

ORDINANCE NO. 77-5

An Ordinance to be entitled

AN EMERGENCY ORDINANCE REGULATING AND RESTRICTING THE PROMOTING OR PROCURING OF ASSEMBLIES OF THE GENERAL PUBLIC FOR PLAYING OR WITNESSING THE PLAYING OF MUSIC, AND REGULATING AND RESTRICTING THE PLAYING OF MUSIC AT SUCH AN ASSEMBLY, WITHOUT A PERMIT; PROVIDING FOR THE ISSUANCE OF PERMITS THEREFOR; PROVIDING FOR CRIMINAL PENALTIES FOR THE VIOLATION OF THE PROVISION THEREOF; PROVIDING FOR EFFECTIVE DATES.

This Ordinance is adopted pursuant to the authority conferred on the Board of County Commissioners by the Constitution of the State of Florida. It is hereby found that uncontrolled public assemblies for the purpose of playing or witnessing the playing of music, and uncontrolled playing of music in the place of such a public assembly, constitutes a public nuisance and hazard, and that it is necessary in the interest of the public health, safety, and general welfare of the people of Calhoun County, Florida, that such activities be regulated.

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

Section 1. No music shall be played in any public place of, or at any assembly of, the general public, whether for profit or not, in such a manner that the sound emanating therefrom shall be audible beyond the property line of the premises whereon the place of general public assembly is located, without there first having been obtained a permit from the Board of County Commissioners as provided below.

Section 2. No person shall allow, permit, promote, or procure in any way whatsoever an assembly of the general public, whether for profit or not, for the purpose of playing or witnessing the playing of music, whether live, by mechanical or electrical means of reproduction, or otherwise, without there first having been obtained a permit from the Board of County Commissioners as provided below.

Section 3. (a) Any person may make application to the Board of County Commissioners for the issuance of a permit to allow the permitting, promoting, or procuring of an assembly of the general public as restricted above, and/or the playing of music as restricted above.

Said application shall be submitted to the Clerk of the Board of County Commissioners at least twenty-one (21) days prior to the occurrence for which a permit is sought. The application must be sworn and shall contain the following:

- (1) a statement of the proposed date and location of the occurrence;
- (2) a statement concerning the proposed traffic, fire, sanitation, and health facilities, controls and provisions to be provided by the persons allowing, procuring, or promoting the occurrence;
- (3) a statement concerning the estimated number of persons expected to attend the occurrence;
- (4) a statement concerning whether the occurrence is for profit and to whom, or not for profit.

(b) Upon good cause shown, the Board of County Commissioners shall be required to consider any emergency application for a permit filed less than twenty-one (21) days prior to the occurrence, or an application not meeting the above requirements.

(c) The Board of County Commissioners shall consider each such application at its next regular or special meeting following the filing of the application. For good cause shown, consideration of the application may, in the discretion of the Chairman of the Board of County Commissioners, be postponed until a regular or special meeting at a time certain no longer than seven (7) days subsequent to the filing of the application. Said application shall be approved and a permit therefore shall issue only upon the proper presentation, motion, second, and a vote of the majority of the members of the Board of County Commissioners present at the meeting, in approval thereof. Unless approved, the application shall be deemed to have been rejected, and no permit shall issue thereon. If approved, the Clerk of the Board of County Commissioners shall immediately issue a permit for the occurrence with respect to which the application is submitted.

Section 4. Any person violating this section shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Fla. Statutes.


Section 5. At least four-fifths of the membership of the Board of County Commissioners of Calhoun County, Florida, hereby declare that an emergency exists and that the immediate enactment of this ordinance is necessary to meet such emergency and hereby waive statutory notice under the provisions of Florida Statutes Section 125.66(3). The County Attorney is hereby directed to forthwith publish the title of this Ordinance for consideration of adoption under the procedure set forth in Section 125.66(2), Florida Statutes.

Section 6. This Ordinance shall become effective immediately upon mailing by special delivery and registered mail to the Department of State as provided in Section 125.66(3), Florida Statutes, and shall remain effective for a period of ninety (90) days, or until a substitute ordinance becomes effective.

PASSED AND ADOPTED in open special session this 21st day of October, 1977.

BOARD OF COUNTY COMMISSIONERS
OF CALHOUN COUNTY, FLORIDA

ATTEST:


WILLIE D. WISE, Clerk of
the Board of County
Commissioners, Calhoun
County, Florida

BY:


S. DONNELL WHITFIELD, Vice-Chairman