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MEMORANDUM

To: Mayor and City Council

From: Kimberly Greer, Assistant to the City Manager

Date: September 8, 2014

Subject: **Special Events Ordinance Update**

ITEM DESCRIPTION

Staff recommends updating and streamlining the special events ordinance. Proposed changes are intended to increase clarity and reduce confusion about regulations for events and event signage.

BACKGROUND

Dunwoody is home to a significant number of special events. Special events are an integral and important part of the quality of life in Dunwoody and serve to activate our parks and streets. The following chart details the number of event permits issued since incorporation.

	2009	2010	2011	2012	2013	2014
Events	31	29	41	43	72	37
Assemblages	11	10	2	1	2	0
TOTAL	42	39	43	44	74	37

Upon incorporation, the Mayor and City Council adopted regulations for Assemblages in Public Places found in [Chapter 26, Article VII](#). The ordinance is further divided into definitions, permits, and special events. Since adoption, only minor changes have been made to the ordinance such as the addition of regulations for the pole banners frequently used to advertise major, citywide events.

DISCUSSION

Making the governing ordinance more easily understood will increase compliance and improve the city's ability to review these events.

The suggested changes to the ordinance are in response to common questions and confusion points from applicants and potential applicants, experience of internal staff reviewing applications, lessons learned from permitting special events in Dunwoody, and a review of ordinances and policies in surrounding cities.

ORDINANCE RESTRUCTURING

The first major suggested change is a structural re-ordering of the ordinance. Rather than focus the first two divisions of the ordinance on public assemblages and then reiterate the applicable information to special events in a third section, the attached ordinance begins with definitions (applicable to all types of events), then permits (for all types of events), and the third covers signage (specific to special events). As part of this restructuring, duplicative sections have been removed. For example, the current ordinance has one section of definitions for public assemblages (Sec. 26-213) and one for special events (Sec. 26-265).



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In the presented ordinance these sections have been combined into Sec. 26-213 and duplicative definitions have been removed.

ORDINANCE STREAMLINING

The second major suggested change is to condense and combine like sections under topical areas and remove duplicative information. For example, the current ordinance has provisions related to the review of waste disposal and clean-up plans in three different sections which have been combined into Sec. 26-243. Additionally, where the current ordinance had separate sections for “vendors of food and merchandise,” “vendors of alcoholic beverages,” “miscellaneous provisions regarding vendors,” this information has been condensed and combined under the section explaining the requirement for permits (Sec. 26-239).

ORDINANCE IMPROVEMENTS AND UPDATES

Staff has received feedback related to areas of the ordinance that are cumbersome or non-responsive to our community needs. These areas are not major updates but significant improvements nonetheless. One example relates to the ability of the City Manager to waive fees in certain circumstances. The existing ordinance only allows the waiver of fees for nonprofit civic organizations that fall into the 501(c)3 category. In application, expanding this waiver to instances for other nonprofit designations, such as the 501(c)6 will provide additional flexibility and better meet the needs of the organizations in our community.

POLICY DISCUSSIONS

Although the overwhelming majority of the recommended changes are for clarity, a few suggested change areas would represent areas of policy choice for the Mayor and Council’s consideration and further discussion.

Those areas are as follows:

1. Permits for neighborhood parades and block parties

Section: 26-241 Exceptions (a) (2)

Currently: No permit required

Recommended: No permit required but reiteration of the requirement for lane closure permits

Rationale: For the few neighborhood celebrations that close lanes or completely block normal vehicular traffic, street closing permits are presently required by the city but not always obtained. Reiterating the requirement will assist staff in administering this existing regulation and ensuring the police department and other emergency personnel awareness of such activity and improving any required response.

2. Event Timing

Section: 26-244 Permit Approval and Conditions (b)(6)

Currently: No event begins earlier than 8:00 a.m.

Recommended: No event begins earlier than 7:00 a.m.



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Rationale: The road races cause fewer vehicular conflicts when beginning earlier in the morning.

3. Set Race Routes

Section: 26-244 Permit Approval and Conditions (b)(8)

Currently: Applicants chose the routes for their road races with feedback and guidance from the police department

Recommended: Set race routes and have them on file

Rationale: Rather than re-invent the wheel, our police department knows which routes are safer for participants and can be managed in a way that keeps costs low for event producers and minimizes the impact on the community. Setting of race routes has been used effectively in several surrounding communities.

4. Liability Insurance Requirements

Section: 26-244 (b) (9)

Currently: Applicants all sign an indemnification clause but are not required to provide liability insurance coverage

Recommended: Require liability insurance for all events.

Rationale: Without requiring liability insurance from those orchestrating the event, should an unforeseen issue arise, the city may be held responsible. A survey of surrounding communities has shown that requiring liability insurance is a common practice if the event is not directly sponsored by the city. For example, the cities of Decatur, Suwanee, Marietta, Roswell, Chamblee, Milton, Sandy Springs, and Johns Creek all require event producers to obtain liability insurance and add the city as an additional insured for the duration of the event.

5. Size of Additional Signage and Advertising

Section: 26-278 (e)

Currently: Applicants may request Council approval for signs larger than those allowed by the adopted Administrative Guidelines for Special Event Signage

Recommended: Allow the Council to only grant relief as to the number of signs, sign locations, and the period of time for which they may be posted. The size of signs would be limited to that established in the Administrative Guidelines for Special Events (currently, maximum established at 60 sq ft).

Rationale: To avoid running afoul of the Sign Ordinance and First Amendment protections, legal counsel recommended relief be limited to the time, place, and manner of signs.

RECOMMENDATION

Due to the holistic nature of the changes recommended by staff, the ordinance has been presented as a replacement rather than a revision. For reference, both an annotated version of the existing ordinance and the proposed ordinance (with all changes accepted) are attached. Staff recommends completing a read of this ordinance and considering adoption once any and all additional improvements from the Council can be incorporated into the suggested ordinance.

**AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 26
(STREETS, SIDEWALKS AND OTHER PUBLIC PLACES) TO REVISE EVENT
REGULATIONS BY DELETING AND REPLACING IN ITS ENTIRETY ARTICLE
VIII (ASSEMBLAGES IN PUBLIC PLACES)**

WHEREAS, the City of Dunwoody has heretofore adopted a Special Event Ordinance, Codified as Article VIII of Chapter 26 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, over the years since the City's incorporation in 2008, the City has hosted many assemblages and special events on public property and rights-of-way, and has collected data regarding efficiency in application, review and operation of said events; and

WHEREAS, the City Council desires to revise these provisions in order to provide for easier review equal application and conformance to the regulations therein; and

WHEREAS, this revision is designed to promote the better health, safety, welfare and community of the citizens of the City.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 26 (Streets, Sidewalks and Other Public Places) of the City of Dunwoody Code of Ordinances shall be amended by deleting in its entirety Article VIII (Assemblages in Public Places) and replacing it with new Article VIII (Events in Public Places), to read as follows:

ARTICLE VIII: EVENTS IN PUBLIC PLACES

DIVISION 1. GENERALLY

Sec. 26-213. 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 Dunwoody, Georgia. The city manager may delegate his authority or be assisted by other employees as required.

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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 a 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. Events on private property which will make no use of city streets other than for lawful parking are not required to obtain an event permit. Common special events in Dunwoody are 5K races and festivals. Filming by a film production company does not require an event permit but does require a filming permit which is handled by a separate process.

