

## DIVISION 2. - SPECIAL EVENTS

### Sec. 48-114. - Purpose and findings.

The mayor and city council find that special events, as herein defined, are a medium through which individuals may conduct certain lawful economic and noneconomic activities on the public properties, streets, sidewalks and rights-of-way lying within the city, and that the regulation of the location, size and duration of such special events is necessary to protection of the public health, safety and welfare of the city. By enacting this division the mayor and city council intend to:

- (1) Balance the rights of individuals, groups, organizations, clubs, associations or other entities to conduct such special events;
- (2) Protect the public health, safety, and welfare;
- (3) Reduce traffic and pedestrian hazards;
- (4) Reduce the possible adverse effects of such special events on the inhabitants and economic interests located in the city;
- (5) Protect property values within the city by minimizing the possible adverse effects of such special events;
- (6) Promote economic development; and
- (7) Ensure the fair and consistent enforcement of special events regulations.

(Ord. of 2-22-2005(2), § 1)

### Sec. 48-115. - Definitions.

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

Designee, when used to identify the designee of the city administrator, means the city clerk.

Local civic group means local—primarily serving the needs of a particular limited district; civic group—of or relating to a citizen, a city, citizenship, or community affairs.

Local non-profit group means local—primarily serving the needs of a particular limited district; non-profit—not conducted or maintained for the purpose of making a profit.

Producer means any person, group of persons, organization, association, club, or other entity responsible for planning, producing, and conducting a special event. The producer must show the special event is a direct service or a direct beneficial benefit to the City of Cleveland and White County, Georgia.

Special event means any organized activity having as its primary purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public property, street, sidewalk or right-of-way, or which occurs on private property and impacts government services on a public property, street, sidewalk or right-of-way. The special event must be a direct service or a direct financial benefit to the City of Cleveland and White County, Georgia.

Vendor means any person 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 property, street, sidewalk, or right-of-way. The term "vendor," as used in this division, shall not be construed to include or prohibit a permanent business, operating under the provisions of the occupational tax license ordinance and other applicable laws, from displaying goods or merchandise on a public sidewalk immediately in front of and adjacent to the permanent business

structure so long as such displays do not impede the normal flow of pedestrian or vehicular traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

(Ord. of 2-22-2005(2), § 2; Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-116. - Permits; applications; fees.

- (a) Permits required. It shall be unlawful for any person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in the city without first obtaining from the city a valid permit for such special event.
- (b) Geographic limitations. Each special event shall be conducted, located and limited to the specific geographic area authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (c) Time limitations. Each special event shall be limited in time to the dates and time periods authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (d) Activity limitations. Each special event shall be limited to those activities authorized and permitted under the terms, conditions and restrictions of the city permit issued for each such special event and in accordance with the provisions of this division.
- (e) Application. A producer of a special event shall make application for such permit at city hall in a form prescribed by the city, and file such completed application with the city clerk. Such applications may be obtained from the office of the city clerk.
- (f) Application fee. A nonrefundable application fee as provided in the city fee schedule shall be paid upon the filing of each special event application with the city clerk.
- (g) Time requirements for filing. Applications for special events which request the use of any public property, street, sidewalk or right-of-way within the city, or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose more than six persons as attendees, shall be filed with the city clerk at least 60 days prior to the date the special event is scheduled to occur. Applications for such special events the use or for events which are to occur on private property and impact government services on a public property, street, sidewalk or right-of-way, and which propose six or fewer persons as attendees, shall be filed with the city clerk at least 30 days prior to the date the special event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the proposed special event.
- (h) Permit fee. In addition to the application fee, the producer shall pay a permit fee in order to conduct a special event within the city. The amount of said fee shall be based on the services which the city may elect to provide to the producer of such special event and shall be equal to the estimated actual cost to the city to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services. If, at the conclusion of the special event, the cost of the services provided by the city is greater than the initial permit fee, the producer of the event shall be billed for the difference. Failure to pay the outstanding amount within 30 days of the billing date shall be a violation of this division. The initial permit fee shall be paid in full prior to the issuance of the special event permit for such special event. The application fee and the permit fee specified in this division shall be in addition to any other fees which may be required by any other ordinances or regulations of the city which might be applicable to such special event. No producer of any special event, except as otherwise provided for, shall be exempt from the payment of the appropriate fees required under this division, except as authorized by the mayor and city council.

(Ord. of 2-22-2005(2), § 3)

Sec. 48-117. - Identification of producer.

The producer of a special event, whether an individual, group or organization, shall be fully identified on the application. However, a special event permit shall be issued only to an individual person, who shall also be the designated agent of any producer who is not an individual, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this division and other applicable laws.

(Ord. of 2-22-2005(2), § 4)

Sec. 48-118. - Administrative review.

The city administrator or designee will review each application in order to determine the nature and activities of the proposed event, and to evaluate the effect of such proposed special event on the city, and to determine the amount of the permit fee described in section 48-116.

(Ord. of 2-22-2005(2), § 5)

Sec. 48-119. - Special restrictions and conditions on permit.

After such determination and evaluation by the city administrator or designee, the city administrator or designee may impose such special conditions or restrictions on said permit as may promote the protection of the public health, safety and welfare of the city, and such special conditions and restrictions so imposed shall be construed to have the full force and effect of law as a provision of this division. A violation of any of such special conditions or restrictions shall be deemed a violation of this division.

(Ord. of 2-22-2005(2), § 6)

Sec. 48-119.1. - Collections or fundraisers.

