

IN THE CIRCUIT COURT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

OCCUPY PENSACOLA, ET AL.
PLAINTIFFS,

Vs.

CASE NO: 2011 CA 002227
DIVISION: E

CITY OF PENSACOLA
DEFENDANT.

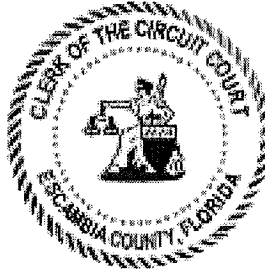
THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in the above styled cause upon the defendant CITY OF PENSACOLA.

Each defendant is hereby required to serve written defenses to said complaint or petition on
J ALISTAR MCKENZIE , plaintiff's attorney, whose address is
MCKENZIE HALL DE LA PIEDRA PA
905 EAST HATTON ST
PENSACOLA, FL 32503

within 20 days after service of this summons upon you, exclusive of the day of service, and to file the original of said written defenses with the Clerk of said Court either before service on said attorney or immediately thereafter. If you fail to do so, a default will be entered against you for the relief demanded in the complaint or petition.

Witness my hand and seal of said Court on this the 18th day of November, 2011.



ERNIE LEE MAGAHA
CLERK OF THE CIRCUIT COURT

By: Cynthia Y. Lee
Deputy Clerk



B. Edward Parsley
Served By Certified Process Server
B. Edward Parsley ID #090 For The
Circuit And County Courts In And For
The First Judicial Circuit Of Florida
Received: 11-18-11 Served: 11-18-11
Time Served: 1:00 P.M.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Shelia Sims, 190 Governmental Center, 5th Floor, Pensacola, FL 32502, (850) 595-4400, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIVIL DIVISION

OCCUPY PENSACOLA , et al.
Plaintiffs,

vs.

Case No. 2011 CA 002227
Division: E

CITY OF PENSACOLA
Defendant.



ORDER REFERRING CASE TO MEDIATION

It appearing to the Court that jury trial has been demanded in the above-captioned matter and that this cause is appropriate for alternative dispute resolution; it is

ORDERED AND ADJUDGED that:

1. Mediation is hereby ordered to occur within 270 days.
2. Counsel for the parties shall make every effort to stipulate to a certified circuit mediator failing which same shall be designated by the Court by subsequent order.
3. Once selected and notified by counsel for the parties the mediator shall establish a mutually satisfactory date, time and location for the mediation conference.
4. In the event it becomes impossible for an attorney or a party to attend the scheduled conference, counsel shall notify the mediator no later than seven (7) days prior to the scheduled conference. Plaintiff's attorney is hereby designated lead attorney for the purpose of coordinating any rescheduling.

The following rules shall govern the mediation conference:

(a) The appearance of counsel who will try the case and the party (or representative of the party with full authority to enter into a full and complete compromise and settlement) is mandatory.

(b) The Court shall impose sanctions for the failure of counsel and/or their respective parties to attend the conference and participate in good faith. The participants shall be prepared to expend as much time as necessary to settle the case or until impasse is declared by the mediator.

(c) Counsel for the parties shall present a brief written summary of the facts and issues to the mediator, at least ten (10) days prior to the conference. The summary shall not be filed with the Clerk of Court or served on opposing unless otherwise agreed. Counsel for corporate parties shall state the name and general job description of the employee or agent who will attend the conference.

(d) Counsel are advised that mediation does not toll any time requirements otherwise imposed by Statute or the Rules of Civil Procedure.

(5) The mediator shall be compensated at the minimum rate of \$125.00 per hour, which cost shall be borne by the parties equally unless otherwise agreed.

(6) The requirement for mediation in this cause is mandatory unless, upon good cause shown, the Court determines that same would be unproductive or create an undue hardship on the parties.

DONE AND ORDERED in Chambers at Pensacola, Escambia County, Florida this 18th day of November, 2011.

/S/ W. JOEL BOLES
Circuit Judge

Conformed copies to:
J ALISTAR MCKENZIE

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

2011 13 A 11:09

OCCUPY PENSACOLA, GARY PAULL, JR.,
SARA J. BEARD, MICHAEL B. KIMBERL,

Plaintiffs,

v.

CASE NO.: 2011 CA 2227

CITY OF PENSACOLA,

Defendant.

COPY E

EMERGENCY VERIFIED COMPLAINT
(WITH EMERGENCY TEMPORARY AND PERMANENT INJUNCTIVE RELIEF
SOUGHT)

COMES NOW the Plaintiffs Occupy Pensacola, Gary Paull, Jr., Sara J. Beard, and Michael B. Kimberl, (hereinafter "Plaintiffs"), by and through the undersigned counsel of record, and sues the Defendant, the City of Pensacola, and alleges as follows:

Background Facts and General Allegations

1. This is an action seeking declaratory and temporary and permanent injunctive relief pursuant to 42 U.S.C. § 1983 and Fla. Constit. Art. I, §§ 2, 4, and 5, for ongoing and threatened injury to the First Amendment and Article I rights of individuals and an unincorporated association engaged in lawful expressive activity within the city of Pensacola, Florida and said action is within the jurisdiction of this Court.

2. Plaintiff Gary Paull, Jr., is a resident of Pensacola, located in Escambia County, Florida and is over 18 years of age. Plaintiff is asserting his personal constitutional rights to engage in free speech, symbolic conduct, assembly, association, and right to petition the government for a redress of grievances in accordance with the United States Constitution's first

amendment and Article I of the Florida Constitution.

3. Plaintiff Sara J. Beard, is a resident of Pensacola, located in Escambia County, Florida and is over 18 years of age. Plaintiff is asserting her personal constitutional rights to engage in free speech, symbolic conduct, assembly, association, and right to petition the government for a redress of grievances in accordance with the United States Constitution's first amendment and Article I of the Florida Constitution.

4. Plaintiff Michael B. Kimberl, is a resident of Pensacola, located in Escambia County, Florida and is over 18 years of age. Plaintiff is asserting his personal constitutional rights to engage in free speech, symbolic conduct, assembly, association, and right to petition the government for a redress of grievances in accordance with the United States Constitution's first amendment and Article I of the Florida Constitution.

5. Defendant, City of Pensacola, is a municipality and a body corporate and politic, with the capacity to sue and be sued. The City of Pensacola is the legal entity responsible for the actions of its final policymaker for city policies, the Pensacola City Council. As such Defendant, City of Pensacola, is responsible for the passage of City Code Art. VI., Special Events, Sec. 11-4-171 to 11-4-180, Chapter 6-3. Parks and Recreation, Sec. 6-3-1 to 6-3-20, and Sec. 8-1-7. It is the Mayor's office and responsibility for enforcement of the city codes and ordinances and for the adoption of the City of Pensacola Parks' Regulations. The relevant ordinances are attached hereto as **Exhibit A**.

6. The set of Plaintiffs is comprised of individuals who are active in Northwest Florida bringing awareness of political, social, and economic justice issues through a round-the-clock occupation, including demonstrations, marches, and rallies and related expressive speech and conduct, and one unincorporated association whose members are concerned about current

political, social and economic issues, including those arising locally, nationally, and globally.

7. Plaintiff Occupy Pensacola is an unincorporated association of individuals, mostly from Escambia County, Florida and surrounding areas, who are imminently concerned about the current status of the country's political and economic system and the country's direction and who have spontaneously gathered to bring visibility to the institutional corruption of the political system, namely the influence of private money on the political system and process at all levels of government. A core purpose of Occupy Pensacola is to bring awareness and foster the tools for education and change to address its concerns about the U.S. political process and economic policies through symbolic, around-the-clock, peaceful protests referred to as "occupations." Occupy Pensacola held their first rally and established its round-the-clock occupation on October 15, 2011, at Martin Luther King, Jr. Plaza that evening including the erection of tents. This event was permitted by the City of Pensacola until 7 p.m.

8. On October 18, 2011, members of Occupy Pensacola met with employees of the City of Pensacola to discuss the continuation of Occupy Pensacola. At that meeting, the City of Pensacola did not request a "special events" permit be applied for. Instead, the City of Pensacola on October 18, 2011, issued the first "Letter of No Objection" stating that "It is not necessary for you to have a permit in the City Limits to engage in such activity, but you do need to be aware that the City regulates various activities such as the creation of noise, the passing out of flyers or activities such as cooking in the park."

9. On October 21, 2011, Occupy Pensacola broke its demonstration down for a period of 26 hours, at the request of the City of Pensacola, so as not to interfere with Gallery Night and the Farmer's Market and returned on October 22, 2011.

10. The occupation continued at Martin Luther King, Jr., Plaza until the City

expressed concerns regarding local businesses and suggested that the North Lawn of City Hall would be a better place to conduct Occupy Pensacola's round-the-clock actions. Occupy Pensacola agreed to move to city hall on October 28, 2011, at the expiration of the first Letter of No Objection.

11. Prior to the move scheduled for October 28, 2011, on October 27, 2011, representatives of Occupy Pensacola went to City Hall to discuss the continuation of Occupy Pensacola with members of the mayor's staff. No permit was required by the City of Pensacola and was not requested from Occupy Pensacola.

12. At that meeting, on October 27, 2011, it was revealed to Occupy Pensacola that they would be prevented by the mayor from erecting tents in accordance with City Code Sec. 8-1-7, but would be allowed to continue its round-the-clock demonstration. In response, Occupy Pensacola attended the City Council meeting that evening to seek passage of a resolution allowing the tents to be erected and obtained a resolution from city council lasting until October 11, 2011. The mayor in response, retracted his press release that no tents would be allowed and allowed tents to be erected.

13. On October 28, 2011, Occupy Pensacola removed its demonstration from Martin Luther King, Jr., Plaza and moved to City Hall's North Lawn. That day, Gary Paull, Jr., received another "Letter of No Objection" from David Flaherty. Oddly, that letter was backdated to October 26, 2011, and states again "It is not necessary for you to have a permit in the City Limits to engage in such activity, but you do need to be aware that the City regulates various activities such as the creation of noise, the passing out of flyers or activities such as cooking in the park." This Letter of No Objection gives permission for Occupy Pensacola to remain on the North Lawn of City Hall until November 30, 2011. This "Letter of No Objection" is attached hereto as

Exhibit B.

14. On Monday, October 31, 2011, another "Letter of No Objection" which was unnecessary and not requested by any person taking part in Occupy Pensacola was delivered to Gary Paull, Jr., and oddly backdated to October 28, 2011. This letter did not state that it rescinded the previous letter which had been delivered to Gary Paull, Jr., on October 28, 2011, but stated that Occupy Pensacola would only be granted permission until Nov. 11, 2011, in direct contravention to the requested and received letter attached as **Exhibit B**. Attached hereto as **Exhibit C** is the second backdated letter received by Gary Paull, Jr., on October 31, 2011.

15. On November 7, 2011, in anticipation of the expiration of the resolution by the City Council, Gary Paull, Jr., conducted a Public Records Request for Documents for all permits issued by the City of Pensacola allowing tents for events in the past 3 years. The results of this request show 43 times tent were allowed on city property. This Request for Documents is attached hereto as **Exhibit D**.

16. On November 10, 2011, the City Council conducted its Committee of the Whole where the issue regarding City Code Sec. 8-1-7 was again raised. At that meeting, the City Administrator William Reynolds stated that City Code Sec. 8-1-7 had never been enforced. Therefore, all events held which allowed tents had been in violation of that ordinance. Thus, the first time the ordinance had ever been raised and enforced was on October 27, 2011, against Occupy Pensacola. At that meeting, William Reynolds stated that it was the City's position that because of the fact that the ordinance had never been enforced, it would not attempt to enforce that provision in the future. City Code Sec. 8-1-7 is the only city ordinance dealing with tents.

17. At the conclusion of the Committee of the Whole, the undersigned counsel spoke with William Reynolds who stated that nothing would be done to evict Occupy Pensacola, at

least until there was a chance for discussions between the City and Occupy Pensacola which he indicated to the undersigned would take place on Monday, November 14, 2011. The undersigned called and left a voicemail for William Reynolds on the morning of November 14, 2011. This call was never returned.

18. On the evening of November 15, 2011, a member of the city's staff went to the North Lawn of City Hall and told Gary Paull, Jr., that there would be a meeting at 1:30 p.m. the next day and delivered paperwork for a special events permit application. Gary Paull, Jr. then went to the office Of Kimberly Kaminski where they met and Gary Paull, Jr., took notes and asked questions regarding the "special events" permit the City of Pensacola was now for the first time demanding, including numerous fees and insurance requirements.

19. On November 16, at 1p.m. Occupy Pensacola and the undersigned counsel attended a meeting in which the City of Pensacola demanded that Occupy Pensacola file for a special events permit.

20. When the undersigned requested an explanation as to why a special events permit was required considering no permit had previously been required the City officials indicated that unless a permit was applied for on-the-spot that the meeting was over. Following, some questioning regarding the abrupt change in the City of Pensacola's stance with regards to the permit requirement and the fact that the City had never classified Occupy Pensacola as a "special event" and had repeatedly in its several letters of no objection stated that permits were not required for the types of activities Occupy Pensacola were engaged in, the City Of Pensacola abruptly ended the meeting without allowing any discussion to take place.

21. The undersigned then sent a letter to the City of Pensacola addressed to William Reynolds requesting another meeting to have a discussion regarding Occupy Pensacola's status.

This letter was not responded to by any employee of the City of Pensacola. This letter is attached hereto as **Exhibit E**.

22. On the morning of November 17, 2011, an Eviction Notice demanding clearance from the North Lawn of City Hall by November 18, 2011, at 11 p.m., was delivered to Gary Paull, Jr., on the North Lawn of City Hall. Other copies of the Eviction Notice were posted in various places around the North Lawn of City Hall as well. The Eviction Notice is attached hereto as **Exhibit F**.

