

ORDINANCE NO.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 78, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" AND FOR ALL OTHER LAWFUL PURPOSES

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the provisions of Chapter 78 shall be amended as follows:

PART I

Chapter 78, Article II. – Parades and Demonstrations shall be amended by deleting said article in its entirety and inserting in lieu thereof a new entitled "Article II. - Special Event Permit" which shall read as follows:

ARTICLE II. - SPECIAL EVENT PERMIT

DIVISION 1. - GENERALLY

Sec. 78-36. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City manager means the city manager of the City of Chamblee, Georgia. The city manager may delegate his authority or be assisted by other employees as required.

Event means any parade, public assemblage, or special event as defined within this article.

Organization or group of private persons means a group of three or more persons, or their representatives, acting as a unit.

Parade means a group or number of people or vehicles, or the combination thereof, consisting of ten or more vehicles, 20 or more persons, five or more vehicles and ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city. Specifically excepted from this definition are funeral processions.

Producer means any person responsible for planning, producing and conducting an event. An event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the event, a designated producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.

Public assemblage means any march, demonstration, picket line, procession, motorcade, rally, or gathering for a common purpose, consisting of persons, animals, or vehicles or a combination thereof upon or in the streets, parks, or other public grounds within the city that interferes with or has a tendency to interfere with the normal flow or regulation of vehicular traffic or that endangers or has the reasonable possibility of endangering the public's health, safety, or welfare.

Special event means a gathering of people, generally lasting from a few hours to a few days, designed for entertainment, recreation, and/or education. Special events either affect the ordinary use of parks, public streets, rights-of-way, or sidewalks, disrupt the flow of traffic on public streets or sidewalks, or include alcohol service or sales where it is not normally permitted. Common special events in Chamblee are 5K races and festivals. Filming by a film production company does not require an event permit but does require a film production permit which is handled by a separate process in Chapter 35.

Vendor means any person or persons or entity who engages in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way as an authorized participant of a permitted event.

DIVISION 2. - PERMITS

Sec. 78-37. - Required.

(a) Any person or organization planning, producing, or conducting a parade, public assemblage, or special event is required to first obtain a permit from the city for the privilege of engaging in the event within the city, unless such permit is prohibited under state law or the event is otherwise protected from this requirement by federal or state law.

(b) Every person or organization wishing to sell or serve food, alcohol, and/or merchandise as a component of an event or within 100 yards of the event shall work with the producer of said event but shall not be required to obtain a separate event permit to operate during the event.

Sec. 78-38. - Violations and penalties.

Any person who violates, or fails to comply with, any provision of this article may be punished as provided in section 1-6.

Sec. 78-39. - Exceptions.

This article shall specifically not apply to:

- (a) Funeral processions;
- (b) Neighborhood parades and block parties, provided activities remain solely within the boundaries of such neighborhood and do not interfere with normal flow of vehicular traffic or such activities have obtained a street closing permit from the city;
- (c) Private gatherings or activities that take place on city park property that do not significantly affect the customary and ordinary use of the park, such as a birthday party, and do not include any temporary structures;
- (d) Sporting events;
- (e) Regularly scheduled events occurring on city park property, including park and recreation facilities, by organizations with on-going agreements with the city if prior notification of events is given to the city in writing within a reasonable period of time prior to the event;
- (f) School students going to or from classes or participating in properly supervised and sponsored activities;
- (g) Garage sales, lawn sales, rummage sales or any similar casual sale of tangible personal property;
- (h) Events on private property which will make no use of city streets other than for lawful parking;
- (i) Filming by a film production company;
- (j) Governmental entities acting within the scope of their functions; and
- (k) Other activities as provided for by law or regulation.

Sec. 78-40. - Application.

- (a) Required. Every person or organization required to procure a permit under the provisions of this article shall submit an application to the city manager.
- (b) Format. The producer of a special event shall make application for a permit for the event on a form prescribed by the city. As part of each application, the city may request the following information:
 - (1) The name, address, and telephone number of the producer;

