

ORDINANCE NO. 090297  
0-09-13

An ordinance of the City of Gainesville, Florida, relating to right-of-way obstructions and street closures; stating legislative findings, amending Article III of Chapter 23 of the Code of Ordinances; providing for permits and requirements for obstructions and street closures; providing additional regulations for cranes, hoists and other mechanical apparatus; providing exemptions; renumbering § 23-36 relating to obstructing streets; renumbering § 23-38 relating to trees and waste; providing penalties; renumbering, transferring and amending § 19-95 relating to vendors' stands; renumbering and transferring § 23-42 to a new Article in Chapter 26 relating to parades and assemblies on streets; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, obstructions in the right-of-way present a threat to public health, safety, and welfare by creating dangerous impediments to vehicular and pedestrian traffic; and

WHEREAS, the City Commission finds that obstructions of streets and other rights-of-way occur at a time and without notice to the City; and

WHEREAS, such unregulated obstructions can create unnecessary risk and liability for the City and the public treasury; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

1           **WHEREAS**, the Public Hearings were held pursuant to the published notice  
2 described at which hearings the parties in interest and all others had an opportunity to be  
3 and were, in fact, heard.

4           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
5 **OF THE CITY OF GAINESVILLE, FLORIDA:**

6  
7           **Section 1.** Findings. The City Commission adopts the foregoing findings.

8           **Section 2.** Article III of Chapter 23, consisting of Sections 23-36 through 23-43  
9 of the Code of Ordinances of the City of Gainesville are amended and renumbered, and  
10 new Sections are created and added to the Code of Ordinances to read as follows:

11 **ARTICLE III. ENCROACHMENTS AND OBSTRUCTIONS.**

12 **Sec. 23-36. Definitions.**

13 Right-of-way means public ways, public highways, streets, alleys, sidewalks,  
14 thoroughfares, medians, or walkways over which the City has jurisdiction.

15 Site Plan means a graphic depiction of the work location and proposed project. The level  
16 of detail required will be commensurate with the nature and extent of the work, subject to  
17 acceptance by the Public Works Director or designee.

18 Emergency Maintenance means work on a utility infrastructure necessitated by an  
19 unforeseen blockage, severing, dislocation, or other similar event that interrupts service.

20 Obstruct means to impede, block, hinder, stifle, retard, restrain, interfere, or intermeddle  
21 with movement of vehicular or pedestrian traffic.

22 **Sec. 23-37. Permits.**

23 Any person, corporation, public agency, or other entity not exempt from this section that  
24 obstructs any right-of-way in the City of Gainesville, or whose actions temporarily will

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1 obstruct the general movement of vehicular or pedestrian traffic, must first obtain a  
2 permit from the Public Works Department.

3 **Sec. 23-38. Permit Requirements.**

4 Except as made exempt by Sec. 23-40 below, the Public Works Department shall issue  
5 permits for temporary right-of-way obstructions no later than five business days after  
6 receiving a completed application, provided the following requirements are met:

- 7 (1) The applicant shall submit a Site Plan and maintenance-of-traffic (MOT) plan  
8 in compliance with the requirements of The Federal Highway Administration  
9 and The Florida Department of Transportation. The Site Plan shall indicate the  
10 exact location of the right-of-way to be obstructed, the estimated duration of  
11 the obstruction, the safety measures that will be used to protect the public  
12 health and safety, and the reason for the obstruction. Where excavations  
13 and/or repairs are made in any hard-surfaced or brick paved streets, all  
14 excavations may be done by the city at its discretion, at the sole cost and  
15 expense of the applicant.
- 16 (2) The applicant must fully and completely comply with Florida Statutes Chapter  
17 556 as may be amended from time to time.
- 18 (3) The applicant must provide the phone number for an emergency contact who  
19 will be available 24 hours a day, if the work is anticipated to last longer than  
20 one day.
- 21 (4) The Public Works Director may establish conditions in the permit to protect  
22 public health and/or safety.

1 (5) Before issuing a permit, the Public Works Director shall inform the  
2 Gainesville Police Department and Gainesville Fire Rescue Department of the  
3 proposed obstruction. The Public Works Director shall deny the permit if  
4 either of those agencies determines the obstruction will be a danger to public  
5 health and/or safety.

