

ARTICLE V. - SPECIAL EVENTS REQUIRING ROAD CLOSINGS⁶

Footnotes:

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Editor's note— Ord. No. 935, §§ 1, 2, adopted Aug. 25, 2014, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 90-171—90-197, pertained to parades and motorcades, and derived from Code 1988, §§ 19-50—19-60.

State Law reference— Operation of vehicles in parades, O.C.G.A. § 40-6-7.

DIVISION 1. - SPECIAL EVENTS GENERALLY

Sec. 90-171. - Purpose and non-discrimination statement, definitions.

- (a) *Purpose*: The purpose of this article is to provide a uniform standard operating procedure to be utilized by parties planning any type of event or other activity that would involve the use of, or have impact upon, public facilities, parks, sidewalks, municipally owned properties or public roadways located within the City of Calhoun that varies from their current use; street closures; use of city property; events that may require a traffic plan or events that require municipal employees in any manner at any time. The City of Calhoun does not discriminate on the basis of race, color, national origin, sex, religion, disability status or age in considerations of the application of this uniform standard operating procedure or in the provision of any services.
- (b) *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:

Event organizer [means] any person, group of persons, organization, association, club, or other non-governmental entity responsible for planning, producing and conducting an event.

Governmental agency means Municipal Corporation, or any subdivision thereof, county government and the State of Georgia.

Permit fee means the charge required to be paid pursuant to this chapter for the issuance of a permit to hold a special event. This fee charged shall include an assessment of costs associated with sanitation, equipment and/or additional law enforcement personnel required.

Sanitation fee deposit means the deposit paid to the city to provide solid and liquid waste disposal, refuse, portable restrooms and portable hand washing stations, conditioned upon good performance, which shall be required of any applicant or sponsoring organization to ensure the cleaning of streets, sidewalks, or other public lands upon completion of a permitted special event. The fee is special event specific based upon the details of the planned activity, number of participants, location and number of attendees/spectators. At the conclusion of the event, a final accounting will be provided for the costs paid by the city for such services and the event organizer shall be entitled to either a refund of any unused portion of the deposit or will be billed for the difference, the sum of which shall be paid in not less than 30 days.

Special event shall mean any organized activity having as its purpose entertainment, recreation and/or education, such as a festival, concert, block party, celebration, parade, march, ceremony, demonstration, show, exhibition, pageant, athletic event, or procession of any kind, or any similar display, in or upon any street, sidewalk or other public property, within the municipal limits of Calhoun, that interferes with the normal flow of traffic or use of other public property by members of the public. Movement from one point to another is not a required element.

Special event permit is a permit required by this chapter.

Vendor [means] any person or persons who engage 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. The definition of vendor, as used in this chapter, shall not be construed to include or prohibit a permanent business, operating under the provisions of the business license ordinance and other applicable laws, from displaying goods or merchandise on a public sidewalk immediately in front of and adjacent to the permanent business structure so long as such displays do not impede the normal flow of pedestrian traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

(Ord. No. 935, § 1, 8-25-2014)

Sec. 90-172. - Permit required; penalties; exceptions.

- (a) No person shall engage in, participate in, aid, form or start any special event, unless application for a special event permit has been made with the city clerk, the requisite fee has been tendered, and a permit has been issued following approval by the mayor and council. **All Special Event applications that fall within the geographic boundaries of the Calhoun Downtown Development District shall first be presented to the Downtown Development Authority for review and recommendation of the event at the next regularly scheduled DDA meeting. The DDA recommendation will then be submitted to the Mayor and Council at the next regularly scheduled Council meeting.**
- (b) Any person guilty of a violation of subsection (a) shall be punished, upon conviction in the municipal court as provided in section 1-7 of this Code.
- (c) The permit required by this chapter shall not apply to the following:
 - (1) Funeral processions, provided the police department is notified of each procession's time and route;
 - (2) Students going to and from school classes or participating in school-sponsored activities; providing such conduct is under the immediate direction and supervision of the proper school authorities; or
 - (3) A public event which is directly related to a recognized function of city, state or local government and which is in a major part initiated, financed and executed by the city, state or local government or subdivision of the state;
 - (4) Any event organized for the departure or return of any armed forces from hazardous duty or combat deployment;
 - (5) Any departure or return of any local school team or group participating in a competition or other event;
 - (6) Any peaceful picketing in connection with a social, labor or political issue; and
 - (7) Any event organized on a municipal property that is managed, maintained or supervised specifically by the Calhoun Recreation Department, particularly those facilities with points of ingress and egress from either South River Street or McDaniel Station Road, Southwest.

