



2725 Malabar Road  
Malabar, Florida 32950-4427  
321-727-7764 – Telephone  
321-727-9997 – FAX

## SPECIAL ACTIVITY APPLICATION

### ACTIVITY TYPE

- ☐ Block Party
- ☐ Carnival or Circus
- ☐ Concert or Festival
- ☐ Foot Race/Bike Race/Walk-a-thon
- ☐ Other (describe) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### EQUIPMENT

- ☐ Alcoholic Beverage Use
- ☐ Balloon or Banner
- ☐ Food Preparation
- ☐ Sound Amplification
- ☐ Temporary Electrical
- ☐ Temporary Restrooms
- ☐ Temporary Signs
- ☐ Temporary Structure
- ☐ Tent

**FEE FOR SPECIAL ACTIVITY IS: \$100.00**

ACTIVITY NAME: \_\_\_\_\_

Applicant (person): \_\_\_\_\_

Organization/Sponsor (If applicable): \_\_\_\_\_

The Organization /Sponsor is (Check one) ☐ Profit ☐ Non- profit

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ (Please list the telephone number where we may contact you during the day. If we are unable to contact you, the permit may be delayed).

Date of event: \_\_\_\_\_

Time of event: \_\_\_\_\_

Location of event/ street address (A site plan must be attached):

\_\_\_\_\_  
\*Please note: If the applicant / sponsor listed is not local, complete the following:

Local contact person: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Description of event: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are requesting Town assistance with your event, please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe any temporary structures planned for use during event: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If sound amplification is associated with this event, I agree to monitor the sound level so that it remains within the limits of the Town Code. If valid noise complaints are received, I agree to reduce that noise to a satisfactory level. Further, I understand that if reducing the noise does not control citizen's complaints, the source of the noise will be terminated.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

The space below may be used for your site plan.

exterior door or curtain of such cubicle, room or booth. Nothing contained herein shall be construed to eliminate other requirements of any statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the town council, sheriff or their duly authorized agents. (Ord. No. 3-12-85, § 27(p), 4-2-85)

**Sec. 10-243. Supervision.**

An adult massage establishment licensee shall have the premises supervised at all times when open for business. Any massage establishment shall have one individual who qualifies as a massager on the premises at all times while the massage establishment is open for business. The adult massage establishment licensee shall personally supervise the massage establishment, and shall not violate, or permit others to violate, any provisions of this article. (Ord. No. 3-12-85, § 27(q), 4-2-85)

**Secs. 10-244—10-255. Reserved.**

**ARTICLE III. SPECIAL ACTIVITY PERMITS\***

**Sec. 10-256. Purpose.**

The intent of the town council in adopting this section is to recognize that there are certain special or unique activities not recognized in the code, which provide for an economically viable community. Special activities have been determined to be in the best interest of the public and may call for temporary waivers from the Town Code. (Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-257. Town administrator to issue permits.**

The town administrator, under the direction of the town council, is hereby authorized to issue a special activity permit. The town council may grant temporary waivers to the Town Code for special activities. The permits shall be subject to all conditions imposed by the town council. Prior to any special activity permit being issued, the town council shall first approve the issuance of such a permit to an applicant.

Waivers may include but are not limited to: open container ordinance, subject to all conditions contained in the special activity permit as may be from time to time established by the town council; use of barricades on public streets or closure of public streets; and sound amplification; provided, however, a permit for sound amplification does not allow an applicant to violate any noise provisions provided elsewhere in this Code.

In granting waivers to the open container provision of the Town Code, no waiver to the hours of operation established by this Code shall be permitted.

**\*Editor's note—**Ordinance No. 02-02, § 1, adopted April 1, 2002, set out provisions intended for use as §§ 10-1—10-9. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 10-256—10-264.

Notwithstanding any of the foregoing, no permit or waiver shall be issued for any special activity which would meet the definition of a rave club as that term is defined in Ordinance No. 2001-25, an Ordinance of Brevard County.  
(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-258. Definitions.**

For the purpose of this section, the following words shall have the meanings indicated:

*Gated street event* shall mean an event held on public right-of-way in the town where admission is charged for access to the event area.

*Special activity* shall mean an event activity or any occasion that is characterized by its limited duration, infrequent occurrence, or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include but are not limited to, exhibitions, celebrations, festivals, shows, parades, carnivals, block parties, outdoor seasonal sales, concerts, marathons, races, walks, fund raisers, taking place within a specifically defined area of the town which event, activity or occasion does not fall within the normal categories of permitted uses, activities, accessory uses or activities within the applicable town zoning district.

*Special activity applications* shall mean the form provided by the town for the purposes of processing a select activity.

*Special activity fee* shall mean the fee an applicant is required to pay in accordance with the special activity permitting procedure, before a special activity application can be processed.

*Special activity permit* shall mean the permit that is issued by the town council.  
(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-259. Penalty.**

It shall be unlawful for any person, group of persons, firm, corporation or entity to advertise, hold, conduct, engage in, permit or allow any special activity to occur unless a permit has been obtained from the town. A violation of this section is punishable by the imposition of a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a term not exceeding sixty (60) days.