23. At all times relevant hereto, the Letter of No Objection (**Exhibit B**) giving Occupy Pensacola permission to remain on City Hall's North Lawn until November 30, 2011, was in effect and was never rescinded by the Mayor or any employee of the City of Pensacola.

24. The Eviction Notice (**Exhibit F**) states as grounds for eviction "Due to the failure of the Occupy Pensacola Movement to apply for a permit under applicable city codes designed to ensure the public health, safety, and welfare, and for the protection and proper maintenance of public areas, the Mayor of the City of Pensacola has determined that your 24 hour use of public lands is no longer tenable." No specific ordinances were cited in the notice.

25. At no time has the City of Pensacola given notice to any participant of the ongoing Occupy Pensacola demonstration that any code violation was ongoing and needed to be addressed.

26. Following the Eviction Notice, the undersigned hand-delivered a letter to City Hall addressed to William Reynolds and copied to Mayor Hayward demanding that it comply with its Letter of No Objection granting Occupy Pensacola permission to remain until November 30, 2011, and again requesting a meeting with the City of Pensacola to discuss Occupy

Pensacola. This letter is attached hereto as **Exhibit G**.

27. Plaintiffs, at all times material hereto, have been engaging in the exercise of their constitutionally protected rights under the first amendment of the United States Constitution and Florida Constitution Article I, and have been demonstrating around-the-clock on city property located in Pensacola, Florida, in an attempt to bring awareness and action to the institutionally corrupt state of politics and economics in the United States to the general public.

28. As a result of the City of Pensacola's imminent eviction, Plaintiffs' protected constitutional rights have been injured, chilled, and/or threatened. Additionally, Plaintiffs now lawfully engaging in their protected constitutional rights are being subjected to imminent arrest and subsequent deprivation of their personal liberty.

29. As to each cause of action delineated below, Plaintiffs advance their state and federal constitutional claims against the City of Pensacola in its capacity as a state actor, through the operation of the Fourteenth Amendment and operation of Article I of the Florida Constitution.

30. Due to the 24-hour deadline imposed by the Eviction Notice, and its immediate injury to Plaintiffs, the undersigned has not been given a reasonable opportunity to provide notice of the emergency hearing and temporary injunction sought in this action. Additionally, the loss and injury alleged herein is immediate and ongoing such that there is no reasonable opportunity to allow the adverse party to be heard. On the morning of November 18, 2011, the undersigned left a voice mail on the City of Pensacola's Attorney's machine notifying the City of Pensacola of the Emergency Temporary Injunction and Complaint being filed. The undersigned will continue to make all reasonable efforts to notify Defendants.

Count I

Equal Protection Violation - Selective Enforcement and Viewpoint Discrimination

31. Plaintiffs re-adopt and re-allege paragraphs 1-30 as if fully incorporated herein.

32. At all times material hereto, the 14th amendment to the United States Constitution was in effect and prevents through the Equal Protection clause selective enforcement of the laws.

City Code Sec. 8-1-7

33. With regard to City Code Sec. 8-1-7, the City of Pensacola admitted that the ordinance had never been enforced except for against Occupy Pensacola.

34. This enforcement interfered with Plaintiffs first amendment rights and Article I rights.

35. The Public records request (**Exhibit D**) reveals the number of times tents were allowed by the city and the statement of the City of Pensacola reveals that no other group was required to comply with the ordinance.

36. In addition, there exists at this present time, around the 17th street bridge within Pensacola city limits an encampment (including the presence of tents) of homeless and indigent individuals nicknamed "Gilligan's Island" which the City Of Pensacola is aware of and allows to remain in place.

37. The City of Pensacola has never attempted to enforce City Code Sec. 8-1-7 against the encampment residing at "Gilligan's Island."

38. Additionally, for more than fourteen years an encampment existed at the current site of the future Maritime Park, within the city limits of Pensacola, wherein tents were erected and the City of Pensacola never enforced City Code Sec. 8-1-7 against that encampment.

39. As a result, Defendant City of Pensacola has singled out Occupy Pensacola when

it enforced City Code Sec. 8-1-7 against Plaintiffs.

40. Defendants singling out of Plaintiffs was purposeful and designed to invidiously interfere and suppress Plaintiffs' constitutionally protected rights and to discriminate against its political viewpoints.

Title 11, Article VI, Special Events

41. With regard to Title 11, Article VI, Special Events of the City Code, the City of Pensacola has on numerous occasions in various "Letter[s] of No Objection" excluded Occupy Pensacola with its statement that events of the nature of Occupy Pensacola do not require permits.

42. Not until November 17, 2011, did the City of Pensacola ever demand or require a permit in accordance with Title 11, Article VI, Special Events, from Occupy Pensacola.

43. Not until November 17, 2011, did the City of Pensacola attempt to re-characterize and classify Occupy Pensacola as a Special Event.

44. At no time has the City of Pensacola required a "special events" permit from the encampment at Gilligan's Island.

45. At no time during the fourteen year existence of the encampment which was located at the future site of Maritime Park did the City of Pensacola require a special events permit.

46. Given the form letter nature of the Letter of No Objection and the City of Pensacola's consistent and repeated statement that permits are not required for the types of activities Occupy Pensacola is engaged in it is reasonable to conclude that other groups expressly involved in political speech and exercise of their first amendment rights have not been characterized as a special event by the City of Pensacola and have not been required to obtain a

special events permit.

47. As a result, Defendant City of Pensacola has singled out and selectively enforced Title 11, Article VI, Special Events against Occupy Pensacola when it demanded a special events permit from Occupy Pensacola.

48. Defendants singling out of Plaintiffs was purposeful and designed to invidiously interfere and suppress Plaintiffs' constitutionally protected rights and to discriminate against its political viewpoints.

49. Defendants have engaged in selective enforcement of laws and have singled out Occupy Pensacola resulting in direct injury to the protected constitutional rights of Occupy Pensacola by enforcing laws against their political views which it has not enforced against others similarly situated.

WHEREFORE, Plaintiffs demand temporary and permanent injunctive relief, along with a declaratory judgment from this Court for relief from the application and enforcement of the Eviction Notice and City Code Sec. 8-1-7 and from classification as a special event under Title 11, Article VI, Special Events (City Code Sec. 11-4-171 to 11-4-180). Additionally, Plaintiffs request a reasonable attorney's fee for the filing of this action under 42 U.S.C. § 1988. Plaintiffs further demand a jury trial on all issues so triable.

Count II

City of Pensacola's Discriminatory Application of Ordinances to Occupy Pensacola in Violation of the First Amendment to the United States Constitution and Article I of the Florida Constitution

50. Plaintiffs re-adopt and re-allege paragraphs 1-49 as if fully incorporated herein.

51. At all times material hereto, Title 11, Article VI, Special Events, was in effect.

52. The aforementioned ordinance defines a special event as "Temporary use of

public property by thirty (30) or more persons or three (3) or more vehicles for the purposes of conducting certain outdoor, short-term events such as a festival, parade, rodeo, fund raising, walkathon, bikeathon, jogging activity, or any other similar organized activity whether for profit or not for profit wherein public streets, parks, or other public areas are to be utilized.”

53. This definition does not mention nor does it in any reasonable way contemplate the exercise of protected core political speech, conduct or assembly as a “special event” within the meaning of the ordinance.

54. Thus, the City of Pensacola’s attempted post hoc application of the permitting process to Occupy Pensacola is solely targeted to suppress core protected speech being exercised by Occupy Pensacola.

55. The purposeful discrimination by the City of Pensacola is only further reinforced by the Letters of No Objection which clearly stated that the activities Occupy Pensacola were engaged in did not require a permit.

56. As a result, Plaintiffs constitutionally protected rights have been threatened, chilled, and injured by the attempted application of Title 11, Article VI, Special Events to Occupy Pensacola.

57. Alternatively, the ordinance is overly broad on its face and is unconstitutional, as the language “any other similar organized activity” leaves unfettered discretion in the hands of the City of Pensacola to use the ordinance as a tool to prevent and suppress the exercise of protected constitutional rights.

58. As a result, Plaintiffs’ constitutionally protected rights have been threatened, chilled, and injured by the attempted application of Title 11, Article VI, Special Events to Occupy Pensacola.

WHEREFORE, Plaintiffs demand temporary and permanent injunctive relief, along with a declaratory judgment from this Court for relief from the application and enforcement of the Eviction Notice and from classification as a special event under Title 11, Article VI, Special Events (City Code Sec. 11-4-171 to 11-4-180). Additionally, Plaintiffs request a reasonable attorney's fee for the filing of this action under 42 U.S.C. § 1988, and any such other and further relief this Court deems just and proper. Plaintiffs further demand a jury trial on all issues so triable.

Count III
Substantive Due Process Violation of Plaintiffs' First Amendment Rights by the City of
Pensacola

59. Plaintiff re-adopts and re-alleges paragraphs 1-58 as if fully incorporated herein.

60. Plaintiffs are engaged in the exercise of their fundamental rights to free speech, conduct, expression, assembly, and right to petition the government for a redress of their grievances under the First Amendment to the United States Constitution and under Article I of the Florida Constitution, rights which are implicit to the concept of ordered liberty.

61. In recognition of these fundamental rights the City of Pensacola issued several letters called a "Letter of No Objection" and stated that permits were not required for the type of activities that Occupy Pensacola is engaged in. (**Exhibits B & C**).

62. It was not until November, 17, 2011, that the City of Pensacola attempted post-hoc to characterize Occupy Pensacola as a "special event" within the meaning of a local ordinance.

63. By its purposeful and deceptive re-characterization of Occupy Pensacola as a special event, the City of Pensacola has utilized that re-characterization and the attendant permitting process as a means by which to force an eviction to directly injure, suppress and affect

the exercise of Plaintiffs fundamental and clearly established rights.

64. The Eviction Notice's attempt to provide a post-hoc reasonable time, place, and manner restriction for Occupy Pensacola's constitutionally protected activities is ineffective as the core speech and conduct at issue is the round-the-clock nature of Plaintiffs' expression as the word Occupy itself denotes. Furthermore, the city has injured these fundamental rights and as such no amount of process can justify its infringement.

65. At the time of service of the Eviction Notice, Plaintiffs substantive due process rights with regards to protected first amendment activities were violated and resulted in an injury to Plaintiffs' rights which are implicit to the concept of ordered liberty.

WHEREFORE, Plaintiffs demand temporary and permanent injunctive relief, along with a declaratory judgment from this Court for relief from the application and enforcement of the Eviction Notice and from classification as a special event under Title 11, Article VI, Special Events (City Code Sec. 11-4-171 to 11-4-180). Additionally, Plaintiffs request a reasonable attorney's fee for the filing of this action under 42 U.S.C. § 1988. Plaintiffs further demand a jury trial on all issues so triable.

Count IV

Substantive Due Process Violation by Illegal Application of Regulations to a Public Forum

66. Plaintiff re-adopts and re-alleges paragraphs 1-65 as if fully incorporated herein.

67. Plaintiffs are engaged in the exercise of their fundamental rights to free speech, conduct, expression, assembly, and right to petition the government for a redress of their grievances under the First Amendment to the United States Constitution and under Article I of the Florida Constitution, rights which are implicit to the concept of ordered liberty.

68. Plaintiffs are currently engaged in protected first amendment activities on the

North Lawn of City Hall.

69. The North Lawn of City Hall has been designated as a “green space” in City Code Sec. 6-3-12.

70. The North Lawn of City Hall has been specifically excluded as a park in City Code Sec. 6-3-12, which states in relevant part “although not designated as public parks by the City of Pensacola, have been made available for group use, including the north lawn of City Hall.”

71. At all times material hereto, Defendant City of Pensacola has attempted impose the City Park’s Rules and Regulations (thereby requiring variances from Plaintiffs) on Plaintiffs while they have been located on the north lawn of City Hall.

72. These rules and regulations have been used to impede and hinder the protected fundamental rights of Plaintiffs.

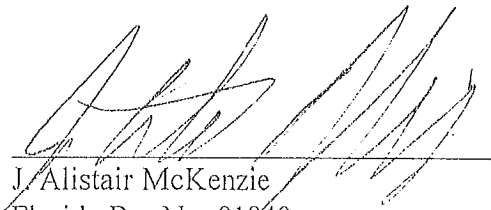
73. By a plain meaning reading of the ordinance, the north lawn of City Hall is specifically excluded from contemplation as a public park and as such the application of park regulations to that “green space” is unwarranted and illegal.

74. The City of Pensacola by illegally imposing regulations which do not apply to the north lawn of City Hall has injured the fundamental rights of Plaintiffs.

WHEREFORE, Plaintiffs demand emergency temporary and permanent injunctive relief, along with a declaratory judgment from this Court for relief from the Eviction Notice and application of the City of Pensacola’s Park Regulations to the north lawn of City Hall.

Additionally, Plaintiffs request a reasonable attorney’s fee for the filing of this action under 42 U.S.C. § 1988. Plaintiffs further demand a jury trial on all issues so triable.

RESPECTFULLY SUBMITTED this 18th day of November, 2011.



J. Alistair McKenzie
Florida Bar No. 91849

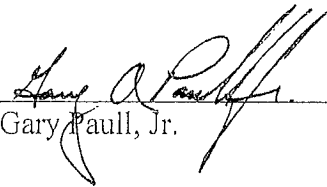
McKenzie, Hall & De La Piedra, P.A.
905 East Hatton Street
Pensacola, Florida 32503
Telephone: (850) 432-2856
Facsimile: (850) 202-2012
Attorneys for Plaintiffs

VERIFICATION

I, Gary Paull, Jr., declare:

1. I am a volunteer facilitator for Occupy Pensacola and am of the legal age of majority.
2. I have read the foregoing Emergency Verified Complaint in this action and am familiar with the factual matters set forth in the pleading. I verify that these facts are true and correct.
3. I declare and swear, under penalty of perjury that the foregoing is true and correct.

