

2018 City of Delray Beach Special Event Policy – FOR CITY COMMISSION WORKSHOP – 11/13/18

1. Purpose

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

The purpose and intent of the Special Event Policy (Policy) is:

- A. To preserve the City's character while protecting the health, safety, and welfare of the citizens, businesses, and visitors of Delray Beach.
- B. To ensure that the City will have advance notice of a proposed event and the cooperation of the event producer(s) to adequately plan and allocate City services, such as security, sanitation, parking, and traffic control that may be required for such an event.
- C. To establish a straightforward and accountable process for the City and other impacted public agencies to manage these events in a cost-effective and well-coordinated manner.
- D. To ensure that the City's infrastructure and facilities are protected and conserved by limiting the number and types of events held in the referenced areas.
- E. To establish procedures to ensure that the City is compensated for the use of City resources provided to each event.
- F. To establish a uniform and systematic permit process for event requests.

2. Authority

- A. The City Commission has authorized City Staff to administer this Policy through Section 101.32 (as amended in Ordinance No. 28-16) of the City's Code of Ordinances (Code).
- B. Through the approval of this Policy, the City Manager officially authorizes the Special Events Office/Special Events Administrator to serve as his/her designee to approve events, with the exception of new major events.
- C. 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.
- D. The City reserves the right to limit events based on available City resources or for others concerns on the general health, safety, and welfare of the citizens, businesses, and visitors of the City.
- E. The City reserves the right to amend this Policy over time, as it deems necessary.

3. **Applicability and Definitions**

The following definitions shall apply to this Policy and shall be used to administer this Policy:

- A. SPECIAL EVENT (Code Sec. 101.32) – 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 impact on the services that are regularly provided by the City, such as health, sanitation, parking, traffic control, fire, and police. Special events shall include, but are not limited to, festivals, exhibitions, musical performances, athletic competitions such as races, and parades that:
 - a. Require street closures or detours, such that the usual flow of pedestrians or vehicular traffic is inhibited; or
 - b. Utilize City property above normal usage; or
 - c. Utilize City property for activities which are not customary or are generally associated with the property; or
 - d. Are intended to attract substantial crowds; or
 - e. Require the use of City resources, financial or otherwise, more than the City's normal day to day operations; or
 - f. Any additional event criteria, as deemed by the City Manager or his/her designee, during the application review process.

- B. CENTRAL BUSINESS DISTRICT/DOWNTOWN – shall mean the area defined by the Clean and Safe district, including the SET.

- C. CITY EVENTS – Shall mean events which are produced by the City of Delray Beach, or an affiliated partner, which take place on an annual basis. The following City events list may be amended as deemed necessary. These annual events include:
 - a. Veterans' Day
 - b. 100' Christmas Tree and associated events
 - c. Holiday Tree Lighting Ceremonies
 - d. Holiday Parade
 - e. First Night
 - f. 4th of July Festivities
 - g. Turkey Trot
 - h. Surf Festival
 - i. KidsFest
 - j. Spring Fest/Egg Hunt
 - k. National Night Out
 - l. Family Fun Day
 - m. OSS Free Friday Night Concerts

