



CITY OF DELRAY BEACH SPECIAL EVENTS POLICY

September 2016



Purpose

The City of Delray Beach (the City) recognizes that Special Events (events) provide opportunities to promote community welfare and quality of life, to build a sense of community, to enrich cultural opportunities, to draw visitors to Delray Beach, and to contribute to the economy of the community. Therefore, the City is committed to quality events that offer significant cultural and entertainment enrichment for the community at-large, while fitting within the existing capacities of the City's resources and infrastructure.

The purpose and intent of this document is:

- To preserve the City's character while protecting the health, safety and welfare of the citizens, businesses and visitors of this city.
- To ensure the City of Delray Beach will have adequate advance notice of a proposed special event and the cooperation of the Producer(s) to adequately plan City services, such as security, sanitation, parking, and traffic control that may be required for such an event.
- To establish a straightforward and accountable process for event producers enabling the City and other public agencies to manage these events in a cost-effective and well-coordinated way.
- To ensure that the City's infrastructure and facilities including, but not limited to, beaches, parks, and public rights-of-way are protected and conserved by limiting the number and types of events held in these areas.
- To establish procedures to ensure that the City is compensated by event producers for their use of City resources.

Authority

- The City Commission has authorized the City staff to administer this policy through Section 101.32 of the City's Code of Ordinances (as amended in Ordinance 28-16).
- In accordance with Section 101.32, the City Manager authorizes the Special Events Office (SEO) to serve as designee to approve events, except for new major events.
- This Policy is intended to work in concert with all other applicable rules, regulations, laws, and ordinances of the City of Delray Beach and other applicable governmental entities.
- The City reserves the right to amend the document over time, as it deems necessary.

Definitions

The following definitions shall apply to this policy and shall be used in the application of this policy:

SPECIAL EVENT - shall mean an organized or planned gathering of persons having a common purpose, design, or goal, that is to occur on City-owned, City-controlled, or private property that has an overt impact on the services that are regularly provided by the City, such as health, fire and police. Special Events shall include, but are not limited to, festivals, fundraisers, exhibitions, musical performances, races, parades, and athletic events that:

- (1) Require street closings or detours such that the usual flow of pedestrians or vehicular traffic is inhibited; or
- (2) Utilize City property above normal usage; or
- (3) Are intended to or likely to attract substantial crowds; or
- (4) Are unlike the customary or usual activities generally associated with the property; or
- (5) Require the use of City resources, financial or otherwise, in excess of the City's normal day to day operations; or
- (6) Any additional criteria as deemed by the City Manager.

ATHLETIC EVENT – shall mean participant-oriented, active, group sporting activities, typically governed by a set of rules or customs, that may or may not be competitive in nature, but are pursued for exercise or pleasure, and include such activities as field activities, club sports, 5/10 k runs or races, bicycle races, group bicycle expeditions and such activities that take place on a pre-approved standard route. These events may or may not include a beer garden at the end of the sporting route for the registered participants. Athletic events also include events that are health or wellness oriented, such a beach volleyball tournaments or fitness classes, that occur on City-owned property, City-controlled property, or that overtly impacts the municipality requiring the support of City staff or City resources.

BLOCK PARTY EVENT – shall mean an event organized by either a Homeowner's Association with 51% of the homeowners (generally not open to the public) or by 51% of the businesses on the same block (generally open to the public) which closes a limited number of blocks on a contiguous local street with not more than one lane of traffic in either direction, excluding turn lanes.

DOWNTOWN CORE – shall be considered the same as the City's Clean and Safe District for purposes of this policy – see Exhibit 1 for map.

~~HOMETOWN~~ **CITY EVENTS**– shall mean events related to Veteran's Day, 100' Christmas Tree, Holiday Lighting Ceremonies, Holiday Parade, First Night, Fourth of July and others that may be designated by the City Commission. The City may at its discretion agree to produce, co-produce and/or sponsor a ~~Hometown~~ other E-events.

