. No. 817-85, <sec> 1, adopted Nov. 6, 1985, amended Ch. 4A in its entirety to read as set out in <sec><sec> 4A-1--4A-8. Former Ch. 4A, consisting of <sec><sec> 4A-11--4A-16, contained similar subject matter and derived from Ord. No. 337, <sec><sec> 1--8, adopted May 19, 1970.

Cross reference(s)--Fire prevention, Ch. 9C; occupational license schedule, <sec> 12-10.

Sec. 4A-1. Purpose.

The purpose of this chapter is to regulate the construction and maintenance of places of public assemblages by carnivals, circuses and other exhibitions for the public safety and welfare, and for the prevention of bodily injury or loss of life resulting in detriment and danger to the public health and safety and/or for other purposes within the public interest.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-2. Definitions.

Carnivals. The term "carnival" as used in this chapter shall mean and include amusement activities, including riding devices, merry-go-rounds, ferris wheels, or any other rides or automatic riding devices; concessions, including revolving wheels, corn games, throwing balls, rolling balls, cane racks, knife racks, weighing machines, games of chance, tests of skill or strength, side shows, exhibitions, or other performances for which admission is charged, a fee collected, or a charge is made for anything of value, including any exhibition giving performances under tents or temporary structures of any kind, whether such tents or temporary structures are covered or uncovered.

Circus. The term "circus" as used in this chapter shall mean and include wild animal acts, feats of physical skill and daring, performances by jugglers and clowns, and may include some or all of those activities generally associated with a carnival.

Exhibition. The term "exhibition" as used in this chapter shall beheld to mean circuses, menageries, carnivals, side shows and other similar amusement enterprises which are open to the public for admission and for which a fee is charged.

Menagerie. The term "menagerie" as used in this chapter shall mean an exhibition of wild or foreign animals.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-3. Erection of structures prohibited.

It shall be unlawful for any person, firm or corporation to erect or cause to be erected any temporary structure composed wholly or partly of canvas or similar material, or any other structures or materials pertinent to what is commonly known as a carnival, circus and/or exhibition to be used as a place of amusement or for any recreational purpose or for any other public assemblages whatsoever within the limits of the City of Punta Gorda without first having made application to and received permission to do so in accordance with conditions and limitations as hereinafter set out in this chapter.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-4. Application for permit--Requirements.

- (a) The applicant for such permission shall file a written application with the city manager, which application shall be accompanied by a set of building plans or layout, drawn to scale, which shall indicate clearly:
 - (1) The type of construction.
 - (2) The seating arrangements, if applicable.
 - (3) The structural detail and calculations of the seats and supports, and location of all aisles within the seating structure.
 - (4) A layout of each riding device, concession, or other structural entity, showing the intended pedestrian traffic routes.
 - (5) The location of all external electrical wiring.
 - (6) Location of all exits.
 - (7) The location of all fire equipment within structures and within the layout of the total operation, indicating the type of such equipment.
 - (8) The location, insofar as feasible, of adjacent structures and obstructions which might hinder the free egress of persons from exits.
- (b) Such application shall further specify:
 - (1) Whether any open flame is intended to be used within the intended geographical confines of the area in which the carnival, circus and/or exhibition is to be located, and if so, what precautions are to be taken to render it safe.
 - (2) The name of the person, firm or corporation which is sponsoring said carnival, circus or exhibition.

