

## "CHAPTER 52

### SPECIAL EVENTS

#### ARTICLE I. SPECIAL EVENT PERMITS

It is the intent of this Chapter to encompass the requirements for Special Events located on both Public and Private Property in the City.

##### Sec. 52-1. Definitions.

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

*City Hosted Event* shall mean such Events to include, but are not limited to, street naming ceremonies, food drives / giveaways, and holiday celebrations where the City, as host of the Event, uses its own resources and services.

*City Sponsored Event* shall mean a Special Event where the City provides sponsorship through monetary and/or in-kind contribution and where the City is recognized either through the permissible use of the City Seal or other similar recognition for the Event.

*Pop-Up Event* means events for the temporary sale of goods and merchandise, advertising, or for a limited period of time.

*Seasonal Sales Event* means events for the temporary sale of seasonal items including, but not limited to, Christmas trees, pumpkins, fireworks and other items sold during holiday seasons.

*Special Event* means events of limited duration, open to a designated number of people which involves the use of public parks; public rights-of-way; privately-owned property; publicly-owned property or any combination of the above, and:

- (1) Which includes entertainment, dancing, music, dramatic productions, art exhibitions, or the sale of merchandise, food or alcohol, or any combination of the foregoing;
- (2) Which requires the erection of stages, utility poles, booths, tents, or other temporary structures, or the use of parked vehicles or of permanent structures;
- (3) Which of necessity requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the City routinely provides under ordinary everyday circumstances.
- (4) Which is not one of the authorized uses of a property and is an event which is not included as a customary, primary, or ancillary use as identified in its certificate of use. For those properties that do not require certificates of use, such as one- or two-family homes, it is an event that is over 100 people and impacts traffic and access to the public right-of-way.
- (5) Which involves any group of persons and/or vehicles moving on a street or streets of the City under Permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include a Parade as defined in Chapter 54 of this Code.

- (6) For a Special Event which shall occur in one of the City Parks, the Special Event shall include the above as well as the sale of alcoholic beverages.

*Small Special Event* is a Special Event where it is reasonably expected that up to 250 persons will be in attendance at any given time.

*Medium Special Event* is a Special Event where it is reasonably expected that 251 to 1,000 persons will be in attendance at any given time.

*Large Special Event* is a Special Event where it is reasonably expected that more than 1,001 persons will be in attendance at any given time.

*Special Event Permit* means a Permit as required by Sections 52-2 or 38-74 of this Code.

*Street* or *Streets* shall have the same meaning as provided in Section 54-1 of this Code.

#### Sec. 52-2. Special Events in general; Duration and Limitations; City Commission Waiver.

- (a) It shall be unlawful to conduct or engage in a Special Event without first obtaining an approved Special Event Permit.
- (b) A Special Event may occur on public, private or in a combination of public and private properties that would require special review by the City.
- (c) Special Event Permits will delineate all other temporary uses included for the event, i.e., tents, temporary structures, barricades, fencing, and the like, necessary for the event.
- (d) The Special Event location shall be restored to its original condition and all temporary structures shall be broken down after each Special Event period.
- (e) Where a Special Event, including but not limited to, a carnival, parade, party, block party, neighborhood celebration event, festival, fair, outdoor sales, or similar type of event is permissible on privately owned property, the event shall be subject to the following:
  - (1) Special Events, which include mechanical rides, are permissible only on Thursdays, Fridays, Saturdays, and Sundays and/or legal holidays, unless other days are approved by the City Commission. Otherwise, on all other days, these events shall be Permitted only at Watson Island, Virginia Key and the facilities and parking lots of Miami Marine Stadium, and the Marlin's Stadium.
  - (2) Special Events, which do not include mechanical rides, are permissible on any day of the week.
- (f) Open air and outdoor music festivals, concerts or noise generating, except for Historic Virginia Key Beach and Park, Special Events shall only occur between the hours of 7:00 AM to 11:00 PM on City owned properties or facilities.
- (g) No more than four (4) Special Events shall be Permitted, each for a maximum duration of seven (7) consecutive days, to be held on the same private property or portion thereof per calendar year. The above-referenced seven (7) days shall not include days required to set up or break down the event.
- (h) Special Events on City of Miami Property:

1. City of Miami owned, operated and maintained property, including public right of way, parks, Marine Stadium and street festivals, shall be permitted up to ten (10) calendar days per organization, per year.
2. City of Miami owned but leased property, such as “the Hanger” and “Watson Island,” shall be permitted up to ten (10) Special Events per year each for fourteen (14) days per location.
  - (i) The above limitations on Special Events may be waived by an affirmative vote of the City Commission for the calendar year affected. Any such additional Permit(s), however, will be limited to fourteen (14) consecutive days at a time.
  - (j) A Special Event hosted, not sponsored, by the City shall not be required to obtain a Special Event Permit. Such Events include, but are not limited to, street naming ceremonies, food drives / giveaways, and holiday celebrations.

**Sec. 52-3. Application, time for filing.**

A complete, written, and notarized application for a Special Event Permit shall be timely filed with the City Manager, or Designee, on an approved form not fewer than the following corresponding days:

- |     |                        |                           |
|-----|------------------------|---------------------------|
| (a) | Small Special Events:  | 30 days before the event. |
| (b) | Medium Special Events: | 30 days before the event. |
| (c) | Large Special Events:  | 45 days before the event. |

The above application period is intended to allow for adequate arrangements to be made for the provision of proper personnel, equipment and supplies, sanitation (litter, debris and human wastes), wastewater, utilities, Building Permitting and inspection, park maintenance and restoration. Applications that do not comply with this requirement shall only be considered upon payment of double the application fee and availability of City staff to review.

**Sec. 52-4. Application Requirements.**

- (a) Applications for Special Event Permits shall be submitted in application forms as provided by the City. The application fee shall be established by the City Manager, or Designee. The application will not be considered unless accompanied by such plans, reports, photos, exhibits, documents, or other information required below.
- (b) The Applicant shall provide all information as required based upon the Permit sought as set forth by the City Manager, or Designee, which may include, security plan, fire safety plan, solid waste plan, noise attenuation plan, or other such information as needed.
- (c) Proof of payment of a nonrefundable application fee.
- (d) Payment of a Security Deposit: A refundable security deposit, as determined by the City Manager, or Designee, in the form of, cash, a cashier’s check, or irrevocable letter of credit, may be required prior to the issuance of the Permit. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted, at the City’s discretion, by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded approximately in 3-4 weeks after the event if all conditions are followed; public property is left in as good condition or better and without damage and all City invoices paid. Failure to comply with conditions imposed may result in forfeiture of the entire or part of deposit.

- (e) Referrals. The City Manager, or Designee, shall make referrals as specified herein based on the nature of the application.
- (1) Building;
  - (2) Fire;
  - (3) Office of Film and Entertainment;
  - (4) Police;
  - (5) Public Works;
  - (6) Risk Management;
  - (7) Solid Waste;
  - (8) Zoning; and
  - (8) Other departments or agencies as needed.

Sec. 52-5. Criteria for issuance of Special Event Permit.

The City Manager, or Designee, will issue a Special Event Permit when, from a consideration of the application and from such other information as may otherwise be obtained, the following criteria, appear to be satisfied:

- (1) For a Special Event to take place wholly or partially on the public right-of-way, the conduct of the Special Event will not substantially interrupt the safe and orderly movement of other traffic contiguous to the Special Event;
- (2) For a Special Event to take place wholly or partially in a park, the conduct of the Special Event will not substantially interrupt the use of the park by other members of the public;
- (3) The Police Department can provide police services adjacent to the Permit area to regulate vehicular and pedestrian traffic, with the availability of a sufficient contingent of on-duty personnel to provide such services without diminishing routine service levels to the entire community;
- (4) The concentration of persons and vehicles at the Special Event will not unduly interfere with proper fire and police protection or ambulance service to areas contiguous to the Special Event;
- (5) The Special Event will not interfere with the movement of firefighting equipment en route to a fire;
- (6) Submittal of a complete application that includes all of the documentation and approvals set forth herein.

Sec. 52-6. Criteria for denial of Special Event Permits.

