



Town of Bay Harbor Islands

APPLICATION FOR SPECIAL EVENT

PROCESSING FEE - \$50.00

CONTACT INFORMATION:

Organization/ Host:			
Address:			
City:	State:		Phone:
Mailing Address:			
City:			Fax:

Summary of Event:

Location of Event: _____

Description

Event Title: _____

Description: *(purpose of the event, will music be provided and what type, etc.)*

Event Category:

- | | | |
|------------------------------------------------|----------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Athletic/ Recreation | <input type="checkbox"/> Concert/Performance | <input type="checkbox"/> Farmer/Outdoor Market |
| <input type="checkbox"/> Exhibits/ Misc | <input type="checkbox"/> Short Film | <input type="checkbox"/> Special Attraction |
| <input type="checkbox"/> Festival/ Celebration | <input type="checkbox"/> Commercial | <input type="checkbox"/> Other as specified: |

ARTICLE II. - SPECIAL EVENTS

Sec. 21-11. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Special event means the temporary use of public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section. Examples of special events include: festivals, rodeos, fundraising, walkathon, bikeathon, jogging activity, or any other similar organized activity.

Specified area means the private property, public park, plaza, square or public street wherein the special event is held.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-12. - Special events permits.

The town manager, or his or her designee, has the authority to issue, modify or revoke permits for special events, in accordance with criteria set forth in this section as approved by the town council.

- (1) It shall be unlawful to engage in special events without a special events permit.
- (2) Applicants wishing to hold a special event must submit a completed special events application, including but not limited to an application form, site plan, fees, deposits, insurance and indemnification, no less than 15 business days in advance of the event.
- (3) The manager, or his or her designee, may impose such fees as they determine appropriate considering the impact of the special event on town facilities and services, including without limitation, user fees for particular properties, square footage rates for exclusive use of property, and concession agreements for paid admissions, and sale of food, beverage and merchandise. The manager may, in his/her discretion, reduce or waive the submission periods, or fees for a particular event when such waiver is found to be in the best interest of the town.
- (4) The town manager or his designee may issue a permit that authorizes a special event in conflict with chapter 12, article II, Noises, of the Town Code, or other applicable noise ordinance, only when the applicant has met all of the town's requirements for obtaining a permit as prescribed in this chapter and the special events cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what location. Such permit authorization may be modified or revoked if in the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state and federal laws.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-13. - Application, contents.

Application to conduct a special event shall be made to the town manager, in writing, by the person or persons in charge or responsible therefore. The application shall set forth, at a minimum the following information:

- (1) The name and address of the organization or group.
- (2) The name, address and telephone number of the person who will act as chairperson of the special event and be responsible for the conduct thereof.
- (3) The number of staff and/or volunteers to be provided and the identifying marks, badges or symbols to be worn or used by the staff and/or volunteers.
- (4) 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.
- (5) The method of notifying participants of the terms and conditions of the special event.
- (6) The date the event is to be conducted and the hours it will commence and terminate.
- (7) The specific assembly and dispersal location, the specific route and the plans, if any, for disassembly and dispersal.
- (8) Whether any music will be provided, either live or recorded.
- (9) The number, types and locations of all loudspeakers and amplifying devices to be used.
- (10) Assurance that the applicant will make provision for adequate police presence, with preference given to the Bay Harbor Police Department, and fire department, if any, and that the applicant will conform to necessary fire prevention rules, regulations and guidelines.
- (11) Assurances 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. For events ending by 6:00 p.m. all cleaning activities shall be completed within six 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 an amount to be determined by the town manager, which bond shall be forfeited to the town if the cleanup is not adequate. Adequacy of the cleanup effort will be assessed by the town manager or his/her designee, in his/her reasonable discretion.
- (12) Assurances that the applicant will cause all booths, stands, port-o-potties, stages, signs and any other movable fixtures pertaining to the event to be removed immediately after the special event.
- (13) Such other information as the town manager 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. 920, § 1, 10-10-2011)

Sec. 21-14. - Issuance or denial of permit; appeal.

If the town manager shall find the special event is not to be held for any unlawful purpose and will not in any manner tend to a breach of peace or unreasonably interfere with the public use of the streets and sidewalks, and that all necessary assurances will be met as to police and fire protection presence, if any, and garbage and litter clean-up, he or she shall issue a permit or, for reasons stated, shall deny the requested permit. Should the permit be denied, the applicant shall have a right to file a written notice of appeal to the town council no later than ten business days after the denial. The written notice of appeal shall be provided to the town clerk together with a written statement containing the grounds and basis for the appeal. The town council shall hear the appeal no later than at its next regularly scheduled meeting after receiving the notice of appeal.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-15. - 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 town manager 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. 920, § 1, 10-10-2011)

Sec. 21-16. - 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 town manager or his designee based upon the information contained in the application.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-17. - Indemnification of town; liability insurance.

The applicant for a permit to hold a special event shall agree to indemnify and hold harmless the town, its agents and employees, for any and all claims caused by or arising out of the activities permitted. In certain potentially hazardous situations, as determined by the town manager, the applicant shall provide an appropriate policy of insurance to protect the town from liability that may result from the special event.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-18. - Admission charge.

The town manager may grant permission to the sponsor of an event in a public place 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 applicable factors.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-19. - Exception for town-sponsored events.

Events sponsored or co-sponsored by the town are exempt from the provisions of this article; provided, however, that the co-sponsor or a co-sponsored event shall provide the required insurance certificates. A sponsored event is one which is partially planned, organized and funded or otherwise supported by the town at the request of another person or entity and as determined by the town council.

(Ord. No. 920, § 1, 10-10-2011)

Sec. 21-20. - Enforcement.

- (a) Permits shall be posted in a conspicuous location at the site on which the special event occurs. Upon request of any police officer or code compliance officer in the town, the owner, lessee of the property or other representative of the special events shall produce such permit for inspection.
- (b) Those engaged in an outdoor event without a permit shall be subject to enforcement by the town police officers or code compliance officers, through the issuance of immediate cease and desist orders, the violations of which may be subject to fines imposed by the special magistrate. For repeat offenders, the town manager or his designee may decline to issue permits to such person or entity for one year, or such period as the town manager deems appropriate.

(Ord. No. 920, § 1, 10-10-2011)