

## Chapter 51 - SPECIAL EVENTS

### Sec. 51-1. - Purpose.

It is in the best interests of the citizens and commercial property owners for the town to permit temporary uses of property which have an impact on town services, town property, or adjacent properties. The town, therefore, adopts these procedures to permit and regulate activities of this nature.

(Ord. No. 2008-02, § 1, 3-19-2008)

### Sec. 51-2. - Definitions of special event.

- (a) For the purpose of this chapter, "special event" means an organized gathering of persons for a limited duration, whether commercial or noncommercial in nature, held on public or private property, which has an impact on health, fire, police, or other services which exceeds those regularly provided by the town. A special event includes, but is not limited to, an event which:
- (1) Requires street closings or detours;
  - (2) Utilizes town property to an extent above normal usage;
  - (3) Requires additional off site parking facilities that are not contiguous to where the event is being held, to accommodate overflow parking, or requires a bus or shuttle service to the event;
  - (4) Requires the temporary suspension of established town parking regulations;
  - (5) Requires dedicated traffic control;
  - (6) Requires additional seating accommodations outdoors to prevent exceeding the seating capacity established by law; or
  - (7) Requires fire watch or emergency medical personnel on, adjacent to, or in the vicinity of the premises.
- (b) Normal day-to-day operations of licensed establishments within the town are not considered special events; however, if an establishment holds an event which is not typically considered special, but which, due to unanticipated increased attendance or additional activities, has any characteristics of a special event pursuant to this section, the establishment shall thereafter seek a special event permit if it holds the event in the future.

(Ord. No. 2008-02, § 1, 3-19-2008)

### Sec. 51-3. - Permit required.

- (a) No person shall advertise, engage in, participate in, aid, form, or start any special event unless a permit shall first have been obtained from the department as assigned by the town manager.
- (b) *Exceptions.* This section shall not apply to:
- (1) Funeral processions.
  - (2) Lawful picketing. Lawful picketing shall be conducted off the street or roadway and not in a manner as to obstruct vehicular or pedestrian traffic. Any lawful picketing which crosses, traverses or is otherwise conducted in or upon any street or roadway shall not be exempted from the permit requirement.
  - (3) Activities of a governmental agency acting within the scope of its governmental authority.
  - (4) Events sponsored or co-sponsored by the town.
  - (5) Normal day to day activities associated with the operation of the lighthouse property by the Lighthouse Preservation Association, as contemplated by the agreement between the town and the association, so long as such activities do not violate the restrictions set forth in the quit claim

deed of the lighthouse property to the Town of Ponce Inlet and do not meet the characteristics set forth in section 51-2 herein.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-4. - Application for permit.

Any person seeking the issuance of a permit for a special event shall file an application with the development services department or other department as assigned by the town manager.

- (1) *Filing period.* An application for a permit shall be filed not more than 270 and not less than 45 days before the date and time which the proposed special event is to take place. The application shall be signed by the applicant, whose signature shall be notarized.
- (2) *Contents.* The application for a permit shall include the following information and such other information as may be reasonably required:
  - a. The name, place of residence, mailing address and telephone number of the person seeking to conduct the event;
  - b. If the event is to be conducted for, on behalf of, or by an organization, the name, address, telephone number (should be the most reliable number available), and fax number (if available) of the headquarters of the organization and of the authorized and responsible heads of such organization;
  - c. The name, place of residence, mailing address and best contact telephone number of the individual person responsible for the conduct of the event;
  - d. The dates and time schedule for the event;
  - e. The exact location of event;
  - f. The nature and types of activities that will occur;
  - g. A description of any and all recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices which will be utilized in connection with the event;
  - h. The approximate number of spectators and participants present or participating in the event as well as any animals by type;
  - i. The designation of off-site parking areas and written permission from the owners;
  - j. The purpose of the event;
  - k. A designation of any public right of way, property, buildings, facilities or equipment proposed to be utilized;
  - l. County permit if county roadway is to be used;
  - m. An indemnification agreement in favor of the town and included as part of the application shall be executed by an authorized representative of the applicant. The organization will not be required to indemnify the town for the negligent acts of the town's employees or agents;
  - n. If the event is a parade, the following additional information shall be required:
    1. The exact location or any marshalling or staging areas for the parade;
    2. The time at which units of the parade will begin to arrive at the staging areas and the times at which all such units will be disbursed there from;
    3. The exact route to be traveled, including the starting point and termination point;
    4. The approximate number of persons who, and animals and vehicles which, will constitute the parade, the types of animals and description of the vehicles;

5. A statement as to whether the parade will occupy all or only a portion of the width of the street, roadway, or sidewalks to be used;
  6. Method of cleaning the area after the event and/or mitigating any potential environmental impacts.
- o. A copy of all permits issued to participating transient merchants.
  - p. The planned duration of the event including the times the event begins and ends. If the event is to occur over the course of more than a single day, the application shall include the number of days of the event as well as the times for each day the event begins and ends.
  - q. A drawing showing the location of any temporary structures, such as tents. A permit issued in accordance with the Code of Ordinances shall be required of all temporary structures. No permanent structures shall be allowed to be erected for purposes of special events.
  - r. A drawing showing the means of vehicular and pedestrian ingress and egress to and from the special event.
  - s. If temporary lighting is to be used, a description of such lighting, together with a drawing if desirable, showing that the lighting will not adversely affect adjacent properties.
  - t. Statement of extra security, police, fire, and other services and support required which exceed those regularly provided by the town.
  - u. Statement of previous special events permitted by the town in the current calendar year.
  - v. Public liability and property damage insurance information as required in section 51-7