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.

Sec. 26-217—26-238. Reserved.

DIVISION 2. PERMITS

Sec. 26-239. Required.

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- (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. 26-240. 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. 26-241. Exceptions.

- (a) This Article shall specifically not apply to:
 - (1) funeral processions;
 - (2) 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;
 - (3) 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;
 - (4) sporting events;
 - (5) 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;
 - (6) school students going to or from classes or participating in properly supervised and sponsored activities;
 - (7) garage sales, lawn sales, rummage sales or any similar casual sale of tangible personal property;
 - (8) events on private property which will make no use of City streets other than for lawful parking;

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- (9) filming by a film production company;
- (10) governmental entities acting within the scope of their functions; and
- (11) other activities as provided for by law or regulation.

Sec. 26-242. 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;

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- (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.
 - (i) 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
 - (ii) 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.

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(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. 26-243. 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.

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(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

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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.

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.

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(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. 26-244. 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 Sec. 26-243, 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 (6) 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 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) 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.

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- (8) 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;
- (9) 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.
 - (i) 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 1st 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;
 - (i) 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 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;

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- (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. 26-245. 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

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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

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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.

(I) Exceptions

(1) Application Fees

- (i) 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.
- (ii) The producer of any event donating event proceeds to the City may be excused by the City Manager from the application fee requirement.

(2) Permit Fees

The producer of an event donating event proceeds to the City may be excused by the City Manager from the permit fee requirement.

(3) Park and Pavilion Rental Fees

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.

(4) City Support Service Fees

- (i) 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.
- (ii) 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.

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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. 26-246. 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. 26-247. 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 applicant'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 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
- (8) 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.

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(b) Notification of Denial

Should a permit be denied, the producer shall be notified in writing.

(c) 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. 26-248. 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 (5) 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.

Sec. 26-249 – 26. 277. Reserved.

DIVISION 3. SIGNAGE

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Sec. 26-278. 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 Community Development Director or his designee for approval.
- (d) Upon approval by the Community 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 requesting signs that exceed the provisions in the administrative guidelines may request relief by the City Council to exceed the terms of those guidelines. The City Council may grant relief as to the number of signs, their location, and the period of time they may be posted only. The size of the signs shall not be allowed to vary from the established requirements of the Sign Ordinance in excess of that allowed by the administrative guidelines. Applicants may receive additional relief at a public meeting in front of City Council by submitting a request in writing to the Community Development Director.

Sec. 26-279. Review and Approval Criteria for Additional Signage

- (a) The City Council may authorize additional signage exceeding the provisions in the adopted administrative guidelines for signage only after making the following findings:
 - (1) The granting of the signage will not be detrimental to public health, safety, or welfare;
 - (2) The granting of the signage is based on conditions that are unique to the event and are not generally applicable to other events;
 - (3) The producer has permission from the property owner upon whose property they are proposing the posting of requested signage;
 - (4) The signs are not unreasonably cluttered in one or a few neighborhoods of the City; and
 - (5) The requested signage will not be internally or externally lit.

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- (b) The City Council shall determine whether or not the granting of the additional signage is justified and grant or deny the additional signage with such conditions as deemed justified by the evidence.

Sec. 26-280. Pole banners.

- (a) *Purpose and authority of section.*
- (1) To prescribe policy and procedures for permitting pole banners within City rights-of-way;
 - (2) To promote community events and the City in general through the installation of properly designed and installed banners on utility poles and light poles in the City right-of-way;
 - (3) To create an effective administrative process to manage a City pole banner permit process.
- (b) *Event permit required.* A pole banner permit may only be issued with the proper acquisition of an event permit from the City according to the requirements as prescribed herein.
- (c) *Definition.* Pole banners shall mean temporary signs suspended between brackets and attached to utility and/or light poles in the City right-of-way, designed to advertise events occurring within the City.
- (d) *Criteria for placement.*
- (1) *Installation.*
 - (i) The applicant is responsible for the installation, maintenance, and removal of the pole banners;
 - (ii) Installation or any part thereof must be performed by a contractor hired and directly supervised by the applicant;
 - (iii) Banners must be affixed to the utility pole with appropriate hardware. If there is no hardware on an approved pole, it is the applicant's responsibility to install and donate the hardware. The hardware installed shall be left on the pole after the pole banner is removed;
 - (iv) Utility poles cannot be penetrated or altered in any way by the installation or removal of pole banners except where new hardware fixtures are required;
 - (v) Banners are allowed only within the City corporate limits.

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(2) *Size and installation dimensions.*

- (i) Banners shall be 30" × 72" in size;
- (ii) Vertical orientation of the rectangle shall be 72 inches with the 30-inch width at the top and bottom in use;
- (iii) No more than 24 pole banners shall be erected per permit, with only one permit allowed per special event;
- (iv) If the pole mounted banner is in an area with curbs the following two options exist:
 - a. If the banner is behind the face of the curb, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground;
 - b. If the banner extends beyond the curb, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the shoulder and no closer than four feet from the nearest driving lane, as measured from the white line.
- (v) If the pole mounted banner is in an area without curbs the following two options exist:
 - a. If the banner overhangs a sidewalk or ground that is not a shoulder, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground and not closer than four feet from the edge of the nearest driving lane, as measured from the white line;
 - b. If the banner overhangs the shoulder of the highway, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the elevation of the shoulder and not closer than four (4) feet from the edge of the nearest driving lane, as measured from the white line.

(3) *Material.*

- (i) Banners shall be made of durable, acrylic canvas or heavy reinforced vinyl resistant to ultraviolet rays, mold and mildew;
- (ii) Each banner shall have two double-stitched reinforced hems looped at the top and bottom to facilitate installation;
- (iii) All banners must be printed on both sides of the banner fabric;

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- (iv) Banner brackets have been placed and may be subsequently maintained by the City unless otherwise requested by the owner of the light or utility pole.

(e) *Illumination.*

- (1) Illumination will be allowed only on pole mounted string lights in which beams or rays of light are not directed at any portion of the traveled way or which are not of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle.
- (2) All other pole banners will not be illuminated.

(f) *Duration.*

- (1) A pole banner permit shall become null and void if the pole banners for which the permit was issued have not been installed within six months after the date of issuance.
- (2) Banners shall not occupy the right-of-way for a total duration of more than 60 days.

(g) *Restrictions and limitations.*

- (1) Banners will not be allowed on freeways or interstate highways.
- (2) No banners shall be attached to:
 - (i) Traffic control devices such as signal poles;
 - (ii) Sign structures;
 - (iii) Bridges or overpass structures.
- (3) No banner shall obstruct the view of traffic or any traffic control devices.
- (4) No banner shall be allowed to obstruct, impede or endanger the flow of traffic.
- (5) No banner shall resemble traffic control signs, signals, marking devices. Banners shall not appear to direct the movement of traffic, obscure, or interfere with the effectiveness of, imitate or resemble any official traffic signal, sign or device or otherwise be a traffic hazard or distraction.

