



Clerk of the Circuit Court & Comptroller

Gary Knowles

Taylor County, Florida

July 8, 2021

Ernest L. Reddick, Program Administrator
Florida Department of State
R.A. Gray Building
500 S. Bronough Street , Room 101
Tallahassee , Florida 32399 – 0250

Dear Mr. Reddick:

I am transmitting herewith, Taylor County Ordinance No . 2021-02.

The Taylor County Commission adopted this Ordinance at the regular meeting of Tuesday, July 6, 2021.

Same is transmitted to your office in compliance with Chapter 125 Florida Statutes.

Very truly yours ,

GARY KNOWLES , Clerk
Board of County Commissioners
Taylor County, Florida

GK/cgm
Enc .

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ORDINANCE NO.: 2021-02

AN ORDINANCE OF TAYLOR COUNTY, FLORIDA; AMENDING ORDINANCE 2004-4 (COUNTY CODE §§ 10-41 through 10-100), CREATING AN EXCEPTION TO CONTIGUOUS LANDOWNER WAIVER REQUIREMENT UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE SEVERABILITY AND EFFECTIVE DATE; AND REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, in accordance with Florida Statutes, Chapter 125, the Florida Legislature granted the Board of County Commissioners the authority to create and administer regulations regarding public events; and

WHEREAS, the County had previously established rules regulating mud bogging events by passing Ordinance 2001-12 (later amended by Ordinance 2004-4), the same being codified as Article II, §§ 10-41 through 10-100 of the Taylor County Code; and

WHEREAS, §10-63 states, with regard to such a mud bogging event, "...The owner, exact location, legal description, area and shape of all lands to be used for parking or other uses incidental to the event. All mud bogging (or other similarly noisy activities), shall be located a minimum of 660 feet from the nearest property line, unless a waiver signed by the adjoining property owner(s) is submitted with application for license."; and

WHEREAS, other portions of §§ 10-41 through 10-100 require waivers to be executed by landowners contiguous the event property if event activities are to occur within 660 feet of said contiguous property's shared boundary; and

WHEREAS, the County Commission recognizes that, as it relates to such 660 foot buffer, there should be a distinction between transit to and from such an event, and all other mud bogging related activities; and

WHEREAS, the County wishes to amend its Code of Ordinances in order to recognize said distinction as it relates to obtaining a mud bogging event permit.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TAYLOR COUNTY, FLORIDA, THAT:

SECTION 1. Recitals.

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendment of Code.

Chapter 10, Article II, §§ 10-41 through 10-100, is amended as follows:

ARTICLE II. - MUD-BOGGING EVENTS

DIVISION 1. - GENERALLY

Sec. 10-41. - Definitions.

Automobile parking space, when required by this article, means any space permanently maintained for the duration of the outdoor event with not less than 144 square feet of usable area, and not less than eight feet wide at any place, on or contiguous to the land on which the outdoor event is conducted, so located and arranged as to permit the parking of, and be readily accessible under its own power to, a passenger automobile of average size.

Event means any mud-bogging where participants are paid or admission is charged that is an event, and/or where 25 trucks or 50 people are present.

Sec. 10-42. - Penalties.

The penalty for violation of the requirements for this article is \$1,000.00 dollars for the first offense, and \$5,000.00 for each offense thereafter. Said violation is a civil infraction.

Secs. 10-43—10-60. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-61. - Required; time for filing application.

- a) Every person conducting, managing or carrying on an event shall first procure a permit and pay a permit and license fee in the amount set forth in section 10-63.
- b) An application for a license for an event shall be filed not less than 60 days prior to the beginning of such event, or not less than five days after the effective date of the ordinance from which this article derives.

Sec. 10-62. - Issued only by the board of county commissioners.

Except as otherwise provided in this article, a license required by this article shall not be issued except upon the order of the board of county commissioners after the board has approved a mud-bogging permit for the event as specified in this article.

Sec. 10-63. - Application—Contents required.

An application for a license for a mud-bogging event shall include:

- 1) The applicant's full name and the physical address where any notice or other correspondence may be sent by certified mail, return receipt requested, (a post office box may not be given) along with a current picture identification of the applicant which will be photocopied.
- 2) The owner, exact location, legal description, area and shape of the premises on which it is planned to conduct the event.
- 3) The owner, exact location, legal description, area and shape of all lands to be used for parking or other uses incidental to the event. All mud bogging (or other similarly noisy activities) shall be located a minimum of 660 feet from the nearest property line, unless a waiver signed by the adjoining property owner(s) is submitted with application for license.
- 4) The date or dates and the hours during which the outdoor event is to be conducted, and during which the premises will be under the control of the applicant.
- 5) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.
- 6) A statement whether security will be provided by a private security operator or whether arrangements have been made for security to be provided by off-duty county deputy sheriffs through the sheriff's office. If private security is being used, a sworn statement from the private security operator is needed. Such sworn statement shall set forth the name and address of the private

security operator and certify that all guards to be used are licensed and bonded and do not have a felony record or a criminal history of any violence. If off-duty deputy sheriffs are being used, then a statement from the sheriff's office is needed which states that the sheriff has approved this off-duty work.