Applicants who intend to solicit funds or sell goods must be a local civic group or a local non-profit group. Groups who are not located within the limits of White County and wish to solicit funds or sales must have a local civic group or a local non-profit group sponsor the event. The solicitation of funds and sale of goods must be a direct service or a direct financial benefit to the citizens of the City of Cleveland and White County, Georgia. A signed affidavit from the sponsoring group must accompany the application.

(Ord. No. 2012-13, Exh. A, 11-13-2012)

Sec. 48-120. - Prior permit from department of transportation.

Any special event which is to use a portion of any state highway right-of-way lying within the city must also have obtained all required permits from the state department of transportation. It shall be the applicant's sole duty and responsibility to obtain all such permits prior to making application to the city for a special event permit. No city special event permit shall be issued without the proper state department of transportation permit first having been obtained, and a copy of same filed with the city clerk with the application for the city special event permit.

(Ord. of 2-22-2005(2), § 7)

Sec. 48-121. - Liability.

The producer of any special event shall hold harmless the city, its officers, employees, and agents, from any and all liability for damages arising from any acts or omissions emanating from a special event.

Proof of such waiver and indemnification shall be filed with, and made part of, the application for a special event permit. The producer shall be solely responsible for providing any and all insurance that may be necessary for any special event.

(Ord. of 2-22-2005(2), § 8)

Sec. 48-122. - Vendors.

The sale of food, any merchandise and/or services of any type, by a vendor shall be allowed as a component of a special event permit, if such vendor has been identified as a permitted vendor in the special event permit issued by the city. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the city permit. Any vendor so authorized by such permit shall be required to prominently display on his person a badge identifying the vendor as an authorized participant in the permitted special event. Such identification shall not be less than three inches by three inches, shall state that the bearer is an official participant in such special event, and shall bear the signature of the producer of the event. The permitted vendor of any food, whether hot or cold, acting as a part of a permitted special event, shall be subject to applicable rules and regulations governing food service within the city, including, but not limited to, the rules and regulations of the county health department. It shall be the responsibility of the producer of a special event to assure such compliance by such vendors.

(Ord. of 2-22-2005(2), § 9)

Sec. 48-123. - Traffic and crowd control.

Such traffic and crowd control on the public property, streets, sidewalks and rights-of-way lying within the city as may be deemed appropriate by the mayor and city council shall be provided by the city.

(Ord. of 2-22-2005(2), § 10)

Sec. 48-124. - Toilet facilities.

The producer of a special event shall be required to provide toilet facilities at any special event lasting more than three hours at which 200 or more persons are expected to be in attendance.

(Ord. of 2-22-2005(2), § 11)

Sec. 48-125. - Musical entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the city. The producer of the special event shall be responsible for full compliance with any and all ordinances governing such musical entertainment.

(Ord. of 2-22-2005(2), § 12)

Sec. 48-126. - Tents, stages and structures.

Tents, arbors, stages, grandstands and other temporary structures and facilities constructed or erected as a part of a permitted special event shall be approved by the city prior to and after construction and erection.

(Ord. of 2-22-2005(2), § 13)

Sec. 48-127. - Public property closing.

No public property, street, sidewalk or right-of-way shall be partially or completely closed as part of a special event unless such closure shall have been authorized in the special event permit issued by the city; provided however, the partial or complete closure of the public square of the city or any public street or right-of-way shall require the prior approval of the mayor and city council.

(Ord. of 2-22-2005(2), § 14)

Sec. 48-128. - Duration of permit.

No special event permit issued under this division shall be valid prior to or past the date of the special event for which it is issued.

(Ord. of 2-22-2005(2), § 15)

Sec. 48-129. - Picketing and demonstrations, etc.

Any person, group, or organization engaged in any picketing, demonstrations, assembly, gathering, procession, or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any public or private place within the city, and may be required under the provisions of this division to conduct such protected activities in certain designated areas identified by the city. Any person, group or organization engaged in such protected activities is required to make application as set forth in section 48-116. However, any such person, group or organization shall be exempt from payment of the application and permit fees set out in section 48-116, and applications for such protected activities shall be filed with the city clerk not less than three days prior to said event.

(Ord. of 2-22-2005(2), § 16)

Sec. 48-130. - Funeral processions.

The provisions of this division shall not apply to any motorcade conducted under the supervision and direction of a funeral director in conjunction with any funeral.

(Ord. of 2-22-2005(2), § 17)

Sec. 48-131. - Revocation of permit.

If any permitted producer or vendor, and/or any employee, agent or contractor of such producer or vendor, during the course of the permitted special event, shall violate any law of the United States, the state, or any ordinance of the city, and an arrest is made or citation is issued arising out of such violation, the special event permit may be immediately revoked by the city administrator or designee, and all activities conducted under said special event duty shall be deemed an authorized designee of the city administrator.

(Ord. of 2-22-2005(2), § 18)

Sec. 48-132. - Enforcement and penalties.

- (a) Any person who attempts to conduct a special event without having first obtained the necessary special event permit in the manner provided in this division shall be subject to penalties as provided in section 1-16.
- (b) Action pursuant to any provision of this division shall not be a bar to the enforcement of this division by injunction or other appropriate remedy, and the city, acting by and through the city administrator or designee, shall have the power to institute and maintain in the name of the city any and all such enforcement proceedings.

(Ord. of 2-22-2005(2), § 19)

Secs. 48-133—48-150. - Reserved.