- D. 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 the event.
- E. NON-PROFIT ENTITY – A “Non-profit” entity must work to serve a public purpose, rather than to provide financial benefit to any individual, corporation, or entity. The “Non-profit” organization must be organized around a cause, mission, or community need. The “Non-profit” entity must be registered and active on Sunbiz.org, an official website of the State of Florida Division of Corporations, provide a copy of the Federal Employer Identification number (FEIN) and Internal Revenue Service (IRS) non-profit certification, as well as detailed information about how the proposed event serves a public purpose to foster an authentic and inspiring community that celebrates our history while building toward the future.
- F. SPECIAL EVENT APPLICATION – A proposed event must submit the Special Event Application, which asks specific event related questions and will be used to provide the preliminary estimate for fees and charges, to apply for a Special Event Permit.
- G. SPECIAL EVENTS OFFICE – The City of Delray Beach Special Events Office (SEO) serves as the coordinator between City departments and event producers, as it oversees the event process from application through event completion.
- H. SPECIAL EVENTS TECHNICAL ADVISORY COMMITTEE (SETAC) – The SEO serves as the chair of the SETAC, which includes representatives from City departments which may provide services to the event. These departments (or divisions) include, but are not limited to: Police, Fire, Parks, Code Enforcement, Public Works, and any other agency, department, or organization necessary to the coordination and/or operations for special events. The responsibilities of SETAC are as follows:
 - a. Review special event applications and identify, in coordination with City departments and with other governmental entities, the nature and scope of governmental services necessary and associated expenses; and
 - b. Provide recommendations to SEO on event application including, but limited to, approval/denial, event conflicts, event relocations, etc.; and
 - c. Provide operational support and oversight of permitted events to ensure public safety and operational standards are met and maintained; and
 - d. Contribute to post-event after action reporting.
- I. SETAC CONDITIONS AUTHORIZED – The SETAC may include in a special event permit, among other provisions, reasonable terms or conditions as to the time, place, and manner of the event as is necessary to coordinate multiple uses of public property; assure preservation of public property and public places; prevent dangerous, unlawful, or impermissible uses; protect the safety of persons and property and control vehicular and pedestrian traffic in

and around the venue; and protect and insure the safety, comfort, or convenience of the public; provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive activity protected by the United States Constitution. Such terms and conditions may include the implementation of a plan/plans presented by the applicant and approved by the SETAC for the following:

- a. Crowd control, traffic control, safety, and security;
- b. Compliance with health and sanitary regulations and inspections as defined by the Florida Department of Business & Professional Regulation (FDBPR), the Florida Department of Health in Palm Beach County, and/or the Florida Department of Environmental Protection (FDEP);
- c. Compliance with any applicable law, rule, or regulation pertaining to the preservation or promotion of public health, safety or welfare;
- d. Coordination with the Fire Department for emergency treatment and evacuation for people who may need immediate care, cardio-pulmonary resuscitation, or ambulance service;
- e. Emergency communication, fire suppression equipment, and maintenance of unobstructed emergency passageways;
- f. Americans with Disabilities Act (ADA) accessibility;
- g. Proper waste, recycling, and compost receptacles and disposal plan, as well as a site clean-up plan;
- h. Implementation of “green” practices including, but not limited to, the reduction/elimination in the use of plastic and Styrofoam, as well as increased use of biodegradables; and
- i. Alternative transportation options such as transit, biking, carpooling, and off-site parking.

To accommodate other concurrent events, the rights of abutting property owners, the needs of the public to use streets, parks, or other public services, and to minimize impact on frequently utilized special event locations or routes, the conditions may include, but are not limited to, reasonable adjustments in the date, time, or location of the proposed event; accommodations for pedestrian or vehicular traffic using the street; and limitations on the duration of the event, recognizing that the conditions or adjustments may affect the total fees.

- J. **SPECIAL EVENT PERMIT** – Once approved, a producer will receive a conditional letter of approval (permit) from the SEO. This letter authorizes the event, contingent upon any specific terms and conditions placed on the event. The terms and conditions noted in the letter must be met prior to the event date and/or the deadline noted in the conditional letter, whichever is sooner. The City reserves the right to withdraw the conditional approval should conditions not be met by the deadline.