PARADE EVENT – shall mean any planned movement of persons, vehicles or animals on the streets, sidewalks, right-of-way, path and other public property of the City including parades, motorcades, processions or marches except for road races which are recognized in this policy as an Athletic Event.

PRIVATE EVENT - shall mean any Special Event that is to occur on private property that does not overtly impact the municipality and requires minimal support from the City's resources. These may include but are not limited to grand openings, free food giveaways, onsite radio and television broadcasts and private events on non-residential private parcels that are not part of the normal operation of that lot, site or parcel.

PRODUCER - shall mean any individual or organization that is responsible for all aspects of an

event (advertising, marketing, talent costs, insurance, hold harmless agreement, et al.) and is responsible for all revenue and expenses for that event.

PUBLIC EVENT - shall mean any Special Event occurring on City-owned, City-controlled property or that overtly impacts the municipality requiring support of City resources. These may include but are not limited to festivals, fundraisers, theatrical exhibitions, concerts, musical performances, public shows or entertainment, sporting events, film events, transient amusements, exhibitions or outdoor gatherings.

SPECIAL EVENTS OFFICE - The City of Delray Beach Special Events Office (SEO) serves as the single point of contact between city departments, event producers, and members of the community as it oversees organized events through the coordination of enterprise-wide functions and issues all event permits.

SPECIAL EVENTS TECHNICAL ADVISORY AND ASSISTANCE COMMITTEE (SETAC)
- The SEO serves as the chair of the Special Events Technical Assistance Committee, which will include at minimum, representatives from the following departments and agencies; City Manager's Office, Community Improvement, Economic Development, Emergency Management, Environmental Services, Finance, Fire, Parks and Recreation, Planning-Zoning-Building, Police, Public Works, Risk Management, and any other agency, department or organization necessary to the coordination of and operations for special events. SETAC has three key responsibilities including: 1) as a recommending body to SEO on event permit applications (recommendations may include approval, conditional approval, denial, rescheduling or relocation of an event); 2) for operational support and oversight of permitted events to ensure public safety and operational standards are met and maintained; and 3) for post-event debriefing and evaluation.

Types of Events Permits

Based on the information submitted on the event permit application, events will be classified as one of the following:

Event Permit Type	Number of Days	City Services Anticipated	Total Attendance	Road Closures**	Duration of Road Closure Impact
Athletic Event (NIMS 1-5*)	Varies	Yes	Varies	Yes Minor and Major	Rolling Closures and/or < 6 hours
Block Party	< than 1 day	No	< than 150	Yes Neighborhood Road Up to 2 blocks only	< 6 hours
Parade Event	< than 1 day	Yes	Varies	Varies	< 8 hours
Private Event	Varies	Minimal	Varies	No	N/A

Public Event – Minor (NIMS 4 – 5*)	< than 1 day	No	< than 5,000	No	N/A
Public Event – Intermediate (NIMS 3 – 4*)	1 day or more	Yes	Up to 10,000	Yes Non-Major Road	< 6 hours
Public Event – Major (NIMS 1– 3*)	1 day or more	Yes	> than 10,000	Yes Major Road	> 8 hours

*NIMS = National Incident Management System which may direct the level of City and Public Safety service standards to be planned and deployed for Delray Beach permitted special events.

** Road Closures: A listing of Major Roads is available from SEO or can be found in the Special Events Guidebook.

Annual Permit

An annual event permit may be issued for reoccurring events on City-owned properties (i.e. Green Market) or for other continuous, regular programming of City-owned properties by others including, but not limited to, Delray Beach Historical Society, Spady Cultural Heritage Museum and Old School Square.

Event Permit Application Submittal Deadlines, Considerations and Process

An event permit application and the related non-refundable application fee must be submitted to the Special Events Office in a timely matter and meet the following initial application deadlines. Applications may also be submitted up to 24 months in advance of the event's date.

Once the application is received, the SEO will review the application and may consult with SETAC to assess and determine the proposed event's impact on the City and the level of City services, staffing and equipment, if any are to be provided. Additionally, the SEO and SETAC will take into consideration the kind and scale of the event, security and safety issues, quality of life impacts, local economic and community benefits, promotional value and level of service demands in its review.