- (2) Date(s), time(s), and location(s) for the event including proposed routes of travel for non-stationary events, such as races or parades;
- (3) Schedule and description for activity involved with the event;
- (4) An approximate number of event participants; vendors; including food, merchandise, and alcohol vendors; and projected attendance;
- (5) Site plan for the event including all existing and temporary buildings, structures, parking, and points of egress for the site;
- (6) A description of any sound amplification equipment that will be utilized outdoors in conjunction with the event;
- (7) A special event sign application and detailed sign schedule specifying all signs to be used both at the event as well as advertising the event in the city. The sign schedule shall detail all sign dimensions, materials, durations, and locations;
- (8) Description of plans for disposal of waste disposal, recycling collection, and clean-up of the event area after the conclusion of the event;
- (9) Description of plans for first aid provision;
- (10) Description of plans for storage and security of event materials, vehicles, and trailers if the event lasts multiple days;
- (11) Description of plans for providing toilet facilities for event participants;
- (12) Description of plans for parking that show the special event is not overly disruptive to neighboring businesses and residences;
- (13) Dimensions of any proposed temporary structures, including but not limited to tents, buildings, or other similar structures;
- (14) Description of plans to provide notification, in a written form, to neighboring residences and businesses surrounding the hub of the event of the producer's intent to host the event.
 - a. For events without a stationary hub, such as parades or processions without festival areas, this notification requirement may be waived by the city manager; and
 - b. The city manager may modify the method of notification in the case that written notification would be unreasonable because of a large number of businesses and residences.
- (15) The producer of any event shall sign a written agreement in a form satisfactory to the city, providing the producer shall defend, pay, and save harmless the city, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from an event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the event. The agreement shall be filed with, and made a part of, the application form.

- (16) Any additional information which the city manager may find reasonably necessary to the fair administration of this article which may include a complete record of all arrests and convictions against the producer and every partner, officer or director of the organization for violations of any and all laws and ordinances of the city, county, state, or federal government, other than minor traffic violations.
- (c) Application fee. Each application for an event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the city council.
 - (d) Filing.
 - (1) Completed event applications should be submitted to the city manager within a reasonable time prior to the planned event for security purposes, verifications, and arrangements.
 - (2) Special events and parades. An application for a special event or parade permit shall be filed at least 60 days prior to the date the special event or parade is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the special event or parade.
 - (3) Public assemblages. An application for a public assemblage permit shall be filed at least 15 days prior to the planned public assemblage is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the public assemblage.
 - (e) If an unforeseen circumstance arises requiring an application to be submitted with less than the reasonable time periods provided, the city manager shall have discretion to determine if an emergency exists and, subject to this article, grant or deny review of such an application in his sole discretion.

Sec. 78-41. - Procedure for application review.

- (a) Internal review. Upon receipt of a complete application for a permit, the city manager shall have it reviewed by the city departments, the services of which may be impacted by the event. The following issues shall be considered in reviewing the application:
 - (1) Event location. Given any provided information about the schedule, description of the activity, and projected attendance the city departments will consider if the proposed event location and site plan are adequate.
 - (2) Event type. Should the event be an activity not previously held within the boundaries of the city and not similar in scope or scale to an event previously held within the boundaries of the city, the city manager may bring the event to city council for review and approval. The city council's review and approval shall follow the standards of review of this division.

- (3) Sound amplification. Given the provided information about the schedule and time of the event, city departments will consider if the proposed use of sound amplification will comply with the noise ordinance.
- (4) Signage. Given the provided information about temporary signs, city departments will consider if the proposed signs comply with the administrative guidelines for special event signage and advertising. The issuance of an event permit does not preclude the need to obtain special event sign permits and does not guarantee approval of special event sign permits.
- (5) Waste disposal and recycling collection. Given the provided information about projected event attendance, event activities, and event location, city departments will consider if the plans for waste disposal and recycling collection are adequate.
- (6) Clean-up. Given the provided information about plans for clean-up after the event area, city departments will consider if the clean-up plans are adequate to clean the event area of rubbish and debris, returning it to its pre-event condition within 24 hours of the conclusion of the event. If the event is to be held on public streets or public right-of-way, the producer shall remove all structures, trash, and debris from the designated area no later than the time stated under the permit for the re-opening of all streets. If the producer fails to clean-up such refuse, clean-up shall be arranged by the city, and the costs incurred for this service shall be charged to the producer.
- (7) First aid. Given the provided information about projected event attendance and activities, city departments will consider if the plans for first aid provision are adequate.
- (8) Toilet facilities. Given the provided information about projected event attendance, event location, and activities, city departments will consider if the plans for toilet facilities are adequate.
- (9) Parking. Given the provided information about projected event attendance, city departments will consider if the plans for parking are adequate.
- (10) Notification of neighbors. Given the event area, city departments will consider if the producer provided adequate plans to notify neighboring residences and businesses in writing.
- (11) Alcohol permits. Given the provided information about alcohol sale or service, has the producer (and/or vendor) secured appropriate permits for sale or service of alcohol.
- (12) Security. Given the provided information, including any plans for overnight storage for multi-day events, city departments will consider if the plans for security of event is adequate.
- (13) Vehicular traffic flow. Given the provided information and plans for parking, event activities, estimated event attendance, and regular flow of vehicular traffic, city departments will consider if the event will unreasonably disrupt or otherwise obstruct the necessary flow of vehicular traffic around the event area.

