

Ordinance No. 2561

ORDINANCE TO AMEND CODE OF ORDINANCES CHAPTER 12, ARTICLE IV
SPECIAL EVENTS

WHEREAS, the City is in the process of updating its ordinances pertaining to special events; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety, and welfare of the residents of Biloxi that Chapter 12, Article IV Special Events be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That Chapter 12, Article IV Special Events be amended as follows:

Sec. 12-4-3 – Definitions

- (a) *Applicant* shall mean any person or organization who seeks a special event permit from the city to conduct or sponsor an event governed by this section. An applicant must be 21 years of age or older and complete a background check administered by the Biloxi Police Department to be reviewed by the event committee and/or special events coordinator.
- (f) *Special Events Committee* shall mean the committee designated to review applications for Tier 1 and Tier 2 special events permits and recommend approval, conditional approval or denial to the office of the Mayor of the City of Biloxi.
- (g) *Special Events Coordinator* shall mean a member of the Biloxi Police Department who shall have the duty to receive, review, and collect information on all permit applications submitted pursuant to this article. Once all applicable information concerning the event has been gathered, the event will be classified in accordance with this ordinance and will be approved, conditionally approved, or denied by the Special Events Coordinator or submitted to review Special Events Committee in accordance with this Ordinance the information will be provided to the Special Events Committee for recommendation of approval, conditional approval or denial by the Office of the Mayor of Biloxi/City Administration.
- (j) Event Tier shall be used to define the permitting requirements for events of varying sizes:
 - 1) Tier 1 Permit is for a special event which will require more than ~~75~~ 200 extra personnel hours and/or for which the attendance is anticipated to be in excess of ~~4000~~ 5000 persons over the entire period of the special event (~~e.g., Cruisin' the Coast~~).
 - 2) Tier 2 permit is for a special event which will require between ~~50 to 75~~ 100 to 199 extra personnel hours and/or for which attendance is anticipated to be from ~~500 to 999~~ 1000 to 4999 persons over the entire period of the special event (~~e.g., Gulf Coast Marathon~~).
 - 3) Tier 3 permit is for a special event which will require between ~~25 and 50~~ 50 to 99 extra personnel hours and/or for which attendance is anticipated to be from ~~200 to 499~~ 500 to 999 persons over the entire period of the special event (~~e.g., Mayor's Cup 5K~~).
 - 4) Tier 4 permit is for a special event requiring fewer than ~~25~~ 50 extra personnel hours and/or for which attendance is anticipated to be ~~less than 200~~ from 250 to 499 persons over the entire period of the special event (~~e.g., Halloween in Hiller~~).

- 5) Tier 5 permit is for a special event, which will require no city services over the entire period of the special event.

Sec. 12-4-4 – Creation of Special Events Committee

(b) The Special Events Committee shall meet at the time and place agreed upon by the committee members ~~of the Development Review Committee meeting.~~

(d) Further, with regard to any Coliseum events, or other County-sponsored events occurring within the City of Biloxi for which a special event application is required, the Special Events Committee will include and/or invite a designee or representative from (i) the Mississippi Coast Coliseum Commission, (ii) the Harrison County Board of Supervisors, and (iii) the Harrison County Sheriff's Department. ~~This committee shall meet once per month at a designated time and location to review, discuss and coordinate upcoming events occurring at the Coliseum or other County sponsored events within the City.~~

Sec. 12-4-5 – Permit required; exemptions.

(a) Any persons desiring to conduct or sponsor an assembly or other special event in the city shall first obtain a special event permit application from the Special Events Coordinator. A special event permit is NOT required for the following:

3) Any event occurring at a municipality owned or managed indoor venue for which a separate ~~rental~~ agreement with the City has been executed, ~~or an event taking place on the property of the Mississippi Coast Coliseum and Convention Center.~~ However, any mobile food vendors as defined in Section 12-12-2, or Vendor defined in Section 12-4-3(d), shall still be required to apply for permitting under those sections, or secure appropriate permissions and permits from a sponsoring applicant that will ensure compliance by such vendors.

4) Events taking place on the Mississippi Coast Coliseum and Convention Center unless the event's anticipated attendance over the course of the event will exceed 15,000 persons, the event exceeds those public services normally drawn upon (health, sanitation, fire, police, transportation, utilities, etc.), and the event will create vehicle congestion on adjacent roadways.

Sec. 12-4-6 – Other permits required.

(b) If amplified sound will be used, the permittee or applicant shall obtain an amplified sound permit through the Biloxi Department of Police. The Special Events Committee or Special Events Coordinator will consider the location of any residential neighborhoods when granting, denying or granting with restrictions an amplified sound permit.

Sec. 12-4-8 – Contents of application form

The application for special events permit shall provide the following information:

(c) Any supplemental information, which the Special Events Committee or Special Events Coordinator shall find reasonably necessary, under the particular circumstances of the special event application, to determine whether to ~~recommend~~ approve ~~approval,~~ conditionally approve ~~conditional approval~~ or deny ~~denial~~ of a special event permit.

Sec. 12-4-9 – Action on applications for events.

