



City of Arcadia Florida
 Code Enforcement Department
 23 N Polk Avenue
 Arcadia, FL 34266
 (863) 494-4114

Date received

RENTAL HALL LICENSE APPLICATION

[] Check here if this application is for a temporary rental hall license ONLY.

Applicant Name _____ Title: _____

Applicant Phone Number: _____ E-mail address: _____

Doing Business As: _____

Business Physical Address: _____

Business Mailing Address: _____

Business Phone: _____ E-mail address: _____

Taxpayer ID _____ State of Florida business ID _____

List all owners, partners, and corporate members (Attach additional sheet if necessary.)			
Full Name: First, Middle, Last	Date of Birth	% of Ownership	Telephone Number
Home Address	City	State	Zip Code
Full Name: First, Middle, Last	Date of Birth	% of Ownership	Telephone Number
Home Address	City	State	Zip Code
Full Name: First, Middle, Last	Date of Birth	% of Ownership	Telephone Number
Home Address	City	State	Zip Code

Have any of the owners/partners/corporate members been convicted of a crime? Yes No If yes, provide dates and conviction specifics on a separate sheet.

Have any of the owners/partners/corporate members ever had at least 10% ownership interest or operated a rental hall during the last 10 years? Yes No If yes, provide the names and addresses of the rental halls owned/operated by each individual on a separate sheet.

Has the applicant or licensee, including any partners, directors, officers, shareholders, or on-site manager(s), prior revocations of licenses or adverse license actions related to the rental hall industry within the previous five years?
 Yes No If yes, provide specifics on a separate sheet.

REQUIRED DOCUMENTATION

To complete this application, please include the following documentation:

[] List the names and addresses of all rental halls owned/operated by each individuals with an ownership interest of at least 10% of the property/corporation.

[] Business plan that contains:

- The nature of the business to be conducted.
- Organization and management: Legal structure of the business, and management structure
- Hours of operation
- A security plan that describes the security features, including personnel and equipment, that the business will employ and how they will be utilized
- Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise

[] A scaled diagram of the premises clearly showing the floor plan and the location of the building(s) and the part of portion intended to be used in the conduct of the rental hall.

[] Copy of occupant load certificate.

[] Proof of general liability insurance coverage in full force and effect in at least the following amounts: \$200,000 per claim/\$600,000 aggregate; property damage \$50,000.

[] Affidavit evidencing ownership of the property, including full name and address of all individuals with an ownership interest of at least 10% of property/corporation.

[] If applicable, Certificate from the Internal Revenue Service showing tax exempt status under Section 501(c)(3) of the Internal Revenue Code.

[] Copy of proposed rental lease agreement.

[] Map and list of property owners within 300 feet of the proposed rental hall, as identified in the records of the DeSoto County Property Appraiser's Office.

NEIGHBORHOOD NOTIFICATION OF PUBLIC HEARING

Upon the filing of the completed rental hall application, the City Administrator shall refer the application to the City Council for review at a public hearing. The City Administrator will schedule such hearing for a regular meeting

of the Council and the applicant will be notified of the date and time of the meeting at which the application is to be heard.

At least seven (7) days in advance of the scheduled hearing, the applicant shall mail via first class mail to all persons owning property within three hundred (300) feet of the proposed rental hall, as identified in the records of the DeSoto County Property Appraiser's Office, a notice of the time and place at which the hearing is scheduled to occur. The notice shall follow the form approved provided with this application.

The applicant is required to submit an affidavit to the City Administrator no later than four (4) business days in advance of the scheduled hearing evidencing that the notices were mailed and to whom (names and mailing addresses) the notices were mailed.

Affidavit of Notification for Neighborhood Notification of Public Hearing.

Copy of notification letter sent to neighborhood property owners.

Listing of the neighborhood property owners' names, property addresses, and mailing addresses for which notification was sent.

APPLICANT CERTIFICATION

I, _____ certify that each answer to the questions herein and all other information furnished is true and correct. I further certify that all such answers and information constitutes full and complete disclosure of my knowledge with respect to the question or subject matter. I understand that any material omissions, false, fraudulent or deceptive statements contained in this application may be grounds for denial, revocation, suspension, or non-renewal of a rental hall license.

