

C7 AD A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE REVISED SPECIAL EVENT REQUIREMENTS AND GUIDELINES ATTACHED TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION; SAID REVISIONS TO INCORPORATE CHANGES TO THE ESTABLISHED FREQUENCY USE CHART, INCLUDING A REDUCTION TO THE NUMBER OF PRIDE PARK ANNUAL ACTIVATION DAYS FROM 120 TO 75 DAYS FOR TICKETS ACTIVATIONS, NOT INCLUDING FREE COMMUNITY EVENTS.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Rickelle Williams, Interim Executive Director

DATE: June 26, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE REVISED SPECIAL EVENT REQUIREMENTS AND GUIDELINES ATTACHED TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION; SAID REVISIONS TO INCORPORATE CHANGES TO THE ESTABLISHED FREQUENCY USE CHART, INCLUDING A REDUCTION TO THE NUMBER OF PRIDE PARK ANNUAL ACTIVATION DAYS FROM 120 TO 75 DAYS FOR TICKETS ACTIVATIONS, NOT INCLUDING FREE COMMUNITY EVENTS.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission adopt the Resolution accepting the recommendation of the Public Safety and Neighborhood Quality of Life Committee to amend the Special Event Guidelines; with said revisions incorporating updates to the established frequency use chart, including a limit to the number of annual activation days in Pride Park from 120 to 75 days for ticketed activations, not including free community events.

BACKGROUND/HISTORY

The City of Miami Beach hosts a wide variety of special events that enrich the community for both visitors and residents. To mitigate the ever-increasing demands made upon City resources and infrastructure, applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City Departments to ensure that these events are compatible with the surrounding neighborhoods. This process assists in evaluating and assessing the City's resources, both in terms of personnel and use of public property and rights-of-way to adequately protect the public safety, health, and welfare of the community.

Special events in the City of Miami Beach are also subject to review and recommendation by the corresponding neighborhood or business association(s) and/ or as part of a monthly Special Events Community Review.

In 2023, the Tourism and Culture Department (TCD) led a multi-disciplinary review of the Guidelines with departments affected by Special Events, including Building, Code, Economic Development, Environmental and Sustainability, Fire, Ocean Rescue, Parking, Parks and Recreation, Police, Property Management, Public Works, Sanitation, and Transportation, and the revised Special Event Guidelines include edits received from said departments.

On July 26, 2023, the City Commission approved Resolution No. 2023-32701, authorizing a revision to the Special Event Guidelines, which included revisions provided by various City Departments, language to restrict new events activating Lummus Park and Lummus Park Spoil areas north of 13th street, or beachfront between 13th to 16th Street, unless approved by the City Commission, and a bifurcation of the Special Events Sponsorship Program.

ANALYSIS

According to the City's Special Events Guidelines, most recently revised by Resolution No. 2023-32701, the City has the authority to approve, approve with conditions, deny or revoke a Special Event Application, considering factors which include the type of event, resident benefit, economic impact to the City, demands on City services and availability of public space in accordance with the established frequency chart.

To ensure that the City's beaches, parks, and public right-of-ways are protected and conserved, the City limits the number and scope of the events held in these areas. The City has in place a Frequency Chart, which outlines the maximum number of days in a fiscal year that can be used within the designated area listed.

This allows for the natural restoration and maintenance of our beaches, parks, and public right-of-ways. Once a designated area reaches its maximum allowance, no additional event may be permitted, unless approved by the Mayor and the City Commission.

The Frequency Chart in the Special Event Guidelines specifically mentions Pride Park. The approved maximum number of event days in the Park is limited to 120 days per fiscal year, with priority given to Miami Beach Convention Center (MBCC) events. The 120-day limitation is also designated for Lummus Park Beachfront, Collins Avenue Corridor (beachfront, spoil areas, and Collins Park), and Ocean Terrace.

On February 1, 2023, the Mayor and City Commission approved a referral item (C4 W), sponsored by then Commissioner/now Mayor Steven Meiner, to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) to discuss the schedule of events taking place at Pride Park, and how the City could better manage the schedule and activate Pride Park for the maximum benefit of City residents.

On September 13, 2023, the Mayor and City Commission approved a related referral item (C4 N), sponsored by Commissioner Alex Fernandez, to the PSNQLC to discuss Pride Park and the number of activation days.

Both referral items (C4 W and C4 N) relating to Pride Park were heard and discussed at the same time at the February 14, 2024, PSNQLC meeting. The Committee unanimously moved the item with a favorable recommendation to the City Commission to limit the number of Pride Park activations days from 120 to 75 days for ticketed activations, not including free community events and possibly having an area free of activations.

The Administration is now presenting the revised Special Event Guidelines, which include the reduction in activation days for Pride Park. While revising the guidelines to include the new limit of use for Pride Park, TCD has also made edits to additional sections in the frequency chart, to ensure parity.

The City continues to ensure the Special Event Guidelines reflect new regulations or requirements stemming from legislative action. At the May 15, 2024, City Commission meeting, the Transportation and Mobility Department presented an update regarding the development of strategies to address traffic congestion within the City, which include more rigorous special event permit reviews.

As the impact of large-scale special events on traffic and congestion grows in our City, current requirements in the Special Event Guidelines may be revised to include new and/or more robust mitigation strategies. As one element of a new comprehensive strategy, a re-examination of the current Special Event Guidelines would be performed by the Transportation and Mobility Department to determine the appropriate level of traffic analysis, MOT plan, and mitigation based on the scope and scale of the special event to mitigate the impact of congestion caused by special events throughout the City. For purposes of re-examining the Special Event Guidelines, special events can be categorized as follows: Category 1 (less than 10,000

attendees); Category 2 (between 10,000 and 50,000 attendees); and Category 3 (over 50,000 attendees).

In addition, the City has engaged Marlin Engineering, Inc. ("Consultant), one of the City's prequalified rotational transportation consultants, to conduct a comprehensive traffic study focused on managing traffic congestion during major special events at the Miami Beach Convention Center. The main objective of the traffic study is to deliver a multi-modal special event traffic operations plan.

The methodology for this comprehensive traffic study includes traffic data collection along the major adjacent corridors, field visits during special events, parking garage information, and transit ridership data, as well as committed developments in the area and City planned transportation improvements. Traffic modeling will also be conducted to assess future roadway capacity including mitigation of event traffic impacts to ensure adequate Levels of Service (LOS) during major events such as Art Basel Miami Beach and the Miami International Boat Show.

The traffic study will provide a set of recommendations that will include multimodal considerations that will improve and reduce the traffic operation during special events while improving mobility, accessibility, and safety for all road users. The Consultant is expected to provide a Draft Report to City staff for review in Fall of 2024. Those recommendations would be incorporated as part of the Special Event Guidelines at that time.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on [Click or tap here to enter text..](https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/) See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution accepting the recommendation of the Public Safety and Neighborhood Quality of Life Committee to amend the Special Event Guidelines; with said revisions incorporating updates to the established frequency use chart, including a reduction to the number of annual activation days in Pride Park from 120 to 75 days for ticketed activations, not including free community events.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Tourism and Culture

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

TOURISM AND CULTURE DEPARTMENT

SPECIAL EVENTS GUIDELINES AND REQUIREMENTS

Tourism and Culture Department

City of Miami Beach, 1755 Meridian Avenue, 5th Floor, Miami Beach, Florida 33139, www.miamibeachfl.gov
Tel: 305-673-7577 Email: events@miamibeachfl.gov

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Welcome to the City of Miami Beach

The City of Miami Beach (“City”) hosts a wide variety of special events that enrich the community for both visitors and residents. To mitigate the ever-increasing demands made upon City resources and infrastructure, applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City departments to ensure that these events are compatible with the surrounding neighborhoods. This process assists in evaluating and assessing the City’s resources, both in terms of personnel and use of public property and rights-of-way, to adequately protect the public safety, health and welfare of the community.

This review may also require a more detailed and coordinated Major Event Plan, especially during holiday or repeat event periods that have a high impact on City services. The Special Events Ordinance (Chapter 12, Article II, Section 12-5 of the Miami Beach City Code) and the Special Events Requirements and Guidelines are intended, insofar as possible, to mitigate the costs of City services for special events, although it is not the intention that the costs of special events permit fees be used for revenue generation.

The intent of the Special Event Ordinance and the Special Events Requirements and Guidelines is:

- To ensure the City will have adequate advance notice of a proposed special event and the cooperation of the organizers to adequately plan City services (such as security, sanitation, parking, and traffic control) that may be required for such an event.
- To ensure that the City’s beaches, parks, and public rights-of-way are protected and conserved, by limiting the number and type of events held in these areas; and
- To preserve the City’s commitment to attract quality events with significant cultural and entertainment enrichment for the community at-large.

This Special Events Requirements and Guidelines package has been designed to help guide applicants through the process of applying for a special event permit, and to minimize disruption to the impacted surrounding environment.

Definition of a Special Event

A “special event” is generally defined by the City as a non-recurring special occasion or activity which is temporary in nature and has extraordinary or excessive impacts on public health, safety and welfare. A Special Events permit is required for any event taking place in the City of Miami Beach with the following conditions:

- a. The event may occur for up to four (4) consecutive days or five (5) non-consecutive days;
- b. On public or private “commercial” property and/ or;
- c. Organized and produced by a for-profit or non-profit organization and/ or;
- d. Conducted for the following purposes: profit, fundraising efforts, awareness, entertainment purposes, or created for public assembly and/ or;
- e. When exceeding temporary occupant load capacity, erecting temporary structures over a certain threshold, or requiring City services such as (Police, Fire, Parking, etc.) and/ or;
- f. In conjunction with a Film Permit; contract or lease agreement, and/or under a conditional use permit.

Conditional uses are recurring activities open to the general public, whether by paid admission or not, identified in the City’s Land Development Regulations, and requiring a public hearing (e.g., Neighborhood Impact Establishments or Outdoor Entertainment Establishments such as Hyde Beach at the SLS Hotel). Conditional Use permits are issued by the Planning & Zoning Department in accordance with the City’s Land Development Regulations “Land Use Development Committee’s” review and approval process.

Special Event Permits cannot be issued to any property within a Residential Single-Family zoning district.

Non-conforming uses in residential districts are prohibited from obtaining Special Event Permits.

In accordance with the requirements of the Land Development Regulations of the City Code, alcoholic beverage establishments in the following areas are not permitted to obtain a Special Event Permit:

- South of 5th street;
- Sunset Harbor;
- The west side of Alton Road (East of Alton Court), between 5th Street and 11th Street, and between 14th Street and Collins Canal;
- Properties on the east side of West Avenue, between Lincoln Road and 17th Street, with the exception of alcoholic beverage establishments fronting Lincoln Road between West Avenue and Alton Road.

Except for grandfathered events, Special Event Permits cannot be issued for Lummus Park and Lummus Park Spoil areas north of 13th Street, or Beachfront between 13th to 16th Street, unless approved by the Mayor and City Commission.

Types of Permits and Deadlines

The types of event categories that would require a special events permit include, but are not limited to: outdoor concerts and entertainment, art fairs and exhibits, festivals and craft shows, parades, athletic events (bicycle/cycling, marathons, triathlons, walkathons) corporate, community networking, charitable fundraising, educational, political, and religious events, flash mob, and television, entertainment events or casting calls open to the public with public property impacts.

All persons or entities interested in conducting a special event must apply online and submit the minimum requirements as required by the Special Events Guidelines. Please refer to the City website for a copy of the Special Events fee schedule, as this is adjusted every year, in accordance with CPI. Applications are processed on a first come, first served basis, unless otherwise provided for under the booking policy herein, found on page 35.

SPECIAL EVENT ON PUBLIC PROPERTY

Any event held on public property, whether produced by a non-profit or for-profit entity, with an attendance of 150 people or more, and requiring city services, would need to apply 90 days prior to the first day of load in. Any activation on public property requiring any one of the following would be considered a special event:

- Temporary structures
- State of Florida DEP Approvals (Beach Access)
- Community Review
- Building Department Approvals
- Fire Department (open flame, fireworks)
- Transportation Department Approval (road closures)
- Parking Department Approval (City parking spaces, valet displacement)
- City Services (Police, Fire, Sanitation, Parks & Public Works)

SPECIAL EVENT ON PRIVATE PROPERTY

Any event taking place on private property, whether produced by a not-profit or for profit entity, where such event would be considered a 'special event' under the City's Special Events Ordinance, and requiring City Services (police, fire, parking, etc.) or building and fire permits as determined by the Office of Special Events, will require a Special Event Permit from the City. Applications shall be submitted with a minimum of 30-60 days, in order to process prior to the proposed event, start date or first day of load-in.

A SPECIAL EVENT HELD ON PRIVATE PROPERTY WOULD NEED SIXTY (60) DAYS' NOTICE, IF THE EVENT REQUIRES ANY ONE OR MORE OF THE FOLLOWING:

- Adjacent Property Sign Off
- Temporary structures
- Building Department Permits
- Fire Department (open flame, fireworks)
- Parking Department (use of City parking spaces)
- Presence of City Services (Police, Fire, Sanitation, Parks & Public Works)
- NO Public Use

A SPECIAL EVENT HELD ON PRIVATE PROPERTY WOULD NEED THIRTY (30) DAYS' NOTICE IF THE EVENT MEETS THE BELOW REQUIREMENTS:

- REQUIRES Adjacent Property Sign Off
- NO Temporary Structures
- NO Building Department Permits
- NO Fire Department (open flame, fireworks)
- NO Presence of City Services (Police, Fire, Sanitation, Parks & Public Works)
- NO Public Use

It should be noted that Special Event permit are only allowed on private property in facilities with a current Certificate of Occupancy or Temporary Certificate of Occupancy.

Events or activities that do not require Special Event permits are recurring activities that are typically not open to the general public and are customary and incidental to a permitted main or accessory use, whether by paid admission or not.

Examples of customary uses for hotel properties include, but are not limited to: weddings; Bar Mitzvah; Bat Mitzvah; anniversaries; baby showers; engagement parties; wedding showers; holiday events; awards functions; networking events; fundraisers; charity events; incentive group functions (meetings, etc.); corporate group functions (meetings); convention group functions (meetings); community based organization meetings; reunions; prom; seminars; sweet sixteen; press conferences; product announcements; political functions (including kick offs, election night or during a campaign).

