



BAY COUNTY BOARD OF COUNTY COMMISSIONERS
 OFFICE OF THE COUNTY MANAGER
 840 West 11th Street
 Panama City, Florida 32401
 (850) 248-8140

Application for a Special Events Permit
Under Chapter 5 of the Bay County Code of Ordinances
 (Please type or print clearly)

File No.: _____
 (To be completed by Staff)

Date Received: _____
 (To be completed by Staff)

A) Applicant Information (Owner and/or authorized agent)

Owner's name(s):*	_____	Authorized agent:	_____
Mailing address:	_____ _____	Mailing address:	_____ _____
E-mail:	_____	E-mail:	_____
Telephone:	_____	Telephone:	_____
FAX:	_____	FAX:	_____

Attach a letter from the property owner granting authorization if an agent is submitting the application.

*If more than one applicant and if not a natural person, the names and addresses of all persons controlling or owning greater than five (5) percent interest in the applicant or a parent company of the applicant. If necessary, attach an additional sheet that contains this information.

B) Site Information

Address of proposed Special Event:	_____ _____ _____
Name of Special Event:	_____
Property ID number:	_____
Property size in acres or square feet:	_____

C) Property Uses

Subject property's current use:	
Surrounding property uses North:	
South:	
East:	
West:	

D) Utilities

Source of water:	
Sewage disposal:	

E) Special Events Information

The term "event venue" shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one or more patron gathering spaces, in particular indoor and outdoor spaces, but also other types of spaces with different occupancy limits.

The term "sandy gulf beach" shall mean all loose or uncompacted sandy areas, including sand dunes and vegetated areas, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward most public, vehicular right of way.

The term "special event" shall mean any assembly of persons which also meets one or more of the following six criteria. Each of the first three criteria define a planned event. Each of the last three criteria defines a "pop-up" event.

1. ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law applicable to that space, and (ii) for each other space at the rate of one person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces.

2. VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of 5 persons per vehicle.

3. COUNTY RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of services by the County or by the event producer to a material degree above that which the County routinely provides under ordinary, everyday circumstances. County services include, but are not limited to fire and police protection, crowd control, traffic control, parking

control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities (herein "county services:").

4. ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.

5. ACTUAL VEHICLE CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.

6. COUNTY RESOURCES ACTUALLY REQUIRED (Pop-up Event). The County services required for an unpermitted assembly exceed at any point in time the level of county services typically available from the County for that time and season after taking into consideration the similar, county-type services provided by the person or persons, if any, encouraging the assembly.

All special events are divided into three classes:

- a) A "small event" being an event with an anticipated, maximum attendance at any point in time of 500 persons or less.
- b) A "medium event" being an event with an anticipated, maximum attendance at any point in time of more than five hundred 500 but less than 5,000 persons.
- c) A "large event" being an event with an anticipated, maximum attendance at any point in time exceeding 5,000 persons.

A parade held on a public street or road and lasting no more than two (2) hours is not, without more, a special event.

Any planned event to be held in any part on the sandy gulf beach is presumed to be a special event. This presumption can be rebutted only by the event producer providing clear and convincing evidence that, based upon the nature, location, time and season of the event it is almost certain that the event will not draw a spontaneous crowd in excess one person for every seven (7) square feet of sandy gulf beach controlled by the producer.

Permit required; purpose.

No person or entity shall organize, stage, promote or conduct any special event without holding a valid special event permit granted by the County Manager under this Chapter. The purpose of this law is to ensure that special events do not endanger public health or safety and to permit the County to understand and prepare for known collateral and secondary effects of special events in the community. The permitting process is not intended to control or regulate special events based on their content, the nature or type of speech involved, or any speaker's viewpoint. County hosted or sponsored special events are exempt from the permit requirements of this section.

Suspension of permit; remedy of excesses (Planned events)

1. Each plan included in the special event application, and any conditions imposed by the County Manager shall be continuously implemented during the special event, and any failure to do so shall result in the automatic suspension of the permit and suspension of the event until full implementation is made.