I have read and agree to abide by the requirements and regulations as outlined in the City of Arcadia Ordinance 961.

I understand that if the City Council approves this application for licensure, a fee of \$150 must be paid to the City of Arcadia before a rental hall license is issued (unless my business or organization is an exempt 501(c)(3) organization).

Signature of Applicant

Title

Date

STANDARD NEIGHBORHOOD NOTIFICATION OF PUBLIC HEARING

YOUR LETTERHEAD HERE

Date

Dear Property Owner:

The purpose of this letter is to inform you that a public hearing is scheduled to review and solicit public input of the request for a rental hall license by **(insert applicant's name)**. As an affected property owner within 300 feet, you are invited to attend this meeting to learn more about the request and make your opinions known. The public hearing will be held:

Date:

Time:

Place: City Council Chambers

Location: 23 North Polk Avenue, Arcadia FL

The Arcadia City Council is scheduled to hear this case on **(insert meeting date and time)**. If you have any questions or need additional information, please contact either **(insert applicant's name and contact information)** or the City of Arcadia at 863-494-4114.

Sincerely,

(Insert applicant's name)

I, _____, hereby attest to ownership of the
(Printed name)

property described as: _____

Parcel ID Number(s) _____

Location address: _____

also known as (business name) _____

Full names and addresses of all individuals with an ownership interest of at least 10% of the above designated property are shown below (percentages must add up to 100%; attach additional pages if needed):

Name	Address	Percentage Owned

Signature

Printed Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ . He/she is [] personally known to me or [] has produced _____ as identification.

NOTARY PUBLIC

Printed Name: _____

Commission No. _____

Commission Expires: _____

I, _____, as _____,
(Printed Name) (Title or Office Held)

of _____ certify that the following entities are the
(Company Name)

only owners of the property described as: _____

Parcel ID Number(s) _____

Location address: _____

also known as (business name) _____

Full names and addresses of all individuals of the corporation, partnership, or LLC, with at least 10% ownership interest of the above designated property is shown below (percentages must total 100%; attach additional pages if needed):

Name	Address	Percentage Owned

Corporation/Limited Liability Company Partnership

By: _____ Printed Name: _____
Signature

Entity Name: _____ Its: _____

Address: _____ Date: _____

STATE OF FLORIDA
COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ on behalf of the Corporation/LLC/Partnership. He/she is [] personally known to me or [] has produced _____ as identification.

NOTARY PUBLIC

Printed Name: _____
Commission No. _____
Commission Expires: _____

Applicant Name _____

Proposed Rental Hall Name: _____

Parcel ID Number: _____

Location Address: _____

Legal Description of Property: _____

I, _____, confirm that public hearing notices as required for the license application of the above rental hall has been completed in accordance with Ordinance No. 961 Sec. 34-136. A copy of the letter and the attached listing of names and address to whom the notices were mailed have also been submitted.

Applicant Signature

Date

Entity Name: _____ Its: _____

Address: _____ Date: _____

STATE OF FLORIDA
COUNTY OF DESOTO

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ . He/she is [] personally known to me or [] has produced _____ as identification.

NOTARY PUBLIC

Printed Name: _____

Commission No. _____

Commission Expires: _____

ORDINANCE NO. 961

AN ORDINANCE OF THE CITY OF ARCADIA, FLORIDA, A MUNICIPAL CORPORATION, RELATED TO RENTAL HALLS; ESTABLISHING ARTICLE III OF CHAPTER 34 OF THE CODE OF ORDINANCES, CITY OF ARCADIA, FLORIDA; PROVIDING FOR THE LICENSING AND REGULATION OF RENTAL HALLS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ARCADIA, FLORIDA, HEREBY ORDAINS as follows:

Section 1. Amendment of the Code of Ordinances. The Code of Ordinances of the City of Arcadia, Florida, is amended to establish a new Article III of Chapter 34 (Businesses) to read in its entirety as follows:

Article III. RENTAL HALLS

Sec. 34-131. Definitions.

Rental hall. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function whether or not a fee is charged. Also known as a reception hall, a meeting hall, a banquet hall, or any other similar such facility, regardless of name.

