



BUSINESS SERVICES DIVISION
10500 N. MILITARY TRAIL
PALM BEACH GARDENS, FL 33410
www.pbgfl.com



LIVE MUSIC

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LIVE ENTERTAINMENT PERMIT APPLICATION

Review the attached Live Entertainment Ordinance No. 19, 2010 § 4, Exh. C, 10-21-10 and City Code Sec. 78-194 for the list of rules/regulations/requirements for permitting prior to submitting an application.

Please TYPE or PRINT this application legibly.

NEW APPLICATION \$175.00
 CASH SURETY DEPOSIT \$500.00

For Office Use Only

PERMIT #: LIVE - ____ - ____ - ____

Applications submitted without the following documents will not be accepted/processed:

1. A location plan indicating the location of the live entertainment, stage/area for entertainment, speakers, and/or location of any other equipment/facilities that will be used as a part of the entertainment activities
2. Copy of Palm Beach Gardens Business Current Business Tax Receipt
3. A sound management plan which sets forth the methods to be utilized to ensure compliance with the requirements of City Code Section 78-661(b).

Applicant Information:

Business Name: _____

Business Owner Name: _____ *Business Phone #:* _____

Business Address: _____ *City:* _____

State: _____ *Zip Code:* _____ *Email:* _____

Mailing Address: _____ *City:* _____

State: _____ *Zip Code:* _____ *Alternate Phone:* _____

Days: M T W TH FR SAT SUN Hours: _____ *Frequency:* _____

Types of live entertainment (DJ, Singer, Band, Guitar, Piano, etc...): _____

Property Owner Information:

Property Management Name: _____

Property Owner Name: _____ *Owner Phone #:* _____

Mailing Address: _____ *City:* _____

State: _____ *Zip Code:* _____ *Email:* _____

Signatures and Notarizations

- *By signing this application, I acknowledge that I have received, read, and understand the City Codes pertaining to noise and live entertainment.*
- *I further understand that the property owner shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Palm Beach Gardens Code of Ordinances and general law should the business applying for the live entertainment permit fail to comply with the same.*

Print Name of Business Applicant

Signature of Business Applicant

Print Name of Property Owner/Agent

Signature of Property Owner/Agent

State of Florida, Palm Beach County, subscribed and sworn to before me this _____ day of _____, 20____, who is personally known to me or produced: _____ as identification.

Notary Public Signature

Seal:

SOUND MANAGEMENT PLAN MITIGATION MEASURES:

It is the applicant's responsibility to ensure they will remain within the required decibel levels of Section 78-661 (b) at all times. The following are ***suggested practices and techniques*** which address ways to mitigate the impacts of noise from adjacent properties:

1. Location of live entertainment, and their associated speaker equipment, shall be furthest away from any residential properties, if applicable.
2. Orientation of speakers shall be pointed inward, and away from, the property lines.
3. The speakers shall be at a level which meets the decibel levels of Section 78-661 (b) at the closest property line.
4. Buffering sound by adding solid barriers, landscaping, or multiple sets of doors (interior venues) can help control sound between adjacent properties.
5. If adjacent to water, the speakers shall be orientated away from the water and directed only at the patrons of the venue. It may also be advantageous to mount speakers high and orient downward to the audience area.
6. Provide real time sound level measurements to the Front of House sound engineer and performers so that adjustments can be made during music sets, not just afterwards.
7. The use of digital signal processing by the live entertainment to limit the sound output is encouraged.

Perform a pre-show sound check to verify the sound levels at the perimeter property lines and adjust the master sound levels until the sound level requirements are met.

Noise Decibel Regulations

Section 78-661. Performance Standards.

(a) *Applicability.* The performance standards in this section shall apply to all uses in the city. Each use shall be constructed, maintained, and operated to protect occupants of adjacent premises from injurious or obnoxious effects from the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazards, or glare.

(b) *Noise.* Equivalent sound levels shall not exceed the standards listed below when measured at the property line.

(1) Residential. If the source creating the noise is residential:

- a. Between 8:00 a.m. and 11:00 p.m.: 60 dBA; and
- b. Between 11:00 p.m. and 8:00 a.m.: 50 dBA.

(2) Commercial. If the source creating the noise is commercial:

- a. Between 8:00 a.m. and 11:00 p.m.: 65 dBA; and
- b. Between 11:00 p.m. and 8:00 a.m.: 60 dBA.

(3) Industrial. If the use receiving noise is industrial: anytime, 75 dBA.

(4) Exemption. Noises from temporary construction and maintenance activities between 7:00 a.m. and 9:00 p.m., except Sundays and federal holidays, are exempt from this standard.

Live Entertainment Permit Regulations

Sec. 78-194. Live entertainment permit.