Following the review, SEO will determine whether an event permit will be approved or denied for all event types except for new major events. New major events will be approved or denied by the City Manager or designee on recommendation by SEO.

Event Permit Type	Initial Application Deadline (Days Prior to Event Date)
Athletic Event	45 – 180*
Block Party	45
Parade Event	180
Private Event	45
Public Event – Minor	45
Public Event - Intermediate	90
Public Event – Major	180

* Dependent on the size and nature of the athletic event.

Exemptions

The following events or activities may be exempt from the standards of this policy (i.e. may occur without an event permit); such activities are subject to all other applicable procedures, standards, ordinances, and Land Development Regulations (LDRs). Examples of such exemptions are as follows:

- Any organized activities conducted at sites or facilities intended and used for such activities that include but are not limited to: sporting events managed by the City's Parks and Recreation department such as golf, tennis, soccer, softball, baseball and football tournaments conducted on courses or fields intended and used for such activities; wedding services at reception halls or similar facilities; funeral service conducted at funeral homes and cemeteries and regularly programmed religious services. Sporting events produced or supported by outside organizations such as the Palm Beach County Sports Commission or the Delray Beach Sports Destination Committee are not exempt from the standards of this policy.
- An event permit may not be required if an activity is already permitted under a Delray Beach temporary use permit, Delray Beach annual permit for the use of City property, rental agreement, operating agreement, license agreement, or other contractual agreement.
- Any activity by a non-Delray Beach government agency acting within the scope of its function, subject to the provision of reasonable notice to the City Manager and the event does not require city services or a temporary road closure.

Discrimination

Events held on City property and public rights of way must not discriminate on the basis of race, color, religion, sex, age, national origin, familial status or disability.

General Policies

- All events conducted within the City require the issuance of an event permit by the SEO, unless exempted.
- The SEO shall approve all special events, provided that they meet the requirements of this policy except for new major events in the Downtown core which shall be approved by the City Commission.
- All event logistics, permits, licenses, permissions, agreements and/or inspections are the sole responsibility of the producer.
- Only one (1) Major Event may be allowed per month within the Downtown core during Season (October – May). The City Manager may waive this requirement for major events with low impact or held during off-peak demand times.
- Other than City events and certain minor events, no public events will be allowed to occur simultaneously or concurrently in the Downtown core during Season.
- Athletic events using roads are limited to two per month and no more than 12 closures of A1A will be allowed annually.
- The City reserves the right to further limit events based on available City resources or for public security and safety concerns.
- City events shall have priority and preference for booking dates and at all event locations.
- Any event seeking to be held on the campus of Old School Square (OSS) shall be coordinated by the OSS management team as provided for and in the City-OSS Lease and Management Agreement.
- Any event requiring the closure of a road must receive conditional approval by the SEO or

City Manager's Office before a road closure permit will be requested.

- Road closures on Atlantic Avenue and Swinton Avenue will be limited.
- Generally, event vendors may not block storefronts unless approved by the SEO. All event site plans, except for minor public, private and block party events, must become final and filed with SEO no later than 30 days prior to event date.
- While food trucks may be allowed during events, they may not negatively impact adjacent local businesses.
- All temporary signs and banners for special events require a waiver of Section 4.6.7 of the Land Development Regulations and must meet City of Delray Beach Special Event Signage requirements as stated in the Special Event Guidebook.
- Amusement rides are prohibited within the Downtown core except as otherwise permitted by Ordinance.