(Ord. No. 935, § 1, 8-25-2014)

Sec. 90-173. - Location for road closings or any impairment to the public right-of-way to facilitate special event.

- (a) Except for good cause shown that a location or route is necessary for a particular time or use, locations for road closings, or impairments of the public right-of-way associated with special events under this chapter should be located inside a geographical area described as the Downtown Development Area as originally authorized by ordinance of the mayor and council enacted on August 23, 1982, and most recently defined geographically by separate resolution on January 27, 2014.

- (b) Any road or sidewalk closings approved by the mayor and council for a special event shall be contingent upon the person obtaining a permit also from the state department of transportation for the use of any state route or location.

(Ord. No. 935, § 1, 8-25-2014)

Secs. 90-174—90-190. - Reserved.

DIVISION 2. - SPECIAL EVENTS APPLICATION AND PERMIT PROCESS

Sec. 90-191. - Applications for special event permits to be filed with city clerk; time requirements for filing application for special event permit.

- (a) Any event organizer seeking the issuance of a special event permit shall file an application with the city clerk.
- (b) All applications seeking a special event permit shall be filed pursuant to the following timing requirements:
 - (1) Any application for a special event permit that requires a closing of any public road, including both municipal and state roadways, shall be filed with the city clerk not less than 90 days or more than 365 days before the date on which it is proposed to conduct the special event.
 - (2) Any application for a special event permit that does not require the closing of any road, including both municipal and state roadways, but does require the closing of any municipal sidewalk or other public area to ordinary traffic shall be filed with the city clerk not less than 60 days or more than 365 days before the date on which it is proposed to conduct the special event.
 - (3) Any application for a special event permit that does not require the closing of any road or sidewalk, but shall in any other way impede or limit access and traffic to any public area shall be filed with the city clerk not less than 30 days in advance or more than 30 days prior to the date on which it is proposed to conduct the special event.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-192. - Application.

The application for a special event permit shall be made in writing on a form approved by the city clerk. In order that adequate arrangements may be made for the proper policing of the special event, the application shall contain the following information:

- (1) The name, address and telephone number of the event organizer seeking to conduct the special event, and
 - a. If the event organizer is representing a sponsoring organization for the special event, they shall include the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization; and/or
 - b. If any individual other than the event organizer seeking the application shall be responsible for the conduct and management of the special event, the application shall include name, address and telephone number of the individual to be identified as the special event leader to be held responsible for its conduct by municipal officials.
- (2) The purpose of the special event, the date when it is proposed to be conducted, **an alternate date for inclement weather, and** the location of the special event including:

- a. A map diagram demonstrating the outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8½ by 11 inches in size, and attached to the application for a permit. All public streets and/or sidewalks within and adjacent to such area(s) shall be clearly identified. It shall be required as part of the approval for the event, that areas no less than five feet in width shall be designated and preserved for public circulation and access to adjoining business establishments outside the area(s) delineated for the event;
 - b. If the special event requires a road closing for any parade, race, procession or other form of such an event, the application shall include the location of the assembly area, the location of the disbanding area, the route to be traveled, the approximate time when the parade, race, procession or other form of such event will assemble, the times the actual event will start and estimated time to terminate, and a statement or plan as to whether the special event will occupy all or only a portion of the widths of the streets proposed to be closed; and
 - c. If the special event requires a road closing for a fixed geographical area to permit use of the road for entertainment, concessions, retail sales, or the safety of pedestrian traffic, then the application shall include the time expected to begin and end the road closing, ~~as well as,~~ the expected duration for the closing of the road, **as well as a Certificate of Insurance.**
- (3) If the special event is one sought pursuant to subsection 90-191(b)(1), the application shall include details regarding the approximate number of persons, animals and vehicles which are expected to be involved, including the type of animals and description of vehicles. With regard to animals, they shall be "shoed" appropriately to prevent damage to the street, and diapers preventing excrement from being deposited on the street surface, must be employed and maintained free of defects.
- (4) The approximate number of spectators and participants that will attend or participate in any part of the special event, as well as,
- a. If the special event is to take place on more than one day, the approximate number of spectators and participants per day.
 - b. If a spectator or participant is present for only a part of the special event, that individual shall be included in the approximate number;
- (5) A description of any public address or loudspeaker system to be used;
- (6) The estimated number of vehicles requiring parking at the special event;
- (7) The sanitation plan necessary, to be implemented by the city, including the proposals for refuse disposal and restroom facilities for both participants and/or spectators; and
- (8) Whether any temporary outdoor structures are proposed to be built, describing them in detail and their location;
- (9) A Certificate of Insurance shall be required.**
- ~~(9)~~**(10)** Such other information as the city clerk may deem reasonably necessary.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-193. - Notice by city clerk to officials and department heads; assessments of costs and expenses; notice to those residents or businesses affected by the conduct of the special event; submission to the mayor and council for approval.