CEREMONY AND TEAM BUILDING PERMIT

A Ceremony and Team Building Permit allows for a single temporary use of public property in the City, other than within existing rental areas of the Parks Department. A Ceremony or Team Building Permit allows for limited elements ("Elements"), defined as the following: chairs (up to 150), runner, arch/chuppah, flags, banners, and other temporary markers, battery operated stereo, acoustical performer(s), tables (up to 5) and 10'X10' pop up tents (up to 3). Any additional Elements or activity exceeding the Guidelines and restrictions (see below), inclusive of an adjacent reception, would require special event permitting, or prior written approval of the City Manager or his/her designee.

Organizations wishing to host a beach clean-up may apply for Ceremony and Team Building Permit. Special consideration including waiving application fees will be given to small groups and non-profit organizations that organize environmental community service events such as beach/waterway cleanups, dune restorations, etc. Such Beach Clean Up events shall be reviewed and approved by the City's Beach Maintenance Director or his/her designee.

REQUIREMENTS:

- A completed Ceremony and Team Building Permit application, detailing exact location, date, times, Elements and number of attendees shall be submitted no less than fourteen (14) days prior to the activity.
- A site plan of the area and elements, detailing area features and showing measurements of entire site.
- A Ceremony and Team Building Permit fee, payable to The City of Miami Beach and due before commencement of activity.
- Approved signature survey from any surrounding property owners and all contracted or concession user(s) if the area requested falls within a contracted or concession use.
- Applicant must provide a Certificate of Insurance, made out to the City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139 as certificate holder and additional insured.

RESTRICTIONS:

- A Ceremony and Team Building Permit shall accommodate no more than one hundred and fifty (150) people, inclusive of guests, wedding party, performers, etc.
- Items not allowed with this permit include: catering/food, glassware, tents larger than 10x10, platforms, risers, trussing, generators, or any other structures that require approvals or permits from Building Department, Fire Department, Public Works Department, or any other City Department.
- All approved elements shall be hand carried or carted to the permitted site. Driving on the beach and in other unauthorized areas is not allowed at any time, under any conditions with this permit. When setting up, **permittee must leave a 25-foot emergency access lane** on the hard-packed sand starting directly from the dunes going east, free and clear of any staged equipment or people.
- Any promotional elements including, but not limited to sampling, branding or logos are strictly prohibited.
- From April 1st through October 31st additional restrictions will apply per State of Florida Department of Environmental Protection ("DEP") Marine Turtle Guidelines. DEP permits may be required throughout the year.
- Following a ceremony or team building event, the beach and/or public property must be left in as good, if not better, condition. Applicants must arrange to clean the area immediately

following the activity.

- In some circumstances, another permit may supersede this permit such as a Special Event Permit, a Right-of-Way Permit, a Film and Print Permit, or Beach Concessions Operations that may require you to relocate your ceremony or team building event to another similar area close by.
- The Noise ordinance will be in effect at all times under this permit.
- Failure to comply with Ceremony or Team Building Permit requirements may result in a citation to permittee and denial of future permits.

COMMUNITY ARTS AND CULTURE MASTER PERMIT

A Community Arts and Culture Permit allows for re-occurring uses of a public space with non-permanent features/ fixtures, major temporary structures, or City Services in various places throughout the City of Miami Beach (Rue Vendome, Collins Parks, Lummus Park, Lincoln Road). To qualify for this permit type, the applicant must be a Business Improvement District ("BID") or Neighborhood Association. The purpose of this permit is to encourage small events, to showcase local arts and cultural initiatives, which are for specific dates with the following allowances:

ALLOWANCES

This annual permit allows for re-occurring uses of public space with non-permanent features/ fixtures, major temporary structures, or City Services. Examples of Community Arts and Culture Initiatives include, but are not limited to, Art Fairs, Markets, Cultural Programming, Family / Kids Initiatives, Senior Events, Community Dance Instruction, Community Yoga Classes, and Community Picnics. Allowances are for limited elements as defined below:

- Maximum 150-person capacity
- Commercial sales (must have a valid DBPR License from the State of Florida)
- Single 10'x10' pop-up tents with a three (3) foot separation
- Entertainment (ambient level) and/ or acoustical performer(s)
- A riser/platform of thirty (30) inches or less
- Power plug-in available or a portable generator rated at 5000 watts or less
- Feather banners (signage)
- Tables and chairs
- DOES NOT ALLOW food or beverage service without proper approvals / permits
- DOES NOT ALLOW alcohol service without proper approvals / permits
- DOES NOT ALLOW sampling, marketing, or branding initiatives
- DOES NOT ALLOW any beach access

REQUIREMENTS:

- **APPLICATION & PERMIT FEES:** All applicants are required to pay an **application fee (non-refundable)** and a **permit fee**. Payments must be made payable to the "City of Miami Beach."
- **A SITE PLAN:** A site plan must be submitted with elements and area features. The site plan may be drawn in any size and format as long as the reviewing staff can clearly understand the placement of all elements and area features.
- **NOTIFICATION:** Notification to all surrounding businesses must be given

within seven (7) business days' notice of the event date.

- **INSURANCE:** Applicant must provide a Certificate of Insurance, made out to the City of Miami Beach, 1700 Convention Center Drive, Miami Beach, FL 33139 as certificate holder and additional insured.

PERMIT CONDITIONS:

- (1) Permit holder shall clean the City/public space location at the end of every session of use under this Permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any location are not covered by this permit and must be approved by the City of Miami Beach before the proposed modifications or improvements may be made. Additional agreements may be required for proposed modifications or improvements, or to add locations.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by rule by the City of Miami Beach.
- (4) Permit holder shall not use the City/ public space if the area has been closed by the City of Miami Beach due to inclement weather or other reason. The City of Miami Beach will notify the permit holder point of contact of the closure and may post signage whenever possible at the site to identify the nature and duration of the closure.
- (5) Approved City/public space may be used for permitted uses only during the date(s)/time(s) and location specified on the permit.
- (6) Any additional elements and/ or activities exceeding the thresholds listed above will automatically be escalated to Special Event Permit, subject to all required reviews and approvals.

BRAND PROMOTION/ TEMPORARY SAMPLING PERMITS

A brand promotion/ temporary sampling permit allows for mobile distribution by a five-person team or stationary distribution (10x10 pop-up space) of branded goods or interactive services to the public with no direct or indirect commercial exchange provided on public property within the commercial, mixed- use zoning districts and beachfront areas of the City.

REQUIREMENTS:

Applicants wishing to procure a brand promotion/ temporary sampling permit shall provide the following information to the City's Department of Tourism and Culture no less than fourteen (14) working days prior to said activity:

1. Online application for brand promotion/ temporary sampling permit.
2. Photos and/ or descriptive literature of all products or services to be distributed.
3. A permit fee per singular activation, per day, payable to the City of Miami Beach and due before no later than fourteen (14) days prior to said activity. A singular team is defined as no more than five (5) people in total distributing the same product in the location specified on the permit or stationary (vehicle or 10x10 pop-up space).
4. This fee is refundable if permit is cancelled or denied. Proper notice must be given in writing to the Special Events office.
5. A fourteen (14) day penalty fee will apply if application is received less than fourteen

- (14) days prior to activation. The fourteen (14) day penalty cannot be waived.
6. A refundable security deposit fee will be collected to ensure permit compliance, any potential damages to public property, cover fines/ citations and any possible sanitation needs.
 7. General Liability Insurance of no less than one (1) Million U.S. dollars or equivalent value naming the City of Miami Beach as additional insured and certificate holder including the City's address as listed in Insurance Requirements on page 15. The certificate must not be older than 90 days.
 8. If within the commercial and mixed-use zoning districts the permittee must obtain a Public Works right-of-way permit for any branded vehicle or stationary activation, which allows for one (1) - 10x10 branded tent; one (1) six-foot table; two (2) chairs and two (2) feather banners.
 9. As part of the brand promotion/ temporary sampling permit, if the activation is stationary, a sign-off is required from the surrounding business.
 10. If on the beachfront area, permittee must obtain the sign-off of the up-land property and/ or beachfront concessionaire.
 11. Parking spaces may be reserved for the use of stationary distribution as part of the temporary sampling activation.

RESTRICTIONS:

1. Permittee or his/her representative must maintain a copy of the issued permit with them during the activation.
2. Permit is valid for mobile distribution by a five-person team or stationary distribution (vehicle or 10x10 pop-up space)
3. Permit is valid only for date(s) issued.
4. Permit is valid only for approved product(s) as presented in application request.
5. Permittee is solely responsible for comprehensive sanitation of any and all areas utilized and their surrounding areas, inclusive of ensuring any sample by-product or literature discarded by the permittee, his/her representative, or the public is removed and discarded appropriately.
6. Permittee or his/her representative as part of mobile distribution may not erect tables, tents, chairs, banners, flags, fencing, inflatables, signs or other elements in public areas or right of ways.
7. Permittee or his/her representative as part of stationary distribution must keep within items allowed in number eight (8) of the requirements listed above.
8. Permittee or his/her representative may not at any time attach posters, flyers, stickers or other elements on buildings, trees, light poles, newspaper racks, telephone booths, or other public elements. Hand to hand distribution of information must follow City's Handbill Ordinance, as codified in Article 3, Section 46 of the City Code. A Temporary Sampling Permit shall not be required for the distribution of literature, periodicals or other non-product or service-related materials, as long as it has no exchangeable or redeemable value.
9. Permittee may not distribute materials from moving vehicles.
10. Permittee or his/her representative may not employ any generators, use electrical outlets or require, install or lay wiring across the public right of ways.
11. Permittee or his/her representative must maintain no less than five (5) feet of unobstructed public access on sidewalks at all times.
12. Permittee or his/her representatives are bound by the Miami-Dade County and City of Miami Beach Noise Ordinances at all times.

13. If Permittee wishes to distribute material in an area contracted or permitted for concession, outdoor café, event, filming or other such uses, Permittee must provide approved signature survey form from affected party.
14. If within the commercial and mixed-use zoning districts the permit will be issued with discretion and sensitivity to vicinity business. As an example, if a permit request conflicts with an existing business with same business nature as the request, the City will recommend shifting the placement of the activation to an alternative location that does not conflict with the business in question.
15. Permittee or his/ her representative may not sample within twenty (20) feet in any direction from the outside perimeter, as indicated in the site plan attached to the city issued permit, of any outdoor cafe, outdoor restaurant, sidewalk cafe or other establishment serving food or beverages for immediate consumption, without the express written permission of proprietor of such business.

PENALTIES: Violators of terms of a Temporary Sampling Permit may be subject to one or more of the following:

- Revocation of permit and immediate cease and desist order issued.
- Forfeiture of full or partial security deposit at discretion of City Manager or his/ her designee.
- Subsequent doubling of previous security deposit for future applications.
- The product and/or other products from parent company will be restricted from distribution in any future Brand Promotion/ Temporary Sampling permit for a period to be determined by the City Manager or his/ her designee.
- Fines and further penalties as Article II, Section 12-5 (9) of the City Code.

POP-UP VENUE PERMITS

Pop-Up Venue Permits are issued for temporary retail spaces, to promote and sell products of all types, ranging from food and beverage, clothing, or unique gifts. The Pop-Up permit is valid for a maximum of 90 days of activation. Any activation beyond the 90 days must be pursued through a BTR.

REQUIREMENTS:

Applicants wishing to obtain a pop-up venue permit must submit all the following documents at least 14 days prior to activation.

1. CAD Site plan with total square footage and all temporary structures with dimensions.
 - a. The site plan must demonstrate how the space will be set up and used for the activation.
2. Schedule/ Run of show
3. Lease agreement
4. BID or owner letter of approval
5. Certificate of Insurance - Naming City of Miami Beach as additional insured.
6. Indemnity Agreement- Can be found on our City Website under "Forms Central" (must match applicant on COI.
7. Fire Life Safety plan
 - a. This plan must demonstrate how the pop-up shop will be set up, showing exits, exit signs, fire extinguishers and temporary occupant load. This must be reviewed and approved by the City's Fire Department and Building Department.
8. Code violation clearance.

DEMONSTRATIONS, PICKETS AND FREE SPEECH ASSEMBLIES

The First Amendment of the United States Constitution affords demonstrators the constitutional right to assemble and speak in a peaceful and orderly manner. Therefore, the City shall not require or issue permits for such activity. Demonstrations and pickets consist of activities which are generally performed in public in support of or against a person or cause and which may have the potential for impeding movement along a public right-of-way or other disruption. Organizers of such events are asked to submit a questionnaire, site plan, and to notify the City of Miami Beach Police Department Patrol Division Commander of their intentions, and to provide details of the planned activity in order to ensure the health safety and welfare for all concerned. If requested by the Special Events Office, a copy of an approved Police plan should be provided. There may be instances where the nature of the demonstration and/or the number of participants (including counter-demonstrators) will require restrictions in order to protect the health, safety and welfare of every citizen by means of providing crowd control, traffic control and general security to the public. Such restrictions will be communicated to the individual or group prior to the activity. The Special Event Permit Requirements do not apply to such activities. Demonstrations, Pickets and Rallies must abide by Section 106-346 of the City Code.

CHARITABLE SOLICITATIONS PERMIT

Charitable Solicitations Permits are issued to persons seeking to solicit within the City, in accordance with City Code Article II – Charitable Solicitations. Solicitations means all direct person-to-person requests for contributions for any religious, political, associational, educational, benevolent, health-related, humane, philanthropic, patriotic, or eleemosynary function, event, organization or purpose, or for any charitable cause. The term includes but is not limited to requests for contributions on any street or sidewalk, at any restaurant or hotel, or by means of door-to-door requests for contributions, and requests for contributions within, at, or adjacent to any public event or public forum. The term also includes the request for contributions in connection with any fair, bazaar, rummage sale, benefit or carnival. A solicitation shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution. The term does not include requests made by telephonic, television, radio, mailings, posters or other similar indirect and nonpersonal written or electronic communications. The term also includes the sale or offer, or attempt to sell or offer, any advertising, book, card, tag, device, magazine, membership, merchandise subscription, flower, ticket, candy, cookie or other item, new or used, in connection with any organization, cause or purpose described above.

To obtain a permit under this article, a registration statement must be filed with the city manager or his designee disclosing fully and truthfully the information listed below.

1. Name and address of the person seeking a permit.
2. Names and addresses of all individuals within the city who will be soliciting or seeking contributions on behalf of the person named in subsection (1) of this section.
3. Complete and precise description of the purpose for which solicitations will be made.
4. The type of legal entity involved, where and when such entity was organized, and whether the organization or entity has received tax-exempt status from the United States Internal Revenue Service or is exempt from state sales tax under F.S. § 212.08(7).
5. Whether the person seeking the permit is related to any business entity or organization, the nature of that relationship, and the name of any parent or associated organizations.
6. A precise description of the manner in which solicitations will be made or contributions sought.
7. Whether the person has previously solicited in the city and, if known, when.
8. Whether the person has ever been enjoined or prohibited from soliciting contributions in any location.

