

## SPECIAL EVENTS

### ARTICLE I. IN GENERAL

Generally, Special Events are temporary uses that extend beyond the normal uses and standards allowed by City Ordinances that are held wholly or in part upon a public or nonpublic street, city right-of-way or any publicly or non-publicly owned property.

#### **Sec. 110-1. Definitions.**

For the purpose of this chapter, the following words and terms shall have the meanings respectively ascribed:

***Approved structure*** means any structure constructed and used in compliance with a development permit issued by the city or any structure constructed prior to the adoption of the city Code or this land development code which is being used in full compliance with the regulations of this land development code, chapter 126, article V in particular.

***Garage sale*** means any sale, primarily of used goods, conducted at a residential dwelling unit by the owner or tenant thereof.

***Holiday Sidewalk Sales Special Event:*** means any sidewalk sale of merchandise by a City of Sanibel licensed business, authorized to conduct commercial retail sales at their Sanibel business address if located in the City of Sanibel commercial district, pursuant to the relevant requirements of the Land Development Code.

***Special event*** means any sale, grand opening, wedding, photo shoot, party, holiday celebration, bazaar, concert or other performance, fair, tent revival, fundraising event, art festival, race, tour, rally, parade, bicycle run, demonstration, contest, exhibition, block party, outdoor display, or similar event or occurrence, including the use of tents, or other devices or structures to conduct, advertise or promote any such event, occurring on public or non-public lands or in a public right-of-way such as a public or non-public street, shared-use path, alley or other public place or building, park, beach, parking lot, vacant lot, in which a special event would inhibit the usual flow of pedestrian or vehicular travel or which occupies any public area or building so as to preempt use of said area by the general public or which deviates from the established use of said area or building, but such term does not include the following:

- (1) Any usual and customary noncommercial accessory use of a residential dwelling unit;
- (2) Any use or activity specifically approved by a development permit issued by the City; or
- (3) Private gatherings that will make no use of a public property other than for lawful parking;
- (4) Any garage sale conducted in compliance with the requirements of this chapter.

## **DIVISION 2. PERMIT**

### **Sec. 110-46. Required; special event regulations.**

The following special events shall be conducted or shall occur only after a permit therefore is obtained by the owner of the land upon which such temporary use is to take place, or by an authorized representative of such owner, in compliance with the terms of this chapter:

- (1) Those which involve the use of enclosed buildings, grandstands, stages, or other temporary structures for which no development permit has been issued and which are designed to house or support any person or persons;
- (2) Those which involve the use of sound amplification equipment outside of completely enclosed approved structures;
- (3) Those which involve the use of any electrical equipment or wiring, other than small common appliances connected to outlets in structures built according to approved building permits;
- (4) Those which involve outdoor displays of merchandise for sale;
- (5) Those which are to be conducted outside of approved structures and for which the total number of guests, participants, customers, performers, entrants and other persons attending its not limited to 25 or fewer;
- (6) Those which require the use of public rights-of-way or other public property for parking or any other purpose connected with the event;
- (7) Those which involve the display of any temporary sign.

### **Sec. 110-47. Permits not required; payment of license taxes.**

No development permit or other city permit or approval (except for required building and sign permits) shall be required for any special event conducted in full compliance with the terms of this chapter and the conditions imposed on any special event permit issued under this chapter. Occupational license taxes shall be paid, when applicable.

### **Sec. 110-48. Compliance required.**

All special events, whether or not a permit is required therefore, shall be conducted in compliance with the standards specified in section 110-50.

### **Sec. 110-49. Applications.**

Applications for special event permits shall be submitted to the city manager, on forms provided by the city, at least 30 calendar days prior to the event, accompanied by a \$50 non-refundable application fee. The city manager may, however, accept an application made less than ~~4~~ 30 calendar days prior to the event, accompanied by a \$5 per day non-refundable late fee in addition to the non-refundable application fee, if the applicant demonstrates that changing the date will result in a hardship and that, due to circumstances beyond control of the applicant, the application could not reasonably have been made in time. Applications will not be accepted later than 7 calendar days prior to the event. The application shall be signed by the owner of the land for which such a permit is requested or by the owner's authorized representative. The property owner must submit, in writing, the owner's authorized agent or representative's name and contact

information. Applications for a Holiday Sidewalk Sales Special Events Permit must be submitted no later than 7 days prior to the first holiday for which application is made, accompanied by a \$50 non-refundable application fee. Each application shall include or be accompanied by the following:

- (1) Complete information as to the type of activity planned; the date and time; the expected number of spectators and participants; any commercial activities included; the number, type, and location of any temporary structures to be used; the number, type, and location of any signs or advertising to be used; provisions made for parking; admission charge, if any; and the desired location, along with any factors particularly affecting the choice of location;
- (2) The names and addresses of the applicants and sponsors of the activity other than the applicants; and
- (3) The telephone number at which an applicant or other responsible party may be reached while the activity is occurring.

