

6. **CONSENT AGENDA**

- e. Request from BIG Arts to have wine served at a reception on January 14, 2011

Crystal Mansell

From: Lee Ellen Harder [LHarder@BigArts.org]
Sent: Tuesday, November 30, 2010 10:58 AM
To: Pamela Smith
Cc: Judie A. Zimomra
Subject: city coucil agenda request

Hi Pamela,

BIG ARTS is respectfully requesting to be placed on the City Council Agenda for approval to have wine served at a reception on January 14, 2011.

Thank you,
Lee Ellen

Lee Ellen Harder

Executive Director
BIG ARTS
900 Dunlop Road
Sanibel, FL 33957
Phone:(239) 395-0900
Fax: (239) 395-0330
lharder@bigarts.org
www.bigarts.org

Barrier Island Group for the Arts - a home for all the arts!

TEMPORARY SIGN(S) The Sanibel Code permits one (1) on-site sign, not to exceed 12 square feet that may be double-faced, per Special Event. Non-Profit organizations are permitted up to six (6) off-site directional signs, with City Manager approval. **Banner signs and balloons are strictly prohibited at all times.**

Please indicate sign size, type, and location of **On-Site sign**: _____
Please indicate sign size, type, and locations of **directional signs** (Non-Profit Organizations only): _____

NUMBER OF VENDORS: _____ Note: Overnight Parking Fee of \$25 per vehicle, per event, for vendors camping overnight on City properties.

TEMPORARY TENTS AND STRUCTURES - Including arches, tents (specify number of tents and tent size), chairs, tables, bounce houses, dunk tanks, etc. Tents exceeding 120 square feet require a tent permit (per tent) from the Building Department and a fire inspection.

Tent #1 Size: _____ Tent#2 Size: _____ Tent #3 Size: _____
Temporary Structure Type: _____ Quantity: _____
Temporary Structure Type: _____ Quantity: _____
Temporary Structure Type: _____ Quantity: _____

TRAFFIC CONTROL PLAN: Please attach traffic control and parking plan for events requiring off-site parking or pedestrian street crossing.

A Business Tax Receipt or Business Registration is required to work in the City of Sanibel. Please provide your Business Tax Receipt Number or Business Registration Number # _____

Are Police Services, such as Traffic/Pedestrian Control or Event Security requested? [] Yes [X] No

NUMBER OF OFFICERS: _____ **DATE:** _____ **TIME:** _____
The rate is \$135 for a 3-hour minimum shift, per staff member and \$40, per staff member, per hour thereafter. In the interest of public safety, the Sanibel Police Chief may require an applicant retain Police Services as a condition of granting a Special Events Permit, in which case, applicant is responsible for payment of fees as described above.

Will amplified music be played? [X] Yes [] No
If yes, applicant must adhere to Noise standards set forth in Sanibel Code Chapter 30, Article III.

Will City property, public right-of-way or other public property (beach parks, community parks, etc.) be utilized?
[] Yes [X] No
If yes, please identify right-of-way and/or public property/park name: _____

EVENTS HELD AT COMMUNITY PARK – SMOKING IS PROHIBITED at Community Park. Applicant is responsible for ensuring compliance with this policy. **Failure to do so will be in violation of this permit, may lead to forfeiture of deposit, and may constitute a violation of City Policy.** Spot maintenance will be provided at Community Park by the City of Sanibel Public Works Department between the hours of 8 a.m. to 5 p.m., daily. In addition, for overnight events, applicant is responsible for bathroom maintenance (emptying trash containers, stocking of toilet paper and paper towels) between the hours of 5 p.m. and 8 a.m.

EVENTS HELD ON CITY PROPERTY: Liability Insurance in the amount of \$1,000,000 listing the City of Sanibel as an additionally insured party may be applicable for certain events held on City property. Proof of insurance must be provided before application is approved.

NOTE: If event is held on City property, such as a City Park or City Hall, **alcohol is prohibited** unless approved by City Council. A rental fee and deposit is applicable for use of certain City Properties. Please contact the City Manager's Office at (239) 472-3700 for information regarding fees and deposits.

PERMIT #

**--FOR CITY USE ONLY--
DEPARTMENT COMMENTS**

FEE BY
DEPARTMENT:

Planning

\$ _____
Planning

Police

no police Action, No roadside
parking.