- (14) Crowd and traffic control. Given the provided information about the event activities, location, and estimated event attendance, the police department will consider if the event has an adequate plan to provide crowd and traffic control.
 - (15) Health, safety, and welfare. Given the provided information about the event, the police department will consider if the event will endanger or has the reasonable possibility of endangering the public's health, safety, or welfare.
 - (16) The city departments will provide reports to the city manager as to whether or not the provided plans for the event are adequate and if the event will unreasonably disrupt and obstruct the necessary flow of vehicular traffic or endanger the public's health, safety, or welfare.
- (b) External review. Upon receipt of a complete application for a permit, the city manager shall determine if proposed temporary structures or event elements require review by DeKalb County based on the city's existing service delivery strategy agreement and adopted intergovernmental agreements.
- (c) City-cosponsored events. The city council may cosponsor an event. City-cosponsored events are events the city council has determined, pursuant to an adopted policy, to be in the general interest to the public and advance the promotion of the community. The city may provide financial and in-kind support to these events. These events must meet the requirements of this division including providing personnel and services deemed necessary and in excess of this level of support as authorized by the city council at the time of their co-sponsorship of the event.

Sec. 78-42. - Permit approval and conditions.

- (a) Consideration. The city manager will consider issuing a permit for an event following the completion of internal review, as described in section 78-41, and any necessary external review.
- (b) Issuance.
- (1) The city manager shall issue a permit for an event if the event plans are adequate for the event location, waste disposal and recycling collection, clean-up, first aid, toilet facilities, parking, security, crowd, and traffic control and the event will not unreasonably disrupt or otherwise obstruct the necessary flow of vehicular traffic or endanger the public's health, safety, or welfare.
 - (2) No permit may be issued prior to payment of all applicable fees.
 - (3) No event shall be allowed to exceed six days in any 30-day consecutive period of time.
 - (4) Unless specifically provided otherwise, an event is subject to and must comply with any and all other applicable ordinances of the city.

- (5) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights.
- (6) No Saturday event may begin earlier than 7:00 a.m. or end later than 11:00 p.m. in residentially zoned locations and no event may begin earlier than 7:00 a.m. or end later than 12:00 midnight in commercially zoned locations;
- (7) No Sunday event may begin earlier than 8:00 a.m. or end later than 11:00 p.m. in residentially zoned locations and no event may begin earlier than 8:00 a.m. or end later than 12:00 midnight in commercially zoned locations;
- (8) The city hall grounds may not be used for holding a parade, assembly, demonstration, or other event on any weekday prior to 8:00 a.m. or after 5:00 p.m. or on any Sunday prior to 1:00 p.m. or after 5:00 p.m.
- (9) Parades, marches, foot races, cycling races, and processions shall follow routes approved pursuant to the application process. Such designated route or routes may be on file with the city manager;
- (10) Prior to the beginning of the event, the producer shall provide to the city proof of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
 - a. For public assemblages, the city manager may waive the requirement for liability insurance if he reasonably finds that it would be a substantial burden to the producer's First Amendment rights and would be significantly prohibitive of the event.

(c) Conditions. As part of the permit issuance, the city manager may make conditions to the permit including, but not limited to the following:

- (1) For alternate routes and locations of the event to ameliorate issues of traffic flow and public safety;
- (2) Providing for the city to close designated streets and intersections to allow use of the public right-of-way for the event during designated hours and days;
 - a. Should state routes be disrupted or obstructed, the producer must obtain permission from the state department of transportation for the closing of state routes.
- (3) For the employment of off-duty uniformed and P.O.S.T. certified police officers to provide for adequate crowd, traffic control, and/or security;
- (4) For the employment of off-duty uniformed fire personnel to provide for adequate fire inspection/prevention and/or fire code enforcement;
- (5) For the employment of off-duty medics who are state certified EMT or paramedics to provide for adequate first aid;

- (6) For the use of shuttles to provide access to additional parking areas outside of comfortable walking distance from the event;
- (7) For a police vehicle to precede parades, marches, and/or processions;
- (8) For the event permit, as well as any other permits required in conjunction with the event, to be posted on site during the event.