9. The dates on which the applicant intends to solicit.
10. The name and addresses of all professional solicitors involved with the applicant.
11. The names and addresses of all officers and directors or other persons responsible for the activities of the applicant.
12. The names and addresses of all persons having financial responsibility for the applicant, including those having custody of all contributions obtained.
13. A projected schedule of all salaries, overhead and fundraising costs, and an estimated percentage of the total projected collections such costs of solicitation will comprise.
14. Whether the applicant is registered as a corporation in the state.
15. Whether the applicant employs an accountant or accounting firm, and if so, the names thereof.
16. A financial report for the immediate past fiscal year or period of fundraising activity, which report shall include the following information:
 - The total amount of contributions raised.
 - The total costs and expenses incurred in raising contributions.
 - The total amount of contributions dedicated to the stated purpose or dispersed for the stated purpose.
17. An explanation of the reasons, if the person registering is unable to provide any of the foregoing information in subsections (1)—(15) of this section, why such information is not available.

Special Event Permit – Minimum Requirements

The minimum requirements to apply for a Special Events Permit are:

APPLICATION/PROCESSING FEE – All application fees under Special Events, and subcategory permits are non-refundable and must be made payable to the City of Miami Beach at the time of the online permit submission.

LATE APPLICATION FEE – This additional fee, equivalent to the applicable application fee, will apply to all applications received after the deadlines noted in sections. Any application submitted less than fourteen (14) days from event date may not be reviewed, regardless of late application fee.

PLEASE NOTE: Late Application Fees cannot be waived.

PERMIT FEE – This fee is refundable if application is denied and must be made payable to the City of Miami Beach at the time of application.

REINSTATEMENT FEE – If required event elements are not submitted within fourteen (14) days prior to load in of event, the Permit Application will automatically be considered voided. The applicant may reinstate the application upon submission of any pending requirements and a Reinstatement Fee equal to the applicable Permit Fee.

PLEASE NOTE: Reinstatement Fees cannot be waived.

SECURITY DEPOSIT - A refundable security deposit will be required no later than fourteen (14) days prior to the first event load in date. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded as soon as possible (approximately 4 - 6 weeks after the event load out) if all conditions are followed, public property is left in as good condition or better and without damage, any pending Code citations are satisfied and all City invoices are fully paid. Failure to comply with restrictions imposed may result in forfeiture of up to the entire amount of the security deposit, as per Enforcement and Penalties, listed on page 36. \$2,500 for events entirely within private property or on public property with no City services required and up to 150 attendees; \$5,000 for events up to 1500 attendees and/ or requiring City services; \$10,000 for events between 1501 and 5000 attendees; \$20,000+ with more than 5000 attendees and/ or with a load in to load out duration exceeding 14 days. Deposits for Non-Profit applicants will not exceed \$10,000.

Any post-event balance or fines owed to the City, its employees, Departmental or Facility charge/expenses, damage, repair or replacement cost(s), etc. may be deducted from the security deposit. Any unpaid balance owed exceeding the security deposit will be cause for refusal to accept future Special Event Permit applications. Such applications will not be considered until all outstanding debts to the City are paid in full (i.e. License Fee, Code Enforcement Lien, Special Assessment Lien and/or any other debt or obligation due to the City under State or local law).

PLEASE NOTE: Security deposits cannot be waived.

INDEMNITY AGREEMENT - An Indemnity Agreement must be executed and notarized with an original and legally authorized signature and, if a corporation is the applicant or the application is filed on behalf of a corporation, the company seal must be affixed to the document. The Agreement

must be submitted no later than fourteen (14) days prior to load in of the event.

INSURANCE REQUIREMENTS - The City of Miami Beach must be named as an additional insured and policyholder on all insurance certificates issued for the event.

All insurance policies must be issued by companies that are authorized to do business in the State of Florida and have a rating of B+VI or better in the current edition of Best's Key Rating Guide. The Certificate of Insurance must state the time, date, location and name of the covered event, including set-up and breakdown day(s), date(s), and time(s). Applicants have the option of submitting a Certificate of Insurance for each policy year.

The City of Miami Beach reserves the absolute right at its sole discretion to increase these requirements, as necessary, to protect the interests of the City, including an increase in the amount and type of coverage required, depending upon the scope and nature of the special event.

Commercial General Liability - Commercial General Liability insurance, on an occurrence form, must be obtained in the amount of at least \$1,000,000 per occurrence for bodily injury, death, property damage, and personal injury. The policy must include coverage for contractual liability.

Worker's Compensation and Employer's Liability -Contractors must submit proof of Workers' Compensation and Employer's Liability in the form of a Certificate of Insurance. All other State regulations apply.

Liquor Liability - If alcoholic beverages are to be sold or served at the event, the group or individuals selling or serving the alcoholic beverage must obtain Liquor Liability Insurance in the minimum amount of \$1,000,000. The sale of alcoholic beverages must be in compliance with the Liquor Control Regulations of the Code of the City of Miami Beach.

The City's Risk Manager must approve the Certificate of Insurance. Once approved, the Certificate will be kept on file in the City's Risk Management Division. The insurance requirements must be met no later than fourteen (14) days prior to load in of the event.

PLEASE NOTE: Insurance requirements cannot be waived.

SITE PLAN - A preliminary site plan must be submitted with the event application. A final CAD site plan must be submitted no later than thirty (30) days prior to the event.

The site plan must show detailed diagram(s) drawn to scale of the event including: the location of concession booths, portable toilets, dumpsters, public, emergency and accessible routes, location of stages and entertainment and orientation of loudspeakers, locations for electricity and water, generators, lighting towers, A/C units, fenced or walled areas, disability access elements such as accessible parking, accessible paths of travel, accessible portable toilets, and other relevant elements. All generators, lighting towers and A/C units must be fenced in or barricaded to prevent crowds from coming into contact with them. In addition, a narrative describing all temporary installations must be attached for beachfront events. For purposes of herein, "beachfront" is described as seaward of the Coastal Construction Control Line. Once the site plan is approved it cannot be altered without the prior written consent of the City Manager or his/ her designee.

RESIDENT BENEFIT - All special events on public property will require a resident benefit, defined as a quantitative, tangible benefit to the residents and local community. Examples of Resident Benefits

may include, but is not limited to:

- Discounted tickets (Miami Beach residents, seniors, youth, military, veterans, disabled and special needs)
- Special programming or standalone public performance
- Educational and/or cultural component/ programming
- Senior benefit or food drive - in partnership with Housing and Community Services
- Monetary Donation to the City's Public Benefit Fund
- Beach cleanup or dune restoration - monetary equivalent based on footprint and impact of event

EMERGENCY MANAGEMENT PLAN – all Special Event Permit holders must have a basic Emergency Management Plan for their event. The City of Miami Beach Special Events office can provide you with a template of this plan, which will cover the process and procedures that will take place, should any emergency take place, while ensuring the safety of residents, tourists and event attendees. The Emergency Management Plan must be provided to the Special Events office, with your site plan, for review and approval.

ON-SITE MEDICAL FACILITIES FOR EVENTS EXCEEDING 3,000 ATTENDEES

The City of Miami Beach Fire Department, as the regulatory agency having jurisdiction over all Special Events in the City, may require, as a condition of the Special Event Permit, for Special Events with expected attendance of 3,000 people or more to have in place a basic Mobile Emergency Healthcare Plan for their event, covering basic health emergency requirements for one or more "On-Site Medical Facilities." If required by the City of Miami Beach Fire Department, the On-site Medical Facility shall be subject to review and approval by the City of Miami Beach Fire Department, and shall consist of an air-conditioned hardened sheltered area or building, or an air-conditioned tent with adequate ventilation, to promote the health and safety of patients provided emergency medical care, and containing cot(s) and emergency medical equipment and supplies, including the following:

- Adequate lighting, either natural or artificial:
- ADA compliant exit/entrance:
- Access to water:
- Adequate proximity to participants at the Event Site: and
- A footprint sufficient to store all medical equipment required, at least 1 private room area, and space for staff operations.

Medical Equipment. The Fire Department may further require for the On-Site Medical Facility to include specialized medical equipment on-site, including:

- Patient transfer equipment:
- Airway, ventilation, oxygen and suction equipment:
- Immobilization equipment:
- Wound dressings: and
- Additional emergency medical services, equipment, supplies or personnel determined by the Fire Department to be necessary due to the nature or location of the event.

Staffing of the On-Site Medical Facility. For events between 3,000 and 15,000 attendees, the Fire Department may require at least three (3) paramedics, one (1) rescue vehicle onsite staffed by at least one (1) paramedic, and the services of a physician available to the site within 15 minutes, if possible. For events in excess of 15,000 attendees, additional staffing may be required.

Internal Review Procedure

All proposed events with projected attendance of more than 150 persons on public property, or private property where such event would not be incidental generally or without restriction throughout a particular zoning district, will be reviewed by the City's Internal Departments. Representatives from City departments, including, but not limited to Police, Fire, Tourism and Cultural, Public Works, Parking, Planning, Code Compliance, Environment and Sustainability and Parks Departments take part in a monthly Special Events Internal Review meeting. The various departments will review and comment on the proposed site, security, parking, transportation, and all other necessary plans for the proposed event. These comments will be incorporated with those received through the neighborhood review process. Tourism and Cultural Department staff will indicate the specific requirements the applicant will need to satisfy and the timeframe for completing these requirements. Each City Department will take note of announced events and potential events of significance and initiate customized action plans to address the requisite levels of service and outline their efforts and responsibilities associated with any upcoming major event planned within the City.

The City Manager will make a final determination on an application for a special event permit within seven (7) days after all special events requirements applicable to the event have been fulfilled. Such requirements must be fully completed by the applicant no later than thirty (30) days prior to the event. Some requirements may require more time.

No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

For special events produced by **501(c)(3)** not for profit organizations (or equivalent), the City Manager may waive permit and application fees, including but not limited to, rental fees for particular City properties, when such waiver is found to be in the best interest of the City. No waivers are allowed for personnel-based expenses (city services), security deposit, late application or late submittal fees. In determining waiver of permit fees, no consideration may be given to the message of the event or content of speech, or to the identity or associational relationship of the applicant. Non-profit 501(c)3 entities are required to provide the City with a copy of the most recent Internal Revenue Service Form 990.

Major Event Periods (MEP) – The City first evaluates the City's needs, impacts and quality of life issues during MEP's. The City will then also specifically evaluate the impact of events proposed to take place during holiday weekends and major event periods, which create a significant demand on City services and resources. The City may determine an MEP to have high intensity on City services and, therefore, may prohibit the issuance of special events permits during these periods. The City may also determine that enhanced City services are required during such periods. In such instances, costs for enhanced services will be shared equally by and between all permitted events.

The City has identified the following repeat or somewhat regular event periods which historically have a high impact on City services. It is realistic to expect these activity periods to continue to be popular in Miami Beach, bringing large crowds that will require additional City service levels and interagency support. These MEP's include, but are not limited to, the following:

- October - Halloween, Seafood Festival
- December - Art Week, New Year's Eve
- January – Miami Marathon, NCAA Bowl Games, Art Deco Weekend

- February – South Beach Wine & Food Festival, Super Bowl
- March - Winter Party Week, Miami Music Week
- April - Miami Beach Gay Pride
- May - Memorial Day Weekend, National Salute to Americas Heroes, Race Week
- July - July 4th Celebration, Fashion Swim Week
- September - Labor Day Weekend

Criteria to Review Special Event Permit Application- The City Manager shall be charged with the responsibility and authority to determine whether a particular applicant shall be granted a Special Event Permit. The City Manager shall have sole authority, subject to the appeal process in the External Review Procedure of the Guidelines, to approve, approve with conditions, deny, and/or revoke a Special Event Permit upon considering the following factors:

Type of Event

The review of the special event permit application includes a review of the type of event, and the possible demands on City services Community profile, estimated attendance, reoccurrence, and nature of the venue all are components to be evaluated in the Type of Event category.

The value of ancillary events and conferences that may surround the event is also reviewed. These may or may not be ancillary events directly managed, or a part of, the event under review. The venues for these other ancillary shows could be local hotels, arenas and parks, in support of the large event. Ancillary events of this type may be considered a positive, from the additional economic impact they may provide, or they may be considered a detriment, depending on the nature and history of these side events.

Whether or not the event is conducted for an unlawful purpose and/or in violation of Federal, State, County or Municipal laws.

The existence of conflict or interference with another event or another applicant who has obtained a valid Special Event Permit. When there are competing applications which are substantially for the same time and place, priority will be given on a first-come, first-served basis, but a first priority will be given to a pre-established, annual event, which is defined as one which has a minimum of five (5) consecutive years of existence in the City under the same ownership, is in good standing (which includes being current on all prior debts), and has complied with other applicable all obligations to the City in a timely fashion.

Whether the event, if public (as opposed to a private or corporate use), features a public benefit component as its primary function and is not, in and of itself, largely a promotional use designed to advertise or create publicity for product(s) to the public.

Resident Benefit

All special events on public property will require a resident benefit, defined as a quantitative, tangible benefit to the residents and local community.

Examples of Resident Benefits may include, but is not limited to:

- Discounted tickets (Miami Beach residents, seniors, youth, military, veterans, disabled and special needs)
- Special programming or standalone public performance
- Educational and/or cultural component/ programming
- Senior benefit or food drive - in partnership with HCS

- Monetary Donation to the City's Public Benefit Fund
- Beach cleanup or dune restoration - monetary equivalent based on footprint and impact of event

Economic Impact to the City

The City will consider the event's long-term, short-term, and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.

The City will also consider events undertaken by not-for-profit organizations that demonstrate direct assistance to a charitable cause.

An Economic Impact Survey is required for large-scale events to determine if an event has a positive economic impact to the City.

Frequency Chart

To ensure that the City's beaches, parks, and public right-of-ways are protected and conserved, the City limits the number and scope of the events held in these areas. The City has in place a Frequency Chart, which outlines the maximum number of days in a fiscal year that can be used within the designated area listed. This allows for the natural restoration and maintenance of our beaches, parks, and public right-of-way. Once a designated area reaches its maximum allowance, no additional event may be permitted, unless approved by the Mayor and City Commission.

Infrastructure and Service Demands (Quality of Life)

The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.

The City will consider whether the event poses a public threat to residents, businesses, and visitors, not considering content of speech, message, or reaction to the message.

