

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 11, BUSINESS OCCUPATION TAX,
LICENSES AND REGULATIONS OF THE CITY OF SANDY SPRINGS CODE
OF ORDINANCES BY ADDING ARTICLE 12, SPECIAL EVENTS**

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with promoting and protecting the health, safety and welfare of the citizens and property owners of the City of Sandy Springs; and

WHEREAS, the Mayor and City Council find that certain regulations and restrictions regarding special events being conducted in the City are necessary to promote and protect the health, safety and welfare of the citizens and property owners of the City; and

NOW, THEREFORE, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Chapter 11 of the City of Sandy Springs Code of Ordinances is hereby amended and the following is inserted as Article 12 immediately following Article 11:

Article 12: Special Events.

Section 1: Special Events Defined.

“Special event”, as used in this Article, means:

(a) Any activity which occurs upon private or public property that will significantly affect the ordinary use of parks, or sidewalks; or access roads;

(b) Special events include, but are not limited to fairs, tours, grand opening celebrations, arts festivals, concerts and holiday celebrations;

(c) Private social gatherings which will make no use of City streets other than for lawful access and parking are not included. "Garage sales," "lawn sales," "rummage sales," or any similar casual sale of tangible personal property are not included.

Section 2: Permit Required.

No person or organization shall conduct a special event without first having obtained a special event permit from the City of Sandy Springs. All permits shall be posted in a conspicuous location for each approved event during the entire course of the event and a copy shall be maintained on file with a responsible party at each event and available for inspection upon request.

Section 3: Zoning Compliance

Permits shall be issued in compliance with the Zoning Ordinances and Standards of the City of Sandy Springs.

Section 4: Permit Application.

(a) An application for a special event permit shall be submitted to the City of Sandy Springs Revenue Division with a nonrefundable payment of \$100.00 no later than sixty (60) days prior to the proposed event.

(b) Upon written request and submittal of appropriate documentation, the City Manager may waive the \$100.00 payment for fundraising for charitable events if he /she determines that such fee is overly burdensome to the requestor or does not promote the general welfare of the City.

(c) The following information shall be provided on any permit:

(i) Purpose of the special event;

(ii) Name, address, and telephone number of sponsoring organization and the individual who is responsible for supervising and directing their proposed event;

(iii) Proposed date, location, and hours of operation;

(iv) Schedule of proposed events;

(v) Projected attendance at the event, plan for parking, plan for restroom facilities and sanitation concerns; and

(vi) Any other such information as the Public Works Department or another City department deems reasonably necessary to determine that the permit meets the requirements of this Article.

(d) The permit shall not waive the requirements of complying with other sections of this Code, including, but not limited to, regulations on alcoholic beverages, business licenses, fire safety, zoning, and signs; provided, however, for the purposes of the zoning and sign ordinances, the standards therein may be administratively waived and/or modified by the City Manager without the requirement of a variance application being filed and approved based on specific factual findings, that the requirements would be unduly burdensome or unnecessary given the size of the event or past history. Should the City Manager not administratively approve such request, the Applicant may file an application for a variance as otherwise allowed under the law.

(e) Waiver of Time Limit.

(i) The sixty (60) day time requirement of subsection (a) of this section may be waived by the City Manager upon written request and submittal of appropriate documentation that shows clear and compelling need of immediate action. Among other reasons, ignorance of the permit requirement shall not establish clear and convincing need.

(ii) Unless expressly provided elsewhere in this Article, no permit shall be issued for applications submitted less than three (3) days before an event.

Section 5: Denying and Revoking Permits.

(a) Reasons for denial of a special event permit include, but not limited to the following:

(i) The event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City;

(ii) The application contains incomplete or false information;

(iii) The applicant fails to comply with all terms of this Article including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the City;

(iv) The event will last longer than three (3) days.

(v) All permits issued pursuant to this Article shall be temporary and do not vest any permanent rights. Reasons for revocation of a special events permit include:

(A) Application contained incomplete or false information;

(B) Applicant does not comply with all terms and conditions of permit;

(C) Applicant fails to arrange for or adequately remit all fees, deposits, insurance, or bonds to the City;

(D) Disaster, public calamity, change in applicable law, riot, or other emergency exists.

(b) Revocation and denial of permits may be appealed as provided in this Article.

Section 6: Cost Assessments.

Unless a permit is issued pursuant to Section 4(e), the Revenue Supervisor shall send copies of special event applications to affected departments. Each departmental activity required for the special event shall be itemized, showing hourly rate and total cost. The Public Works Department shall determine and calculate the fee. All costs shall be assessed to the permit applicant in addition to the permit fee.

Section 7: Costs.

(a) *Performance Bond.*

(i) A performance deposit of 150 percent of the total estimated costs of the special event to the City shall be remitted to the City before the special event permit is issued.

(ii) The requirement in subsection (a)(i) above may be waived by the City Manager, based on specific factual findings, that the performance deposit would be unduly burdensome or unnecessary given the size of the event or past history.

(b) *Insurance.* At the City's request, the applicant may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the City as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per occurrence, and \$100,000.00 property damage per occurrence against all claims arising from permits issued pursuant to this Article. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage. Blanket insurance policies carried by the Applicant may be substituted for specific policies upon the written approval of the City.

(c) *Save Harmless Agreement.* The applicant is required to provide a save harmless agreement in which the applicant agrees to defend, pay, and save harmless the City, its officers, and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the special event; excepting any claims arising solely out of the negligent acts of the City, its officers, and employees.

(d) *Cleanup.* A special event permit may be issued only after adequate waste disposal facilities, including, where necessary, portable toilets, have been identified and obtained by the applicant. The applicant will clean public property of rubbish and debris,

returning it to its pre-event condition, within twenty-four (24) hours of the conclusion of the event. If the applicant fails to clean up such refuse, such clean up shall be arranged by the City and the costs charged to the applicant.

(e) *Waivers.* Upon written request and submittal of appropriate documentation, the City Manager may waive the bond requirement if he or she determines that such fee is overly burdensome, unlawfully burdens speech, or does not promote the general welfare of the City.

(f) *Immunities.*

(i) This section shall not be construed as a waiver of any immunity to which the City is entitled.

(ii) This Article shall not be construed as imposing upon the City or its officials or employees or agents any liability or responsibility for any injury or damage to any person in any way connected to the use for which permit has been issued. The City and its officials and 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 public property.

Section 9: Violations.

Violations of this Article shall be punishable in accordance with Chapter 1, Article 3, Section 1 of this Article.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

Severability. Should any court of competent jurisdiction declare any section of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Sandy Springs, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

This Ordinance is effective upon adoption and signature of the Mayor; and

ORDAINED this the 17 day of April 2007.

Approved:

Eva Galambos
Eva Galambos, Mayor

Attest:
Christina Rowland
Christina Rowland, City Clerk

(Seal)