**Sec. 110-50. Approvals.**

The city manager or his/her designee shall grant the requested permit if the activity for which it is requested:

- (1) Will not unreasonably impact traffic volumes and conditions, and will not unreasonably interfere with the flow of vehicular or pedestrian traffic, such as when alternative routes for such traffic are unavailable or impractical;
- (2) Will not unreasonably deny access to any properties or areas of the city, or access of the public generally to public facilities, by either vehicular or pedestrian traffic;
- (3) Will not cause any danger or health hazard or unreasonable inconvenience to any person and will not damage any public or private property;
- (4) Will not create an unreasonable demand upon the emergency services personnel and equipment serving the city, so as to cause potential deficiencies in such services;
- (5) Does not include any commercial sales, services, solicitations, display or advertising, or any temporary structure, on any lands seaward of the Gulf Beach and Bay Beach Zone Lines;
- (6) Will not be a use of a type or intensity inconsistent with surrounding land uses and the reasonably quiet and peaceful enjoyment thereof;
- (7) Will not be conducted in violation of any other city ordinance;
- (8) Will not result in the depletion, destruction, removal, trampling, or other damaging of existing vegetation;
- (9) Will have available on private lands sufficient areas for parking to accommodate the vehicular traffic reasonably to be expected or sufficient safe parking in public rights-of-way or other public areas, as approved and limited by the city manager;
- (10) Is not designed and is not reasonably likely to imminently cause or occasion violence, unlawful activity, or civil disorder.

**Sec. 110-51. Conditions for granting permit.**

In granting any such permit, the city manager or his/her designee shall specifically limit the permit as to date and time, location, and the extent of the activity permitted. In addition, the city manager or his/her designee may attach conditions to the validity of any permit issued hereunder if the conditions are, in the opinion of the city manager or his/her designee, reasonably necessary for the activity to meet the criteria specified in section 110-50. Such conditions may include, but are not limited to:

- (1) A change in size or extent of the proposed activity or of the date, time, or location from that requested;
- (2) The barricading of street intersections or driveways and the provision of identified monitors at such barricades;
- (3) The posting of bond, cash deposit, or other security, to cover any damage to public property and the cost to the city of removing any temporary structures not removed by the applicant and of any cleaning of public property caused by the conduct of the activity;
- (4) Limitations on the size, number, and location of all signs;
- (5) Requirements reasonably necessary to ensure that the activity will not create excessive noise or be conducted in an unsafe, unsanitary, or unsightly manner; or
- (6) Limitations on the advertising of such activity as reasonably necessary to advise spectators and participants of the extent of the permitted activity and the conditions imposed thereon and to limit the involved spectators and participants to a safe and manageable number.

**Sec. 110-52. Permits for multiple events.**

The city manager may, if sufficient information is provided by an applicant, issue one permit to cover more than one such activity in a calendar year, subject to the limitation of six special events for any one site or location, as provided in section 110-55, unless a greater number is approved by the city council.

**Sec. 110-53. Revocation of permits.**

Once a permit has been issued pursuant to this section, it may be revoked by the city manager or his/her designee for violation of the terms and conditions thereof, or when reasonably necessary to prevent violence, unlawful activity, civil disorder or danger or health hazard to any person, based on events or information, including hurricane warnings, brought to the attention of the city manager or his/her designee after the permit was issued.

**Sec. 110-54. Violations; compliance.**

Persons conducting any activity in violation of this chapter shall either conform to the requirements of this chapter or cease such activity after being ordered to do so by any police officer. Failure to cease or comply following such an order shall also be a violation of this chapter. Noncompliance with the conditions of an authorized special events permit or this chapter may be grounds for denial of future permit applications and revocation of existing approved permits.

**Sec. 110-55. Appeals.**

Any applicant for a permit under this chapter may appeal to the city council any decision of the city manager or his/her designee denying a permit, granting a permit with conditions, or revoking a permit. Such an appeal shall be heard by the city council at a regularly scheduled meeting following receipt by the city manager of the request for such an appeal in writing, from the applicant.