The stress that an event may place on various City services is considered in the evaluation process. Expenses associated with additional crowd control, policing, security, parking, and traffic shall be considered. The City will also consider the availability of these needed resources including time, people, money and equipment.

Additionally, more intangible aspects of the effects that an event may have, relating to the quality-of-life aspects that may positively or negatively impact the City, the neighborhood in immediate vicinity, are also considered, the realistic time frame, other events taking place in the City and South Florida area at the same time, and possible unreasonable and prolonged noise, littering or parking difficulties imposed on the community.

Interference with traffic in the area contiguous to the event, and availability at the time of the proposed event of sufficient City resources to address the events potential impacts and mitigate the potential disruption.

Availability of police officers, traffic control aides and traffic control equipment to protect the participants in the event and protect the non-participants from traffic related and other hazards in light of the need and demand for police protection at the time of the proposed event.

Concentration of persons, vehicles or other structures at the event and feasibility of disbanding the

area in order to allow fire, police and ambulance services.

References

A new event shall provide references from other locations that it has used. The evaluation should consider not only the references themselves but the quality of the references and the sources from which they come. A list of references that cover, not only the previous venues for that event, but also the references from that City, the Police Department and any civic organization that the past venue impacted showing the good citizenship and positive economic impact the event has had in other places where it has been held.

Promotional Value

An evaluation will take place to determine whether the event has a good name recognition and a good reputation. The evaluation must try to assess the importance of having the City and the event linked in the press. All positive results that may be derived from the association should be considered, including high-profile events that traditionally follow the event being reviewed.

Positive publicity surrounding a high-profile event typically harnesses increases in local tourism and free positive publicity for the area, increasing general business activity.

Issuance of Special Event Permits during High Impact Periods

During periods of enhanced or unavailable staffing of City resources (Police, Fire, Code, Sanitation, etc.), the City does not accept applications for new events on public property. Such periods include the month of March and first two weeks of the month of April, which coincides with college and high school spring break and existing events.

Some successful events held on private property during such periods may outgrow the capacity of the property and have a need for the City to consider allowing the event to expand onto public property in order to remain viable in the City. In an effort to maintain existing business, the City shall consider the following additional criteria in considering requests:

- Whether or not the event producer has had a successful track record of obtaining Special Event Permits and producing events in the City for no less than five (5) years with Special Event Permits in a private venue and is in need of expansion.
- Such applications would be considered on a first-come, first-serve basis, until such resources are no longer able to be reserved.
- The event(s) could not occur concurrently on both private and public property.
- The City will consider the event's long-term, short-term, and indirect effects on local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.
- The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.
- The City will consider the stress that such an event may place on various City services with expenses associated with additional crowd control, policing, security, parking, and traffic to be borne by the event producer.
- The City will also consider the availability of these needed resources including time, people, money and equipment.
- City services required for the event can be reasonably made available at the time of the proposed event.

External Review Procedure

Special events in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood or business association(s) as part of a monthly Special Events Community Review. Applicants wishing to obtain a special event permit for an event taking place on public property will be required to present their plans to the appropriate neighborhood association. In the case where there is no legally constituted/recognized association and the expected event attendance exceeds 200, the matter may be referred to the City of Miami Beach Planning Board for review and recommendation. Recommendations from the respective associations or the Planning Board, stating its position on the proposed event, should be submitted to the Special Events Office at least 30 days prior to the event.

The City will only recognize neighborhood associations that have filed for and received official neighborhood status. In order to receive official neighborhood status, organizations must meet the City's criteria. The City's criteria and a list of recognized neighborhood associations can be found on the City's website at www.miamibeachfl.gov. Signature Surveys may also be required for properties deemed to have a direct impact by the event activities.

The City Manager shall consider recommendations from neighborhood association(s) in determining whether to grant a Special Event Permit or what conditions to impose upon granting of the permit. Notwithstanding, the City, through the City Manager, reserves the right to approve, approve with conditions, deny, and/or revoke any Special Event Permit. Permits may not be transferred, assigned or sublet, without prior written approval of the City Manager. The final decision for authorization of a Special Event Permit remains with the City Manager subject to an appeal as follows.

In the event of a lack of consensus between the neighborhood association(s) (or Planning Board) and the City Manager regarding a decision on a permit, the association(s) (or Planning Board) may appeal the Manager's decision to the Mayor and City Commission for consideration at its next available meeting. The appeal must indicate in writing the association's (or Board's) reasons for disagreement with the Manager's decision in approving or denying the permit being appealed. Such appeal also must be accompanied by a written resolution of a majority of the board of the association (or the Planning Board) indicating the decision to file the appeal. The Mayor and City Commission may affirm, modify or reverse the decision of the City Manager. If the date scheduled for the proposed event arrives before the next available Commission meeting, the decision of the Manager will be final. If approval of the proposed event is delayed such that the event cannot be held on the date(s) and time(s) specified in the permit application, or if the event is not approved at all, the City will not be held liable for any expense(s), losses, or liabilities or other inconveniences incurred by the applicant as a result of same.

Coordination of City Services

Special events often require the supplementing or hiring of City services. The City's Special Events Office will review comments received during the internal and external review processes and will determine minimum staffing levels, with recommendations from the relevant Departments. The City may also determine that enhanced City services are required during Major Event Periods in order to mitigate excessive stresses on City resources. In such instances, costs for enhanced services will be shared equally by and between all permitted events. The City assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

Fully paid receipts/invoices for required supplemental or City services and equipment rental must be submitted to the Special Events Office no less than two (2) weeks prior to an event. Any additional services rendered by the City for the event will be charged to the applicant and may be deducted from the security deposit. When City personnel are employed, there will be a four (4) hour minimum charge rendered by the appropriate Department to compensate each employee engaged by the applicant.

Criteria for Approval of Permit

After all required elements are completed, and City Departments and impacted neighborhoods have reviewed and submitted their comments regarding an application, the City Manager shall do the following:

- Approve the permit;
- Approve the permit with conditions; or
- Deny the permit upon conditions (as set forth in these Guidelines).

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner and place on account of any message which may be conveyed at an event, or on account of the identity or associational relationships of the applicant.

City Manager may consider the following prior to approving a special event permit:

- Whether same or similar event has a history of causing or resulting in a threat to public safety in Miami Beach or elsewhere, except that if the public safety problem was caused by crowd reactions to the event's message, this factor alone shall not be sufficient cause to deny or revoke a City Special Event Permit.
- Material misrepresentation or incorrect material information made in the application process. Prior to a denial or revocation based on this factor, the City Manager shall give the applicant an opportunity to cure, satisfactorily rebut, or revise such evidence.
- Failure to complete payment of any sums required for a previous event until such time as payment is received.
- Failure to substantially perform a clean-up plan which was made a condition of a previous permit.

- Failure to adhere to City policy as prescribed by the Special Events Requirements and Guidelines, or other applicable laws where the health, safety and welfare of the community is potentially affected.

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 assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner and place may be required in order for the City to provide the resources necessary for protection of health, safety and welfare.

No event applicant or permittee shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of an event and its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the event area or for general law enforcement in the vicinity of the event.

If the permit is approved, the City Manager, in consultation with the heads of the affected City Departments, shall also impose any necessary restrictions or conditions as to the time, manner and place to be observed in accordance with public safety, environmental and administrative considerations (based upon the application), provided that such considerations shall not include any consideration of the content of any speech or message that may be conveyed by such event, nor by any considerations concerning the identity or associational relationships of the applicant, nor to any assumptions or predictions as to the response that may be aroused in the public by the content of speech or message conveyed by the event.

After the City Manager approves the issuance of a permit, the applicant may obtain such permit by agreeing to accept the "Terms and Conditions" imposed in accordance with these Guidelines.

If the City Manager denies or subsequently revokes a permit, they will provide the applicant/permit holder with written notification and reasons for the denial/revocation of the permit (which shall be consistent with the criteria in these Guidelines). It is understood and inherent as part of the application process and agreed to by applicant upon submittal of the application, that application does not constitute approval and any and all marketing or production expenses incurred are solely the responsibility of the applicant and not the responsibility of the City regardless of the application's approval or denial.

CITY OF MIAMI BEACH DEPARTMENTS

Building Department

Pursuant to the South Florida Building Code, the City's Building Department must issue a building permit for all special events involving temporary construction or the use of temporary electrical power. Examples of temporary construction include, but are not limited to, freestanding tents, stages, fences, bleachers, temporary electrical connections, temporary structures (which include expanding mobile stages) and generators over 5000 watts. The applicant must present a copy of the Building Permit to the City's Special Events Office at least fourteen (14) days prior to the event.

Prior to the commencement of the event, the engineer of record for the structural and/or electrical temporary permit must provide the letter of inspection as required by special inspection. This completed signed and sealed letter may be e-mailed to the building department reviewer directly.

Code Compliance

Field Inspector – The City may require the applicant to hire a Field Inspector and/or a Code Compliance Officer to serve as an overall on-site coordinator, whose responsibility will be to ensure that all services are provided, the event runs smoothly, and that all Federal, State and local rules, regulations and ordinances are complied with. Special event producers agree and understand that a Field Inspector and/or a Code Compliance Officer, which will report to and be under the direction of the City, may be required in order to ensure compliance, as approved by the Special Event Permit, and the conditions imposed with the issuance of such permit. Enforcement includes all activities leading up to, including, and following the conclusion of permitted endeavors. Event producer further agrees and understands that all costs associated with such Field Inspector and/or Code Compliance Officer shall be borne by the producer and reimbursed to the City prior to refund of security deposit, as found on page 14.

Field Inspector and/or Code Compliance Officer may be required for events with expected attendance of 1,000 persons or greater. Field Inspector/Code Compliance Officer requirement for all other events will be determined on a case by case basis.

Signs (Flyers) & Hand Bills – The City regulates the distribution of flyers, handbills or stickers. Specifically, distribution of handbills upon premises of another when requested not to do so is prohibited, and placing or distributing any handbills on vehicles is prohibited as per City Code Sections 46-92 and 82-412. Violations will be issued by Code Compliance for violations on public property and for handbills placed on automobile windshields carrying a fine for each sign (flyer) or handbill and a removal charge per sign.

Noise Ordinance – The City prohibits unreasonably loud, excessive, unnecessary or unusual noise that is clearly incompatible with the normal activities of certain locations at certain times. Both the Miami-Dade County Noise Ordinance, Section 21-28 of the Code of Miami-Dade County, and City of Miami Beach Noise Ordinance, Article IV, Sections 46-151 to 46-162, are applicable and enforceable to both public and private property within the City. These Ordinances make it unlawful for any person to make, continue or cause to be made any loud, excessive or unusual noise. If the excessive noise occurs between the hours of 11:00PM and 7:00AM in such manner to be plainly audible at a distance of 100 feet from the building, structure or vehicle in which it is located, this shall be prima facie evidence of a violation of the Ordinances.

If a noise violation occurs, the enforcing Code Compliance Officer will require that the noise be lowered to an acceptable level. Failure to comply with a request from the Code Compliance Department may result in a fine and the immediate revocation of a Special Event Permit and/or immediate cease and desist of event activity.

Environment & Sustainability

The City of Miami Beach supports sustainable practices at all events with a goal to reduce waste generation, preserve the health and welfare of the City of Miami Beach's coastal areas and divert waste to recycling. In order to achieve this goal, special events must follow the below guidelines:

- The use of any expanded polystyrene (commonly referred to as “Styrofoam”), glass containers and plastic, bioplastic or compostable straws and stirrers materials are prohibited by City code.
- The applicant is encouraged to not use or provide any type of straws. If the use of straws is requested, the applicant shall pursue the use of paper, metal or natural/fiber-based (wood, hay, bamboo, etc.) straws and stirrers.
- Applicants shall not vend or offer glass containers, plastic lids, plastic, bioplastic or compostable straws and beverage stirrers, plastic sandwich containers, packaged condiments, and/or packaged seasonings.
- No plastic bags should be distributed during special events. Instead the applicant should use paper or reusable bags (materials can vary, such as calico, cotton, recycled PET, hemp, jute and others).
- The applicant shall pursue the use of service material, including cups and napkins, made of biodegradable or recycled material. All serving dishes/containers, food, beverages, condiments necessary to include biodegradable tableware; plates, bowls, hot and cold cups, flatware, wooden coffee stirrers, etc., when reusable food ware or food services articles are not feasible.
- The City encourages the use of unbleached, non-coated, recycled-content, paper food service articles and other fiber-based food service articles as the most environmentally preferable alternatives when the use of reusable food ware is not feasible.
- The applicant shall consider greenhouse gas emissions when deploying generators for power and use an alternative fuel or solar powered generator or equipment. An alternative fuel is defined as biodiesel, compressed natural gas, propane or solar.
- The applicant is encouraged to use composting toilets and toilets that conserve water.
- Applicant is encouraged to provide amenities for bicyclists by including any one of the following: bike racks, bike valet services or a designated secure area for bicycle parking.
- Applicant is encouraged to promote carpooling, bicycling, walking and usage of public transit within their event broadcasts.
- The applicant shall clean up all zip ties and screws at the time of installation /clipping.
- The applicant is encouraged to procure local food in order to reduce greenhouse gas emissions from travel, as well as support the local economy.
- The applicant is encouraged to procure food with biodegradable, recyclable and/or minimum packaging.
- Applicants are encouraged to reduce the amount of packaging in general and use either recycled packaging materials or packaging that does not contain packaging inks, dyes, pigments, adhesives, stabilizers, and additives with levels of lead, cadmium, mercury or hexavalent chromium in packaging inks, dyes, pigments, adhesives, stabilizers, and additives equal to or greater than 100 parts per million.
- Applicants shall not intentionally release or organize the release of any number of balloons or sky lanterns. The release of these items into the atmosphere poses a danger and nuisance to the environment, particularly to wildlife and marine animals. Balloon releases are also prohibited per Florida Statute 379.233.
- Storm drains and connections to open bodies of water shall be protected if special event is discharging any material that may impact the Biscayne Bay (glitter, disposable cups, confetti, etc.).

As part of the events Sanitation Plan:

- Submit a recycling/waste plan to the Sanitation Division and E&S Dept. for review and approval: Waste plan must address the following: number of receptacles, planned bins location (recycling and waste bins should be paired), items to be recycled, outreach methods

to reduce recycling contamination.

