

HERNANDO COUNTY ORDINANCE NO. 71-2

1 An ordinance relating to musical or entertain-
2 ment festivals in Hernando County, Florida;
3 requiring application to the Board of County
4 Commissioners for a permit and payment of fee
5 if application approved; requiring posting of
6 a surety bond upon approval of application; pro-
7 hibiting disorderly conduct, illegal activities
8 and public nuisance; requiring festival premises
9 to be subject to inspection and search without
10 search warrant; applicability of the Florida
11 Stop and Frisk Law; requiring adequate sanitary
12 facilities and compliance with other health re-
13 gulations; prohibiting festival activities dur-
14 ing certain hours; requiring adequate parking
15 areas; prohibiting camping out or sleeping in
16 festival areas; requiring private licensed secur-
17 ity guards; authorizing the Board of County
18 Commissioners to make reasonable regulations;
19 authorizing revocation of permit for violations;
20 providing penalties for violations; providing
21 for severability of provisions; providing an
22 effective date.

23
24 Be It Ordained by the Board of County Commissioners
25 of Hernando County, Florida:

26 Section 1. Findings and intent of the Board of
27 County Commissioners.

28 In view of the extremely large number of persons
29 who have been attending outdoor musical or entertain-
30 ment festivals and in view of the apparent failure of
31 the promoters and operators of such festivals to

RICHARD(DICK)STONE
SECRETARY OF STATE

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1 provide adequate regulation and control of the per-
2 sons attending said festivals, and in view of the
3 failure of the promoters and operators of said festi-
4 vels to provide sanitary facilities there has been
5 created a situation which affects the public health,
6 morals, and welfare. it is therefore, the findings
7 and intent of the Board of County Commissioners of
8 Hernando County, Florida, that it is necessary to im-
9 pose reasonable regulations as provided in this Ord-
10 nance to protect the public health, morals, and wel-
11 fare of the citizens of Hernando County if and when
12 such festivals should be conducted within this County.

13 Section 2. Definitions.

14 For the purposes of this Ordinance, the following
15 words shall be defined as follows:

16 (a) Board shall mean the Board of County Commissioners
17 of Hernando County, Florida; (b) musical or entertain-
18 ment festival shall mean any gathering of groups or
19 individuals for the purpose of listening to or parti-
20 cipating in entertainment which consists primarily of
21 musical renditions conducted outdoors or in other areas
22 not within a permanent enclosed building and which
23 lasts an overall period of more than four (4) hours;

24 (c) County shall mean Hernando County, Florida.

25 Section 3. Permit and penal bond requirements.

26 Any person, firm, or corporation which operates or
27 maintains upon lands owned, leased, or rented by it
28 any musical or entertainment festival as hereinabove
29 defined in any part of the incorporated or unincorpor-
30 ated areas of Hernando County shall make application
31 for a permit to the Board of County Commissioners at

1 least thirty (30) days prior to the scheduled commence-
2 ment of the festival. Said application shall include
3 a detailed diagram of the area where the festival is
4 planned, which diagram shall clearly indicate the lo-
5 cation of parking areas, toilet facilities, sink faci-
6 lities, and potable drinking water, as well as the
7 exact location of the entertainment area. Upon re-
8 ceipt of said application by the Board the Sheriff of
9 said County shall make an investigation of the applicant
10 to determine his financial responsibility and his
11 moral character and the Sheriff shall make a report of
12 his investigation to the Board of County Commissioners,
13 which shall thereupon approve or reject said application.

14 Section 4. No advertising or sale of tickets per-
15 mitted until permit approved and issued.

16 There shall be no advertising of the festival or
17 the sale of any attendance tickets or the receipt of
18 any moneys by the promoter or operator from persons
19 desiring to attend such festival until the permit re-
20 quired herein is approved and issued by the Board of
21 County Commissioners. If the Board of County Commis-
22 sioners approves the application, it shall issue a per-
23 mit to the applicant upon the payment of the fee there-
24 for which shall be in the sum of \$100.00 and in addition
25 thereto the promoter or operator of such a festival,
26 as a condition precedent to obtaining said permit shall
27 post with the Board of County Commissioners a surety
28 bond in the sum of not less than \$1,000.00 or more in
29 the discretion of the Board based upon the recommenda-
30 tion of the Sheriff in order to protect against damage
31 to any private or public property whether the same be

1 personal or real property located in Hernando County
2 which damage is caused by any person or persons by
3 reason of the failure or refusal of the promoter or
4 operator of the festival to observe and comply with
5 any of the provisions of this Ordinance.