- 7) A statement as to what medical/ambulance services will be provided.
- 8) Such other information pertinent to the outdoor event as the board of county commissioners or any other county officer finds necessary and requires in order to determine whether or not the license should be granted and, if granted, the conditions of such license. Such information must be provided to the applicant within 30 days of his or her application.
- 9) A consent to the entry at any time in the course of his or her duties of any emergency personnel (EMS), peace officer, member or employee of the board of county commissioners, county manager, county engineer, county forester or county fire chief or state fire marshal, sheriff, county health officer and any other county officer or state officer in the performance of his or her duties.
- 10) A license fee of \$250.00.

Sec. 10-64. - Same—Accompanying documents.

At the time of filing an application for a license for an outdoor event, the applicant, at the same time, shall also file:

- 1) Four copies of a map drawn to scale of at least one inch to 400 hundred feet, showing:
 - a. The location of the property concerned;
 - b. The location of all highways, roads, lots and parcels of land within 660 feet of the exterior boundaries of the proposed use;
 - c. The location of the parking area and all other areas to be used for other uses incidental to the event;
 - d. All interior access ways;
 - e. Access to the property;
 - f. The location of all toilet, medical, drinking and other facilities;
- 2) A certified list, as shown on the latest available assessment roll of the county of the names and addresses of all persons to whom all property is assessed within 660 feet of the exterior boundaries of the proposed use;
- 3) A document showing that the applicant is the owner of the premises, or an agreement in writing signed by the owner permitting such use of the premises and the filing of the application;
- 4) An agreement signed by the applicant and by the owner of the subject premises that they will reimburse all owners and occupants of property

adjoining the subject premises for all damages of any kind to such owners or occupants or to their property caused by the applicant, owner of the subject premises, or by any person attending the event with knowledge of the applicant, which damage would not have occurred had the event not been held; and

- 5) A standard hold harmless and indemnification form completed and executed by the applicant and the owner of the subject premises stating that they will each indemnify and the county and the sheriff, as well as the board of county commissioners, all county employees, agents, appointees, and designees from any and all manner of action or actions, cause and causes of action, suits, damages, judgments, and claims of any kind whatsoever which may result from or be in any way connected or related to the event.

Sec. 10-65. - Public hearings.

- a) Required. Upon receipt of an application for a license to conduct an event, the board of county commissioners shall determine whether or not more 1,000 persons will attend the event. In making such determination, the board may consider but is not bound by the number stated in the application. If the board finds that not more than 1,000 persons will attend the event and also makes the findings required in section 10-66, then the board may, without holding a public hearing, grant the license. Such license shall not permit more than one thousand (1,000) to attend. Otherwise, the commission shall set the application for hearing. The applicant will pay all advertising cost for public hearings.
- b) Notice of public hearing. The clerk of the court of the county shall serve notice, by certified mail return receipt requested, of the time and place of a hearing required by section 10-66, and not less than (5) days before such hearing serve notice of the time and place of hearing upon all persons whose names and addresses appear upon the latest available assessment roll of the county as owning property within 660 feet of the exterior boundaries of the proposed use.

Sec. 10-66. - Grant or denial conditions.

A license required by this article shall be granted or denied by the board of county commissioners. A license shall not be granted unless the board of county commissioners also finds that the proposed event will not in any way substantially jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use. The board of county commissioners may find that a location is unsuitable even if in the proper zone.

Sec. 10-67. - Number of participants; dates and hours; conditions.

- a) A license for an event shall state the maximum number of participants permitted. In deciding this maximum, the board of county commissioners may be guided by, but is not bound by the estimate stated in the application for a license.
- b) A license for an event shall state the dates and hours during which the event may be conducted. Unless otherwise approved by the board, the hours will be limited to between 7:00 a.m. and 7:00 p.m.
- c) In granting a license, the board of county commissioners may attach such conditions as it finds necessary to accomplish the purpose of this ordinance, including, but not limited to:
 - 1) Provisions for cleaning up the premises after the termination of the outdoor event;
 - 2) Advertising permitted, including advertising by radio, television or loudspeaker;
 - 3) Assuring that the number attending does not exceed the number permitted by the license;
 - 4) Such other conditions as the board finds necessary for reasons of health, sanitation, supply of food, supply of water, or promotion of the general welfare.
- d) Such conditions shall appear on the license.

Sec. 10-68. - Modification, suspension or revocation.

After a hearing, the board of county commissioners may revoke, suspend or modify a license for an event for any just reason, including but not limited to any non-compliance with any ordinance, state law, or county or state rule.