- K. **SEASON** – This is the time of the year when a large number of visitors and season residents are present in the City of Delray Beach. This time is defined from October 1 – April 30.
- L. **TYPES OF EVENTS** – For the purpose of this Policy, the following types of events are defined below to categorize/classify events based on size and resources needed. The following types of events require a special event application and permit:
- a. **Commercial Event (For-Profit/Non-Profit)** – Includes the following characteristics:
 - i. The event may or may not be open to all members of the public;
 - ii. The event has controlled or ticketed entry (e.g. tickets, pay-upon-entry, or suggested donation posted at the entrance);
 - iii. The event name features the name of a for-profit or non-profit business or organization; or
 - iv. The event is primarily to raise or solicit funds whether for profit, for non-profit fundraising, or otherwise; or
 - v. The event may be organized by an individual or a non-profit or for-profit entity.
 - vi. Examples include: concert or festival that requires a ticket or paid admission
 - b. **Community Event (For-Profit/Non-Profit)** – Includes the following characteristics:
 - i. The event is free and open to all members of the public;
 - ii. The event provides a public benefit and/or stimulates broad economic or cultural activity within a neighborhood or the Downtown that benefits multiple locally-owned businesses and/or organizations (includes street fairs and block parties in which multiple locally-owned businesses will participate);
 - iii. The event is organized by neighborhood-based, community-based, ad-hoc groups, business groups (such as chamber of commerce) or groups that do not have a geographical base (such as ethnic groups, cultural groups, or a disability community);
 - iv. The event is organized by a for-profit or non-profit entity;
 - v. Examples include: block party, free festival, free concert, Green Market
 - c. **Athletic Competition Event (For-Profit/Non-Profit)** – Included the following characteristics:
 - i. The event is a gathering of people, many of whom participate in an athletic activity, sport, or physical exertion including running, walking, bicycling, swimming, and other races, recreational, or competitive contests;
 - ii. Participation in the event typically requires individual or team registration and/or a type of payment or entry fee (such as a registration fee);
 - iii. The event is primarily to raise or solicit funds whether for profit, for non-profit fundraising, or otherwise; or
 - iv. The event is organized by a for-profit or non-profit.

M. ANNUAL PERMIT – An annual event permit may be issued for reoccurring events on City-owned property (i.e. Green Market) or for other continuous, regular programming of City-owned properties by others including, but not limited to: Delray Historical Society, Spady Cultural Museum, Sandoway House, and Old School Square. Annual permits are addressed in operating contracts for each City-owned property managed by another entity. The submission of annual permits will comply with the terms and conditions noted in operating contract.

N. Event Permit Application Deadlines, Considerations, and Processing

- a. An event permit application and the non-refundable application fee must be submitted to the SEO in accordance with the established timeline noted below.
*** Event application WILL NOT be accepted from any producer who has any outstanding invoices for previously permitted special events that have not been paid in full. ***
- b. Applications may be submitted up to 12 months in advance of the event date.
- c. To assist the City in planning for and assigning its police, fire, and other department personnel, the organizers of special events are required to submit their applications within the time limit as noted below; and the SEO and SETAC shall process such application within the time limits noted below, if applicable.
- d. Event permit applications may be received after the deadlines noted below, however the SEO and SETAC may process the application, if taking into consideration the City resources available, the type, size, scope, complexity, location, or history of the event, and the application is received with sufficient time to plan and permit the event. Late applications may incur a \$100 late application fee.

Event Permit Type	Deadline to Submit Application (days prior to event date)	Appx. SEO/SETAC Processing Time (days prior to event date)	Approval Authority
Commercial Event (For-Profit/Non-Profit)	90	60	City Commission with SEO and SETAC recommendation
Community Event (For-Profit/Non-Profit)	90	60	SEO with SETAC recommendation
Athletic Event (For-Profit/Non-Profit)	45	30	SEO with SETAC recommendation

- O. Permit Exemptions – The following events or activities may be exempt from the standards of this Policy and may occur without a special event permit; such activities are subject to all other applicable procedures, standards, ordinances, and Land Development Regulations. Examples of such exemptions are as follows:
- a. Any organized activities conducted at sites or facilities intended and used for such activities that include but are not limited to: sporting events and competitions managed by the City of Delray Beach Parks and Recreation Department or their contracted sports provider, such as baseball tournaments, golf tournaments, football tournaments conducted on courses or fields intended and used for such activities.
 - b. An activity is permitted under a City of Delray Beach temporary use permit, annual permit for use of City property, rental agreement, operating agreement, license agreement, or other contractual agreement.
 - c. An activity by a non-Delray Beach government agency acting within the scope of its function, subject to the provision or reasonable notice to the City Manager. The non-Delray Beach government agency may be subject to costs incurred by the City for the activity.
- P. Discrimination – Events held on City of Delray Beach property and public rights-of-ways must not discriminate on the basis of race, color, religion, sex, age, national origin, familial status, or disability.
- Q. General Policies and Provisions
- a. The SEO/SETAC shall approve all special events, provided that the event complies with this Policy.
 - b. All event logistics, permits, licenses, permissions, leases, agreements, and/or inspections are the sole responsibility of the producer.
 - c. Commercial Events within the Downtown may be limited, at the discretion of the City Manager, during Season (October 1 – April 30).
 - d. The City reserves the right to further limit events based on available City resources or for public security and safety concerns.
 - e. 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.
 - f. Events that request the presence of a food truck must abide by the permit requirements of City Code Section 120.01(c) – Operation and Sale of Food from Mobile Food Trucks.
 - g. All temporary signs and banners for special events must comply with Section 4.6.7F3(f) (Special Purpose signs and signing – Special event non-roadway banner signing) of the City of Delray Beach Land Development Regulations. These regulations will be provided to the applicants upon request.

