

**CITY OF MELBOURNE, FLORIDA**  
**SPECIAL ACTIVITY PERMITTING PROCEDURES**  
(Reference Section 2-676, City Code)

**STOP** and refer to the Business Promotion Permitting Procedures and one-page business promotion application if you are applying for a permit for a business promotion (placement of a banner, inflatable sign, temporary sign or tent).

*Special Activity or Special Event.*

An event conducted outside on public or private property with a limited duration, infrequent occurrence, or seasonal nature; an event where it can be anticipated that the number of persons attending will exceed the available on-site parking; an event where it can be reasonably expected that services will be required beyond those that are regularly provided by the city, such as police, traffic control, crowd control, code compliance, fire and/or emergency medical services, or street closures; or an event that will impinge on adjacent areas, including amplified sound, athletic events, carnivals, circuses, concerts, fireworks, high intensity lighting, musical groups, parades, runs, street events, and walk-a-thons.

The site selected for an event must be properly zoned.

An event is not considered approved until a permit or permit agreement has been issued by the City Clerk. If applicable, at least five business days prior to an event, the applicant will be required to make payments, provide submittals/documents that are due, and execute a permit agreement.

*Application.*

- The applicant is required to submit a completed special activity application to the City Clerk along with the applicable fee, site plan and submittals.
- Application deadline for an event with an expected attendance of 1,000 or less: The applicant must make application a minimum of ten business days prior to the date of the event. If such an event involves a road closure or requires police services, applicants must apply a minimum of 30 days prior to the date of the event.
- Application deadline for an event with an expected attendance of 1,001 or more: The applicant must make application a minimum of 90 days prior to the date of the event. If such an event does not require city services, the City Clerk has the authority to accept and process an application, provided that there is sufficient time to process the application in accordance with Chapter 2, Article X, City Code.
- Generally, an application may not be submitted more than 365 days prior to an event.

*Application Fee.*

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| \$50.00  | Standard application fee.   |
| \$100.00 | Application fee for event held on city property (excluding block party) or event that requires a Life Safety Management Document, which is a fenced or gated outdoor event with an expected peak attendance of 6,000 or more. |
| \$25.00  | Block party.  |

Site Plan and Submittals.

The site plan may be hand drawn, and it must contain the following, if applicable:

1. Footprint boundaries and dimensions. (This requirement applies to events with an expected attendance of 1,001 or more.)
2. North arrow.
3. Location and names of roadways.
4. Location of barricades or traffic control devices.
5. Fire lanes. Event set-up in public roadways must provide for a minimum of 20 feet of clear width. Fire Department connections in front of buildings may not be blocked.
6. Location of building/buildings.
7. Location of parking on the site, including any parking that will be blocked off and used for the special event.
8. Location and dimensions of all physical equipment and structures including, but not limited to, stage, vendors, booths, tents, banners, inflatable signs, temporary signs, barricades, portable toilets, fences, and vehicles.
9. Location of temporary alcohol sales or distribution.

The following forms provided by the city must be executed and submitted at the time of application, if applicable:

1. Tent form.
2. Mobile vending form.
3. Police Department employment services request form.
4. Trash and recycling. Describe the plan for clean-up and removal of waste, recyclable goods and garbage during and after the event.
5. Portable restrooms. Specify the total number of toilets and hand sinks that will be provided, including the number of portable toilets that will be ADA accessible. If the event is a multiple day event, indicate how many times the toilets will be serviced.
6. Electric. Specify the source of the electric and/or the location of generators for stages, vendors, and rides.
7. Vendors (non-cooking). Describe the merchandise that will be sold and the size and number of the tents, booths, or temporary structures that the vendors will use.
8. Vendors (cooking). Specify the method of cooking: gas, electric, fryers, or other. Include detail about the size and number of tents, booths, or temporary structures

- that the cooking vendors will use. List the number of food trucks that will participate in the event.
9. Parking. Describe where event participants will park and whether the parking areas will be staffed. Include information about shuttle or park and ride services.
  10. Accessibility plan. Describe the plan for parking, participation, and viewing by people with special needs.
  11. Security. Describe any private security that will be used during the event. Specify whether the private security will be paid or volunteer, total number of personnel, their function, and where they will be assigned in the event area. If a private security firm will be used, the applicant must provide a copy of the contract.
  12. Lighting. Describe temporary lighting that will be placed in the event area and the parking area.
  13. Life Safety Management Document (if the event is fenced or gated, has open seating, and an expected peak attendance of 6,000 or more).
  14. Alcohol. Specify the type of license that will be used and who the license will be issued to.
  15. Entertainment. Describe the entertainment, including the name of the artist, band, DJ, or performer, and the time the entertainment is scheduled to perform during the event.
  16. Fireworks and pyrotechnic displays. Provide details about fireworks, pyrotechnics, or any open flame display.