**Sec. 110-56. Local Business Tax Receipt or Ordinance violations.**

No permit shall be issued pursuant to this chapter until after payment, by the applicant, of any required Local Business Tax and issuance of a Sanibel Local Business Tax Receipt; nor shall any such permit be issued for any activity on property on which there exists any continuing violation of any city ordinance, as found by the city's code enforcement hearing examiner, or court of competent jurisdiction.

**Sec. 110-57. Limit on permits.**

Unless approved by the city council, no more than six permits and one Holiday Sidewalk Sales Special Event Permit shall be issued pursuant to this chapter during any calendar year for special events on the same site or location. The city council may approve additional special events on the same site or location if the granting of such additional events does not undermine or conflict with other city rules or policies.

**Sec. 110-58. Holiday Sidewalk Sales Special Event Permit.**

The City Manager may issue a Holiday Sidewalk Sales Special Event Permit, annually, to a licensed City of Sanibel Business Owner authorized to conduct commercial retail sales at their Sanibel business address if located within the City of Sanibel Commercial District. Application for a Holiday Sidewalk Sales Special Event Permit must be submitted to the City Manager's Office no later than 7 days prior to the first holiday for which application is made, accompanied by a \$50 non-refundable application fee. The issuance of a Holiday Sidewalk Sales Special Event Permit by the City Manager shall authorize the business applicant to conduct Holiday Sidewalk Sales (not to exceed 37 calendar days) on the following holidays:

- Martin Luther King, Jr. Day Weekend (3<sup>rd</sup> Monday of January & 2 days prior)
- February 14 - Valentine's Day (2 days prior to and the day of)
- February 20 - President's Day (1 day prior, day of, and 1 day after)
- March 17 - St. Patrick's Day (1 day prior, day of, and 1 day after)
- Easter Weekend (Friday, Saturday and Sunday)
- Memorial Day Weekend (Saturday, Sunday and Monday)
- July 4<sup>th</sup> Independence Day (1 day prior, day of, and 1 day after)
- Labor Day Weekend (Saturday, Sunday and Monday)
- Columbus Day Weekend (2<sup>nd</sup> Monday of October & 2 days prior)
- Thanksgiving Holiday (Friday, Saturday and Sunday)
- Christmas Holiday (Weekend prior to and the week of December 25<sup>th</sup>)

The City Manager or his/her designee may revoke the Holiday Sidewalk Sales Special Event Permit for violation of the terms and conditions, non-compliance with rules, local ordinances or for conducting sales outside of the above dates. A Holiday Sidewalk Sales

Special Permit does not authorize temporary structures other than those structures used to display merchandise such as sales racks and/or tables.

Secs. 110-59--110-80. Reserved.

### **ARTICLE III. REGULATIONS**

#### **Sec. 110-81. Duration of special event.**

Any special event shall be limited to a maximum of three consecutive days', unless a longer period of time is expressly authorized by city council. Consecutive three-day permits may be issued for one event, so long as the number of permits issued for a single site does not conflict with the provisions of this chapter.

#### **Sec. 110-82. Associated signs.**

Any sign which is used in conjunction with a special event must be in compliance with the sign standards of chapter 106. In approving the size, location, and type of sign in conjunction with a permitted special event, the city manager shall consider the size of the event, the extent of public benefit therefrom, the character of the location, aesthetic factors, traffic safety concerns, and the type and number of permitted signs nearby. Such approvals shall comply with the following specific limitations:

- (1) The city manager shall not authorize any sign specifically prohibited by chapter 106.
- (2) The city manager may permit temporary on-site signage associated with a special event for the days of the event only.
- (3) The city manager may permit temporary off-site directional signage associated with a special event permit issued to a non-profit organization for the days of the event only.

#### **Sec. 110-83. Payment for city services.**

If any city services are necessary for the conduct of a special event, such as police officers to direct or reroute traffic (over the number of officers who would normally be on duty and available in the area), the city manager or his/her designee may require the payment by the applicant of the actual cost for such services.

#### **Sec. 110-84. Fees.**

The City Council shall, by Resolution, adopt a schedule of fees, including all applicable application and service fees relating to Special Events as described in this Chapter. Such fee schedule may be revised from time to time, by City Council Resolution, as deemed necessary by Council. Such Schedule of Fees shall specifically provide for a vendor registration fee for each vendor or exhibitor participating in the Special Event.