

AN ORDINANCE RE-ENACTING AND AMENDING ORDINANCE 80-6, PROVIDING THAT VIOLATION OF FRANKLIN COUNTY ORDINANCE 80-6 SHALL BE A MISDEMEANOR OF THE FIRST DEGREE, AND THAT A FINE FOR SECOND CONVICTION OF VIOLATION THEREOF MAY BE \$5,000.00, PLUS DOUBLE THE COST OF ANY PECUNIARY LOSS INCURRED BY FRANKLIN COUNTY.

ORDINANCE NO. 81-1

FRANKLIN COUNTY, FLORIDA

WHEREAS, violation of Ordinance 80-6, is a second degree misdemeanor, and

WHEREAS, violation of Ordinance 80-6 causes great pecuniary loss to Franklin County, for law enforcement and additional officers are needed to protect the persons and property at the stie of any violation, and

WHEREAS, violation of Ordinance 80-6, causes pecuniary loss to Franklin County for cleanup and road maintenance, and

WHEREAS, violation of Ordinance 80-6 is likely to cause pecuniary loss to property in the vicinity of the violation, and

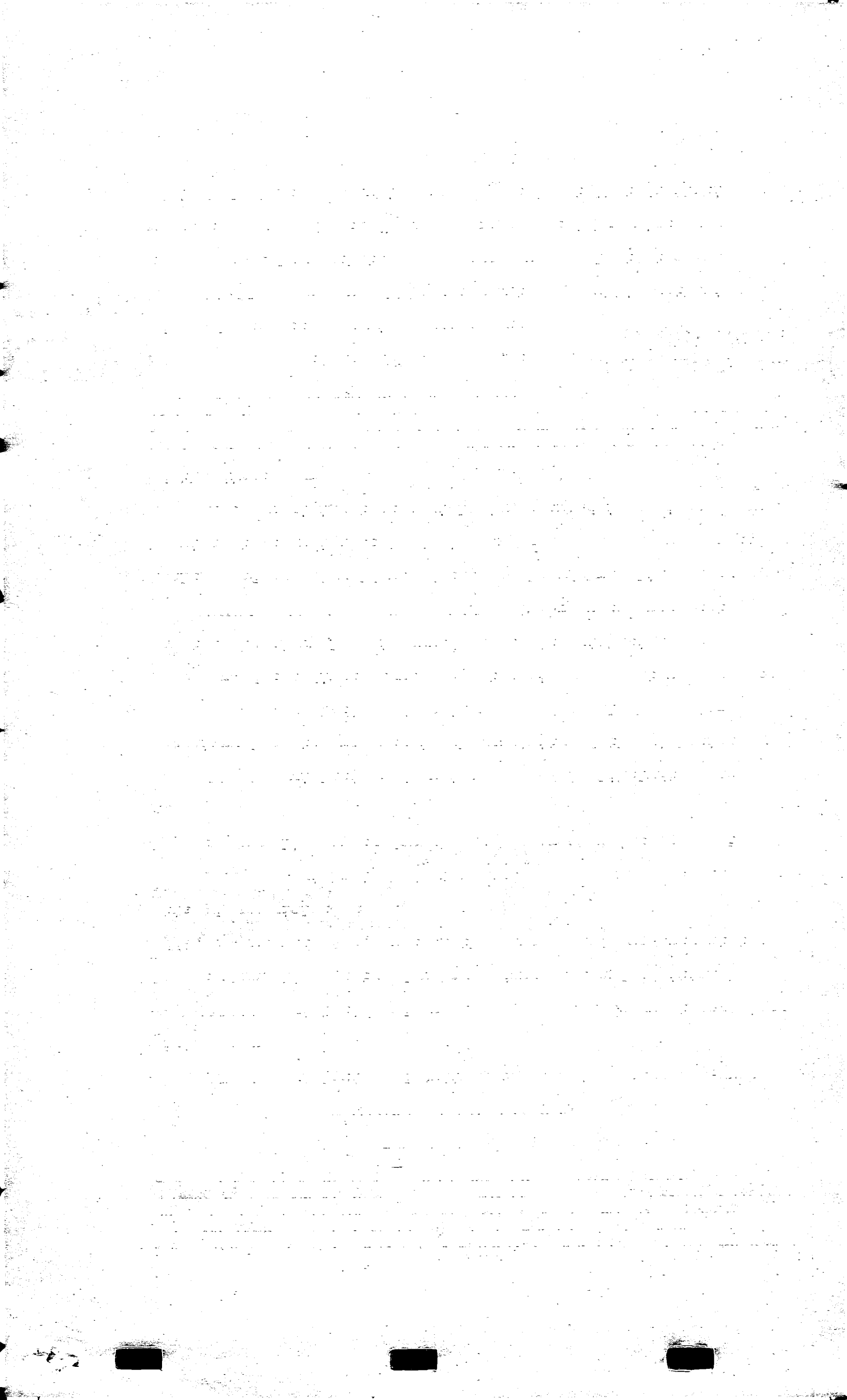
WHEREAS, violation of Ordinance 80-6 should be a misdemeanor of the first degree, and the misdemeanorment required to pay the pecuniary loss incurred due to its violation,