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- (6) Construction projects. No banner shall be placed on any utility poles which will require removal during the permit period due to a development project in the right-of-way. If a banner is otherwise permitted for a utility pole that will need to be removed, the City shall not be responsible for replacement of the removed and/or destroyed banner and no substitute banner will be permitted.
- (7) Removal by the City. Banners may be removed by the City and/or the owner of the utility pole at any time if, in the sole discretion of the City, the banner is damaged, faded, neglected, becomes unsightly, or does not comply with the requirements of this Article. The applicant shall reimburse the City its costs to remove any pole banner that the City removes as a result. The removed pole banners will be stored for 30 days after removal and then subject to disposal.
- (h) *Permit requirements.*
 - (1) *Application information.* Applications for pole banner permits required by this Article shall be filed by the banner owner or the owner's agent with the Director of Community Development or his/her designee. The application shall describe and set forth the following:
 - (i) The total number of pole banners to be erected;
 - (ii) The poles which banners are to be erected shall be identified on a map as provided by the City.
 - (iii) Name, address, phone number, certificate of insurance, and occupational tax certificate number of the banner contractor;
 - (iv) The payment, in full, of the applicable application fees as determined by the Mayor and City Council.
 - (2) *Time for consideration and issuance.* The Director of Community Development shall issue permits for all applications meeting the requirements of this section and all other laws and ordinances regulating pole banners within 20 business days. Pole banners not meeting the requirements shall be denied pursuant to the procedure outlined in this section. The Director shall give notice in writing to the applicant of his/her decision hand-delivered, mailed by certified mail, e-mailed or faxed to the address on the permit application, and post-marked on or before the twentieth business day after the director's receipt of the application. If the director fails to act within the 20-day period, the permit shall be deemed to have been granted. A sticker or other device issued by the City shall be made available by the event director/applicant upon request. Denials may be appealed according to the procedure established by this Article.

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- (3) *Approved permit.* The applicant must have an approved permit before commencing any work on the right-of-way.
- (4) *Indemnify and hold harmless.* The applicant agrees to accept full responsibility to the public for loss or damage caused by their installation, operation, maintenance or removal of banners on the right-of-way. The applicant will hold the City harmless from any suits brought against the City arising out of the installation, occupancy, or removal of any pole banner on the city's right-of-way. The applicant, when required by the city, shall provide or cause to be provided proper insurance coverage for public protection and employee protection during installation, maintenance or removal of any pole banner.
- (5) *Safety measures.* The applicant will be solely responsible for all appropriate safety measures to be taken when installing, maintaining and removing banners to ensure the safety of the traveling public as well as the safety of those installing or removing the banners.
- (6) *Traffic control measures.* The traveling public shall be protected from the activities of the applicant by means of signs, flagmen and traffic control devices as determined by the City in accordance with the Manual of Uniform Traffic Control devices for Streets and Highways and in accordance with any traffic control plans that are attached to the permit.
- (7) *Cancellation/revocation of permit.* The permit issued by the City may be cancelled or revoked when the City has actual knowledge that the applicant has failed to comply with the provisions of the permit or this Article. In the event that the applicant has failed to remove any pole banners upon request by the City, the City reserves the right to remove any or all pole banners at the expense of the applicant. The removed pole banners will be stored for 30 days after removal. A cancellation or revocation of the permit may be appealed in the same manner as denials pursuant to this section.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2014.

Approved:

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2014-XX-XX

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney

Chapter 26 – Streets, Sidewalks and Other Public Places - Article VIII. **Special Events and Public Assemblages in Public Places**

Division 1. Generally

Sec. 26-213. Definitions.

~~Sec. 26-214. Violations and penalties.~~

~~Sec. 26-215. Exceptions.~~

~~Sec. 26-216. Duties of city manager.~~

Secs. 26-214—26-238. Reserved.

Comment [KG1]: Moved to Div. 2 Permits

Division 2. Permits

Sec. 26-239. Required. (formerly 26-241)

~~Sec. 26-240. Violations and penalties.~~ (formerly 26-214)

~~Sec. 26-241. Exceptions.~~ (formerly 26-215)

~~Sec. 26-216. Duties of city manager.~~

Sec. 26-242. Application.

Sec. 26-243. Procedure for application review.

~~Secs. 26-244—26-264. Reserved.~~

Comment [KG2]: Deleted, covered throughout Application, Approval, and Denial

Division 3. Special Events

~~Sec. 26-265. Definitions.~~

~~Sec. 26-266. Penalties for violations.~~

Sec. 26-244. Permit approval and conditions. (formerly 26-267)

~~Sec. 26-268. Application.~~

~~Sec. 26-269. Procedure for application review.~~

Sec. 26-245. ~~Permit~~ fees. (formerly 26-270)

Sec. 26-246. Liability. (formerly 26-271)

~~Sec. 26-272. Vendors of food and merchandise.~~

~~Sec. 26-273. Vendors of alcoholic beverages.~~

~~Sec. 26-274. Miscellaneous provisions regarding vendors.~~

~~Sec. 26-275. Other permits.~~

Sec. 26-247. Permit denial or revocation ~~of a special event permit.~~ (formerly 26-276)

Sec. 26-248. Appeals. (formerly 26-277)

Secs. 26-249 – 26-277. Reserved

Comment [KG3]: Combined with 26-213 Definitions

Comment [KG4]: Combined with 26-214 for the new 26-240 Violations and Penalties

Comment [KG5]: Combined with 26-242 Application

Comment [KG6]: Combined with 26-243 Procedure for Application Review

Comment [KG7]: Combined and moved to 26-241 to become the new 26-239 Required

Comment [KG8]: Moved to 26-242 Application and 26-243 Application Review

Comment [KG9]: Moved to the new 26-239 Required and 26-243 Application Review

Comment [KG10]: Moved to Division 3. Signage

Division 3. Signage

Sec. 26-278. Signage and Advertising

Sec. 26-279. Review and Approval Criteria for Additional Signage

Sec. 26-280. Pole banners. (formerly 26-278)

DIVISION 1. GENERALLY

Sec. 26-213. 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 Dunwoody, Georgia. The city manager may delegate his authority or be assisted by other employees as required.

Event means ~~any march, meeting, 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.~~ any parade, public assemblage, or special event as defined within this division.

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.

Comment [KG11]: Moved from the original 'special events' definition

~~Private purpose means any purpose not commanded or directed by law, statute, ordinance, or regulation to be performed.~~

Producer means any person responsible for planning, producing and conducting a special event. All producers of a special event shall be properly identified on the application; provided, however, An 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 article and other applicable laws.

Comment [KG12]: From original 26-265 definitions

Public Assemblage means any march, meeting, 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.

Comment [KG13]: Moved from original 26-268(e) Application

Comment [KG14]: Moved from original 'event' definition

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. Events on private property which will make no use of city streets other than for lawful parking are not required to obtain an event permit. Common special events in Dunwoody are 5K races and festivals. Filming by a film production company does not require an event permit but does require a filming permit which is handled by a separate process.

Comment [KG15]: Originally defined in 26-265

~~(1) The term "special event" means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which takes place on public property or on private property, but requires special public services and which is permitted by the city under this article. 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. Gatherings or activities that take place on city park property but are intended to be private events 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, are exempt from the permitting requirements of this article; however these same activities may not have vendors as described in sections 26-272 and 26-273 below. Regularly scheduled~~

Comment [KG16]: Condensed into the new definition

Comment [KG17]: Moved to exceptions

~~events occurring on city park property, including park and recreation facilities, by organizations with on-going agreements with the city shall be exempt from the permitting requirements of this article if prior notification of events is given to the city in writing within a reasonable period of time prior to the event. No special event shall be allowed to exceed six days in any 30-day consecutive period of time.~~

Comment [KG18]: Moved to exceptions

Comment [KG19]: Moved to the new 26-244 Permit (approval and) conditions.

