

92.06 - Special events on public beaches, parks, and public places.

- (A) *Special events.* A "special event" means any activity that occurs upon public property that will substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public forums. "Special event" includes any activity that is anticipated to cause a significant increase in the average hourly trips on any public street within the town. Special events include, but are not limited to, weddings, birthday parties or celebrations, fairs, tours, grand opening celebrations, races, rallies, parades, arts festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private gatherings that will make no use of a public property other than for lawful parking are excluded. "Garage sales," "lawn sales," "rummage sales," "flea market sales" or any similar casual sales are not "special events" but are regulated elsewhere within this Code. Funeral processions, groups required by law to be so assembled, and pedestrian processions along a route that is restricted to sidewalks that cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls are not included. Special events require a public forum permit as set forth below.
- (B) *Permit application.*
- (1) Any person wishing to sponsor a special event shall apply for a public forums permit by filing an application with the town public works department at least 30 calendar days prior to the date on which the event is scheduled to occur. Special event uses are to be temporary and otherwise in conformance with other ordinances of the town, including, but not limited to, the Florida Building Code.
 - (2) The town manager shall make a determination on the public forums permit pursuant to the standards of subsection (F) of this section, once the fully completed application has been reviewed by appropriate agencies, including but not limited to, police, fire, public works, building and planning, finance/risk management, and the applicant has agreed in writing to comply with the terms and conditions of the permit. The town manager or designee's failure to act shall be deemed a denial.
 - (3) Expenses for fire, police, medical services, parks, and public works crews needed for coverage and cleanup at the special event shall be prepaid and shall be the responsibility of the permittee.
- (C) *Permit conditions.* In order to promote public health, safety, and welfare, the town manager may condition the issuance of a public forums permit by imposing reasonable requirements concerning time, place, and manner of the event; and such requirements as are necessary to protect the health, safety, and rights of persons and property as well as the control of traffic.
- (D) *Application criteria.* The town manager or designee shall consider whether to grant a public forums permit based only upon the following criteria and conditions:
- (1) The event would endanger public safety;
 - (2) The event would unreasonably infringe upon the rights of abutting property owners or occupants;
 - (3) The event would conflict with another event or interfere with construction or maintenance work in the immediate vicinity;
 - (4) There is not sufficient safety personnel or other necessary town staff to accommodate the event;
 - (5) There is not adequate police protection to protect the public health, safety and welfare;

- (6) There is not sufficient fire personnel to protect the public health, safety and welfare in the event of an emergency;
- (7) There is not sufficient sanitation to accommodate the event;
- (8) The event would cause an unreasonable disruption of traffic;
- (9) There are other events and or seasonal impacts which will occur at the time of the proposed special event which, when taken collectively with the proposed special event, will unreasonably disrupt transportation or endanger the response times for emergency vehicles;
- (10) The applicant failed to complete the application form after being notified of the additional information or documents required;
- (11) Information contained in the application or supplemental information requested from the applicant is found to be false by any of the reviewing agencies;
- (12) The event would not comply with all applicable ordinances and codes;
- (13) Failure of the applicant to prepay expenses.

If any one of the above factors are found to exist and cannot be remedied by the applicant within five calendar days of written notice by the town manager, the town manager or his designee shall deny the permit.

- (E) *Appeal.* Any person who is aggrieved by the determination of the town manager or his designee in regards to a public forums permit, may petition the town commission for review of the town manager's findings. The petition shall briefly set forth the grounds for review. The town commission's factual review shall be limited to the information before the town manager when he made his decision on the application. The town commission shall approve, approve with conditions, or deny the petition. In making its determination, the town commission shall consider the provisions of all applicable Town Codes (including this Code), state and federal law.
- (F) *Indemnification.* Prior to the issuance of the public forums permit, the applicant must agree to reimburse the town for any costs incurred by the town in repairing damage to town property occurring in connection with the permitted event. The town manager shall require that the applicant provide insurance to the town where the town manager has imposed conditions based upon police, public safety, or sanitary considerations.

(Ord. No. 2011-09, § 12, 6-6-11)