The City Manager, or Designee, may deny a Permit to an applicant when:

- (1) The Special Event intended by the applicant would conflict with previously planned programs organized and conducted by the City and previously scheduled for the same time and place;
- (2) The proposed Special Event is prohibited by, or inconsistent with, the classifications and uses of the park, or part thereof, designated pursuant this Chapter;
- (3) The Special Event would present an unreasonable danger to the health or safety of the applicant, or users of a park, or City employees, or the public;
- (4) The Special Event is prohibited by law, or by this Code, or is not in compliance with the Americans with Disabilities Act (ADA);

- (5) The application for Permit contains a material falsehood or misrepresentation;
- (6) The applicant is legally incompetent to contract, or to sue and be sued;
- (7) The applicant, or the person on whose behalf the application for Permit was made, has on a prior occasion made material misrepresentations regarding the nature of scope of an event or activity previously Permitted or has violated the terms of prior Permits issued to or on behalf of the applicant;
- (8) The application for Permit is not fully completed and executed, or does not include all required Permits, plans, and other required documentation within the required time period;
- (9) The applicant or the person on whose behalf the applicant for Permit was made, has on prior occasions damaged City property and has not paid in full for such damage;
- (10) A state of federal, state or local emergency has been declared by lawful authority for the proposed time;
- (11) An applicant has failed to complete payment of any sums required for a previously Permitted Special Event until such time as payment is received, or may condition the granting of a new Permit on the payment of amounts in arrears in connection with previous Special Events;
- (12) An applicant has failed to substantially perform a cleanup plan which was made a condition of a previous Permit, or who has defaulted on a previous sanitation bond or fee or supplemental user fee deposit in connection with a Permitted Special Event until such time as restitution is made;
- (13) The applicant has failed to pay any required fees or security deposits or submitted all of the required supporting documentation, or provided the required insurance;
- (14) A fully executed and complete 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 public right-of-way, park, or part thereof; and
- (15) The applicant or the venue has conducted a Special Event on a prior occasion without obtaining a Special Event Permit.

No applicant for, or recipient of, a Special Event Permit shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of a festival and its attendees from hostile members of the public or counter-demonstrators or for general law enforcement in the vicinity of the Special Event. However, the holder of a Permit shall be required to provide for a plan for internal security for the Special Event and shall be required to provide and pay for off-duty police officers and private security guards for such internal security purposes as required by the Chief of Police, or Designee. In determining the adequacy and appropriateness of any internal security plan, the Chief of Police, or Designee, shall be guided solely by considerations of the number and qualifications of off-duty police and private security guards necessary to provide internal security within the boundaries of the Special Event, as indicated by experience with similar events

No Permit shall be denied, nor shall the applicant for a Permit be given less favorable treatment as to time, manner, or place on account of any message which may be conveyed at a festival, or on account of the identity or associational relationships of the applicant, nor to any assumptions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the Special Event

Sec. 52-7. Insurance and indemnity.

(a) Indemnity, hold harmless and insurance. It shall be a condition precedent to the issuance of any such Permit that the applicant shall indemnify, defend and hold the City harmless from all claims, suits or actions of any kind whatsoever arising out of or resulting from the Special Event, the issuance of the Permit, or the operations or activities of the Permittee and shall, further, indemnify, defend and hold the City, its officials, and employees harmless for any injuries, losses, or damages arising or resulting from the Special Event including any injuries, losses, or damages resulting from alleged negligent acts or omissions on the part of the City. The applicant shall ensure that adequate safety precautions are in effect at all times during the term of the Permit. It shall be a further condition precedent to the issuance of any such Permit for the event that the Permit holder(s) is/are jointly and severally responsible, at each Permit holder's expense, for any damages regarding restoring the public right-of-way to its original condition before installation of facilities.

- (1) Non-governmental applicant(s). Prior to the issuance of any such Permit, the non-governmental applicant(s) shall provide the City with a certificate of insurance affording coverage for commercial general liability with limits of at least \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate for bodily injury and property damage. The certificate must be endorsed to reflect primary and noncontributory, and further insure against contingent and contractual exposures, personal and advertising injury, underground hazards, if applicable and products and completed operations. At the request of the City, the applicant shall also furnish additional lines of coverage with limits acceptable to the City in connection with the scope of services contemplated under this permit. The City must be listed as additional insured on all applicable third-party liability policies. The insurance herein required shall remain in full force and effect during the entire term of the Permit. Additionally, all such insurance for non-governmental applicant(s) shall be subject to annual review by the City's risk management department and the applicant shall be required to update as necessary to protect the City as set forth in this Section.
- (2) Government applicant(s). Prior to the issuance of any such Permit, the governmental applicant(s) shall submit to the City a certificate of insurance or letter of self-insurance for each governmental applicant in accordance with and subject to the limitations as set forth in F.S. § 768.28.