~~(2) 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.~~

Comment [KG20]: Included in new definition

Comment [KG21]: Moved to exceptions (the new 26-241)

~~(3) A parade, march, or procession subject to this article is defined to be a group of 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.~~

Comment [KG22]: Moved to separate 'parade' definition

Comment [KG23]: From 26-265 (original definitions)

~~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 the special event.~~

Sec. 26-241. Required.

Sec. 26-214. Violations and penalties.

Sec. 26-215. Exceptions.

Sec. 26-216. Duties of city manager.

Comment [KG24]: Moved to Division 2: Permits

Secs. 26-217—26-238. Reserved. (originally through 26-240)

DIVISION 2. PERMITS

Sec. 26-239. Required. (formerly 26-241)

- (1) ~~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. Every person, organization, or group of private persons wishing to use public property or public roads in the city for an event is required to 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.~~
- (2) ~~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.~~

Comment [KG25]: Rephrased.

Comment [KG26]: Combined three subsections under 26-272 Vendors of Food and Merchandise

Comment [KG27]: From original section 26-274 misc. vendor provisions

Comment [KG28]: Combined with same text from original 26-266 violations and penalties

Sec. 26-239. Violations and penalties. (formerly 26-214)

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

Sec. 26-241. Exceptions. (formerly 26-215)

- (a) This article shall specifically not apply to:
- (1) funeral processions;
 - (2) 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~~;
 - (3) ~~private gatherings or activities that take place on city park property but are intended to be private events 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; are exempt from the permitting requirements of this article~~
 - (4) sporting events;
 - (5) ~~regularly scheduled events occurring on city park property, including park and recreation facilities, by organizations with on-going agreements with the city shall be exempt from the permitting requirements of this article if prior notification of events is given to the city in writing within a reasonable period of time prior to the event;~~
 - (6) school students going to or from classes or participating in properly supervised and sponsored activities;
 - (7) ~~garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property;~~
 - (8) events on private property which will make no use of city streets other than for lawful parking;
 - (9) filming by a film production company;
 - (10) governmental entities acting within the scope of their functions; and
 - (11) other activities as provided for by law or regulation.

Comment [KG29]: POLICY DISCUSSION POINT!

Comment [KG30]: From original 'special events' definition

Sec. 26-242. Application.

- (1) **Required**
Every person ~~or organization, or group of private persons~~ required to procure a permit under the provisions of this article shall submit an application ~~for the permit~~ to the city manager. ~~which application shall conform to the requirements of this article in addition to the following:~~
- (2) **Format**
~~The producer of a special event shall make application for a permit for the special event on a form prescribed by the city. As part of each application, the city may request shall set forth~~ the following information:
 - a. The name, address, and telephone number of the ~~producer; person, if the applicant is an individual, or the name, address, and telephone number of an applicant corporation, partnership, organization, or group;~~
 - b. Date(s), time(s), and location(s) for the event ~~where the proposed event is to take place, including proposed routes of travel for non-stationary events, such as races or parades on public streets to be used for the event;~~
 - c. ~~Schedule and description for of~~ activity involved with the event;

Comment [KG31]: Combined with text from 26-268 (other original 'application' section)

Comment [KG32]: From 26-268 (other original application section)

d. An approximate number of event participants; vendors; including food, merchandise, and alcohol vendors; and projected attendance; persons, animals, and vehicles which will be involved with the event;

Comment [KG33]: From 26-268 f(5) (other original application section)

~~e. Names, home addresses, and telephone numbers of individuals involved with the applicant, if not an individual, who have oversight responsibility for the organization and conduct of the event on behalf of applicant;~~

e. Site plan for the event including all existing and temporary buildings, structures, parking, and curb cuts points of egress for 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.

Comment [KG34]: From 26-268(g) other original application section

f. A description of any ~~recording equipment, sound amplification equipment that will be utilized outdoors in conjunction with the event, signs, or other attention getting devices proposed to be used during the event;~~

g. ~~One copy of A~~ special event sign application ~~shall be completed and submitted at the time of application. A 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 shall be included that demonstrates all sign dimensions, materials, duration, and locations. The applicant shall supply any additional information required to complete the review.~~

Comment [KG35]: From 27-268(j) other original application section

h. Description of plans for disposal of waste disposal trash, recycling collection, and clean-up of the event area after the conclusion of the event;

Comment [KG36]: From 26-268(f)9 other original application section

i. Description of plans for first aid provisions;

j. Description of plans for storage and security of event materials, vehicles, and trailers ~~storage provisions if the event lasts multiple days;~~

k. Description of plans for providing ~~and toilet facilities for available to~~ event participants; ~~and~~

l. Description of plans for parking ~~that show the special event is not overly disruptive to neighboring businesses and residences;~~

Comment [KG37]: From 26-268(f)6 other original application section

m. Dimensions ~~One copy of a to scale drawing of any proposed~~ temporary structures, ~~shall accompany the application. If temporary structures including but not limited to tents, buildings, or other similar structures, all points of ingress and egress shall be clearly marked.~~

Comment [KG38]: From 26-268(h) other original application section

n. Description of plans to ~~Prior to application, the producer of any special event shall provide proof of notification, in a written form, to of neighboring residences and businesses surrounding the hub of the event of the producer's his intent to host the special event.~~

Comment [KG39]: from original 26-267(e) Permit Conditions

(1) For ~~special~~ events without a stationary hub, such as parades or processions without festival areas, this notification requirement ~~shall~~ may be waived by the city manager.

(2) 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; and

~~o. (b)-~~The producer of any special event shall sign ~~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 an 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.

Comment [KG40]: from original 26-271(b) Liability

p. 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 applicant producer and every partner, officer or director of the applicant organization for violations of any and all laws and ordinances of the city, county, state, or federal government, other than minor traffic violations.~~

Comment [KG41]: from the original 26-242 2 (h)

~~(3) The application is signed and sworn to by the applicant if an individual, or by a partner, if a partnership, or by an officer, if a corporation.~~

Comment [KG42]: Covered above in the 'forms prescribed by the city'

~~(4) All information furnished or secured under the authority of this article is kept and maintained by the city and is utilized only by the officials of the city responsible for administering these provisions.~~

Comment [KG43]: All information is also subject to the Open Records Act and may be viewed by any and all interested members of the public

~~(5) Any false statement in an application for a permit may be grounds for revocation or denial of the permit application.~~

Comment [KG44]: Addressed in section new 26-247 Denial or Revocation

(3) Application Fee

~~Each application for an 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.~~

Comment [KG45]: From 26-268(d) other original application section

(4) Filing

a. Completed event applications should be ~~Unless otherwise provided herein, each application is a written statement upon forms provided by the city and~~ submitted to the city manager within a reasonable time prior to the planned event for security purposes, verifications, and arrangements.

a. Special Events or Parade

An application for a special event permit or parade 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.

