

Ordinance No. 2318

ORDINANCE TO AMEND SECTION 14-1-11, CODE OF ORDINANCES, CITY OF BILOXI, MISSISSIPPI, OF 1992 RELATING TO LIVE ENTERTAINMENT IN MUNICIPAL FACILITIES, PARKS AND OTHER PUBLIC PROPERTIES IN THE CITY OF BILOXI

WHEREAS, in order to ensure the peace and quiet of residents of the City of Biloxi and provide for the orderly enjoyment of municipal facilities, parks and other public properties, it is necessary to regulate live entertainment, amplified music, and the noise produced thereby in residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION 1: The findings, conclusions and statements of fact contained in the foregoing preambles are hereby adopted, ratified and incorporated herein.

SECTION 2: Section 14-1-11, Code of Ordinances, City of Biloxi, Mississippi of 1992, is hereby amended to read as follows:

Sec. 14-1-11. - Live entertainment and amplified sound in Hiller Park and Point Cadet Plaza municipal facilities, parks and other public properties.

~~(a)~~ ~~Hiller Park.~~

~~(1a)~~ It shall be unlawful for any person to conduct any type of live entertainment or amplified sound in the Hiller Park area any municipal facility, park or other public property in such a manner as to disturb the peace and quiet of the surrounding neighborhood or any reasonable person of normal sensitiveness residing in the area.

~~(2b)~~ It shall be unlawful for any person to conduct any type of live entertainment or amplified sound in Hiller Park outdoors at any municipal facility, park or other public property without first obtaining a permit from the director of the department of police.

~~(3c)~~ The department of police shall provide the applicant with a form requesting, but not limited to, the following information:

~~a-(1)~~ The name of the person applying for the permit.

~~b-(2)~~ The home and business address of the person applying for the permit.

~~e.~~(3) The telephone numbers of the person applying for the permit.

~~f.~~(4) The name of the person or group to be providing live entertainment.

~~e.~~(5) The date, time and location of such proposed entertainment.

~~f.~~(6) Whether sound amplification devices will be used in conjunction with such entertainment, and, if so, the number of such devices and their wattage.

~~g.~~(7) The time when the performance is scheduled to begin and end.

(4d) After obtaining this information, the department of police shall inquire into whether the applicant has ever violated the provisions of this section prior to this application. If so, the permit application may be denied unless an additional bond is deposited in an amount set by the director of the department of police, not to exceed \$500.00. If the registration statement is disapproved, the director of the department of police shall endorse upon the statement the reason for disapproval and return it forthwith to the applicant.

(5e) Such permit shall be issued upon the payment of a permit fee of \$5.00, in addition to all other fees and deposits required by the department of parks and recreation, to the director of the department of police, and he will permit the entertainment described and the use of amplification devices subject to the terms and conditions of this section, only upon the dates specified on such permit and no other.

(6f) The volume of sound produced ~~during such entertainment~~ as a result of live entertainment or amplified sound shall be so controlled that it will not be unreasonably loud, raucous, jarring or disturbing to sensitivity within the area of audibility.

(7g) No permittee shall cause or permit to be emanated or emitted from any such device any language or sounds which are obscene under state law, or false representation of any matter, product or project advertised thereby, the sale of which is prohibited by any law, ordinance or statute.

(8h) Performances shall in all cases be limited to the following time, unless written permission is given by the director of the park and recreation department or the director of community development ~~to the extended~~ the time:

~~a.~~(1) Sunday through Thursday, 10:00 a.m. to 10:00 p.m.

~~b.~~(2) Friday and Saturday, 10:00 a.m. to 12:00 midnight

Any person who shall violate any portion or provision of this subsection shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the sum of \$500.00. Each separate day an offense is committed is deemed to be a separate offense for the purpose of this subsection.

~~(b) Point Cadet Plaza.~~

- ~~(1) It shall be unlawful for any person to conduct any type of live entertainment in the Point Cadet Plaza area in such a manner as to disturb the peace and quiet of the neighborhood or any reasonable person of normal sensitiveness residing in the area.~~
- ~~(2) It shall be unlawful for any person to conduct any type of live entertainment in the Point Cadet Plaza without first obtaining a permit from the director of the department of police.~~
- ~~(3) The department of police shall provide the applicant with a form requesting, but not limited to, the following information:
 - a.—The name of the person applying for the permit.
 - b.—The home and business address of the person applying for the permit.
 - c.—The telephone numbers of the person applying for the permit.
 - d.—The name of the person or group to be providing live entertainment.
 - e.—The date, time and location of such proposed entertainment.
 - f.—Whether sound amplification devices will be used in conjunction with such entertainment, and, if so, the number of such devices and their wattage.
 - g.—The time when the performance is scheduled to begin and end.~~
- ~~(4) After obtaining this information, the department of police shall inquire into whether the applicant has ever violated the provisions of this section prior to this application. If so, the permit application may be denied, unless an additional bond is deposited in an amount set by the director of the department of police, not to exceed \$500.00. If the registration statement is disapproved, the director of the department of police shall endorse upon the statement the reason for disapproval and return it forthwith to the applicant.~~
- ~~(5) Such license shall be issued upon the payment of a license fee of \$5.00, in addition to all other fees and deposits required by the department of parks and recreation, to the director of the department of police, and he will permit the entertainment described and the use of amplification devices subject to the terms and conditions of this section, only upon the dates specified on such permit and no other.~~
- ~~(6) The volume of sound produced during such entertainment shall be so controlled that it will not be unreasonably loud, raucous, jarring or disturbing to sensitivity within the area of audibility.~~
- ~~(7) No licensee shall cause or permit to be emanated or emitted from any such device any language or sounds which are obscene under state law, or false representation of any matter, product or project advertised thereby, the sale of which is prohibited by any law, ordinance or statute.~~

~~(8) Performances shall in all cases be limited to the following time, unless written permission is given by the director of parks and recreation department to extend the time:~~

~~a. Sunday through Thursday, 10:00 a.m. to 10:00 p.m.~~

~~b. Friday and Saturday, 10:00 a.m. to 12:00 midnight.~~

~~Any person who shall violate any portion or provision of this subsection shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the sum of \$500.00. Each separate day an offense is committed is deemed to be a separate offense for the purpose of this subsection.~~

SECTION 3: The purpose of this Ordinance is to enable the City of Biloxi to provide for the orderly conduct of government as it specifically relates to the orderly enjoyment of municipal facilities, parks, and other public property. Due to this purpose, the City Council hereby finds that this Ordinance is essential to the efficient operation of government; therefore, this Ordinance shall become effective as soon thereafter as is legal, provided this ordinance is certified, signed, and published as provided by law.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Tisdale, seconded by Councilmember Gines, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	None
	Gines	Glavan		
	Newman	Fayard		
	Deming			

The President then declared the Ordinance adopted, as amended, this the 4th day of October, 2016.

(SEAL)
ATTEST:
/s/Karen Brashier
CLERK OF THE COUNCIL

ADOPTED:
/s/ Robert L. Deming III
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 7th day of October, 2016.

APPROVED:

/s/Andrew "FoFo" Gilich

MAYOR