Admission Street Events. See Sec. 2-682(c) of the City Code.

Alcoholic Beverages.

*Hours of Sale.* If the event is being held on city property, alcohol sales/distribution may occur until 1:00 a.m. The open container ordinance may be waived for an additional hour following the event.

*In General.* The applicant must comply with all state and local laws related to alcoholic beverages. Each point of sale in the event area is limited to a two-drink maximum. All beverages, including alcohol, must be distributed in non-glass containers, unless an exemption has been granted in the permit.

*Licensing.* A business that has an alcohol license issued by the state may apply to the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (ABT) (407-245-0785) for a temporary extension of premises (TXP). A non-profit civic organization may apply to ABT for a temporary ODP (one-, two- or three-day permit) in accordance with Section 561.422, Florida Statutes. In either case, a copy of the temporary license issued by the state must be provided to the City Clerk.

*Waiver of the Open Container Ordinance.* The city's open container ordinance, Section 6-7, City Code, may be waived by the City Clerk through a special activity permit. The City Clerk may not grant waivers to the hours of operation contained in Section 6-2 of the City Code.

Banners (Light Poles in Downtown Melbourne and Eau Gallie). Only banners advertising permitted special events in the boundary of the Community Redevelopment Area may be placed on light poles. A maximum of every other banner may be temporarily replaced; the remaining banners will reflect the choice of the Main Street program or the CRA. Banners may not be placed more than 30 days prior to an event, subject to work schedule and availability of Facilities Maintenance Division staff. The applicant for the event that is requesting placement of the banners must pay for the cost of this service.

Balloons. Hand held helium or air filled balloons (birthday or party balloons) are not permitted outdoors.

Block Party. A block party is a non-commercial organized public gathering for the purpose of having a party or other social, recreational or similar assemblage composed substantially of neighbors in a predominantly residential area on a public right-of-way (street, sidewalk, or alley) where: no admission is charged for access to any portion of the event area; merchandise, food, and beverages are not offered in exchange for money; and city services, with the exception of traffic control devices, are not required. Block parties may be conducted between 6:00 a.m. and midnight.

An applicant must be: i) a representative of the owner or occupant of a non-residential property, or ii) a resident of property abutting the right-of-way where the party is being conducted, or iii) a representative of the applicable homeowners' or property owners' association. Applicants are exempt from the insurance requirements, unless temporary structures will be placed on city property or alcohol will be distributed or consumed on the public street.

Bounce Houses. Amusements, including bounce houses and slides, must be properly and securely tied down. The use of weights or water barrels is encouraged.

Canopies. 10' x 10' canopies are exempt from the permitting requirements, unless there are multiple canopies that are part of a larger event (for example, art festival, street event, concert). If cooking will occur beneath a 10' x 10' canopy, the permitting process is required.

Carnival. A business tax receipt is required regardless of non-profit status. Each applicant will be required to demonstrate that he/she has a current permit from the Florida Department of Agriculture and Consumer Services, Bureau of Fair Rides Inspection.

Circus. A business tax receipt is required regardless of non-profit status. A circus must have the proper licenses issued by the United States Department of Agriculture and comply with the requirements relating to circuses issued by the Florida Fish and Wildlife Conservation Commission.

Farmers' Markets. Farmers' markets are permitted in the redevelopment areas on property zoned C-3 or I-1, and at Wickham Park. Banners and signage may be placed two days prior to an event and must be removed the day of the event. A notice must be posted indicating the specific location of restroom facilities in the area.

Fees. Reference Resolution No. 3580. All applicants, regardless of profit or non-profit status, are required to pay the prescribed fees. An application fee is non-refundable once the application has been circulated to departments for review. If an applicant does not pay a balance due within 30 days of date of billing, interest will be charged at the rate of one percent per month (12% annually). If interest penalty is charged, the applicant may be required to pay 100% of the estimated cost for city services prior to any future events.

Flags. Four flags are permitted on a single building site without a special activity permit. Up to 20 flags may be permitted through the special activity permitting process.