(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-260. Time for submitting application.**

A special activity application must be submitted to the town no later than thirty (30) days before the scheduled event, activity or occurrence.

(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-261. Fees.**

All applications for a special activity permit will be charged a special activity fee of one hundred dollars (\$100.00). This fee may be waived by the town council.  
(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-262. Application processing procedure.**

(a) The town shall provide an application for a special activity permit. Upon submittal of the application, along with the applicable fee and attachments, the town administrator shall distribute such applications to the building and zoning department and such other staff members as may be necessary for comment. The completed application and comments shall be submitted to the town council at the next regularly scheduled town council meeting for approval or disapproval. The town council may impose any and all reasonable conditions on the issuance of the permit.

(b) Criteria for approval. The town may approve or conditionally approve the issuance of a special activity permit, unless one of the following circumstances exists:

- (1) The applicant has been convicted of a felony or misdemeanor involving moral turpitude and has not subsequently demonstrated rehabilitative characteristics;
- (2) The applicant has made a material misrepresentation on the application;
- (3) The applicant has not complied with the town's request for further information necessary for the town to fully evaluate the application;
- (4) The proposed special activity will substantially disrupt peace and quiet within any area of the town;
- (5) The proposed special activity will have a substantial negative impact upon traffic in any area of the town;
- (6) The proposed special activity damages or degrades the image of the town;
- (7) The proposed special activity will have a material negative impact upon the neighboring property;
- (8) The proposed special activity will create a safety hazard;
- (9) The proposed special activity is not appropriate for the location due to zoning requirements for that location;
- (10) The proposed special activity subjects the town to contingent liability which cannot adequately be addressed by requiring the applicant to name the city as an insured on the applicants general liability insurance policy;
- (11) The applicant has failed to supply the town an insurance certificate naming the town as an additional insured on the applicant's general liability policy;

- (12) The special activity fails to comply with any of the criteria designated under this section for the issuance of a special activity permit or rules and regulations governing this special activity;
  - (13) An applicant has violated conditions of a previous special activity permit or any ordinances or regulation of the town in the conduct of a prior special activity.
- (c) The following provisions are not intended to be all-inclusive and may be amended based on the type of event or the information submitted by the applicant:

- (1) *Special activity application/fee.* The applicant will be required to complete a special activity application prior to the activity and submit it to the town with the application fee. A site plan is required with each application and may be hand drawn. The site plan should be detailed enough to indicate major streets, a north arrow, and event set-up. The application shall set forth the anticipated attendance, arrangements for off-street parking, a plan for dealing with disposed of waste and refuse and the placement of portable toilet facilities if applicable.
- (2) *Special activity permit.* Once an applicant has submitted all required documents, met all conditions and staff concerns with the issuance of a permit, and the town council has approved the permit, the town will issue a special activity permit. the activity shall not be considered approved until the town has issued a permit.
- (3) *Frequency of events.* An applicant may apply for a special activity one time per year. A year is defined as January 1 through December 31. An event shall not exceed one day in duration.
- (4) *Set-up and take down period for events.* An applicant will be allowed a reasonable set-up and take-down period for an event. The period will be based on the type and complexity of the event. Balloons and banners will be allowed a one-day set-up and one-day take-down period. Violations of this section may result in future permits being denied.
- (5) *Alcoholic beverages.* The provisions contained in the Town Code (open container), may be waived by a special activity permit. The waiver will be subject to all conditions contained in the permit.

If an applicant operates a licensed premises for the sale of alcoholic beverages, that applicant will be required to obtain an extension of the permit from the department of business and professional regulation, division of alcoholic beverages and tobacco for alcoholic beverages sold/consumed outdoors. Non-profit civic organizations will be required to obtain a temporary permit for sale/consumption of alcoholic beverages in accordance with F.S. § 561.422.

Additionally the applicant is responsible for controlling alcoholic beverages by ensuring under-age consumption does not occur.

- (6) *Balloons.* Tethered balloons that are no larger than fifteen (15) cubic feet may be considered for a permit. Small, helium-filled balloons are prohibited.

- (7) *Barricades.* The town will determine if barricades are required for an event. Applicants will need to obtain barricades from a private source. Once barricades are placed, signs, balloons, or other items may not be placed on the barricades.
- (8) *Block party.* In addition to a special activity application, a petition is required to be signed by all the residents who live on the portion of the street that will be closed/barricaded indicating their support of the event.
- (9) *Carnival.* In addition to any applicable fees, an occupational license is required regardless of non-profit status. Each carnival ride is required to have a current inspection certificate from the Bureau of Fairs, Rides Inspection (850-488-9790).
- (10) *Circus.* In addition to any applicable fees, an occupational license is required regardless of non-profit status. The following stipulation shall apply for all circuses:  
  