6 (6) If the obstruction is within or upon the right-of-way, or over and upon public  
7 infrastructure, or if any excavation is made within the right-of-way, then the  
8 applicant shall post a cash deposit with the Finance Director or, surety bond or  
9 letter of credit in favor of the City, and agree to restore the right-of-way to the  
10 same or better condition that existed when the permit was issued, and to pay  
11 for any damage to public property and /or for trash and debris removal to be  
12 performed by the applicant. The Public Works Director shall determine the  
13 deposit amount, based upon the nature and extent of the work to be performed  
14 within the right-of-way. An applicant who intends to apply for multiple  
15 permits in a calendar year may post with the City a cash deposit, surety bond,  
16 or letter of credit in an amount acceptable to the Public Works Department,  
17 sufficient to adequately cover the estimated obstructions and excavations to be  
18 performed during that calendar year. The deposit shall be used by the City  
19 only in the event the applicant fails to repair damage and/or remove trash and  
20 debris resulting from the activity. The City shall return the deposit no later  
21 than ten days after notice to the City of job completion unless there is damage  
22 to City property or other costs incurred by the City such as but not limited to

1 relining the right-of-way to the same or better condition that existed when the  
2 permit was issued. This requirement does not apply to public agencies.

3 (7) If metered parking spaces will be obstructed, the applicant shall pay a fee, at  
4 the time of application, that the Public Works Director determines will  
5 compensate the City for the lost parking revenue, unless the City is otherwise  
6 prohibited by law from levying such a fee. This requirement does not apply to  
7 public agencies.

8 (8) The permit shall become null and void, upon notice to the applicant, if the  
9 applicant fails to abide by any of the above requirements or violates any  
10 conditions of the permit

11 (9) The permit may be revoked by the City if there is no activity performed by the  
12 applicant at the location specified in the Site Plan for seven consecutive days  
13 upon providing the applicant with written notice. Such notice shall be  
14 provided no later than twenty four hours after the seventh day of inactivity.

15 (10) The applicant, excluding public agencies, shall provide proof of insurance  
16 coverage, as outlined below, paid for by the applicant:

- 17 a. Commercial general liability insurance in the amount of at least  
18 \$500,000 per occurrence for bodily injury and property damage for  
19 construction activities on City property. The policy must name the  
20 City of Gainesville as additional insured, and an endorsement must be  
21 issued as part of the policy reflecting this requirement.

- 1           b. Policies must be issued by companies authorized to do business in the  
2                     State of Florida and must be rated at least A- and have a size category  
3                     rating of VI or higher as per Best's Key Rating Guide, latest edition.
- 4           c. The applicant must give the City no less than 30 days written notice  
5                     prior to any cancellation, non-renewal, or any material change in a  
6                     continuing policy.
- 7           d. The City's Risk Management Director is authorized to lower the  
8                     amount of general liability insurance required, if the applicant can  
9                     show that the above amount is excessive for the particular activity.

10 **Sec. 23-39. Additional Regulation of cranes, hoists, and other mechanical**  
11 **apparatus.**

12           (1) The use of cranes, hoists, and other mechanical apparatus within the right-of-  
13                     way are subject to the following additional conditions and restrictions, in  
14                     addition to the other requirements of this Section:

- 15           a. The maximum duration for such apparatus to operate or be maintained in a  
16                     right-of-way shall be 15 days, except as authorized by the City permit.
- 17           b. Full-tracked vehicles, including but not limited to bulldozers and  
18                     skidsteers, shall not be off-loaded, on-loaded, walked, or operated in a  
19                     paved City right-of-way.
- 20           c. Fixed-tower cranes shall be permitted in the right-of-way, subject to the  
21                     following conditions:
- 22                     i. Approval by the Public Works Director, upon finding that no  
23                     suitable alternative exists;

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- 1                   ii. Submission of sufficient plans and specifications to ensure that  
2                               both the crane and its foundation are adequate, subject to approval  
3                               by the Public Works Director.

4 **Sec. 23-40. Exemptions.**

5 The requirements of Sections 23-37, 23-38, and 23-39 shall not apply to:

- 6 (1) parades, filming, news racks, sidewalk cafes, special events, and any other person,  
7 corporation, public agency, or other entity that obstructs a right-of-way pursuant  
8 to another City permit that authorizes the obstruction within the right-of-way;  
9 (2) right-of-way obstructions anticipated to last for less than one hour;  
10 (3) right-of-way obstructions made by any person, corporation, public agency, or  
11 other entity in response to a natural disaster, man-made disaster, or similar  
12 emergency.  
13 (4) right-of-way obstructions made by any public or private utility company  
14 performing Emergency Maintenance. Utility companies exempted under this  
15 subsection shall adhere to all federal, state, and local safety requirements imposed  
16 by law in addition to industry standards and shall notify the Public Works  
17 Department in the event an Emergency Maintenance project lasts longer than a  
18 twenty four hour period. The Public Works Department shall be notified in the  
19 event the emergency work results in a disruption of pavement, sidewalks,  
20 hardscape, or planted landscaping.  
21 (5) right-of-way obstructions made by the City, its agents, or contractors performing  
22 work on behalf of the City, unless the Public Works Department notifies the  
23 City's agent or contractor that a written permit is required due to past