Florida Department of Transportation. Applicants for events that involve the temporary closing of a state road will be required to execute an FDOT Temporary Closing of State Road Permit Application. The FDOT requires variable message boards to be placed a minimum of seven days in advance of an event when closing all lanes of traffic on a state road. Additionally, if a closure extends into another jurisdiction outside of the city, a letter of concurrence from that jurisdiction will be required.

Florida East Coast Railway (FECR). Applicants for events that will be conducted near or adjacent to the railroad tracks must contact the FECR and comply with any conditions that the Railway may impose. The City of Melbourne will automatically assign a police officer at the railroad crossing during events.

Notification must be in the form of an e-mail to the following FECR officials with a copy to the City Clerk:

|               |                          |
|---------------|--------------------------|
| Jay Westbrook | Jay.Westbrook@fecrwy.com |
| Paul Rahn     | Paul.Rahn@fecrwy.com     |
| John Williams | John.Williams@fecrwy.com |
| City Clerk    | City.Clerk@MLBFL.org     |

Food Preparation/Sales.

- Contact the Florida Department of Health, Environmental Health Services in Brevard (DOH-Brevard) at 321-633-2100, Ext. 56746, for information on food regulatory requirements at special events. A licensed establishment/restaurant must contact the Department of Business and Professional Regulation, Customer Contact Center, at (850) 487-1395.
- A business that is licensed to operate a use that serves/sells food on the premises may conduct outdoor cooking/grilling on the site without a special activity permit as long as the following criteria is met:

Outdoor cooking/grilling is limited to one day per week. Week is defined as that seven-day period from Sunday through Saturday.

One 10' x 10' canopy is permitted. Cooking/grilling may not be conducted beneath the canopy.

The cooking area and related set-up (tables, etc.) may not exceed 100 square feet.

The cooking equipment or grill must be self-contained and portable, and it may not exceed an area larger than 15 square feet.

Outdoor seating is prohibited (unless the site is already permitted for outdoor seating).

A minimum access way of five feet must be maintained along sidewalks and entrances to buildings.

Outdoor sales/consumption of alcoholic beverages is prohibited.

Outdoor signage and advertising of the activity is prohibited.

Placement of the cooking/grilling equipment, tables, canopy, etc. may not occupy more than one vehicle parking space on the site. Parking lot drive aisles and ingress/egress to the site may not be blocked.

Selling or serving of food must be intended for regular, on-site customers only.

The permitted hours for outdoor cooking/grilling shall be limited to the hours of the business. Notwithstanding this paragraph, outdoor cooking/grilling may not occur after 10:00 p.m.

*Food Trucks.* The Mobile Vending Form must be completed. Each food truck must have a current "Food Truck Permit, Space Coast Fire Inspectors" sticker. (The expiration date of the sticker is the expiration date of the suppression system in the truck.)

*Hours of Event.* Special events held on city property may be conducted between 6:00 a.m. and 1:00 a.m. Special events held on private property may be conducted during the regular business hours of the primary operation on site.

*Insurance – Events Held on City Property.* If the event involves the barricading of a roadway, use of a roadway, or placement of a temporary structure on city right-of-way/property, the applicant will be required to provide the following insurance:

Liability insurance. The applicant, the individual or other legal entity holding the activity will provide and maintain at all times during the event, without cost or expense to the city, a commercial general liability (CGL) insurance policy. This policy of insurance will have a per occurrence coverage trigger and cover the applicant, the individual or other legal entity holding the activity and its or their employees for any and all claims, demands, and expenses whatsoever, including defense and causes for action for general damages, bodily injury and property damage arising out of or to the extent caused by negligent acts or omissions, intentional misconduct of the applicant, the individual or other legal entity holding the activity and its or their employees and volunteers. These insurance requirements shall not relieve or limit the liability of the applicant, the individual or other legal entity holding the activity. The following minimum insurance requirements shall be provided:

(1) Occurrence basis. All policies, except professional liability insurance and workers' compensation, shall be written on an occurrence and not a claims-made basis and, at a minimum, shall cover the applicant, organizers, sponsors, and all event volunteer workers and volunteer vendors.

(2) Coverage and deductible amounts. The coverage amount for the CGL policy shall not be less than \$1,000,000.00 per occurrence and in the aggregate and may be met by a combination of underlying and umbrella policies so long as, in combination, the limits equal or exceed those stated. The deductible amount for the CGL policy shall not be more than \$3,000.00 per occurrence.

