

STATE OF GEORGIA

FULTON COUNTY

First Reading: July 23, 2012
Second Reading: August 13, 2012

**ORDINANCE OF THE CITY OF ROSWELL, GEORGIA TO AMEND
CHAPTER 14, PARKS, RECREATION & CULTURAL AFFAIRS AND CHAPTER 15,
RESERVED**

WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell; and

WHEREAS, Mayor and Council wish to clarify the regulations for permitting and City-sponsorship of special events; and

WHEREAS, Mayor and Council have considered the effects on the public health, safety and welfare and determined that it would be in the best interest of the public to amend the Code of Ordinances regarding special events:

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained, that **Chapter 14, Parks, Recreation & Cultural Affairs and Chapter 15, Reserved**, of the **Code of Ordinances of the City of Roswell** is amended as follows:

1.

The *Roswell Code of Ordinances* is hereby amended by deleting *Section 14.3 Special Events*, and establishing a new *Chapter 15, Special Events, Filming, & Public Use of City Facilities*, including *Section 15.1 Special Events* to read as follows:

Section 15.1.1 - Special Event Defined; Permit Required

Special event, as used in this article, means any activity which occurs upon private or public property:

- (a) that will affect the ordinary use of parks, public streets, rights-of-way or sidewalks;
- (b) disrupts the flow of traffic on public streets or sidewalks.

No person or organization shall conduct a special event without first having obtained a special event permit from the City of Roswell. Private social gatherings which will make no use of city streets other than for lawful parking are not included.

Section 15.1.2 - Exemptions

The following activities are exempt from the Special Event Permit Requirement:

- (a) funeral processions;
- (b) activities conducted by the City of Roswell acting within the scope of its authority;

- (c) activities involving a demonstration, march, assembly, or other exercise of rights guaranteed by the First Amendment of the United States Constitution which are regulated by Section 18.4 of this code unless the criteria in Section 15.1.1 are met;
- (d) film productions which are regulated by Section 15.2 of this Code;
- (e) use of City facilities which is regulated by Section 15.3 of this Code;
- (f) temporary/seasonal businesses which are regulated by Section 10.15 of this Code.
- (g) Private social gatherings which will make no use of city streets other than for lawful parking are not included.

Section 15.1.3 – Application: Deadline, Content, and Fee.

- (a) A complete application for a special event permit shall be submitted to the community development department:
 - 1. not less than two (2) weeks prior to an event if City resources are not required;
 - 2. not less than thirty (30) days prior to a recurring event if City resources are required;
 - 3. not less than sixty (60) days prior to a new event or recurring event with a change in venue/route if City resources are required;
 - 4. not more than one (1) year prior to an event; or
 - 5. by the deadlines stated in Section 15.1.9 for organizers requesting sponsorship of City resources.
- (b) The following information shall be provided in the application:
 - 1. Name and Purpose of the special event;
 - 2. Name, mailing address, telephone number, and email address of applicant
 - 3. Name, mailing address, telephone number, and email address of event coordinator if applicant is an organization;
 - 4. Proposed date and times the event will be conducted;
 - 5. Proposed route to be traveled, the starting point and termination point, and any closures of streets, sidewalks, or rights-of-way requested (if applicable);
 - 6. Site plan with a map or diagram showing the area to be used, the location of any equipment, vendors, game booths, stands, stages, seating and other facilities, the areas to be used for parking, the location of toilet facilities and water as necessary for the event, any areas where alcohol will be served or sold including a description of the barriers to be used to enclose them;
 - 7. Projected number of persons and vehicles at the event;
 - 8. Schedule of activities within the event;
 - 9. Description of sound equipment to be used;
 - 10. Sanitation Plan
 - 11. A certification that the applicant will be financially responsible for any City fees or costs that may be imposed for an event; and
 - 12. Any other such information as any city department deems reasonably necessary to determine that the permit meets the requirements of this article.
- (c) The complete application shall be submitted with a nonrefundable payment based on the fee structure established by the City of Roswell.

Section 15.1.4 - Standards for Denial of Permit

Reasons for denial of a special event permit include:

- (a) An application has already been submitted for the same event on the same day at the same location.
- (b) The event interferes or conflicts with previously scheduled special events, construction, maintenance, or other City activities;
- (c) The event will disrupt traffic within the city beyond practical solution;
- (d) The event will interfere with access to fire stations and fire hydrants;
- (e) The location of the special event will cause undue hardship to adjacent businesses or residents;
- (f) The event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city;
- (g) The application contains incomplete or false information;
- (h) The applicant fails to comply with all terms of this article including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the city.
- (i) There is a documented history of problems relating to the event in the past or the applicant, sponsor or promoter has not properly managed or paid all fees for prior events.

Section 15.1.5 - Administrative Review

The community development department shall send copies of special event applications to affected departments. Each department shall review the application and note the resources which it will be required to perform, the number of personnel to perform such activities, the length of time to perform such services, and the cost to perform such services.

Section 15.1.6 – Special Conditions on Permit

Each department reviewing an application may impose in writing certain conditions or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations, and/or to ensure the safety, health, and welfare of the community. The conditions or restrictions of the departments shall become a part of the permit.

Section 15.1.7 – Permit Fees and Issuance

- (a) The community development department shall determine and calculate permit fees based on all services to be provided by the government for such event and shall be equal to the estimated actual cost to the government to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services calculated by each government department. If, at the conclusion of the event, the cost of government services is greater than the initial payment, the applicant shall be responsible for the difference. Failure to pay the outstanding amount within 30 days of the billing

date shall be a violation of this chapter and shall subject the applicant and/or organization to late fees and other penalties up to and including denial of future permits.