#### Sec. 52-8. Application Determination.

- (a) Decisions of the City Manager, or Designee, regarding Special Event Permits shall be amended by reports received on the referrals as provided in Section 52-4. Approvals of Special Event Permits for Special Events by the City Manager, or Designee, shall be based on the criteria utilized by the different departments or other governmental agencies upon which referrals were made. Such criteria shall be as determined by each of the City Departments or agencies and as regulated by other applicable laws. The City Manager, or Designee, shall review comments as provided by each City Department or agency to determine whether the proposed event complies with all of the individual criteria. A recommendation of denial by any department or agency shall be accompanied by specific findings which enumerate how the request does not comply with their individual criteria. The duration of each Special Event shall be clearly stated within the approved Permit.
- (b) Approvals of applications shall be issued when such application is complete and complies with all applicable criteria and requests.
- (c) Conditional approvals of applications shall be issued when such applications require conditions to be satisfied in order to be found in compliance with applicable criteria.

1. The City Manager, or Designee, shall have authority to attach to the grant of a Special Event Permit such conditions and safeguards as may be necessary. Such conditions and safeguards shall be based upon, and consistent with, considerations and standards applicable to the Special Event Permit. The requirement for any such conditions or safeguards shall be supported by stated reasons, based upon such considerations and standards, and no such condition or safeguard shall establish special limitations and/or requirements beyond those reasonably necessary for the accomplishment of the purpose for which the condition or safeguard is attached.
  2. Failure to comply with conditions and safeguards, when attached to the grant of a Special Event Permit, shall be deemed a violation of this Code.
- (d) Denials of applications shall be issued if after conditions and safeguards have been considered and the application still fails to comply with all applicable criteria; any provision of this Code will be violated by the Special Event; or for any other good cause determined by the City Manager, or designee.

#### Sec. 52-9. Informal notice and hearing.

No formal public notice or hearing is required in connection with Special Event Permits, however, the following may be required as directed by the City Manager, or Designee:

- (1) Notice to adjacent property owners. When required, at the time of initial application, the applicant will notify all abutting property owners, including those abutting across the street or alley, on an approved City form via first class mail.  
  
In the case of adjacent commercial buildings or condominiums or other multi-family housing, only one notice to the condominium association, or building owner will be sent.
- (2) Courtesy notice to registered neighborhood and/or homeowner associations. All neighborhood and/or homeowner associations that wish to receive a courtesy notice of Special Event Permit applications in their area, shall register with the City on a yearly basis. Such registration shall consist of a letter to the City, in which the association shall request such notification and shall specify the name, address, telephone number and electronic mail (E-mail) address of the official representative of the association, designated to receive said notice and a list of all the officers of said association.
- (3) The applicant shall submit, with the application proof of mailing which may be accomplished by affidavit.
- (4) At the City Manager's, or Designee's, discretion, only email notice, in lieu of email and mail notice, will be required to the registered neighborhood and/or homeowner associations based on the size and nature of the Special Event in question, if the Special Event does not impact the surrounding area at all.

#### Sec. 52-10. Withdrawal of application; effect of withdrawal.

An application for a Special Event Permit may be withdrawn by the applicant at any time prior to a decision without restrictions as to a resubmittal. An applicant who withdraws an application shall not be entitled to any refund of the application fee.

#### Sec. 52-11. Approvals, approval with modifications, denials, and alternates times.

- (1) The City Manager, or Designee, shall approve, approve with conditions, deny, or modify the Permit. If the application is denied, such notice will state the reasons for denial.
- (2) Alternate date, time, or location. The City Manager, or Designee, in denying an application for a Special Event Permit, shall be empowered to authorize the conduct of the Special Event on a date, at a time or location different from that requested by the applicant. An applicant may propose and provide for the on-duty police officers to be supplemented by the number of off-duty officers providing special police service as required to maintain adequate routine service levels pursuant to chapter 42 of this Code. An applicant desiring to accept an alternate Permit shall, within five days after notice of the action of the City Manager, or Designee, file a written notice of acceptance with the City Manager, or Designee. An alternate Special Event Permit shall conform to the requirements of, and shall have the effect as, a Special Event Permit under this article.