(a) Tier 1 and Tier 2 Events

1) Once the Police Department Special Events Coordinator receives a special events request for a Tier 1 or Tier 2 event, the Special Events Coordinator will review and investigate matters relevant to the application, and within ~~15~~ 30 calendar days of receipt thereof, prepare a package containing all provided and collected information and forward it to the Special Events Committee. The Special Events Committee shall review matters relevant to the application, and within seven (7) calendar days of receipt thereof, shall recommend the issuance, set conditions prerequisite to the issuance of, or recommend the denial of the permit to the Office of the Mayor of Biloxi. The Office of the Mayor of Biloxi, with such coordination as required or requested with the Biloxi City Council, shall, if approved; direct the permit issuing authority to issue an event permit, collecting such deposits or fees as required. If denied, the Office of the Mayor of Biloxi will direct the permit issuing authority to notify the applicant, in person or by certified letter, of the grounds for denial in writing. The applicant will also be notified of their right of appeal to the Biloxi City Council as detailed in Section 12-4-13 of this ordinance.

(b) Tier 3, Tier 4 or Tier 5 events.

1) Once the Police Department Special Events Coordinator receives a special events request for a Tier 3, Tier 4 or Tier 5 event, the Special Events Coordinator will review and investigate matters relevant to the application, and within 15 calendar days of receipt thereof, approve, conditionally approve, or deny the application. The Special Events Coordinator may, based upon the particular circumstances of the special event application, ~~prepare a package containing all provided and collected information and forward the application~~ it for review to the Special Events Committee. The review will be conducted by such members, and in a manner consistent with any rules established by the Special Events Committee.

Sec. 12-4-10.- Grounds for denial of application or revocation of a special event permit.

(a) ~~The Special Events Committee shall recommend approval of an application for a Special Event Permit~~ shall be approved unless it is determined from consideration of the application, or other pertinent information, any of the following, which shall also be justification ~~for the Special Events Committee to recommend revocation of~~ to revoke a previously issued permit.

(c) When grounds for denial of an application for permit specified in section (a)(3) through (a)(11) above can be corrected by altering the date, time, duration, route or location of the event, the ~~Special Events Committee application~~ application shall, instead of being denied ~~recommending denial of the application, will recommend~~ be conditionally approved ~~to the Office of the Mayor of Biloxi.~~

Sec. 12-4-11. – Permit conditions.

(a) ~~The Special Events Committee~~ Approval of the special event application may be conditioned ~~the recommended issuance of a special events permit condition~~ by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons or property, and control of traffic, provided such conditions shall not unreasonably restrict the right to assemble or freedom of speech. Such conditions may include, but are not limited to the following:

Sec. 12-4-13. - Appeal procedure.

- (a) ~~The Tier 1 and Tier 2~~ applicants shall have the right to appeal the denial of a permit or a permit condition to the City Council of the City of Biloxi by filing a notice of appeal with the Clerk of Council within 10 days of notification of said denial or permit condition.
- (b) At the next available regular meeting, the matter will be published as a public hearing on that agenda. The decision of the city council shall be binding.
- (c) Tier 3, Tier 4, and Tier 5 applicants shall have the right to appeal the denial of a permit or a permit condition to the Special Event Committee by filing a notice of appeal with the Special Event Coordinator within 10 days of notification of said denial or permit condition. The Special Event Committee shall meet to review this appeal within 10 days of receipt of a notice of appeal. Applicants shall have the right to appeal the decision of the Special Event Committee to City Council pursuant to subsection (a) and (b) contained herein.

Sec. 12-4-16. – Fees

- (e) Any Tier 1 special event ~~requiring in excess of the extra personnel hours and city service set forth or anticipated in the application, and endorsed on the permit,~~ shall reimburse the city for up to 10% of the cost of ~~such excess extra~~ personnel hours and services in addition to the initial permit fee.

Sec. 12-4-24. – Vendors

- (a) Any person or business wanting to set up as a vendor, as defined in 12-4-3 (d), including any sub-vendors operating under the main sponsor's application, will have to submit a vendor permit request to the Biloxi Police Department's Event Coordinator no later than 30 days prior to the event for review ~~by the event committee~~. All required information and supporting documents must be submitted before final approval can be granted. If the applicant fails to complete the application form within five (5) calendar days after being notified of the additional information or documents required, their application shall automatically be denied. Prior to submission, the requestor must receive written permission from the property owner where they plan to setup.
- (e) All submitted permit requests shall be reviewed by the ~~event committee~~ Special Events Coordinator for final approval.
- (f) The requirements of this section shall not apply to any special event classified as a Tier 3, Tier 4, or Tier 5 special event. However, nothing herein shall waive the obligation of such vendors to obtain all permits accordance with the City of Biloxi Land Development ordinance (events), Mobile Food Vendor Ordinance, Regulated Business Licensing and Permitting Ordinance, Ordinances pertaining to Peddler and Solicitors, and any other City of Biloxi Ordinance which pertains to vendors.

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

YEAS: McGilvary Glavan NAYS: Lawrence
 Tisdale Shoemaker Gines

ABSENT: Newman

The Vice-President then declared the Ordinance adopted this the 6th day of August, 2024.

(SEAL)

ATTEST:

/s/Keri Campbell

CLERK OF THE COUNCIL

ADOPTED:

/s/ Paul Tisdale

VICE-PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 9th day of August, 2024.

APPROVED:

/s/A.M. Gilich, Jr.

MAYOR