2. Should the actual attendance in the event venue or any gathering space within the event venue and including persons attempting to enter the event, or the actual number of vehicles or the county services actually required at a permitted event exceed for a period of one (1) hour the number or level anticipated by the application and permit, it shall become the duty of all persons owning or able to control the event or the event venue to take reasonable, diligent, and constant measures to reduce the excess until achieved. The failure of any such person to immediately, after notice from County Manager or the County Sheriff or their designees, make a reasonable, diligent and constant effort to reduce the excess shall be a violation of this law punishable by penalties specified in Bay County Code sec. 1-6. The County Sheriff or his designee is authorized to shut down or slowly reduce the event below the applicable criteria threshold as compliance.

3. Conversely, should actual attendance fall below the permit estimates for a sustained period and appear likely to continue at reduced levels, the County Manager or his designee shall be authorized, but not required, to allow the applicant to reduce staffing to the minimums reasonably required.

Spontaneous Unpermitted Assembly (Pop-up events)

The County has found and determined that some special events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media.

1. If an assembly develops into a special event spontaneously (and therefore without a permit) in either a commercial or non-commercial venue, it shall become the duty of all persons or entities owning or able to control the event venue or who is providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances which caused the assembly to become a special event - that is for example but not limited to, reducing occupancy to the permitted capacity of the venue or providing transportation to eliminate off-site parking or vehicular or pedestrian congestion, or to provide the additional county type services needed to regulate event traffic, maintain the peace and protect the public health and safety. The failure of any such person or entity to immediately, after notice from the County Manager or County Sheriff or their designee, make a reasonable, diligent and constant effort to reduce the event below the applicable criteria threshold shall be in violation of this law punishable by Bay County Code Sec. 1-6. The County Sheriff or his designee is authorized to approve actions to shut down or slowly reduce the event below the applicable criteria threshold as compliance

2. Whether a spontaneous assembly has developed into a special event based upon attendance, vehicle congestion or a need for county services (as those services are defined in this Article), or any combination of those three, shall be determined by an objective and reasonable examination of the totality of the circumstances at hand, including but not limited to the following factors:

- a) With respect to attendance and attempted attendance:
 - (i) The size of the venue.
 - (ii) Whether the attendance is ticketed.
 - (iii) Actual attendance at prior, similar events.
 - (iv) The extent of commercial promotion and advertisement of the event, especially promotion outside of Bay County, by traditional or digital means, but excluding spontaneous social media not initiated, encouraged

- or orchestrated by a commercial event producer or any person acting on behalf of the event producer or any person with a financial or other personal interest in the event ("spontaneous social media").
- (v) The extent of spontaneous social media encouraging attendance at the assembly.
 - (vi) Whether the location and configuration of the venue, and the nature and presence (sight and sound) of the event, will be likely to draw attendees or observers from the public at large.
 - (vii) The number in attendance and attempting to attend shall be determined by the County Sheriff or his designee using recognized or previously established law enforcement estimating techniques.
- b) With respect to actual vehicle congestion, the number of vehicles parked shall be counted, and the number attempting to park shall be determined by the County Sheriff or his designee using recognized or previously established law enforcement estimating techniques.
 - c) With respect to county services actually required:
 - (i) Repeated pedestrian trespass.
 - (ii) Repeated vehicular trespass.
 - (iii) Illegal parking.
 - (iv) Traffic congestion.
 - (v) Apparent need for sanitation facilities as evidenced by public urination or other bodily functions.
 - (vi) Repeated and flagrant instances of illegal activity.
 - (vii) Repeated noise ordinance violations after notice, including differing offenders.
 - (viii) Unusual amount of trash being abandoned with no apparent resources available to clean up after event.
 - (ix) Unusual or repeated need for medical assistance.

Application for permit

1. Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public:

- a) 60 calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.
- b) 30 calendar days for a medium event other than at the above times.
- c) 20 calendar days for a small event.

Notwithstanding the forgoing, the County Manager or his designee shall accept a tardy application and if (i) County staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties or, (ii) the event promoter stands willing and able to pay and deposits a sum of money to cover any overtime for County staff to conduct an ordinary review of the application, and staff volunteers such overtime, then the County will use reasonable efforts to process a tardy application in time to allow the event to be held. Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