#### Sec. 52-12. Appeals.

Any applicant shall have the right to appeal the denial of a Special Event Permit to the City Manager. The appeal shall be filed with the City Manager within seven (7) days after the notice of denial is received. The City Manager shall act in writing upon the appeal within seven (7) days from receipt. Any applicant aggrieved by the decision of the City Manager may seek immediate judicial review.

#### Sec. 52-13. Compliance; possession of Permit.

- (1) A Permittee under this Code shall comply with all Permit directions and conditions, and with all applicable laws, Sections of this Code, and other ordinances; and
- (2) The chair, or other person organizing or heading the Special Event, shall carry the Special Event Permit personally at all times during the conduct of the Special Event and shall be produced upon demand by the City.

#### Sec. 52-14. Revocation.

The City Manager, or Designee, shall have the authority to revoke a Special Event Permit issued under this Section upon finding that the criteria for issuance as set forth in this Section no longer exist. A Permittee may seek judicial review of any decision to revoke a Special Event Permit.

#### Sec. 52-15. Other public gatherings.

This Section shall not prevent any person or persons from conducting a Parade, assembling on the Streets or Sidewalks, in any Park, or on public or private property, for the purpose of making any speech, engaging in spontaneous expression, or conveying any message to the public or government without holding a Permit pursuant to this Section. Should any such persons wish to assemble for such purpose and should they not be holding a Special Event Permit under this Section, they shall not be prevented from doing so, provided that they have complied with any other ordinance or law, if there be any, regulating such other event or gathering.

#### Secs. 52-16. 52-25 Reserved

### ARTICLE II. – SEASONAL SALES EVENT PERMITS

#### Sec. 52-26. Seasonal Sales Event Permit Permits.

- (a) Seasonal Sales Events shall be Permitted subject to the applicable criteria listed herein on a vacant lot or portion of a lot not reserved for required parking purposes. Such uses may be Permitted in commercial and industrial Transect Zones and conditioned by a Seasonal Sales



Event Permit for a period not to exceed five (5) weeks. The City Manager may require notice be sent to immediately adjacent (including immediately across the street) property owners.

- (b) Seasonal Sales applicants shall submit the same application as a Special Event as set forth in Section 52-4 of the City Code and shall be subject to the same review, approval, denial, appeal and notification processes as set forth in Sections 52-3, 52-5, 52-6, 52-7, 52-8, 52-9, 52-11, and 52-12 of the City Code.

Sec. 52-27. Revocation.

The City Manager, or Designee, shall have the authority to revoke a Seasonal Sales Event Permit issued under this Section upon finding that the criteria for issuance as set forth in this Section no longer exist or items being sold are outside the scope of the Seasonal Sales Permit issued.

### ARTICLE III. –POP-UP EVENT PERMITS

Sec. 52-28. Pop-Up Event Permits.

- (a) Pop-Up Events shall be Permitted subject to the applicable criteria listed herein on a vacant lot or portion of a lot not reserved for required parking purposes. Such uses may be Permitted in commercial and industrial Transect Zones and conditioned by a Pop-Up Event Permit which shall be valid for no more than seven (7) contiguous days. The City Manager may require notice be sent to immediately adjacent (including immediately across the street) property owners.
- (b) Pop-Up applicants shall submit the same application as a Special Event as set forth in Section 52-4 of the City Code and shall be subject to the same review, approval, denial, appeal and notification processes as set forth in Sections 52-3, 52-5, 52-6, 52-7, 52-8, 52-9, 52-11, and 52-12 of this City Code.

Sec. 52-29. Revocation.

The City Manager, or Designee, shall have the authority to revoke a Pop-Up Event Permit issued under this Section upon finding that the criteria for issuance as set forth in this Section no longer exist or the activity occurring is outside the scope of the Pop-Up Event Permit issued.

Secs. 52-30 - 52-50. Reserved