(3) *Fees.*

- a. A nonrefundable application fee in an amount to be established by resolution of the town council to cover the expenses incident to processing shall be paid to the Town of Ponce Inlet at the time the application is filed.
- b. If the application is for the use of any town property or if any town services shall be required for the event, the applicant shall pay, prior to the issuance of a permit, the projected cost to the town for services provided. Upon completion of the event, the exact charges for town services will be totaled and the permittee may be subject to additional charges or a partial refund.

(4) *Response time.* The town shall approve, approve with conditions, or deny the application within 21 days from receipt of the fully completed application.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-5. - Police protection.

After obtaining as much information as the town reasonably deems necessary regarding a permit application, the chief of police shall determine whether and to what extent additional police or security protection reasonably will be required for the event for purposes of traffic, crowd control and security. In making this determination, the chief of police shall consider those factors set out in subsection 51-4(2). If additional police or security protection for the event is deemed necessary by the chief of police, he or she shall so inform the applicant for the permit. The chief of police shall consider what additional manpower, equipment and supplies are needed, as well as any other items or expenses which will be necessary. The applicant then shall have the duty to secure police or security protection acceptable to the chief of police at the sole expense of the applicant and shall prepay the expenses of such protection as required.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-6. - Fire protection and emergency medical services.

- (a) After receiving notification of the intended event, the fire chief shall make determination as to the need for on-site fire watch or emergency medical personnel. The fire chief shall consider such factors as the location, number of anticipated participants and spectators, and type of event, including the application of appropriate codes and ordinances. If fire watch and/or emergency medical personnel for the event are deemed necessary by the fire chief, he or she shall so inform the applicant who shall have the responsibility to secure from the town fire watch/emergency medical personnel at the sole expense of the applicant and shall prepay the expenses of such protection.
- (b) The conduct of the event shall not introduce extraordinary hazards to fire protection and/or life safety in the immediate or adjacent areas.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-7. - Standards and conditions for issuance of permit.

- (a) The town shall issue a permit as provided herein upon certification from the town department directors, based upon the following standards and conditions:
  - (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in, or contiguous to the route or location of the event.
  - (2) The conduct of the event will not require the diversion of so great a number of public safety personnel or equipment of the town to properly secure the event area and the areas contiguous thereto, as to prevent current level of public safety services from being furnished to other parts of the town.
  - (3) The event shall not take place until inspections of the special event site have been conducted by the appropriate departments to determine whether this chapter and any conditions of the special event permit have been met or satisfied.
  - (4) The concentration of persons, animals and/or vehicles at the event will not unduly interfere with proper fire and/or police protection of, or ambulance service to, areas contiguous to the event area or other areas of the town.
  - (5) The conduct of the special event is not reasonably likely to cause injury or intended to cause injury to persons or property, create an environment not compatible with a residential neighborhood if within or abutting a residential neighborhood, or to result in disorderly conduct as defined by town ordinance or state statutes, provided that the town may not deny a permit solely on the basis of the proposed content of speech or ideas of the group involved.
  - (6) Adequate sanitation and other required health facilities are, or will be, made available in or adjacent to the event area.
  - (7) The conduct of the special event must be in accordance with the town's noise ordinance.
  - (8) There are sufficient parking places on site and/or written approvals from off-site property owners where off-site parking is to occur, to accommodate the approximate number of automobiles expected to be driven to the special event.
  - (9) Precautions will be taken to ensure protection of landscaping and irrigation systems.
  - (10) The applicant has secured security personnel or police, fire and emergency medical services protection, if any, required under this procedure. If applicant has secured police, fire, and emergency medical services from the town, (s)he must prepay the expenses thereof.
  - (11) Public liability and property damage insurance, with the town named as an additionally insured party, shall be obtained by the applicant for any special event that is held on town property or that utilizes town facilities, in an amount approved by the town, after consideration of the factors set out in subsection 51-4(2). The applicant shall place on file with the town a certified insurance policy issued by a company authorized to do business in the state.
  - (12) Application for a special event permit shall constitute an agreement by the applicant to pay for town personnel expenses and extraordinary services provided by the town, including any

repairs, renovations and/or landscaping and turf restorations or replacement of town property which is necessitated by virtue of the special event.

- (13) Any temporary lighting will not adversely affect adjacent properties.
- (14) No applicant shall be granted a permit for an event that is to occur over a period longer than seven consecutive days.
- (15) No applicant shall be granted more than twelve special events permits in a single calendar year.
- (b) At his or her discretion, the town manager or designee may waive the requirement that an application be submitted no sooner than 45 days before a proposed special event date, upon proof by the applicant that mitigating or unforeseen circumstances have occurred, making it impractical or impossible for the applicant to file an application 45 days or more prior to the event. However, applicant shall be required to satisfy all other requirements of this chapter.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-8. - Denial of application for permit.

