

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

**WHEREAS**, the existing Article 12 of Chapter 11, on Special Events in the Code of Ordinances of the City of Sandy Springs has proven to be confusing and thus, difficult to follow as guidelines, as well as requiring an applicant to seek review from several departments; and

**WHEREAS**, in order to overcome this unnecessary complexity, a total rewriting and revision of all provisions on special events has been realized; and

**NOW THEREFORE**, the Mayor and City Council of the City of Sandy Springs, while in regular session on November 20, 2007 at 6:00 p.m. hereby ordain:

**1.**

That the existing Article 12 of Chapter 11 is struck in its entirety and is hereby replaced with the following to be known as Article 12, Chapter 11, on Special Events, which is hereby adopted and reads as follows:

**Chapter 11**

**Article 12: Special Events**

**Section 1. Definitions**

As used in this Article, these terms shall have the following meanings.

(a) "Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(b) "Producer" means any person responsible for planning, producing and conducting a Special Event.

(c) "Special Event" means any organized for profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the City under this Chapter. Gatherings or activities that take place on private property and that make no use of City streets, other than for lawful parking, are not subject to the provisions of this Article, but shall comply with all other requirements specified by ordinance as to the use of residential property. No Special Event shall be allowed to exceed six (6) days in any thirty (30) day consecutive period of time.

By way of example, Special Events include, but are not limited to, fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of City streets other than for lawful parking are not included. Garage

sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.

A parade, march, or procession subject to this Chapter is defined to be a group or number of people or vehicles, or the combination thereof, consisting of five (5) or more vehicles and ten (10) or more persons, or a combination of three (3) or more vehicles and five (5) 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.

(d) "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 the Special Event.

### **Section 2. Permit Conditions**

(a) It shall be unlawful for a Special Event to occur in the City without having first obtained a permit for such Special Event.

(b) All permits issued pursuant to this Article shall be temporary and shall not vest in the holder any permanent property rights in a permit.

(c) The location of a Special Event must comply with all existing zoning requirements of the City, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the Director of the Department of Community Development to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the City Manager.

(d) Parades, marches, and processions shall follow such designated route or routes as may be on file with the City Manager and shall be preceded by a police vehicle.

(e) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the City.

### **Section 3. Application**

(a) The Producer of a Special Event shall make application for a permit for the Special Event on a form prescribed by the City.

(b) An application for a Special Event permit shall be filed at least sixty (60) days prior to the date the Special Event is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the Special Event.

(c) Each application for a Special 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) All Producers of a Special Event shall be properly identified on the application; provided, however, a Special Event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the Special Event, a designated agent of the 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 Chapter and

other applicable laws.

(e) The application shall include the following information: purpose of the Special Event; name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this Section; proposed date, location, and hours of operation, but in no event earlier than 8:00 A.M. nor later than 11:00 P.M. in residential zoned locations and in no event earlier than 8:00 A.M. nor later than 12:00 Midnight in commercial zoned locations; schedule of proposed activities; projected attendance at the Special Event, plans for parking, restroom facilities, and sanitation concerns; plan for crowd and traffic control. In addition, the City or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this Chapter.

(f) Two copies of a to-scale survey of the proposed location for the Special Event shall accompany the application and shall accurately depict the proposed location of the Special Event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed Special Event. Moreover, the entire location shall comply with the City's standards for setbacks.

(g) Each City department and/or agency whose services would be impacted by the Special Event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the City Manager, or his designee, shall become a condition of the permit.

(h) The following standards shall be considered in reviewing the application:

(1) A Special Event permit may be issued only after an adequate plan for crowd and traffic control, as well as security, and , when deemed necessary, employment of off-duty uniformed and P.O.S.T. certified police officers has been verified by the City and obtained by the Producer.

(2) A Special Event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty uniformed fire personnel has been verified by the City and obtained by the Producer.

(3) A Special Event permit may be issued only after an adequate EMS Plan and, when deemed necessary, employment of off-duty medics, who are state-certified EMT or paramedics, has been verified by the City and obtained by the Producer.

(4) A Special Event permit may be issued only after adequate waste disposal facilities have been determined by the City and obtained by the Producer. The Producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-Special Event condition, within 24 hours of the conclusion of the Special Event. 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 applicant.

(5) A Special Event permit granted by the City may provide for the City to close designated streets and intersections to allow use of the public right of way for the Special Event during designated hours and days.

(6) The sound level of any special event must comply with the City of Sandy Springs noise ordinance.

(i) After all of the requested information pertaining to the Special Event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The Special Event permit, as well as any other permits required in conjunction with the Special Event, shall be posted on site during the Special Event.

(j) Should a permit be denied, the Producer shall be notified in writing of the denial.

#### **Section 4. Permit Fees**

(a) Each City department and/or agency whose services would be impacted by the Special Event shall itemize the departmental activity required for the Special Event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the City" shall be the sum of each department's costs. The City Manager shall determine and calculate a reasonable fee to reimburse the City for its services.

d may be determined to be appropriate by the City, and in this event, the City shall advise the Producer of the amount, and this bond shall be remitted to the City before the Special Event permit is issued.

