



HOME OF PELICAN ISLAND
BUILDING DEPARTMENT
FIRE PREVENTION OFFICE

1225 MAIN STREET • SEBASTIAN, FLORIDA 32958
TELEPHONE: (772) 589-5537 FAX (772) 589-2566

PERMIT TECH. _____
PERMIT NO. _____

SPECIAL EVENT / TEMPORARY USE PERMIT APPLICATION

Application date _____

Name of event: _____

Organization holding event: _____

Address location for event: _____

(if not owner of site, provide written consent from property owner)

Date(s) of event: _____ Time(s) of Event: from: _____ to: _____

Contact person(s): _____ Phone(s): _____

Contact e-mail address: _____

Date when ready for inspection: _____ Time: _____

- ❖ APPLICATION SHALL BE ACCOMPANIED BY A NEATLY DRAWN, LEGIBLE SKETCH SHOWING SITE LOCATION, SIZES OF ALL TENTS, LOCATION OF VENDORS, COOKING AREAS, GENERATORS, STRUCTURES OR STAGES, AND TEMPORARY SANITARY FACILITIES. RESPONSIBLE PARTY FOR THE EVENT SHALL CAREFULLY READ AND INITIAL EACH BOX OF THE ATTACHED VENDORS SAFETY CHECKLIST AND SIGN AT THE BOTTOM.
- ❖ **NOTE:** ADDITIONAL FEES MAY APPLY IF EVENT REQUIRES AN EXCLUSIVE OR NON-EXCLUSIVE FIRE UNIT FROM INDIAN RIVER COUNTY FIRE BUREAU. APPLICATIONS ARE AVAILABLE AT INDIAN RIVER COUNTY FIRE BUREAU WEBSITE
- ❖ ANY TENTS LARGER THAN 12X12 WILL REQUIRE A CERTIFICATE OF FLAME RESISTANCE

SPECIAL EVENT COOKING QUESTIONNAIRE

1. Location of cooking shown on attached sketch? YES ____ N/A ____
2. Is any cooking taking place under a tent? If yes, Explain: _____

(No deep frying permitted under a tent)
3. Describe Number, type and size of cookers _____

4. Type(s) of heating source? (LP, Electric, Charcoal, etc.) _____

SPECIAL EVENT SITE INFORMATION

1. Number of On-Site parking stalls utilized (provide a parking plan) _____
2. Is Off-Site or overflow parking available? Explain (provide agreements with property owners) _____

3. Number, type and location of proposed restroom facilities: _____
4. Number and Type of temporary structure(s): _____ Size(s): _____
5. Temporary electric power? Please check: Yes _____ No _____
 Provided By: Portable Generator _____ Other _____
- If Other, please describe: _____
6. Providing crowd control, security, or parking assistance? Yes _____ No _____
- If yes, please describe: _____
7. Estimated attendance at peak time: _____

Only items that in accordance with applicable Florida Statutes and City Ordinances will be permitted to be sold in the City of Sebastian. FIREWORKS ARE PROHIBITED FOR RETAIL SALE IN THE CITY OF SEBASTIAN. SPARKLERS AS DEFINED IN F.S. 791 MAY BE PERMITTED FOR RETAIL SALE PROVIDED A SPECIAL EVENT PERMIT HAS BEEN ISSUED BY THE CITY OF SEBASTIAN. Any vendor found in non-compliance with the Florida Fire Prevention Code and any associated NFPA may not be able to open and/or operate until the vendor corrects the code violation(s).

I HAVE READ AND UNDERSTAND THE FORGOING SPECIAL EVENT REQUIREMENTS AND VENDORS SAFETY CHECKLIST

APPLICANT'S SIGNATURE: _____ PRINTED NAME: _____

Approved: _____ Denied: _____ By: _____ Date: _____
 City Manager's Signature

Approved: _____ Denied: _____ By: _____ Date: _____
 Fire Marshal's Signature

Fire Safety Specialty Fees

Small Special Event:	
One Day / < 25 sites / No cooking or temp. electric / Max tent size 12x12	NO FEE
Reoccurring Special Event:	
Non-consecutive but reoccurring one day Special Event	\$60.00 (per event depending on # of inspections)
One Day / < 25 sites / May include cooking or temp. electric / Max tent size 12x12	
Good for 120 days / Up to 6 per year (may be extended with proper notice)	
Large Special Event:	
All other Special Events	\$60.00 (per event)