Executed on November 18, 2011, in Pensacola, Escambia County, Florida.




 Gary Paull, Jr.

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared Gary Paull, Jr., who is personally known to me, or who produced FL Dr Lic # P400-281-83-426-0 as identification, and who, after being by me first duly sworn, did depose and state on oath, that the above is true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me this the 18th day of November, 2011.



 NOTARY PUBLIC



My Commission expires: 07/28/2014

Pensacola, Florida, Code of Ordinances >> TITLE VI. - LEISURE SERVICES >> CHAPTER 6-3. PARKS AND RECREATION >>

CHAPTER 6-3. PARKS AND RECREATION [38]

Sec. 6-3-1. - Supervision.

Sec. 6-3-2. - Rules and regulations generally.

Sec. 6-3-3. - Motor vehicles to remain on designated roads, areas; motor vehicles not permitted.

Sec. 6-3-4. - Racing, speeding, reckless driving.

Sec. 6-3-5. - Animals running at large not permitted.

Sec. 6-3-6. - Permit required for obstructions.

Sec. 6-3-7. - Discharging firearms, fireworks, stone and missiles.

Sec. 6-3-8. - Peddling, advertising, handbills, signboards.

Sec. 6-3-9. - Injuring trees, buildings and other property.

Sec. 6-3-10. - History of Plaza Ferdinand VII.

Sec. 6-3-11. - Findings and purpose.

Sec. 6-3-12. - Alternative parks and green space.

Sec. 6-3-13. - Definitions.

Sec. 6-3-14. - Application for Plaza Ferdinand permit.

Sec. 6-3-15. - Application fee.

Sec. 6-3-16. - Restrictions on Plaza Ferdinand permits.

Sec. 6-3-17. - Insurance requirements; clean-up deposit; user fees.

Sec. 6-3-18. - Reduction or waiver of fees, deposit or insurance.

Sec. 6-3-19. - Issuance or denial of permit or waiver; appeal.

Sec. 6-3-20. - Penalties for violations.

Sec. 6-3-1. - Supervision.

The director of leisure services shall have direct charge and supervision of all matters relating to city owned or leased parks.

(Code 1968, § 118-1)

Sec. 6-3-2. - Rules and regulations generally.

- (a) The director of leisure services may adopt rules and regulations for the reasonable and proper use, and for preventing injuries to or misuse of, city parks and their appurtenances and park property, and to prevent disorder and improper conduct within the precincts of such park and the waters adjacent thereto.
- (b) Any rules and regulations when published or posted in the park shall have the same effect as ordinances, and any violations thereof shall be punished as provided for in section 1-1-8

(Code: 1968, § 118-11)

Sec. 6-3-3. - Motor vehicles to remain on designated roads, areas; motor vehicles not permitted.

- (a) All automobiles, motorcycles or other motor vehicles entering city parks shall at all times be kept within the paved road or other roads and places as shall be designated by the director of leisure services.
- (b) No gocarts, dirt bikes, dune buggies or other off-road vehicles shall be allowed in any city park.

(Code: 1968, §§ 118-2(A) 118-4)

Sec. 6-3-4. - Racing, speeding, reckless driving.

No person shall engage in any racing, speeding or fast and reckless driving or riding in city parks.

(Code 1968, § 118-3)

Sec. 6-3-5. - Animals running at large not permitted.

The owner or custodian of any animal shall not permit the animal to run at large in any park.

(Code 1968, §§ 118-2(B), 118-4)

Cross reference— Certain animals prohibited from running at large in city: § 4-7-2

Sec. 6-3-6. - Permit required for obstructions.

No person shall place or deposit, or allow to be placed or deposited, in city parks, any article or thing which would obstruct or hinder the safe and convenient use of any part of the park by the general public, without the written permit of the director of leisure services.

(Code 1968, § 118-5)

Sec. 6-3-7. - Discharging firearms, fireworks, stone and missiles.

(a) It shall be unlawful for any person to fire or discharge any firearms, throw stones or other missiles within city parks.

(b) The exploding or discharging of fireworks, rockets or other incendiaries is prohibited.

(Code 1968, § 118-7)

Sec. 6-3-8. - Peddling, advertising, handbills, signboards.

No person shall, without a permit from the director of leisure services, expose any article or thing for sale, or do any hawking or peddling or displaying of handbills, or erect any signboards, or post, paste or affix any notice or bill or advertisement of any kind in writing or printing on any tree, post or at any other place or in any manner whatever in city parks. No animal or vehicle or person carrying or displaying any placard or advertisement of any kind shall be allowed in the park except as authorized by the director.

(Code 1968, § 118-8)

Sec. 6-3-9. - Injuring trees, buildings and other property.

No person shall break or injure in any way any of the trees, shrubs, turf, grounds, fences, buildings or other structures or property of the parks.

(Code 1968, § 118-9)

Sec. 6-3-10. - History of Plaza Ferdinand VII.

Plaza Ferdinand VII has significant historical and aesthetic value for the City of Pensacola. The plaza is named after Ferdinand VII, who was king of Spain from 1813 to 1833. The transfer of Florida to the United States from Spain occurred in Plaza Ferdinand in 1821. In 1960, Plaza Ferdinand was designated a National Historic Landmark by the United States National Park Service.

Before 1985, Plaza Ferdinand was the primary park used for special events in Pensacola. Beginning in 1983, as part of the City's Directions '85 program, Plaza Ferdinand was completely renovated. Those renovations included restoration of the fountain, rebuilding of the sidewalks, rebuilding of the ballast walls along the perimeter of the park, restoration and renovation of the obelisk in the center of the park, a commemorative bust of Andrew Jackson, and restoration of the commemorative cannons in the park. The renovations cost approximately two hundred fifty-four thousand dollars (\$254,000.00).

After the renovations were complete, the city allowed a festival to take place in Plaza Ferdinand in September 1987. Following the event, the city again had to spend thousands of dollars to clean the facilities, re-seed the grass, care for the plantings, and refurbish the park.

In 1987, following the September festival, the city council voted to restrict use of Plaza Ferdinand in order to preserve its landscaping, historical attributes, and general beauty. Seville Square was designated the primary special events park and various amenities were added to Seville Square, including the gazebo and

electrical facilities. Since then, Seville Square has been the site of many annual festivals, assemblies and special events.

(Ord. No. 26-09, § 1. 8-13-09)

Sec. 6-3-11. - Findings and purpose.

In order to preserve Plaza Ferdinand's value to the City of Pensacola and its citizens, the city council finds it is appropriate to restrict the group use of the park, requiring a permitting process for such use, and reserving Plaza Ferdinand primarily for spontaneous, casual and passive use by people for their quiet enjoyment. By restricting the use of Plaza Ferdinand, it is the city's intent and purpose to protect the features of the park, including the commemorative statues, the fountain, the historical cannons, and the ballast wall surrounding the Plaza, as well as protecting the grass and landscaping in Plaza Ferdinand.

(Ord. No. 26-09, § 1. 8-13-09)

Sec. 6-3-12. - Alternative parks and green space.

In finding that it is appropriate to restrict the use of Plaza Ferdinand, the city council notes that there are five (5) other city parks within approximately a half-mile radius of Plaza Ferdinand, to wit: Plaza de Luna, Seville Square, Bartram Park, Corinne Jones Park, and Martin Luther King, Jr. Plaza. These parks are open to citizens for use for group events, as well as spontaneous, casual and passive uses, and thus provide alternative venues for assembly and expressive activity. After construction of the Community Maritime Park is complete, it also will be open to group events as well as spontaneous, casual and passive uses. Furthermore, within the half-mile radius of Plaza Ferdinand, various green spaces, although not designated as public parks by the City of Pensacola, have been made available for group use, including the north lawn of City Hall, Comendancia Slip, and the state-owned area commonly known as Fountain Park.

(Ord. No. 26-09, § 1. 8-13-09)

Sec. 6-3-13. - Definitions.

Where used in sections 6-3-10 through 6-3-20, the following terms, phrases, words and their derivatives shall have the meanings given herein, unless the context otherwise requires:

- (a) "Plaza Ferdinand" or "park" means Plaza Ferdinand VII in the City of Pensacola. For purposes of these sections only, the boundaries of Plaza Ferdinand are defined as follows:
 - (1) The northern curb of Zarragosa Street;
 - (2) The southern curb of Government Street;
 - (3) The eastern curb of Palafox Place; and
 - (4) The western curb of Jefferson Street.
- (b) "Director" means the director of parks and recreation.

(Ord. No. 26-09, § 1. 8-13-09)

Sec. 6-3-14. - Application for Plaza Ferdinand permit.

Any person desiring a permit for use of Plaza Ferdinand shall make application for a permit to the director not less than ten (10) days in advance of the time and date of the intended use of Plaza Ferdinand and no earlier than January 2 of the calendar year in which the applicant intends to use the park. The ten (10) days' advance application period may be shortened under extenuating circumstances. The application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name and address of the organization or group he/she is representing, if applicable;
- (3) The name, address and telephone number of the person(s) who will act as chairperson of the event and will be responsible for the conduct of the event;
- (4) The time and date of the commencement of the event and the time the event will terminate;
- (5) Completion of the required forms, including providing any required liability insurance certificate;
- (6) Deposit of any required clean-up deposit and damage deposit; and
- (7) Any other relevant information as the director may require.

Applications for permits shall be processed in the order of receipt and only upon receipt of the entire application and any applicable fees or an affidavit of indigency and request for a waiver of the fees. The director shall decide whether to grant or deny an application within fourteen (14) days unless, by written notice

to the applicant, the director extends the period of review an additional fourteen (14) days. If the director fails either to grant or deny an application within the fourteen-day deadline, or within the fourteen-day extension if one (1) has been noticed, then the application shall be deemed granted.

An applicant may receive only one (1) permit for use of Plaza Ferdinand during a single calendar year. However, if as of May 15 of the calendar year for which the applicant has requested a permit, the director has received applications from fewer than six (6) applicants, then a single applicant may request more than one (1) permit for use of Plaza Ferdinand during a single calendar year.

Permits for use of Plaza Ferdinand are not transferable or assignable and may be used only by the applicant.

(Ord No 26-09 § 1 8-13-09)

Sec. 6-3-15. - Application fee.

All applicants must pay an application fee of one hundred dollars (\$100.00) to cover the cost of processing the application.

(Ord No 26-09 § 1 8-13-09)

Sec. 6-3-16. - Restrictions on Plaza Ferdinand permits.

- (a) A person or organization must obtain a permit in order to conduct a public assembly, parade, picnic, or other event involving thirty (30) or more persons that will take place in Plaza Ferdinand.
- (b) Permits shall be restricted in the following manners:
 - (1) Permitted events may take place only during the months of June, July and August. A maximum of six (6) events will be permitted in any calendar year.
 - (2) No more than two (2) events per month will be permitted. No more than one (1) permitted event may occur during any seven-day period.
 - (3) The attendance at a permitted event may not exceed one thousand (1,000) persons.
 - (4) No amplified sound or bands will be permitted.
 - (5) No vendors will be permitted.
 - (6) No booths, exhibits, or stages will be permitted.
 - (7) No event with utility hook-up requirements will be permitted.
 - (8) No alcohol will be permitted.
 - (9) A permitted event may not last longer than thirty-six (36) consecutive hours, including setup before the event and cleanup after the event.
 - (10) The other general rules for city parks apply.
- (c) To the extent permitted by law, the director may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The director also may deny an application for permit on any of the following grounds:
 - (1) The application for permit (including any required attachments and submissions) is not fully completed and executed;
 - (2) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, insurance certificate, or clean-up deposit within the time prescribed;
 - (3) The application for permit contains a material falsehood or misrepresentation;
 - (4) The applicant is legally incompetent to contract or to sue and be sued;
 - (5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;
 - (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of Plaza Ferdinand or part thereof;
 - (7) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of Plaza Ferdinand or part thereof;
 - (8) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other users of Plaza Ferdinand, city employees, or members of the public;

- (9) The use or activity intended by the applicant is prohibited by law, by this Code, or by the regulations of the city.
- (d) Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the director for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application has been denied because of a conflict with the time and place of another event or due to other restrictions, the director shall propose an alternative location, time, or other manner for the applicant to comply with the restrictions.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-17. - Insurance requirements; clean-up deposit; user fees.

- (a) Applicants shall provide the city's risk management department with a certificate of insurance no less than ten (10) days prior to the date of the event. The certificate of insurance shall indicate that: the city is an additional insured; the certificate holder is the City of Pensacola, Risk Management; the type of event to be held; the date of the event; and the limits of liability.
- (b) The user fees, clean-up deposits, and insurance liability limits that shall be provided are as follows:

Event	Clean-up Deposit	Insurance Limits	User Fee
Single day event with anticipated attendance of 20–300 persons	\$500.00 per event	\$300,000.00 per occurrence and the aggregate	\$500.00/day
Single day event with anticipated attendance of 301–1,000 persons	\$1,000.00 per event	\$1,000,000.00 per occurrence and the aggregate	\$1,000.00/day

These requirements are subject to change and the director or his/her designee shall notify applicants of any changes to these requirements.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-18. - Reduction or waiver of fees, deposit or insurance.

An applicant may request a reduction or waiver of the user fee, clean-up deposit and/or insurance requirement in the same manner as described in section 11-4-180, Pensacola City Code.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-19. - Issuance or denial of permit or waiver; appeal.

An applicant who is denied a permit or a waiver of the insurance requirement, clean-up deposit or user fee, may appeal such denial in the manner described in section 11-4-174, Pensacola City Code.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-20. - Penalties for violations.