Comment [KG46]: From 26-268 other original application section

b. Public Assemblages

~~An application for a public assemblage permit shall be filed A reasonable time shall, in this instance, be construed to mean a time of at least 15 days but no more than 60 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.~~

- b. ~~The city manager shall act upon the application within ten days of the receipt of a completed application. A person may make an emergency application to the city clerk. If an unforeseen circumstance arises requiring an application less than the reasonable time periods provided, response within less than ten days. 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. such permit.~~

Comment [KG47]: Covered in 26-243 Procedure for Application Review

Sec. 26-216. Duties of city manager:

Comment [KG48]: Covered throughout the ordinance in review, approval, and denial

The city manager shall have the following duties:

(1) To prepare and provide the necessary forms for the application of a permit and for the submission of any required information needed to review an application, administer, and enforce this article;

(2) To review an application submitted for completeness and to collect a permit licensing fee in the amount to be determined by resolution of the city council which is equal to the administrative costs of processing the application plus the costs for the use of city services or property, unless the activity is conducted for the sole purpose of public issue speech protected under the First Amendment, for which no costs are assessed for city services and property;

(3) To designate or coordinate sites and set time schedules; to coordinate with county authorities; and, where appropriate, to receive the approval of the state department of transportation, the county sheriff, or other necessary public officials;

(4) To issue a permit within ten days of receipt of an acceptable and complete application;

(5) To deny a permit within ten days of receipt of an application if the application is not complete or if any of the circumstances described in section 26-243 are found to be existing.

Sec. 26-243. Procedure for application review.

(a) Internal Review

~~(b) 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

- (a)** 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

- a. 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.

Comment [KG49]: Combined 26-243(a) and 26-269(a) the other original application review section

(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.

Comment [KG50]: From 26-269(d) other original application review section

(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 special event permit does not preclude the need to obtain special event sign permits and does not guarantee approval of special event sign permits.

Comment [KG51]: From 26-243(e)5 original application review section

(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.

Comment [KG52]: From 26-269(g) other original application review section

Comment [KG53]: Combined from 26-243(e)1, 26-243(f), 26-269(4), and 26-269(c) other original application review section

(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.

Comment [KG54]: From 26-269 (b) 4 other original application review section

Comment [KG55]: From original 26-274 mis. provisions

(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.

Comment [KG56]: Combined from 26-243(e)2, 26-243(f), and 26-269(3) the original application review sections

(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.

Comment [KG57]: Combined from 26-243(e)4, 26-243(f), and 26-269(c) the original application review sections

(9) Parking

Given the provided information about projected event attendance, city departments will consider if the plans for parking are adequate.

Comment [KG58]: From 26-269(c) and 26-243(e)3 the original application review sections – previously discussed as ‘vehicular storage’

(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.

Comment [KG59]: From 26-273 – original section on ‘vendors of alcoholic beverages’

(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.

Comment [KG60]: From 26-243(e)3 – original application review section

(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.

Comment [KG61]: Combined from 26-243(c), 26-243(f), 26-269(b)5, 26-269(c) original application review sections

(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.

Comment [KG62]: Combined from 26-243(f), 26-269(5), and 26-269(c) – original application review sections

(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.

Comment [KG63]: Combined from 26-243(c), 26-269(b)5, original application review sections

The city departments will provide reports to the city manager as to whether or not the provided plans for the event are adequate and ~~Upon receiving reports from the city departments, the city manager shall consider the impact of the event as to whether it 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

~~As part of the application review, The city council may cosponsor a special 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.~~

~~(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, cleanup shall be arranged by the city, and the costs incurred for this service shall be charged to the applicant.~~

~~(5) A special event permit may be issued only if the event will not obstruct the necessary flow of vehicular traffic or endanger the public's health, safety, or welfare. A special event permit, if issued 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. Conditions may be made for alternate routes and locations of the special event to ameliorate issues of traffic flow and public safety, which conditions shall attach to the permit, if issued. Should state routes be disrupted or obstructed, the producer must obtain permission from the state department of transportation for the closing of state routes.~~

Comment [KG64]: Alluded to in sections 26-269(b) and 26-269(b)2 – original application review sections

Comment [KG65]: Presently DeKalb Fire requires review of temporary structures over 400 sq ft with sides, 700 sq ft without sides, or a total of 700 sq ft. Additionally, DeKalb reviews events planning fireworks and open flame. DeKalb Health reviews information related to food vendors.

Comment [KG66]: From 26-269(e) – from the other original application review section

Comment [KG67]: Covered in 26-243(a) internal review and the new 26-244 Permit Conditions

Comment [KG68]: Moved to 26-243(a) internal review

Comment [KG69]: Moved to the new 26-244 Permit Conditions

- (d) As part of the city manager's review, conditions may be made for alternate routes and locations of the event to ameliorate issues of traffic flow and public safety, which conditions shall attach to the permit, if issued.
- (e) The city manager shall also review an applicant's plans for:
- (1) Trash cleanup and disposal provisions;
 - (2) First aid provisions;
 - (3) Vehicle and trailer storage provisions; and
 - (4) Toilet facilities available to participants.
 - (5) Temporary signs.
- Should the city manager determine an applicant's plans presented for these services to be inadequate, the application may be denied.
- (f) As a condition to issuing a permit, the city manager shall require the producer of the event to provide personnel for trash cleanup of affected areas littered during the activity for which a permit is sought, the provision of first aid and medical resources if considered necessary, proof of sufficient storage areas for a large influx of motor vehicles occasioned by the permitted activity, provision of temporary toilet facilities and other simple special and extraordinary items considered to be necessary for the permitted activity in coordination with other city, county, and state officials. In no event shall the city manager require functions such as traffic control and police protection. If additional requirements are placed on the producer in accordance with this section, 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.
- (g) Upon completion of the review of the application, the city manager shall issue a permit for the event, including its proposed routes of travel, if the city manager finds the event can occur without unreasonably impacting upon the use of the public streets, public property, and resources of the city and without endangering the public's health, safety, and welfare.
- (h) Any person whose application under this article is denied by the city manager may appeal such denial within three business days after the denial to the city council, which shall consider such appeal at the next regularly scheduled meeting following the filing of the appeal.
- (i) The council, in considering the appeal, shall determine if good cause exists for denial of the permit and, after hearing and receiving all evidence, shall either uphold the decision of the city manager or reverse the decision and grant a permit. In reversing, the city council may attach any requirements deemed necessary to the permit, as conditions to its issuance for protection of the public health and safety.
- (j) 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.

Comment [KG70]: Moved to the new 26-244 Permit Conditions

Comment [KG71]: Moved to 26-243(a) internal review

Comment [KG72]: Moved to the new 26-247 Denial or revocation

Comment [KG73]: Moved to 26-243(a) internal review

Comment [KG74]: Moved to the new 26-245 Permit Fees

Comment [KG75]: Moved to the new 26-247 Denial or Revocation

Comment [KG76]: Moved to the new 26-244 Permit (approval and) conditions

Comment [KG77]: Moved to the new 26-248 Appeals

Comment [KG78]: Moved to the new 26-244 Permit Conditions

~~Secs. 26-244—26-264. Reserved.~~

~~DIVISION 3. SPECIAL EVENTS~~

~~Sec. 26-265. 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:

~~Producer means any person responsible for planning, producing and conducting a special event.~~

~~Special event.~~

~~(1) The term "special event" means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which takes place on public property or on private property, but requires special public services and which is permitted by the city under this article. 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. Gatherings or activities that take place on city park property but are intended to be private events 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, are exempt from the permitting requirements of this article; however these same activities may not have vendors as described in sections 26-272 and 26-273 below. Regularly scheduled events occurring on city park property, including park and recreation facilities, by organizations with on-going agreements with the city shall be exempt from the permitting requirements of this article if prior notification of events is given to the city in writing within a reasonable period of time prior to the event. No special event shall be allowed to exceed six days in any 30-day consecutive period of time.~~

~~(2) 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.~~

~~(3) A parade, march, or procession subject to this article is defined to be 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.~~

~~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.~~

Comment [KG79]: Moved to 26-213 the definitions section

Sec. 26-266. Penalties for violations.