6 Section 5. Disorderly conduct, illegal activities,
7 and public nuisances.

8 No promoter or operator shall engage in, or permit
9 other persons to engage in disorderly conduct or ille-
10 gal activities prohibited by the laws of this State on
11 the property used in connection with the festival, nor
12 operate or permit the operation of the festival in such
13 manner as to constitute a public nuisance. For the
14 purposes of this Ordinance, a public nuisance shall in-
15 clude, but is not limited to, making or causing to be
16 made any unusual or excessive noises which disturb, or
17 may reasonably be expected to disturb the peace and
18 quiet of any inhabitant of the area.

19 Section 6. Right to inspect and search premises
20 without search warrant.

21 Every promoter or operator who obtains a permit as
22 required herein impliedly agrees that, as a condition
23 to the issuance of such permit, the premises on which
24 the festival is actually conducted shall be subject to
25 reasonable search and inspection at reasonable times,
26 without a search warrant, by any law enforcement offi-
27 cer, health officer, or authorized County official, in
28 order to insure faithful performance by the promoter or
29 operator of the provisions of this Ordinance.

30 Section 7. Florida Stop and Frisk Law applicable.

31 All law enforcement officers on duty on the premises

1 where the festival is being conducted shall have full
2 benefit of the provisions of Section 901.151 Florida
3 Statutes 1959, known as the "Florida Stop and Frisk
4 law".

5 Section 8. Adequate sanitary facilities and com-
6 pliance with other health regulations.

7 The promoters or operators of the festival as des-
8 cribed hereunder shall provide and keep in proper
9 working order during the entire term of the festival
10 adequate toilet facilities, sink facilities, with run-
11 ning water, and potable drinking water as may be re-
12 quired by Law and the County and State of Florida
13 Health Department's regulations and shall comply with
14 all other existing regulations of said Health Depart-
15 ments and all existing regulations of the Hernando
16 County Building Code which may be applicable.

17 Section 9. Times during which festival activities
18 prohibited.

19 All festival activities must cease at or before
20 11:00 P.M. and may not resume prior to 10:00 A.M. on
21 the following day.

22 Section 10. Parking facilities.

23 The promoters or operators shall provide adequate
24 parking areas for motor vehicles of persons attending
25 the festival which shall be separate and apart from the
26 place where the festival itself is being conducted, so
27 as to insure the safety of persons in attendance.

28 Section 11. Camping out or sleeping on festival
29 grounds prohibited.

30 The promoters or operators of said festival shall
31 not permit or allow any person or persons to camp and

1 on the day of the festival...
2...
3... 11:00 A.M. the following morning.

4 Section 12. Licensee licensed security guards
5 required.

6 The promoters or operators shall provide, at their
7 own expense and cost, private licensed security guards
8 sufficient to keep the crowd under control, and in no event shall
9 there be less than one such licensed security guard in
10 each one hundred (100) persons in attendance at all
11 times.

12 Section 13. The Board of County Commissioners
13 authorized to make reasonable regulations.

14 The Board of County Commissioners of Hernando
15 County is authorized and empowered to make reasonable
16 regulations in furtherance of the provisions and intent
17 of this Ordinance, which regulations shall be binding
18 upon the promoters or the operators of a rock and roll
19 festival, and their agent or agents, or employees.

20 Section 14. Permits requirements deemed cumulative.
21 The permit required by this Ordinance shall be in
22 addition to any other permits or licenses required by
23 law.

24 Section 15. Remedies of permits in violation of.

25 Any promoter or operator who violates any of the
26 provisions of this Ordinance or any conditions or
27 conditions adopted pursuant hereto by the Board of County
28 Commissioners, or any regulations of the County Health
29 Department or the County Building Department, shall be
30 subject to the provisions of the permit issued by the
31 Board of County Commissioners.

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Section 16. Penalties for violation.

Any person convicted of a violation of any provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished as provided in Chapter 125-09 Florida Statutes.

Section 17. Injunctive relief and other legal remedies available.

In addition to the penalties provided in Section 16 of this Ordinance, any regulations adopted pursuant hereto may be enforced by the Board of County Commissioners by application to the Circuit Court for injunctive relief or other legal remedy as may be appropriate.

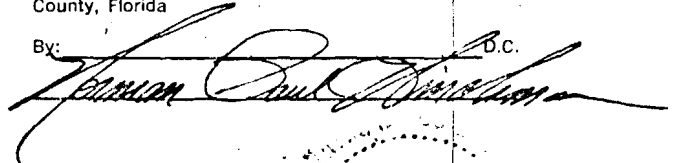
Section 18. Severability of provisions.

If any section, subsection, sentence, clause, or provision of this Ordinance is held to be invalid or unconstitutional, the remainder of the Ordinance shall not be affected.

Section 19. Effective date.

This Ordinance shall become effective upon acknowledgment from the Secretary of State that the Ordinance has been duly filed.

I hereby certify that the foregoing is a true and correct copy of the original.
Norman Paul Hinchman, Clerk Circuit Court Hernando County, Florida

By:  D.C.