- (a) A person violating the provisions of sections 6-3-14 or 6-3-16 may be directed to leave Plaza Ferdinand by a sworn police officer or code enforcement officer.
- (b) A person refusing to leave Plaza Ferdinand when directed as described in subsection (a) shall be escorted out of Plaza Ferdinand and issued a trespass warning to not return to the park for twenty (20) days, or placed under arrest for trespass after warning.
- (c) If a person who has received a trespass warning returns to Plaza Ferdinand within the time period prescribed in subsection (b), then the person may be prosecuted pursuant to F.S. § 810.09.
- (d) The penalties described herein are in addition to the penalties provided in section 1-1-8, Pensacola City Code, and any other remedies available at law or in equity.

(Ord. No. 26-09, § 1, 8-13-09)

FOOTNOTE(S):

¹³⁸ Cross reference— Administration; Title 6, health and sanitation; Title 8, traffic and vehicles; Title 21, zoning; Ch. 12-2, planning; Ch. 12-0, streets, sidewalks and other public places; Ch. 11-4, subdivisions; Ch. 12-8, trees; Ch. 12-6, animals

*prohibited in certain public places, § 4-2-33, animals restricted in schools, parks and beaches, § 4-2-32, recreation board,
Ch. 6-2, injuring trees or shrubs in public places, § 8-1-6, zoning, Ch. 12-2. [\(Back\)](#)*

⁽³⁸⁾ State Law reference— Parks and recreation, F.S. Ch. 418. [\(Back\)](#)

Sec. 8-1-5. - Destroying or injuring city property.

It shall be unlawful for any person willfully or maliciously to destroy or injure any property belonging to or in the custody or control of the city.

(Code 1968 § 122-10)

Sec. 8-1-6. - Injuring trees or shrubs in public places.

It shall be unlawful to injure in any manner any tree or shrub growing in any public park or other public place.

(Code 1968 § 146-30)

Cross reference— Parks and recreation, Ch. 62

Sec. 8-1-7. - Fences, enclosures or other obstructions on city property.

It shall be unlawful for any person to have, maintain, occupy or use, or cause to be maintained, occupied or used, any fence, enclosure, building, house, shed, tent or any structure or any obstruction whatsoever, on any street, park or other property, or any part or portion thereof, of the city, without the written permission of the mayor, authorized by resolution of the city council, first had and obtained.

(Code 1968, § 146-28; Ord. No. 16-10, § 122, 9-9-10)

Cross reference— Streets, sidewalks and other public places, Ch. 11-4

Sec. 8-1-13. - Parades and processions—Permit required; exceptions.

No procession or parade excepting the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments or designated funeral procession, shall occupy, march or proceed along any street except in accordance with a permit issued by the mayor and other regulations as are set forth herein which may apply.

(Code 1968, § 122-37; Ord. No. 16-10, § 124, 9-9-10; Ord. No. 16-10, § 125, 9-9-10; Ord. No. 16-10, § 124, 9-9-10)

Cross reference— Special events, Ch. 11-4 Art. VI

Sec. 8-1-14. - Same—Interference.

It shall be unlawful for any person to willfully hinder, impede the progress of or interfere in any manner with the holding of any lawfully authorized parade held within the city.

(Code 1968, § 122-38)

Sec. 8-1-16. - Regulation of noise.

- (a) It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise which term shall mean any sound which, because of its volume level, duration, and character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city.
- (b) The following acts, among others, are declared to be loud and raucous noises in violation of this section 8-1-16, which enumeration shall not be deemed to be exclusive:
- (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is prohibited.
 - (2) *Radios, phonographs and similar devices.* The using, operating or permitting to be played, used or operated, of any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the

machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this paragraph.

- (3) *Local vocal noises.* Vocal noises made in a loud and raucous manner between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort, or repose of persons in any office or other place of business, or in any dwelling, hotel or other type of residence.
 - (4) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.
 - (5) *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (6) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - (7) *Construction or repairing of buildings.*
 - (i) The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 6:00 a.m. and 7:00 p.m. on Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the director of inspections, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the director of inspections should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 7:00 p.m. and 6:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 7:00 p.m. and 6:00 a.m., including Sundays, upon application being made at the time the permit for work is awarded or during the progress of the work.
 - (ii) *Reserved.* At the request of the city this section has been removed.
 - (8) *Schools, courts, churches, hospitals, and other medical facilities.* No person, while on public or private grounds adjacent to any building in which a school, court, church, hospital, or other medical facility is in session or in use, shall willfully make or assist in the making of any noise which disturbs the peace or good order of such activity occurring within the building. The term "medical facility," as used in this paragraph, includes physicians' offices, walk-in medical centers, medical diagnostic testing centers, surgical centers and facilities which provide reproductive health services including the termination of pregnancy and/or counseling or referral services relating to the human reproductive system.
 - (9) *Construction equipment.*
 - (i) The operation between the hours of 6:00 p.m. and 7:00 a.m. and at any time on Sundays of any pile driver, steam or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
 - (ii) The provisions of subsection (i), above, insofar as they pertain to the hours between 7:00 a.m. and 6:00 p.m. on Sundays are suspended and shall not be operative through December 31, 2006, in order to facilitate residential repair from damage caused by Hurricane Ivan.
 - (10) *Electronic sound amplification.* The use of electronic sound amplification equipment in such a manner as to produce a sound which is capable of being heard at a point in excess of fifty (50) feet between the hours of 11:00 p.m. and 7:00 a.m. is prohibited in the following zones: R-1AAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, HR-1, HR-2, HC-1, PR-1AAA, PR-2, ATZ-1 and ATZ-2.
- (c) The provisions of section 8-1-16 are intended to be construed to secure for the people freedom from unwanted loud and raucous noise as described herein without violating any of the rights secured by the constitution to the people, and are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life.
- (d) *Penalty.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and subject to the penalty provided by section 1-1-8 of the Code.
- (e) *Additional remedy, injunction.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in an area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 52-87, § 1, 12-10-87; Ord. No. 7-92, § 1, 4-6-92; Ord. No. 53-94, § 2, 9-18-94; Ord. No. 37-94, § 1, 10-13-94; Ord. No. 4-95, § 1, 1-25-95; Ord. No. 07-05, §§ 1, 2, 6-23-05)

Sec. 8-1-17. - Throwing certain objects at parades prohibited.

It shall be unlawful for any person, while participating in a parade or while on a parade route or in a parade staging area or in a parade disbanding area to throw, toss, distribute, possess, or have in his custody or control any fireworks not expressly permitted by Florida law; any life-threatening objects; any noxious substance or any liquid intended to be poured, tossed, handed out or otherwise distributed; or any throw containing sharp points, including but not limited to plastic spears or plastic, paper or silk flowers with wire stems, intended to be tossed; or to throw, toss or otherwise distribute, any other object having a weight in excess of two (2) ounces; or to throw, toss or otherwise distribute any object in such a manner as to encourage spectators to enter the street or to closely approach vehicles, floats, horses or other conveyances.

(Ord No 19-90, § 1, 3-22-90)

Sec. 8-1-18. - Prohibition of residential picketing.

It shall be unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the city. This prohibition shall be applied only when picketing occurs, with or without the carrying of signs or other forms of speech, and is directed toward or takes place solely in front of a particular residence, utilizing a public street, sidewalk, right-of-way, or other public area, when such activity occurs in the following zoning districts: R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, HR-1, HR-2, PR-1AAA, WEHR-2, ATZ-1, and PR-2. The provisions of section 1-1-8 of the Code of the City of Pensacola, Florida, shall provide the penalty for violation of this section.

(Ord No 29-94, § 2, 9-8-94)

Pensacola, Florida, Code of Ordinances >> TITLE XI. - TRAFFIC AND VEHICLES >> - CHAPTER 11-4. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES >> ARTICLE VI. - SPECIAL EVENTS >>

ARTICLE VI. - SPECIAL EVENTS ⁽⁸⁸⁾

Sec. 11-4-171. - Definitions.

Sec. 11-4-172. - Application contents.

Sec. 11-4-173. - Time limitation for application.

Sec. 11-4-174. - Issuance or denial of permit; appeal.

Sec. 11-4-175. - Conditions contained in permit; closing of streets; parking prohibited.

Sec. 11-4-176. - Determination of time specified area will be used.

Sec. 11-4-177. - Indemnification of city; liability insurance.

Sec. 11-4-178. - Schedule of fees, performance bonds, and exemptions.

Sec. 11-4-179. - Admissions charge.

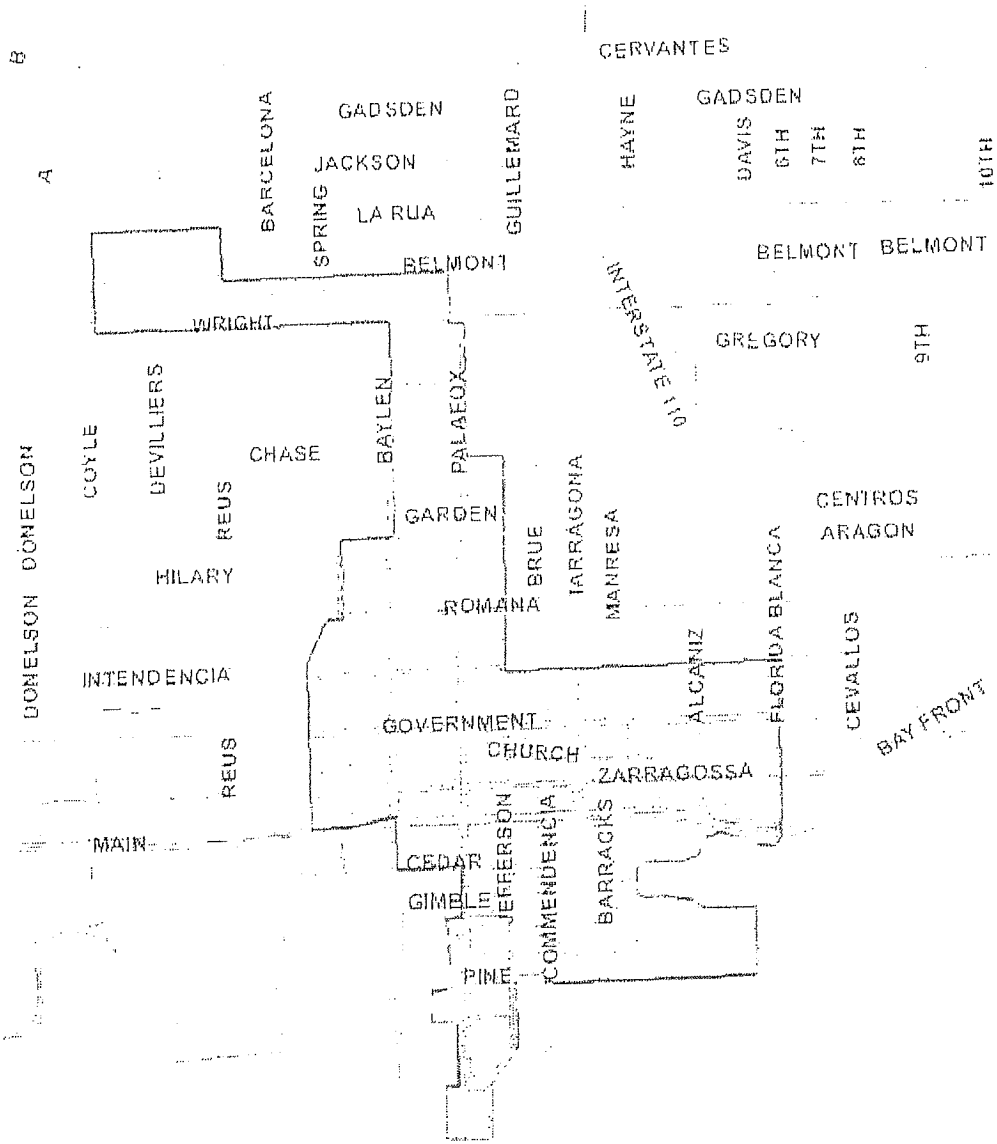
Sec. 11-4-180. - Reduction or waiver of fees, deposit or insurance.

Sec. 11-4-171. - Definitions.

As used in this article, the following terms, phrases, words and their derivatives shall have the meanings given herein, unless the context otherwise requires:

Director. The Director of the Parks and Recreation Department.

Specialty Center District. The area starting at the southeast corner of Coyle Street and La Rua Street rights-of-way; thence east on south right-of-way of La Rua Street to west right-of-way of Reus Street; thence south on west right-of-way of Reus Street to south right-of-way line of Belmont Street; thence east on south right-of-way line of Belmont Street to the west right-of-way line of Palafox Street; thence south on the west right-of-way line of Palafox Street to south right-of-way line of Wright Street; thence east on south right-of-way line of Wright Street to the east right-of-way line of Palafox Street; thence south on the east right-of-way line of Palafox Street to the south right-of-way line of Chase Street; thence east on the south right-of-way line of Chase Street to the west right-of-way line of Jefferson Street; thence south on the west right-of-way line of Jefferson Street to the south right-of-way line of Intendencia Street; thence east on south right-of-way line of Intendencia Street to the west right-of-way line of Florida Blanca Street; thence south on the west right-of-way line of Florida Blanca Street to the shoreline of Pensacola Bay; thence westerly and southerly along the shoreline of Pensacola Bay to south right-of-way line of Pine Street right-of-way; thence west on the south right-of-way line of Pine Street to the west shoreline of Commendencia Slip; thence southerly and westerly and northerly following the shore line of Commendencia Slip and Pensacola Bay to south right-of-way line of Gimble Street; thence east on Gimble Street to the west right-of-way line of Palafox Street; thence north on the west right-of-way line of Palafox Street to the north right-of-way line of Cedar Street; thence west on the north right-of-way line of Cedar Street to the east right-of-way line of Baylen Street; thence north on the east right-of-way line of Baylen Street right-of-way to the north right-of-way line of Main Street; thence west on the north right-of-way line of Main Street to the east right-of-way line of Spring Street; thence north on the east right-of-way line of Spring Street to the south right-of-way line of Garden Street; thence east on the south right-of-way line of Garden Street to the east right-of-way line of Baylen Street; thence north on the east right-of-way line of Baylen Street to the north right-of-way of Wright Street; thence west on the north right-of-way line of Wright Street to the east right-of-way line of Coyle Street; thence north on the east right-of-way line of Coyle Street to the south right-of-way line of La Rua Street to the point of beginning. See the Specialty Center map below.