(3) Additional insured. The CGL policy shall be endorsed to add the City of Melbourne as an additional insured.

(4) Evidence of insurance. In addition to a certificate of insurance that lists the specific event that is being covered, the city requires proof that the policy has been endorsed by adding the city as additional insured for the duration of the special event. To satisfy this requirement, the applicant may provide a copy of the actual policy endorsement page or written communication from the insurance agent to the insurance company directing that the policy be endorsed by adding the city as additional insured.

(5) Insurance companies. All insurance shall be effected under valid and enforceable policies, issued by insurers qualified to do business in the state, or surplus line carriers on the state insurance commissioner's approved list of companies qualified to do business in the state. All insurance carriers and surplus line carriers shall be rated B+, with a financial size category of VII, or better by A.M. Best Company.

Alcohol. In addition to the insurance requirements above, additional insurance is required if alcohol will be sold, served, or consumed within the event area. Applicants or parties serving alcohol, who are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages must obtain or have liquor liability insurance with a per occurrence and aggregate limit of not less than \$1,000,000.00 with a deductible amount of not more than \$3,000.00. Applicants or parties serving alcohol, who are not in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages, must obtain or have host liquor liability insurance with a per occurrence and aggregate limit of not less than \$1,000,000.00 with a deductible amount of not more than \$3,000.00. An applicable liquor liability insurance policy must be maintained in full force, at all times during the event, without cost or expense to the city. This policy of insurance will be required to cover the applicant, the individual or other legal entity holding the activity and its or their employees or volunteers for any and all claims, demands, and expenses whatsoever, including defense and causes arising from or related to the furnishing, sale, consumption, or serving of alcoholic beverages of any type as defined in F.S. chs. 561—565. These insurance requirements will not relieve or limit the liability of the applicant, the individual or other legal entity holding the activity and allowing alcohol to be consumed, sold, or served. All entities licensed to serve alcohol within the event area shall provide proof of insurance to the city.

*Life Safety Management Document.* If the seating for a fenced or gated outdoor event is open (rather than fixed seats), and the expected peak attendance is 6,000 or more, the applicant must complete a Life Safety Management Document in accordance with NFPA-1 standards. The following shall apply:

- The Life Safety Management Document must be completed by a person who is deemed acceptable to the Code Compliance Division. At a minimum, the plan must address: Nature of the event and the participants and attendees; access and egress movement, including crowd density problems; medical emergencies; fire hazards; permanent and temporary structural systems; severe weather conditions; earthquakes; civil or other disturbances; hazardous materials within and near the facility; and relationship among event management, event participants, emergency response agencies, and others having a role in the event or facility.

- If attendance is estimated at more than 6,000 people, there must be at least three means of ingress/egress. If attendance is estimated at more than 9,000 people, there must be at least four means of ingress/egress. Gates must be clearly marked (numbered, lettered, or named). The signage must be of sufficient height that it is visible from the ground level within the event area.
- The applicant must provide professional, trained crowd managers at a ratio of 1:250 (one crowd manager for every 250 event participants). Either a signed contract with a security firm or a completed roster showing each crowd manager's name, organization or affiliation, crowd manager experience, and proof of completion of a certified crowd management training course must be provided.

Noise. During a special event, the noise level may not exceed the level prescribed in Section 26-25 of the City Code. All outdoor noise sources including, but not limited to, sound amplification of music and entertainment, must stop by midnight on Friday and Saturday and 11:00 p.m. on Sunday through Thursday. Additionally, the following conditions shall apply:

If the event area is located outside of the Downtown Entertainment Noise District:

Decibel Levels (A-weighted):

- 7:00 a.m. to 10:00 p.m. – Sound levels must remain at or below 65 dBA at the event boundary and 60 dBA at the nearest residential property outside the event boundary.
- 10:00 p.m. to midnight – The sound levels must remain at or below 65 dBA at the event boundary and 55 dBA at the nearest residential property outside the event boundary.
- Midnight to 7:00 a.m. – Sound levels must remain at or below 60 dBA at the event boundary and 55 dBA at the nearest residential property outside the event boundary.

Decibel Levels (C-weighted):

- 7:00 a.m. to 10:00 p.m. – Low frequency sound levels must remain at or below 70 dBC at the event boundary and 65 dBC at the nearest residential property outside the event boundary.
- 10:00 p.m. to 7:00 a.m. – Low frequency sound levels must remain at or below 70 dBC at the event boundary and 60 dBC at the nearest residential property outside the event boundary.