- Bin designs should meet the recommended designs for permanent bins within the recycling assessment including: specialized lids clear and visible messaging on all recycling bins. At a minimum, “cans and bottles” should be listed.
- Trash and recycling bins should always be required in areas where bottled or canned beverages are served (i.e. bars or similar beverage stands).
- Applicants shall be responsible for removing all litter and shall be responsible for removing all refuse and waste generated by their operation. All litter, refuse, and waste shall be removed from City property for proper disposal at their expense. The City shall charge for the costs of special clean up necessary should the Applicant fail to reasonably perform.

Facilities Management Department

The Facilities Management Department is responsible for the operation, maintenance, and repair of over 4 million square feet of municipal buildings, bridges, monuments, ornamental water fountains, swimming pools, beachwalk, lifeguard stands, parking lots and parking garages. As it relates to Special Events, the Facilities Management Director, or his/her designee shall review and approve any event permits hosted at (or immediately adjacent to) City-owned facilities. Additionally, in the event a permit is issued on public property and damages are assessed the Facilities Management Department will coordinate with City staff to evaluate and quantify the damage and schedule and manage the possible repair work via City approved vendors.

Fire Department

Off Duty Fire & Paramedic Services – Depending upon the type of event and estimated attendance, off-duty fire rescue personnel may be required at the expense of the applicant. As a general rule, a minimum of one paramedic for up to thousand (1,000) people and two paramedics for up to five thousand (5,000) people, and a rescue unit for up to ten thousand (10,000) people, which consists of two (2) paramedics and a team leader, are required. Enclosed events and tents over 400 square feet may require off duty Fire Inspectors depending on the type of event and estimated attendance. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

The final decision for the minimum number of Fire Rescue/Prevention personnel required will be determined by the City’s Fire Chief or his/her designee.

Payment for off-duty fire services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty fire services, based on a final invoice, is required to be paid in full before the event. The Fire Chief or his designee will make the final determination of minimum levels of fire staffing.

Enclosed Events Site Plan and Occupant Load – Site plans for enclosed events requiring fencing or tenting must be submitted for review and approval to the City’s Fire Department. Building Department permits cannot be issued until the Fire Department approves the event site plan. Non-substantial on-site adjustments to site plans may be made in consultation with and approval of the City’s Fire Marshal, or his/her designee. The Fire Department requires a twenty-five (25) foot emergency vehicle access lane between easternmost portion of the sand dune and any fencing or tents for all beachside events. A fee shall be charged to cover the plan review and inspections of special events sites to identify and enforce fire code requirements.

Enclosed events are required to adhere to an occupancy number, as well as comply with the requirements determined by the City's Fire Department, once site plan is approved. A walk-through to verify that the actual setup meets with the approved plan will be conducted prior to the event opening. Event promoters are responsible for adhering to the determined occupancy number and any violation of the occupancy number can result in penalties and /or fines.

Fireworks Permit – All special events featuring a fireworks display or pyrotechnics must obtain a fireworks permit, in addition to the Special Events Permit from the City's Fire Department, which may only be applied for by a licensed and insured contractor. All fireworks activations must comply with all applicable fire codes. A written request for the permit must be submitted to the Fire Department at least thirty (30) days prior to the event and approved no later than eleven (11) days prior to the event.

Following approval of the permit, the Fire Prevention Bureau will make a site inspection. A minimum of two (2) fire fighters will be required to be on-site from the time the fireworks are delivered at the site, until termination of the display and the removal of all fireworks and debris from the site. Payment for required fire personnel will be the sole responsibility of the applicant and must be made prior to the event.

The firm or individual responsible for setting up and setting off the fireworks must obtain a Comprehensive General Liability or Fireworks Display Liability Insurance policy (see Insurance Section for language and rating requirements).

Open Pit and Bonfire Permit – Separate permits are required for open pit and bonfires, which may only be applied for by a licensed and insured contractor. Applications for a permit may be obtained from the Fire Department and must be approved and paid to the City at least two (2) weeks prior to the event. These activities will require hiring off-duty fire personnel. Such activity on the beachfront is subject to Florida Department of Environmental Protection regulations governing heat transference and lighting during Marine Turtle nesting season (April 1- October 31).

Ocean Rescue

Depending upon the location and type of event, estimated attendance, and hours of operation, off-duty lifeguards may be required. The Ocean Rescue Chief will determine the minimum staffing levels for the number of lifeguards for the event. In addition, due to safety concerns, all footprints east of the dunes must be north or south of existing lifeguard towers. The event footprint may not impede the lifeguard's view of potential swimmers. The temporary relocation of lifeguard towers for any event is not permitted.

Miami Beach Convention Center

Miami Beach Convention Center ("MBCC") is part of the MBCC campus which also includes outdoor facilities such as, Pride Park (whose boundaries are Convention Center Drive to the east, Meridian Avenue to the west, 18th Street to the south and 19th Street to the north) and Collins Canal Park (whose boundaries are Washington Avenue to the east, Convention Center Drive to the west, MBCC to the south and Collins Canal to the north). MBCC Priority 1 and Priority 2 clients booking a substantial portion of the MBCC for an event, meeting and/or convention, may request to extend portions of their event to the exterior/outdoor portions of the MBCC Campus, subject to a Miami Beach Special Event Permit and the approval of the City Manager and/or designee. Non-MBCC clients may also request to host events at the outdoor MBCC campus facilities (Pride Park and Collins Canal Park) via a Special Event Permit.

The MBCC has first right of refusal for any non-MBCC event requesting to activate in either Pride Park and/or Collins Canal Park. Should an eligible MBCC client not request to utilize Pride Park and/or Collins Canal Park or releases the use of the parks, the parks may be available for other special events or activations, subject to the approval of the City Manager and/or designee through a Special Event Permit and MBCC Licensing Agreement (MBCC agreement).

Requests for a lane, street, or on-street parking facility closure made by events held inside the Miami Beach Convention Center (MBCC) or Pride Park or Collins Canal Park are subject to the approval of the City Manager and/or designee. If the requested closure impacts any of the following roadways: Convention Center Drive, Washington Avenue, 17th, 18th, 19th Streets and Dade Boulevard, a comprehensive Maintenance of Traffic ("MOT") plan must be submitted, reviewed and approved by the Miami Beach Transportation and Mobility, Parking, Public Works, and/or Police Departments, and any other appropriate Miami Beach Department, prior to implementation.

Any request to utilize Pride Park and/or Collins Canal Park will require completion of the event licensing process established by the MBCC, in collaboration with the City of Miami Beach, and shall include, but is not be limited to, the following requirements: event site plan, insurance, indemnity agreement, security deposit, utilization of City services (e.g. Police, Fire, Parking, Transportation and Mobility, Public Works/Sanitation, etc.) and security, parking, transportation, MOT, and sanitation plans. The aforementioned must be incorporated into the respective MBCC agreement and coordinated by MBCC management.

Pride Park and Collins Canal Park have an established park fee per square foot for up to the first (15) fifteen days of activation, subject to an annual Consumer Price Index ("CPI") increase for the term cycle and a decreased park fee every day after that, as found on the City's special event fee schedule. Additional fees may apply were applicable. The required park square footage fees and security deposits are applicable to the MBCC agreement only.

Parking Department

Overall Parking Plan – A comprehensive Parking Plan which identifies where parking is to be provided for event staff, equipment vehicles, and event participants, as well as the location and amount of accessible parking spaces must be developed, in writing, and approved by the City's Parking Director or their designee. Public parking resources may be supplemented with privately owned parking areas to accomplish this plan. All fees incurred through use of Parking Department resources, which may include meter rentals, garage parking space rentals (garage vouchers), zicla (armadillo)/delineator removal and reinstallation, off-duty enforcement officers or rental of lots, must be pre-paid in full no later than two (2) weeks prior to the event.

- Valet ramping spaces are to be used exclusively for ramping and valet related operations. All other activities are explicitly prohibited.
- Valet Operators are required to possess a valid City of Miami Beach Business Tax Receipt (BTR) that includes vehicle storage locations.
- Parking meters shall not be used for advertising or marketing related activities, unless associated with a special event as defined herein.
- All parking requests mentioned above are subject to approval and may require updates/edits based on parking needs and inventory of spaces in the requested area.
- On-Street Parking Rentals are in support of the operation and should not be used for staff parking.

- Off-Street Parking Rental (Lots & Garages) may be used for support staff parking, based on availability of spaces in the facility.

Parks and Recreation Department

Facilities and Personnel – Many City of Miami Beach recreation facilities, and parks are available for rent during non-programmed hours for special events, and have specific fees, based upon hours of usage, including setup and breakdown times. Request for usage must be at least one month prior to the event. Rental payments and approved insurance documentation (if applicable) for such facilities must be made two weeks prior to the event. Proof of payment must be submitted to the Special Events Office. Applicable user criteria will be available for park venues through the Parks & Recreation Department.

Depending upon the venue, nature and scope of the event, the hiring of City of Miami Beach Parks and Recreation personnel may be required. A City facility (e.g. a building) used for a special event must be staffed by a City employee. Depending on usage, additional facility staff, janitorial service and electrical staff charges may be applicable. Payment for the staffing is the sole responsibility of the applicant and must be received no later than two (2) weeks in advance of the event.

Police Department

Security Plan and Services – Depending upon the type of special event and estimated attendance, security personnel, such as off-duty police personnel and private security personnel, may be required.

The Security Plan shall be prepared by the event producer in consultation with the Office of Special Events and the City of Miami Beach Police Department's Off-duty Office. The plan shall specify the number of off-duty officers or private security guards, if applicable, hired by or expected to be hired by the applicant. At the option of the applicant, the entire security personnel may be comprised of off-duty police personnel.

Cost of off-duty police personnel is dependent on the number and rank required. As a general rule, if four or more officers are required, one must be a supervisor (sergeant or above). Larger contingents of officers may require additional police supervisors.

Payment for off-duty police services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty police services, based on a final invoice, is required to be paid in full no more than two (2) weeks after the event. The Chief of Police or his designee will make the final determination of minimum levels of police security.

Any private security personnel contracted for by the applicant must be licensed by the State of Florida. If security personnel are to be hired, a list of names and license information must be provided to the City's Police Department no less than two (2) weeks in advance of the event.

The City's Police Department may require additional security or off-duty police personnel for crowd control, traffic control and general security during the event. The minimum number of police personnel is dictated by the Off-duty Police Coordinator and is dependent upon the type of event, date of event, time of event, location of event, the site plan for the event, the type of entertainment during the event, whether alcohol is consumed at the event, and the estimated attendance at the event.

Overnight & Backstage Security – Applicants may contract, at their own expense, for off-duty police services or with private security guards for overnight and backstage security concerns. On-stage security will be handled by private security at the applicant's expense.

Marine Patrol – All water-based special events, or those activities likely to attract crowds to or near the water, must provide prior written notice to the Miami Beach Police Marine Patrol and Beach Patrol. Certain events may require prior written authorization from the United States Coast Guard and may also require off-duty services and equipment from the City's Marine Patrol, Florida Marine Patrol, or United States Coast Guard, at the expense of the applicant. In such cases, written authorization is required no later than thirty (30) days prior to the event.

Police Escorts for Entertainment – If so requested, the City may supply police motorcycles or car escorts for entertainers. This service must be arranged in advance of the event and must be listed in the proposal for the event. The cost for this service is determined by the City's Police Department and will be at the applicant's expense.

Barricades & Electronic Signs - Barricades and electronic directional signs may be required, depending upon the location and/or site plan of the event, to cordon off the surrounding areas or to close streets to vehicular traffic. The City's Police Department, along with the Parking Department, will determine the number and location of barricades.

The rental cost of barricades and electronic directional signs will be incurred directly by the event producer. Payment is the sole responsibility of the applicant, as is actual set-up and removal of barricades on the event date(s).

Parade Requirements – The City Code defines "Parade" as any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling in any public way, within the territorial jurisdiction of the City. All parades must abide by Section 106-346 of the City Code.

Pursuant to this Code Section, a separate permit to hold a parade must be obtained from the Chief of Police. The permit application must be filed not less than 15 days nor more than 90 days prior to the day on which it is proposed to be held, and simultaneously copied to the Special Events Office. The Special Events Office will, in turn, notify the City's Facilities Management Division, should any existing barriers need to be relocated or deployed.

The Chief of Police shall have the right to refuse participation in a parade due to public safety concerns and increased confrontational levels. The Chief of Police may revoke a parade permit at any time he determines the parade is to be conducted or is being conducted in violation of the terms of issuance. Any applicant aggrieved by the Chief's decision may appeal to the City Manager.

Bicycle Event Requirements – The City of Miami Beach regulates and permits any bicycle events on Miami Beach roadways as per the following rules and regulations below:

- Bike events with 25+ riders are required to apply for a Special Event Permit.
- A minimum 60-day notice is required to present any new bicycle events on major roadways and thoroughfares before the Mayor and City Commission, inclusive of the event routes, hours of impact, and MOT illustration.
- All potential events must abide by the City's designated pre-approved time-frames that are consistent with existing City Transportation Traffic Flow Mitigation Plans - "no closure, lane reduction or traffic holds permitted during Rush Hour Traffic Monday – Friday from 7am to

10:00am and 3:30pm to 7pm.”

- All potential events must abide by the City’s pre-approved routes on major roadways to swiftly flush approved bicycle/ cycling events in and out of the City with as minimal impact as possible.
- All potential events must abide by the City’s policy such that Off-Duty Police may not staff the event unless a Special Events permit has been filed with the City’s Special Events office.
- Bicycle/cycling events are prohibited from occurring during major event periods, as previously defined.

Public Works Department

Right-of-Way Permit- A Right-of-Way Permit must be obtained whenever there is an obstruction to the right-of-way or there is anchoring to or excavation of any right-of-way or City property. Obstructions may include but are not limited to sidewalk closures, street closures, placement of large equipment within the Right-of-Way (Generators, Trucks, etc.) The method of anchoring or location of any excavation may be denied or altered by the City based on potential hazards to existing utilities. The cost for such permit will be pursuant to City ordinances (concerning work on the rights-of-way) and may include a cash bond based on estimated potential damage to City property. Proof of financial ability to cover estimated damages must be submitted to the Special Events Office. For events occurring on City streets or sidewalks, an inspector from the Public Works Department will inspect the area in question prior to the event for any hazards, potholes or damaged fixtures. Any problems will be repaired or noted. A visual inspection will take place following the event to identify any damage to City property caused by the event.

Any identified damages in the City right-of-way, on termination of the permit, will have to be repaired by the event producer within a time specified by Public Works. If the producer fails to complete these repairs in a timely manner or wishes the City to complete such restoration work, then costs incurred by the City, including reasonable overhead expenses, will be deducted from the Security Deposit and the event producer will be charged for any, such costs not covered by the deposit.