** ADDITIONAL FEES MAY APPLY FOR AN EXCLUSIVE OR NON-EXCLUSIVE FIRE UNIT THROUGH IRC FIRE RESCUE **

Community Development Fees for Events Held on Privately-Owned Property

Event	\$200.00	Plus \$25 for each reoccurring event
Applications received < 21 days before event; additional	\$100.00	Penalty for expedited review
Cash Bond for damages	\$200.00	If applicant is not the property owner



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VENDORS CHECKLIST

SPECIAL EVENT VENDOR REQUIREMENTS

General: **Please read carefully / initial each section and sign at the bottom.** All vendors shall be responsible for the following items:

SPECIAL EVENT NAME: _____

VENDOR NAME: _____

DATE(S) OF EVENT: _____

VENDOR CONTACT: _____

EVENT COORDINATOR: _____

enclosure unless prior approval from the Fire Prevention Office is obtained.

SPECIAL EVENT PERMIT NO. _____

TENTS: All tents shall have some type of **Flame Retardant or Resistant Certificate (TAG or PAPERWORK)** on-site and submitted to the Fire Prevention Office prior to the event. Shade canopies smaller than 12x12 without sides may be approved for use on a case by case basis. Canopies must be spaced a minimum of 4 ft. apart. No smoking allowed in any tent.

STORAGE: Use or handling of flammable liquids or gases shall be prohibited at the site unless specifically approved and inspected by the Fire Prevention Office.

COOKING TENTS: Tents are allowed to have cooking **(APPROVED APPLIANCES)** along the outer edges of the tent. LP gas tanks must be secured in place (max cap 20lbs.) Fire Extinguisher must be readily available. Any LP tanks larger than 20 lbs. shall be secured 10 ft. from tents with gas lines secured. All cooking vendors shall have a 10ft. separation from all other non-cooking vendors. **NO DEEP FRYING UNDER TENTS.**

FLOOR/DECOR: No hay, straw, shavings or similar materials shall be permitted to be used within any structure, tent or canopy. Exceptions: Pre-approved flame retardant treated materials or livestock bedding/fodder.

FIRE EXTINGUISHERS: It is recommended that every vendor have an extinguisher. At least one currently certified and tagged, or within one year of manufacture date, extinguisher is required every 75 ft along event walkways. All vendors who are cooking and/or using generators are required to have at least one **5lb ABC currently certified and tagged, or within one year of manufacture date, (2A10BC) extinguisher.** All vendors who are deep fat frying are required to have at least one currently tagged **Class K extinguisher.**

GENERATORS: Generators shall be on level ground, secured, and safely arranged and isolated from the occupants/general public. Exhaust shall be directed away from combustible material(s), people and/or animals. Spare fuel shall be stored in an approved container at a safe distance from the generator. **NO HOT FUELING.** Fire extinguisher required.

SEATING: Seating and chair arrangements shall be approved by the Fire Prevention Office prior to the event and have a minimum of 3ft. wide walkways to all exits in the tent. Tents with an occupant load of over 49 require a minimum of 2 exits.

ELECTRIC: wiring and lighting shall be free of damage. All electrical equipment shall be isolated from the occupants/general public in a safe manner. All electrical connections and devices shall be in approved enclosures.

LARGE TENTS: For tents, 20x20 or larger where enclosures are used (sides), exits shall have exit signage. If a tent is used at night, exit signs will have attached emergency lighting and be AC and DC powered. 20x20 or larger tents must have NO SMOKING signs.

COOKING: All food cooking concession trucks, trailers, and structures of rigid construction are required to have a currently tagged commercial ventilation and extinguishment/suppression systems if required per the FFPC and NFPA 96.

Code References: Florida Fire Prevention Code (FFPC), NFPA 1, NFPA 96, NFPA 70, NFPA 101, & NFPA 102.

Any vendor(s) found not complying with any of the checklist items may not be allowed to open and/or operate until compliance is made.

I have read and understand the above vendor requirements for this Special Event

OPEN FLAMES: Any unauthorized open flames, fireworks or fuel-fired lighting or devices are prohibited in any tent or similar

X _____
 Responsible Party in Charge of Special Event

Sec. 54-2-3.2. Procedures and criteria for review of temporary uses.

A temporary use shall be allowed for transient merchants and special events as defined in section 54-5-22.2, and held on privately-owned property upon issuance of a temporary use permit by the city manager or his designee, based upon compliance with all applicable regulations of this chapter and other city regulations.