~~Violation of any of the sections of this division or any part thereof shall be punished as provided in section 1-6.~~

Comment [KG80]: Combined into the new 26-240

Sec. 26-244. Permit approval and conditions. (formerly 26-267)**(a) Consideration**

The city manager will consider issuing a permit for an event following the completion of internal review, as described in Sec. 26-243, 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 upon payment of all applicable fees
- (3) No special event shall be allowed to exceed six days in any 30-day consecutive period of time.
- (4) Unless specifically provided otherwise, an special 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 in a permit.
- (6) No event may begin earlier than 7:00 a.m. or end no later than 11:00 p.m. in residentially zoned locations and in no event may begin earlier than 7:00 a.m. or end no later than 12:00 midnight in commercially zoned locations;
- (7) 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.
- (8) Parades, marches, foot races, cycling races, and processions shall follow routes approved pursuant to the application process. Such designated route or routes as may be on file with the city manager;
- (9) (a) Pursuant to a policy created by the city manager, Prior to issuance of a permit 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 1st Amendment rights and would be significantly prohibitive of the event.

Comment [KG81]: From 26-269(b)5 and 26-243(g) (original application sections)

Comment [KG82]: From 26-269(f) original application section

Comment [KG83]: From 26-265 – part of original definition of special event

Comment [KG84]: From 26-268(f)3 part of original 'application' section

Comment [KG85]: POLICY DISCUSSION POINT!

Comment [KG86]: From 26-243(j) from original application review process

Comment [KG87]: POLICY DISCUSSION POINT!

Comment [KG88]: POLICY DISCUSSION POINT!

Comment [KG89]: From original 26-271 Liability

(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; which conditions shall attach to the permit, if issued.
- (2) A special event permit, if issued by the city, may Providing 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;
 - 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.

Comment [KG90]: From 26-243(d) application review

Comment [KG91]: From 26-243(d) application review

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

Comment [KG92]: From 26-269(b)1 (original application review section)

Comment [KG93]: From 26-269 (b)2 (original application review section)

Comment [KG94]: From 26-269(b)3 (original application review section)

Comment [KG95]: From 26-269(f) which was an original application review section

(d) Other Permits

The producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.

Comment [KG96]: From original 26-272 Vendors of Food; covered by existing DeKalb County Ordinances

(a) It shall be unlawful for a special event to occur in the city without having the producer of the event first obtain a permit for such special event.

Comment [KG97]: Addressed in the new 26-239 Required

(e) Prior to application, the producer of any special event shall provide proof of notification, in a written form, of neighboring residences and businesses surrounding the hub of the event of his intent to host the special event. For special events without a stationary hub, such as parades or processions without festival areas, this notification requirement shall be waived. 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.

Comment [KG98]: Moved to 26-242-2(n) Application

Sec. 26-268. Application.

Comment [KG99]: Moved and combined with 26-242 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.

Comment [KG100]: Moved to 26-242 Application

(b) An application for a special event permit shall be filed at least 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.

Comment [KG101]: Moved to 26-242 Application

(c) To prevent the disruption of annual special events, applicants may reserve dates and locations up to five years in advance. A reservation does not preclude the need for a special event application to be filed at least 60 days prior to the event nor does it guarantee approval for an event.

Comment [KG102]: The reservation of events has not proved to be an issue as once thought. Since implementation several years ago, only one event has ever asked to 'reserve' a date and location.

(d) 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.

Comment [KG103]: Moved to new Permit Fees (26-245)

(e) 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 article and other applicable laws.

Comment [KG104]: Moved to 26-213 Definitions to clarify the role of the producer

(f) The application shall include the following information:

Comment [KG105]: Covered in 26-242 (2) application

(1) Purpose of the special event;

Comment [KG106]: Not included, causes applicant confusion

(2) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (c) of this section;

Comment [KG107]: Contact information covered in 26-242-2(a)

(3) 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 residentially zoned locations and in no event earlier than 8:00 a.m. nor later than 12:00 midnight in commercially zoned locations;

Comment [KG108]: Covered in 26-242-2(b)

(4) Schedule of proposed activities;

Comment [KG109]: Moved to Permit Conditions, the new 26-244

Comment [KG110]: Covered in 26-242 (2) c

(5) Projected attendance at the special event;

Comment [KG111]: Covered in 26-242 (2) d

(6) Plans for parking that show the special event is not overly disruptive to neighboring businesses and residences;

Comment [KG112]: Covered in 26-242 (2) l

(7) Plans for restroom facilities and sanitation concerns;

Comment [KG113]: Covered in 26-242 (2) k and h

(8) Plan for crowd and traffic control;

Comment [KG114]: Considered more as an element of other issues such as site plan, parking, and event schedule

(9) Plan for recycling collection, in accordance with the criteria established by resolution of the city council;

Comment [KG115]: Moved to section (h) under application

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 article.

Comment [KG116]: Covered in 26-242 (2) n

Sec. 26-269. Procedure for application review.

Comment [KG117]: Covered in 26-243

(a) Upon the receipt of a complete application for permit, should the special event be an activity not previously held within the boundaries of the city, the city manager may bring the special event to city council for review and approval. The city council's review and approval shall follow the standards of review of this chapter.

Comment [KG118]: Moved to 26-243(a) internal review

(b) Each city department and/or agency whose services would be impacted by the special event shall review the application.

Comment [KG119]: Moved to 26-243(a) internal review

(c) As a condition to issuing a permit, the city manager shall require the producer of the special event to provide personnel for trash cleanup of affected areas littered during the activity for which a permit is sought, the provision of first aid and medical resources if considered necessary, proof of sufficient storage areas for a large influx of motor vehicles occasioned by the permitted activity, provision of temporary toilet facilities and other simple special and extraordinary items considered to be necessary for the permitted activity in coordination with other city, county, and state officials. In no event shall the city manager require functions such as traffic control and police protection. If additional requirements are placed on the producer in accordance with this section, 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.

Comment [KG120]: Moved to new 26-244 Permit Conditions

(d) The sound level of any special event must comply with the city noise ordinance.

Comment [KG121]: Moved to 26-243 (a) Internal review

~~(e) As part of the application review, the city council may cosponsor a special 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.~~

Comment [KG122]: Moved to 26-243(c) Application Review

~~(f) 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. 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.~~

Comment [KG123]: Moved to the new 26-244 Permit (approval) and conditions

~~(g) The issuance of a special event permit does not preclude the need to obtain special event sign permits and does not guarantee approval of special event sign permits.~~

Comment [KG124]: Moved to 26-243 (a) internal review

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

Comment [KG125]: Moved to the new 26-247 denial

Sec. 26-245. Permit Fees. (formerly 26-270)

(a) Applicability

~~(d)~~ 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 division.

(b) Fee Payment

All ~~The initial permit~~ fees shall be paid in full prior to the issuance of the **event** permit. ~~and in any event no later than 72 hours prior to the date of the event.~~ 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

~~(d)~~ Each application for an **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. the application fee may be tiered based on factors including the event type, event characteristics, and event duration.