Secs. 10-69—10-90. - Reserved.

DIVISION 3. - REQUIREMENTS OF LICENSEE

Sec. 10-91. - Limitations.

- a) **Dates and hours.** The licensee shall operate the event only on those days and during the hours specified on the license.
- b) **Admission and number of participants.** The licensee shall not admit any person to an event if such admission would result in a greater number of persons present than permitted by the license.

Sec. 10-92. - Advertising.

A person shall not advertise or announce by any means or medium, including but not limited to pamphlets, handbills, newspapers, radio and television, the holding of an event prior to the granting of a license permitting such event. The licensee or other person shall not print, distribute, broadcast or use any such advertising or announcement, or any other advertising of the event, which has not first been approved by the board of county commissioners.

Sec. 10-93. - Access ways.

- a) The licensee shall provide all exterior and interior access ways that the sheriff, the fire chief and the county engineer find necessary for the use of participants at the event, all exterior and interior access ways shall be clearly delineated by means of curbs or buffers on the ground. A person shall not occupy any such access way except for the purpose of access or to cross the same.
- b) Special Access.
 - 1) If ingress and egress to the event is by way of a non-public roadway, the applicant shall ensure one (1) lane of traffic (maintained road surface - not including ditch) at least ten (10) feet wide is reserved for the exclusive use of: (i) EMS for ingress and egress to the event, (ii) for property owners whose property is adjacent to the non-public roadway ("Adjacent Owners") for ingress and egress to their own property, and (iii) as an exit lane for patrons. Said dedicated lane shall be cordoned off from unauthorized use by any means necessary (at a minimum, traffic control cones should be deployed approximately every 50 feet along the edge(s) of said dedicated lane). The Applicant will also ensure that the Adjacent Landowners' primary means of access to his or her property remains unobstructed.

Sec. 10-94. - Parking.

Every premises on which an event is conducted shall have on such premises or contiguous thereto automobile parking spaces equal to one-fifth of the number of persons which the license permits to attend the said event unless the county engineer finds that a smaller number is sufficient, in which case the parking area shall be graded, marked and separated by a physical barrier from the area where the patrons will watch the performance. At all times between (1) hour before the beginning of the outdoor event and (1) hour after its termination, the licensee shall provide parking attendants at all entrances, exits and within the parking lots.

Sec. 10-95. - Communication system.

The licensee shall install and at all times during which the event is in progress maintain an emergency communications system which the sheriff, the county forester and the fire chief find adequate for fire and police protection.

Sec. 10-96. - Fire protection.

The licensee shall provide all fire protection and fire safety measures as the county forester and the county fire chief find necessary to protect those attending the event.

Sec. 10-97. - Security guards.

The licensee shall provide one licensed and bonded security guard supplied by a private security operator or one off-duty county deputy sheriff hired through the sheriff's office for each 200 persons which the license permits to attend, whether actually present or not, shall be constantly in attendance during the entire time the event is in progress, and shall devote his or her entire time and attention to keeping order, and observing and enforcing all applicable statutes and ordinances, including the provisions of this article. No private security guard may be a convicted felon or have a criminal record that includes a crime of violence.

Sec. 10-98. - Drinking water.

a) The licensee shall provide drinking water that is safe and meets the requirements of Florida Statutes, Florida Accessibility Code and Florida Administrative Code, and meets the following standards:

- 1) One water supply for over 50 through 100 persons;
- 2) Two water supply for more than 100 but less than 500 persons;
- 3) One additional water supply for each additional 500 persons or fraction thereof.

b) If the county health officer finds that lesser or different facilities are sufficient instead of the above, the licensee shall provide such facilities.

Sec. 10-99. - Sanitary facilities.

- a) Sanitary facilities shall be provided as required by the county health officer.
- b) The licensee shall be responsible for all commercial waste and shall be responsible for paying for the pick up of all waste generated.

Sec. 10-100. - Alcohol or drugs.

A person shall not enter, be or remain on any part of the premises on which an event is conducted while in the possession of, consuming, using or under the influence of any alcoholic beverage or drugs. The license shall not permit any such person to enter or remain upon the licensed premises.

SECTION 3. Severability.

It is the intention of the Board of County Commissioners, that the provisions of this ordinance shall become and be made a party of the Taylor County Code; and that the section of this Ordinance may be renumbered or re-lettered and word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Effective Date.

Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Secretary of State of Florida that this Ordinance has been filed in said office.

PASSED and ADOPTED in regular session by the Board of County Commissioners of Taylor County, Florida, on this 6th day of July, 2021.



BOARD OF COUNTY COMMISSIONERS
TAYLOR COUNTY, FLORIDA

BY: Thomas Demps
THOMAS DEMPS, Chairperson

ATTEST:

Gary Knowles
GARY KNOWLES, Clerk