Sec. 34-132. License required.

No person shall operate a rental hall without first having obtained a rental hall license in accordance with this chapter. No rental hall license shall be required if:

- (a) The rental hall has a legal occupancy of fewer than fifty (50) persons, and maintains compliance with the occupancy limits;
- (b) The premises are on the campus or in the facilities of a bona fide elementary or secondary school, vocational or trade school, college or university, or any building under the control of the City of Arcadia or DeSoto County;
- (c) The rental hall facility is the subject of a current, valid Retail Consumption on Premises license issued by the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco.

Sec. 34-133. Fee.

The fee for a rental hall license shall be established, and from time to time changed, by Resolution of the City Council. No fee shall be imposed on any

organization approved by the IRS as tax exempt under Section 501(c)(3) of the Internal Revenue Code

Sec. 34-134. When licenses expire.

All licenses issued under this chapter shall expire on the first regular business day (i.e., non-weekend, non-holiday) of October of each year.

Sec. 34-135. Application required/contents of application.

An applicant for a rental hall license shall make application on the forms furnished by the City and shall provide all other information deemed necessary by the City Administrator, including without implied limitation the following information/documentation:

(a) The full name of the applicant, date of birth, and current residential address.

(b) The applicants' taxpayer identification number and State of Florida business identification number. For purposes of this requirement, "applicant" means an individual if the license is sought for or in the name of an individual or a corporation, partnership, limited liability company, or other business association if the license is sought for or in the name of such corporation, partnership, limited liability company, or other business association. "Applicant" also means an individual with an ownership or management position with such corporation, partnership, limited liability company, or other business association.

(c) An affidavit evidencing ownership of the property, including the full name(s) and address(es) of all individuals with an ownership interest of at least ten percent (10%) of the property or of the corporation, partnership, limited liability company, or other business association which owns the property or with any management interest over the property or over the corporation, partnership, limited liability company, or other business association which owns the property.

(d) A scaled diagram of the premises clearly showing the floor plan and the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of the rental hall and under such license.

(e) The name and address of any other rental hall owned or operated by the applicant during the preceding ten (10) years.

(f) The nature of the business to be conducted.

(g) Proof of general liability insurance coverage in the following amounts is in full force and effect: personal injury—two hundred thousand dollars

(\$200,000.00) per claim/six hundred thousand dollars (\$600,000.00) aggregate; property damage – fifty thousand dollars (\$50,000.00).

(h) A business plan that contains the following elements:

(1) Hours of operation for the licensed premises as allowed by zoning;

(2) A security plan that describes the security features, including personnel and equipment, that the applicant will employ and how they will be utilized;

(3) Description of how the applicant will maintain the orderly appearance and operation of the premises with respect to litter and noise;

(4) Such other reasonable and pertinent information as the city council may require;

(5) An applicant shall promptly notify the City Administrator, in writing, of any amendment to the submitted business plan.

Sec. 34-136. Public hearing required.

Upon the filing of the application, the City Administrator shall refer the application to the City Council for review at a public hearing thereon. The City Administrator shall schedule such hearing for a regular meeting of the Council and shall notify the applicant of the date and time of the meeting at which the application is to be heard. At least seven (7) days in advance of the scheduled hearing, the applicant shall mail via first class mail to all persons owning property within three hundred (300) feet of the proposed rental hall, as identified in the records of the DeSoto County Property Appraiser's Office, a notice of the time and place at which such hearing is scheduled to occur. Such notice shall follow a form approved from time to time by the City Administrator. The applicant shall be required to submit an affidavit to the City Administrator no later than four (4) business days in advance of the scheduled hearing evidencing that the notices were mailed and to whom the notices were mailed.

Sec. 34-137. Operating requirements, regulations.

Rental halls licensed under this chapter shall be operated in conformance with the following requirements:

(a) A current certificate of occupancy;

(b) Maintained in a clean and sanitary manner, well-ventilated and adequately lighted;

(c) A written, signed lease is required for all events at a property licensed hereunder.

(1) All lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available upon request to a law enforcement officer, fire inspector, city official, code enforcement officer, or Florida ABT officer/official.