The permit is conditioned upon the exhibitor complying with all applicable requirements of F.S. §§ 372.921 and 377.922, and the regulations contained in the Florida Administrative Code, Rule 39-6, of the Florida Fish and Wildlife Conservation Commission.
- (11) *Co-sponsorship.* The town may from time to time provide services for an event (police, barricades, etc.) which may result in reduced charges.
- (12) *Fire prevention/code enforcement inspections.* Most events require an on-site review and final inspection by fire/code personnel. If the event requires extraordinary inspections, including inspections after hours, the applicant will be required to pay the staff time at fifty dollars (\$50.00) per hour.
- (13) *Hold harmless and indemnification.* The applicant, by submitting a special activity application, agrees that at all times they will indemnify and hold harmless the town from and against any and all liability, claims, demands, damages, expenses, loss, injury, death, fees, costs, attorney's fees, fines, penalties, or suits to or by any person, firm, corporation, or entity arising from or out of the special activity.
- (14) *Insurance.* An applicant for an event held on public property or on a public right-of-way will be required to provide a general liability insurance policy in the amount of one million dollars (\$1,000,000.00). Additionally, if alcohol is being served at the event, liquor liability in the amount of one million dollars (\$1,000,000.00) will be required. A certificate of insurance will be required and the following language must appear on the certificate: "The Town of Malabar is named as additional insured as the Town of Malabar's interest may appear only."
- (15) *Additional permits.* Additional permits may be required from the town or other governmental authorities. The applicant shall submit proof of compliance with the permitting requirements of all governmental authorities, including, but not limited to, disabled parking and sanitation requirements.

- (16) *Medical services.* Late night events involving alcohol and events that, due to their nature, may have injuries will require medical coverage. The applicant shall be responsible for payment of medical services. The cost will be based on the hourly rate of the medical team.

A medical team is defined as at least one paramedic and one emergency medical technician. Additional medical team personnel may be required depending on the special event. The town administrator shall determine if additional medical team personnel are needed.

- (17) *Outdoor seasonal sales.* The following stipulations shall apply:

The applicant must obtain an occupational license and a special activity permit prior to set-up.

Adequate paved parking, including handicapped parking, must be provided within one hundred (100) feet of the sales/display area. Restrooms, including handicapped accessible restrooms, must be provided on the site within five hundred (500) feet of the sales/display area.

Hours of the sales must coincide with the hours of availability for the restrooms and parking.

The sale/display shall not be located within a required landscaped area and on-site vegetation shall not be disturbed.

Proof of ownership or a lease agreement with the property owner must be submitted with the application.

A maximum of one recreational vehicle and one private vehicle may be maintained on site by the applicant.

- (18) *Law enforcement.* Law enforcement services are required for any special activity. The applicant shall be responsible for the presence and payment of law enforcement services. The cost will be based on the average hourly rate of Deputy Sheriffs for Brevard County.

- (19) *Sound amplification.* A permit for sound amplification does not allow the applicant to violate the noise levels in the Code of Ordinances. The applicant agrees to control noise, and in the event surrounding residents complain of excessive noise, to reduce that noise to a satisfactory level. The applicant further understands that if reducing noise cannot control citizen complaints, the source of the of the noise will be terminated.

- (20) *Signs in the right-of-way.* No signs in the public rights-of-way are permitted.

- (21) *Tents.* A flame retardant certificate must be attached to the application for a tent permit.

(Ord. No. 02-02, § 1, 4-1-02)



**Sec. 10-263. Permit.**

The town administrator will issue a special activity permit once an applicant has completed a special activity application, submitted all required documents, met all conditions and staff concerns with the issuance of the permit, and the special activity permit has been approved by the town council.

(Ord. No. 02-02, § 1, 4-1-02)

**Sec. 10-264. Revocation or suspension of special activity permit.**

A special activity permit may be revoked or suspended immediately for any of the following reasons:

- (1) A material false statement in the application.
- (2) Failure to comply with any federal, state or municipal laws and regulations.
- (3) Failure to comply with any limitation or condition imposed by the town on the issuance of a special activity permit.
- d. To conduct any special activity in such a manner as to create a public nuisance or conducting the special activity in a fraudulent disorderly manner or in a manner which endangers the public health safety and welfare or any manner in which disrupts the public peace.

(Ord. No. 02-02, § 1, 4-1-02)

**MOTION:** Rivet / Vail to let soccer club to use park for fee of \$100.00 fee and refundable \$50.00 cleaning deposit.

McKnight said it would cost more to have a PW worker

This is not fair because our ordinance has problems. Acquaviva said we need to specify for a special event.

Paul Yolles, 100.00 for this season but next season it could go up. Chair said if the Council increase the fees. Borton said it is not fair to have . Each group is treated fairly as well. That is for the future. Paul said they are a small athletic group with only 150.00

They have no intention to rent port-a-pots. They are expecting 300 people, same as last year. Dick Korn, chairman of Park and Rec Board. He thanks Rivet for his suggestion. It is as a good. Consider this is Malabar youth soccer not Pop Warner. Mr. Whitworth , sec 10 261, fee may be waived by town council. They do need to revisit this. Keep personal feeling out of it. With everyone's interest in mind. This group can be frustrating but they are serving our kids. They could be out on the street doing other things.

Borton is willing to pay for the 100.00 from her discretionary fund.

. TA said if the parting comment. Please don't infer that town staff that . it is a policy. Staff is looking out for the town and that is their job.

**VOTE:** All Ayes.