\$ _____
Police

Public Works

\$ _____
Public Works

Building

\$ _____
Building

Tent Standards attachment required? Yes No

\$50 app fee paid 12/3/10 # 1103604

\$ 50-
Finance

Finance

Business Tax Receipt Verified? Yes No

\$ _____
Natural Resources

Natural Resources

Beach Standards attachment required? Yes No

\$ _____
Recreation

Recreation

\$ _____
TOTAL

Comments/Permit Conditions: Applicant must adhere to attached
City of Sanibel Alcohol Policy regarding the serving or
sale of alcohol on city property.

City Manager Approval

Date

Revised 9/09

CITY OF SANIBEL ALCOHOL POLICY

Distribution of Alcohol in City Parks by Nonprofit Organizations

The process for an applicant of a special event where alcohol distribution is requested on all City owned park property is:

- Complete a special events application form and submit it to the City Manager for staff review to assure an applicant complies with all applicable laws and ordinances.
- Comply with Beverage Law Florida Statute 561.422 (Nonprofit civic organization; temporary permits.) (attached)
- Comply with Beverage Law Florida Statute 561.702 (Legislative Intent) (attached)
- Comply with Beverage Law Florida Statute 561.705 (Responsible Vendor Qualification) (attached)
- Events with alcohol sale or distribution on site must employ a minimum of one law enforcement officer for security
- Events selling or distributing alcohol must have a designated area (drinking garden) for the sale and distribution of alcohol. No persons under legal drinking age are permitted in the designated area.

These requirements shall be imposed upon all fundraisers and special events that are paid or free and held at city parks.

Consideration for a special event will include a review of past events sponsored previously by the applicant.

Special events permits will only be issued subsequent to acquisition of a state liquor license in addition to City Council approval.

CITY OF SANIBEL ALCOHOL POLICY – Continued

Distribution of Alcohol on all City Owned Non-park Properties by Nonprofit Organizations

The process for an applicant of a special event where alcohol distribution is requested at all non park City owned property is:

- Complete a special events application form and submit it to the City Manager for staff review.
- Comply with Beverage Law Florida Statute 561.422 (Nonprofit civic organization; temporary permits.) (attached)
- Comply with Beverage Law Florida Statute 561.702 (Legislative Intent) (attached)
- Comply with Beverage Law Florida Statute 561.705 (Responsible Vendor Qualification) (attached)
- Sponsors of events selling or distributing alcohol are required to ensure all persons served alcohol are of legal drinking age.

These requirements shall be imposed upon all fundraisers and special events that are paid or free and held on City owned property.

Consideration for a special event will include a review of past events sponsored previously by the applicant.

Special events permits will only be issued subsequent to acquisition of a state liquor license in addition to City Council approval.

2005 Florida Statutes

ALCOHOLIC BEVERAGES AND
TOBACCO

Chapter 562
BEVERAGE LAW:
ENFORCEMENT

View Entire
Chapter

562.12 Beverages sold with improper license, or without license or registration, or held with intent to sell prohibited.--

(1) It is unlawful for any person to sell alcoholic beverages without a license, and it is unlawful for any licensee to sell alcoholic beverages except as permitted by her or his license, or to sell such beverages in any manner except that permitted by her or his license; and any licensee or other person who keeps or possesses alcoholic beverages not permitted to be sold by her or his license,

or

CITY OF SANIBEL ALCOHOL POLICY – Continued

not permitted to be sold without a license, with intent to sell or dispose of same unlawfully, or who

keeps and maintains a place where alcoholic beverages are sold unlawfully, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) It is unlawful for any person to operate as an exporter of alcoholic beverages within the state without registering as an exporter pursuant to s. 561.17. Any person who violates this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Upon the arrest of any licensee or other person charged with a violation of this section, the arresting officer shall take into her or his custody all alcoholic beverages found in the possession, custody, or control of the person arrested or, in the case of a licensee, all alcoholic beverages not within the purview of her or his license, and safely keep and preserve the same and have it forthcoming at any investigation, prosecution, or other proceeding for the violation of this section and for the destruction of the same as provided herein. Upon the conviction of the person arrested for a violation of this section, the judge of the court trying the case, after notice to the person convicted and any other person whom the judge may be of the opinion is entitled to notice, as the judge may deem reasonable, shall issue to the sheriff of the county, the division, or the authorized municipality a written order adjudging and declaring the alcoholic beverages forfeited and directing the sheriff, the division, or the authorized municipality to dispose of the alcoholic beverages as provided in s. 562.44 or s. 568.10.