ALCOHOLIC BEVERAGE SPECIALITY CENTER

SPECIALTY CENTER AREA

OCTOBER 2009

Special event. Temporary use of public property by thirty (30) or more persons or three (3) or more vehicles for the purposes of conducting certain outdoor, short-term events such as a festival, parade, rodeo, fund raising, walkathon, bikeathon, jogging activity, or any other similar organized activity whether for profit or not for profit wherein public streets, parks, or other public areas are to be utilized.

Specified area. The public park, plaza, square or public street wherein the special event is held. In addition, it shall include two (2) blocks on either side of a parade route and the parade route, a four-block radius from any park, plaza or square, or any area mutually agreed upon by the event sponsor and the city during a pre-permit coordination meeting.

Nonprofit. Any bona fide charitable, benevolent, eleemosynary, educational, cultural, or governmental institution or organization, or any event held for nonprofit purposes regardless of whether the sponsor is a for-profit or nonprofit organization.

Ord. No. 17-02 § 1 4-4-02 Ord. No. 22-07 § 31 8-25-07 Ord. No. 17-08 § 1 3-21-08 Ord. No. 27-09 § 1 8-13-09
 Ord. No. 17-10 § 1 1-9-10
 Cross reference— Ord. No. 17-02 § 1 4-4-02

Sec. 11-4-172. - Application, contents.

Application to conduct a special event shall be made to the mayor, in writing, by the person or persons in charge or responsible therefor. The application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name and address of the organization or group he or she is representing;
- (3) The name, address and telephone number of the person or persons who will act as chairman of the special event and be responsible for the conduct thereof;
- (4) The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors;
- (5) The purpose of the event, the estimated number of persons to participate and otherwise attend, and the number and types of vehicles (if any) to participate;
- (6) The method of notifying participants of the terms and conditions of the special event;
- (7) The date the event is to be conducted and the hours it will commence and terminate;
- (8) The specific assembly and dispersal locations, the specific route and the plans, if any, for disassembly and dispersal;
- (9) Whether any music will be provided, either live or recorded;
- (10) The number, types and locations of all loudspeakers and amplifying devices to be used;
- (11) Assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines;
- (12) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area, to include a signed statement by Pensacola-Escambia Clean Community Commission that satisfactory arrangements have been made. For events ending by 6:00 p.m. all cleaning activities shall be completed within six (6) hours after the end of the event; and for events ending after 6:00 p.m., all cleanup activities shall be completed by 8:00 a.m. the following morning. The assurance shall also include the posting of a performance bond in the amount hereinafter provided, which bond shall be forfeited to the city if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the mayor or his designee;
- (13) Assurance that the applicant will cause all booths, stands, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event;
- (14) If the event is to take place within the boundaries of the Specialty Center District and the applicant wants to invoke the Specialty Center District exception to the open container ordinance in section 7-14-13, then the applicant shall indicate such on the application, including the street boundaries of the special event if the boundaries are less than the entire Specialty Center District.
- (15) Such other information as the mayor may deem necessary in order to properly provide for traffic-control, street and property maintenance and the protection of the public health, safety and welfare.

(Ord. No. 167-82 § 2 5-8-83 Ord. No. 22-87 § 31 5-26-87 Ord. No. 11-90 [2 3-22-90 Ord. No. 16-10 § 188 9-9-10 Ord. No. 17-10 §§ 2 3 9-4-10

Sec. 11-4-173. - Time limitation for application.

No permit shall be issued for a special event unless application has been made not less than ten (10) days in advance of the date on which the special event is sought to be held.

(Ord. No. 167-82 § 1 5-8-83 Ord. No. 22-87 § 31 5-26-87

Sec. 11-4-174. - Issuance or denial of permit; appeal.

- (a) If an application for a permit or waiver of the user fee, clean-up deposit and insurance requirement is denied, then the applicant shall be informed by the director of the reason(s) for the denial of the permit or waiver.
- (b) An applicant who has been denied a permit or waiver may file a written appeal of the director's decision with the mayor within ten (10) days of the denial. The mayor will issue his/her decision on the appeal within ten (10) days of receipt of the appeal. The time for a decision shall be shortened in extenuating circumstances.
- (c) An applicant whose appeal has been denied by the mayor may file a written appeal with the city council within ten (10) days of the denial of the permit by the mayor. The written appeal shall be filed with the

city clerk. The city council shall hear the appeal no later than at its next regularly scheduled meeting after receipt of the notice of appeal.

- (d) An applicant whose appeal has been denied by the city council may seek review by the Circuit Court in and for Escambia County, Florida by filing a writ of certiorari.

(Ord. No. 107-83 § 5 9-9-83; Ord. No. 22-87 § 31 5-26-87; Ord. No. 17-09 § 2 4-13-09; Ord. No. 16-10 § 189, 9-9-10)

Sec. 11-4-175. - Conditions contained in permit; closing of streets; parking prohibited.

Any permit granted under this article may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in time, duration or number of participants. For the purposes of public safety and welfare, the mayor may order the temporary closing of streets and/or may temporarily prohibit parking along same during the event, and shall direct the posting of proper warning signs in connection therewith.

(Ord. No. 107-83 § 5 9-9-83; Ord. No. 22-87 § 31 5-26-87; Ord. No. 16-10 § 190 9-9-10)

Sec. 11-4-176. - Determination of time specified area will be used.

The maximum amount of time that the specified area will be utilized for the purpose of holding the special event will be determined by the mayor or his designee based upon the information contained in the application.

(Ord. No. 107-83 § 4 9-9-83; Ord. No. 22-87 § 31 5-26-87; Ord. No. 16-10 § 191 9-9-10)

Sec. 11-4-177. - Indemnification of city; liability insurance.

The applicant for a permit to hold a special event shall agree to indemnify and hold harmless the city, its servants, agents and employees, for any and all claims caused by or arising out of the activities permitted. The applicant shall provide an appropriate policy of insurance as determined by the Mayor or his designee, listing the city as an additional insured to protect the city from liability which might arise from the special event.

(Ord. No. 107-83 § 6 9-9-83; Ord. No. 22-87 § 31 5-26-87; Ord. No. 16-10 § 192 9-9-10; Ord. No. 31-10 § 1, 12-16-10; Ord. No. 16-10, § 192 9-9-10; Ord. No. 31-10 § 1, 12-16-10)

Sec. 11-4-178. - Schedule of fees, performance bonds, and exemptions.

- (a) The schedule of fees, bonds, and exemptions for special events shall be as follows:

Event	User Fee	Performance Bond
Run, walk or bikeathon		
Up to 5K	\$100.00	\$500.00
Over 5K to 10K	150.00	500.00
Over 10K	250.00	500.00
Parades	150.00	500.00
Police escorts (except for funerals)	250.00	.00
Single day event, projected to be attended by less than 2,500 persons	250.00	500.00
Multiday event or event projected to be attended by 2,500 or more persons	250.00	1,000.00
Event in public right-of-way for which admission is charged	500.00	1,000.00
For-profit event	Actual cost to service the event as determined by mayor	1,000.00

- (b) The city may waive one (1) or more of the enumerated charges for nonprofit organizations based upon experience with previous events, size, duration, location, nature of the event and the likelihood of

- (c) unremoved litter or damage to property. In the event that the nonprofit organization demonstrates that it has contracted for cleanup activities with a city-approved group, the performance bond shall be waived. Neighborhood or block parties shall be exempt from the provisions of this article so long as no commercial activity is conducted, no admission fee is charged, and members of the general public are not allowed access. Provided, however, that individuals or organizations should notify the mayor's office when a neighborhood party is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event.
- (d) The closing fee set forth in this article shall not be construed as being in lieu of or replacing other fees or charges imposed for labor, materials, police or fire protection services, or any other charges for city services incidental to the assembly or street closing and other fees shall still be levied and collected in addition to the closing fee herein provided.
- (e) Political or public issue events shall be exempt from the provisions of section 11-4-173. Individuals or organizations planning such an event shall notify the mayor's office when a political or public issue event is planned so that police, fire, and other emergency service organizations will be aware of the time, place, and scope of the event and the name or names of persons in charge.
- (f) Funeral processions shall be exempt from the terms of this article.

Sec. 11-4-179. - Admissions charge.

The city may grant permission to the sponsor of an event in a public right-of-way to charge an admission fee for attendance at the event. Consideration and granting of such permission shall be based upon the location and duration of the event, its impact upon traffic circulation, provisions for emergency access and crowd safety and control, the frequency of events at the location, and other appropriate factors.

Ord. No. 17-99; Ord. No. 22-90

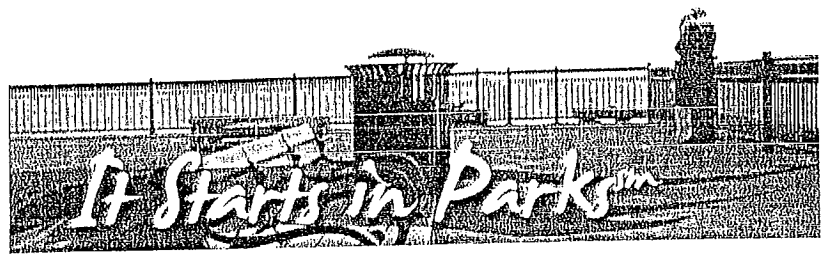
Sec. 11-4-180. - Reduction or waiver of fees, deposit or insurance.

- (a) The director may reduce or waive the user fee, insurance requirements and/or clean-up deposit if the director, in consultation with the risk manager and city attorney's office, determines that (1) the event is exclusively or primarily for speech or other expressive activity protected by the First Amendment to the United States Constitution, and (2) these requirements would be unduly burdensome or cannot be met due to the applicant's indigency or insolvency.
- (b) The applicant shall file an affidavit approved by the director or his/her designee stating that it is made under oath, under penalty of perjury, that the applicant believes the special event's purpose is exclusively or primarily for such First Amendment speech or expression purposes, and that the applicant has determined that the cost of obtaining the required insurance, the cost of the clean-up deposit, and/or the user fee is so financially burdensome that it would constitute an unreasonable restriction on the right of First Amendment expression.
- (c) The director shall grant or deny a waiver within seven (7) days of receipt of the waiver by the parks and recreation department. An applicant that is denied a waiver may appeal the denial to the mayor and then to the city council using the same procedure as that described in section 11-4-174. If a waiver is not denied within seven (7) days after receipt of same, then it shall be deemed granted.

Ord. No. 21-08; Ord. No. 10-06; Ord. No. 10-05; Ord. No. 04-10

FOOTNOTE(S):

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Please help...our parks are provided for your enjoyment--keep them litter-free, safe and beautiful by leaving them as you would like to find them. If you have comments or suggestions, please call the City of Pensacola Department of Parks and Recreation at 850-436-5670

Park Regulations

- Normal hours of operation are daylight to 11:00 p.m. unless posted otherwise or programmed activities are scheduled or proper permits are issued.
- Alcoholic beverages are prohibited in parks and recreation facilities with the exception of certain facilities as designated by city ordinance and by special event permit only.
- Motor vehicles are restricted to roadways and designated parking areas.
- No go-carts, dirt bikes or dune buggies are allowed in any city park.
- Golf is prohibited at all city parks.
- Pet owners are responsible for cleaning up after their pets.
- All pets must be on a leash unless they are within a designated Dog Park facility.
- The discharging of fireworks, rockets or other incendiaries are prohibited in city parks.
- No peddling, advertising, handbills or signboards shall be permitted in city parks without a permit from the Director of Parks and Recreation.
- Destruction or damage to trees, shrubs, turf, grounds, fences, buildings or other structures or properties within city parks is prohibited.
- There is no day or overnight camping allowed in City parks.
- Open fires are not allowed in City parks.
- If you see a condition that is a safety concern, ie. a tree limb that has come down or a section of a playground is broken, please contact us as soon as possible at 850-436-5670.
- If you observe anyone vandalizing or destroying property in a park please call 911 immediately.

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City of
Pensacola

*America's First Settlement
And Most Historic City*

Parks and Recreation Department

October 26, 2011

Gary Paull, Jr.
C/o Occupy Pensacola
4015 Burbank Drive
Pensacola, FL 32503

Dear Gary:

This will serve as a letter of no objection by the City of Pensacola to your request for members of your group to conduct the "Occupy Pensacola – Rally for Change Demonstration" on the front lawn of City Hall starting from 12:00 Noon Friday, October 28th, 2011 through 12:00 Noon Wednesday, November 30th, 2011. *Please keep a copy of this letter with you during your activities in the park.*

Your request for a variance on the "no day or night camping" has been granted along with your affidavit for "waiver of costs for park fees & deposits".

This permission rests upon your acceptance of all liability which may result from this activity and that you provide an appropriate clean-up. We caution you not to impede the flow of pedestrian or vehicular traffic or engage in any activity which would interrupt or disturb a permitted event or neighborhood / business activity.