NOW, THEREFORE, BE IT ORDAINED, in order to protect the health, safety and welfare of the people of Franklin County, Florida, that Ordinance 80-6, is hereby amended and re-enacted as amended providing that a violation thereof is a misdemeanor of the first degree:

AN ORDINANCE REGULATING OUTDOOR PUBLIC AMUSEMENTS, PROVIDING FOR SPONSOR THEREOF TO PROVIDE ADEQUATE SANITARY FACILITIES, PARKING, LAW ENFORCEMENT, PROTECTION OF PERSONS AND PROPERTY, CLEANUP, AND OTHER NECESSARY REGULATION OF SUCH EVENTS.

WHEREAS, outdoor public amusements cause large numbers of people to attend various events, and

WHEREAS, outdoor public amusements and public gatherings unless properly regulated, can draw more people to the area where they are held than can be accommodated by existing roads, medical facilities, parking accommodation, toilet facilities, and



law enforcement, and may cause public or private disturbances and traffic jams, and.

WHEREAS, at public amusement event held recently on St. George Island, there were traffic jams of such magnitude that, in the event of need, ambulances and fire trucks could not have gotten too or from St. George Island for long periods, and

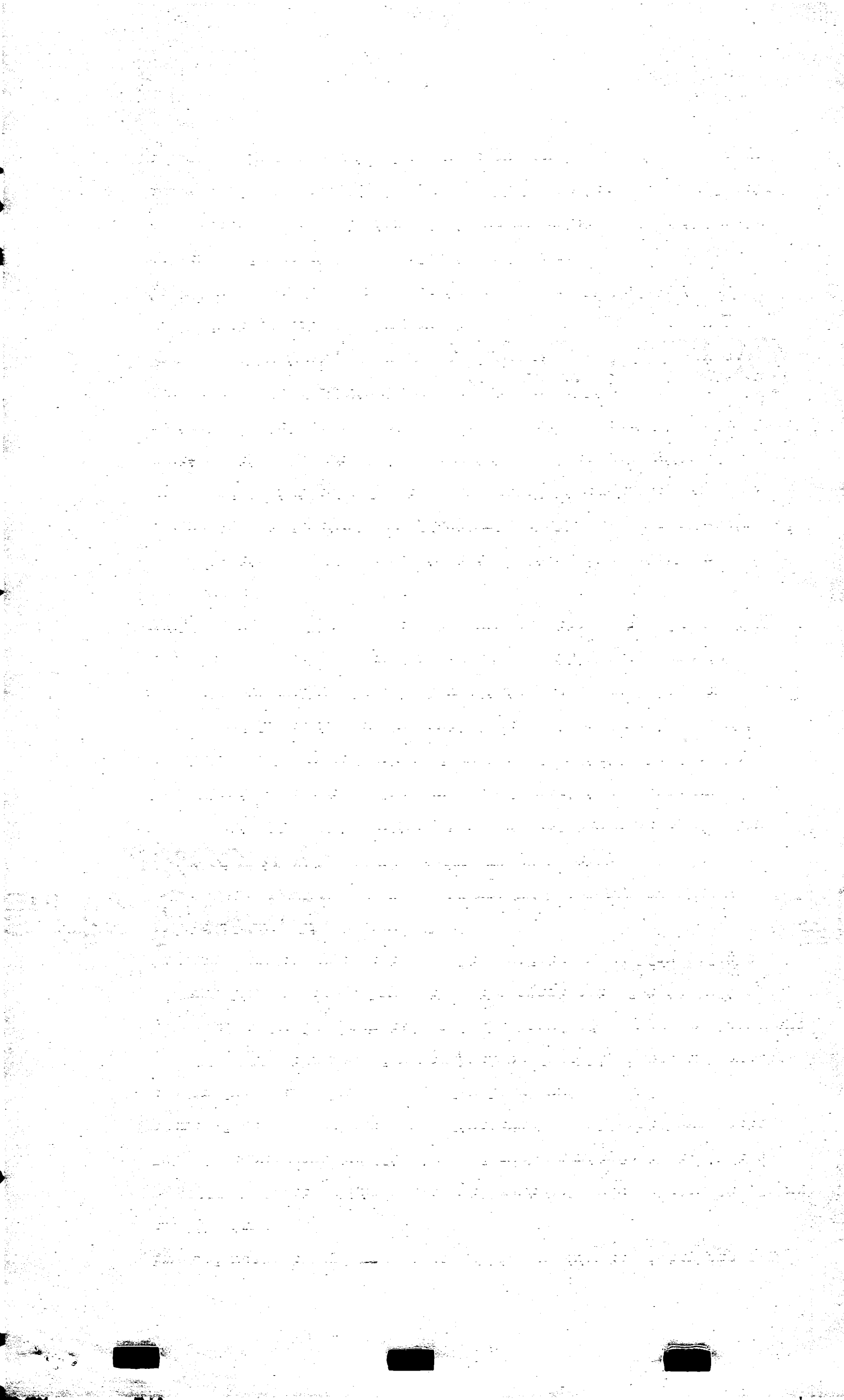
WHEREAS, the need for regulation of public amusement events has been amply demonstrated, and the Board of County Commissioners of Franklin County declares that the enactment of this Ordinance is necessary to protect the health, safety and welfare of the people of Franklin County, Florida,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, that:

Section 1. This Ordinance is enacted pursuant to Chapter 125, Florida Statutes, for purpose of providing necessary regulation of any gathering of groups of individuals for the purpose of listening to or participation in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclose structure, and other public amusements which would be reasonably expected to draw an attendance of more than 500 persons.

Section 2. When used in this Ordinance "musical or entertainment festival" or "festival" shall mean any gathering of groups of 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. It shall include any outdoor public amusement which is reasonably intended or expected, or which should be expected or in fact is attended by more than 500 persons. Any person who is injured, or whose property is damaged shall be considered a "victim" of any violation of this Ordinance.

Section 3. Admission of minors restricted. No child under the age of seventeen (17) years shall be admitted to any festival unless he is accompanied by parent or gardian. Said parent or



guardian shall remain with their child at all times.

Section 4. Permit fee. There shall be a reasonable fee for the issuance of the permit provided for such public amusement event, which shall be sufficient to cover the costs of any additional officer's salary as determined necessary for such event by the County Sheriff.

Section 5. Alcoholic or intoxicating beverages. No alcoholic or intoxicating beverages shall be dispensed as part of the event to any person under 18 years of age.

Section 6. Permit required. No person shall stage, promote, or conduct any musical or entertainment festival in the County unless such person shall first secure from the Board of County Commissioners of Franklin County, Florida, a special entertainment permit for such festival.

Section 7. Application for permit. A special entertainment permit required by Section 6, shall not be issued unless the following conditions are met and the following plans are submitted to the Board of County Commissioners of Franklin County, Florida.

- a.) A plan for adequate sanitation facilities and sewage disposal approved by the County sanitarian;
- b.) A plan for parking facilities which are not within the area of the festival, and a plan for the transportation of the patrons from said parking facilities to the festival area;
- c.) A plan for adequate medical facilities;
- d.) A plan for the provision of adequate security and traffic control in and around the festival area;
- e.) Full disclosure must be made by the promoters of the County Commission of the financial backing of the festival and the names of all persons or groups who will perform at the festival;
- f.) The Board of County Commissioners may require that the applicant furnish a bond, for such sum as may be reasonable conditioned for the payment of cleanup expenses and damage to public or private property caused by such festival or persons attending it, including the time of such festival, and 24 hours before and after it.

(g.) Time limit of festival. Under no circumstances shall any person operate a festival which will continue for more than one eight-hour period without a twenty-four hour rest period before continuation of the festival.

A violation of this ordinance is a misdemeanor of the first degree, punishable by imprisonment up to one year, and by a fine not exceeding \$1,000.00, or by such higher penalties as may be enacted by Florida Statutes, or by any such higher amount equal to double the pecuniary gain derived from the offense by the offender, or double the pecuniary loss suffered by the victim, or by Franklin County for cleanup road maintenance and additional law enforcement costs incurred for protection of persons and property at the site of the violation and on roads and ways leading to the site of the violation.

Should any festival continue for more than 24 hours, each day shall be a separate offense.

This ordinance adopted in open session this 7th day of April, 1981, after such notice of intent to consider such an ordinance has been made and kept in the ordinance book of the Clerk of the Board for at least 15 days exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: Willis Collins Jr  
Its Chairman

Attest:

Robert R. Howell

Clerk