If the event area is located in the Downtown Entertainment Noise District:

Decibel Levels (A-weighted):

- 7:00 a.m. to 9:00 a.m. – Sound levels must remain at or below 60 dBA at the event boundary and 60 dBA at the nearest residential property outside the event boundary.
- 9:00 a.m. to 10:00 p.m. – Sound levels must remain at or below 70 dBA at the event boundary and 60 dBA at the nearest residential property outside the event boundary.



- 10:00 p.m. to 1:30 a.m. – Sound levels must remain at or below 70 dBA at the event boundary and 55 dBA at the nearest residential property outside the event boundary.
- 1:30 a.m. to 7:00 a.m. – Sound levels must remain at or below 60 dBA at the event boundary and 55 dBA at the nearest residential property outside the event boundary.

Decibel Levels (C-weighted):

- 9:00 a.m. to 1:30 a.m. – Low frequency sound levels must remain at or below 75 dBC at the event boundary and 65 dBC at the nearest residential property outside the event boundary.
- 1:30 a.m. to 9:00 a.m. – Low frequency sound levels must remain at or below 75 dBC at the event boundary and 60 dBC at the nearest residential property outside the event boundary.

Notification Requirements for a Road Closure. At least two weeks prior to an event, the applicant must provide written notification to each occupant within a proposed event area and area impacted by the event. Notification shall include the name, date, and time of the event; a map or description of the area; and a contact name and telephone number. A copy of the notification must be provided to the City Clerk at least five days prior to the event.

Outdoor Seasonal Sales. Seasonal sales include the sale of items associated with a season (sparklers, pumpkins, Christmas trees and holiday decorations). The term is narrowly defined and may not include a broad category, such as gifts, crafts, or household items. A business tax receipt is required through Financial Services (Revenue). Submit written permission from the property owner with the application. Adequate stabilized parking, including handicapped parking, must be provided within 100 feet of the sales/display area. Handicapped accessible restrooms must be available within 500' of the sales/display area. If parking or restroom facilities are being provided by an adjacent business, provide a copy of the written agreement with the application. The business hours of the adjacent business must coincide with the operating hours of the special event.

Payment to City. If an applicant has previously conducted an event in the city and has a positive payment history, a deposit equal to one-half of the estimate costs for city services shall be required. All other applicants shall be required to pay 100% of the estimated costs for city services.

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 required at an event. Consideration will be given to previous experience with same event, whether alcohol is served, and number of fixed seats available in the area and open for use by the event organizer.

In accordance with the Americans with Disabilities Act, at least five percent of single user portable toilets clustered must be accessible under ADA Requirements. The ratio for hand washing stations is one per ten toilets.

Set-up and Take-down. Applicants are permitted a reasonable set-up and take-down period for an event.

Signs.

- Temporary signs are prohibited in the public right-of-way, medians, and on public property. During a special event, temporary directional signs used to aid participants may be placed along a specified route or in the event area the day of the event only. The signs will be approved as part of the special activity permit or permit agreement.
- A permit is required from the Code Compliance Division for a portable or mobile sign. Such a permit may be issued for any one site twice during a calendar year. Such permits may not exceed a total of 14 days during any consecutive period of 365 days.

Picture of portable/mobile sign:



- Banners, banner signs, pennants, searchlights, twirling signs, “A” frame sandwich board signs, sidewalk or curb signs and inflatable signs may be permitted through the special activity permitting process on a commercial premises. The sign or its subject matter must relate to the products, accommodations, or activities available on the premises where the sign will be located.
- Temporary signs advertising a non-commercial special event may be placed on private, commercial property with consent of the owner of the property. A single sign may not exceed 72 square feet in sign area or eight feet in height. The aggregate sign area for all temporary, non-commercial signs on a single site may not exceed 72 square feet. Signs may not be placed closer than 10 feet from any lot line. Signs must be removed within five calendar days following the event.
- Temporary signs advertising a non-commercial special event may be placed on private, residential property with the consent of the owner of the property. A single sign may not exceed six square feet in area or three feet in height. The aggregate sign area of all temporary, non-commercial signs on a single site may not exceed 30 square feet. Signs may not be placed less than 10 feet from any lot line.
- A temporary non-commercial sign placed on city property (not city right-of-way) in one of the Community Redevelopment Districts may be approved through the special activity permitting process. Such signs must be removed within five days following the event.

Tents. See separate handout from Code Compliance Division entitled “Tent Guidelines.”