

CITY OF MELBOURNE, FLORIDA
ADMISSION STREET EVENTS POLICY

This policy shall apply to a street event held on public right-of-way in the City of Melbourne where an applicant charges admission for access to the event area.

Special Activity Application/Fee – The applicant for an admission street event (“event”) will be required to submit a completed special activity application to the City Clerk at least four weeks prior to the event along with the applicable fee.

Applications will be accepted on a first come, first served basis. An applicant may not apply earlier than four months prior to an event. All required documentation (map indicating location of entertainment, structures, portable restrooms; application fee; and clean-up plan) must be submitted at the time of application in order to be considered valid.

The application fee for an admission street event, regardless of whether the applicant is considered profit or non-profit, is \$250.

Designated Area – Events are permitted in the following redevelopment areas: Melbourne, Eau Gallie, and Babcock. Each district will generally have a designated area for an admission street event. The area will identify boundaries, location of traffic control devices, location of gates (entrance/exit points), and location of fencing.

Maximum Number of Participants per Event Area – The maximum number of participants per event area will be based on the estimated usable square footage of the event area. Eight square feet per person will be used in making the calculation. The maximum number will be controlled through a wristband system.

Hours of Event – Events may be held from 6:00 p.m. until 12:00 a.m., and the streets must be cleared by 1:00 a.m. An area may not be fenced prior to 3:00 p.m. and the applicant may not begin charging admission prior to 6:00 p.m. Streets may remain closed until 6:00 a.m. the following day to allow for proper clean-up of the area.

Alcoholic Beverages – The provisions contained in Section 3-7, City Code (open container), may be waived by the permit agreement. (The waiver will end at 1:00 a.m., which is the time that streets must be cleared.) Applicants are responsible for complying with all applicable State Statutes and alcohol licensing requirements established by the Florida Department of Business and Professional Regulation (FDBPR), Division of Alcoholic Beverages and Tobacco (ABT).

If an applicant with a licensed establishment is applying for an event adjacent to his/her establishment, he/she must provide a copy of the FDBPR, ABT temporary permit for extension of licensed premises. If an applicant is a non-profit civic organization conducting an event in accordance with Section 561.422, Florida Statutes, he/she must provide a copy of the ODP (temporary) license issued by the state.

Alcohol sales/consumption must cease at midnight and the participants must be instructed by event personnel to leave the area. If an applicant wishes to extend alcohol sales/distribution

beyond midnight, he/she will be required to submit a request, in the form of an agenda item, to City Council at least eight weeks prior to the scheduled event.

Applicants must instruct their points of sale to limit each sale to a two drink maximum. All beverages within an event area shall be served and/or transported in non-glass containers.

Portable Restrooms – The guidelines established by the Florida Administrative Code and the Portable Sanitation Association International will be used to determine the total number of portable toilets. Consideration will be given to steady attendance, peak attendance, and number of permanent restrooms available within the event area. The required number of portable toilets will be distributed throughout the event area.

Pre-event Planning – The applicant will be required to participate in a planning meeting with City staff. During the meeting, the following items must be addressed:

- *Location of entertainment within the footprint of the event area.* Entertainment and activities will be placed throughout the event area to distribute event participants. Consideration will be given to placing stages and noise sources away from residential areas.
- *Location of gates.* Gates shall not be placed in areas that are predominantly residential. Additionally, gates must be established in a manner so that participants waiting to enter the event area will not be in conflict with roadways open to traffic.
- *Public safety personnel.* The Fire and Police Departments will establish the location of a unified command post and the operational issues associated with communication, movement, and coordination during the event.
- *Police Department.* The number of police officers required to work the event will be determined. The Police Department Operational Plan shall include direction for officers to patrol the areas surrounding the event, especially residential areas, once the streets have been cleared.
- *Code Compliance Division.* The number of fire inspectors and/or code officers required to work the event will be determined.
- *Fire Department emergency medical services.* The number of medical teams required to work the event will be determined.
- *Number and location of portable restrooms.* The number and location will be determined.
- *Gate access.* The applicant is responsible for identifying how non-participants of the event, including business owners and employees within the event area, can access the area without paying admission.
- *Notification.* The applicant's notification to businesses and residents affected by the street closure will be reviewed.

- *Identification checkpoints.* The applicant must provide an identification verification system to determine the age of event participants. A plan for addressing underage drinking must be submitted.
- *Wristbands.* The maximum number and style will be determined.

Permit Agreement – Once an applicant has submitted all required documents, met all conditions, and staff concurs with the issuance of a permit, the City Clerk will draft a permit agreement for the event.

