

ORDINANCE NO. 10- 17

AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO SPECIAL EVENTS; AMENDING CHAPTER 10, ARTICLE III OF THE MARION COUNTY CODE; PROVIDING A DEFINITION; PROVIDING FOR A SPECIAL EVENT PERMIT; PROVIDING FOR APPLICATION; PROVIDING FOR APPLICATION REVIEW; PROVIDING FOR CLEAN-UP BOND; PROVIDING FOR WAIVER; PROVIDING FOR APPLICABILITY; PROVIDING FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has previously enacted Section 10, Article III of the Marion County Code regulating Carnivals, Circuses, Rodeos and Public Expositions; and

WHEREAS, the Board of County Commissioners has previously enacted Section 10, Article IV of the Marion County Code regulating Music or Entertainment Festivals; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 10, Article III and to delete Chapter 10, Article IV of the Marion County Code in order to provide one code section regulating special events; and

WHEREAS, the adoption of this ordinance will promote the health, safety, and welfare of the citizens of Marion County, Florida.

BE IT RESOLVED, by the Board of County Commissioners of Marion County, Florida.

SECTION 1. Section 10-30 of the Marion County Code is hereby amended to read:

Sec. 10-30. Definition.

As used in this article, "~~public exposition~~" special event shall mean any occasion, shows and fairs of all kinds including but not limited to, shows and fairs of all kinds, exhibitions, celebrations, festivals, carnivals, circuses, rodeos, dog shows, art shows, craft fairs, sporting events, parades or similar events, whether held on public or private property.

SECTION 2. Section 10-31 of the Marion County Code is hereby amended to read:

Sec. 10-31. Permit required; application.

- (a) No ~~public exposition~~ special event shall be conducted or operated within the county unless the persons operating or conducting the ~~earnival, circus, rodeo or public exposition~~ special event have first obtained from the county a special event permit for the purposes of operating or conducting any ~~public exposition~~ special event.
- (b) Any person requesting or applying for a county special event permit for the operation or conducting of a ~~public exposition~~ special event shall provide to the ~~county administrator~~ Marion County Zoning Division a special event permit application, which may be acquired on-line or at the ~~county administrator's office~~ Marion County Zoning Division, for the approval to conduct or operate a ~~public exposition~~ special event. The special permit application shall contain the following information and requirements specific to conducting such special event, including but not limited to the following:
 - (1) Name and address of owner or operator.
 - (2) Proposed dates for operation.
 - (3) Proposed site for operation.
 - (4) Name and address of owner of proposed site together with a letter of agreement from owner of proposed site that he consents to the location upon his property of the ~~earnival, circus, rodeo or public exposition~~ special event.
 - (5) Disclosure of contractual agreements between operators and owners and local sponsoring groups.
 - (6) A complete list of exhibitors.
 - (7) ~~A complete list of all employees and their certifications of qualification as operators, and the requirement that each employee must be issued a picture identification.~~
 - ~~(8)~~(7) Source of potable water supply and method of delivery with standards which meet or exceed ~~Florida Administrative Code Chapters 10D-4, 10D-9, 17-22, and other applicable chapters, their revisions, and amendments~~ all applicable laws.
 - ~~(9)~~(8) Sanitary waste disposal system proposed with standards which meet or exceed ~~Florida Administrative Code Chapters 10D-6, 10D-9, 10D-10, and other applicable chapters, their revisions, and amendments~~ all applicable laws.
 - ~~(10)~~(9) Solid waste disposal system proposed with standards which meet or exceed ~~Florida Administrative Code Chapters 17-4, 17-7, and other applicable chapters, their revisions, and amendments~~ all applicable laws.
 - ~~(11)~~(10) Food and drink concession proposed, including sanitation measures to be observed which meet or exceed ~~Florida Administrative Code Chapters~~

- ~~10D-13, 10D-15, and other applicable chapters, their revisions, and amendments all applicable laws.~~
- (12)(11) Living quarters (travel trailers, motor homes or other structures) to be employed or utilized on site, including proposed means of waste disposal and water supply which meet or exceed ~~Florida Administrative Code Chapters 10D-4, 10D-6, 10D-9, 10D-10, and other applicable chapters, their revisions, and amendments all applicable laws.~~
- (13)(12) Provisions for emergency medical services with written approval from the appropriate local agency.
- (14) ~~Provisions to exclude dogs or other pets from the premises, if applicable.~~
- (15)(13) Proposed procedures or agreements for law enforcement coverage of the site which shall provide for traffic and crowd control, security, and other law enforcement needs, if appropriate. Applicant shall establish that agreements have been entered into with the appropriate agencies to provide for the above stated coverage.
- (16)(14) Proposed procedures for fire protection and fire prevention which meet or exceed the ~~National Fire Protection Association~~ Florida Fire Prevention Code, NFPA-1, 1992 Edition, inclusive of Annex A, their revisions, and amendments as the same may be amended from time to time.
- (17)(15) A site plan which shows the location of ingress and egress, fire lanes, on and off premises parking, aisle widths, all structures inclusive of rides and concessions, and other relevant items in relation to the existing roads, structures, and other physical features of the proposed site. The site plan does not need to be done or certified by an engineer.
- (18)(16) Provisions for the inspection of carry-in containers enforcing the prohibition against the importation of alcoholic beverages and glass containers. The owner or operator shall submit documentation showing compliance with all alcoholic beverage laws.
- (19)(17) A written authorization by the owner of the proposed site or his duly authorized agent granting to the county and its employees authorization to enter upon the premises and to conduct such inspections and cleaning operations at any reasonable time as may be necessary to enforce this article, including the right of video documentation before, during and after the special event.
- (20)(18) An agreement, in the form prescribed by the county, to hold the county harmless from and against all claims, lawsuits, demands, and causes of action for personal injury, property damage, or wrongful death arising out of the acts or omissions of the land owner or the operator of the ~~public exposition~~ special event.
- (21)(19) A certificate of insurance showing a current policy of liability insurance providing coverage for the proposed public exposition with minimum limits of at least one million dollars (\$1,000,000.00) per occurrence, with no aggregate limit on the basic liability policy, combined single limits, with products and contractual liability endorsements. Marion County shall

