**ORDINANCE NO. 05-_____**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO TEMPORARY USES; CREATING NEW SUBSECTIONS 10-1112(B)(15) and (16), PROVIDING ADDITIONAL REGULATIONS FOR THE FAILURE TO OBTAIN A PERMIT AND REIMBURSEMENT OF APPLICATION FEE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA that:

**Section 1.** Chapter 10, Article X, Division 8, Section 10-1112 "Temporary uses" of the Code of Laws of Leon County, Florida, is hereby amended by adding new subsections to be numbered 10-1112(b)(15) (16), which subsections shall read as follows:

(15) Failure to obtain the necessary permit shall result in the event being canceled or shut down by local law enforcement officials, and shall subject the organizers of the event to fines not to exceed five hundred dollars ($500.00).

(16) Should the County Administrator or his designee determine, at their sole discretion, that the temporary use which is the subject of the Temporary Use Permit Application, imposes no impact upon law enforcement, fire, emergency medical services, or County Administration, the applicant shall be entitled to a refund of the permit application fee, consistent with adopted County policy.

**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Effective date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2005.

LEON COUNTY, FLORIDA

By:_____
Cliff Thaell, Chairman
Board of County Commissioners

ATTEST:
BOB INZER, CLERK OF THE COURT

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney