

ORDINANCE NO. 2021-0819-21-01

AN ORDINANCE OF JEFFERSON COUNTY, FLORIDA, RELATING TO REGULATION OF EVENTS AS TEMPORARY USES; AMENDING JEFFERSON COUNTY LAND DEVELOPMENT CODE SECTION 9.14.3. TEMPORARY USE PERMIT APPLICATION REQUIREMENTS; PROVIDING A DEFINITION OF TEMPORARY USE; AMENDING THE INFORMATION REQUIRED FOR TEMPORARY USE PERMIT APPLICATION; PROVIDING FOR REGULATION OF NOISE LEVELS AT EVENTS REGULATED BY TEMPORARY USE PERMIT; PROVIDING FOR VIOLATIONS AND PENALTIES; REPEALING CODE OF ORDINANCES ARTICLE II, OUTDOOR MUSIC FESTIVALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR COPY ON FILE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA:

SECTION 1. AUTHORITY. The authority for the Ordinance is Section 1(f), Article VIII of the Constitution of the State of Florida, Sections 125.01 and 125.66, Florida Statutes, and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS.

WHEREAS, Section 125.01(1), Florida Statutes, provides that the legislative and governing body of a County shall have the power to carry on County government and that said power includes, but is not restricted to, the enumerated powers set forth in Section 125.01, Florida Statutes, so long as any powers exercised are not inconsistent with general law; and

WHEREAS, Section 125.01(1)(t), Florida Statutes, provides that a County may adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

WHEREAS, Sections 125.01(3)(a) and (b), Florida Statutes, recognize that the enumeration of powers in Section 125.01(1), Florida Statutes, incorporates all implied powers necessary and incident to

carry out those powers and that Section 125.01, Florida Statutes, shall be liberally construed in order to effectively carry out the purpose of the section and to secure for counties the broad exercise of home rule powers authorized by the State Constitution; and

WHEREAS, Chapter 163, Part II, Florida Statutes, the Community Planning Act, authorizes and obligates local governments to adopt comprehensive growth management plans and land development codes to provide for comprehensive local regulation of land use; and

WHEREAS, the County Land Development Code provides for regulation of permits for temporary uses for activities such as performances, gatherings and craft shows, but is in need of greater regulatory specificity in order to better protect persons attending such events, and promote compatibility between temporary events and other adjacent and nearby land uses; and

WHEREAS, the County Code of Ordinances Article II provides for the regulation and permitting of outdoor musical performances, which regulations are outdated and in need of repeal, or, in some instances, merger into the Land Development Code regulations on Temporary Use permitting; and

WHEREAS, the Board of County Commissioners hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

SECTION 3: Jefferson County Land Development Code Section 9.14.3. TEMPORARY USE PERMIT APPLICATION REQUIREMENTS is hereby amended as follows:

9.14.3. TEMPORARY USE PERMIT APPLICATION REQUIREMENTS:

A Temporary Use is any event, including without limitation, any party, reception, rally, exposition, gathering, outdoor retail sales promotion, organized competition, show, fair, carnival, circus, musical performance, or entertainment festival, which is of a commercial nature, is conducted for fee or other compensation, or for which registration is required, or a donation is solicited, and which is not a use typically associated with the permanently permitted uses for the property. Temporary uses are only allowed in the AG-20, AG-5 and IB land use districts and shall not be conducted without first obtaining a Temporary Use Permit as provided in this section. Temporary Uses for any given location shall be limited to a total six (6) permitted events per calendar year of not more two days each. A single longer duration event of up to a total of 14 consecutive days may be approved as a special exception pursuant to Land Development Code Section 9.15.0. Notwithstanding the above, for any given location, events involving primarily entertainment enhanced by amplified sound shall be limited to three (3) single day events per year. For purposes of calculating the number of event days hereunder for any given location, contiguous parcels under common ownership (including those parcels having a common principal in an entity holding title) shall be considered one single event parcel. Temporary Use Permits are approved and issued by the Planning Official. A complete application for Temporary Use Permit shall should be submitted approved and issued to the

~~applicant a minimum of 20 15 days before the event, or prior to public advertisement of the event, particularly if it is a first time or non-recurring event. Event promoters are encouraged to contact the Planning Department for a preapplication conference not less than 45 days before such event.~~

A. The following information shall be provided as part of an application for Temporary Use Permit:

1. Name, address, telephone number, of the owner of the property, and of the sponsor of the event property; and
2. Proof of legal right, or other authorization, to use the property on which the event is proposed to be conducted ownership (copy of deed, lease agreement, license, or owner's affidavit of authorization);
3. Identification of Land Use Category and physical (911) address of the event property; and
4. ~~3.~~ A thorough description of the proposed use, all associated activities, and the date(s) and hours of operation of the proposed event; and
5. A site plan for the event, showing the location of all features and facilities required by this section, including without limitation, the area where activities and performances are to be located; ingress, egress, pedestrian and traffic control, and parking facilities (both on and off site); the location of areas for camping, restrooms and sanitary facilities, food vending, security, lost and found, and medical facilities (if any).
6. A copy of the applicant's latest sales tax payment report.
7. Prior to the event, the applicant/permittee shall provide proof of publication of notice of the event in the form provided by the County published in a newspaper of general circulation not later than ten (10) days before the event.

B. *Temporary Use Permit* applicants shall address the following:

1. Proof of \$1,000,000 Liability Insurance for the proposed event. Jefferson County shall be named as an additional insured.
2. Security and traffic control: Two off-duty law enforcement officers shall be required for events over 300 attendees. For events expecting over 500 attendees, a security plan shall be submitted and approved by the Sheriff's Office. Traffic control shall provide safe ingress and egress from the site, at least one parking space for every 4 persons, and for safe pedestrian travel from the parking areas to the areas designated for activities and/or performances. Availability? & Method?
3. Health, Food & Sanitation Provisions:
 - a. Potable Water: Adequate access to potable drinking water, or equivalent access to hydration, shall be provided at the rate of at least 1 gallon per day for every 4 attendees. Availability? & Method?
 - b. Sanitary Sewer: Restroom facilities, or portable lavatories, including portable hand washing facilities, shall be provided as required by Florida Department of Health Rule 64E-6.0101, or successor rule, and shall be conveniently accessible to users. Availability? & Method?
 - c. Food (if available): All food vendors shall display current licenses as required by the DPBR Division of Hotels and Restaurants (unless a license is not required) and shall be prepared to provide the County with evidence of payment of applicable sales taxes in the form of the vendor's latest sales tax report. Sales? & Provider/License?

d. Alcoholic Beverages (if available): All vendors of alcoholic beverages shall obtain and display current licenses from DPBR Division of Alcoholic Beverages and Tobacco and shall be prepared to provide the County with evidence of payment of any applicable taxes in the form of the vendor's latest sales and alcohol tax report. Sales² & Provider/License²

4. For events involving amplified sound and/or nighttime activities, the application shall include special provisions for the regarding control of Sound and/or Lighting during activities. Control of sound shall demonstrate consistency with the measures herein below limiting noise levels. Lighting shall avoid unreasonable glare which annoys residents or causes traffic safety hazard.

5. Living accommodations: Providers of living accommodations for compensation, including camping, shall be prepared to provide to the County evidence of payment of applicable local bed taxes in the form of the provider's latest tax report.

6 5. Written confirmation shall be provided of nNotification of event & location to Sherriff's Dept. & Fire/Rescue Dept.

C. The application requires notarized signatures of the owners and/or permittees of the following acknowledgement: *"The undersigned fully understand(s) that this approval is for a one-time event on the date(s) listed and all subsequent events to occur at the above location will be required to submit a new Temporary Use Permit in accordance with the Jefferson County Land Development Code (LDC) for each individual event (total number of events within any given calendar year shall be strictly limited as provided in Land Development Code Section 9.14.3. to six occurrences in each 12-month period)". Further, the undersigned fully understand that both the permittee(s) and the owner(s) are responsible for conducting the event in full compliance with the Jefferson County Land Development Code and with any special conditions of the Temporary Use Permit, and that failure to conduct a compliant event may result in the imposition of penalties as provided pursuant to Code of Ordinances Sec. 1-8 and Section 125.69, Florida Statutes, and/or Code of Ordinances Chapter 21.*

D. The fee for the permit application is listed in the general fee schedule adopted by the BOCC.

E. Sales Tax Follow up. Within sixty (60) days of an event, the applicant/permittee shall provide to the County proof of payment of all applicable sales taxes. Failure to comply with the requirement shall result in denial of future Temporary Use Permits for a period of six (6) months.

F. Hours of Operation. Hours of operation for events shall be from 8:00AM to thirty (30) minutes after sunset, unless special exception approval for a nighttime event is provided by the Board of County Commissioners, in which case all amplified sound shall cease no later than 10:00PM.

G. Noise Level

1. Noise levels are to be measured at the property line of where the event is being held closest to the nearest public or private road right-of-way, provided however, that in the event of a complaint, noise level shall be measured at the property line closest to the property of the complaining party.

2. No noise over 65 decibels dB(A) measured as required herein shall be allowed at any time.

3. Control of noise generated by performers, patrons or attendees shall be the responsibility of the event permit holder and the owner.

H. Violations and Penalties

1. Violations of this ordinance shall be enforced through the special magistrate or civil citation procedures and penalties, as staff may deem appropriate, as provided in Code of Ordinances Chapter 21, or in the alternative, may be enforced as provided in Code of Ordinances Sec. 1-8, or in a Court of Competent Jurisdiction. Both the property owner and the event permittee shall be liable for violations hereunder. Anyone knowingly holding or allowing to be held on his or her property, an event requiring a *Temporary Use Permit* without first obtaining a such permit authorization as provided in this section, shall be subject to enforcement as provided in Code of Ordinances Sec. 1-8 and Section 125.69, Florida Statutes, or under such circumstances, the County may seek enforcement by any other lawful method as provided herein above.

2. Three or more documented violations of the noise restrictions established herein above at any given single event shall result in the event permittee, owner and event parcel being suspended from eligibility for another *Temporary Use Permit* for a period of six (6) months. The County shall provide written notice of a determination of suspension hereunder within fourteen (14) calendar days following the event and the suspended individual or entity may appeal the determination to the Board of County Commissioner within fourteen (14) days of receipt of the written notice. Appeals hereunder shall be heard by the Board at the next regular meeting.

SECTION 4: Code of Ordinances Article II.- OUTDOOR MUSIC FESTIVALS, is hereby repealed as follows:

~~ARTICLE II. — OUTDOOR MUSIC FESTIVALS~~

~~DIVISION 1. — GENERALLY~~

~~Sec. 6-19. — Definitions:~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Musical or entertainment festival* means 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 an enclosed structure.~~

~~Sec. 6-20. — Penalty:~~

~~Unless stated otherwise, violations of this article are punishable as provided in section 1-8.~~

~~Sec. 6-21. — Admittance of underaged persons.~~

~~The board of county commissioners does hereby expressly declare that it is its intent and policy that admittance of persons under the age of 18 years to any such music or entertainment festival is injurious to the health, safety, morals and well-being of such persons, the same as would be the patronage, visiting or loitering of such persons at any dancehall operated in connection with any place of business which sells any intoxicating liquor, essence, extract, bitters, preparation, compound or composition which produces intoxication. Therefore, no person under the age of 18 years shall be admitted to any festival unless such minor person is attended at all times by one or both of his parents or by his natural guardian.~~

~~DIVISION 2. — SPECIAL ENTERTAINMENT PERMIT~~

~~Sec. 6-44. — Required; minimum conditions for issuance.~~

- ~~(a) — Any person desiring to stage, promote or conduct any musical or entertainment festival in the county shall first secure a special entertainment permit from the board.~~
- ~~(b) — Such permit shall not be issued unless and until the following plans, documents and information are submitted to the board, and the following minimum conditions are met:~~
- ~~(1) — Adequate plans for camp construction, sanitation facilities, sewage disposal, garbage and refuse disposal, drainage, floodlighting during darkness, insect and rodent control, water supply and food service. For the purpose of evaluating such plans, the standards established by the applicable state rules shall be considered as minimum requirements. In evaluating the plans, the board shall also consider the applicability of provisions of F.S. ch. 386, and such other provisions of law or of local ordinances, 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 parking space for every five patrons, and for safe transportation of the patrons from the parking area to the performance area. No motor vehicle with more than two wheels shall be permitted in the performance area except when necessary to ensure compliance with this section.~~
- ~~(3) — An adequate plan for medical facilities. There shall be provided one physician licensed in this state on duty at all times for every 2,000 patrons, one nurse in this state on duty at all times for every 1,000 patrons, one bed or cot for every 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 services, including ambulance service in and around the festival area. Such plan shall provide for at least one person professionally trained in security and traffic control on duty at all times for every 500 patrons, with no security personnel working more than one eight-hour shift in any 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 such plan.