It is not necessary for you to have a permit in the City Limits to engage in such activity, but you do need to be aware that the City regulates various activities such as the creation of noise, the passing out of flyers or activities such as cooking in the park.

In regards to handing out flyers to interested parties passing by, please be advised that while you are located on private property there are no restrictions, however on city streets you will not be allowed to place flyers on cars or pass flyers to cars as they pass by.

Please continue to coordinate your plans with the appropriate City staff members. Please contact Neighborhood Services for staging 436-5674. Fire Marshal David Allen at 436-5200 all outdoor tents larger than 10 x 10 and/or hook-ups will need to be approved by the Fire Marshal (436-5200) and his staff and with Building Official Bill Weeks at 436-5600 concerning outdoor electrical hook-ups and for tents larger than 10 x 10 tent inspections. Please be reminded to observe the noise ordinance by refraining from use of any loud power equipment or monitors after 11 p.m.

Page 2
Gary Paull, Jr.
October 26, 2011

Thank you for advising us of your plans.

Very truly yours,



Kimberly Kaminski
Special Events Coordinator

As a courtesy, I am enclosing a copy of Section 8-1-16 of the Code of the City of Pensacola, Florida, regulating the creation of noise within the City limits along with Sec. 4-2-33 of the Code regarding animal control - dogs at public gathering events.

C: Bill Reynolds, City Administrator
Chip Simmons, Police Chief
Matthew Schmitt, Fire Services
Al Garza, Public Works Director
David Flaherty, Neighborhood Services



City of
Pensacola

*America's First Settlement
And Most Historic City*

Parks and Recreation Department

October 28, 2011

Gary Paull, Jr.
C/o Occupy Pensacola
4015 Burbank Drive
Pensacola, FL 32503

Dear Gary:

This will serve as a letter of no objection by the City of Pensacola to your request for members of your group to conduct the "Occupy Pensacola – Rally for Change Demonstration" on the front lawn of City Hall starting from 8:00 AM Friday, October 28th, 2011 through 8:00 AM Friday, November 11th, 2011. *Please keep a copy of this letter with you during your activities in the park.*

Your request for a variance on the "no day or night camping" has been granted along with your affidavit for "waiver of costs for park fees & deposits".

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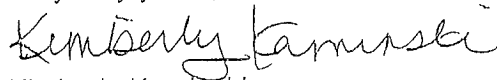
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C: Bill Reynolds, City Administrator
Chip Simmons, Police Chief
Matthew Schmitt, Fire Services
Al Garza, Public Works Director
David Flaherty, Neighborhood Services

mailed or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.

- (c) The chief of the police or fire department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

(4) *Penalty fee assessment:*

- (a) If any alarm system produces three (3) false alarms in any calendar year, the chief of the affected department shall provide written notice of the fact, which shall be given by certified mail or delivery to the alarm user asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule provided herein.
- (b) Upon any alarm system producing a fourth or additional false police alarm in a calendar year, a fee of fifty dollars (\$50.00) per false alarm shall be charged to the user or owner.
- (c) Upon any alarm system producing a fourth or additional false fire alarm in a calendar year, a fee of fifty dollars (\$50.00) per false alarm shall be charged to the user or owner.
- (d) False alarms occurring no later than six (6) months after installation of an alarm system shall not be counted in the penalty fee assessment procedure.

(5) *Appeal of false alarm:*

- (a) Any owner or user who has been notified of a false alarm or assessed a false alarm fee may appeal to the city manager by giving written notice within three (3) days of the notification of a false alarm or assessment. Upon receipt of the appeal notice, a time certain, not to exceed thirty (30) days of receipt of the appeal, shall be established for a hearing.

- (b) The appellant shall be given reasonable notice of such hearing date.
- (c) The city manager or his designee shall serve as hearing officer, and the burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined herein.
- (d) After receipt of all relevant evidence, the hearing officer shall, within three (3) days, render his decision. The decision of the hearing officer shall be final.

(Ord. No. 14-87, § 1, 4-9-87; Ord. No. 45-89, §§ 1, 2, 9-21-89)

Sec. 8-1-16. Regulation of noise.

(a) It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise which term shall mean any sound which, because of its volume level, duration, and character, annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the city.

(b) The following acts, among others, are declared to be loud and raucous noises in violation of this section 8-1-16, which enumeration shall not be deemed to be exclusive:

- (1) *Horns and signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up. The use of sirens, except by authorized emergency vehicles, is prohibited.
- (2) *Radios, phonographs and similar devices.* The using, operating or permitting to be

played, used or operated, of any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this paragraph.

- (3) *Local vocal noises.* Vocal noises made in a loud and raucous manner between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort, or repose of persons in any office or other place of business, or in any dwelling, hotel or other type of residence.
- (4) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity.
- (5) *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (7) *Construction or repairing of buildings.*
 - (i) The erection, including excavation, demolition, alteration or repair of

any building other than between the hours of 6:00 a.m. and 7:00 p.m. on Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the director of inspections, which permit may be granted for a period not to exceed three (3) days while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the director of inspections should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 7:00 p.m. and 6:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 7:00 p.m. and 6:00 a.m., including Sundays, upon application being made at the time the permit for work is awarded or during the progress of the work.

- (ii) *Reserved.* At the request of the city this section has been removed.
- (8) *Schools, courts, churches, hospitals, and other medical facilities.* No person, while on public or private grounds adjacent to any building in which a school, court, church, hospital, or other medical facility is in session or in use, shall willfully make or assist in the making of any noise which disturbs the peace or good order of such activity occurring within the building. The term "medical facility," as used in this paragraph, includes physicians' offices, walk-in medical centers, medical diagnostic testing centers, surgical centers and facilities which provide reproductive health services including the termination of pregnancy and/or counseling or referral services relating to the human reproductive system.

(9) *Construction equipment.*

(i) The operation between the hours of 6:00 p.m. and 7:00 a.m. and at any time on Sundays of any pile driver, steam or power shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(ii) The provisions of subsection (i), above, insofar as they pertain to the hours between 7:00 a.m. and 6:00 p.m. on Sundays are suspended and shall not be operative through December 31, 2006, in order to facilitate residential repair from damage caused by Hurricane Ivan.

(10) *Electronic sound amplification.* The use of electronic sound amplification equipment in such a manner as to produce a sound which is capable of being heard at a point in excess of fifty (50) feet between the hours of 11:00 p.m. and 7:00 a.m. is prohibited in the following zones: R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, HR-1, HR-2, HC-1, PR-1AAA, PR-2, ATZ-1 and ATZ-2.

(c) The provisions of section 8-1-16 are intended to be construed to secure for the people freedom from unwanted loud and raucous noise as described herein without violating any of the rights secured by the constitution to the people, and are not intended, nor shall they be construed, to regulate the usual and customary noise incidental to urban life.

(d) *Penalty.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and subject to the penalty provided by section 1-1-8 of the Code.

(e) *Additional remedy, injunction.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in an area shall be deemed, and is declared to be, a

public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 52-87, § 1, 12-10-87; Ord. No. 7-93, § 1, 4-8-93; Ord. No. 33-94, § 2, 9-18-94; Ord. No. 37-94, § 1, 10-13-94; Ord. No. 4-95, § 1, 1-26-95; Ord. No. 07-05, §§ 1, 2, 6-23-05)

Sec. 8-1-17. *Throwing certain objects at parades prohibited.*

It shall be unlawful for any person, while participating in a parade or while on a parade route or in a parade staging area or in a parade disbanding area to throw, toss, distribute, possess, or have in his custody or control any fireworks not expressly permitted by Florida law; any life-threatening objects; any noxious substance or any liquid intended to be poured, tossed, handed out or otherwise distributed; or any throw containing sharp points, including but not limited to plastic spears or plastic, paper or silk flowers with wire stems, intended to be tossed; or to throw, toss or otherwise distribute, any other object having a weight in excess of two (2) ounces; or to throw, toss or otherwise distribute any object in such a manner as to encourage spectators to enter the street or to closely approach vehicles, floats, horses or other conveyances.
(Ord. No. 19-90, § 1, 3-22-90)

Sec. 8-1-18. *Prohibition of residential picketing.*

It shall be unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the city. This prohibition shall be applied only when picketing occurs, with or without the carrying of signs or other forms of speech, and is directed toward or takes place solely in front of a particular residence, utilizing a public street, sidewalk, right-of-way, or other public area, when such activity occurs in the following zoning districts: R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, HR-1, HR-2, PR-1AAA, WEHR-2, ATZ-1, and PR-2. The provisions of section 1-1-8 of the Code of the City of Pensacola, Florida, shall provide the penalty for violation of this section.
(Ord. No. 29-94, § 2, 9-8-94)

Dogs at Public Events per City Code

Sec. 4-2-33. Animal control.

(a) *Animals utilized by law enforcement.* Restrictions relating to public places, schools, parks, beaches, and recreational areas shall not apply to animals utilized by law enforcement agencies.

(b) *Public places.* Animals are prohibited from public places in the City of Pensacola, such as airports, hotels, restaurants, theaters, public conveyances, grocery stores, or other establishments serving food, beverages or staple foods, and at public gatherings such as outdoor festivals, fairs, etc. Animals so found, whether roaming or in direct control by the owner, shall be impounded and the owner shall be in violation of this section and shall be punished in accordance with the provisions of section 4-2-41 of the Code of the City of Pensacola, Florida. This section shall not apply to animals trained to assist the blind, provided, such animal is in the company of such blind person. Further, this section shall not prohibit the suitable transport of animals by their owners or authorized agents on public conveyances when accomplished in accordance with the rules and regulations of the public conveyances involved.

(c) *Schools, parks, and beaches.* It shall be unlawful for the owner of an animal to allow his animal in public places of the City of Pensacola such as school grounds, public parks, beaches, and playgrounds, unless on a suitable leash or under the direct control of the owner.

(d) *Showing and training.* The above two (2) subsections shall not be construed to prohibit the showing and training of dogs in appropriate locations of auditoriums, schools, parks, parking lots, armories, theaters, and similar public or privately owned areas.

(e) *Dangerous or vicious animals.* The owner of any dangerous or vicious animal shall confine the animal in a building or secure enclosure. Any person who shall release, either willfully or through a failure to exercise due care or control, or take such animal out of such building or secure enclosure in such a manner which is likely to cause injury to another person or damage to the property of another person shall be in violation of this section and shall be punished in accordance with the provisions of section 4-2-41 of the Code of the City of Pensacola, Florida.

CITY CLERK'S OFFICE
 City of Pensacola, P.O. Box 12910, Pensacola, FL 32521
 PHONE: 850.435.1606/1607 FAX: 850.435.1611

Request for Documents

Name: <u>Gary Paull, Jr.</u>	
Phone: <u>808-389-2281</u>	Fax:
E-Mail Address:	
Date: <u>11-7-11</u>	Total Cost: \$ <u>1.50</u>

(Copies: \$0.15 Single \$0.20 Double; Maps \$1.50)

<i>Type of Document:</i>
CONTRACT w/
AGREEMENT w/
LEASE w/
COMMITTEE MEMO
COUNCIL ACTION
ORDINANCE OR RESOLUTION #
DVD/CD
MAPS
OTHER <u>Copy of permits issued for Art's City Code Sec. 8-1-7</u>
REGARDING:
APPROXIMATE DATE:

CITY CLERK'S OFFICE USE ONLY

Date Received: <u>11-10-11</u>	Date Completed: <u>11-10-11</u>
Paid with: Cash \$ <u>50</u>	Check # _____ Receipt # <u>941037</u>
Notes: <u>PAID 1-SINGLE - 2 QUARTERS</u>	
<u>10 single-sided pages @ .15 each</u>	

Office Initials: RT

RECEIPT

DATE 11-10-11No. 941037RECEIVED FROM GARY PAUL, JR.\$ 1.50

DOLLARS

 FOR RENT
 FOR PUBLIC RECORDS - COPIES

ACCOUNT	
PAYMENT	
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY AT

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
09-01-0324	MISCELLANEOUS PERMIT-NO INSPECTIONS	60 x 40 tent for wedding	17 WHARF AVE PENSACOLA FL 32501	MUSCOGEE WHARF INC	1/23/2009	1/23/2009
09-02-0019	MISCELLANEOUS PERMIT-NO INSPECTIONS	30X45 TENT (PENSACOLA MARATHON) 02/15	200 S 9TH AVE PENSACOLA FL 32501	EPSTEIN PAUL &	2/2/2009	2/2/2009
09-02-0303	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR MARDI GRAS	1 PALAFOX PL PENSACOLA FL 32502	KELKER LOUIS P JR	2/20/2009	2/20/2009
09-03-0093	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS FOR JAZZ FESTIVAL APRIL 3-6 2009 "JAZZ SOCIETY OF PENSACOLA"	311 E GOVERNMENT ST PENSACOLA FL 32501	TENT	3/6/2009	3/6/2009
09-03-0198	MISCELLANEOUS PERMIT-NO INSPECTIONS	2 tents	600 E GREGORY ST PENSACOLA FL 32501-4155	IRISH LAND LORD INC THE	3/12/2009	3/12/2009
09-04-0068	MISCELLANEOUS PERMIT-NO INSPECTIONS	2 tent for wine festival of nwf	357 S BAYLEN ST PENSACOLA FL 32501	ESCAMBIA COUNTY	4/3/2009	4/3/2009
09-04-0249	MISCELLANEOUS PERMIT-NO INSPECTIONS	1 tent 20 x 20 plaza deluna april 18th company picnic Laura delles @ 471-4788		TENT	4/20/2009	4/20/2009
09-04-0264	MISCELLANEOUS PERMIT-NO INSPECTIONS	1 tent 2 20x50 19x10	407 S JEFFERSON ST PENSACOLA FL 32501-5901	PENSACOLA MUSEUM OF ART INC	4/15/2009	4/15/2009
09-04-0413	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR FIESTA OF FIVE FLAGS CRAWFISH FESTIVAL APRIL 30- MAY 4, 2009 2- 12 x 12, 1- 15 x 15, 2- 20 x 20, 1- 60 x 60, 1- 60 x 30	211 BAYFRONT PKWY PENSACOLA FL 32501	TENT	4/23/2009	4/23/2009
09-05-0238	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 20X70 OUTSIDE ART FAIR	211 BAYFRONT PKWY PENSACOLA FL 32501	PRESTON SUSAN	5/12/2009	5/12/2009

