



**LEE COUNTY**  
S O U T H W E S T F L O R I D A

**USE OF COUNTY  
PROPERTY**

**PERMIT APPLICATION**

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b><u>CATEGORY:</u></b> Permits/Certificates	<b><u>CODE NUMBER:</u></b> AC-8-1
<b><u>TITLE:</u></b>  Procedures and Application for a Permit to Use County Property for a Limited Period of Time	<b><u>ADOPTED:</u></b> 06/09/87
	<b><u>AMENDED:</u></b>  7/5/92; 11/9/94; 4/17/96; 12/18/96; 08/09/05
	<b><u>ORIGINATING DEPARTMENT:</u></b> Public Resources

**PURPOSE/SCOPE:**

This Administrative Code establishes procedures to obtain a permit for use of County property for those activities, which are not political speech or public issue commentary or demonstrative in nature. The County does not require any permit prior to events related to freedom of speech and those freedoms guaranteed by the First Amendment to the United States Constitution. The County does request that organizers of such events schedule the events for coordination purposes only. These permit procedures are intended to apply to non-commercial, neighborhood, charitable or philanthropic events and activities requiring use of County-owned property.

**POLICY/PROCEDURE:**

- A. Persons who want to use County property for a limited period of time for a specific event must submit an application at least 30 days prior to the proposed date of the event. The official application form may be obtained from the Public Resources Office, 2115 Second St., County Administration Building – 1<sup>st</sup> Floor or by calling (239) 533-2737. It is also available on-line at [www.lee-county.com](http://www.lee-county.com).
- B. The Applicant shall submit the completed application to the Sheriff's Office, Fire Department, Lee County EMS, Lee County DOT, Lee County Parks & Recreation and Lee County Risk Management so they may fill out and sign their page of the application. If the event involves the use of a State road, the Applicant must coordinate their activities with the Florida Department of Transportation. If the event involves the use of City property, the Applicant must coordinate their activities with the appropriate municipality.

C. Use of Old Courthouse Steps and/or Adjacent Property:

1. No electrical wires, or other hazards as determined by County Risk Management, may be utilized on the property.
2. No permit is required; however, the County does request that organizers of such events schedule the events for coordination purposes only.
3. Fees may be charged for County staff assistance and/or equipment usage for government events.
4. County equipment may not be utilized for private events.
5. Proof of Insurance coverage as determined by Lee County Risk Management, must be provided.

D. The applicants shall comply with any additional requirements established by Lee County.

E. When the application is complete, the Public Resources Office shall present it to the County Manager for approval.

**APPLICATION TO USE LEE COUNTY PROPERTY**

**NAME OF APPLICANT:** \_\_\_\_\_

**ADDRESS OF APPLICANT:** \_\_\_\_\_

\_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**ORGANIZATION SPONSORING THE EVENT:**

\_\_\_\_\_

\_\_\_\_\_

**A PERMIT IS HEREBY REQUESTED TO USE THE FOLLOWING PROPERTY:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**(Please Attach a Map Identifying the Property)**

**DESCRIPTION OF EVENT:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DATE/DATES OF EVENT:** \_\_\_\_\_

**HOURS OF OPERATION:** \_\_\_\_\_

## **SECTION I – SAFETY**

The Applicant agrees to provide adequate traffic and crowd control, emergency medical services and any other items, at the Applicant's expense, required by Lee County to protect the health, safety and welfare of the public. Lee County shall have the power to review the proposal and require, as necessary, detailed plans, diagrams, and explanations to clearly outline to Lee County, exactly what the Applicant is proposing. For purposes of solicitation, the applicant must adhere to Ordinance 10-02 & the Permit/Safety Conditions.

## **SECTION II – INSURANCE**

The Applicant agrees to procure and maintain in force during the term of the use of aforesaid Lee County property, at Applicant's expense, public liability insurance in companies and through brokers approved by the Licensor, adequate to protect against liability for damage claims through public use of or arising out of accidents occurring in or around the aforesaid Lee County property, in a minimum amount of One Hundred Thousand Dollars (\$100,000) per person, Three Hundred Thousand Dollars (\$300,000) per occurrence for bodily injury liability, and Fifty Thousand Dollars (\$50,000) for property damage or whatever other limits may be established by Lee County. Such insurance policy shall provide coverage for Applicant's contingent liability on such claims or losses. **“Lee County Board of County Commissioners” shall be named as “additional insured”** on the Certificate of Insurance, and said Certificate shall be delivered to Lee County prior to Applicant's use of the property. Said Insurance cannot be canceled unless approved by Lee County.

