

EMERGENCY ORDINANCE

1973-03

AN ORDINANCE RELATING TO MUSICAL OR ENTERTAINMENT FESTIVALS:
PROVIDING FOR DEFINITIONS: REQUIRING THE BOARD OF COUNTY
COMMISSIONERS OF WALTON COUNTY TO ISSUE SPECIAL ENTERTAINMENT
PERMITS PRECEDENT TO HOLDING ENTERTAINMENT FESTIVITIES, SETTING
MINIMUM STANDARDS AND CONDITIONS FOR THE ISSUANCE OF THE PERMITS:
PROVIDING PENALTIES: PROVIDING FOR SEVERABILITY OF PROVISIONS: PROVIDING
~OP LIBERAL CONSTRUCTION: DECLARING VIOLATIONS OF ORDINANCE TO BE A
MISDEMEANOR: PROVIDING AN EFFECTIVE DATE, AND DECLARING AN
EMERGENCY.

WHEREAS, the Board of County Commissioners of Walton County recognizes that it is necessary and proper to enact an ordinance in the interest of the public health, morals, safety and general welfare to provide for the control and regulation of musical or entertainment festivals in the incorporated or unincorporated areas of Walton County, and

WHEREAS, there is a serious and continuing illicit drug usage problem in Walton County, and

WHEREAS, it is common knowledge that illicit drug usage and serious public health and safety problems are prevalent, open and widespread at mass outdoor gatherings of people listening to or participating in musical or entertainment festivals as defined in this ordinance to the extent that the health, safety, welfare and morals of young people exposed to such practices are seriously endangered, and

WHEREAS, such musical or entertainment festivals create severe health and sanitation problems and are the cause of potentially dangerous traffic and security problems for these in attendance as well as the other citizens of Walton County, Florida, and

WHEREAS, such musical or entertainment festivals create a burden upon Walton County for the investigation provided in this ordinance and in providing the necessary public health, welfare, and law enforcement services required for the protection of the public, and

WHEREAS, the promotion of such musical or entertainment festivals by financially irresponsible promoters has resulted in the defrauding of persons purchasing tickets to and attending such festivals, and

WHEREAS, the Board of County Commissioners of Walton County, Florida, declared that an emergency exists and that the immediate enactment of the following ordinance is necessary,

NOW THEREFORE, Be It Ordained by the Board of County Commissioners of Walton County, Florida:

SECTION 1. DEFINITIONS. When used in this ordinance, the following words shall mean:

(1) "Board" means the Board of County Commissioners of Walton County.

(2) "Musical or entertainment festival" shall mean any gathering of groups or individuals for the purpose of listening to or participation in entertainment which consists primarily of musical renditions conducted in open spaces, not within a completely enclosed structure.

SECTION 2. MANDATORY PERMIT REQUIREMENT. It shall be unlawful for any person, firm, corporation or partnership to stage, promote or sell tickets to or conduct any musical or entertainment festival in Walton County unless, he, she or it shall first secure from the Board a permit as Required Herein.

SECTION 3. ISSUANCE OF PERMIT. Any person, firm, corporation or partnership desiring to stage, promote, or conduct any musical or entertainment festival in Walton County shall first secure a special entertainment permit from the Board of County Commissioners of Walton County and shall follow the procedure in obtaining said permit set forth herein.

An application for a special entertainment permit shall be submitted in writing to the Board on Forms provided for this purpose at least thirty (30) days in advance of the date of commencement of the festival for which the permit is requested, in order to permit the board to evaluate the application in an orderly and expeditious manner; provided however, that any application for a special entertainment permit for a festival scheduled to commence within thirty-five (35) days of the effective date of this ordinance will be evaluated

by the Board if the application is submitted within five (5) days of the effective date of this Ordinance. Said application shall contain the plans, documents and information specified hereafter in this Section. No permit shall be issued by the Board until receipt and approval of all said plans, documents and information and until the following minimum conditions are met or such higher conditions as required by the Board upon a review of any unique problems contained in said plans, documents and information;

(1) Adequate plans for camp construction, sanitation facilities, sewage disposal, garbage and refuse disposal, drainage, flood lighting during darkness, insect and rodent control, water supply and food service. For the purpose of evaluating such plans, the standards established by the rules of the Division of Health in the Sanitary Code of Florida, shall be considered as minimum requirements. In evaluation the plans the Board shall also consider the applicability of provisions of Chapter 386, Florida Statutes and such other provisions of law, the Sanitary Code or local ordinance as it may deem necessary in the interests of the public health and welfare.