- (a) The town manager or designee may deny an application for permit for failure of the applicant to satisfy the applicable standards set forth in this chapter.
- (b) The town manager or designee may also deny an application for permit on any of the following grounds:
  - (1) The application, including any required attachments and submissions, is not fully completed and executed;
  - (2) The applicant has not tendered the required application fees or projected costs, indemnification agreement, or insurance certificate;
  - (3) The application contains a material falsehood or misrepresentation;
  - (4) The applicant is legally incompetent to contract or to sue or be sued;
  - (5) The applicant or the person on whose behalf the application was made has on prior occasions damaged town property and has not paid in full for such damage, or has other outstanding and unpaid debts to the town;
  - (6) A fully executed application for a special event permit for the same time and place has previously been submitted, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular property;
  - (7) A fully executed application for a special event permit has previously been submitted for the same time and at a location in the vicinity, and a permit has been or will be granted to the prior applicant authorizing uses or activities which are incompatible with the subsequent application; or an additional special event will create a safety hazard or place an undue burden on the citizens or the town's resources, services, and roadways;
  - (8) The proposed use is prohibited or inconsistent with the town's comprehensive plan or land use and development code;
  - (9) The use or activity intended would present an unreasonable danger to the health or safety of the applicant or others;
  - (10) The applicant has not complied or cannot comply with other ordinances of the town concerning the sale or offering for sale of any goods or services; or
  - (11) The use or activity intended is prohibited by law.
- (c) Should the application be denied, the town shall notify the applicant within five working days of the denial. This notification shall include the reasons for the denial of the permit, and shall advise of the appeal procedure set forth in this chapter.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-9. - Duties of permittee.

A permittee hereunder shall comply with all permit directions and conditions, and with all applicable laws and ordinances. The permit shall be maintained on the site of the special event, or, if the special event is not tied to a particular site, the permit shall be maintained in the custody of the applicant, to be inspected upon demand by town authorities. Under no circumstances may a permit be transferred from the applicant to any other person or organization.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-10. - Revocation of permit.

The town manager or designee shall have the authority to revoke a permit issued hereunder instantly upon violation of any one or more of the conditions or standards for issuance as herein set forth and all activities shall immediately cease. The permittee may appeal the revocation to the town council pursuant to this chapter.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-11. - Indemnification.

The organization on whose behalf an application is made for a special event permit shall agree to indemnify, defend and hold the town harmless from and against any and all liability, loss, claim, suit, damage or expense, including attorney fees which the town may suffer, sustain or incur, on account of the death of or injury to any person or loss of or destruction of any property, arising from or in any way connected with issuance of a permit or conduct of the activity or any of its participants. The organization will not be required to indemnify the town for the negligent acts of the town's employees or agents.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-12. - Federal, state, county and local law requirements.

Nothing in this chapter shall be construed so as to exempt the applicant or any other person from the requirements of Chapter 791, Florida Statutes, or any other applicable federal, state, county or local law or ordinance.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-13. - Signs.

Banners, pennants, temporary signs, or signs of any other nature shall be permitted only in accordance with the town's sign ordinances.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-14. - Transient merchants.

The receipt of a special event permit pursuant to this section shall not exempt any transient merchant as defined in chapter 50 from obtaining a permit as required therein.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-15. - Parking.

The receipt of a special event permit pursuant to this section shall not exempt an applicant from any requirement of the town's zoning regulations or codes regarding parking unless included in the application for the event.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-16. - Appeals.

- (a) *Right of appeal.* Any person aggrieved by any decision under this chapter shall have the right to appeal to the town council by filing a written appeal, together with any appeal fee as set by resolution of council, with the town manager or designee within 30 days following the effective date of the action or decision complained of.
- (b) *Contents of appeal.* Such appeal shall set out a copy of the town manager or designee's decision appealed from and shall include a statement of the facts relied upon to avoid such decision.
- (c) *Hearing.* The town manager or designee shall fix a time and place for hearing the appeal at the next regularly scheduled council meeting or special council meeting and shall provide a written notice by U.S. mail upon the appellant at the address provided by appellant, informing him/her thereof. If a special council meeting is requested, the appellant shall be required to pay costs associated with such meeting as set by resolution.
- (d) The town council shall have final authority to affirm the decision to revoke a permit or to approve, conditionally approve, or deny a permit application.

(Ord. No. 2008-02, § 1, 3-19-2008)

Sec. 51-17. - Enforcement.

The town, through its town manager or designee, police department, or fire department, may immediately cause any special event conducted without a valid permit issued pursuant to this chapter to be ceased and disbanded. In addition, the town may bring any violations of this chapter before its code enforcement board or special magistrate which may make findings of violations and impose administrative fines as authorized by the Florida Statutes. Nothing in this section may be construed to prevent the town from seeking to enjoin violations of this article, or seeking damages caused by violations of this article, in a court of competent jurisdiction.

(Ord. No. 2008-02, § 1, 3-19-2008)