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1           performance. The Public Works Department shall be notified in the event of a  
2           disruption of pavement, sidewalks, hardscape, or planted landscaping.

3    ~~Sec. 23-36.~~ Sec. 23-41. **Obstructing streets, generally; digging holes, etc.**

4    It shall be unlawful for any person to place or construct any fence or building or other  
5    obstruction upon or over, or otherwise obstruct, all or any part of any street, avenue,  
6    alley, lane or sidewalk, or other public ground of the city, or to dig any hole in any street,  
7    sidewalk or other public highway or grounds of the city, without the ~~written consent of~~  
8    ~~the city manager~~ permit from the public works department.

9    ~~Sec. 23-38.~~ Sec. 23-42. **Large tree limbs, stumps, industrial wastes, etc.**

10   Large tree limbs, tree butts, stumps, logs, plaster, earth, construction debris, industrial  
11   waste or other matter in bulk shall not be classed as trash and no person shall place or  
12   cause the same to be placed in the streets of the city or along the parkways adjacent to the  
13   street.

14   **Sec. 23-43. Abatement and removal required.**

15   All encroachments or obstructions on any public street of the city are hereby declared to  
16   be nuisances and shall be abated and removed in accordance with law.

17   Sec. 23-44. Penalties.

18   Any person who violates any provision of this article shall be subject to punishment as  
19   provided in Section 1-9 of this Code.

20   ~~Sec. 23-39. Excavations in streets.~~

21   ~~(a) No excavations shall be made in any of the streets of the city for the purpose of~~  
22   ~~laying gas, water or sewer pipes therein or for any other purpose, until the plans therefor~~  
23   ~~have been submitted to and approved by the city manager.~~

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1 ~~(b) Where the excavations are to be made in any hard surfaced or brick paved streets,~~  
2 ~~all excavations and replacements of surfacing material or paving may be done by the city~~  
3 ~~at its discretion at the cost of the person desiring to lay the piping or of doing other work~~  
4 ~~therein. The city manager shall make an estimate of the cost of the work before the same~~  
5 ~~is done and in all cases the person desiring the doing of the work shall deposit with the~~  
6 ~~director of finance the amount of money necessary to cover the estimated cost before the~~  
7 ~~performance of the work shall be commenced. Upon the completion of the work the city~~  
8 ~~manager shall file with the director of finance an itemized statement of the cost of the~~  
9 ~~work and where the same is less than the amount deposited therefor, the balance shall be~~  
10 ~~returned to the person paying the same.~~

11 **Sec. 23-40. Building materials.**

12 ~~Building material for buildings in the process of construction may be deposited on the~~  
13 ~~streets of the city if a permit is first obtained from the city manager and if it is placed in~~  
14 ~~such a manner as not to prevent the passage of vehicles. If the material obstructs the~~  
15 ~~passage of vehicles it shall be the duty of the chief of police or any police officer to~~  
16 ~~remove the same at the cost of the owner.~~

17 **Sec. 23-41. Vendors' stands.**

18 ~~It shall be unlawful for any person to display, keep or maintain any stand, article or item~~  
19 ~~of personal property, whether for sale, advertising or other purpose, on any of the streets~~  
20 ~~or sidewalks of the city, or within 50 feet of the main entrance to any public building in~~  
21 ~~the city during normal operating hours for that building, without first obtaining a permit~~  
22 ~~from the city manager. This section does not apply to a vending booth properly permitted~~  
23 ~~under chapter 19 of this Code.~~

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1 ~~Sec. 23-42. Congregating on streets and sidewalks.~~

2 (a) ~~Permit required.~~ It shall be unlawful for persons to assemble or congregate in  
3 crowds in such numbers as to block the use of any sidewalk or street of the city without a  
4 permit from the city manager or designee, issued pursuant to this section.