- (a) Illustrative enumeration. The following examples are intended to illustrate the types of temporary uses and special events held on privately-owned property that require the issuance of a temporary use permit; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:
- Outdoor special events and sales, including sidewalk and parking lot sales
 - Grand opening celebrations—*Only one per business*
 - Business milestone celebrations
 - Temporary parking lot sales
 - Consignment or vendor sales
 - Outdoor concerts, festivals and fairs, fundraisers, and events that include animals
 - Seasonal merchandise sales such as fireworks, Christmas tree lots, and pumpkin patches
 - Outdoor religious or ceremonial occasions
 - Transient services provided from a mobile vehicle, i.e. medical services or pet vaccinations, excluding mobile services provided by a non-profit organization
 - Races, fishing tournaments or other competitive events
- (b) A temporary use permit will be issued provided that all requirements and standards are met:
- (1) Maximum of six events per calendar year per host site. Permit applications may apply for one cumulative temporary use permit covering all similar events being held throughout a specific time period. However, the same limits on the number, type and duration of these events still apply.
 - (2) Only temporary structures may be erected and utilized for the operation. All facilities used shall be self-contained and mobile or portable. No mobile homes or trailers that exceed 300 square feet in area may be utilized. Use of tents and canopies may be allowed. Shade canopies without sides smaller than 12 feet by 12 feet are approved for use. Larger tents or canopies must have a current flame retardant or resistant certificate (tag or paperwork). Cooking under temporary structures is prohibited unless approved by the city's fire marshal. The location and size of all tents and canopies must be approved by the fire marshal. Further, all tents and canopies should be located a minimum of four feet apart. All temporary facilities designed to be occupied by the public must be inspected by the fire marshal after installation, and prior to occupancy.
 - (3) No utility connection shall be permitted except for temporary electrical power which must be approved by the building department.
 - (4) The applicant must be the owner of the event location or provide written authorization from the property owner. Within seven days after a temporary use permit expiration, all items related to the operation or event shall be removed from the site.
 - (5) Holders of temporary use permits for an activity shall not be required to obtain a business tax receipt for that activity provided that no permanent modifications are made to the site to

accommodate re-occurring events. Permanent modifications will require a site plan application and business tax receipt.

- (6) No temporary use shall operate within a public right-of-way. Events requesting road closures will require a certified Maintenance Of Traffic (MOT) plan and approval by city council. No operation within an easement shall be permitted unless specifically allowed by all parties having interest in such easement.
- (7) Location of event shall be on an improved lot within a non-residential or public service district.
- (8) A maximum of 30% of the required on-site parking stalls of the host site may be utilized by the temporary use. This percentage may be increased based on satisfactory documentation indicating additional parking and/or transportation needs have been provided for the total impact of the proposed event.
- (9) Mobile food establishments, as accessory to the temporary use, must have a current state license from the appropriate regulatory agency displayed and be in compliance with all fire safety and health department regulations. In addition, alcohol sales accessory to the temporary use are prohibited unless the host site holds a current alcohol license.
- (10) Temporary toilet facilities may be required by the applicant depending on location and size of the event. Amount will be determined by the building official based on estimation of attendance of the event.
- (11) Applicant must provide, at his own expense, additional and/or special crowd control and security if determined necessary by the police chief based on the size of the event.
- (12) [Reserved.]
- (13) Prior to city manager review, approval must be obtained from the police chief, building director, and fire marshal. Approval or denial shall be based on items (1) through (11) above and consideration shall be reviewed on the total magnitude of impact that may be detrimental to the health, safety and general welfare of the community.

(Ord. No. O-14-06, § 1, 1-14-2015; Ord. No. O-15-03, § 1, 3-11-2015; Ord. No. O-21-03, § 3, 5-12-2021)

Sec. 54-2-3.3. Time limits.

- (a) Transient merchants of any seasonal sales merchandise such as Christmas tree and firework sales or other similar use shall be in operation not more than 45 consecutive days per sale on any given site.
- (b) Transient merchants of any non-seasonal sales merchandise shall be in operation not more than ten consecutive days per sale on any given site.
- (c) Special events shall be in operation not more than seven consecutive days per event on any given site.

(Ord. No. O-14-06, § 1, 1-14-2015; Ord. No. O-15-03, § 1, 3-11-2015; Ord. No. O-21-03, § 3, 5-12-2021)

Sec. 54-2-3.4. Application.

- (a) Temporary use permits shall be obtained by furnishing a completed application for such permit to the community development department and fire marshal. The following information as applicable shall be provided:
 - (1) Application to be made by the owner or lessee of the host site.