The purpose of this section is to provide regulations which govern the provision of live entertainment at commercial establishments while protecting the quiet enjoyment of adjacent properties. This section and all of the requirements set forth herein shall be effective **May 1, 2011**.

(a) Applicability of permit.

(1) A live entertainment permit is required for all new and existing restaurants, bars, cocktail lounges, or other commercial establishments in order to provide or use the following:

- a. Outdoor live entertainment, with or without amplified sound; and
- b. Indoor live entertainment with amplified sound.

(2) A live entertainment permit is valid only for the specific establishment, location, and operator of establishment to whom it was issued.

(3) A live entertainment permit is not required for conducting a special event in accordance with section 78-187. Special events.

(b) Permit required; submittals.

(1) Applications for a permit under this section shall be made to the Business Services Division on a form provided for such purpose by the city, and shall include, along with any other such information deemed reasonably necessary by the reviewing parties in order to implement and enforce the provisions of this section, the following:

- a. The applicant shall submit the application for live entertainment with an application fee and cash surety in amounts as set forth in the city's fees/charges schedule;
- b. The name, location, and mailing address of the property or tenancy proposing to host live entertainment;
- c. The name, mailing address, and telephone contact information of the applicant and the written authorization of the property owner;
- d. A location plan indicating the location of the live entertainment, stage/area for entertainment, speakers, and/or location of any other equipment/facilities that will be used as a part of the entertainment activities; and
- e. A sound management plan which sets forth the methods to be utilized to ensure compliance with the requirements of section 78-661. Performance standards. and any other requirements set forth in the city's standard operating procedures (SOP) for live entertainment permitting. A copy of the most recent SOP shall be kept on file with the city clerk and shall be available for public inspection during normal working hours.

(c) Transferability.

A live entertainment permit may be transferred in accordance with the following provisions:

(1) When a sale or change in ownership occurs to an establishment that has an existing valid live entertainment permit, a request to transfer the permit may be made with the new business tax receipt to the Business Services Division;

(2) The transfer request shall not include any proposed changes to the previously-approved sound management plan. If changes are proposed, the applicant shall apply for a new live entertainment permit;

(3) The cash surety requirements as set forth in subsection 78-194(b)1a. shall be provided by the new holder of the business tax receipt;

(4) Any violations previously issued by the special magistrate in accordance with subsection (f). Enforcement/Revocation of permits. during the twelve month period immediately preceding the date of transfer approval shall be applicable to the new permit holder; and

(5) Upon the issuance of any new live entertainment permit, a new twelve month period shall commence in accordance with subsection (e) below.

(d) *Standard conditions of approval for all permits.*

The following are standard conditions of approval for ALL live entertainment permits.

(1) Sound generated by or emanating from establishments that are hosting live entertainment shall comply with the sound level standards as set forth in section 78-661. Performance standards;

(2) Hours of outdoor live entertainment shall not extend beyond 11:00 p.m. unless:
a. Specifically approved to do so through the issuance of a special events permit in accordance with section 78-187. Special events; or

b. The applicant submits a sound management plan, certified by an acoustical engineer, which verifies that sound levels generated will remain within the city's performance standards as set forth in section 78-661. Performance standards. and comply with any other requirements set forth in the city's standard operating procedures (SOP) for live entertainment permitting. A copy of the most current city SOP shall be kept on file with the city clerk and shall be available for public inspection during normal working hours.

(e) *Standards for review.* When considering applications for a live entertainment permit, the city shall consider the following:

(1) The amount and type of screening, buffering, or separation between the establishment and adjacent properties, with reference to type, dimensions, and character, shall be fully and clearly depicted on the submitted plans and must be adequate to mitigate sound impacts upon adjacent properties; and

(2) The land and buildings which are the subject of the application must be of sufficient size, shape, type of building, and the like to ensure the proposed live entertainment can be accommodated.

(f) *Enforcement/revocation of permits.* If a code enforcement officer has reason to believe that the holder of a live entertainment permit has violated or is in violation of the city's noise performance standards or any of the conditions imposed upon the specific permit holder's permit, the code enforcement officer shall notify the alleged violator by issuing a citation and notice of hearing before the

city's code enforcement special magistrate in accordance with the procedures set forth in Chapter 162, F.S. At the hearing, if the special magistrate finds that the permit holder did violate the city's noise performance standards or remains in violation of the conditions of his/her permit, the maximum penalties shall be as follows within a twelve-month period:

1st violation – \$250 fine (to be deducted from permit surety, if any) and permit suspension for up to 30 days and until permit surety has been replenished to the full amount;

2nd violation – \$500 fine (to be deducted from permit surety, if any) and permit suspension for no less than 30 days and until permit surety has been replenished to the full amount; and

3rd violation – Up to \$5000 fine, forfeiture of any posted surety, and permit revocation for no less than 12 months.