- h. All temporary special event roadway banner signing must comply with Section 4.6.7(F)(3)(g) (Special Purpose signs and signing – Special event roadway banner signing) of the City of Delray Beach Land Development Regulations. These regulations will be provided to the applicants upon request.
- i. Permit requests which include a carnival require a temporary use permit, LDR Sec. 2.4.6(F)(1) and approval by the City Commission
- j. Permit requests which include a horse drawn carriage, ice skating rink, carousel, and other related holiday, seasonal/temporary uses require a temporary use permit, LDR Sec. 2.4.6(F)(8).
- k. Permit requests which include animals in a park also require a specific permit from the Parks Department (Sec. 101.27).
- l. Permit requests which include noise, music, a band, etc. that will occur after 11:00pm (Monday through Friday)/1:00am (Saturday and Sunday) or before 7:00am and will be plainly audible at a distance of 100 hundred (100) feet from the boundaries of the event will require a waiver of Code Sec. 99.03(a).
- m. Requests for off-site/temporary parking will be considered on a case-by-case basis and may require waivers of LDR Sec. 2.4.6 and 4.6.9(E)(6).
- n. Notification of event – all producers are required to notify residents and businesses that are directly affected by the event and/or road closures thirty (30) days prior to the event. Proof of notification shall be submitted to the SEO, as noted in the conditional approval letter.
- o. Vendors/Occupational License/Business Tax Receipt – City Produced/Sponsored events: Per Sec 118.04 Authorized solicitors and peddlers that are participating in City-sponsored or co-sponsored special events and parades are exempt from the requirements of obtaining a business tax receipt.
- p. Vendors/Occupational License/Business Tax Receipt – Vendors/peddlers of merchandise associated with a special event shall comply with Sec 110.15;hg;(1) and pay a license tax per day of \$29.35, payable to the City of Delray Beach.
- q. Alcohol Open Consumption – An event producer may request that the City Manager waive the applicability of Code Section 113.02(A) for certain public functions. The City Manager shall have seven (7) days to consider such request and if denied, the applicant may appeal denial of the request to the City Commission. Such appeal to the City Commission must be made within seven (7) days and will be considered by the City Commission within thirty (30) days of the denial, as per Code Section 113.02(B).
- r. Temporary Extension of Liquor Licenses Premise Permit – Request must comply with Code Section 113.02(B) and be within the site plan of the Special Event. Request must also submit a copy of approved DBPR ABT – 6029 form to the City of Delray Beach within seven (7) days prior to the event.

R. Grounds for Denial:

The SEO and SETAC may deny an application for a special event permit if:

- a. The applicant supplies false or misleading information; the applicant fails to complete the application or supply other required information or documents within the timeframe noted; or the applicant declares or shows an unwillingness or inability to comply with reasonable terms and conditions contained in the proposed permit or event contract;
- b. The time necessary to plan, process, and permit the event is insufficient based on the size, scope, complexity, location, or history of the event, and the resources available to the City.
- c. The proposed event is proximate to another previously permitted or previously scheduled event, so that the combined impacts and required public services exceed what the City, after reasonable efforts have been made to accommodate both events, can reasonably provide, or the proposed event would interfere with construction or maintenance work in the immediate vicinity; or
- d. The proposed event would unreasonably disrupt the orderly and safe circulation of traffic; would present an unreasonable danger to the health or safety, or present an unreasonable risk of injury, to the public, the participants, or City employees; or would present an unreasonable risk of damage to property.
- e. If the SEO/SETAC denies an application, the SEO shall state in writing the reasons for denial.