2. All applications for a permit under this Article must contain:
- a) The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.
 - b) The dates and times of the event.
 - c) A list of the names and addresses of all vendors, independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer goods or services during the special event, including a description of the goods and services offered by each and the name and address of the person who will have on-site responsibility, if different. The names and addresses of such persons shall be used only for the purposes of (i) identifying the source of good or services after the event, if necessary, (ii) contacting such persons or firms as necessary in the normal course of County business. The information may not be used to grant or deny a permit. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely provide such a list will result in termination of the special event permit.
 - d) The names and addresses of all entertainers. This information shall be used for the sole purpose of the County, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) at past performances to raise an objective and reasonable concern that a performance at the event could require planning for and provision of extraordinary county services and precautions due to a special or enhanced danger to public health, safety or welfare, and then, second, to allow the County to contact such entertainers as necessary in the normal course of County business.
 - e) Whether (i) patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii) patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii) alcoholic beverages will be prohibited within the event (herein a "no alcohol event").
 - f) An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time, a statement as to how such attendance was estimated (i.e., such as historical events, ticket sales, etc.), and a plan for: (i) determining the actual number of persons in attendance at the event venue as the event progresses; (ii) keeping the County informed in real time of that number; and (iii) a plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. The name, address, telephone number and a description of any prior experience in estimating attendance at previous events shall be included for all persons participating in the attendance estimation.
 - g) A plan for sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter may be located), water supply and food service. A plan submitted under this section is presumptively a danger to public health and safety if it violates, any rules promulgated by the Department of Health or other executive department pursuant to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws.
 - h) A plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.

- i) A plan for parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue.
- j) A plan for the provision of security, on site and off site traffic control, communications, fire protection and emergency services, including ambulance service, and emergency vehicle access in and around the event venue, and the general background of the training and ability of the personnel to be used in implementing the plan.
 - (i) A traffic control plan providing at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.
 - (ii) A security plan that provides for the following on site security officers to work the event:
 - (a) for a "cooler event" at least five (5) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;
 - (b) for an "alcohol sales event" at least three (3) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized;
 - (c) for a "no alcohol event" at least at least one (1) person for every one thousand (1,000) attendees or portion thereof who shall be a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards.

The County Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event, or alternatively the County Manager may require additional staffing reasonably shown to be required to secure the public health and safety during the proposed event.

A security plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit security and traffic control personnel from working more than one (1) twelve (12) hour shift in any twenty-four (24) hour period.

- k) A plan for medical services to be provided at the special event. A medical services plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit medical personnel from working more than one (1) twelve (12) hour shift in any twenty-four (24) hour period. A medical services plan presumptively presents a danger to public safety or health if it does not provide for the following on site professionals to work the event:
 - (i) For a small event: none.
 - (ii) For a medium event: two (2) Emergency Medical Technicians ("EMTs"), paramedics, or other professionals with equivalent (or higher) medical training.

- (iii) For a large event: two (2) EMTs, paramedics or other professionals with equivalent (or higher) medical training, plus an additional two (2) such persons for each eight thousand (8,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.

The County Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event.

The forgoing presumption is intended to address an event presenting a moderate hazard. The staffing guidelines set forth above may be decreased or increased as may be reasonably required to secure the public health and safety during the event depending upon whether the event objectively presents a lower or higher hazard. By way of illustration, the staffing guidelines set forth above are intended for moderate hazard events which include, but are not limited to, concerts, carnivals and fairs. Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.

- l) A plan for assuring that all stages, booths, tents, scaffoldings or structures of any kind on, under or within which persons may congregate, will conform to applicable building and construction codes in effect within the County, and that any entertainment stage erected on the sandy beach in connection with a special event will be guarded by a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or an in-house security professionally trained according to recognized standards and authorized and instructed to prevent unsafe, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.
- m) A site plan showing the location and size of the event venue and all parking areas (including required handicap parking), and the location of all other features required by this section. For a sandy beach event, the site plan shall show a cleared east/west corridor on the sandy beach outside the event venue adequate to permit the one-way passage of an emergency vehicle, and a cleared east/west pedestrian corridor at and above the wet sand at the water's edge at least twenty five (25) feet wide.
- n) A plan to provide and control safe pedestrian access between parking area(s) and the event venue which will minimize adverse impacts upon surrounding properties and businesses. For a sandy beach event a plan to keep the east/west emergency vehicle corridor and the waterfront pedestrian corridor open for traffic at all times must be provided.
- o) A plan to deal with persons congregating outside the event in public right of ways either seeking entry to the event or attracted to the event should the number of such numbers call for county services to a degree above that which the County routinely provided under ordinary, everyday circumstances.

