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OUTDOOR MUSIC FESTIVAL PERMIT APPLICATION

This application shall be submitted at least 90 days from the date of the event (58-146) for review and a decision to be made by the Board of County Commissioners in accordance with Article IV., Outdoor Festivals of the Gadsden County Code of Ordinances.

For County Administration Only

PROJECT #: _____ DATE(S) OF EVENT: _____

THE GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS, AT THE _____ (DATE)
MEETING VOTED TO _____ APPROVE _____ DENY _____

COUNTY ADMINISTRATORS SIGNATURE

DATE

Applicant information below:

SUBMITTAL DATE (MUST BE 90 DAYS PRIOR TO EVENT): _____

DATE(S) OF THE EVENT: _____ Hours of Operation: _____

NAME OF EVENT: _____

STREET ADDRESS: _____

PARCEL ID. #: _____ PARCEL SIZE: _____

EXISTING USE OF THE PROPERTY (e.g. vacant, shopping center parking lot, etc.): _____

PROPERTY OWNER INFORMATION:

NAME: _____ EMAIL: _____

PHONE NUMBER(S): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

SIGNATURE: _____

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APPLICANT INFORMATION (IF DIFFERENT THAN OWNER AUTHORIZATION TO REPRESENT IS REQUIRED):

NAME: _____ EMAIL: _____

PHONE NUMBER(S): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

CONTACT PERSON DURING EVENT: _____

PHONE NUMBER(S): _____

DESCRIPTION OF MUSIC FESTIVAL BELOW (OR INDICATE IF INFORMATION IS IN AN ATTACHMENT):

SUBMITTAL REQUIREMENTS:

- _____ The complete application, including the \$500.00 fee shall be submitted to the County Administrator at least 90 days prior to the date of commencement of the music festival.
- _____ Documentation addressing all the requirements of Sec. 58.144 of the Code, as listed below.
- _____ Prior to approval, a 'faithful performance guarantee' as required by Sec. 58-145 of the Code, as listed below.

ARTICLE IV. - OUTDOOR FESTIVALS⁽⁴⁾

Sec. 58-141. - Findings of fact and purpose.

It is found and determined that in the past festivals have been conducted in the unincorporated areas of Gadsden County; and the purpose of this article is to attempt to alleviate the problems associated with previous festivals.

(Ord. No. 2001-010, § 1)

Sec. 58-142. - Definitions. As used in this article "festival" means any gathering of persons for the primary purpose of listening to or participating in outdoor musical entertainment offered to the general public or a substantial segment thereof. The term "festival" shall not include a gathering for another primary purpose, such as athletic events, religious services, fairs or expositions, even though outdoor musical entertainment may be incidental thereto.

(Ord. No. 2001-010, § 2)

Sec. 58-143. - Festival permit required. No person, entity, corporation, partnership, firm or organization shall stage, promote, or conduct any festival in the county without first obtaining a festival permit from the board of county commissioners.

(Ord. No. 2001-010, § 3)

Sec. 58-144. - Permit application. An applicant for a festival permit shall submit the following to the county manager at least 90 days prior to the date of commencement of the festival:

- (1) A plan for adequate sanitation facilities, sewage disposal, insect and rodent control, water supply, food service, garbage collection and disposal. An adequate geographic description and scale map or plan of the festival site showing the location of all required services and 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. Said site plan or map shall also indicate stage and vendor locations.
- (2) An adequate plan for medical facilities and personnel determined by local EMS direction.
- (3) A plan for parking facilities designed to avoid material disruption of traffic flow and to avoid interference with private property in the area.
- (4) A plan for adequate security and crowd control in and around the festival area, which plan shall include as a minimum at least the following:
 - a. Adequate security as determined by local law enforcement.
 - b. If any portion of the festival will be held during hours of darkness, a plan for adequate lighting; and
 - c. If the festival site contains any body of water of a size which will accommodate swimming, a plan for adequate lifeguard facilities, including at least one lifeguard on duty during daylight hours.
 - d. A site plan showing how security, traffic control, communications, fire protection and emergency services, including ambulance service, will be provided.
- (5) An affidavit setting forth the names, addresses, and relevant background, qualifications and experience of all persons promoting, operating and participating directly or indirectly in the financial backing of the festival and of all performers at the festival.
- (6) The location and time of the festival, and the estimated attendance.
- (7) A comprehensive automobile general liability insurance policy or policies, issued by an insurance company licensed to do business in Florida, and having a policyholder's rating of B or better and a financial rating of AA+ or better by Alfred M. Best Company, insuring the promoter of the festival,

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the owner of the festival area and the county and providing it cannot be cancelled without written notice thereof being served on the county manager at least 15 days prior to the date of cancellation. The policy or policies shall be approved by the county manager and shall include coverages in the following amounts.

- a. Bodily injury liability insurance of \$500,000.00 for one person injured and, subject to that limit, \$1,000,000.00 for more than one person injured in any one occurrence;
 - b. Property damage liability insurance of \$500,000.00 in any one occurrence;
 - c. Automobile liability insurance for bodily injury of \$250,000.00 for any one person injured and, subject to that limit, \$500,000.00 for more than one person injured in any one occurrence, covering all owned, leased and all other classes of nonowned vehicles; and
 - d. Property damages liability insurance covering all owned, leased and all other classes of nonowned vehicles in the amount of \$100,000.00 for any one occurrence.
- (8) An agreement pursuant to which the applicant assumes full responsibility and liability for and indemnities and saves the county harmless against (1) all liability, claims for damages, and suits for or by reason of any injury to any person, and damage to any property for every cause in any way connected with the holding of the festival irrespective of negligence, actual or claimed, upon the part of the county, its agents and employees, except willful and wanton acts of county employees and agents, and (2) all expenses incurred by the county for police protection in excess of normal police operations, to the extent necessary to preserve public order and safety at the festival. The applicant shall agree to indemnify the county against all charges, expenses and costs including the reasonable value of the services of the county attorney incurred on account of or by reason of any such injuries, damages, liability, claims, suits or losses and all damages growing out of the same.
- (9) The names of all persons or groups who will perform at the festival, and executed copies of all contracts or agreements with such persons or groups.
- (10) The names of all persons, firms and corporations who will provide products, materials or services, other than entertainment, to or at the festival, and executed copies of all contracts or agreements with such persons, firms or corporations.
- (11) Such other information as the county manager may reasonably require to ensure compliance with this article.

(Ord. No. 2001-010, § 4)

Sec. 58-145. - Faithful performance guarantees. The applicant shall deliver to the county at the time the application is approved one of the following:

- (1) A faithful performance bond in a form approved by the county manager in the penal sum of \$100,000.00, to be released after 30 days from the last date of the event covered by the bond conditioned that the applicant shall well and faithfully observe, fulfill and perform according to the plans approved and the requirements of this article and that in the event of any failure to do so on the part of the applicant, the bond shall not be released and the amount thereof shall be recoverable by the county for all damages proximately resulting from the failure of the applicant to well and faithfully perform according to the conditions and requirements of this article.
- (2) A cash deposit of \$100,000.00 conditioned in the same manner as a performance bond under subsection (1) of this section.
- (3) An insurance policy in a form approved by the county manager of \$100,000.00 conditioned in the same manner as a performance bond under subsection (1) of this section.
- (4) A personal bond secured by an unconditional and irrevocable letter of credit in the amount of \$100,000.00, which letter of credit shall:
 - a. Be issued by a Florida or United States banking institution to the county in a form approved by the county manager.
 - b. Give the county the right to use any funds resulting from drafts on such letter of credit for all damages proximately resulting from the failure of the applicant well and faithfully to perform according to the plans approved and the requirements of this article, and

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- c. Be released and returned to the promoter after 30 days from the last date of the event covered by the personal bonds.

(Ord. No. 2001-010, § 5)

Sec. 58-146. - Issuance of permit; grounds for denial. Upon submission of the items required by this article, the filing of the required approvals by the county manager and the payment of an application fee, **the board of county commissioners shall issue a permit for the staging, promoting or conducting of a festival at the time and location named in the application**, except that the board shall deny the permit if:

- (1) The applicant, any of the persons participating directly or indirectly in the financial backing of the festival, or any of the performers at the festival have been convicted within the last three years preceding the date of the application of a violation of:
 - a. This article;
 - b. An ordinance or law of another governmental body regulating festivals and similar activities; or
 - c. An ordinance or law of the city or any other governmental body regulating or prohibiting drugs or narcotics.
- (2) A performer scheduled to appear at the festival has failed to appear at three or more separate musical engagements within the year preceding the date of the application, without a lawful contractual defense.
- (3) The applicant has made any false representation in the application.
- (4) The application and plans fail to adequately protect public health and safety.

The board shall grant or deny the permit within 60 days following the filing of an application.

(Ord. No. 2001-010, § 6)

Sec. 58-147. - Conduct of festivals regulated.

(a) No person, entity, corporation, partnership, firm or organization staging, promoting, or conducting a festival shall:

- (1) Permit the festival to continue for more than eight hours in any 24-hour period, or advertise or permit any advertising that the festival will so continue.
- (2) Advertise or permit any advertising that a particular performer will appear at a festival until after a contract for the performer's appearance has been executed and a copy thereof has been filed with the county manager.