- (b) The initial permit fee must be paid in full prior to the issuance of a permit and no later than ten (10) business days prior to the date of the event.
- (c) The fees required in this section shall be in addition to any other fees which may be required by any other ordinances or regulations that might be applicable.
- (d) Upon receipt of the permit fees as stated in this section, the community development director or his or her designee shall issue the special event permit to the applicant.

Section 15.1.8 – Temporary Road Closure

Road closure(s) may be granted temporarily for permits issued pursuant to this article upon approval of the Chief of Police or his/her designee and the Director of Transportation or his/her designee.

Section 15.1.9 – Applications for Sponsorship of City resources in conjunction with a Special Event

- (a) All applications for sponsorship of City resources shall be submitted in conjunction with a special event permit application to the community development department. Sponsorship applications must be submitted by March 31 for events planned for July through December of the same year or by September 30 for events planned for January through June of the following year. In special circumstances, applications for sponsorship may be accepted after the deadline for first time applicants only. In special circumstances, as determined in the sole discretion of the Mayor and City Council, applications for sponsorship may be accepted after the deadline for first time applicants up to 60 days prior to the event.
- (b) The decision whether to grant sponsorship of City resources shall be based on how effectively the event satisfies the criteria listed below. An event held by an organization that is located in Roswell or which supports Roswell residents and/or businesses will be given priority.
 - 1. The event is open to the public and public participation is invited.
 - 2. The event will benefit Roswell residents.
 - 3. The event provides cultural and educational enrichment.
 - 4. The event promotes family values and is the type of activity or entertainment appropriate for families.
 - 5. The event will benefit Roswell's economy.
 - 6. The event will be marketed and advertised throughout North Fulton.
 - 7. The event will promote the image of the City of Roswell in a positive manner.
 - 8. The event is sponsored by a nonprofit organization and at least fifty (50) percent of all proceeds will go to a nonprofit organization.
- (c) The Mayor and City Council shall approve or deny requests for sponsorship of City resources and if approved shall determine the cost, type and extent of City assistance to be

provided to such event. The Mayor and City Council have the right to reject a request for sponsorship.

- (d) A notice of decision regarding sponsorship of City resources shall be sent to the applicant at the physical or email address stated on the application.
- (e) Applicant is responsible for any permit fees remaining after sponsorship has been applied to the total cost of the event.

Section 15.1.10 - Insurance Required.

At the city's request, the applicant may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.

Section 15.1.11 - Save Harmless Agreement

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

Section 15.1.12 - Limitations of Liability

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

Section 15.1.13 - Sanitation and Clean-Up

A special event permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. The applicant will clean the right-of-way or public property of rubbish and debris, returning it to its pre-event condition, within twenty-four (24) hours of the conclusion of the event. If the applicant fails to clean up such refuse, such clean up shall be arranged by the city and the costs charged to the applicant.

Section 15.1.14 - Other Permits Required

The applicant shall obtain other permits that may be required by other chapters of this Code or from other jurisdictions for this special event.

- (a) *Alcoholic beverage.* Any permit for the sale or serving of alcoholic beverages shall be in accordance with provisions of state law and chapter 3 of this Code.

(b) *Fireworks*. Any permit obtained regarding a fireworks display shall be submitted to and approved by the City of Roswell Fire Department.

(c) *Signs*. Permits for any signs advertising or relating to such special event shall be in accordance with the City of Roswell Zoning Ordinance, Chapter 22, "Signs and Advertising."

Section 15.1.15 - Revocation of Special Event Permit

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. Special event permits may be revoked by the Director of Community Development or his or her designee for the following reasons:

- a) Application contained incomplete or false information;
- (b) Applicant does not comply with all terms and conditions of permit;
- (c) Applicant fails to arrange for or adequately remit all fees, deposits, insurance or bonds to the city;
- (d) Disaster, public calamity, riot or other emergency exists;
- (e) Event threatens public safety, health, or welfare.

Section 15.1.16 - Appeal Procedure

Any applicant whose special event permit application has been denied or revoked may request a review of this decision by the city administrator. This request must be in writing and received by the city administrator within five (5) business days of the notice of permit denial or revocation. The applicant may appeal the decision of the city administrator to the mayor and city council by filing a written notice of such appeal to the City Clerk within five (5) business days of the notice of denial of the applicant's appeal by the city administrator. The mayor and council shall set a hearing date within fifteen (15) days of receiving such appeal request. At such a hearing, the applicant is entitled to be heard and present evidence in his behalf. The mayor and city council shall determine whether the denial or revocation of the permit is justified.

Section 15.1.17 – Special Event Permit at Event

The event organizer shall have a copy of the Special Event Permit on-site during the entire event and shall furnish the permit at the request of any City official.

Section 15.1.18 - Penalty for violation

Violation of any of the sections of this article or any part thereof shall be punishable as provided in section 1.1.3 of this Code.

2.

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

3.

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

4.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this ordinance may be renumbered to accomplish such intention.

The Ordinance amendment shall become effective on the date of its adoption.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell on the 13th day of August 2012.

Attest:

Marlee Press
Marlee Press, City Clerk
(Seal)

Jere Wood
Jere Wood, Mayor



Jerry Orlans
Councilmember Jerry Orlans

Rebecca Wynn
Councilmember Rebecca Wynn

Betty Price
Councilmember Betty Price

Richard Dippolito
Councilmember Richard Dippolito

Kent Igleheart
Councilmember Kent Igleheart

Nancy Diamond
Councilmember Nancy Diamond