- (a) Within three business days of receiving the application for the issuance of a special event permit, the city clerk shall circulate a copy [of] same by electronic mail to the following municipal officers/department heads for the following input:

- (1) *City administrator (or employee designee)*—To determine if appropriate notice has been provided to those residents and businesses affected by a road closing for any period or duration by the applicant;
 - (2) *Police chief (or employee designee)*—To assess the number of officers and other personnel necessary for enacting any road closings and the diversion of any traffic on a municipal or state road to ensure proper and continued flow around the area of the special event, as well as the cost to be assessed the applicant to provide these services with off duty personnel;
 - (3) *Fire chief (or employee designee)*—To assess the proposed route or area of closings for the special event to ensure that it shall not impair or impede response times/abilities for the general public safety;
 - (4) *Director of public works*—To assess the proposed route or location for the ability of municipal roads to handle the traffic load during the duration of the event, as well as, the costs associated and necessary for any required equipment or sanitation, including but not limited to street sweeping, forms of garbage disposal and bathroom facilities; and
 - (5) *Director of downtown development*—To assess the proposed area or location availability due to other previously approved events or municipal activities and supervision for the use of city park facilities or other municipal properties located within the downtown development area as designated by the mayor and council. With regard to the special event sanitation fee deposit, the director shall be responsible for determining the appropriate need for toilet facilities and hand washing stations will be required.
- (b) Each of the municipal officers/department heads identified in (a) shall be required to return their evaluation and/or costs assessment to the city clerk not later than five business days.
 - (c) Upon receipt of the required information, the city clerk shall place the matter on the agenda for the next ordinarily scheduled meeting of the mayor and council for consideration and approval of the application, and additionally cause to be forwarded to the city attorney by electronic mail any legal concerns or issues addressed by the municipal officers or department heads, if any, to be addressed at the time the matter is considered for approval at said meeting.
 - (d) Notice. It shall be the responsibility of the event organizer making an application for a special use permit to obtain and provide proof of having provided the notice to the effected residents and businesses of their request for the special event permit including all pertinent details of the event that might impact the individual or business. Notice shall be provided by one of the following means depending upon geographic location:
 - (1) For all events planned or located in part within the portion of the City of Calhoun designated by the mayor and council as the downtown development area, said notice shall be provided by evidence of delivery by certified mail with return receipt requested;
 - (2) For all events planned or located in part within the portion of the City of Calhoun designated by the mayor and council as the downtown development area, evidence of personal service may be provided in writing on a form that demonstrates time of delivery, the individual upon whom it was served and acknowledgment of receipt by the effected party in lieu of the mailed notice prescribed by subsection (d)(1); or
 - (3) For all other events that are planned or located in part outside of the portion of the City of Calhoun designated by the mayor and council as the downtown development area, said notice shall be provided by publication for two consecutive weeks, not less than seven days apart, in the local legal organ, presently The Calhoun Times.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-194. - Standards for issuance or denial of special event permit; approval by mayor and council; contents of permit; denial of permit.

