

ORDINANCE NO. 2024-06

AN ORDINANCE PERTAINING TO THE REGULATION AND PERMITTING OF OUTDOOR EVENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PERMITTING SYSTEM FOR OUTDOOR EVENTS; PROVIDING FOR EXEMPTIONS; ESTABLISHING ADDITIONAL CONDITIONS AND FEES; REQUIRING LIABILITY INSURANCE; PROVIDING FOR PENALTIES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, F.S. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the Board of County Commissioners of Holmes County ("Board") recognizes the need to update certain regulations relating to outdoor events in the unincorporated areas of Holmes County ("County"); and

WHEREAS, the Board finds it is in the best interests of the health, safety and welfare of the people of the County to establish reasonable regulations for conducting outdoor events.

WHEREAS, the Board of County Commissioners for Holmes County is attempting to balance the goals of growth, economic impact, and job creation with the historical deference provided to private property rights, churches, private residences, and other individual and community-based needs, by implementing the following rules and regulations; and

WHEREAS, under state law, the Board is authorized to establish the permitting system and regulation of outdoor events in the unincorporated areas of the County; and

WHEREAS, the Board wishes to provide restrictive criteria for persons operating outdoor events, such as music and entertainment festivals, in the County, as fully set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida, as follows:

ARTICLE I. Definitions

The following words or phrases, when used in this Article shall have the meanings ascribed to them herein except where the context otherwise requires:

1. Outdoor Event - shall mean any planned assemblage of 500 or more of the general public held outdoors within the unincorporated areas of Holmes County for which admission is charged and/or booths are available for rent. Outdoor Events may include, but not be limited to, contests, fairs, carnivals, festivals, concerts, seasonal or annual events, competitions, car shows, art/craft shows, or other similar activities which meet the definition listed herein for Outdoor Events.
2. Calendar of events - means more than one Outdoor Event sponsored by the same individual or group, which occurs on the same site, more than one time during a calendar year, and which contains Outdoor Events similar in nature, with infrequent changes in detail.
3. Person - any natural person, firm, association, joint venture, partnership, estate, trust, business trust, fiduciary, corporation, and all other groups and combinations.
4. Temporary structures and facilities - includes, but is not limited to, sheds, booths, bleachers, canopies, tents, stages and fences, necessary site improvements and right of way agreements for temporary purposes during an event.

ARTICLE II. Permits

1. Required. It shall be unlawful for any person to stage, promote or sell tickets to or conduct any Outdoor Event, including musical or entertainment festivals, in the County unless the person shall first secure a Permit from the Board.

All Outdoor Events shall be held in full compliance with the Holmes County Land Development Code and all other applicable state and federal laws, ordinances and regulations.

2. Exemptions. The following activities shall be exempt from the permitting requirements:
 - a. County sponsored or approved Outdoor Events held on county property;
 - b. Outdoor Events sponsored or approved by the school board conducted on school board property or property under the control of the school board;
 - c. Existing businesses or entities that have development order approval for Outdoor Events as an accessory use and when no public (i.e., citizens of Holmes County) liability exposure exists.
 - d. Outdoor Events that qualify for an exemption must comply with the provisions of the Fire, Life and Safety requirements and receive a certificate of exemption from the appropriate fire and rescue agency.
 - e. Outdoor events that qualify for Agritourism under the Florida Statutes.

ARTICLE III. Application

Application. An application for an Outdoor Event (or calendar of events) shall be submitted to the Building Department at least Ninety (90) days in advance of the date of commencement of the Outdoor Event(s). Last minute events within an approved calendar of events may be amended upon written notification to the Planning and Development Services Division.

1. The application shall contain the following:
 - a. The name(s) of all persons promoting or conducting the Outdoor Event.
 - b. The name(s) of all persons who will provide event-related services to the Outdoor Event, and executed copies of all contracts or agreements with such persons or groups.
 - c. Proof of ownership of the property on which the Outdoor Event is being held or in the alternative proof of a contractual agreement to use the property of another. For purposes of this Ordinance, the owner of the property on which the Outdoor Event is being held shall be liable for persons promoting or conducting the Outdoor Event. This responsibility cannot be contracted away by the owner of the property.
 - d. 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.
 - e. The exact date and time of commencement and the exact date and time of the conclusion of the Outdoor Event. However, no Outdoor Event shall continue past midnight. If a variance or exception is warranted, it shall be considered on a case-by-case basis.
 - f. 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 shall be permitted outside the designated parking area except when necessary to ensure compliance with any provisions of this subdivision.

- g. A provision for security and traffic control. If the Outdoor Event requires services beyond those that are regularly provided by Holmes County such as additional sheriff services, the number of officers to be retained and any associated fees shall be determined by the Sheriff's Office on a case-by-case basis.
- h. An adequate plan for medical services. There shall be provided a minimum of one ambulance with advanced life support and appropriate EMS personnel for every 2,000 patrons. The personnel required shall be determined on a case-by-case basis by the EMS Director for the County.
- i. 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 includes 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 the implementing plan.
- j. A provision for parking facilities, both on and off site. Such plan shall provide for on and off-site parking in areas clearly designated as parking areas. No parking shall be allowed on internal neighborhood streets or County Rights of Way.
- k. Any necessary temporary improvements, including signage, in the public right-of-way.
- l. A provision for an emergency services plan with the level of service and associated fees being determined by the Holmes County Fire Rescue Department, EMS Department, and Emergency Management Department, and documented on a case-by-case basis by means of an Event Action Plan.
- m. The name(s), phone numbers, and e-mail addresses of onsite contact and back-up person(s) to contact during the event and after hours for emergency situations.
- n. 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 Department of Health shall be considered as minimum requirements. In evaluating such plans, the Board shall also consider the applicability of provisions of F.S. Ch. 386 and such other provisions of law, the State Sanitary Code or local ordinance as it may deem necessary in the interests of the public health and welfare.
- o. 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 subdivision for the protection of the public health, morals, safety, and general welfare.
- p. Liability insurance. A written public Outdoor Event liability insurance policy insuring the person, staging, promoting or conducting the Outdoor Event 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 Outdoor Event, written with limits of not less than \$300,000.00 for damage or injury to any one person for bodily injury or

otherwise, plus \$25,000.00 for damages to property, and for not less than \$500,000.00 for damages incurred or claimed by more than one person for bodily injury or otherwise, plus \$50,000.00 for damage to property. Holmes County shall be named as additional insured on all such policies. The original or duplicate of the policy shall be attached to the application for an Outdoor Event permit, together with adequate evidence that the premiums are paid.

- q. Cash cleanup bond. Any person holding a permit under this ordinance shall deposit with the County a minimum cash bond in the amount of \$100.00 for each 1,000 anticipated patrons, based upon the estimated attendance and specified length of performance designated in the application for the permit. Such cash bond shall be for the expense of cleaning up any debris, paper, litter or trash left by the patrons at such Outdoor Event or by the holder of the permit or its agents, employees or contractors. Such cash bond shall be returned to the holder of the permit upon certification by the County Administrator or designee that all debris, paper, litter or trash left by the patrons at such festival site has been removed within 48 hours from the designated conclusion time of the Outdoor Event 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 cleanup or repair such damage within such 48-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 such cleanup or repair work from the amount of the cash cleanup bond.
 - r. Performance bond. Any person holding a permit under this ordinance shall deposit with the County a minimum cash bond in the amount of \$5,000.00 for each 1,000 anticipated patrons, based upon the estimated attendance and specified length of performance designated in the application for the permit. Such cash bond shall be for any unforeseen expense incurred by the County. Such cash bond shall be returned to the holder of the permit upon certification by the County Administrator that no amount is owed to any department within the County. Upon failure of the holder of the permit to reimburse the County within a 48-hour time period from the conclusion of the Outdoor Event, the County shall have the right to forthwith take such corrective action as it may deem necessary and to deduct the costs of County resources against the amount of the cash Performance bond.
 - s. Temporary Alcohol Permit. If the Outdoor Event intends to sell Alcohol, a Temporary Alcohol Permit must be acquired prior to the Outdoor Event Permit is issued.
2. Application review. All applications for Outdoor Event permits shall be reviewed by the following departments/entities. The permit application will provide contact information for each of the following:
- a. Planning and Development Services Division.
 - b. Engineering Department.
 - c. Building Department.
 - d. Code Enforcement Department, if applicable.
 - e. Holmes County Sheriff's Office.
 - f. Holmes County Fire Department.
 - g. Health Department.
 - h. Holmes County Emergency Medical Services Department.
 - i. Emergency Management Department.
 - j. Holmes County School Board.

3. Establishment of additional conditions. The County reserves the right to establish such additional conditions, criteria or detailed specifications for the Outdoor Event permit as it may deem necessary to carry out the intent of this article, for the protection of the public health, safety and general welfare.

ARTICLE IV. Application Fee

Fees; attendance report. The Board shall assess upon the filing of the application for a special entertainment permit a minimum nonrefundable fee of \$150. 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 nonparticipating public.

ARTICLE V. Violations; penalties.

The County may refuse to issue an Outdoor Event permit or revoke a previously issued Outdoor Event permit granted under this ordinance upon the occurrence of any violation of this ordinance.

Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by fine not to exceed \$1,000.00 and/or a 2nd degree misdemeanor.

Article VI. Appeals

1. Appeals. An applicant who has been denied a permit from the Application Committee may appeal the decision to the Board of County Commissioners. Appeals are made by filing a notice of appeal with the Project Director for Holmes County within thirty (30) days of the decision.
2. Record. The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.
3. Procedure
 - a. The Board of County Commissioners shall meet for discussion concerning the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the County of the time, date and place of the meeting by certified mail, return receipt requested. The Board of County Commissioners shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Ordinance. In so modifying such decision, the Board of County Commissioners shall be deemed to have all powers of the Application Committee from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
 - b. The decision of the Board of County Commissioners shall be mailed to all parties by the County.
4. Appeals to Circuit Court. Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of Holmes County, or County Commission arising from the decision-making or administration of this Ordinance may present to the Circuit Court of Holmes County a

petition for a writ of certiorari to review such final action as provided by the Florida Appellate Rules. Such action shall not be taken until the litigant has exhausted all the remedies available in this Ordinance. Such petition shall be presented to the Court within thirty (30) days after the date the litigant has exhausted all such Ordinance remedies.

ARTICLE VII. General

1. Compliance with laws and regulations. The staging, promoting or conducting of an Outdoor Event 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 the County.
2. Severability. Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.
3. Effective date. This ordinance shall become effective Ninety (90) days from the day of approval; if an Outdoor Event is to be held within the Ninety (90) day period, the Outdoor Event may request a waiver, which may be approved or denied at the Boards discretion.


If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without application of the invalid provision, and those provisions of the Ordinance are declared severable.

This Ordinance shall become effective upon its adoption on this 03 day of DEC., 2024.

APPROVED and **ADOPTED** by a majority of the Board of County Commissioners of Holmes County, Florida this 03 day of DEC., 2024.

BOARD OF COUNTY COMMISSIONERS OF
HOLMES COUNTY, FLORIDA


Chairman

ATTEST:

Clerk of Court

