
Sec. 9-28. Special events; regulations; enforcement.

- (a) *Purpose and intent.* The purpose of this article is to regulate special events and temporary outdoor sales to ensure public health, safety and welfare. However, nothing in this article shall be construed to prevent members of the public from assembling in the parks and other public forums for the purpose of making any speech or conveying any message to the public without obtaining a special event permit.
- (b) *Special event definition.* Special event shall mean any meeting, activity, parade or gathering of a group of persons, animals or vehicles or combination thereof, having a common purpose on any publicly or privately owned property, sidewalk, alley, park, right-of-way, lake or publicly or privately owned place or building, which activity substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public place or building so as to preempt normal public or private use of space or which deviates from the established, legally permitted use of a space or building.
 - (1) A special event shall include but not be limited to a festival, concert, parade, walk, race, fund raising sale and similar gatherings, grand opening promotions and other similar events not specifically permitted by the land development code.
 - (2) The following shall not be considered special events and shall not require a special event permit:
 - a. Usage of the City park pavilions or other city facilities through an executed agreement with the City;
 - b. Activities located on public schools which are contained within the school site and will not require assistance from the City of Cooper City;
 - c. Events that are confined to an area within the footprint of a building, including roof overhang, provided all sales occur inside the building.
 - d. Events on a single-family lot.
 - e. City events.
 - f. Spontaneous assemblies.
 - g. Outdoor sales of Christmas trees for purposes of this section.
 - (3) *Permit required.* No person, firm, group, corporation or institution shall participate in, advertise for or in any way promote, organize, control, manage, solicit, or induce participation in a special event, unless a special event permit with the associated filing fee has first been obtained from the City as provided herein. No person, firm, group, or corporation shall violate any terms of a special event permit issued under this article, nor in any manner interfere with the progress or orderly conduct of a special event. Spontaneous public assembling in the parks and other public forums for the purpose of making any speech or conveying any message do not require special event permits.
 - (4) *Permit filing deadline.* Any person, firm, group, corporation or institution seeking to conduct a special event in the City shall file a complete application for a special event permit with the City Manager's designee, on forms provided by the City, on or before 60 days prior to the event to allow sufficient time for the review process, unless a lesser period is approved and found to be sufficient for city review by the City Manager.
 - (5) *Permit review process.* All special event permits are subject to review by the City's Growth Management, Building, Police and Fire Departments.
 - (6) *Filing fee.* All special event permits are subject to a filing fee of \$100.00, which may be amended from time to time by Commission resolution. Such fees are in addition to fees required by fire safety

inspections as authorized in the Fire Department fee schedule and the Building Department fee schedule.

- (c) *Permit requirements.* The applicant shall provide all information solicited on the special event permit application form as follows, unless waived by the City Manager's designee, upon finding that such information is not applicable.
 - (1) *Authority.* Notarized evidence that the property owner/legal representative authorizes the use of the site for the special event reflected on the special event permit application.
 - (2) *Sketch site plan.* A detailed plan for the event, including, but not limited to, property boundaries; road access; location of trash receptacles, sanitary facilities, tents or other structures; location of activity areas; location of parking; location of temporary dwellings, offices, and equipment; and proposed setbacks of activities, fences, tents, booths, etc. from adjacent properties.
 - (3) *Statement of use.* A detailed statement of use, including, but not limited to, sponsor(s), vendor(s), band(s) and/or other musical operations, planned activities, duration of event, hours of operation, anticipated attendance, temporary lighting to be provided on-site, security, utilities, and use of generators.
 - (4) *Food service.* If food service will be available at the event, the applicant shall provide a complete list of food service vendors, their respective Broward County mobile business tax receipt permit if applicable, Florida State health certificates, and a list of the type of food service proposed. A parking plan for any food trucks shall be provided and a fire watch may be required.
 - (5) *Food trucks.* All food trucks that operate in the City shall provide a copy of the current license issued by the Florida Department of Business and Professional Regulation (DBPR) and identify the associated food commissary for any food truck that is not self-sufficient.
 - a. All events at which food trucks are present shall require special event approval, except as listed in subsection c. below.
 - b. There shall be a maximum of three food trucks at any special event, except at city events.
 - c. Food trucks at city events shall comply with the permit requirements as provided in subparagraph (c) above; however, food trucks at city events are exempt from the above requirements of subsections (c)(1) Authority and (c)(2) Sketch site plan.
 - (6) *Alcohol.* Applicants may, as permitted by the City, provide alcoholic beverages provided that a copy of the permit issued from the Florida Department of Alcoholic Beverages and Tobacco is attached to the special event permit application.
 - (7) *Insurance.* The permit applicant shall agree to maintain and submit with their special event application a certificate of insurance with the minimum limits of liability not less than \$300,000.00 per occurrence and \$600,000.00 general aggregate, with the City to be identified as an additional insured. The city's risk manager may amend insurance requirements for applicants whose events have been previously well managed and successfully operated or for similar events that have been successfully operated.
 - (8) *Bond.* A refundable security bond, or similar financial pledge acceptable to the City, in the amount of \$250.00, may be required, at the discretion of the City Manager's designee, to ensure that any damage is repaired and the premises returned to its previous condition prior to the event within 24 hours of the event.
 - (9) *Indemnification.* The applicant shall submit an indemnification agreement, as approved by the City Attorney, including any and all such claims, suits, actions, damages, or causes of action arising as a result of the special event, or of the condition of the premises on which the special event is held including any personal injury or loss of life, or damage to or loss of property, and from and against any