S. Grounds for Revocation - The SEO and SETAC may revoke a permit for a special event if:

- a. The applicant, in the information supplied, has made misstatement of material fact; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the payment submitted by an applicant for the fee or the permit has been dishonored; or
- b. The applicant requests the cancellation of the permit or cancels the event; or
- c. An emergency or supervening occurrence requires the cancellation or termination of the event to protect the public health and safety.

T. Administrative Review/Denial Appeal – Event permit or waiver denials may be appealed in writing to the City Manager within three (3) days of the denial. The City Manager shall consider the appeal and shall render a written decision within a reasonable period of time. The decision of the City Manager will be final. For events which require City Commission approval, the decision of the City Commission is final, and no appeals will be honored.

U. Insurance Requirements – The producer is required to provide liability insurance, with coverage and limits that are acceptable to the City as a condition for receiving an event permit. The City of Delray Beach must be named as an additional insured on the policy.

- a. Commercial General Liability Insurance with coverage limits of no less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate for claims of bodily injury and property damage.
 - b. Damage to Rented Premises with coverage limits of no less than Three Hundred Thousand Dollars (\$300,000)
 - c. Liquor Liability Insurance (where applicable) with coverage limits of no less than One Million Dollars (\$1,000,000), are required if alcohol will be sold or consumed at the event.
- V. Charges and Fees 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 provide a cost for services and resources based on the details noted in the event application. The cost provided by the City to the event producer will be the cost of the event, unless changes are made by the producer prior to or on the day of the event. The City reserves the right to amend the cost to producers if changes made incur additional City expenses. The cost for City services are based on department averages for resources and staffing. The cost for services will be evaluated annually and adjusted as needed. Charges for services for each event type are as follows:

Event Permit Type	Application Fee	Event Fees	Payable
Commercial Event: For-Profit	\$150	Estimate (full cost) + any additional costs incurred during event and/or items rented	30 days post event
Commercial Event: Non-Profit	\$150	Estimate (50% reduced fees for City Provided Services) + any additional costs (full cost) incurred during event and/or items rented	60 days post event
Community Event For-Profit	\$150	Estimate (full cost) + any additional costs incurred during event and/or items rented	30 days post event
Community Event: Non-Profit	\$150	Estimate (50% reduced fees for City Provided Services) + any additional costs (full cost) incurred during event and/or items rented	60 days post event
Athletic Event: For-Profit	\$150	Estimate (full cost) + any additional costs incurred during event and/or items rented	30 days post event
Athletic Event: Non-Profit	\$150	Estimate (50% reduced fees for City Provided Services) + any additional costs (full cost) incurred during event and/or items rented	60 days post event

W. Requests for City Co-Sponsorship of Events: As part of the Special Events Permit Application, Community/Athletic Non-Profit event producers may request co-sponsorship from the City. This co-sponsorship may be in the form of fee reductions or discounts beyond the discount noted in the chart above or provision of in-kind services. Event sponsorships are limited to Community/Athletic Non-profit producers only and must quantify how their proposed event serves a public purpose which will foster an authentic and inspiring community that celebrates our history while building toward the future. The following are examples of public purposes that may be considered:

- a. promote community welfare;
- b. improve quality of life for citizens and visitors;
- c. build a sense of community;
- d. provide enriched cultural opportunities;

If granted a City Co-Sponsorship, the City of Delray Beach must be included, but not limited to the following: inclusion in all promotional material, booth space, participant registrations, etc. Co-sponsorship requests will be reviewed and granted by the City Manager or his/her designees.

- X. Special Event Contract – All special events that are approved for a permit will be required to complete a City provided Special Event Contract. The Special Event Contract will be the only contract used for Special Events. Contracts provided by producers will not be honored/signed by the City.
- Y. Annual Review – The SEO and SETAC will Annually review the Special Events Policy and provide recommendations to the City Manager for amendments/changes.
- Z. Effective Date: This policy is effective for all events occurring after