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- (2) Location of site and the specific location for the requested use.
 - (3) Beginning and ending dates of the event.
 - (4) Hours of operation of the event.
 - (5) Name of individual in charge of the event.
 - (6) After hours emergency phone number for person responsible for event.
 - (7) A drawing showing dimensions of the site or an existing site plan for the host site including location and dimensions of all existing driveways, entrances, exits, and parking spaces.
 - (8) A drawing depicting location and dimensions of all temporary pavilions, displays areas, sanitary facilities, and concessions for the temporary use.
 - (9) Indicate how parking and traffic flow will be directed on to and within the event site.
 - (10) Estimation of maximum peak hour attendance of the event to determine sanitary needs, parking and traffic impact.
 - (11) If existing parking spaces of a permanent use (such as a shopping plaza) are to be utilized by patrons and employees of the temporary use event during normal operating hours, calculations shall be submitted demonstrating that the event will not utilize more than 30% of the required parking stalls of the existing host site. If usage does exceed 30%, documentation indicating additional parking and/or transportation arrangements must be provided for the total impact of the proposed event, along with submittal of a parking use agreement signed by the other tenants allowing for the temporary use of the shared parking for the specified event.

If the event is being held during non-operating hours for the host site, the 30% restriction may be lifted upon demonstration that there will still be sufficient parking available for patrons of the temporary event.

- (12) All temporary use permit applications must be accompanied by a site plan for the proposed use. This plan shall be drawn in a legible manner and to an accurate scale. The plan must include the location of adjacent streets, relevant buildings or structures, parking, and other details which may be necessary to evaluate the proposed request. The plan shall also clearly indicate the location of equipment, materials or structure to be used in association with the temporary use. Failure to submit a site plan may result in time delays or denial of the application.
 - (13) All applications must be made on the form prescribed by the city and submitted no later than 21 days prior to the scheduled event. Fees for temporary uses shall be established by resolution of the city council. Applicants may include multiple similar events on one application. Applications submitted less than 21 days before the scheduled event will be assessed a fee as established in the resolution to be used for expedited processing. Fees may not be waived for any application. Requests for special causes or circumstances may be presented to the city manager for consideration.
- (b) A copy of the application and all supporting documents will be forwarded to the police chief, building official, and fire marshal for review and comments. All comments and recommendations will then be attached to the application and forwarded to the city manager or his designee for approval or denial.
 - (c) The application, with all the supporting documents, will be reviewed by the city manager, or his designee. If denied, applicant will be notified, along with the reasons for denial. The police department and the fire marshal will be notified on all approved requests for temporary use permits.
 - (d) Any decision of the city manager, or the city manager's designee, may be appealed to the city council. Any appeal shall be filed within five days of the decision, and shall be presented to the city council at its next available meeting.

(Ord. No. O-14-06, § 1, 1-14-2015; Ord. No. O-15-03, § 1, 3-11-2015; Ord. No. O-21-03, § 3, 5-12-2021)

Sec. 54-2-3.5. Signs.

- (a) All signs being utilized on site must conform to the city sign regulations as outlined in the land development code and must be removed upon expiration of the temporary use permit or upon vacation of the site.
- (b) Signs used in conjunction with approved activities or special events for which a temporary use permit has been obtained shall not be calculated against the three banner signs permitted per site per year.

(Ord. No. O-15-03, § 1, 3-11-2015)

Sec. 54-2-3.6. Procedures and criteria for mobile food establishments.

- (a) *Classifications.* Mobile food establishments involving the use of a mobile food dispensing vehicle shall be classified as follows:
 - (1) *Class I—Mobile kitchens.* In addition to the vending of products allowed for Class II and Class III, these vehicles may cook, prepare and assemble food items in the unit and serve a full menu.
 - (2) *Class II—Canteen trucks.* These vehicles vend fruits, vegetables, hot dogs, precooked foods, pre-packaged foods and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed.
 - (3) *Class III—Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based products and pre-packaged beverages.
- (b) *Specific requirements.* Mobile food establishments conducting business in conjunction with a city-sanctioned event or activity, or events held on city-owned public property shall comply with all standards and requirements as established by the event coordinator and/or the city's leisure services department, in addition to any applicable state regulatory agency's regulations. All other mobile food establishments, except those as a part of an approved temporary use permit on privately-owned property as regulated in section 54-2-3.2, shall comply with the following requirements:
 - (1) Class I vehicles may operate in commercial, industrial, and public service zoning districts only. Class II and Class III vehicles may operate in any zoning district provided that they are not stationary for periods exceeding 60 minutes in any residential zoning district or any construction site, and must not constitute a hazard to vehicular or pedestrian traffic.
 - (2) Class I mobile food establishments shall have the written consent of the owner(s) of the property on which it is located. Such written permission shall be available upon request by the representative of any regulating agency.
 - (3) Any person engaged in selling, preparing, or dispensing food from a mobile food dispensing vehicle shall obtain the appropriate approvals and licenses from the State of Florida Department of Business and Professional Regulations, (DBPR), Florida Department of Health, and/or the Florida Department of Agriculture and Consumer Services before operating, and be able and willing to provide copies of all approvals and licenses upon request.
 - (4) Mobile food establishments are not required to obtain any local licenses, registrations, permits or pay any operating fees. However, the business entity or owner operating the mobile food establishment(s) may need to obtain a local business tax receipt from the jurisdictional authority applicable to where the base of operations is located.