- p) A plan to enclose, restrict or control access to all parking at the event venue and to limit the number of persons within the event venue to the maximum number anticipated, and a contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.
- q) For a medium or large event held in any part on the sandy gulf beach, plans demonstrating that the event space on the sandy beach event venue will be enclosed on all sides by fences or other structures adequate to prevent access to the event at any point other than controlled access gates, and also demonstrating adequate egress facilities and routes to clear the event venue in case of an emergency. If any entertainment or activity is provided for the event which is reasonably likely to attract a crowd outside the event venue, the fences or other structures shall be opaque and a minimum of six (6) feet high so as to prevent persons standing on ground level outside the fence or event venue from viewing the entertainment; except that in lieu of a six (6) foot opaque fence on the gulf water side there may be substituted two parallel fences each a minimum of four (4) feet high lying parallel to the gulf water's edge and no less than ten (10) feet apart.
- r) During sea turtle nesting season, a plan for the fences to be removed from the beach daily before 9:00 pm and not replaced until after the beach has been inspected for turtle nests the next morning.
- s) For a large event outdoors, a plan to provide sufficient elevated viewing platforms to permit event security and, upon request, County police to oversee the crowd and be able to identify and respond to a disturbance or unusual activity before it escalates.
- t) A list of all live animals to be used in connection with the event and a plan for the care and safe keeping of such animals.
- u) For medium events, a cash deposit in the amount of two thousand dollars (\$2,000.00) or one thousand dollars (\$1,000.00) per day, whichever is greater, but not to exceed five thousand dollars (\$5,000.00). For large events, a cash deposit in the amount of three thousand dollars (\$3,000.00) or one thousand five-hundred dollars (\$1,500.00) per day, whichever is greater, but not to exceed six thousand dollars (\$6,000.00). The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the County for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance or to pay the County any rent due the County for the use of County facilities in the event. In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the County for such excess to the extent permitted by law.
- v) The plans required by this Article are designed to allow the County to evaluate and assure that the proposed event will not pose an unreasonable danger to public health and safety and will not excessively burden county resources without adequate planning so as to create such a danger. Any plan submitted hereunder is presumptively a danger to public health and safety if it does not (i) include evidence that the applicant is reasonably qualified, experienced and capable of executing the plan alone, or written commitments from one or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the County to issue a permit for the event, and (ii) demonstrate that it is reasonably capable of being executed through the equipment, personnel

and processes specified in it, and (iii) demonstrate that it will be reasonably effective to protect the public from the health or safety risks it is intended to address.

- w) The County Manager may waive any requirement herein if it is reasonably shown that public health and safety can be secured through alternative means or that such a plan is not reasonably required for the proposed event.

Application fee and County services fee

1. Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluating and processing the application:

- a) For small event, \$50.00.
- b) For a medium event, \$225.00
- c) For a large event, \$350.00.

If an event permit for a large event wholly or partially on the sandy beach is not issued due to other such sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. In the event the County Commission shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or county services fee, or both, by appropriating general revenue funds to be applied to the fee. The County Manager shall have a special events committee composed of County department representatives whose department or division may be impacted by the special event. This special events committee shall help coordinate the management of special events in relation to applications, approvals, and the calculation of the county services fee. The County Manager or his designee, has the authority to issue permits for small events without convening the special events committee.

2. As part of the County's administrative review of an application for a large event permit, the County shall determine the county services needed as a direct result of the event and not as a duty to the public generally, together with any county services requested by the applicant, and their respective costs, and shall prepare an itemization of the services and their cost (the county services fee). The purpose of the county services fee is to place upon a large event the marginal cost of providing county services which are reasonably necessary to directly support the event.

3. The level of county services required shall be determined by an objective, reasonable examination of the totality of the circumstances, including but not limited to the following factors:

- a) The size of the event venue and the anticipated attendance.
- b) The location of the event to determine the potential for pedestrian and vehicular congestion.
- c) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.
- d) The historical density of visitors to the beaches during the annual season of the event and the type of activities, safe and unsafe, in which those visitors have historically engaged.
- e) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.

4. The County Manager or his or her designee shall promptly provide the applicant a copy of the itemization and amount of the county services fee and attempt to schedule or arrange a pre-permit conference with the applicant, or other means of communication between the County and the applicant as may be suggested by the applicant, in order to discuss the conduct of the event, the coordination of public and private resources and the level of county services required and the amount of the county services fee. It shall be the Applicant's duty to attend the pre-permit meeting at a day and time convenient for County staff, or to request an alternative to the pre-permit meeting and the County Manager shall allow the request if it is reasonable and practical to do so.