Sanitation

Applicants shall be solely responsible for cleaning the area during and after the event. Should the event have 5,000 attendees or greater, the applicant may choose to hire city services from the Sanitation department. The cost of the clean-up will be calculated by the City and will include dumping fees and equipment rental. Events that have an expected attendance of less than 5,000 should solicit services from a private vendor. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters, including separate dumpsters for single-stream recyclables. All arrangements and removal of garbage, trash, recyclables, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the City’s Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter and recycling containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. At minimum, one recycling container is required per designated trash collection area. Glass containers and plastic straws are prohibited. Applicants shall ensure that the event site is returned to its original condition within twenty- four hours. Failure to clean up after the event will result in a fine issued to the event producer, as well as additional charges for City services.

Applicants applying for an event on the beach will be required to secure sand sifting services to be performed before and after load out. The City may provide sand sifting services for city-sponsored events, at a cost determined by the City. All other events will need to hire a private vendor. Proof of sand sifting confirmation must be submitted to the Special Events Office at least two (2) weeks prior to the event.

Applicants seeking use of public restroom facilities outside of standard operating hours may also be required to hire attendants to facilitate public restroom maintenance and supplies during the event. These services may be contracted through the Parks & Recreation Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

Americans with Disabilities Act - All special events must be designed and operated consistent with Chapter 553, Florida Statutes (the Florida Accessibility Code).

Accessibility Requirements in Public Property/Outdoor Events

- Ensure curb cuts and crosswalks are kept free and clear for usage with a continuous accessible route of 5ft in width (width may be reduced to 32" at doorways or passageways not exceeding 2ft in length).
- Where the event site does not have an existing firm, stable, slip resistant surface like sidewalk, pavement or equivalent, such as for events on the beach, grass, etc, event producer must provide an accessible surface (ADA path) to access the event, connect with all amenities within the event that are accessed by the public.
- Accessible routes (ADA paths) shall not have abrupt, vertical changes in level exceeding 0.25" or gaps exceeding 0.5". Changes in level of up to 0.5" must be beveled, and changes in level exceeding 0.5" must be ramped. Ramps shall not exceed 1/12 slope. All ramps must comply with Florida Building Code – Accessibility (FBC) 405.
- ADA paths must provide access to merchandise within a vendor tent/booth space equivalent to the access provided to the general public.
- Any transaction counters e.g. ticketing, purchase of food/beverage or other goods, must be no higher than 36", for a minimum of 36" in length.
- If tables and seating are provided for food consumption, including picnic tables, at least 5% (no less than 1) of the total seating must be at accessible tables. Accessible tables be 34" maximum high to the top of the dining surface and must provide 27" minimum high knee clearance, 30" minimum wide at 17" minimum deep clear floor space (FBC 902).
- Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent (5%) of the total number of toilets must be accessible. If clusters of portable toilets are distributed throughout the site, then each cluster must have accessible units.
- If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair seating must be provided. Such seating must be provided in a location that allows wheelchair users an unobstructed line of sight to the stage. If seating capacity accommodates greater than 300 persons, then accessible seating shall be dispersed throughout the venue and be connected to an accessible route.
- All flyers, online and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials to contact the event in advance for accommodations: "Call [your number followed by word "voice"] or via 711 the Florida Relay Service (TTY) to request an accommodation, or for information on access for persons with disabilities."
- All ADA elements must be identified on plans for permit review.

Transportation and Mobility Department

The City of Miami Beach's Transportation and Mobility Department works to provide city residents, workforce and visitors to our tropical paradise with a safe, efficient, balanced and eco-friendly transportation system. Under guidance of the Mayor and the City Commission, the department helps to achieve an overall multi-modal vision for mobility in the City.

Sidewalk, Travel Lane, and Street Closures - Certain sidewalks, travel lanes, and/or streets within the City of Miami Beach may be approved by the City Manager to be temporarily closed to restrict or prohibit vehicular and/or pedestrian traffic prior to, during, and/or after a Special Event. Depending upon the location of the Special Event and the associated closures, additional approvals may be required from the Miami-Dade County Department of Transportation and Public Works (DTPW) or the State of Florida Department of Transportation (FDOT), as appropriate, depending on which agency has jurisdiction over the roadway. Regardless of the agency with jurisdiction over the roadway, the City's Transportation and Mobility Department Director, Public Works Department Director, and Chief of Police shall approve any closure of a sidewalk, travel lane, or street in the City, with final approval subject to the City Manager's Discretion. The City Manager, in his/ her discretion, may also require applicants to provide "sign-offs" showing approval from a majority of landlords and/or residents (or their group representatives) whose direct vehicular access to buildings and properties may be affected by the proposed sidewalk, travel lane(s), or street closure. Requests for any closure of a sidewalk, travel lane(s), or street must be made at least forty-five (45) days prior to the event. The request must also be shared with the Facilities and Management Operations Team. If a Special Event requires the closure of a sidewalk, travel lane(s), or street, the applicant shall include a certified Maintenance of Traffic (MOT) plan, inclusive of any pedestrian, bicycle, and/or vehicular detour(s).

In order to close sidewalks and/or travel lanes on a State Road (SR) (i.e. SR A1A/5 Street, SR A1A/Collins Avenue/Indian Creek Drive, SR112/41 Street, SR907/Alton Road/63 Street, SR 934/71 Street, and SR A1A/Harding Avenue) the applicant must submit a permit application to FDOT for approval at least thirty (30) days prior to the Special Event. FDOT approval shall not be construed as City of Miami Beach approval.

In order to close sidewalks, travel lane(s), and/or streets under Miami-Dade County jurisdiction (i.e. Venetian Causeway/17 Street, Dade Boulevard, 23 Street, Pine Tree Drive, and La Gorce Drive), the applicant must submit a permit application to DTPW for approval at least thirty (30) days prior to the Special Event. DTPW approval shall not be construed as City of Miami Beach approval.

Adherence to Regulations and Other Policies

The City of Miami Beach reserves the right to provide services that it believes are necessary and sufficient to safeguard and ensure the health, safety and welfare for all participants, visitors, businesses, staff and general citizenry. All arrangements for services or facilities shall be staffed and paid for at two (2) weeks prior to load-in of the event. An applicant's budgetary constraints cannot dictate staffing levels required for public safety.

In addition to compliance with all applicable Federal, State and County regulations, the applicant shall comply with all City codes, regulations, and laws. Any other permits, as may be required by the City of Miami Beach, Miami-Dade County, the State of Florida, or the Federal government, must be obtained and adhered to. It is the sole responsibility of the applicant to obtain all permits and comply with all requirements, including but not limited to those described herein.

The City of Miami Beach, under no circumstances, guarantees, warrants or represents that the issuance of a Special Event Permit exempts the event from obtaining, or ensure the obtaining of, any permits or complying with any requirements which may be required currently or in the future by any Federal, State or local authorities, including other permits that may be required by the City. The City Manager has the authority to alter or end an event at any time it is determined necessary to assure the continued health, welfare and safety of the City's residents and visitors. Lack of compliance with the City Manager's directives, including but not limited to, audio volume and adherence to site plan, shall be sufficient cause to warrant an event's closing (or other remedies provided in the City Code or herein).

All pre-payment schedules for City services are due, as indicated, except the City reserves the right to waive this requirement for events which have an exemplary prompt payment history with the City established over the course of at least five (5) years. Issuance of a required Federal, State, or local permit does not authorize permission to hold an event. A City Special Event Permit must be issued to constitute authorization from the City to hold the activity.

Art in Public Places

Proposed temporary art exhibitions that are requesting to be installed longer than fourteen days shall undergo a review process to ensure that acceptance of same takes place in an impartial and fair manner and supports the pursuit of cultural excellence established by the Miami Beach City Commission through the development of the AiPP Ordinance. AiPP shall assist in the process by establishing a set of criteria for evaluating Temporary Exhibition Proposals and providing the City with a professional assessment of the project's feasibility, cultural merits, and appropriateness for temporary display.

Business Improvement Districts ("BID")

Various BID's have been established in defined areas of the City to enhance and revitalize various commercial corridors such as Lincoln Road, Washington Avenue, and Espanola Way. Events taking place within these BIDs would fall under the "Community Arts and Culture Initiative Permit," provided they include a wide range of arts or culture event activations that benefit the merchants and residents of the City as whole.

Booking Policy

Public locations are booked on a first-come, first-served basis, but a first priority will be given to

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annual or grandfathered events. Please refer to the Grandfathered Event Clause for definition of a grandfathered event.

A special event shall not be booked if it interferes with a previously scheduled activity, event or repair work scheduled for the proposed site. The City Manager or designee has the discretion to approve or deny events taking place simultaneously or in close proximity to each other when considering, public safety, resident quality of life impacts, zoning restrictions, and any other significant factors that would impact the City's capacity to successfully host the event can also be taken into consideration.

Dates and locations are reserved on a first-come, first-served basis upon submission of a completed Special Event Application and payment of an application fee. Without this, the City may not begin the Special Event Permit process as specified in the City's Special Event Requirements and Guidelines.

To guarantee a place holder for an event at the beginning of each fiscal year (October 1) events may secure the event date and location by submitting the event application six (6) months in advance of the event and by paying the following fees at the time of submission.

- Application fee
- Permit fee
- 50% of the estimated square footage fee
- 50% of estimated deposit

Consecutive-Day Clause/ Limit of permissible events per venue

In no case shall a permit be issued to an applicant or venue, for similar events, for more than four (4) consecutive days or five (5) non- consecutive days each during the course of a fiscal year. A separate Special Event Permit shall be required for each individual venue of a multi-venue event. Certain public locations are appropriate for special events, but do not have certificates of use and occupancy defining their use. Such locations shall not be limited to the five (5) non-consecutive days per year limitation.

Venues are limited to five (5) Special Event Permits per fiscal year. Citywide special events and conventions shall not count against the annual 5 special events permit limitation.

Business or merchant associations are permitted to have events throughout the calendar year that promote and encourage patronage of the businesses in the geographic boundaries of the association. These events may NOT be retail oriented and MUST be free and open to the general public. A Special Event Permit may be required for such events and shall be obtained by the association. Such approvals shall abide by the City's Special Events Requirements and Guidelines.

The City Manager shall have the discretion to approve a Special Event Permit for events which exceed the consecutive day clause/ limit of permissible events per venue, and shall also have the discretion to amend, modify or temporarily suspend the permit for such events.

Concession Agreements

Unless calculated square footage fee is greater, all events which include retail sales or vending will

be required to enter into a written concession agreement with the City. Beachfront and non-beachfront events shall provide fifteen percent (15%) and ten percent (10%) respectively of all gross revenues derived from admissions and the sale of food, beverages, and merchandise. In the case where a producer rents booth for the sale of food, beverage and merchandise, the gross rate shall be calculated on the rental and/or concession revenues received by the applicant or the gross revenue generated by the concessions regardless of whether the applicant derives direct or indirect financial gain from such revenue. Copies of concession agreements and full disclosure of all principals must be provided to the Special Events Office two (2) weeks prior to the event.

A notarized statement, certified by a Certified Public Accountant (CPA), of the above referenced revenue, along with payment of the aforementioned percentage, must be provided to the City no later than thirty (30) days following the event. The Security Deposit on file will not be released until such statement and payment have been submitted to and accepted by the City.

Under the terms of the agreements between the City of Miami Beach and its beachfront concessionaires, there exists exclusivity for rental of beach equipment, water and recreational equipment, food and beverage service on the beachfront, east of the coral rock wall at South Pointe Park (Biscayne Street to First Street); and east of the sand dune in Lummus Park (from Fifth Street to Fourteenth Lane); Ocean Terrace (73rd Street to 75th Streets); and North Shore Park (79th Street to 87th Streets). Additionally, the City may enter into additional agreements in the future with beachfront concessionaires for other beachfront locations seaward of City-owned property and/or seaward of street-ends at public rights-of-way. Any proposed special event to be held on the beach within one of the previously mentioned concessionaires' jurisdictions is subject to review and approval by the concessionaire. Notification to the concessionaire by the applicant must be in writing at least sixty (60) days prior to the event. A copy of the applicant's agreement with the concessionaire or a letter of release from the concessionaire must be submitted to the Special Events Office at least thirty (30) days prior to the event.

Dune System

Absolutely no activity is permitted within protected dune area – a minimum of a 25 feet setback west of the dune and 25 feet east of the east dune line shall be required. Pedestrian traffic to special events shall only use demarcated pathways and dune crossovers for ingress and egress to event site. Directional signage must be provided when public access at a dune crossover is blocked.

Enforcement and Penalties

Based on City Code, Article II – Special Events, Sec. 12-5., the following applies:

(9) Enforcement and Penalties

(a) Civil fine for violators. The following civil fines shall be imposed for a violation of this section:

- (1) First offense within a 12-month period a fine of one thousand dollars (\$1,000.00);
- (2) Second offense within a 12-month period a fine of twenty-five hundred dollars (\$2,500.00); and
- (3) Third offense and subsequent offenses within a 12-month period a fine of five thousand dollars (\$5,000.00).

(b) Enforcement. The Code Compliance department or the Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a Miami Beach Police Officer or a Code Compliance Officer finds a violation of this section, the Miami Beach Police Officer or the Code Compliance Officer shall issue a Notice

of Violation to the violator as provided in chapter 30 of this Code, as may be amended from time to time. The Notice of Violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

(c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.

(1) A violator who has been served with a Notice of Violation shall elect either to:

- a. Pay the civil fine in the manner indicated on the Notice of Violation; or
- b. Request an administrative hearing before a special master to appeal the Notice of Violation within 10 days of the issuance of the notice of violation.

(2) The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in sections 30-72 and 30-73.

(3) If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the Code Compliance Officer or the Miami Beach Police Officer. Failure of the named violator to appeal the decision of the Code Compliance Officer or the Miami Beach Police Officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master, and be treated as an admission of the violation, and fines and penalties may be assessed accordingly.

(4) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

(5) The Special Master shall adjudicate a violation upon failure to request an administrative hearing with ten (10) days of the issuance of the Notice of Violation and shall be prohibited from hearing the merits of the Notice of Violation or consideration of the timeliness of the request for an administrative hearing.

(d) Enhanced penalties.

The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in (9)(a) above, for violations of this Section:

(1) If the offense is a fourth offense within the preceding 12 month period of time, in addition to the fine set forth in (9)(a), the property owner, event producer or permittee shall be restricted from receiving a Special Event Permit for a three (3) month period of time.