5 (b) ~~Permit application.~~ At least ten days prior to the date for which a permit is  
6 requested, an application shall be filed with the city manager. This time limit may be  
7 shortened to as little as two business days by the city manager or his/her designee, based  
8 upon proof that, through no fault of the applicant, the timing of the event is based on an  
9 unexpected occurrence related to the purpose of the event, the application was submitted  
10 as soon as practicable and the event or activity for which the permit is filed will be  
11 rendered impossible or substantially ineffective if the event is delayed. The application  
12 shall include or be accompanied by the following:

13 (1) ~~Complete information as to the type of event or activity planned, the date and time,~~  
14 ~~the expected number of participants, the expected duration, and the desired location or~~  
15 ~~route, along with any factors particularly affecting the choice of location or route; and~~

16 (2) ~~A fee to cover the cost of processing the application in accordance with the schedule~~  
17 ~~set out in Appendix A.~~

18 (c) ~~Granting or denial of permit.~~

19 (1) ~~Granting of permit; time; considerations.~~ The city manager or designee shall grant  
20 the requested permit within five business days of receipt of the application, or within one  
21 business day of receipt of an application asking for waiver of the ten-day prior notice  
22 requirement, if the event or activity for which it is requested:

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- 1 a. ~~Will not unreasonably interfere with the flow of vehicular or pedestrian traffic, such~~
- 2 ~~as when alternative routes for such traffic are unavailable or impractical;~~
- 3 b. ~~Will not unreasonably deny access to any properties or areas of the city by either~~
- 4 ~~vehicular or pedestrian traffic;~~
- 5 c. ~~Will not cause imminent danger or health hazard to any person and will not damage~~
- 6 ~~any public or private property; and~~
- 7 d. ~~Will not create an unreasonable demand upon the city's emergency services personnel~~
- 8 ~~and equipment, so as to cause potential deficiencies in such services.~~
- 9 ~~(2) Use of state or federal road. If the permit includes the closure of one or more state~~
- 10 ~~or federal roads, the city manager or designee shall send the necessary paperwork to the~~
- 11 ~~state department of transportation within five days of receipt of the application, or within~~
- 12 ~~one business day of receipt of an application requesting a waiver of the ten-day~~
- 13 ~~requirement.~~
- 14 ~~(3) Denial of permit. If the city manager or designee finds the planned event or activity~~
- 15 ~~violates any of the above conditions, he or she shall inform the applicant that the permit~~
- 16 ~~will not be granted and request the city attorney apply to the circuit court for Alachua~~
- 17 ~~County for an order enjoining the applicant and other interested persons from conducting~~
- 18 ~~the planned event or activity.~~
- 19 ~~(d) Permit conditions. In granting a permit, the city manager or his/her designee shall~~
- 20 ~~specifically limit same as to date and time, location, and duration. In addition, the city~~
- 21 ~~manager or his/her designee may attach conditions to the validity of the permit if such~~
- 22 ~~conditions are, in his/her opinion, reasonably necessary for the event or activity to meet~~

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1 the criteria specified in the preceding subsection (c). Such conditions may include, but  
2 are not limited to:

3 (1) ~~The conduct of all or any part of the event or activity at a location or on a route,~~  
4 ~~either public or private, other than the location or route requested;~~

5 (2) ~~A change in the date, time, or duration from that requested;~~

6 (3) ~~The barricading of street intersections and the provision of identified monitors at~~  
7 ~~such barricades;~~

8 (4) ~~The posting of bond, cash deposit, or other security, not to exceed \$500.00, to cover~~  
9 ~~any damage to public property and the cost of extraordinary cleaning or maintenance~~  
10 ~~expenses caused by the conduct of the event or activity on public property; and~~

11 (5) ~~Prepayment and damage deposits for any city equipment rented or used in~~  
12 ~~connection with the event or activity and city services required therefor.~~

13 The applicant may petition the circuit court of Alachua County for review of the  
14 conditions placed on the permit. The court shall hear the appeal de novo without a jury,  
15 receive evidence and based upon the evidence presented shall make findings and order  
16 that the permit be granted either upon the terms requested or conditions stated by the  
17 court, or enjoin the holding of the event or activity if there is a reasonable likelihood that  
18 it will substantially harm the public health or safety and this cannot be avoided by the  
19 imposition of conditions on the permit.