order, judgments, or decrees which may be entered, and from and against any costs, attorneys' fees, expenses and liabilities incurred in and about the defense or settlement of any claims, and the investigation thereof.

(10) *Other materials.* Other materials and documentation as may be required by the City Manager's designee.

(d) *Standards, guidelines and review criteria.* The standards and guidelines to be applied in considering the special event permit are as follows:

- (1) *Location.* All special events on nonresidential or common residential (i.e., clubhouses, Home Owner Association-owned) properties must obtain a special event permit.
- (2) *Duration.* A special event shall not exceed three consecutive days unless approved by the City Commission. Special events shall close by 11:00 p.m., unless approved by resolution of the City Commission. New Year's Eve events shall close by 1:00 a.m. on New Year's Day.
- (3) *Maximum Number per year.*
 - a. A total of not more than eight special events may be held each calendar year at any one location, unless otherwise approved by resolution of the City Commission for good cause and for the public interest of the City. Such period shall run from January 1 to December 31 of each year. Commercial centers, office plazas, light industrial areas or non-commercial free-standing buildings with adjacent parking provisions whose primary function is as a religious institution, school or similar institutional activity shall be considered one location.
 - b. No events which are subject to the eight event limit described in a. above shall occur consecutively, except for those with City Commission approval, and if approved shall require a separate permit and fee for each event.
 - c. Private residential community exemption. This eight special events per year limit shall not apply to special events held within private residential communities served by a guard gate restricting access to the private roads. For purposes of this exemption, roads within community development districts served by a guard gate shall be included within this exemption.
- (4) *Access.* All efforts shall be made by the applicant to provide vehicular access from a collector or arterial roadway and maintenance of traffic (MOT) permit may be required.
- (5) *Parking.* Adjacent property, owned by other than the applicant, may be used for parking provided a notarized letter of permission from the property owner is provided.
- (6) *Building permits.* Building permits shall be required for temporary structures, tents and canopies larger than 10 x 12, electrical wiring, and other items pursuant to the Florida Building Code. Fees for building permit review and inspection shall not be waived for special events.
- (7) *Local business tax receipt.* All tenants and owners must have a current local business tax receipt on file with the City.
- (8) *Traffic control.* Use of police officers or acceptable alternatives to direct and control traffic may be required.
- (9) *Sanitation.* Plans for sanitation including temporary bathroom facilities, inspection of food facilities, drainage, garbage and litter control, and recycling shall be approved by the City Manager's designee.