## **SECTION III – IDEMNIFICATION**

The Applicant agrees to indemnify, release and save harmless Lee County against any and all claims, costs, demands, damages, judgments or injuries of any nature arising from the conduct or management of, or from any work or thing whatsoever done in or about said Lee County property or any building or structure appurtenant thereto or equipment thereof during the term of this Permit, or arising during such term from any act of negligence of the Applicant, Applicant's agents, contractors, or employees, or arising from any accident, injury, or damage whatsoever, however caused, to any person or persons, or to any property of any person, persons, corporation or corporations, occurring during the term of this agreement on, in, or about said Lee County property, and from and against all costs, attorney's fees, expenses and liabilities occurring in connection with any such claim or any action or proceeding brought thereon.

## **SECTION IV – DELIVERY, ACCEPTANCE AND SURRENDER OF PREMISES**

The Applicant agrees to accept said Lee County property on possession as being in a satisfactory state of repair and in sanitary condition.

The Applicant shall surrender the premises to Lee County in the same condition as when Applicant takes possession, allowing for reasonable use and wear, and damage by acts of God. Applicant agrees to remove all business signs or symbols placed on the premises by the Applicant before redelivery of the premises to Lee County, and shall restore the portion of the premises on which they were placed in the same condition as before their placement. Any signs and markings in connection with this event shall be temporary and removable; painting on

roadways, trees or any other fixed object is strictly prohibited. Applicant agrees to clear the Lee County property of litter.

**SECTION V**

If the event applied for involves any of the following:

1. Fireworks Display
2. Tent or Air Supported Structure
3. Carnival, Fair, Circus or Amusement Device

The Applicant will need to obtain a Temporary Use Permit from:

Division of Codes and Building Services  
Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901  
(239) 533-8329

**SECTION VI**

The Applicant agrees that Lee County can, at its sole discretion, terminate and cancel its permit to use Lee County property at any time without prejudice. Applicant further agrees to waive, release, save and hold harmless Lee County from any and all claims, demands or cause of actions based upon Lee County's cancellation or termination of said permit.

The Applicant agrees that the Lee County permit does not provide Applicant with any property rights in the County property in question or in the permit itself.

\_\_\_\_\_  
Print Name of Applicant and Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**LEE COUNTY SHERIFF'S OFFICE  
14750 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FL 33912  
(239) 477-1000**

**AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR OFFICE WILL REQUIRE  
THE APPLICANT TO COMPLY WITH FOR THEIR EVENT**

**Parking:** \_\_\_\_\_

\_\_\_\_\_

**Deputies (How Many?):** \_\_\_\_\_

\_\_\_\_\_

**Fee:** \_\_\_\_\_

\_\_\_\_\_

**Special Arrangements:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Print Name of Person Signing**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**FIRE DEPARTMENT**

**(The Fire Department Serving The Area Where The Event Is To Be Held)**

**AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR OFFICE WILL REQUIRE  
THE APPLICANT TO COMPLY WITH FOR THEIR EVENT**

**Fire Guards (How Many?):** \_\_\_\_\_

\_\_\_\_\_

**Fee:** \_\_\_\_\_

**Flammable Vegetation:** \_\_\_\_\_

\_\_\_\_\_

**First Aid Equipment:** \_\_\_\_\_

\_\_\_\_\_

**Special Arrangements:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**Print Name of Person Signing**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**DEPARTMENT OF PUBLIC SAFETY  
EMERGENCY MEDICAL SERVICES  
14752 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FL 33912  
(239) 533-3911**

**AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR OFFICE WILL REQUIRE  
THE APPLICANT TO COMPLY WITH FOR THEIR EVENT**

**Treatment Facilities:** \_\_\_\_\_

\_\_\_\_\_

**Medical Personnel:** \_\_\_\_\_

\_\_\_\_\_

**Medical Supplies/Equipment:** \_\_\_\_\_

\_\_\_\_\_

**Special Arrangements:** \_\_\_\_\_

\_\_\_\_\_

**Fee for Services:** \_\_\_\_\_

\_\_\_\_\_

**Print Name of Person Signing**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Title**

\_\_\_\_\_

**Date**

**DEPARTMENT OF TRANSPORTATION  
1500 MONROE STREET  
FORT MYERS, FL 33901  
(239) 533-8580**

**AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR OFFICE WILL REQUIRE  
THE APPLICANT TO COMPLY WITH FOR THEIR EVENT**

**Parking:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Ingress and Egress:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Special Arrangements:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Print Name of Person Signing**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**LEE COUNTY PARKS & RECREATION  
3410 PALM BEACH BOULEVARD  
FORT MYERS, FL 33916  
(239) 533-7275**

**AFTER REVIEWING THE APPLICATION, PLEASE INDICATE  
BELOW WHAT ARRANGEMENTS YOUR OFFICE WILL REQUIRE  
THE APPLICANT TO COMPLY WITH FOR THEIR EVENT**

**Illumination:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Parking Areas:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

USE OF COUNTY PROPERTY

\_\_\_\_\_  
**Print Name of Person Signing**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**LEE COUNTY RISK MANAGEMENT  
COUNTY ADMINISTRATION BUILDING – 4<sup>th</sup> FLOOR  
2115 SECOND STREET  
FORT MYERS, FLORIDA 33901  
(239) 533-2221**

AFTER REVIEWING THE APPLICATION, PLEASE INDICATE BELOW WHAT ARRANGEMENTS YOUR ORGANIZATION WILL REQUIRE THE APPLICANT TO COMPLY WITH FOR THEIR EVENT.