5. If the applicant does not accept the type and extent of county services listed and the amount of the county services fee, the County shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicant's objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the county services fee be paid before the permit becomes valid or effective. The applicant shall have the right to appeal to the County Commission the type and extent of services required and the amount of the fee by letter filed with the County Manager within three (3) business days after the County shall provide the applicant the itemization and amount of the fee which notice shall state that the applicant may appeal within three business days. The County Commission shall uphold or lessen the fee based upon information about the extent of services to be rendered by the County directly related to the event and the cost of those services as presented by the County Manager or his designee and the applicant in a de novo, quasi-judicial hearing held as soon as may be practicable. The County Commission's decision, including its reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Commission's final order in any subsequent proceedings. The hearing may be continued from time to time in the sole discretion of the County Commission. If the County Commission is unable to timely conduct or conclude the hearing in time for the event to be held pursuant to an otherwise valid permit, the applicant may pay to the County the disputed fee under protest, and the permit shall become effective so that the event may be held, in which case the hearing shall be held and concluded after the event at a mutually convenient time. If the fee is upheld, it shall be accepted by the County; if it is reduced the reduction shall be refunded to the applicant.

Additional information

Before denying a permit or conditioning a permit upon things not included in the application or agreed to by the applicant, the County Manager or his designee shall give the applicant written notice of the deficiencies in the application or the need to add conditions to the permit and provide the applicant an opportunity to present additional written information addressing those deficiencies or needs. The County Manager shall make a reasonable effort to facilitate the applicant's addressing the deficiencies in time to hold the event, but also taking into consideration the County's resources and other matters at hand.

Action on the application and appeal

1. The County Manager must decide to grant or deny an application at the earliest possible time after receipt.
2. The County Manager may deny a permit only on one or more of the following grounds:

- a) The permit application is incomplete; a complete application is one that provides all the information or items required by this Article regardless of the sufficiency of the information or item;
- b) The application fee has not been paid;
- c) The proposed event is unlawful;
- d) The proposed event exceeds the maximum number of allowed sandy beach events as provided by this Article;
- e) The application contains a material falsehood or misrepresentation;
- f) It reasonably appears that the proposed event will present a clear and present danger to the public safety or health;
- g) The proposed event is of such a nature or duration that it cannot be reasonably accommodated in the particular venue applied for; or
- h) The applicant has refused to attend or participate in good faith in a pre-permit meeting requested by the County Manager following reasonable notice and scheduling attempts by the County Manager and failed to propose reasonable alternatives.

3. The County Manager is expressly prohibited from denying any permit based upon the identity of any speaker or entertainer or the viewpoint, content, or type of speech or expression to be displayed so long as such speech or expression is lawful.

4. Every denial of a permit shall be in writing and shall clearly explain the reason(s) for denial. A denial of a permit application as "incomplete" must identify the specific information required by this Article which was not provided. A denial based upon the unlawfulness of an event must identify the law or regulation prohibiting such conduct. A denial based upon a clear and present danger to the public safety or health must identify the specific conditions which reasonably give rise to the danger. A denial based upon the fact that the proposed event cannot be reasonably accommodated in the particular venue applied for must state specific reasons why the area is unsuitable for the event. A denial based upon an applicant's refusal to attend or participate in good faith in a pre-permit meeting, or suggest an alternative, shall identify the steps taken to provide reasonable notice and scheduling of such meeting and, if applicable, any conduct at the meeting demonstrating bad faith participation by the applicant. The purpose of the requirement is to allow the applicant to know the grounds upon which the permit was denied and to permit the County Commission an opportunity to verify and confirm the objective validity of any denial and to ensure that any limited discretion given to the County Manager under this Ordinance is not abused so as to disfavor protected speech or expression.

5. The County Manager may condition any permit with reasonable requirements concerning the time, place or manner of holding a special event as is necessary to coordinate county services, multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements are tailored to address these concerns and are not implemented for the purpose of regulating or restricting protected speech or expressive conduct.