(2) An adequate geographic description and scale map or plan of the festival site showing the location of all required facilities, including adequate traffic control and parking facilities outside the performance area. Such plans shall provide for at least one (1) parking space for every five (5) patrons, and for safe transportation of the patrons from the parking area to the performance area. No motor vehicle shall be permitted outside the designated parking area except when necessary to insure compliance with any provisions of this ordinance.

(3) An adequate plan for medical facilities. There shall be provided one (1) physician licensed by this State on duty at all times for every two thousand (2,000) patrons, one (1) nurse licensed in this State on duty at all times for every one thousand (1,000) patrons, one (1) bed or cot for every two hundred (200) patrons, complete and sterile supply of medicines, bandages, medical compounds, medical instruments, serums, tape and such other supplies as are necessary to treat adverse drug reactions, cuts, bruises, abrasions, bites, fractures, infections and other injuries commonly connected with such outdoor activities.

(4) An adequate plan for internal security, traffic control, communications, fire protection, and emergency service, including ambulance service, in and around the festival area. Such plan shall provide for at least one (1) person professionally trained in security and traffic control on duty at all times for every five hundred (500) patrons, with no security personnel working more than one eight (8) hour shift in any twenty-four (24) hour period. The Plan shall include a detailed description of the plan of security, traffic control, communications, fire protection and emergency services, including ambulance service, to be used and how it is to be implemented, and a detailed background on the training and ability of the personnel to be used in implementing said plan.

(5) A full and complete disclosure of the financial backing of the festival, including the names of all persons with a direct or indirect financial interest in the staging, promoting or conducting of said festival, whether such interest be by virtue of ownership in any corporation staging, promoting and conducting said festival, status as an employee of any person, persons or entities staging, promoting or conducting such festival, or any involvement by which such person, firm, partnership, or corporation stands to gain or lose financially from such festival.

(6) The names of all persons or groups who will perform at said festival, and executed copies of all contracts or agreements with such persons or groups.

(7) The names of all persons, firms, and corporations who will provide products, materials, or services, other than entertainment, to or at said festival, and executed copies of all contracts or agreements with such persons, firms, or corporations.

(8) The exact date and time of commencement and the exact date and time of the conclusion of the festival.

(9) The Board may establish by resolution such additional conditions, criteria or detailed specifications for the special entertainment permit as they may deem necessary to carry out the intent of this law, for the protection of the public health, morals, safety and general welfare.

(10) A written public liability insurance policy insuring the person, firm, corporation or partnership, staging, promoting or conducting the musical or entertainment festival against any and all claims and demands made by any person or persons for injuries received in connection with the staging, promoting, conducting or attendance of or at said musical or entertainment festival, written within limits of not less than Three Hundred Thousand (\$300,000.00) Dollars damage or injury to any one person for bodily injury or otherwise, plus Twenty-Five Thousand (\$25,000.00) Dollars damages to property, and for not less than Five Hundred Thousand (\$500,000.00) Dollars for damages incurred or claimed by more than one (1) person for bodily injury or otherwise, plus Fifty Thousand (\$50,000.00) Dollars damage to property. The original or duplicate of said policy shall be attached to the application for a special entertainment permit, together with adequate evidence that the premiums are paid.

SECTION 4. COMPLIANCE WITH OTHER LAWS AND REGULATIONS. The staging, promoting or conducting of such festival shall be in full and complete compliance with all zoning and land use laws; beverage license laws and other laws, ordinances and regulations applicable to Walton County, State of Florida and incorporated towns within Walton County.