(c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event, no later than seventy-two (72) hours prior to the date of the event.

(d) 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.

(e) No Producer of any Special Event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this Chapter.

(f) Should a Producer desire to have use of any equipment owned by the City such as barriers, traffic cones, and the like, an additional fee, 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 by City employees.

(g) Notwithstanding any provision to the contrary, the Producer of any Special Event associated with and benefiting the cause of a charitable organization, recognized as such by the Internal Revenue Service under Section 501(c)(3) of the Internal Revenue Code, shall be excused by the City Manager from the permit fee requirement, but may be required to post the bond described in subsection (b) of this Section. Criterion 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.

#### **Section 5. Liability**

(a) At the discretion of the City, prior to issuance of a permit, 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 personal injury per person, \$1,000,000 maximum, and \$100,000 property damage against all claims arising from permits issued pursuant to this Chapter.

(b) The Producer of any Special Event shall provide 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 a Special 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 Special Event. The agreement shall be filed with, and made a part of, the application form.

(c) The City, its officials, employees, or 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, or 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.

#### **Section 6. Vendors of Food and Merchandise**

(a) The sale of food and/or merchandise by vendors shall be allowed as a component of a Special Event provided each vendor is authorized to participate in writing by the Producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the Producer and submitted as part of the application for a permit.

(b) The Producer of a Special Event shall have sole responsibility and control of all food and merchandise vendors as a component of a Special Event and to designate the location and activities of such vendors.

(c) Authorized vendors of the Producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the Special Event.

(d) Notwithstanding the provisions of subsection (c), food vendors authorized by the Producer shall be required to comply with Rules and Regulations of the Fulton County Health Department as to the preparation and service of food.

#### **Section 7. Vendors of Alcoholic Beverages**

The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of a Special Event provided each vendor is authorized to participate by the Producer and provided further each vendor dispensing alcoholic beverages shall have been duly licensed by the State of Georgia 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.

#### **Section 8. Vendors - Miscellaneous Provisions**

(a) Each vendor authorized by the Producer shall prominently display on his or her person a badge provided by the Producer and identifying the vendor as an authorized participant in the Special Event which shall bear the signature of the Producer or his designated agent.

(b) It shall be unlawful for any vendor not authorized by the Producer as provided herein to engage in any business within a distance of one hundred (100) yards of the Special Event from one hour before the start of the Special Event, and until one hour after the Special Event.

(c) A Special Event permit granted by the City may provide for the City to close designated streets and intersections to allow use of the public right of way for the Special Event during designated hours and days. The Producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

**Section 9. Other Permits**

(a) The purpose of this Chapter is to allow the City's departments and staffs to review an application for a Special Event permit outside the regular ordinance standards in order to determine how disruptive a Special Event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the Department of Community Development shall be followed by the City in allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for banners and vendors. Upon approval by the City Manager, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the Producer.

(b) Notwithstanding subsection (a) of this Section:

- (1) The holder of a resident or nonresident license to sell and dispense alcoholic beverages shall obtain an off-premise license and event permit for pouring alcoholic beverages for an authorized function or event as provided in Chapter 7 of this Code of Ordinances if he is authorized to participate by the Producer; and
- (2) A permit allowing fireworks shall be approved and permitted by the Chief of the City's Fire Department or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the State of Georgia.

**Section 10. Denial or Revocation of a Special Event Permit**

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

- (1) the Special Event will unnecessarily disrupt traffic within the city beyond practical solution;
- (2) the Special Event will interfere with access to fire stations and fire hydrants;
- (3) the location of the Special Event will cause undue hardship to adjacent businesses or residents;
- (4) the Special 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; and
- (6) the Producer fails to comply with any terms required by this Chapter.

(b) Reasons for revocation of a Special Events 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.

(c) Further, a Special Event permit may be denied, suspended, or revoked by the City, if the Chief of the Police Department, the Chief of the Fire Department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

### **Section 11. Appeals**

(a) Any Producer whose Special Event permit application has been denied or revoked may request in writing a review of this decision by the City Manager. This request must be in writing and received by the City Manager within five (5) days of the of the permit denial or revocation.

(b) The City Manager shall review the application and reasons for the denial or revocation of the Special Event permit and shall issue a decision, within five (5) days whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the City Manager may deem justified by the evidence.

(c) Should the Producer be dissatisfied with the decision of the City Manager, an appeal may be filed with the City Council within five (5) days of the decision of the City Manager. The Council shall set a hearing date within thirty (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.

### **Section 12. Penalties for Violation**

Violation of any of the Sections of this Article or any part thereof shall be punished as provided in Chapter 1, Article 3 of this Code of Ordinances.

2.

**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. All ordinances or parts of ordinances in conflict herewith are repealed.

3.

This Ordinance shall be effective immediately, this 20th day of November, 2007.

**ORDAINED**, this 20th day of November, 2007.

Approved:

  
\_\_\_\_\_  
Eva Galambos, Mayor

Attest:

  
\_\_\_\_\_  
Christina Rowland, City Clerk  
(Seal)