All permit applications shall be deemed granted as applied for if the County Manager does not grant, grant with conditions, or deny the permit in writing within thirty (30) calendar days of receiving an application for a large event, fifteen (15) calendar days of receiving an application for a medium event, and five (5) business days of receiving an application for a small event. A permit which is granted automatically under this section is conditioned upon any required County services fee being paid before the permit becomes valid or effective.

6. The automatic granting of permits provided above shall not apply if:
 - a) The permit application fee has not been paid;
 - b) The County Manager has indicated his intent to deny a permit and the applicant has agreed, in writing, to supply the County Manager with additional information which may allow the permit to be granted. In this case, the permit application will be deemed granted if the County Manager does not grant, grant with conditions, or deny the permit in writing within ten calendar days of receipt of the additional information, unless the applicant agrees in writing to provide further additional information, which shall renew the terms and time-frames of this paragraph; or
 - c) The County Manager requests additional time to review the application and the request is agreed to in writing by the applicant. In this case, the permit application will be deemed granted if the County Manager does not grant, grant with conditions, or deny the permit in writing by the expiration of the agreed date.

7. Every denial of a permit and every conditional grant of a permit challenged by an applicant is appealable to the County Commission by letter filed with the County Manager within three (3) business days after receipt of the denial or proposed conditional grant. The County Commission shall grant or deny the permit, or uphold or rescind the conditions, based upon information presented by the applicant and the County Manager or his designee in a de novo, quasi-judicial hearing held as soon as practicable. The County Commission's decision, including its reasons therefor, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Commission's final order in any subsequent proceedings and which may, but shall not be required to, express findings of fact and conclusions of law. The hearing may be continued from time to time in the sole discretion of the County Commission, provided that if the County Commission does not render a final order within fifteen (15) days after filing of the letter of appeal the permit shall be deemed granted.

Posting vendor contacts

If the permit is granted, the applicant shall conspicuously display to the public (on a form to be provided by the County Manager) the name, mailing address, email address, and telephone number of each vendor, artist, or other person offering goods, services, or entertainment at the special event, including if different, the name, mailing address, email address and telephone number of the individual with on-site responsibility for the vendor, artist or other person. Such form shall be continuously displayed at the booth or specific location within the special event where such goods, services or entertainment are offered.

Limitation of sandy beach events on the same day

Notwithstanding anything to the contrary herein, permits for large events occurring wholly or partially on the sandy beach shall be restricted to the following limits for any one (1) calendar day:

1. One large event with deemed attendance in excess of ten thousand (10,000) persons;
or

2. Multiple large or medium events with aggregate deemed attendance of twelve thousand (12,000) persons where the deemed attendance of no single event is greater than five thousand (5,000) persons; or
3. Multiple large or medium events with aggregate deemed attendance of fifteen thousand (15,000) persons where the deemed attendance of no single event is greater than two thousand five hundred (2,500) persons; or
4. A total of six (6) large or medium events regardless of deemed attendance.

Permits shall be issued in the order that substantially complete applications with the required fee are filed.

Enforcement and Penalties

1. The County finds that a violation of any section of this Article presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
2. Unless otherwise specified, each violation of this Article shall constitute a separate, civil infraction as provided for in Bay County Code section 7-1, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.
 - First violation of this Article: \$100.
 - Second violation of this Article: \$200.
 - Third and all subsequent violations of this Article: \$500.

A person who does not contest the civil citation for violation of this Article shall be subject to a civil penalty in the following amount:

- First violation of this Article: \$50.
- Second violation of this Article: \$100.
- Third and all subsequent violations of this Article: \$250.

H) Certification and Authorization

1. By my signature, I certify that the information contained in this application is true and correct and understand that deliberate misrepresentation of such information will be grounds for denial and reversal of this application and or revocation of any approval based on this application.

2. I authorize County staff to enter upon my property at any reasonable time for the purpose of site inspection.

3. I _____ (print name) as the property owner or authorized property owner representative have read and understand the attached information concerning this application.

Applicant name (type or print)

Applicant signature

Title and company (if applicable)

Date

Notice: Issuance of a permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state federal law.

This Page For County Use Only.

Approved Denied (circle one) _____ Date: _____
Bay County Building Official

Approved Denied (circle one) _____ Date: _____
Bay County Fire Chief

Approved Denied (circle one) _____ Date: _____
Bay County Medical Services Director

Approved Denied (circle one) _____ Date: _____
Bay County Sheriff

Approved Denied (circle one) _____ Date: _____
Bay County, County Manager