Insurance Requirements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special Arrangements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

USE OF COUNTY PROPERTY

\_\_\_\_\_  
**Print Name of Person Signing**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

Bob Janes  
*District One*

Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**RIGHTS-OF-WAY SOLICITATIONS**  
**PERMIT CONDITIONS & SAFETY PACKET**

I have received the Permit Conditions/Safety packet and agree to adhere to the rules set forth.

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**Signature of Applicant**

**Date**

**\*\*Permit will not be issued unless this original is signed\*\***

# **PERMIT CONDITIONS FOR COLLECTION OF DONATIONS IN COUNTY RIGHTS-OF-WAY AND UNINCORPORATED LEE COUNTY ROADWAYS**

The collections of donations within the rights-of-way must be conducted in accordance with State Statute 316.2045, Lee County Administrative Code, Lee County Ordinance 10-02, and Lee County Permit Conditions. Organized charities soliciting charitable contributions within the County rights-of-way will be issued a permit provided that documentation is furnished as to the locations of solicitation, the persons doing the solicitation, and all of the permit requirements of Administrative Code AC-8-1 are met.

Collections shall cease should a traffic crash or other incident that disrupts traffic occur at the location and collections not resume until the vehicles and emergency workers clear the crash scene.

Collections shall cease should a major traffic incident occur and the route is being utilized as a detour. Collections may resume as soon as traffic returns to normal conditions.

Collections shall cease upon direction from a Law Enforcement Officer, Lee County Department of Transportation employee, or other Lee County official.

All persons soliciting or otherwise working in the roadway and in the road right-of-way shall be 18 years old or older. All observers, family members, and support persons associated with or involved with the soliciting, who are under 18 years of age, shall not be standing, sitting, walking, or otherwise positioned in the right-of-way at any time.

Soliciting is only permitted between sunrise and sunset, and only if visibility is not reduced due to conditions such as fog, precipitation, or other visibility obstruction.

Solicitors shall erect 36"x 36" WORKERS AHEAD or ROAD WORKERS SYMBOL warning signs (W21-1 or W21-1A) on each approach of the intersection, 500 feet in advance of the workers, advising motorists to expect workers in the roadway.

Solicitors shall not park vehicles on the median, paved shoulder, sidewalks, or elsewhere within the right-of-way.

Organizations applying for a permit to solicit in the right-of-way are required to develop a detailed safety plan to be submitted with the permit application.

All persons involved in the charitable solicitation of funds that are standing in the median, standing adjacent to the pavement or stepping into the roadway outside the crosswalk area shall comply with the following minimum safety measures and requirements:

- 1.) Solicitation may only occur while the traffic is stopped for a solid red ball or steady red arrow indication. Persons shall be positioned on all approaches of the intersection and shall observe the cross street signal indication at all times to warn solicitors to clear the travel lanes when the cross street indication turns to yellow. Communication by two-way radio, whistle, air horn, or by other approved methods is required. Traffic signal green indications will terminate with a yellow clearance interval of approximately 3 to 4 seconds. This affords a warning to persons at the intersection who will be observing the signal changes and who can then immediately warn persons who are in or adjacent to the roadway. This provides limited time to terminate collections and depart to a safe location. A short All Red signal indication will occur following the Yellow clearance interval which provides a final warning of the beginning of green for the movements next in the traffic signal cycle. All persons at the intersection are required to familiarize themselves with the signal sequence and develop safety procedures which will terminate

(Continue)

collections before the signal changes to green for traffic which is stopped in the path of persons collecting donations. Persons who continue to collect after the traffic signal has changed to green will be considered to be in full violation of State Statute 316.2045(1) which is punishable in accordance with the provisions of Chapter 318 of State Statutes. Continued violations of soliciting after the signal has turned green may result in immediate suspension of the permit.