(2) All lease agreements shall be maintained along with and accompanied by the following information:

a. The name(s), telephone number(s), and residential address(es) of the person(s) leasing the rental hall and of the contact person for the event;

b. The nature of the event and the estimated number of attendees;

c. The hours during which the lessee has use of the rental hall and the specific hours of the event;

d. The type and amount of entertainment authorized by the lessor.

(d) The licensee shall have a designated manager who is an employee of the licensee on the premises at all times the hall is utilized or leased.

(e) The licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one licensed security guard shall be present in and at the rental hall premises at all times during an event for every fifty (50) persons, or substantial portion thereof, in attendance.

(f) All events must be conducted in strict compliance with all applicable federal, state, and local laws and ordinances including without implied limitation any law relating to zoning, building maintenance, fire prevention, liquor, health, or safety.

(g) The licensee shall take appropriate action to prevent violations of law by persons attending events for which a license is required. The licensee shall not allow persons engaging in disorderly or illegal behavior to enter or remain on the rental hall premises.

(h) The certificate of occupancy, occupant load certificate, hours of operation, and the license certificate issued under this chapter shall at all times be posted in a conspicuous place on the premises.

(i) Unless also licensed pursuant to this chapter, the lessee of a rental hall shall not sublease the premises to any other person nor shall the rental hall licensee allow such subletting.

(j) The licensee shall notify the City Police Department at least five (5) business days prior to any event involving dancing by guests, live or recorded music, or service of alcoholic beverages on premises.

(k) Alcohol is allowed to be present at a rental hall only if it is provided by the host of the event or function for the guests, it is not sold to guests or any other person, and it is provided pursuant to a license issued by the Florida Division of Alcoholic Beverages and Tobacco.

Sec. 34-138. Temporary license authorized.

Premises that are used as rental halls fewer than five (5) days per year are eligible for a temporary rental hall license. The applicant must submit a complete application at least fourteen (14) days prior to the event. The fee for each event shall be established, and from time to time changed, by Resolution of the City Council. The City Administrator, after consulting with the City Marshal, may issue the temporary license. An applicant for a temporary rental hall license must comply with all provisions of this article.

Sec. 34-139. Enforcement; penalties.

(a) Denial, revocation, suspension, or non-renewal of license application. An application for a license hereunder may be denied, revoked, suspended, or not renewed, after notice and opportunity for hearing thereon, for any of the following reasons:

(1) The application contains material omissions, or false, fraudulent, or deceptive statements.

(2) The applicant or licensee has violated one or more of the provisions of this article within the previous three (3) years.

(3) The proposed operation is in violation of any federal, state, or local laws or ordinances, including without implied limitation any law relating to zoning, building maintenance, fire prevention, liquor, health, or safety.

(4) The applicant or licensee has been convicted of a felony or two (2) misdemeanors relating to or arising from the operation of the business within the previous five (5) years.

(5) A complete application has not been filed within sixty (60) days of the submission of a partial application.

(6) The applicant or licensee, including any partners, directors, officers, identified shareholders or on-site manager, if applicable, has prior revocations of licenses or adverse license actions related to the rental hall industry within the previous five (5) years.

(7) For good other cause.

(b) Fines. In addition to the provisions of subsection (a) above, the City may issue a code enforcement citation and notice to the holder of a license hereunder for violation of any of the operating requirements and regulations contained in Section 34-137 above. The fine for such violation shall be \$50 for a first offense, \$250 for a second offense, and \$500 for a third or subsequent offense. The license holder may pay the fine within thirty (30) days following issuance of the notice and without hearing. If not paid within such time, the City shall schedule the matter for the next available code enforcement hearing date and shall send notice to the license holder of the date and time when the matter shall be heard. If a hearing is required, the costs of same shall be borne by the license holder.

Section 2. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.


Section 3. Effective Date. This ordinance shall be effective immediately upon final passage by the City Council.

PASSED AND ADOPTED this 2ND day of NOVEMBER 2010.


By:


Robert W. Heine, Mayor

ATTEST:


Dana L.S. Williams, CMC
City Recorder

APPROVED AS TO FORM:


William S. Galvano, City Attorney

First reading: 10/5/2010
Second reading: 11/2/2010