Sec. 78-43. - Fees.

- (a) Applicability. No producer of any event, except as may otherwise be provided herein, shall be exempt from the payment of the fees and charges required under this article.
- (b) Fee payment. All fees shall be paid in full prior to the issuance of the event permit. If the event is to be held at a public park or park pavilion, the park or park pavilion is not officially reserved until all event-related fees are paid.
- (c) Application fee. Each application for an event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the City Council. The application fee may be tiered based on factors including the event type, event characteristics, and event duration.
- (d) Permit fee. Approved events shall be assessed an event permit fee in such amount as to be set from time to time by resolution of the city council. At the discretion of the city council, the event fee may be tiered based on factors including the event type, event characteristics, and event duration. Public assemblages shall be exempt from the event permit fee.
- (e) Sign deposit. A deposit for event signage based on the number of signs to be erected shall be in such amount as set from time to time by resolution of the city council. The deposit is due at the time an event permit is issued and is refundable upon submittal of an affidavit that all signs associated with the event have been removed. Such signs must be removed and such affidavit must be submitted within seven days of the conclusion of the event or the deposit shall be forfeited.
- (f) Equipment rental fees.
 - (1) Should a city-cosponsored event desire to have use of any equipment owned by the city, such as sound equipment and the like, an additional fee and/or damage deposit, as may be established from time to time by resolution of the city council, shall be paid so as to cover the reasonable cost for use of the equipment, as well as the delivery and return of the items to the city.
 - (2) Should a producer desire to have use of equipment owned by companies providing service to the city, such as barriers, traffic cones, and the like, a producer would need to enter into a private agreement with such company.

- (g) Park and pavilion rental fees. Should the producer desire to hold their event at a public park or park pavilion, to reserve said facilities, a rental agreement, on a form prescribed by the city, must be remitted to the city and the deposits and rental fees as set from time to time by resolution of the city council must be paid.
- (h) City support service fees.
- (1) Should a producer desire to hire city staff to provide support services at their event, such as police officers providing services including security, the fee and time minimums for such services will be in such amount as to be set from time to time by resolution of the city council.
 - (2) In no event shall the city require public assemblages to pay for functions such as traffic control and police protection.
- (i) Alcohol permit fees. The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of an event provided the producer and/or the alcohol vendor(s) have been duly licensed by the state and the city or another local governing authority and shall further have complied with all provisions of this Code relating to the sale of alcoholic beverages off-premises at an authorized function or event including payment of any and all fees related to the sale or serving of alcohol.
- (j) Cash bond. A cash bond may be determined to be appropriate by the city manager, and in this event the city manager shall advise the producer of the amount, and this bond shall be remitted to the city before the event permit is issued. Criteria to be considered in determining the appropriateness of requiring a bond shall include the impact of the event on the cost of services to be provided by the city and on the general public health, welfare, or safety of the city.
- (k) Other fees. The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.
- (l) Exceptions.
- (1) Application fees.
 - a. The producer of any event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under section 501(c) of the Internal Revenue Code, may be excused by the city manager from the application fee requirement if, in his reasonable discretion, the event benefits the community at large.
 - b. The producer of any event donating event proceeds to the city may be excused by the city manager from the application fee requirement.