- 2.) While traffic is moving in adjacent lanes, all solicitors shall be standing away from the road edge or on a raised median six feet or more wide. Standing on painted medians, center lines, lane lines, painted traffic separators, or traffic separators less than six feet wide is not allowed. All persons shall stand as far as practical from the edge of the roadway.
- 3.) No person or persons standing in or adjacent to the roadway may violate any of the regulations related to a pedestrian's responsibility and requirements as listed in Chapter 316.130 of Florida Statutes.
- 4.) No person may impede the flow of vehicles. All persons shall suspend soliciting and collection of donations and step out of the path of vehicular traffic prior to or as soon as any traffic signal on the approach changes to green.
- 5.) No person may step into the roadway approach until red signals are displayed for all vehicles on that approach and vehicular traffic within at least 200 feet of the soliciting area has come to a full stop.
- 6.) All persons shall wear high-visibility safety apparel which meets the requirements of the International Safety Equipment Association (ISEA) and the American National Standards Institute (ANSI) for High Visibility Safety Apparel, and be labeled as ANSI/ISEA 107-2004. Class 2 Apparel may be worn in the daytime in lieu of Class 3; however, Class 3 apparel is recommended for all persons who will be working in the roadway. Class 3 Apparel shall be worn for all dawn and dusk activities. No solicitations shall be permitted after sundown. The apparel background material color shall be orange, yellow-green, or a fluorescent version of these colors. The retroreflective material shall be orange, yellow, white, silver, yellow-green or a fluorescent version of these colors, and shall be visible at a minimum distance of 1000 feet.
- 7.) All applicants shall submit a detailed safety plan which outlines full compliance with these permit conditions and provides for additional measures to provide for the safety of all persons who are soliciting and for all road users in the solicitation area (see "Typical Minimum Traffic Safety Plan" as an example of format).

**Class 2 Safety Vest**

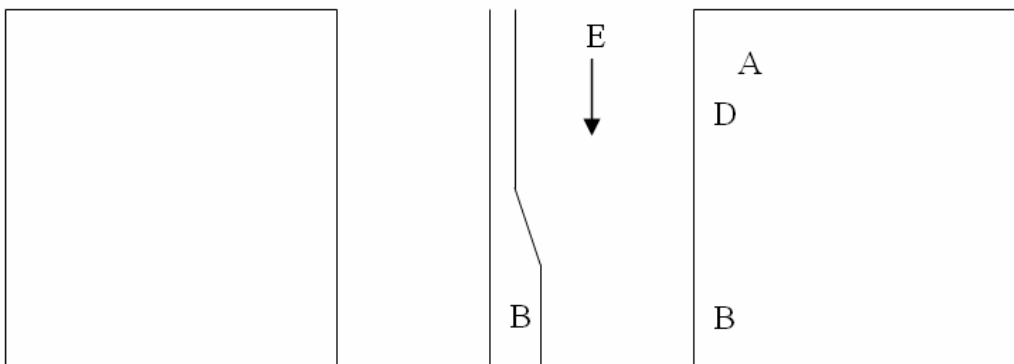
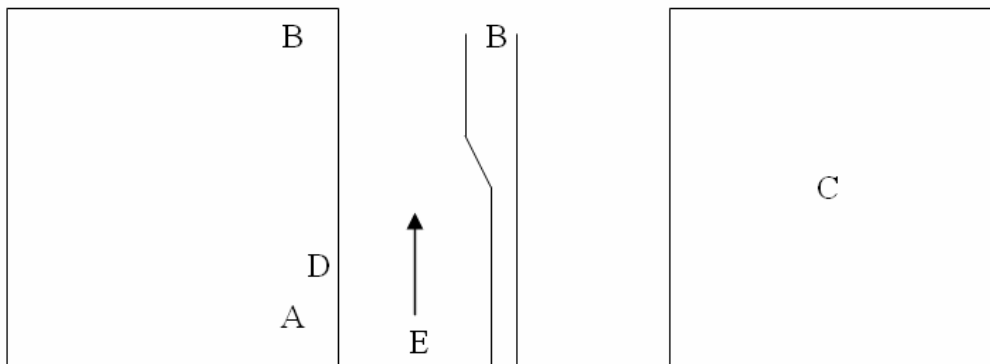


**Class 3 Safety Vest**



## Typical Minimum Traffic Safety Plan

(Note: Label Street Names)



- A. Signal observers will be stationed at corners where they can see all signal displays. They will each have a radio (or other approved device) which they will use to inform solicitors in the street when the traffic light for thru traffic changes to yellow.
- B. MUTCD Standard 36" x 36" Orange and Black WORKERS AHEAD signs will be placed on the shoulder and in the raised median at least 500' from the intersection.
- C. All cars will be parked at the \_\_\_\_\_ parking lot.
- D. Collectors will stand on the roadside, at least 4 feet or more from the travel lane, while traffic is moving
- E. Collectors will enter roadway only after all the traffic has stopped. They will start soliciting at the stop bar and walk away from the intersection, always facing approaching traffic. Upon hearing the designated signal they will immediately return to the safe area that is designated away from the road pavement.