

**CITY OF DELRAY BEACH
SPECIAL EVENTS
POLICIES & PROCEDURES**

REVISED 4.29.11

I. Definitions

- A) **Special Event** – A special event is a non-routine happening or social activity bringing people together in a defined area on City facilities, right of way, or private property which requires City services to ensure safety and coordination. Special events include activities such as festivals, concerts, sporting events, parades, walks and runs, etc. This definition does not apply to events held at the Tennis Center, which require a separate contract.
- B) **Producer** – An organization that is responsible for all aspects of an event or performance (advertising, marketing, talent costs, insurance, hold harmless agreement, etc.) and is responsible for all revenue and expenses for that event.
- C) **Sponsor** – A business, organization, agency or individual who gives cash or in-kind product or service to support a producer of an event or production by agreement, for the benefit of that agency, business, organization or person.

II. Types of Events

- A) **Major Event** – An event of one or more day duration with a cost of over \$12,000 for City services, staff overtime and equipment use.
- B) **Intermediate Event** – An event of one or more day duration with a cost of between \$1,500 and \$12,000 for City services, staff overtime, and equipment use.
- C) **Minor Event** – An event of one day or less duration, with a cost of under \$1,500 for City services, staff overtime, and use of equipment.

III. General Policies

- A) Event producers are required to obtain all City, State, County and Health Department permits, licenses and/or inspections as may be needed.
- B) Event producers are responsible for submitting in writing permission as may be required from other governmental agencies, private property owners, and designated managers of City property including Old School Square for use of their sites for an event.

- C) Event producers are primarily responsible for event promotion, marketing and advertising. City assistance may be provided through its Public Information Officer, web page and other printed publications.
- D) Only two (2) major events will be allowed per month, including a major event held at the Tennis Center.
- E) A major and intermediate event will not be allowed on the same day.
- F) No more than two (2) intermediate events will be allowed within the same week.
- G) Only four (4) intermediate events will be allowed in a month where there is a major event and only five (5) will be allowed in a month without a major event.
- H) City staff will assist in obtaining parking lot use agreements from the County and CRA as may be needed.
- I) Event producers or their contractors are required to submit required certificates of insurance, to include liquor liability when applicable, hold harmless agreements, and any required cash bonds to the City at least one (1) week before the event.
- J) All events except for minor events and 5K runs are required to attach to the event application a copy of the Arts and Economic Impact Calculator showing economic impact as obtained on line at www.AmericansForTheArts.org.

IV. Submittal Requirement

A) **Submittal Time** –

- 1. **Major Event** – Initial requests including permit application and all back up material, must be submitted to the City Manager or his designee at least 120 days prior to the event, but not more than 12 months in advance.
- 2. **Intermediate Event** – Initial requests including permit application and all back up material must be submitted to the City Manager or his designee at least 90 days before the event, but not more than 12 months in advance.
- 3. **Minor Event** – Initial requests including permit application and all back up material must be submitted to the City Manager or his designee at least 45 days prior to the event, but not more than 12 months in advance.

B) Event submittals may require (based on the type and the size of the event) the following:

- 1. Budget
- 2. Site plan

3. Parking plan
4. Traffic plan
5. Private security plan
6. Alcohol control plan
7. Police security plan
8. Pyrotechnic permit submittals shall be submitted to the Fire-Rescue Department at least 30 days prior to the scheduled display.
9. Certificate of Liability Insurance, minimum of \$1,000,000 and the City named as certificate holder/additional insured
10. Alcohol Liability Insurance
11. Hold Harmless Agreement
12. Maintenance/clean up plan
13. Entertainment schedule
14. Load in and take down schedule
15. Public Health Department Inspection

All events shall be subject to compliance with Chapter 99 of the City's Code of Ordinances entitled "Noise Control."

C) **Event staffing**

Police – police or other trained non-sworn personnel may be required

1. At the discretion of the Chief of Police or his/her designee based upon projected attendance numbers, type of event, traffic/pedestrian concerns, geographic location and site layout.
2. Mandatory police personnel are required for events where alcohol is served or sold by the event producer, event vendor, or other businesses within the event foot print.

Fire – mandatory staffing may be required as determined by the Fire Chief or his/her designee in consultation with the City Manager or his designee normally when the total estimated crowd at anyone time in the venue area exceeds 2,500 people. However, staffing requirements must take into account venue risks, type of activity, and other safety considerations in addition to the size of the event.

If the Police/Fire Department determines that there is no undue risk to public safety, then Police/Fire staffing of the event is not necessary.

Event producers may through agreement with the Police Department, substitute or add whenever possible private security for certified police officers.

Event producers may also with City approval, substitute other tasks generally performed by the City with volunteers or private contractors, such as trash clean up.

D) Minor events will be approved or disapproved at the staff level; all other events will be approved by the City Commission.

V. **Event Payment for City Services** - Event producers will be required to pay for costs incurred by the City per the following schedule. Event producers are also required to pay full costs for any equipment or supplies that the City may be required to rent or purchase for the event. These may include but are not limited to generators, portable light towers, barricades, trash boxes, tables, chairs and tents. Producers are also required to pay the full rental cost of the large City stage and costs for towing vehicles required for event safety and set up. Non-profit and charitable organizations are defined as those with a 501c(3), c(4), c(6), c(10) and c(19) designation. All other producers not designated by the City as non-profit/charitable will be considered as private producers. In order to be considered as a non-profit under one of the categories above, the event producer must have the IRS designation by the time of the event and prior year audit if available.

A) **City sponsored or co-sponsored event** – No charges for City costs.

Events produced by Old School Square and the Downtown Marketing Cooperative – 35% of total City overtime costs and 100% of equipment rental costs, if applicable.