(2) If the offense is a fifth offense within six (6) months following the fourth offense, in addition to any fine set forth in (9)(a), the property owner, event producer or permittee will be restricted from receiving a Special Event Permit for a six (6) month period of time. The property owner, event producer or permittee shall be deemed a habitual offender.

(3) The City Manager may decline to issue future Special Event Permits to such person or entity that have been deemed habitual offenders pursuant to this section for a period of one year, or such other period of time acceptable to the City Manager.

(e) Violations of a Special Events Permit

An issued special events permit will have terms and conditions intended to be followed by the event producer and/or permittee, unless specific arrangements are made only by the City Manager or his/her designee, in writing, after the event permit is issued. Should such conditions and/or arrangements be disregarded by the event producer and/or permittee, his or her vendors or participants, whether witnessed by City personnel or established by photographic or other evidence or testimony afterwards, the producer and/or permittee would be in violation of the Special Event Permit and be subject to enforcement proceedings as provided by City Code and/or these guidelines.

With the exception of violations for which no correction is possible (e.g. noise violation, commercial handbills, event without a required permit, etc.), if the violation is observed by City staff during the special event, the event producer/permittee will be given a time-certain opportunity (30 minutes or other time period as specified by the City Manager or designee) to correct the violation. Notwithstanding, the City retains discretion to proceed directly to the issuance of a notice of violation if the violation is egregious and/or violates conditions expressly provided for in the permit, or if a prior verbal warning for a violation of the Special Event Permit has already been provided. Multiple violations shall be treated as one instance when simultaneously observed. Examples of Special Event Permit violations may include, but are not limited to the following, unless specified by the Special Event Permit: violation of the noise ordinance; unauthorized use of public space; use of unpermitted structures or event elements; improper utilization of the Vehicle Access Pass policy; violation of Conditional Use Permit (CUP) approvals or conditions; violation of Florida Department of Environmental Protection (DEP), Miami-Dade Environmental Resource Management (DERM) or Florida Department of Transportation (FDOT) conditions; violation of regular or temporary occupant load; unauthorized use of branding, promotional activities or sampling; damaging public property without prior approval; or inability to effect proper sanitation plan. Any event that takes place without a Special Event Permit or in an area that is ineligible to obtain a Special Event Permit (e.g. specified non-conforming uses) cannot by its nature be corrected and must be cited and shut down immediately.

The City may issue a verbal warning for first time violations in lieu of a first offense fine. Such fines are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code. The event security deposit will be held until the appeal period has lapsed, the Special Master has made a determination on the case or to satisfy unpaid fines. The City may increase the security deposit requirement for any issued or future permit. The City reserves its rights to pursue alternate enforcement proceedings and penalties as provided for and allowed by law.

Event Signage

Sponsorship banners and signage are allowed within the designated event site only and may be displayed only during the event. Banners must be immediately removed from the site following the event.

Special Event Billboard Signs - Up to five (5) banners or billboard signs with a maximum size of 4'x8' may be approved for placement in designated public locations in the City. These signs are required to obtain Design Review approval from the Planning Department. A City application must

be submitted to the Planning Department, no later than 60 days prior to the event. A Building Permit is also required prior to installation.

Street Banners - Event advertising banners shall not extend or project over any portion of any street, or right-of-way.

Light Pole Banners – Light pole banners are permitted in the City when approved by the Planning Department and the City Manager for special events taking place in the City of Miami Beach, and by the Mayor and City Commission, for special events held outside of the City of Miami Beach. The application process begins at the Planning Department for Design Review approval no less than 90 days prior to the special event. Approved light pole banner design with the banner locations are then forwarded to the Special Events Office. The applications have a per banner fee and processing fee. Light pole banners on State Roads (e.g. 5th Street, Collins Avenue, 41st Street, etc.) require an additional permit from the Florida Department of Transportation.

Exclusivity Zone

All Permits must abide by restrictions established through exclusivity zones in effect during the time of the proposed event.

Fuel

The storage of any petroleum product or chemical shall be prohibited unless prior approval has been issued by the City – storage of such material shall be in accordance with life safety and environmental regulations – storage shall be in appropriate spill proof containers for type of chemical and use secondary containment, shall be stored a significant distance away from any population, storage area shall contain signage identifying the storage site and indicating which type of chemicals are being stored – required cleanup of any chemicals will be at the expense of the applicant.

The fueling of vehicles on the beach (event site) shall be strictly prohibited unless given a special fueling permit where the applicant must act according to approved standards – fuel must be stored in spill proof containers etc. Such a permit is only approved by the City's Environmental Division.

Grandfathered Event Clause

Events that hold a minimum of five (5) consecutive years of existence in the City, under the same ownership; which are in good standing (including being current on all prior debts), have completed obligations in a timely fashion to the City, and which have demonstrated a positive economic impact on the City of Miami Beach, are considered grandfathered events.

If the event is grandfathered in, a Letter of Intent must be submitted at least six (6) months/ in advanced in order to hold the date and location. If the event is cancelled before it takes place, it will result in the forfeiture of all fees excluding deposit. Should the City not approve the event, all fees will be returned except for the application fee. Events NOT on Hold cannot be guaranteed.

Live Animals

The incorporation of animals in any special event shall require adequate ground cover under cages – material shall be absorbent in nature and not permit the transfer of fluids to the ground.

Markets

For information on how to become a market producer or vendor, please contact the City of Miami Beach Procurement Department at 305-673-7490.

Resort Tax

All events that include sales of food, beverages, alcoholic beverages, or wine are required to levy a two percent (2%) tax, as per Miami Beach City Code Chapter 102, Article IV. A copy of the aforementioned section of the City Code and the Special Event Resort Tax Return forms are available through the Special Events Office. It is the responsibility of the event producer to collect, complete the form and remit payment to the City.

Natural Disaster/Severe Weather

The declaration of an emergency, threat or a natural disaster, including extreme weather or the existence of a national threat, the City has the right to cancel and/ or rescind any and all Special Event, Wedding, Ceremonies, Team Building, Rue Vendome and Temporary Sampling permits. In the event of a natural disaster/ severe weather, application and permit fees are not refundable.

Applicant MUST notify the City with at least Twenty-Four (24) hours of said cancellation in order to receive a recovery date. Once a recovery date is approved by the Special Events office, the applicant is responsible for re-scheduling any City Services staffing and/ or services.

Special Events occurring during hurricane season shall have an emergency evacuation plan that will go into effect within eight (8) hours of a hurricane warning issuance and be completed within twenty-four (24) hours – all equipment, material, staff, staging, vehicles and associated appurtenances shall be removed from event site within the allotted time.

Sponsorship Requirements

The following is a list of publicity and credit requirements for events or programs receiving financial or in-kind support from the City of Miami Beach:

- Prominently display City of Miami Beach logo in all promotional marketing materials related to the event/program including, but not limited to, advertisements, brochures, websites, e-mails, newsletters, banners, posters, event programs, and other print and/or electronic publications in a manner where the City logo is displayed before sponsors of lesser value, and placed in the most prominent position amongst sponsors of the same level.
- Include the following credit line in all print news and press releases and broadcast media: “This event/program made possible with support from the City of Miami Beach” and include a quote from the City of Miami Beach Mayor.
- One full page full color ad in program guide.
- Opportunity for the City to showcase up to 1 x 2-minute-long video asset on any video or digital screens within event site.
- Website link to www.miamibeachfl.gov.
- Events/programs offering travel packages will also provide a link for to the following websites:
 - www.miamiandbeaches.com
- On-stage signage and logo in a prime location (if applicable).
- Provide a booth/display area at all events (if applicable).
- Live announcement(s) during the event by emcee – call out to be provided by the City’s Office of Communications.

- Operate within the requirements of all City of Miami Beach existing sponsorships including the non-alcoholic pouring rights agreement with PepsiCo who is granted exclusivity in ALL non-alcoholic beverage categories with the exception of hot tea, dispensed hot coffee and hot cocoa, and Red Bull who is granted exclusivity in the Energy Drink category. As well, all soda and water must be served in non-plastic containers.
- All complimentary tickets provided by an event/event producer shall be consistent with the City Commission established policy for the distribution of tickets and the City's Administrative Guidelines for Distribution of any tickets and must be sent directly to the City Manager's office, located at 1700 Convention Center Drive – 4th Floor. The City reserves the right to negotiate additional terms if in-kind and financial support is in excess of twenty-five thousand dollars (\$25,000).

Parking on Beach

Any vehicle parked on the beach shall be prevented from distributing fluids on the ground (sand) by the placement of an absorbent pad under the engine compartment – these pads shall be properly disposed of once the vehicle vacates the beach. All vehicles parked on the beach shall have cones placed at the front and rear of the vehicle.

Rides and Amusements

The City does not allow for-profit carnivals, or amusement parks.

Temporary Construction

- A site inspection, by the City, shall be required prior to and after an event to ensure that the event site and surrounding area have been restored to a clean and acceptable condition.
- When possible, tents shall be secured with water barrels in place of ground stakes – where ground stakes are used, the holes shall be filled, compacted and area raked or graded to restore to natural conditions.
- Any structures requiring permits from the City's Building Department or Public Works Department shall be required to be reviewed by the City or County Division of Environmental Resource Management ("DERM") for potential environmental impacts.

Up-land Concession Areas

The City issues licenses to operate beachfront concessions to up-land property owners (areas located behind private property) from Government Cut to 87 Terrace. A written release from upland owner concessionaires is required for events proposed behind private property that may interfere with these up-land concession areas and must be submitted to the Special Events Office at least thirty (30) days prior to the event.

Use of Public Property

Unless Concession Agreement is greater, permit holders will be charged a net square footage rate per square foot for public property occupied by the event for stages, booths, displays or areas restricted for exclusive use by the event. The Square Footage Fee will be calculated in the following manner:

Enclosed Site: Aggregating the square footage of the total fenced area.

Non-enclosed Site: Aggregating the square footage of the individual fixtures of the event (i.e. stages, booths, tents, display areas, bleachers, etc.).

The City Manager may, in his/her discretion, waive this fee for events by not-for-profit corporations, or other event, when such waiver is found to be in the best interest of the City. In the case that the permit holder is operating under a concession agreement with the City, the net square footage rate may not be applicable.

User Fees

For events taking place in Pride Park, whose boundaries are Convention Center to the east, Meridian Avenue to the west, 18th Street to the south and 19th Street to the south and Collins Canal Park, whose boundaries are Washington Avenue to the east, Convention Center to the west, Convention Center north loading docks end to the south and Collins Canal to the north have an established park user fee for first fifteen (15) days of activation, with another fee each additional day.

Park User Fees - A special event impact fee will be imposed for all events taking place at a City Park including, but not limited to, Lummus Park, South Pointe Park, Collins Park, Flamingo Park, SoundScape and North Beach Oceanside Park. Lummus Park includes the area east of Ocean Drive, the park itself, and the beachfront east of the park from 5th – 15th Streets. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for enhancements to those parks utilized by said events.

Lincoln Road User Fees - For events taking place on Lincoln Road, Lincoln Lane or the finger streets from Lincoln Lane South to Lincoln Lane North along Lincoln Road, a special event impact fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used to enhance Lincoln Road. Due to the unique characteristics of the 1100 block of Lincoln Road, impact fees derived from events taking place in this area shall be separated and used to enhance the 1100 block of Lincoln Road exclusively.

Vehicle Access Policy

Use of beaches, parks or pedestrian areas by event related vehicles should be minimized, and whenever possible, All Terrain Vehicles (ATV's), all terrain gators, and/or golf carts should be utilized by event producers for events taking place on the beach or in pedestrian areas such as parks. Notwithstanding the above, certain events taking place on the beach, in parks or other authorized use areas may require vehicular access for the purposes of loading-in and out of equipment for the event. All such vehicles must be removed from such areas immediately after load in and load out. There is a vehicle access pass fee per vehicle, per event. Event producers may purchase a maximum of ten (10) Vehicle Access Permits per event unless additional passes are approved by City Manager or his/ her designee. A Vehicle Access Pass will be issued by the Special Events Office and must be displayed on the windshield of every vehicle on the beach. For any beach access, all such vehicles must be escorted on and off the beach by either City of Miami Beach Police, Off-Duty Police or Ocean Rescue. All other authorized access uses (i.e. in City parks) may require escort by City of Miami Beach Police, Off-Duty Police, Ocean Rescue or other designated City employee(s). All vehicles will be restricted to the location(s) listed on the permit.

All operating vehicles on the beach, park or other authorized use area shall follow the procedures listed herein:

- Due care and caution will be utilized at all times while driving any vehicle on the

- beach, park or other authorized use area.
- All vehicles on the beach, park or other authorized use area shall enter and depart the area at the nearest access point.
 - Prior to entering the beach, park or other authorized use area, vehicle headlights and overhead flashing lights (if equipped) or four-way emergency lights will be turned on.
 - Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach, park or other authorized use area.
 - Maximum speed allowed on the beach, park or other authorized use area is 5 MPH.
 - Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
 - Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack sand** at all times.
 - Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
 - If you stop and exit your vehicle, walk completely around the vehicle prior to reentering your vehicle and moving it.
 - Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles when parked on the beach, park or other authorized use area.
 - Use of a cellular phone or walkie talkies while the vehicle is in motion is **prohibited**.
 - Personal vehicles are prohibited on the beach, park or other authorized use area at all times.

These procedures are to be complied with at all times by anyone operating a vehicle on the beach, park or other authorized use area. Failure to comply with these procedures may result in immediate revocation of the permit and termination of the event.

Other Agencies

The Miami Beach Visitors and Convention Authority (VCA) and Cultural Arts Council (CAC)

The VCA and CAC utilize City funds for the purpose of special and cultural event funding. Approval of an application for funding by either the VCA and/or the CAC shall not constitute either expressed or implied approval of a Special Event Permit by the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials, as per the funding terms and conditions of the VCA and/or the CAC.

Miami-Dade County

Permit for Temporary Food Sales - The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants, sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors or applicants must notify the Department of Business and Professional Regulations no later than three (3) business days prior to the event. A license fee for a 1-3-day event is forty dollars (\$40.00) per vendor.

Beach Cleaning - Applicants desiring use of the public beach must arrange for the cleaning of the beach, prior to, as well as after, the event, as necessary. Beach cleaning may be arranged with the Miami-Dade County Parks Department or a private sanitation company approved by the Miami-Dade County Parks Department. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event.

State of Florida

Department of Environmental Protection, Division of Beaches and Shores - If an event is to be held east of the Coastal Construction Control Line, a State Field Permit or CCCL Administrative Permit may be required. These include all temporary, non-portable structure on the beach, not limited to stages, fences, tents, lighting, and sound systems. A detailed site plan and written narrative description of all installations must be submitted to the Special Events Office no later than 60 days prior to the event.