Comment [KG126]: From original 26-268 (d) also included under 26-242 Application, subsection 3 Application Fee

(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

~~(h)~~ A deposit for **special** event signage ~~shall be determined by the community development director on a per sign basis and~~ 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

~~(e)~~ (1) Should a City-cosponsored event ~~producer~~ desire to have use of any equipment owned by the city, such as ~~sound equipment barriers, traffic cones,~~ 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 employees.~~

(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

(1) 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 manager require public assemblages to pay for functions such as traffic control and police protection.~~

Comment [KG127]: From 26-243(f)

(i) Alcohol Permit Fees

~~The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of an special event provided the producer and/or the alcohol vendor(s) 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 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.~~

Comment [KG128]: From original 26-273
Vendors of Alcoholic Beverages

(j) Cash Bond

~~(a)~~ 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 ~~special~~ 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.~~

Comment [KG129]: From original 26-270(g)
permit fees

(k) Other Fees

~~(e)~~ The fees required in this division 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)(g) Notwithstanding any provision to the contrary, t~~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 may~~ be excused by the city manager from the ~~permit review~~ application fee requirement, ~~but such organizations are not exempt from fees associated with the city's~~

~~direct costs for the event except that such may be waived by the city manager if, in his reasonable discretion, the event benefits the community at large. Such organizations may still be required to post the bond described in subsection (a) of this section. 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.~~

(b) The producer of any event donating event proceeds to the city may be excused by the city manager from the application fee requirement.

(2) Permit Fees

The producer of an event donating event proceeds to the city may be excused by the city manager from the permit fee requirement.

(3) Park and Pavilion Rental Fees

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.

(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" These events must still 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.

Comment [KG130]: From 26-243(f) original application review

Comment [KG131]: From 26-269(e) original application review

(5) Alcohol Licensing Fees

~~(f)~~ A nonprofit civic organization, recognized as such by the Internal Revenue Service as demonstrated with a nonprofit authorization letter (Federal Form 501-C), ~~shall~~ 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. 26-246. Liability. (formerly 26-271)

(a) Pursuant to a policy created by the city manager, 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 \$300,000.00 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.

Comment [KG132]: Moved to new 26-244 (b) Issuance (of permit)

(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.

Comment [KG133]: Moved to 26-242 Application

~~(e)~~ The city, its officials, employees, and ~~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, and ~~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.

Sec. 26-272. 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) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.~~

Sec. 26-273. 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 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.~~

Sec. 26-274. Miscellaneous provisions regarding vendors.

~~(a) Each vendor authorized by the producer of the special event shall prominently display on his 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 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.~~

Sec. 26-275. Other permits.

Comment [KG134]: Combined and moved to new 26-239 required (permits)

Comment [KG135]: Moved to new 26-244 Permit approval and conditions

Comment [KG136]: Moved to 26-242 Application and 26-243 Application Review

Comment [KG137]: Moved to 26-245 (h) Alcohol Permit Fees

Comment [KG138]: Condensed and moved to the new 26-239 Required (permit)

Comment [KG139]: Condensed and moved to 26-243 Application Review and mentioned under Permit Approval and Conditions

~~(a) The purpose of this section 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 allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for signs may be presented to the community development director or their designee for approval. Upon approval by the community development director or their designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the applicant/producer. Applicants requesting signs that exceed the provisions in the administrative guidelines may request relief by the city council to exceed the terms of these guidelines. Applicants may receive additional relief at a public meeting in front of city council by submitting a request in writing to the community development director.~~

Comment [KG140]: Moved to Division 3. Signage

~~(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-premises license and event permit for pouring alcoholic beverages for an authorized function or event as provided in chapter 4 of this Code if he is authorized to participate by the producer.~~

~~(2) A non-profit civic organization, recognized as such by the Internal Revenue Service as demonstrated with a non-profit authorization letter (Federal Form 501-C), may be eligible to apply for a temporary permit to sell alcohol beverages at a special event and a permit for pouring alcoholic beverages as provided in chapter 4 of this Code.~~

Comment [KG141]: This is duplicative of Chapter 4 of the code and addressed in 26-243 (a) Internal Review

~~(3) A permit allowing fireworks shall be approved and permitted by the fire chief or his designee. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the State of Georgia.~~

Comment [KG142]: This is duplicative of DeKalb Code and addressed in the 26-243 (b) External Review

Sec. 26-247. Permit denial or revocation of a special event permit. (formerly 26-276)

(a) Reasons for denial of an ~~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 applicant'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; the application may be denied.~~

Comment [KG143]: Moved from 26-243(e) application

(7) The producer fails to comply with any terms required by this division including failing to provide any information that is reasonably requested by the city manager for review due to the type of event; or

(8) 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.

Comment [KG144]: From 26-269(h) original application review

(c) Reasons for revocation or suspension of an ~~special~~ events permit include, but are not limited to:

Comment [KG145]: From original 26-276 (c) permit denial

(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.~~

Comment [KG146]: Combined into new 26-247 (b) permit denial

(d) Grounds for Subsequent Permit Denials

Should the producer fail to meet the conditions of their permit, including any ~~if additional~~ requirements are placed on the producer in accordance with their permit ~~this section~~, 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.

Comment [KG147]: From 26-243 (f) application review

Sec. 26-248. Appeals. (formerly 26-277)

(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 ~~council manager~~. This request must be in writing and received by the city ~~clerk manager~~ within five days of the permit denial or revocation.

Comment [KG148]: Mirrors language that was also in 26-243(h) application review

~~(b) The city council manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five 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.~~

~~(b) (c) Should the producer be dissatisfied with the decision of the city manager, an appeal may be filed with the city council within five days of the decision of the city manager. The city council~~

Comment [KG149]: Mirrors language that was also in 26-243(j) application review

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.

Sec. 26-249 – 26. 277. Reserved.

DIVISION 3. SIGNAGE

Sec. 26-278. 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 community development director or his their designee for approval.
- (d) Upon approval by the community development director or his their designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the applicant/producer.
- (e) Applicants requesting signs that exceed the provisions in the administrative guidelines may request relief by the city council to exceed the terms of those guidelines. The city council may only grant relief as to the number of signs, their location, and the period of time they may be posted. The size of the signs shall not be allowed to vary from the established requirements of the Sign Ordinance in excess of that allowed by the administrative guidelines. Applicants may receive additional relief at a public meeting in front of city council by submitting a request in writing to the community development director.

Comment [KG150]: From original 26-275 Other Permits

Comment [KG151]: From original 26-275 Other Permits

Comment [KG152]: POLICY DISCUSSION POINT!

Sec. 26-279. Review and Approval Criteria for Additional Signage

- (a) The city council may authorize additional signage exceeding the provisions in the adopted administrative guidelines for signage only after making the following findings:
 - (1) The granting of the signage will not be detrimental to public health, safety, or welfare;
 - (2) The granting of the signage is based on conditions that are unique to the event and are not generally applicable to other events;
 - (3) The producer has permission from the property owner upon whose property they are proposing the posting of requested signage;
 - (4) The signs are not unreasonably cluttered in one or a few neighborhoods of the city; and
 - (5) The requested signage will not be internally or externally lit.
- (b) The city council shall determine whether or not the granting of the additional signage is justified and grant or deny the additional signage with such conditions as deemed justified by the evidence.