(5) — A full and complete disclosure in 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 such festival, whether such interest is by virtue of ownership in any corporation staging, promoting or conducting such festival, status as an employee of any persons or entities staging, promoting or conducting such festival or any involvement by which such person stands to gain or lose financially from such festival.

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

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

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

(9) — Full and complete compliance with all zoning and land use laws, beverage license laws and other laws, ordinances and regulations applicable to the county.

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

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

(12) — The application for a special entertainment permit shall be submitted to the board at least 20 days in advance of the commencement of the festival for which the permit application is filed to permit the board to evaluate the application in an orderly and expeditious manner.

(13) — A written public liability all perils or umbrella insurance policy insuring the person staging, promoting or conducting the musical or entertainment festival against any and all claims and demands made by any person for injuries received in connection with the staging, promoting, conducting or attendance of or at such musical or entertainment festival, in the minimum amount of \$1,000,000.00. Such policy shall cover liability for death, personal injury and property damage. The county shall be named as an additional insured. The original or duplicate of such policy shall be attached to the application for a special entertainment permit, together with adequate evidence that the premiums are paid.

(14) — The actual admission ticket to be used at such musical or entertainment festival. Such ticket used at the musical or entertainment festival shall contain thereon a provision that the holder will consent to the search of his vehicle or any package for drugs and that if he fails to do so, he will be denied admission and his money will be refunded.

Jefferson County, Florida
Planning Department
445 W. Palmer Mill Rd
Monticello, FL 32344
Phone (850) 342-0223
Fax: (850) 342-0225



~~Sec. 6-45. -- Fees and bond.~~

~~(a) — The board of county commissioners shall assess a minimum daily nonrefundable fee of \$5,000.00 for the issuance of the permit provided in section 6-44(a), for a festival planned for up to 5,000 patrons. Such fee shall be paid at the time the application is filed. An additional nonrefundable daily fee of \$1,000.00 for each 1,000 patrons, or fraction thereof, shall be assessed and paid when the application is approved, based upon a good faith estimate of the anticipated attendance accommodated in the plan provided in section 6-44(b). The fees assessed by this section are for the purpose of compensating the board for the services required in investigation of the application plan and of providing the necessary public health, welfare and law enforcement services required by such a musical or entertainment festival for the protection of the public.~~

~~(b) — If the number of attendees at the festival exceeds the good faith estimate by more than ten percent, an additional fee shall be paid to the county within 30 days of a written demand for same issued by the board of county commissioners, provided that such demand is sent by certified mail to the applicant within 60 days after the festival concludes.~~

~~(c) — A surety bond in the amount of 125 percent of the fee shall be filed with the county when the fee is paid. Such bond shall be conditioned upon payment to the county of the fees provided for in subsections (a) and (b) of this section.~~

~~Sec. 6-46. -- Revocation.~~

~~If there is any deviation or violation of or from the conditions and plans submitted under section 6-44(b), or violation of other provisions of this article or any material misrepresentation in the application for the permit, the board may revoke the special entertainment permit granted. Each violation shall constitute a separate offense.~~

~~(Ord. No. 71-3, § 7(c), 10-6-1971)~~

SECTION 5. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6: COPY ON FILE

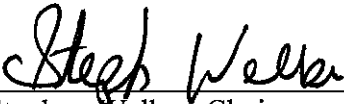
A certified copy of this enacting ordinance shall be filed with the Clerk of the Circuit Court.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

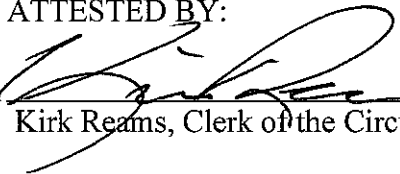
PASSED AND DULY ADOPTED on second reading by a majority vote of the Board of County Commissioners of Jefferson County this 19th day of August, 2021.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA



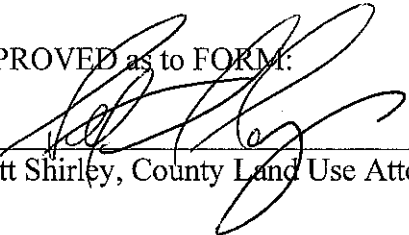
Stephen Walker, Chair

ATTESTED BY:



Kirk Reams, Clerk of the Circuit Court

APPROVED as to FORM:



Scott Shirley, County Land Use Attorney