(b) On the festival premises, no person shall possess:

- (1) Any beverage containing alcohol of more than one percent by weight.
- (2) Any container made of glass.

(c) The festival promoter shall be responsible for the orderly and healthful conduct of the festival and for the avoidance of adverse public health and public safety conditions or incidents, and, upon failure to comply, shall respond to the city for all damages proximately resulting therefrom.

(Ord. No. 2001-010, § 7)

Sec. 58-148. - Revocation or suspension of permit.

The county manager or his agent may suspend or revoke a permit issued under this article for violation of the preceding section or for failure to comply with the plans described in this article as approved, or for making any false representation in an application for a permit or for an exemption certificate.

(Ord. No. 2001-010, § 8)

Sec. 58-149. - Penalties. It is unlawful and a misdemeanor offense to:

- (1) Conduct, stage or promote a festival without a permit.
- (2) Fail to comply with the plans described in this article as approved.
- (3) Violate a provision of this article.

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(Ord. No. 2001-010, § 9)

Sec. 58-150. - Exemption.

- (a) Sections [58-143](#) through [58-149](#) shall not apply to a festival if:
- (1) The promoter files an affidavit that his best estimate of probable attendance at the festival is 500 persons or less, and
 - (2) The county manager concurs in the estimate in writing and issues to the promoter an exemption certificate.
- (b) Each attendance estimate by the promoter and by the county manager shall be accompanied by a written statement of the basis for the estimate. Each estimate shall be based upon all the relevant factors known at the time, including, without limitation, past attendance at similar functions having the same and similar performers, both in Gadsden County and comparable communities, the price of admission and the extent of advertising and promotion contemplated.
- (c) No person staging, promoting or conducting a festival under an exemption certificate pursuant to this section shall permit the festival to continue for more than five hours in any 48-hour period, or advertise or permit any advertising that a festival will so continue.
- (d) It shall be unlawful and a misdemeanor to violate this section.

(Ord. No. 2001-010, § 10)

Sec. 58-151. - Release of public liability insurance policy. The county manager is authorized but not required to release the public liability insurance policy provided for in [section 58-144\(7\)](#) after 30 days from the last date in the event for which the policy is given.

(Ord. No. 2001-010, § 11)

Sec. 58-152. - Permit fee. The county manager shall assess upon the filing of the application a minimum nonrefundable fee in an amount set by resolution of the board of county commissioners, based upon the estimated attendance and specified length of performance designated in the application for the permit. An additional nonrefundable fee shall be assessed and paid upon approval of the application, based upon the estimated attendance and specific length of performance designated in the application for the permit. Any excess of actual attendance over that anticipated with nonrefundable fee paid in advance shall be assessed a daily fee as prescribed in a resolution of the board of county commissioners. 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 this article. The fees assessed by this section are for the purpose of compensating the board of county commissioners for the services required in investigations of the application 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.

(Ord. No. 2001-010, § 13)

Sec. 58-153. - Cash clean-up bond.

Any person, firm, entity, partnership or corporation holding a special entertainment permit shall deposit with the county, a cash bond in an amount set by resolution of the board of county commissioners, based upon the estimated attendance and specified length of performance designated in the application for the permit. The 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 agencies, employees or contractors. The cash bond shall be returned to the holder of the permit upon certification by the county manager that all debris, paper, litter or trash has been removed from the premises on which the festival was held within 24 hours from the designated conclusion time of the festival and that no damage has been done to the streets, sewers, structures, trees and shrubbery on such premises or the adjoining property. Upon failure of the holder to the permit to complete such cleanup or repair such damage within the 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 cost of same from the amount of the cash cleanup bond.

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(Ord. No. 2001-010, § 14)

_____ I AM THE OWNER

_____ I AM THE LEGAL REPRESENTATION OF THE OWNER IF APPLICANT IS DIFFERENT FROM THE OWNER (See attached Authorization to Represent) of the property described by this Outdoor Music Festival application.

I declare that I have read said application and all sketches, data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I have read and am responsible for compliance with Article IV, Outdoor Festivals of the Gadsden County Code of Laws. I am giving the County or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not. And that, upon submission said application and documents, as well as all correspondence, become a matter of public record.

At the time the application is approved the applicant shall deliver to the county a faithful performance financial guarantees as outlined in Sec. 58-145.

Signature of Property Owner or Applicant as Authorized Representative

Date

The foregoing instrument was acknowledged before me this _ day of _____ 20__, by _____ who is personally known to me, or has produced _____ as identification and who did (did not) take an oath.

NOTARY PUBLIC:

SEAL:

Notary Signature

Notary Printed Name

COMMISSION NUMBER: _____