Count: 92

Total (43) Tent Permits
On City Property

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
09-05-0249	MISCELLANEOUS PERMIT-NO INSPECTIONS	VETERANS MEMORIAL PARK TENT (1) 40 x 20 and (1) 15 x 15 EscaRosa Independence Weekend 540-809-2381, serena tyson		TENT	5/13/2009	5/13/2009
09-05-0342	MISCELLANEOUS PERMIT-NO INSPECTIONS	APPETITE FOR LIFE (1) 40 X 40 AND (1) 30 X 90 TENT MAY 22-25, 2009	560 E HEINBERG ST PENSACOLA FL 32502	BUSBEE LIMITED PARTNERSHIP	5/20/2009	5/20/2009
09-05-0364	MISCELLANEOUS PERMIT-NO INSPECTIONS	1 14x14 / 15x15 tent Community Health Fair	601 W BELMONT ST PENSACOLA FL 32501-3849	PENSACOLA ALUMNAE CHAPTER	5/21/2009	5/21/2009
09-06-0016	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT- 20 x 20 FOR ELCANO VISIT JUNE 2- 9, 2009	700 S BARRACKS ST PENSACOLA FL 32501	TENT	6/1/2009	6/1/2009
09-06-0096	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 20 x 20 ON JUNE 13TH "HEALTH AWARENESS FESTIVAL" BAPTIST HEALTH CARE	1601 N HAYNE ST PENSACOLA FL 32521	TENT	6/5/2009	6/5/2009
09-06-0193	MISCELLANEOUS PERMIT-NO INSPECTIONS	30x60 TENT Chamber cook out 6/12	1401 E GREGORY ST PENSACOLA FL 32501	CHAMBER OF COMMERCE CO	6/10/2009	6/10/2009
09-06-0198	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 20 x 20 FOR PARADE ON 6/11/09	30 S SPRING ST PENSACOLA FL 32502	TENT	6/11/2009	6/11/2009
09-07-0106	MISCELLANEOUS PERMIT-NO INSPECTIONS	20x30 tent Bridal Showcase	208 S ALCANIZ ST PENSACOLA FL 32501-6012	KWASIN-SMITH LLC	7/29/2009	7/29/2009
09-07-0280	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 20 x 20 - JULY 25TH @ HIGHLAND TERRACE PARK	111 BERKLEY DR PENSACOLA FL 32501	TENT	7/17/2009	7/17/2009
09-08-0037	MISCELLANEOUS PERMIT-NO INSPECTIONS	tent 25 x 25 august 7th glenn spellings 393-0929	311 E GOVERNMENT ST PENSACOLA FL 32501	CITY OF PENSACOLA	8/4/2009	8/4/2009

Count: 92

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
09-08-0085	MISCELLANEOUS PERMIT-NO INSPECTIONS	tent 30 x 20 at Deluna's Landing August 6th - August 8th	997 S PALAFOX ST PENSACOLA FL 32502	GROSS	8/6/2009	8/6/2009
09-08-0127	MISCELLANEOUS PERMIT-NO INSPECTIONS	tent permit for the Greek Festival October 12 - 19 2009 40 x 60 applicant: George Apostle	1720 W GARDEN ST PENSACOLA FL 32501-4416	CHURCH GREEK ORTHODOX	8/10/2009	8/10/2009
09-09-0358	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS FOR SEAFOOD FESTIVAL SEPT 24-28,2009	311 E GOVERNMENT ST PENSACOLA FL 32501	FIESTA OF FIVE FLAGS	9/22/2009	9/22/2009
09-09-0437	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS - 2- 20 x 20 & 2- 10 x 10 TENTS ON OCT 1, 2009 "LIGHT THE NIGHT WALK" SEVILLE SQUARE	10311 E GOVERNMENT ST PENSACOLA FL 32501	THE BLEUKEMIA & LYMPHOMA SOCIET	9/25/2009	9/25/2009
09-10-0257	MISCELLANEOUS PERMIT-NO INSPECTIONS	40x100 TENT WATERFRONT MISSION THANKSGIVING DINNER 11/24 1127	16 W MAIN ST PENSACOLA FL 32501	WATERFRONT RESCUE MISSION		
09-10-0307	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT PERMIT @ BACK PARKING LOT OF BEST BUY/BELK 30 X60 TENT -AMERICAN CANCER SOCIETY/LORI PERKINS 9 OCT 31ST - NOV 1ST (850-450-5077)	5100 N 9TH AVE PENSACOLA FL 32504	SIMON DEBARTOLO GROUP		
09-11-0016	MISCELLANEOUS PERMIT-NO INSPECTIONS	tent permit for the great gulfcoast arts festival 11/6-8 2009 seville square obtained by charlie merritt	311 E GOVERNMENT ST PENSACOLA FL 32501	CITY OF PENSACOLA	11/2/2009	11/2/2009
09-11-0305	MISCELLANEOUS PERMIT-NO INSPECTIONS	30x45 tent 12/12/09 All Pro Sound Christmas Party	211 BAYFRONT PKWY PENSACOLA FL 32501	ALL PRO SOUND		
09-12-0112	MISCELLANEOUS PERMIT-NO INSPECTIONS	40x60 tent	555 SCENIC HWY PENSACOLA FL 32501	SILIVOS GUSIP & NANCY K		
09-12-0213	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 20 x 20 FOR CHRISTMAS PARADE FOR CHANNEL 5 WKRK DEC 12TH @ PALAFOX & GARDEN	1 N PALAFOX ST PENSACOLA FL 32501-5665	TENT	12/11/2009	12/11/2009

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CITY OF PENSACOLA

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
09-12-0252	MISCELLANEOUS PERMIT-NO INSPECTIONS	40' x 100' TENT FROM DEC 22ND TO DEC 27TH	16 W MAIN ST PENSACOLA FL 32501	TENT	12/15/2009	12/15/2009
09-12-0497	MISCELLANEOUS PERMIT-NO INSPECTIONS	2 CONNECTED TENTS 1- 40 x 40 & 1- 40 x 20 FOR 12/29/09 TO 01/05/10	555 SCENIC HWY PENSACOLA FL 32501	TENT	12/29/2009	12/29/2009
10-01-0234	MISCELLANEOUS PERMIT-NO INSPECTIONS	30" X 75" TENT FOR ROGER SCOTT GRAND OPENING Date of Event: 1/22/10	2130 SUMMIT BLVD PENSACOLA FL 32503-3363	CITY OF PENSACOLA	1/20/2010	1/20/2010
10-01-0258	MISCELLANEOUS PERMIT-NO INSPECTIONS	20 x 20 TENT FOR MARCH OF DIMES WALK IN APRIL***NOT RENTING TENT FOR EVENT***	211 BAYFRONT PKWY PENSACOLA FL 32501	TENT		
10-02-0034	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT PERMIT FOR JAZZ SOCIETY AT SEVILLE SQUARE APRIL 9TH - APRIL 11TH (4) TENTS 20 X 30 (1) 9 X 20 *2) 10 X 10	311 E GOVERNMENT ST PENSACOLA FL 32501	CITY OF PENSACOLA	2/2/2010	2/2/2010
10-02-0240	MISCELLANEOUS PERMIT-NO INSPECTIONS	4ft fence around retention pond ****VOIDED WRONG PERMIT TYPE****	1829 N 9TH AVE PENSACOLA FL 32503-5271	FATHER & SON MASONRY		
10-02-0271	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT ERECTED MARCH 11TH - MARCH 14TH MCGUIRES IRISH PUB		TENT	2/17/2010	2/17/2010
10-02-0294	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR SMOKIN IN THE SQUARE - FOUNTAIN PARK MARCH 5,6 2010 30' X 45'	211 BAYFRONT PKWY PENSACOLA FL 32501	CITY OF PENSACOLA		
10-03-0163	MISCELLANEOUS PERMIT-NO INSPECTIONS	5 TENTS (2- 20' x 60', 1- 20' x 20', 1- 20' x 40', 1- 15' x 30') MARCH 31ST TO APRIL 4TH MCMAHON WEDDING - (NANCY'S HAUTE AFFAIRS APPLICANT)	514 BAY BLVD PENSACOLA FL 32503-6712	SULLIVAN PATRICK S &	3/11/2010	3/11/2010
10-03-0348	MISCELLANEOUS PERMIT-NO INSPECTIONS	Wedding 7/11 to 7/11 tent 30x40 Melissa Oliver 850-994-6012	300 S PALAFOX ST PENSACOLA FL 32502	CITY OF PENSACOLA		

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CITY OF PENSACOLA

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
10-04-0259	MISCELLANEOUS PERMIT-NO INSPECTIONS	20' x 50' TENT FOR FRI APR 23 TO FRI APR 26, 2010	23997 S PALAFOX ST PENSACOLA FL 32502	TENT	4/20/2010	4/20/2010
10-04-0260	MISCELLANEOUS PERMIT-NO INSPECTIONS	APRIL 30 TO MAY 2ND, 2010 -- 1- 60' x 60', 1- 60' x 30', 2- 15' x 15', 2- 20' x 20', 2- 12' x 12' AND OTHER TENTS	211 BAYFRONT PKWY PENSACOLA FL 32501	TENT	4/22/2010	4/22/2010
10-05-0233	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 40 X 60 FLIP FLOP BALL PLAZA DELUNA SQ	900 S PALAFOX ST PENSACOLA FL 32502	TENT	5/17/2010	5/17/2010
10-05-0320	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 30' x 90' MAY 25TH TO JUNE 1ST OK'D BY WW	560 E HEINBERG ST PENSACOLA FL 32502	BUSBEE LIMITED PARTNERSHIP	5/21/2010	5/21/2010
10-05-0324	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT PERMIT - FIESTA OF FIVE FLAGS (3) 40 X 20	913 S 1ST PENSACOLA FL 32501-5283	CITY OF PENSACOLA	5/24/2010	5/24/2010
10-06-0103	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT - FIESTA OF FIVE FLAGS (20 X 20)	30 S SPRING ST PENSACOLA FL 32501-5612	FIESTA OF FIVE FLAGS	6/3/2010	6/3/2010
10-06-0333	MISCELLANEOUS PERMIT-NO INSPECTIONS	20 x 20 tent for jun 18th wedding reception	997 S PALAFOX ST PENSACOLA FL 32502	GROSS	6/18/2010	6/18/2010
10-06-0761	MISCELLANEOUS PERMIT-NO INSPECTIONS	Tent 40 x 80 outside sale thru July 6th	501 N 9TH AVE PENSACOLA FL 32501-4938	RIGSBEE JAMES E &		
10-09-0189	MISCELLANEOUS PERMIT-NO INSPECTIONS	30' by 40' tent 09-14-2010 MLK Plaza on Palafox 1st Median		KENTS TENTS	9/13/2010	9/13/2010
10-09-0386	MISCELLANEOUS PERMIT-NO INSPECTIONS	2 TENTS FOR WEDDING 1-40X80 1-12X12 LAY OUT SET UP FOR 10/01/10-10/04/10	511 S PALAFOX ST PENSACOLA FL 32502-5932	KENTS TENTS		

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CITY OF PENSACOLA

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
10-10-0256	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR CARPET SALE	1250 AIRPORT BLVD PENSACOLA FL 32504-8610	PRESTON SUSAN		
10-10-0316	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR NOV 23-26	16 W MAIN ST PENSACOLA FL 32501	KENT'S TENTS		
10-10-0349	MISCELLANEOUS PERMIT-NO INSPECTIONS	Tent for American Cancer Society Oct 29th	5100 N 9TH AVE PENSACOLA FL 32504	KENT'S TENTS		
10-10-0487	MISCELLANEOUS PERMIT-NO INSPECTIONS	2-15X15 TENTS FOR RETAIL SALE NOV.3RD-6TH	3110 N DAVIS HWY PENSACOLA FL 32503-3559	QUIGLEY ELECTRIC CO (EL)	10/27/2010	10/27/2010
10-11-0012	MISCELLANEOUS PERMIT-NO INSPECTIONS	THE ARTS FESTIVAL IS HAVING TENTS INSTALLED FROM 11/05-11/07	311 E GOVERNMENT ST PENSACOLA FL 32501	CITY OF PENSACOLA	11/1/2010	11/1/2010
10-11-0023	MISCELLANEOUS PERMIT-NO INSPECTIONS	Tent 30x20	555 SCENIC HWY PENSACOLA FL 32501	SILVOS GUS P & NANCY K		
10-11-0240	MISCELLANEOUS PERMIT-NO INSPECTIONS	ONE TENT 40' X 60" ON PROPERTY	300 N TARRAGONA ST PENSACOLA FL 32501-4859	MANN WILLIAM L	11/15/2010	11/15/2010
10-12-0192	MISCELLANEOUS PERMIT-NO INSPECTIONS	3 tents Dec 25th- Dec 27th	16 W MAIN ST PENSACOLA FL 32501	WATERFRONT RESCUE MISSION	12/8/2010	12/8/2010
10-12-0329	MISCELLANEOUS PERMIT-NO INSPECTIONS	30 x 40 frame tent for 12/16/10		TENT	12/16/2010	12/16/2010
10-12-0526	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR BIG SALES EVENT FROM DEC 28 - JAN 3	501 N 9TH AVE PENSACOLA FL 32501-4938	FRIGSBEE JAMES E &	12/28/2010	12/28/2010