Waivers of City Ordinances for Special Events

Waivers associated with events may be requested through the event permit application process. SEO and/or City Manager or designee shall have the authority to approve (or deny) the waivers as part of the event permit application process. Waivers shall not extend beyond the time period for the event. Such waivers may include, but are not limited to:

1. Noise (Section 99.05)
2. Open Containers of Alcohol in Public Spaces (Section 113.02)
3. Chapter 101. – Parks, Beaches and Recreation. Various Sections depending on the type and kind of event proposed.
4. Animals (CODE Section 101.27) (i.e. for pony rides, exotic animal displays)
5. Sale of Merchandise without a Business Tax Receipt (Section 118.03, Section 118.04)
6. Special Event Signs (Waiver of LDR Section 4.6.7)
7. Temporary Use (including temp parking areas, carnivals/circuses, Horse Drawn Carriage Rides, Ice Skating Rink, Carousel, and Other Related Holiday, Seasonal/Temporary Uses) (Ord. 41-03, Ord. 49-04)
8. Outdoor Retail Display (LDR Section 4.6.6)
9. Temporary Parking Areas (LDR Section 2.4.6 and 4.6.9 (E)(6))

Grounds for Denial/Revocation of Permit

Submission of an application does not guarantee issuance of an event permit. The City may, for any reason, deny or revoke an event permit. This includes, but is not limited to, not adhering to the event policy, event guidelines or SEO specified deadlines. In addition, a permit can be revoked if a named storm or other government declared state of emergency has been enacted with the potential to have an impact on the City.

Appeal Process

Event permit or waiver denials may be appealed in writing to the City Manager within fifteen (15) days of the denial. The City Manager shall consider the appeal and shall render a written decision within a reasonable period of time and will be final.

Insurance Requirements

The Producer is required to provide liability insurance and hold harmless agreements, with

coverage and limits that are acceptable to the City as a condition of receiving an event permit. The City of Delray Beach must be named as an additional insured on the policy.

Event staffing – Safety/Security:

Staffing requirements must take into account venues, risks, type of activity, and other safety considerations in addition to the size of the event as determined by the SEO. To ensure the safety and security of the City, all events and their safety and security plans shall be reviewed by the Delray Beach Police and Fire Departments.

Vendor Licenses

The Producer will be required to pay a vendor license fee for participating vendors that do not have a current Delray Beach Business Tax Receipt (BTR) unless already exempted from obtaining a BTR (formerly known as Occupational License) from Sec. 118.04.

Notification of Event

All Producers are required to notify residents and businesses that are directly affected by the event and/or road closures 30 days before the event. Proof of the notification shall be submitted to the SEO upon distribution to area residents and businesses.

Fees and Charges for City Staffing, Services, Facilities and Equipment

All Producers will be required to pay for City staffing, services, facilities and equipment associated with their event. The City will produce an event fee schedule, provide a cost estimate based on the event application and will then work with the producer on opportunities for cost reduction. The City may discount fees for athletic events, Elementary and Secondary schools located in the City, for events that activate city areas outside the Downtown core, for events which occur in "off-season" (June - September) or to advance economic development. Charitable, non-profit organizations with 501(c)3 tax status will be eligible for an up to 50% discount from all standard fees except where noted.

City Sponsorship of Special Events

As part of the events permit application process, Producers may request sponsorship from the City. Sponsorship may include, and is not limited to, co-production of the event, in-kind services, use of facilities, financial contributions and/or discounted event fees and charges.

Event sponsorships valued up to \$50,000 will be approved by the City Manager while sponsorships greater than \$50,000 must be approved by the City Commission.

Special Event Contract

Deposits, fees, charges and payments are governed by the Special Event Contract between the Producer and the City.

Event Fines and Penalties

Any producer found in violation of the approved permit will be fined \$250 per day until the violation is corrected. The producer may also receive separate fines from the City for specific violations or citations.

In addition, the producer shall be held financially responsible for any and all costs to repair or

replace any damaged City property caused by the event. The City may perform inspections, including before, during and after the event to ensure the protection of City property.

Special Events Guidebook

The City will produce a Special Events Guidebook which will serve as an additional tool for event producers as they seek to permit and produce safe and successful events in Delray Beach. The guidebook interprets the Special Events Policy, and where there may be conflict, the policy prevails.