Sec. 26-280. Pole banners.

- (a) *Purpose and authority of section.*

- (1) To prescribe policy and procedures for permitting pole banners within city rights-of-way;
- (2) To promote community events and the city in general through the installation of properly designed and installed banners on utility poles and light poles in the city right-of-way;
- (3) To create an effective administrative process to manage a city pole banner permit process.

(b) [~~Special~~ Event permit required.] A pole banner permit may only be issued with the proper acquisition of an ~~special~~ event permit from the city according to the requirements as prescribed herein.

(c) *Definition. Pole banners* shall mean temporary signs suspended between brackets and attached to utility and/or light poles in the city right-of-way, designed to ~~advertize special~~ ~~advertise~~ events occurring within the city.

(d) *Criteria for placement.*

(1) *Installation.*

- a. The applicant is responsible for the installation, maintenance, and removal of the pole banners;
- b. Installation or any part thereof must be performed by a contractor hired and directly supervised by the applicant;
- c. Banners must be affixed to the utility pole with appropriate hardware. If there is no hardware on an approved pole, it is the applicant's responsibility to install and donate the hardware. The hardware installed shall be left on the pole after the pole banner is removed;
- d. Utility poles cannot be penetrated or altered in any way by the installation or removal of pole banners except where new hardware fixtures are required;
- e. Banners are allowed only within the city corporate limits.

(2) *Size and installation dimensions.*

- a. Banners shall be 30" x 72" in size;
- b. Vertical orientation of the rectangle shall be 72 inches with the 30-inch width at the top and bottom in use;
- c. No more than 24 pole banners shall be erected per permit, with only one permit allowed per special event;
- d. If the pole mounted banner is in an area with curbs the following two options exist:
 1. If the banner is behind the face of the curb, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground;

2. If the banner extends beyond the curb, the bottom of the banner shall be at least twelve feet six inches (12' 6") above the shoulder and no closer than four feet from the nearest driving lane, as measured from the white line.

e. If the pole mounted banner is in an area without curbs the following two options exist:

1. If the banner overhangs a sidewalk or ground that is not a shoulder, the bottom of the banner shall be at least nine feet above the elevation of the sidewalk or ground and not closer than four feet from the edge of the nearest driving lane, as measured from the white line;

2. If the banner overhangs the shoulder of the highway, the bottom of the banner shall be at least twelve feet six inches (12' 6") feet above the elevation of the shoulder and not closer than four feet from the edge of the nearest driving lane, as measured from the white line.

(3) *Material.*

a. Banners shall be made of durable, acrylic canvas or heavy reinforced vinyl resistant to ultraviolet rays, mold and mildew;

b. Each banner shall have two double-stitched reinforced hems looped at the top and bottom to facilitate installation;

c. All banners must be printed on both sides of the banner fabric;

d. Banner brackets have been placed and may be subsequently maintained by the city unless otherwise requested by the owner of the light or utility pole.

(e) *Illumination.*

(1) Illumination will be allowed only on pole mounted string lights in which beams or rays of light are not directed at any portion of the traveled way or which are not of such intensity or brilliance as to cause glare or to impair the vision of the driver of a motor vehicle.

(2) All other pole banners will not be illuminated.

(f) *Duration.*

(1) A pole banner permit shall become null and void if the pole banners for which the permit was issued have not been installed within six months after the date of issuance.

(2) Banners shall not occupy the right-of-way for a total duration of more than 60 days.

(g) *Restrictions and limitations.*

(1) Banners will not be allowed on freeways or interstate highways.

(2) No banners shall be attached to:

- a. Traffic control devices such as signal poles;
- b. Sign structures;
- c. Bridges or overpass structures.

(3) No banner shall obstruct the view of traffic or any traffic control devices.

(4) No banner shall be allowed to obstruct, impede or endanger the flow of traffic.

(5) **No banner shall resemble** traffic control signs, signals, marking devices. Banners shall not appear to direct the movement of traffic, obscure, or interfere with the effectiveness of, imitate or resemble any official traffic signal, sign or device or otherwise be a traffic hazard or distraction.

(6) Construction projects. No banner shall be placed on any utility poles which will require removal during the permit period due to a development project in the right-of-way. If a banner is otherwise permitted for a utility pole that will need to be removed, the city shall not be responsible for replacement of the removed and/or destroyed banner and no substitute banner will be permitted.

(7) Removal by the city. Banners may be removed by the city and/or the owner of the utility pole at any time if, in the sole discretion of the city, the banner is damaged, faded, neglected, becomes unsightly, or does not comply with the requirements of this chapter. The applicant shall reimburse the city its costs to remove any pole banner that the city removes as a result. The removed pole banners will be stored for 30 days after removal **and then subject to disposal.**

(h) *Permit requirements.*

(1) *Application information.* Applications for pole banner permits required by this chapter shall be filed by the banner owner or the owner's agent with the director of community development or his/her designee. The application shall describe and set forth the following:

- a. The total number of pole banners to be erected;
- b. The poles which banners are to be erected shall be identified on a map as provided by the city.
- c. Name, address, phone number, certificate of insurance, and occupational tax certificate number of the banner contractor;
- d. The payment, in full, of the applicable application fees as determined by the mayor and city council.

(2) *Time for consideration and issuance.* The director of community development shall issue permits for all applications meeting the requirements of this section and all other laws and ordinances regulating pole banners within 20 business days. Pole banners not meeting the requirements shall be denied pursuant to the procedure outlined in this section. The director shall give notice in writing to the applicant of his/her decision hand-delivered, mailed by certified mail, e-mailed or faxed to the address on the permit application, and post-marked on

or before the twentieth business day after the director's receipt of the application. If the director fails to act within the 20-day period, the permit shall be deemed to have been granted. A sticker or other device issued by the city shall be made available by the event director/applicant upon request. Denials may be appealed according to the procedure established by this article.

(3) *Approved permit.* The applicant must have an approved permit before commencing any work on the right-of-way.

(4) *Indemnify and hold harmless.* The applicant agrees to accept full responsibility to the public for loss or damage caused by their installation, operation, maintenance or removal of banners on the right-of-way. The applicant will hold the city harmless from any suits brought against the city arising out of the installation, occupancy, or removal of any pole banner on the city's right-of-way. The applicant, when required by the city, shall provide or cause to be provided proper insurance coverage for public protection and employee protection during installation, maintenance or removal of any pole banner.

(5) *Safety measures.* The applicant will be solely responsible for all appropriate safety measures to be taken when installing, maintaining and removing banners to ensure the safety of the traveling public as well as the safety of those installing or removing the banners.

(6) *Traffic control measures.* The traveling public shall be protected from the activities of the applicant by means of signs, flagmen and traffic control devices as determined by the city in accordance with the Manual of Uniform Traffic Control devices for Streets and Highways and in accordance with any traffic control plans that are attached to the permit.

(7) *Cancellation/revocation of permit.* The permit issued by the city may be cancelled or revoked when the city has actual knowledge that the applicant has failed to comply with the provisions of the permit or this chapter. In the event that the applicant has failed to remove any pole banners upon request by the city, the city reserves the right to remove any or all pole banners at the expense of the applicant. The removed pole banners will be stored for 30 days after removal. A cancellation or revocation of the permit may be appealed in the same manner as denials pursuant to this section.