B) **Privately Produced Events** – Charge schedule will take effect as of October 1, 2007. Privately produced events are required to pay 100% of all City costs, not including regular time, to include but not be limited to overtime costs and fringe benefits.

C) **Non-Profit/Charitable Organization Produced Events**

1. **Minor Event**

50% of total City overtime costs and 100% of equipment rental costs, if applicable.

2. **Intermediate and Major Events**

75% of total City overtime costs and 100% of equipment rental costs, if applicable.

D) **New Events** - Any new event proposed to be held after October 1, 2007 will be charged 100% of all City costs. (Does not apply to events produced by Old School Square or the Downtown Marketing Cooperative.)

E) **Out of City Sponsored Events** - Events produced by an organization located outside the City of Delray Beach will be required to pay 100% of all City costs except regular time after October 1, 2007. Outside of the City will be defined as

location of IRS approval. Local not for profit may not act as presenting agent or organization.

F) **Permit Fees** - Event processing permit fees will be charged as follows and are non-refundable:

1. Minor event \$ 75.00
2. Intermediate Event \$150.00
3. Major Event \$250.00
4. Permit fee due at time of application submittal.

Above payment structure does not include charges that may be contracted for use of Old School Square or Tennis Center. Charges specified in contracts for these sites may be different from and/or in addition to the above schedule.

Event producers are required to pay full costs for any equipment or supplies that the City may be required to rent or purchase for the event. These may include but are not limited to generators, portable light towers, barricades, trash boxes, tables, chairs and tents. Producers are also required to pay the full rental cost of the large City stage and towing costs.

VI. **Parking**

- A) **Reserved Parking:** Event producers may request use of City owned surface lots for reserved parking. Requests need to be in writing and/or on the site plan included in the event permit package.
- B) **Paid Parking:** The City, at its discretion will determine, based on event impact, whether or not it (City) will charge for parking in City owned parking garages, City owned surface lots and in the County Parking Garage. Revenue from said parking will be retained by the City to offset operating costs of parking lots.
- C) **Community Redevelopment Agency Parking Lots:** Requests to use parking lots owned by the Delray Beach Community Redevelopment Agency for reserved parking or paid parking are to be made in writing to Delray Beach Community Redevelopment Agency, 20 North Swinton Avenue, Delray Beach, FL 33444.
- D) **Palm Beach County/South County Court House Parking Garage:** By agreement with Palm Beach County, the City of Delray Beach, the Delray Beach Public Library or the Delray Beach Community Redevelopment Agency may request use of the South County Court House Parking Garage for paid or free parking. The County requires both the approval of the City and Library for its use. The County requires that this lot be manned by a professional parking management company that is bonded or by the City if manned by a certified Police Officer. Any requests to utilize this garage must be made to the City and the Library. Palm Beach County does not allow the use of this garage during

normal courthouse operating hours and requires reservation of spaces after hours and weekends if their employees are working in the Courthouse.

- E) **Delray Beach Public Library Surface Lot:** Requests for use of this lot need to be made directly to the Delray Beach Public Library, 100 West Atlantic Avenue, Delray Beach, FL 33445, with a copy to the City.

VII. Neighborhood Block Parties - Permit applications for neighborhood block parties will be reviewed by the City Manager or his designee. Consideration of approval will be based upon the following policies:

- A) Permit applications must be received in writing by the City Manager's Office at least 30 days prior to the event.
- B) Permit applications must be submitted by the Homeowners Association or where there is no Homeowners Association by other individuals with a petition signed by 51% of the homeowners who live on the block.
- C) Approvals will only be given for a one (1) block area.
- D) Consumption or sale of alcohol on City rights-of-way will not be permitted.
- E) Structures other than barricades are not allowed in the City rights-of-way.
- F) Homeowners Association will be required to pay all overtime costs that may be incurred.
- G) Impacts due to other events will be considered in approval process.
- H) Applications will not be approved for any activity past 10 p.m.
- I) Approvals will not be given for individual homeowner sponsored parties or events.

VIII. Grounds for Denial of Permit - Permit applications shall be reviewed by the City Manager or his/her designee within thirty (30) days of submission of the permit application. Permits may be denied for any of the following reasons:

- A) The application for permit (including any required attachments and submissions) is not fully completed and executed;
- B) The applicant has not complied with Event Policies and Procedures;
- C) Submittal of permit application less than the minimum submittal day requirements per section IV (A);

- D) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Assistant City Manager or his/her designee;
- E) The applicant has not tendered the required fee, or a portion thereof, for prior year's events;
- F) The application for permit contains a material falsehood or misrepresentation;
- G) The applicant is legally incompetent to contract or to sue and be sued;
- H) The applicant or person on whose behalf the application for permit was made has on prior occasions damaged municipal property within the City of Delray Beach and has not paid in full for such damage, or has other outstanding and unpaid debts to the City of Delray Beach;
- I) 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 the particular municipal property or part hereof;
- J) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City of Delray Beach and previously scheduled for the same time and place;
- K) The proposed use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of City Employees or of the public;
- L) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale or offering of any goods or services;
- M) The use or activity intended by the applicant is prohibited by law, by the City's Code of Ordinances or by these regulations.
- N) The applicant's staffing/parking needs cannot be met by the City.

IX. Appeal Process - Permit denials may be appealed in writing to the City Commission within fifteen (15) days of the denial. The City Commission must render a written decision within ten (10) days after the City Commission meeting at which the appeal was considered. If the City Commission upholds the permit denial for an event, regardless of classification, then the applicant may appeal the City Commission's decision to the Circuit Court of Palm Beach County within thirty (30) days.