20 (e) ~~City services and equipment; cost.~~ If any city services are reasonably necessary for  
21 the conduct of the event or activity, such as police officers to redirect traffic (over the  
22 number of officers who would normally be on duty and available in the area) or utilities  
23 service, the city manager shall require payment by the applicant for such services. The

1 city manager may allow the use of any city equipment for any such event or activity, at a  
2 reasonable rental therefor. For any such activity or event in which the city officially  
3 participates, and for others when directed by the city commission, such costs and rents for  
4 services and equipment shall be waived.

5 ~~(f) *Revocation of permit.* Once a permit has been issued, it may be revoked by the city  
6 manager or designee for any violation of the terms and conditions thereof. Any permit  
7 may also be revoked by the city manager or designee, or by any police officer on the  
8 scene, at any time that the event or activity permitted becomes, or creates a condition,  
9 dangerous to the health or safety of any person or otherwise fails to meet the criteria  
10 specified in subsection (e) above. At any time that a permit is revoked during the event or  
11 activity for which the permit was issued, a police officer shall announce the fact of the  
12 revocation to persons assembled for the event or activity.~~

13 ~~(g) *Dispersal of persons.* Persons assembling or congregating in violation of this  
14 section, either without a permit or after a permit has been revoked, shall disperse after  
15 being ordered to do so by any police officer. Failure to so disperse shall also be a  
16 violation of this section.~~

17 **Section 3.** Section 23-41 of the Code of Ordinances is renumbered as § 19-95 of  
18 the Code, and amended to read:

19 **CHAPTER 19**

20 ~~Sec. 23-41.~~ **Sec. 19-95 Vendors' stands.**

21 It shall be unlawful for any person to display, keep or maintain any stand, article or item  
22 of personal property, whether for sale, advertising or other purpose, on any of the streets  
23 or sidewalks of the city, or within 50 feet of the main entrance to any public building in

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1 the city during normal operating hours for that building, without first obtaining a permit  
2 from the city manager. This section does not apply to a vending booth properly permitted  
3 under this chapter ~~19~~ of ~~this~~ Code.

4 **Section 4.** Section 23-42 of the Code of Ordinances is renumbered as Section 26-  
5 189 of the Code of Ordinances, to read:

6 **CHAPTER 26**

7 **ARTICLE VI. PARADES AND ASSEMBLIES ON STREETS**

8 **~~Sec. 23-42.~~Sec. 26-189. Congregating on streets and sidewalks.**

9 (a) *Permit required.* It shall be unlawful for persons to assemble or congregate in  
10 crowds in such numbers as to block the use of any sidewalk or street of the city without a  
11 permit from the city manager or designee, issued pursuant to this section.

12 (b) *Permit application.* At least ten days prior to the date for which a permit is  
13 requested, an application shall be filed with the city manager. This time limit may be  
14 shortened to as little as two business days by the city manager or ~~his/her~~ designee, based  
15 upon proof that, through no fault of the applicant, the timing of the event is based on an  
16 unexpected occurrence related to the purpose of the event, the application was submitted  
17 as soon as practicable and the event or activity for which the permit is filed will be  
18 rendered impossible or substantially ineffective if the event is delayed. The application  
19 shall include or be accompanied by the following:

20 (1) Complete information as to the type of event or activity planned, the date and time,  
21 the expected number of participants, the expected duration, and the desired location or  
22 route, along with any factors particularly affecting the choice of location or route; and

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1 (2) A fee to cover the cost of processing the application in accordance with the schedule  
2 set out in Appendix A.

3 (c) *Granting or denial of permit.*

4 (1) *Granting of permit; time; considerations.* The city manager or designee shall grant  
5 the requested permit within five business days of receipt of the application, or within one  
6 business day of receipt of an application asking for waiver of the ten-day prior notice  
7 requirement, if the event or activity for which it is requested:

8 a. Will not unreasonably interfere with the flow of vehicular or pedestrian traffic, such  
9 as when alternative routes for such traffic are unavailable or impractical;

10 b. Will not unreasonably deny access to any properties or areas of the city by either  
11 vehicular or pedestrian traffic;

12 c. Will not cause imminent danger or health hazard to any person and will not damage  
13 any public or private property; and

14 d. Will not create an unreasonable demand upon the city's emergency services personnel  
15 and equipment, so as to cause potential deficiencies in such services.

16 (2) *Use of state or federal road.* If the permit includes the closure of one or more state  
17 or federal roads, the city manager or designee shall send the necessary paperwork to the  
18 state department of transportation within five days of receipt of the application, or within  
19 one business day of receipt of an application requesting a waiver of the ten-day  
20 requirement.