561.422 Nonprofit civic organizations; temporary permits.--Upon the filing of an application, presentation of a local building and zoning permit, and payment of a fee of \$25 per permit, the director of the division may issue a permit authorizing a bona fide nonprofit civic organization to sell alcoholic beverages for consumption on the premises only, for a period not to exceed 3 days, subject to any state law or municipal or county ordinance regulating the time for selling such beverages. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. Any such civic organization may be issued only three such permits per calendar year. Notwithstanding other provisions of the Beverage Law, any civic organization licensed under this section may purchase alcoholic beverages from a distributor or vendor licensed under the Beverage Law.

561.702 Legislative intent.--It is the intent of the Legislature to:

(1) Eliminate the sale of alcoholic beverages to, and consumption of alcoholic beverages by, underaged persons.

(2) Reduce intoxication-related accidents, injuries, and deaths in the state.

(3) Encourage alcoholic beverage vendors and their employees to prevent drug activity on their premises.

(4) Encourage alcoholic beverage vendors to be prudent in their serving practices and to restrict the sanctions that may be imposed in administrative proceedings against those vendors who comply with responsible practices in accordance with this act.

(5) Encourage alcoholic beverage vendors to implement responsible policies for serving and promoting alcoholic beverages and, by so doing, prevent the over-service of alcoholic

beverages to customers and prevent the over-consumption of alcoholic beverages by customers while on the licensed premises of vendors.

CITY OF SANIBEL ALCOHOL POLICY – Continued

(6) Promote an attitude of professionalism and responsibility on the part of vendors who sell or serve alcoholic beverages which is expressed in a commitment to responsible service.

561.705 Responsible vendor qualification.--To qualify as a responsible vendor, the vendor must:

(1) Provide a course of instruction for its employees that must include subjects dealing with alcoholic beverages and may also include subjects dealing with controlled substances as follows:

- (a) Laws covering the service of alcoholic beverages and the operation of establishments serving alcoholic beverages.
- (b) Alcohol or controlled substances or both as a drug and its effects on the body and behavior, including its effects on a person operating a motor vehicle.
- (c) Effects of alcohol in combination with commonly used drugs, both legal and illegal.
- (d) Methods of recognizing and dealing with underaged customers.
- (e) Methods for dealing with customers, and for dealing with employees, who use or traffic in illegal drugs.

(2) Provide an alcohol server management course for managers of establishments that sell alcoholic beverages. The course must include subjects on alcoholic beverages and may include subjects on controlled substances as follows:

- (a) Laws governing the service of alcoholic beverages and the operation of establishments serving alcoholic beverages.
- (b) Development of standard operating procedures for dealing with underaged customers.
- (c) Development of standard operating procedures for dealing with customers, and for dealing with employees, who use or traffic in illegal drugs.
- (d) Methods of assisting employees in dealing with underaged customers and in maintaining records that relate to such incidents.

(3) Require each nonmanagerial employee who is employed to serve alcoholic beverages to complete the employee training course specified in subsection (1) within 30 days after commencing employment. The vendor must provide for the supervision of such an employee in the service of alcoholic beverages until the employee has received such training.

(4) Require each managerial employee to complete the managerial training course specified in subsection (2) within 15 days after commencing employment.

(5) Require all employees to attend one meeting every 4 months. Each meeting must include the dissemination of information covering the applicable subjects specified in this section and an explanation of the vendor's policies and procedures relating to those subjects.

(6) Require each employee, as a condition of her or his initial employment, to complete a written questionnaire providing the vendor the same information as is required by the division from persons who apply for alcoholic beverage licenses and to determine therefrom whether

the employee is precluded by law from serving or selling alcoholic beverages; however, employees of vendors licensed under s. 563.02(1)(a) or s. 564.02(1)(a) shall not be subject to the requirements of this subsection.

CITY OF SANIBEL ALCOHOL POLICY – Continued

(7) Establish a written policy under which any employee who engages in the illegal use of controlled substances on the licensed premises will be immediately dismissed from employment and require each employee to acknowledge the policy in writing.

(8) Maintain employment records of the applications, acknowledgments, and training of its employees required by this section and records of the vendor's enforcement of the policies requiring dismissal specified in subsection (7).

(9) Post signs on the vendor's premises informing customers of the vendor's policy against serving alcoholic beverages to underaged persons and informing customers that the purchase of alcoholic beverages by an underaged person or the illegal use of or trafficking in controlled substances will result in ejection from the premises and prosecution.