be shown as an additional insured. The certificate shall provide that the insurance shall not be cancelled during the proposed dates of operation, except upon ten (10) days advance written notice to the county. If the insurance coverage is cancelled or lapses, the owner or operator must provide replacement coverage. If the insurance coverage is not replaced, the board of county commissioners may revoke the special event permit granted pursuant to this article.

SECTION 3. Section 10-32 of the Marion County Code is hereby amended to read:

Sec. 10-32. Review of application; granting or denial of permit.

Prior to the issuance of any special event permit for conducting or operating any ~~public exposition~~ special event, the appropriate county agencies, including but not limited to, ~~the Environmental Hhealth department, the Zoning department Division, the Fire Rescue, department Building Division, Office of the County Engineer, and the Ssheriff's department Office,~~ and any other department that may have an interest in the special event shall review the application as provided for in section 10-31 and make comments and recommendations pertaining thereto to the county administrator, or his designee. The county administrator, or his designee, shall review the comments and recommendations and shall in the interest of protecting the health, safety and welfare of the residents of the county approve or disapprove the application. The county administrator, or his designee, may place conditions on the special event permit reasonably necessary to protect the public health, safety and welfare of the citizens of Marion County. No property shall have more than a cumulative total of four special events in any calendar year, not to exceed one per quarter. The total number of days for all special events on the property shall not exceed seven days per event.

SECTION 4. Section 10-33 of the Marion County Code is hereby amended to read:

Sec. 10-33. Clean-up bond.

(a) ~~In additions to the provisions provided for in section 10-31 any person requesting or applying for a county special event permit for the operation or conducting of any public exposition to be held on public property within the county shall prior to the issuance of the special event permit post with the county administrator's office a performance bond made payable to the county in the amount of two thousand five hundred dollars (\$2,500.00) or a cashier's check made payable to the county in the amount of two thousand five hundred dollars (\$2,500.00), or two thousand five hundred dollars (\$2,500.00) cash. The performance bond, cashier's check or cash shall bear no interest and shall be held by the county administrator's office to insure that the real property upon which the public exposition is to be located will be cleaned of all trash, garbage and debris upon termination of the carnival, circus, rodeo or public exposition operation. The county health department shall conduct such inspections of the real property upon which the public exposition is or was located to determine if the property is cleaned of all trash, garbage and debris. The performance bond, cashier's check or~~

~~cash shall not be canceled or refunded to the person having the bond, cashier's check or cash until the real property upon which was located the public exposition has been cleaned of all trash, garbage and debris and has been inspected by the county as provided above and the cleaning of the property is approved by the county.~~ For events held on county owned or leased property, a facilities rental agreement may be required in addition to a performance bond or cashier's check made payable to the county in the amount of two thousand five hundred dollars (\$2,500). The performance bond or cashier's check shall bear no interest and shall be held by the county administrator to insure that the real property upon which the event is to be located will be cleaned of all trash, garbage and debris upon termination of the special event. If the property is not cleaned of all trash, garbage and debris, and the cost of cleanup is greater than \$2,500, the special event operator shall be responsible for that cost in addition to the \$2,500 cashier's check or performance bond. The County Health Department shall conduct such inspections of the real property as deemed necessary by the county administrator or his designee. The performance bond or cashier's check shall not be canceled or refunded to the operator of the special event until the real property upon which the special event was located has been cleaned of all trash, garbage and debris as approved by the county administrator, or his designee.

- (b) Should it be necessary that the county incur any expense in cleaning the property upon which is or was located any public exposition, the expenses shall be reimbursed to the county from the performance bond, or cashier's check ~~or cash~~ posted as provided in this section.

SECTION 5. Section 10-34 of the Marion County Code is hereby amended to read:

Sec. 10-34. Waiver.

The county administrator, or his designee, may, upon a finding that the interests of the county will not be adversely affected, waive, for good cause shown, one or more of the provisions of this article.

SECTION 6. Section 10-35 of the Marion County Code is hereby added to read:

Sec. 10-35. Applicability.

This ordinance shall be effective within the unincorporated area of Marion County.

SECTION 7. Section 10-36 of the Marion County Code is hereby added to read:

Sec. 10-36. Violations.

Any person or legal entity who conducts or operates a special event without a special event permit, conducts or operates a special event in violation of the conditions placed on such permit, fails to disclose required information on a special event permit application or

misrepresents information required on a special event permit application shall commit a violation of this article.

SECTION 8. Severability. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 9. Repeal of Ordinances. All ordinances or parts of ordinances, in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 10. Inclusion in Code. It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and made part of the Code of Marion County, Florida, that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 11. Effective Date. A certified copy of this Ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board, and shall take effect upon receipt of official acknowledgement of filing as provided in Section 125.66(2), Florida Statutes.

DULY ADOPTED this 3rd day of August, 2010.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



BARBARA FITOS, CHAIR

ATTEST:



DAVID R. ELLSPERMANN, CLERK

RECEIVED NOTICE FROM SECRETARY
OF STATE ON AUGUST 18, 2010 THAT
ORDINANCE WAS FILED ON AUGUST 10,
2010.