21 (3) *Denial of permit.* If the city manager or designee finds the planned event or activity  
22 violates any of the above conditions, he or she shall inform the applicant that the permit  
23 will not be granted and request the city attorney apply to the circuit court for Alachua

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1 County for an order enjoining the applicant and other interested persons from conducting  
2 the planned event or activity.

3 (d) *Permit conditions.* In granting a permit, the city manager or ~~his/her~~ designee shall  
4 specifically limit same as to date and time, location, and duration. In addition, the city  
5 manager or ~~his/her~~ designee may attach conditions to the validity of the permit if such  
6 conditions are, in his/her opinion, reasonably necessary for the event or activity to meet  
7 the criteria specified in the preceding subsection (c). Such conditions may include, but  
8 are not limited to:

9 (1) The conduct of all or any part of the event or activity at a location or on a route,  
10 either public or private, other than the location or route requested;

11 (2) A change in the date, time, or duration from that requested;

12 (3) The barricading of street intersections and the provision of identified monitors at  
13 such barricades;

14 (4) The posting of bond, cash deposit, or other security, not to exceed \$500.00, to cover  
15 any damage to public property and the cost of extraordinary cleaning or maintenance  
16 expenses caused by the conduct of the event or activity on public property; and

17 (5) Prepayment and damage deposits for any city equipment rented or used in  
18 connection with the event or activity and city services required therefor.

19 The applicant may petition the circuit court of Alachua County for review of the  
20 conditions placed on the permit. The court shall hear the appeal de novo without a jury,  
21 receive evidence and based upon the evidence presented shall make findings and order  
22 that the permit be granted either upon the terms requested or conditions stated by the  
23 court, or enjoin the holding of the event or activity if there is a reasonable likelihood that

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1 it will substantially harm the public health or safety and this cannot be avoided by the  
2 imposition of conditions on the permit.

3 (e) *City services and equipment; cost.* If any city services are reasonably necessary for  
4 the conduct of the event or activity, such as police officers to redirect traffic (over the  
5 number of officers who would normally be on duty and available in the area) or utilities  
6 service, the city manager shall require payment by the applicant for such services. The  
7 city manager may allow the use of any city equipment for any such event or activity, at a  
8 reasonable rental therefor. For any such activity or event in which the city officially  
9 participates, and for others when directed by the city commission, such costs and rents for  
10 services and equipment shall be waived.

11 (f) *Revocation of permit.* Once a permit has been issued, it may be revoked by the city  
12 manager or designee for any violation of the terms and conditions thereof. Any permit  
13 may also be revoked by the city manager or designee, or by any police officer on the  
14 scene, at any time that the event or activity permitted becomes, or creates a condition,  
15 dangerous to the health or safety of any person or otherwise fails to meet the criteria  
16 specified in subsection (c) above. At any time that a permit is revoked during the event or  
17 activity for which the permit was issued, a police officer shall announce the fact of the  
18 revocation to persons assembled for the event or activity.

19 (g) *Dispersal of persons.* Persons assembling or congregating in violation of this  
20 section, either without a permit or after a permit has been revoked, shall disperse after  
21 being ordered to do so by any police officer. Failure to so disperse shall also be a  
22 violation of this section.

23 **Section 5.** It is the intention of the City Commission that the provisions of

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1 Sections 2 thru 4 of this ordinance shall become and be made a part of the Code of  
2 Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of  
3 this ordinance may be renumbered or relettered in order to accomplish such intentions.

4 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this  
5 ordinance or the application hereof to any person or circumstance is held invalid or  
6 unconstitutional, such finding shall not affect the other provisions or applications of the  
7 ordinance which can be given effect without the invalid or unconstitutional provisions or  
8 application, and to this end the provisions of this ordinance are declared severable.

9 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the  
10 extent of such conflict hereby repealed.

11 **Section 8.** This ordinance shall take effect immediately upon adoption.

12 **PASSED AND ADOPTED** this 15th day of October, 2009.

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PEGEEN HANRAHAN  
MAYOR

ATTEST:

Approved as to form and legality

  
KURT M. LANNON  
CLERK OF THE COMMISSION

  
MARION J. RADSON  
CITY ATTORNEY

OCT 15 2009

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This Ordinance passed on first reading this 1st day of October, 2009.

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This Ordinance passed on second reading this 15th day of October, 2009.

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CODE: Words ~~stricken~~ are deletions; words underlined are additions.