(e) *Denial of special event permit.* A special event permit is a special privilege granted by the City and may be denied for reasons such as, but not limited to, the following:

- (1) The application is not complete in all material respects. The City Manager's designee may allow for any additional materials to be submitted within seven days of notification;

- (2) All of the conditions set forth in this article and all contractual requirements imposed by the City, if any, have not been met;
- (3) The special event will interfere with or unduly burden municipal services including, but not limited to, police, fire, and emergency medical protection, water and sanitary sewer service and solid waste removal;
- (4) The permit filing fee has not been paid;
- (5) If a violation has occurred at an event permitted by the City, the City Manager's designee may deny permits to the operator for future temporary events for a period of no more than 18 months, or may impose additional conditions upon the special event permit holder/permit applicant to ensure compliance with this article; or
- (6) Any other valid reason including, but not limited to, noise, traffic, harm to the health, safety or public welfare, as so determined by the City Manager's designee.

(f) *Conditions for granting a special event permit.* All special event permit applications approved pursuant to this article shall be subject to the following conditions which shall be imposed upon the applicant:

- (1) The public areas utilized shall be cleaned within 24 hours following any special event, and in all respects restored to its former condition unless otherwise specified.
- (2) All city ordinances, rules or regulations applicable to the special event shall be observed unless indicated in the permit issued by the City for the public interest of the City.
- (3) The special event permit may be revoked by the City upon violation of any conditions listed in the permit any time after issuance of the permit and prior to or during the special event.
- (4) The special event permit may be revoked by the City if the permit applicant or permit holder receives a non-renewal or cancellation notice from an insurance company affording coverage.

(g) *Public right-of-way closures.* A maintenance of traffic (MOT) permit may be required for closure, temporary blocking off, fencing, or in any way appropriating any publicly dedicated street, sidewalk, or alley within the City for a special event.

(h) *Special event contract and city service fees.* The city may require, as a condition of a special event permit, that the applicant enter into a contract with the City relative to the duties and responsibilities of the permit holder. By such contract, the City shall require that the applicant pay to the City the municipal costs in providing services in support of or resulting from the special event. The city may require that the applicant pay to the City a user fee for the use of public property.

(i) *Police and fire services.*

- (1) *Police services.* The Police Department shall review the special event permit application and assess the need for police services. If police services are required, the permit applicant will be informed of such and will take the responsibility for contacting the Police Department directly. The permit applicant is responsible for the cost of these services. The Police Chief or his/her designee is the final authority on the need for police service, including the number of officers and any other employees required and the hours assigned necessary to safeguard the special event.
- (2) *Fire rescue services/emergency medical services.* The fire rescue department shall review the special event permit application and assess the need for fire rescue services, fire watch and/or emergency medical services. If such services are required, the permit applicant will be informed of such and will take responsibility for contacting the fire rescue department directly. The permit applicant is responsible for the cost of such services. The Fire Chief or his/her designee is the final authority on the need for fire rescue and/or emergency medical services necessary to safeguard the special event.

- (j) *Appeal of special event permit application.* The special event permit applicant may appeal, by written request, the denial or revocation of a special event permit to the City Manager within five calendar days of the City Manager's designee's decision. The written request shall specifically state what portion of the denial is being appealed. The City Manager shall have five business days to make a decision on the appeal and to notify the applicant. The city shall reserve the right to charge a nonrefundable filing fee to offset all, or a portion of, the costs involved in handling the appeal. The City Manager's decision shall be the final decision of the City.
- (k) *Applicability of other regulations.* Nothing contained herein shall be construed as a waiver of any regulations or provisions of the Florida Building Code, the National Fire Protection Association Code, and the Florida Fire Prevention Code, as same may be amended from time to time, and all of the provisions of such regulations shall be enforced by the City.
- (l) *Enforcement and penalty.*
 - (1) If any person, entity or association is found in violation of any of the provisions of this section or any other applicable regulations, the Police Department designee, the building department designee, and/or fire department designee shall have the authority to order the special event closed and operations to cease.
 - (2) If a citation issued for violation of this section shall be paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$50.00. After the issuance of a notice to appear or municipal information the penalties provided in section 1-8 of this Code shall be applicable.
 - (3) At the discretion of the City, any person who violates any provision of this section shall also be subject to concurrent enforcement under the Local Government Code Enforcement Act, F.S. Ch. 162, as amended, and Article VI of Chapter 13 of the City Code as amended.

(Ord. No. 17-9-2, § 2, 9-26-17; Ord. No. 19-2-1, § 2, 3-19-19; Ord. No. 20-1-2, § 2, 2-11-20)