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- (5) The mobile food establishment shall make the dispensing vehicle available for routine inspections by the City of Sebastian Fire Marshal, Building Inspector, or Code Enforcement Officer at any time requested and at any frequency deemed appropriate, while at location or in operation, to ensure compliance with all applicable federal, state, and local fire safety statutes, regulations and codes, and local regulations of this section.
 - (6) Mobile food establishments shall comply with all requirements of the most current edition of the Florida Fire Prevention Code (FFPC) and the National Fire Protection Association (NFPA). Upon inspection, if the fire marshal or his designee determines any violations of the FFPC or NFPA exists, the mobile food establishment can be required to cease operations immediately.
 - (7) The selling or distributing of alcoholic beverages from a mobile food establishment must be in accordance with section 10-1 (Sales of liquor near churches and schools restricted) and section 10-2 (Prohibited hours of sale) of the Code of Ordinances. The establishment must also have a valid state license to sell alcoholic beverages, and be able to provide a copy upon request.
- (c) *Prohibitions.* Mobile food establishments operating a mobile food dispensing vehicle are prohibited from the following:
- (1) Serving from a free-standing grill.
 - (2) Operating in a driveway, driveway aisle, loading zone, no parking zone, fire lane, blocking fire hydrants or any other fire protection devices and equipment, or American with Disabilities Act (ADA) accessible parking spaces and/or accessible ramps. Class I establishments are prohibited from operating within a public right-of-way.
 - (3) Operating in a location that impedes on-site circulation of motor vehicles, the ingress or egress of a building, or emergency exits.
 - (4) Operating on unimproved surfaces, at abandoned or vacant business locations, and in any approved landscape buffer or stormwater retention area.
 - (5) Use of sound amplification that meets the criteria of unnecessary and excessive as established in Chapter 67 of the Code of Ordinances.
 - (6) Using balloons, banners, streamers, snipe signs, large flashing lights, flags, scantily clad or costumed work staff, or other similar devices to attract customers.
 - (7) Selling or dispensing food to customers in a moving vehicle or otherwise engaging in drive-up sales.
- (d) *Operating requirements.*
- (1) Mobile food dispensing vehicles shall be self-contained when operating, and provide their own required trash and/or recycling receptacles, and receptacles for public use. Mobile food establishments shall remove all waste and trash at the end of each day of operation, and prior to vacating their location, and fully comply with F.A.C. Rule 61C-4.0161.
 - (2) Under no circumstances shall grease or any waste materials be released into any stormwater system, tree landscaping area, sidewalks, streets, parking lots, or private/public property. Mobile food establishments shall be responsible to properly discard any waste material in accordance with federal, state, county, municipal, or any laws, rules, regulations, orders, or permits.
 - (3) No more than two mobile food establishments shall operate at the same location at any one time, except as may be permitted as part of an approved temporary use permit on privately-owned property as regulated in section 54-2-3.2.
 - (4) Mobile food establishments are permitted on each property a maximum of no more than two days per calendar week.

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- (5) Class I mobile food establishments operating at a site for a duration longer than four hours shall have an agreement which confirms that employees have access to a flushable restroom within 150 feet of the establishment's location during the hours of operation.
 - (6) Mobile food establishments shall not require the use of more than 10% of existing parking spaces. In addition to the location of the mobile food dispensary vehicle, a 10-foot by 10-foot area, covered or uncovered, may be permitted to accommodate seating and tables, if approved by the property owner.
 - (e) *Penalties and other legal remedies.* The city shall pursue any non-compliances and violations of this section or any misdemeanor and lawful civil action or proceeding as deemed necessary in compliance with section 1-10 (General penalty, continuing violations) and section 2-192 (Enforcement methods) of the Code of Ordinances.

(Ord. No. O-21-03, § 2, 5-12-2021)