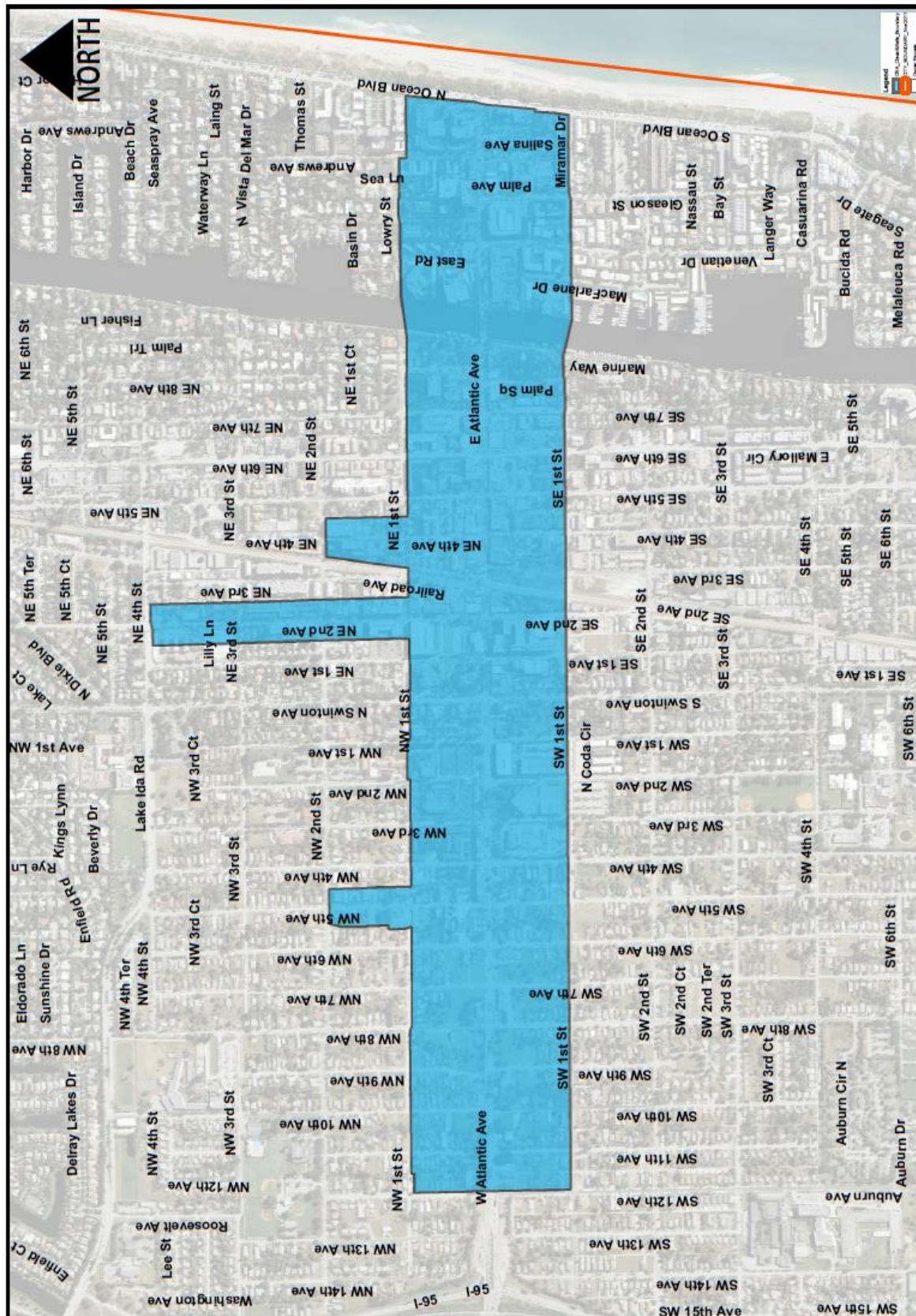
Annual Review

The City will review the Special Events Policy annually as well as its event fees, charges, guidebook and additionally policies relating to events.

Effective Date

This policy is effective for all events occurring on and after October 1, 2016.

Exhibit 1 – Downtown Core Map for Special Events



SPECIAL EVENT AREA MAP

Downtown Core area in blue