The event shall not be considered approved until the applicant has executed the permit agreement, provided all required documents, and made any required pre-payments. These items must be completed at least three business days prior to the event.

Limited Number of Admission Events – No more than six admission street events may be held per calendar year in an area. Of that six, no more than two events may occur in a one month period.

Noise and Vibration Control – The decibel level may not exceed 65 dB at the event boundary adjacent to any residential use. Noise sources including, but not limited to, sound amplification of music and entertainment, must stop at midnight. The applicant may make instructional announcements (“the event is over,” “it’s time to clear the streets”) until 12:30 a.m. All noise sources must end by 12:30 a.m.

Admission Fee/Payment to City – The application must indicate the amount of the admission fee. Within 30 calendar days following the event, the applicant must provide the City Clerk with a report of the attendance and amount collected at the gate. A payment of at least 20% of the total admission collected must be made to the City. The \$250 application fee will be credited towards the amount of the admission owed to the City.

Use of Admission Proceeds – The City’s portion of the admission fee shall be spent in the redevelopment area where the event was held. The community redevelopment agency advisory committee in the area where an event is held shall make a recommendation to the City Council on use of the City’s portion of the admission fee.

Notification of Businesses/Residents Impacted by the Event – The applicant will be required to provide written notification to each occupant within the proposed event area. Notification shall include the name, date, and time of the event; a map; and a contact name and telephone number. Additionally, information about the event shall be posted on the City’s web site. All notification shall be provided two weeks in advance of the event.

Clean-up Plan and Deposit – The applicant will be required to submit a detailed clean-up plan for the event. The plan must include the time that the streets will be re-opened following the event, how the streets will be cleaned (private crew, etc.), and how often the trash receptacles will be emptied during the event. The dumpster or dumpsters that will be utilized must also be identified and the applicant must arrange for the dumpster or dumpsters to be emptied if required.

Additionally, the applicant will be required to post a \$250 deposit with the City for clean-up following the event. In the event the applicant does not remove all debris and trash from the event area to the City's satisfaction, the deposit will be forfeited. The applicant will be billed for the actual cost of City services required to complete the clean-up.

City Services – The applicant will be required to pay a portion of the estimated costs for City services (generally one-half) prior to the event as outlined in the permit agreement. The applicant will be billed for the remaining balance following the event based on the actual cost of personnel who work the event.

City services may include, but are not limited to, Fire/Code, Fire medical services, Police, Traffic Engineering, and Facilities Maintenance as outlined in the permit agreement.

Hold Harmless and Indemnification – The permit agreement shall contain a hold harmless and indemnification clause in a format acceptable to the City Attorney and Risk Manager.

Duty to Inspect – Prior to the event, the applicant will be required to perform a safety inspection of the event area. Appropriate language, acceptable to the City Attorney and Risk Manager, will be included in the permit agreement.

Insurance – The applicant will be required to provide a general liability insurance policy in the amount of \$1,000,000. Additionally, if alcohol is being served at the event, liquor liability in the amount of \$1,000,000 will be required. A certificate of insurance will be required and the following language must appear on the certificate: "The City of Melbourne is named as an additional insured as the City of Melbourne's interest may appear only." Additionally, the certificate must indicate the specific event that it covers.

In addition to the certificate of insurance, the City requires proof that the policy has been endorsed by naming the City of Melbourne as additional insured.

Signage – Banners and signage may only be placed in accordance with the City Sign Code.

Special Promotion – Staff is authorized to consider reducing the City's portion of the fee if an applicant runs a special promotion with an event. For example, if the cost for a ticket to a street event includes a beverage, a value may be assigned to that and deducted from the amount due to the City. The value assigned to the giveaway would need to be somewhere between zero and wholesale. A retail amount for the giveaway may not be assigned. Requests for a reduction under this category will be reviewed on a case by case basis. Appropriate language for the permit agreement will be drafted by the City Attorney.

Public Access – No person shall be denied access to an event because of race, sex, religion, national origin, or place of residence.

Access may be restricted to persons age 21 and older for events such as a New Year's Eve Party.

Interpretation and Appeal – The City Clerk will provide interpretation of the Admission Street Events Policy. An applicant may appeal any condition of approval to the City Manager. The appeal must be provided in writing and include the basis for the appeal and desired outcome.

Additional Regulations – The City Manager is hereby authorized by City Council to amend the provisions contained in this policy based on the type of event or information submitted by the applicant.

Adopted by the Melbourne City Council on May 25, 2010.