SECTION 5. PERMIT FEE. The Board shall assess upon the filing of the application a minimum non-refundable fee of One Hundred (\$100.00) Dollars per day for each one thousand (1,000) anticipated patrons, or fraction thereof, based upon the estimated attendance and specified length of performance designated in the application for the permit. An additional non-refundable fee of One Hundred (\$100.00) Dollars per day for each one thousand (1,000) anticipated patrons, or fraction thereof, shall be assessed and paid upon approval of the application, based upon the estimated attendance and specified length of performance designated in the application for the permit. Any excess and actual attendance over that anticipated with non-refundable fee paid in advance, shall be assessed a daily fee of Two Hundred (\$200.00) Dollars for each thousand (1,000) patrons or fraction thereof. An accurate accounting of the number in attendance shall be kept by the person, firm, corporation or partnership which stages, promotes or conducts the festival, and any fees payable to the Board shall be paid in full upon conclusion of the festival. In no case, however, shall actual attendance be permitted to exceed the minimum standard conditions, criteria and specifications set forth in Section 3 of the ordinance. The fees assessed by this Section are for the purpose of compensating the Board for the services required in investigation of the application, and for the protection of the non-participating public.

SECTION 6. CASH CLEAN-UP BOND. Any person, firm, partnership, or corporation holding a special entertainment permit shall deposit with the County a cash bond in the amount of Fifty (\$50.00) Dollars for each one thousand (1,000) anticipated patrons, or fraction thereof, based upon the estimated attendance and specified length of performance designated in the application for the permit. Said cash bond shall be for the expense of cleaning up any debris, paper, litter, or trash left by the patrons at such festival or by the holder of the permit or its agents, employees or contractors. Said cash bond shall be returned to the holder of the permit upon certification by the elected County Commissioner of that district, that all debris, paper, litter or trash left by the patrons at such festival site has been removed within twenty—four (24) hours from the designated conclusion time of the festival and that no damage has been done to the Highways, streets, sewers, structures, trees and shrubbery on such premises or the adjoining property. Upon failure of the holder of the permit to complete such clean—up or repair such damage within said twenty-four (24) hour time period, the county shall have the right to forthwith take such corrective action as it may deem necessary and to deduct the costs of same from the a-mount of said cash clean-up bond.

SECTION 7. PENALTIES AND REMEDIES.

(a) Any person, firm, partnership or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 9. Each violation shall constitute a separate offense.

(b) Any person, firm, partnership or corporation holding a special entertainment permit who deviate from the conditions and plans approved in the issuance of said permit under the provisions of Section 3 shall

be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 9. Each deviation shall constitute a separate offense.

(c) Any person, firm, partnership or corporation that makes any material misrepresentation in the application provided for in Section 3 or in any statements or presentations to the Board shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 9. Each misrepresentation shall constitute a separate offense.

(d) The Board may revoke the special entertainment permit granted upon the occurrence of any violation of this ordinance.

(e) The Board may bring suit to restrain, enjoin, or otherwise prevent violation of this ordinance in any Court of competent jurisdiction.

SECTION 8. LIBERAL CONSTRUCTION. The provisions of this ordinance shall be liberally construed in order to affectively carry out the purposes of this ordinance in the interest of the public health, morals, welfare and safety of the citizens and residents of Walton County.

SECTION 9. PENALTIES. Any person, firm, partnership or association that violates any provisions of this ordinance shall be guilty of a misdemeanor and punished by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment in Walton County Jail for not more than ninety (90) days, or by both fine and imprisonment.

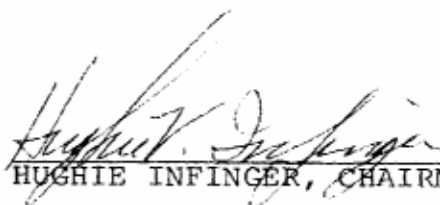
SECTION 10. SEVERABILITY. It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. This Ordinance was adopted pursuant to Florida Statute 125.66 (3).

SECTION 12. This Ordinance shall become effective as provided by law.

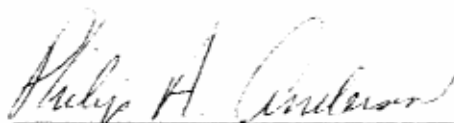
DONE AND ADOPTED in regular session this 9th day of October, A.D., 1973.

BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA.



HUGHIE INFINGER, CHAIRMAN

ATTEST:



Philip A. Anderson, Clerk