- c. For events that have been co-sponsored by the city and designated by the city council as "signature" or "premier" pursuant to an adopted policy related to special event co-sponsorship, the producer of the event may be excused by the city manager from the application fee requirement.
- (2) Permit fees.
 - a. The producer of an event donating event proceeds to the city may be excused by the city manager from the permit fee requirement.
 - b. For events that have been co-sponsored by the city and designated by the city council as "signature" or "premier" pursuant to an adopted policy related to special event co-sponsorship, the producer of the event may be excused by the city manager from the permit fee requirement.
- (3) Park and pavilion rental fees.
 - a. The producer of an event donating event proceeds to the city may be excused by the city manager from the park and pavilion rental fee requirement.
 - b. For events that have been co-sponsored by the city and designated by the city council as "signature" or "premier" pursuant to an adopted policy related to special event co-sponsorship, the producer of the event may be excused by the city manager from the permit fee requirement.
- (4) City support service fees.
 - a. All public assemblages shall be exempt from paying for police support services deemed necessary by the chief of police for approved events including but not limited to police support services such as traffic control and police protection.
 - b. Events that have been co-sponsored by the city and designated by the city council as "signature" or "premier" pursuant to an adopted policy related to special event co-sponsorship are eligible for cost sharing of city support services such as police department support services. "Signature" and "premier" events must still meet the requirements of this article including providing personnel and services deemed necessary and in excess of this level of support as authorized by the city council at the time of their co-sponsorship of the event.
- (5) Alcohol licensing fees. A nonprofit civic organization, recognized as such by the Internal Revenue Service as demonstrated with a nonprofit authorization letter (Federal Form 501-C), may be excused by the city manager from the administrative application fee for an alcohol license. Such organizations are not exempt from the temporary or annual alcohol permit fees or the permit fees for pouring alcoholic beverages.

Sec. 78-44. - Liability.

The city, its officials, employees, and agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The city, its officials, employees, and agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

Sec. 78-45. - Permit denial or revocation.

(a) Reasons for denial of an event permit include, but are not limited to:

- (1) The event will unnecessarily disrupt traffic within the city beyond practical solution;
- (2) The event will interfere with access to fire stations and fire hydrants;
- (3) The location of the event will cause undue hardship to adjacent businesses or residents;
- (4) The event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;
- (5) The application contains incomplete or false information;
- (6) The producer's plans presented for services required on the application, including but not limited to event location, waste disposal and recycling collection, clean-up, first aid, toilet facilities, parking, security, crowd, and traffic control, are inadequate;
- (7) The producer has requested the event to occur on a date which the city has already approved another event;
- (8) The producer fails to comply with any terms required by this article including failing to provide any information that is reasonably requested by the city manager for review due to the type of event; or
- (9) The producer of an event on city-owned property has a criminal record with conviction(s) and/or no contest plea(s) that could have a negative effect on the use of city property such as vandalism, other property crime, or violent crime.

(b) Notification of denial. Should a permit be denied, the producer shall be notified in writing.

(c) Revocation or suspension. Reasons for revocation or suspension of an event permit include, but are not limited to:

- (1) False or incomplete information on the application;
- (2) Failure to comply with all terms and conditions of the permit;
- (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; and
- (4) Existence of disaster, public calamity, riot or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety, and welfare.

(d) Grounds for subsequent permit denials. Should the producer fail to meet the conditions of their permit, including any additional requirements placed on the producer in accordance with their permit, and those requirements are not met despite assurances by the producer, then such failure to comply with such requirements shall be grounds for denial of any subsequent permit requested by the producer and for any other claims for funds expended by the city for those extraordinary expenses agreed to but not provided by the applicant.

Sec. 78-46. - Appeals.

- (a) Any producer whose event permit application has been denied or revoked may request in writing a review of this decision by the city council. This request must be in writing and received by the city clerk within five days of the permit denial or revocation.
- (b) The city council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the city manager addressing why the permit was denied or revoked. The city council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

DIVISION 3. - SIGNAGE

Sec. 78-47. - Signage and advertising.

- (a) Pursuant to administrative guidelines for event signage adopted by the city council, producers may apply for signs to advertise and direct activity within their event.
- (b) Applicants must have permission from any property owner upon whose property the producer proposes to post a sign.
- (c) Applications for event signage should be submitted to the development director or his designee for approval.
- (d) Upon approval by the development director or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.
- (e) Applicants may not be approved for signs that exceed the provisions in the administrative guidelines.
- (f) Applicants may not appeal to the city council for relief as to the signs that exceed the provisions in the administrative guidelines.

Secs. 78-48—78-130. - Reserved.

PART II

Chapter 78, Article IV. – Special Event Permit shall be amended by deleting said article in its entirety.

PART III

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

The foregoing was proposed by Council member _____ with a motion that the same be adopted. Said motion was seconded by Council member _____. Same was then put to a vote and _____ Council members voted in favor of the ordinance, and _____ Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this _____ day of _____, 2017.

Emmie Niethammer
City Clerk, City of Chamblee, Georgia

Approved this _____ day of _____, 2017.

The Honorable R. Eric Clarkson
Mayor, City of Chamblee, Georgia

Approved as to form: _____
Joe Fowler, City Attorney

First reading: _____

Second reading: _____