As conditions of the State Field Permit, the State also calls for the protection of marine turtles during the marine turtle nesting season, beginning April 1, and ending October 31, in Miami Beach. Conditions relevant to areas east of the CCCL include: structures to be constructed and left overnight, including temporary fencing, shall have three feet of vertical clearance, at least seven feet of horizontal clearance, and shall be located as far landward as possible; no lighting associated with the event is authorized after 9:00 pm per City Ordinance and State requirements unless authorized under a State permit; campfires and bonfires are prohibited on the beach at nighttime; the operation of all motorized vehicles is prohibited after sundown, except emergency and law enforcement, or beach maintenance vehicles or those permitted on the beach for marine turtle conservation and/or research; and permit holders may be required to hire turtle monitors from sundown to sunrise. Other conditions, as prescribed by the State may apply. A Field Permit request must be filed with the State no less than (30) thirty days prior to the event's load-in date. If the event requires a more complex set up and is multi-day in length, then a CCCL Administrative Permit must be filed with the State no later than (60) sixty days prior to the event's load-in date. The application must first be reviewed and approved via the City's Environment Resources Management Division prior to filing with the State of Florida.

Events requiring exemptions from any of the above marine turtle nesting conditions will need to provide the City with written approval from the Florida Fish and Wildlife Conservation Commission.

Florida Statutes, Chapter 161, calls for the protection of beach dune systems and impose fines for damage caused to the natural dune systems along the Beach. It is the responsibility of the applicant to provide adequate security measures to ensure protection of the dune area from damage that may be caused by an event.

Division of State Lands - Depending on the type and nature of the event(s), the Division of State Lands has the right to negotiate a separate use agreement with the special event producer and will charge for the use of the land. This fee may include a contribution to the State Lands Trust Fund, as well as a use fee, and would require State of Florida Cabinet approval. If applicable, proof of the Division of State Lands approval shall be submitted to Department of Tourism and Cultural Development before a permit is issued.

Florida Fish and Wildlife Conservation Commission - Any type of water activity held within the City of Miami Beach must give notice to the Florida Fish and Wildlife Conservation Commission. Notice must be in the form of a letter, with a copy to the City provided no less than two (2) prior to the event.

Division of Alcoholic Beverages and Tobacco -- If the event is being produced by a not-for-profit organization which desires to sell or serve alcohol, the organization must apply for a temporary liquor license from the State of Florida, Division of Alcoholic Beverages and Tobacco under Florida Statute 561.42. In order to obtain the license from the State, a letter of authorization must be obtained from the City. Prior to the issuance of this letter the following must be submitted:

- Certificates of all applicable insurance including general liability and liquor liability.
- A completed Indemnity Agreement.
- A signed letter on letterhead from the non-profit organization agreeing to have the temporary liquor license in the organization's name.

Florida Department of Transportation

Light Pole Banners - Banners proposed to be placed on State Road light pole require an additional permit from the Florida Department of Transportation, following Design Review approval from the City's Planning and Zoning Department and approval from the Miami Beach Mayor and City Commission. Depending upon the scope and nature of the event, additional State permits may be required.

Federal Government

Federal Aviation Administration - Any type of unusual air activity above the City of Miami Beach, inclusive of a drone show, planned in conjunction with a special event, which has the potential to disrupt commercial air traffic, must be approved by the Federal Aviation Administration (FAA). Approval will be requested through the City's Department of Tourism and Cultural Development on the applicant's behalf.

Coast Guard - Any individual or organization planning to hold a regatta or marine parade which, by

nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters under the jurisdiction of the U.S. Coast Guard, shall submit an application to the Coast Guard District Commander having jurisdiction of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to; an inherently hazardous competition; possible effect on the customary presence of commercial or pleasure craft in the area; any obstruction of navigable channel which may reasonably be expected to result; and the expected accumulation of spectator crafts.

Where such events are to be held regularly or repeatedly in a single area by an individual or organization the District Commander may, subject to conditions set from time to time by him/her, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

The application shall be submitted to the Coast Guard no less than 30 days prior to the event. The application shall include the following details:

- Name and address of sponsoring organization.
- Name, address, and telephone of person or persons in charge of the event.
- Nature and purpose of the event.
- Information as to general public interest.
- Estimated number and types of watercraft participating in the event.
- Estimated number and types of spectator watercraft.
- Number of boats being furnished by sponsoring organizations to patrol event.
- A time schedule and description of events.
- A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

Special Event Frequency Chart

Designated Event Area	Maximum Number of Days Allowed in FY Oct. 1 st – Sept. 30 th (Inclusive of Load in and Load Out)
South of Fifth (No amplified sound permitted, excludes South Pointe Park)	Limited uses
Lummus Park – Spoil Area W of Dunes	120 Days – Neighborhood and ODA Notification No Activations North of 13 th Street
Lummus Park Beachfront (5 th to 13 th)	120 Days – Subject to Turtle Season
Lummus Park 5 th to 13 th Streets	120 Days – Neighborhood and ODA Notification
Ocean Drive (5 th to 15 th)	120 Days – Neighborhood and ODA Notification
Espanola Way (Wash. Ave to Drexel)	No Limit – Notification-Neighborhood and coordination with Espanola BID <u>Notification</u>
Lincoln Road (Wash. Ave to Alton Road)	No Limit – Notification-Neighborhood and coordination with -LR BID <u>Notification</u>
Soundscape Park (17 th St & Wash Ave South)	60 Days – Notification-Neighborhood and coordination with NWS <u>Notification</u>
Fillmore Theater Lawn (17 th St & Wash Ave North)	No Limit – Notification-Neighborhood and coordination with Live Nation Fillmore <u>Notification</u>
Pride Park	75-120 Days – Priority for MBCC events
Collins Canal Park	No Limit – Priority for MBCC events
Botanical Gardens	No Limit - Coordinate with Garden
Collins Park East/West and Spoil Areas (21 st to 22 nd Streets)	120 Days – Subject to Turtle Season
<u>Collins Park Spoil Area (21st to 22nd Streets)</u>	<u>120 Days – Subject to Turtle Season</u>
Collins Avenue Corridor- Beachfront (Lincoln Road to 22 <u>21st</u> -Streets)	120 Days – Subject to Turtle Season
Collins Park Beachfront (21 st to 22 nd Streets)	120 Days – Subject to Turtle Season
Beachfront (22 nd to 36 th St Excluding residential areas)	Subject to Turtle Season & Residential Signoffs
Mid Beach (Beachfront between 36 th to 46 th streets)	Subject to Turtle Season & Residential Signoffs
Indian Beach Park Spoil Area (46 th Street)	60 Days
Bandshell Park (No amplified sound allowed unless permitted by CM)	60 Days
Bandshell Park Beachfront (72 nd to 73 rd streets)	90 Days
Ocean Terrace (between 73 rd and 75 th streets)	120 Days
North Beach Beachfront (64 th to 87 th Terrace Excluding Residential Areas)	Subject to Turtle Season & Residential Signoffs
Rue Vendome	Subject to Site Programming

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Alex Fernandez
DATE: September 13, 2023

SUBJECT: REFERRAL TO PUBLIC SAFETY NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE TO
DISCUSS PRIDE PARK AND THE NUMBER OF ACTIVATION DAYS.

SUPPORTING SURVEY DATA

NA

FINANCIAL INFORMATION

NA

Applicable Area

Citywide

Is this a "Residents Right to
Know" item, pursuant to
City Code Section 2-14?

Yes

Does this item utilize G.O.
Bond Funds?

No

Legislative Tracking

Commissioner Alex Fernandez

ATTACHMENTS:

Description

□ Memorandum



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
FROM: Commissioner Alex J. Fernandez
DATE: September 13, 2023
SUBJECT: PRIDE PARK ACTIVATION DAYS

I met with members of the Palm View Neighborhood Association to discuss the vision for the future of Pride Park.

Pride Park was proposed as an area that would be for the residents above all events and a shared community space for all to enjoy. At this juncture, residents desire to have a greater amount of days to enjoy this beautiful area without event activation.

To further define a more resident-accessible policy for Pride Park, I would like for the PSNQLC to consider which amendments may be appropriate to reduce the amount of special event activation days while continuing to accommodate signature events such as Design Miami and the Boat Show.

I urge my colleagues to join me in support of our residents as we come to a reasonable limit on days that Pride Park can be used as an event space.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Vice-Mayor Steven Weiner
DATE: February 1, 2023

SUBJECT: REFERRAL TO THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE
TO DISCUSS THE SCHEDULE OF MAJOR EVENTS TAKING PLACE AT PRIDE PARK AND HOW
TO BETTER ACTIVATE PRIDE PARK FOR THE MAXIMUM BENEFIT OF CITY RESIDENTS.

RECOMMENDATION

Please place on the February 1, 2023 agenda a referral to the Public Safety and Neighborhood Quality of Life Committee to discuss the schedule of events taking place at Pride Park and how the City could better control the schedule and activate Pride Park for the maximum benefit of City residents.

A number of residents have expressed concerns that the significant load-in and load-out periods for major event activations at Pride Park result in residents losing the benefit of the use of the park for extended periods of time. Although Pride Park was redesigned to allow for a flexible lawn and accommodate events, a significant purpose of the Park is to provide a recreational amenity to area residents year-round.

In an effort to ensure an appropriate balance between events and the use of the Park by the City's residents, I would like for the Committee to consider potential resident oriented activations, review the annual schedule of events and determine whether any policy direction should be provided, such as a cap on the total number of days each year that Pride Park may be used for events. As the City's multi-year contract for Pride Park's usage expires at the end of 2023, I would also like for the Committee to review whether in the future, there should be a maximum number of consecutive days that the Park may be utilized by any single event (including load-in and load-out).

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Vice-Mayor Steven Weiner

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE REVISED SPECIAL EVENT REQUIREMENTS AND GUIDELINES ATTACHED TO THE COMMISSION MEMORANDUM ACCOMPANYING THIS RESOLUTION; SAID REVISIONS TO INCORPORATE CHANGES TO THE ESTABLISHED FREQUENCY USE CHART, INCLUDING A REDUCTION TO THE NUMBER OF PRIDE PARK ANNUAL ACTIVATION DAYS FROM 120 TO 75 DAYS FOR TICKETS ACTIVATIONS, NOT INCLUDING FREE COMMUNITY EVENTS.

WHEREAS, the City of Miami Beach hosts a wide variety of special events that enrich the community for both visitors and residents; and

WHEREAS, consistent with Section 12-5(1) of the City Code, all proposed special events on public property with projected attendance of more than 150 persons, and all proposed special events on private property, will be reviewed by various City departments; and

WHEREAS, representatives from City departments, including, but not limited to Police, Fire, Tourism and Cultural Development, Public Works, Parking, Planning, Code Compliance, Environment and Sustainability and Parks Departments take part in a monthly Special Events Internal Review meeting; and

WHEREAS, to mitigate the demands made upon City resources and infrastructure, applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City Departments to ensure that these events are compatible with the surrounding neighborhoods; and

WHEREAS, the foregoing process allows the City to evaluate and assess the City's resources, both in terms of personnel and use of public property and rights-of-way, to ensure that the proposed event does not adversely impact the public safety, health, and welfare of the community; and

WHEREAS, the Tourism and Culture Department ("TCD") hosts the Special Events Community Review meeting virtually, on the third Thursday of every month, and the meeting invitation for the monthly meeting is publicly noticed through the City Clerk's Office and is sent to City personnel, event producers, and community stakeholders; and

WHEREAS, in 2023, the TCD led a multi-disciplinary review of the Guidelines with departments affected by Special Events, including Building, Code, Economic Development, Environmental and Sustainability, Fire, Ocean Rescue, Parking, Parks and Recreation, Police, Property Management, Public Works, Sanitation, and Transportation, and the revised Special Event Guidelines include edits received from said departments; and

WHEREAS, On July 26, 2023, the City Commission adopted Resolution No. 2023-32701, authorizing a revision to the Special Event Guidelines, which included revisions provided by various City Departments, language to restrict new events activating Lummus Park and Lummus Park Spoil areas north of 13th street, or beachfront between 13th to 16th Street, unless approved by the City Commission, and a bifurcation of the Special Events Sponsorship Program; and

WHEREAS, according to the City's Special Events Guidelines, most recently revised pursuant to Resolution No. 2023-32701, the City has the authority to approve, approve with conditions, deny or revoke a Special Event Application, considering factors which include the type of event, resident benefit, economic impact to the City, demands on City services and availability of public space in accordance with the established frequency chart; and

WHEREAS, to ensure that the City's beaches, parks, and public right-of-ways are protected and conserved, the City limits the number and scope of the events held in these areas; and

WHEREAS, the City has in place a Frequency Chart, which outlines the maximum number of days in a fiscal year that can be used within the designated area listed, and once a designated area reaches its maximum allowance, no additional event may be permitted, unless approved by the Mayor and the City Commission; and

WHEREAS, the Frequency Chart in the Special Event Guidelines specifically mentions Pride Park, with the approved maximum number of event days in the Park limited to 120 days per fiscal year, with priority given to Miami Beach Convention Center (MBCC) events; and

WHEREAS, on February 1, 2023, the Mayor and City Commission approved a referral item (C4 W), sponsored by then Commissioner/now Mayor Steven Meiner, to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC") to discuss the schedule of events taking place at Pride Park, and how the City could better manage the schedule and activate Pride Park for the maximum benefit of City residents; and

WHEREAS, on September 13, 2023, the Mayor and City Commission approved a related referral item (C4 N), sponsored by Commissioner Alex Fernandez, to the PSNQLC to discuss Pride Park and the number of activation days; and

WHEREAS, both referral items (C4 W and C4 N) relating to Pride Park were heard and discussed at the same time at the February 14, 2024, PSNQLC meeting, where the Committee unanimously moved the item with a favorable recommendation to the City Commission to limit the number of Pride Park activations days from 120 to 75 days for ticketed activations, not including free community events and possibly having an area free of activations; and

WHEREAS, the Administration revised the Special Event Guidelines, which now

include the reduction in activation days for Pride Park, and edits to additional sections in the Frequency Chart to ensure parity.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve the revised Special Event Requirements and Guidelines attached to the Commission Memorandum accompanying this Resolution; said revisions to incorporate changes to the established frequency use chart, including a reduction to the number of Pride Park annual activation days from 120 to 75 days for ticketed activations, not including free community events.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

6/10/2024

Date