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CITY OF PENSACOLA

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
11-02-0160	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS FOR KNIGHTS OF COLUMBUS BBQ COOKOFF IN SEVILLE SQUARE (1) 30 x 45, (2) 20 x 20 MARCH 3RD - 7TH		TENT	2/11/2011	2/11/2011
11-02-0231	MISCELLANEOUS PERMIT-NO INSPECTIONS	(1) 30' X 30' (1) 20' X 20' (2) 15' X 15' (3) 9' X 10' TENTS FOR PJC ON 2/20/2011	1000 COLLEGE BLVD PENSACOLA FL 32504-8910	TENT	2/17/2011	2/17/2011
11-02-0257	MISCELLANEOUS PERMIT-NO INSPECTIONS	INSTALL TENT ON MAY 21ST 2011 FOR NAVY FEDERAL RUN IN SEVILLE SQUARE TENT SIZE IS 10' X 20'	311 E GOVERNMENT ST PENSACOLA FL 32501	TENT	2/22/2011	2/22/2011
11-02-0310	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS (1) 20' X 20' (2) 30' X 20' (2) 30' X 30' BEING PUT UP FOR THE ANNUAL MCGUIRES IRISH PUB RUN; DATES THE TENTS WILL BE UP (MARCH 10TH - 12TH)	600 E GREGORY ST PENSACOLA FL 32501-4155	TENT	2/24/2011	2/24/2011
11-03-0061	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT PERMIT - BAYFRONT PKWY 10 X 20 3/3/11 - 3/6/11		TENT	3/3/2011	3/3/2011
11-03-0168	MISCELLANEOUS PERMIT-NO INSPECTIONS	(6) TENTS FOR PENSACOLA JAZZ FESTIN SEVILLE SQUARE	311 E GOVERNMENT ST PENSACOLA FL 32501	TENT		
11-04-0289	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT - APRIL 29- MAY 1, 2011 CRASHFISH FESTIVAL	211 BAYFRONT PKWY PENSACOLA FL 32501	Fiesta of Five Flags		
11-05-0216	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR FISHING TOURNAMENTS INC	811 S R ST PENSACOLA FL 32502	FLORIDA DRUM COMPANY INC	5/13/2011	5/13/2011
11-05-0222	MISCELLANEOUS PERMIT-NO INSPECTIONS	PENSACOLA MUSEUM OF ART EVENT "ART IN THE PARK" TENT (10' X 20')	311 E GOVERNMENT ST PENSACOLA FL 32501	PENSACOLA MUSEUM OF ART INC	5/13/2011	5/13/2011
11-05-0223	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR ART IN THE PARK (20' X 20') BY PENSACOLA MUSEUM OF ART	311 E GOVERNMENT ST PENSACOLA FL 32501	PENSACOLA MUSEUM OF ART INC	5/13/2011	5/13/2011

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Permit Browse
CITY OF PENSACOLA

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
11-05-0320	MISCELLANEOUS PERMIT-NO INSPECTIONS	(2) 20 x 20 TENTS FOR ART NIGHT ON THE BAYFRONT	997 S PALAFOX ST PENSACOLA FL 32502	CITY OF PENSACOLA	5/20/2011	5/20/2011
11-05-0389	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT- MEMEORIAL DAY WEEKEND PARTY	560 E HEINBERG ST PENSACOLA FL 32502	BUSBEE LIMITED PARTNERSHIP		
11-05-0423	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR AND EVENT BEING PUT ON AT WAYSIDE PARK BY ESCAMBIA COUNTY TENT SIZE IS 10' X 20' TENT WILL BE UP TUESDAY MAY 31ST, 2011	1401 E GREGORY ST PENSACOLA FL 32501	ESCAMBIA COUNTY	5/27/2011	5/27/2011
11-06-0034	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT FOR THE LOT PARTY - FIESTA PARADE	30 S SPRING ST PENSACOLA FL 32501-5612	EMMANUEL SHEPPARD & CONDON	6/2/2011	6/2/2011
11-06-0175	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT 30' X 60' BEING PUT UP FOR A FISHING TOURNAMENT PERMIT PULLED BY FISHING TOURNAMENTS INC TENT WILL BE UP FROM 06/10/2011 UNTIL 06/13/2011	811 S R ST PENSACOLA FL 32502	FLORIDA DRUM COMPANY INC	6/10/2011	6/10/2011
11-06-0454	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS TO BE PLACED NEXT TO FOUNTAIN ON 6/29/2011 AND TAKEN DOWN 6/30/2011	997 S PALAFOX ST PENSACOLA FL 32502	GROSS	6/28/2011	6/28/2011
11-08-0014	MISCELLANEOUS PERMIT-NO INSPECTIONS	4 TENTS (30 X 60) (30 X 30) (20 X 20) (15 X 15) FROM 08/05/2011 UNTIL 08/07/2011	920 S PALAFOX ST CONCESSION & RESTROOMS PENSACOLA FL 32502	CITY OF PENSACOLA	8/1/2011	8/1/2011
11-08-0342	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT RENEWAL TO SELL FRUIT IN JOE PATTI'S PARKING LOT	524 SOUTH B ST PENSACOLA FL 32501	PATTI JOE SEAFOOD CO	8/22/2011	8/22/2011
11-08-0405	MISCELLANEOUS PERMIT-NO INSPECTIONS	INSTALLING 7 TENTS THE LARGEST BEING 80' X 110' AND THE WILL BE UP FROM OCT. 10TH THROUGH OCT. 17TH 2011	1720 W GARDEN ST PENSACOLA FL 32501-4416	CHURCH GREEK ORTHODOX	8/25/2011	8/25/2011
11-09-0060	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT RENEWAL TO SELL PRODUCTS AT JOE PATTI'S IN PARKING LOT	524 S B ST PENSACOLA FL 32501	PATTI JOE SEAFOOD CO		

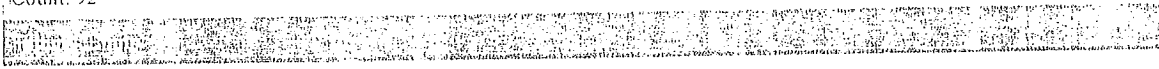
Count: 92

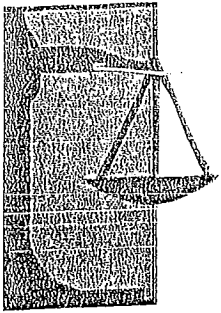
Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
11-09-0319	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT RENEWAL TO SELL FRUIT IN JOE PATTT'S PARKING LOT	524 S B ST PENSACOLA FL 32501	PATTI JOE SEAFOOD CO	9/21/2011	9/21/2011
11-09-0447	MISCELLANEOUS PERMIT-NO INSPECTIONS	tents (1) 20 x 20; (3) 10 x 10 and (2) 9x20 canopies	1680 AIRPORT BLVD PENSACOLA FL 32504	BLUE CROSS BLUE SHIELD	9/29/2011	9/29/2011
11-09-0448	MISCELLANEOUS PERMIT-NO INSPECTIONS	tents (1) 20 x 20; (3) 10 x 10 and (2) 9x20 canopies	511 S PALAFOX ST PENSACOLA FL 32502-5932	BLUE CROSS BLUE SHIELD	9/29/2011	9/29/2011
11-10-0247	MISCELLANEOUS PERMIT-NO INSPECTIONS	20' X 40' TENT TO BE PLACED IN THE PARKING LOT FOR THANKSGIVING WILL BE UP FROM NOV. 22ND- NOV. 28TH 2011	16 W MAIN ST PENSACOLA FL 32501	WATERFRONT RESCUE MISSION	10/13/2011	10/13/2011
11-10-0314	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT RENEWAL TO SELL FRUIT IN JOE PATTT'S PARKING LOT	524 S B ST PENSACOLA FL 32501	PATTI JOE SEAFOOD CO	10/19/2011	10/19/2011
11-10-0419	MISCELLANEOUS PERMIT-NO INSPECTIONS	15 X 15 TENT SET UP NOV 7TH & TAKE DOWN NOV. 14TH PENSACOLA SPORTS ASSOCIATION (PRO MEN'S CIRCUIT TENNIS)	2130 SUMMIT BLVD PENSACOLA FL 32503-3363	CITY OF PENSACOLA	10/26/2011	10/26/2011
11-10-0421	MISCELLANEOUS PERMIT-NO INSPECTIONS	3 40x20 tents from 10/27 - 10/29	300 N TARRAGONA ST PENSACOLA FL 32501	MANN WILLIAM L	10/24/2011	10/24/2011
11-10-0433	MISCELLANEOUS PERMIT-NO INSPECTIONS	Tent permit for American Cancer Society - total 6 tents	5100 N 9TH AVE PENSACOLA FL 32501	SIMON PROP GRP/CORDOVA MALL	10/25/2011	10/25/2011
11-10-0495	MISCELLANEOUS PERMIT-NO INSPECTIONS	(4) 9 X 10 TENTS FOR NANCY'S HAUTE AFFAIRS ERECTED ON OCT 29TH - NOV 2ND	555 SCENIC HWY PENSACOLA FL 32501	SILIVOS GUS P & NANCY K	10/26/2011	10/26/2011
11-11-0016	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENTS TO BE UP FROM NOV. 3RD - NOV. 6TH 2011 (6) TENTS TOTAL FOR THE GREAT GULF COAST ARTS FESTIVAL	311 E GOVERNMENT ST PENSACOLA FL 32501	CITY OF PENSACOLA	11/2/2011	11/2/2011

Count: 92

Permit number	Permit type	Permit description	Full Permit Address	Customer Last Name	Issue date	Final date
11-11-0055	MISCELLANEOUS PERMIT-NO INSPECTIONS	TENT PLAZA FERDINAND (HARRIS WEDDING)	300 S PALAFOX ST PENSACOLA FL 32502	CITY OF PENSACOLA	11/4/2011	11/4/2011
11-11-0094	MISCELLANEOUS PERMIT-NO INSPECTIONS	2 20X40 TENTS AMERICAN DIABETES ASSOCIATION	2001 E LLOYD ST PENSACOLA FL 32502	CITY OF PENSACOLA	11/4/2011	11/4/2011

Count: 92





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November 16, 2011

City of Pensacola
Attn: Bill Reynolds
222 West Main Street
Pensacola, FL 32502

Re: Occupy Pensacola

Dear Mr. Reynolds:

As you are aware, I represent Occupy Pensacola with regards to their ongoing demonstration currently taking place on the North Lawn of City Hall. We spoke at the Committee of the Whole on Thursday, November 10, 2011, wherein you indicated that on Monday, November 14, 2011, the City of Pensacola would conduct discussions with Occupy Pensacola regarding the continuance of Occupy Pensacola's demonstration. On that date, I contacted your office and left a voicemail for you asking you to return my call in order to schedule that meeting. To date, I have not received a return call from you or your office.

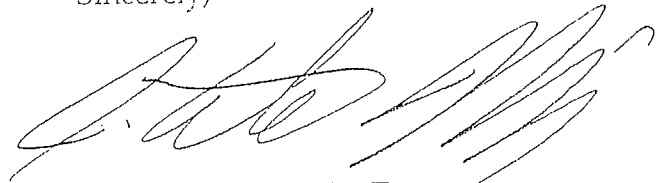
In the meantime, a city official approached Gary Paull, Jr., last night and told him that the city meeting was scheduled for today, November 16, 2011, at 1 p.m. However, when the meeting did occur, the City of Pensacola took the position that it was solely there to work out an application for a special event permit, which had never been requested by anyone from Occupy Pensacola. The City of Pensacola has also on more than three occasions stated, in writing, that permits were not necessary for the type of activity Occupy Pensacola was engaged in.

When I attempted to discuss the matter of the continuance of the occupation, the City of Pensacola employees who were present at that meeting said there would be no discussion and called the meeting to a halt. This result was extremely confusing to myself as well as the members of Occupy Pensacola who were present at that meeting. In the past meetings with the city, the discussions have been open and fruitful. To say the least, this change in tone by the city was surprising.

Therefore, Occupy Pensacola has asked me to again attempt to schedule a meeting to discuss frankly and openly the matters surrounding the ongoing demonstration. There is no need for the city to shut down open communications with Occupy Pensacola as the process, up until this point, has been very amicable and cooperative.

Please call me at your earliest convenience so we may schedule a meeting between the City of Pensacola and Occupy Pensacola to discuss the matters regarding Occupy Pensacola's ongoing demonstration and exercise of their First Amendment rights.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Alistair McKenzie', written in a cursive style.

J. Alistair McKenzie, Esq.

/jam
11-104

Office of the Mayor

City of Pensacola

*America's First Settlement
Established 1559*

November 17, 2011

NOTICE

Due to the failure of the Occupy Pensacola Movement to apply for a permit under applicable city codes designed to ensure the public health, safety and welfare, and for the protection and proper maintenance of public areas, the Mayor of the City of Pensacola has determined that your 24 hour use of public lands is no longer tenable.

You are hereby ordered, under the authority of the Office of the Mayor of the City of Pensacola, to vacate city property by

11:00 p.m. Friday, November 18th.

Failure to leave, or interference with law enforcement or sanitation personnel, could result in your arrest. All property left on City grounds will be considered to have been abandoned and will be disposed of properly.

Once City property has been returned to its pre-occupation state, you may continue lawful protest activities between the hours of 6 a.m. to 11 p.m. Structures will not be permitted to be erected during the course of any future protest activity.

Your prompt attention is appreciated.



William L. Reynolds
City Administrator