- (3) The name and address of the person, firm or corporation operating said carnival, circus or exhibition.
 - (4) The length of time the carnival, circus and/or exhibition is intended to be used for the purposes applied for.
 - (5) The hours of the day or night during which such carnival, circus and/or exhibition is intended to be used as a place of assembly.
 - (6) Such other relevant information as the City Manager, with the advice of the City Fire Chief and Police Chief, may require.
- (c) The applicant shall furnish evidence that sufficient provisions have been made for sanitary facilities for persons using the premises on which said carnival, circus and/or exhibition is to be erected or is maintained as required by Chapter 10D9.021 of the Florida Administrative Code, and no permit shall be issued until compliance with this requirement has been approved by Charlotte County Public Health Unit.
 - (d) The applicant shall furnish evidence that a public liability insurance policy in amounts of not less than one million dollars (\$1,000,000.00) for one person and one million dollars (\$1,000,000.00) for any one accident shall be in force and effect at all times such carnival, circus and/or exhibition occupies any premises within the city limits of Punta Gorda, and shall further show evidence that each riding device, concession, or other structure of whatsoever kind and nature located within the premises utilized by said carnival, circus and/or exhibition is included in the coverage provided by such public liability insurance policy. Said policy of insurance will be with a company licensed to do business within the State of Florida.
 - (e) The applicant shall deposit with the City Treasurer a cash bond in the sum of five hundred dollars (\$500.00) per riding device, concession, or other structure within the confines of the premises utilized by said carnival, circus and/or exhibition, conditioned upon saving harmless the City of Punta Gorda from any and all liabilities or causes of action which might arise by virtue of the granting of a permit to the applicant, and conditioned further that no damage will be done to the streets, sewers, trees or adjoining property and that no dirt, paper, litter or other debris will be permitted to remain upon the streets or upon any private property by such applicant. Such cash bond shall be returned to the applicant upon a showing of full compliance with the requirements of this section.
 - (f) If the City Manager, with the advice of the City Fire Chief, determines that the attendance of fire equipment and personnel at the location of said carnival, circus and/or exhibition is required during the use of such premises as a place of assembly

for the safety of persons and property, the City Manager shall require that the applicant deposit with the City Treasurer of the City of Punta Gorda a sum in the amount of eighteen dollars and fifty cents (\$18.50) for each hour such equipment and personnel are to be used.

- (g) The applicant shall be required to deposit with the City Treasurer of the City of Punta Gorda a sum equal to the city's cost in maintaining one policeman upon the premises of such carnival, circus and/or exhibition during any hours that the premises is not open to the public, and during those hours of operation in which the public is on the premises, the applicant shall be required to deposit a sum equal to the amount the City would have to spend in maintaining one police officer upon the premises for every five (5) riding devices, concessions, or other structures situated upon the premises.

(Ord. No. 817-85, <sec> 1, 11-6-85; Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 4A-5. Same--City manager to determine if provision for requirements made.

The City Manager, with the advice of the Fire Chief, the Police Chief and the Charlotte County Public Health Unit, shall determine if the applicant has made provision for:

- (a) Substantial compliance with subparagraphs (a) and (b) of section 4A-4, above.
- (b) All other requirements as hereinbefore set forth.
- (c) Sufficient off-street parking to the extent that no public roadways, alley ways, parking lots, or any other public rights-of-way are in any manner impeded or obstructed from the normal flow of traffic.
- (d) Availability of sufficient first aid facilities, with appropriate provisions and facilities for the rendering of emergency first aid.
- (e) Adequate sanitary facilities, such as a portable toilet or its equivalent.
- (f) No disruption of the normal course of business regularly carried on in the vicinity, including adjacent property, of the premises being utilized for the carnival, circus and/or exhibition.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-6. Same--Exception.

Applications will not be accepted for permission to operate a carnival, circus and/or exhibition within any of the City's parks within three hundred (300) feet of any residence, the required separation being measured along the shortest possible line, except however that nonprofit organizations may, upon approval of the City Council, operate a carnival, circus and/or exhibition within three hundred (300) feet of any residence.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-7. Same--When submitted.

- (a) Such application and plans shall be submitted to the City Manager at least one hundred and twenty (120) days prior to the date of the intended opening of any such carnival, circus and/or exhibition, and the applicant shall be notified at least ninety (90) days prior to the date of intended occupation of said premises whether or not said application has been granted.
- (b) Any person, firm or corporation whose application is not granted as aforesaid may, within ten (10) days after receipt of a notice thereof, appeal to the City Council for a hearing thereon, and the decision of the Council in this regard shall be final, and the City Council will be required to advise said applicant of their decision at least ten (10) days prior to the intended date of occupation of the premises.

(Ord. No. 817-85, <sec> 1, 11-6-85)

Sec. 4A-8. License required; conditions.

Upon approval of the required application to operate a carnival, circus and/or exhibition, an occupational license shall be secured from the City Clerk as provided in Chapter 12 of the City Code. Such license shall be issued for operation between the hours of 10:00 a.m. and 10:00 p.m. daily, with variances therefrom granted only by the City Council.

(Ord. No. 817-85, <sec> 1, 11-6-85)