- (a) The mayor and council may approve a special event permit as provided for in this article when, from a consideration of the application and from such other information as may otherwise be obtained, it is determined:
- (1) The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route or place of occurrence;
 - (2) The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
 - (3) The concentration of persons, animals and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;
 - (4) The conduct of the special event will not unreasonably interfere with the movement of firefighting equipment in route to a fire;
 - (5) The conduct of the special event is not likely to cause injury to persons or property, to provoke disorderly conduct or to promote immediate lawless activity;
 - (6) The special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays;
 - (7) The information contained in the application is not found to be false or nonexistent in any material detail;
 - (8) That there are no defects in the application and that all requirements have been met and all required notice has been given or provided; and
 - (9) The applicant agreed to abide by or comply with all conditions of the permit, in particular, the responsibility to clean all areas used.
- (b) Upon the approval of the mayor and council by a motion, the city clerk shall, within five business days, cause to issue a special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit and payment of all costs assessed in connection with the special event permit.
- (c) Upon the denial of the mayor and council by motion, the city clerk shall, within five business days, cause to issue in writing and deliver or mail to the person a notice of denial stating the reasons for the denial of the special event permit application.
- (d) If the consideration of the approval or denial of application fails to have a motion, or a second to proceed to a vote by the mayor and council, then the matter shall be considered denied, and the city clerk shall, within five business days, cause to issue in writing and deliver or mail to the person making the application a notice of the matter having failed to be moved upon, and the denial of the permit by inaction.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-195. - Contents of the issued special event permit.

In each special event permit issued under this division, the city clerk shall specify:

- (1) The assembly area and time therefor;
- (2) The starting time;
- (3) The minimum and maximum speeds;
- (4) The route of any parade, race, procession or other such activity, or the geographical location of any non-moving/fixed special event;

- (5) What portions of streets to be traversed may be occupied by such parade, race, procession or other activity;
- (6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade, race, procession or other such activity;
- (7) The maximum length of such parade, race, procession or other such activity in miles or fractions thereof;
- (8) The disbanding area, and the disbanding time;
- (9) The number of persons required to monitor the parade, race, procession or other such activity;
- (10) The number and types of vehicles, if any;
- (11) The material and maximum size of any sign, banner, or placard or carrying device therefor;
- (12) That the materials used in the construction of floats used in any parade, race, procession or other such activity shall be of fire-retardant materials when practical, and shall be subject to such requirements concerning fire safety as may be determined by the fire chief;
- (13) That the permittee shall advise all participants in the parade, race, procession or other such activity either orally or by written notice, of the terms and conditions of the permit, prior to the commencement of such parade, race, procession or other such activity;
- (14) That the amplification of sound permitted to be emitted from sound trucks or bullhorns and other devices shall be fixed and not variable;
- (15) That the parade, race, procession or other such activity shall continue to move at a fixed rate of speed and that any willful delay or willful stopping of the parade, race, procession or other such activity, except when reasonably required for the safe and orderly conduct of the parade, race, procession or other such activity, shall constitute a violation of the permit;
- (16) An itemized list of all costs to be assessed as a requirement for the special event permit for law enforcement and public works services required by the approved activity;
- (17) The number of vendors expected, if any, and any plan for the sale and consumption of any malt beverages and wine at the event as permitted by article V of chapter 6; and
- (18) Such other requirements as are found by the city clerk to be reasonably necessary for the protection of persons or property.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-196. - Revocation.

- (a) Any special event permit issued pursuant to this division may be summarily revoked by the City of Calhoun at any time when, by reason of disaster, public calamity, riot or other emergency, the appropriate agent or agents for the City of Calhoun determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the person by personal service or by certified mail, or other form of direct notice should the circumstances warrant same. In the event of such a revocation, the city clerk may work with the person to reschedule the event to a later date, or may refund any costs paid by the person in conjunction with the issuance of the permit.
- (b) The city clerk, or his designee, shall have the authority to revoke a special event permit at any time during the conduct of the special event in the event of failure to conform to or comply with the standards for issuance of the permit as set forth in this chapter. A revocation pursuant to this section shall not warrant a refund of any costs or fees.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-197. - Appeals procedure; hearing before the municipal court judge; waivers.

- (a) Any event organizer making an application under the chapter denied a special events permit by the mayor and council shall be granted a hearing in the municipal court provided that the request for an appeal hearing has been made in writing and filed with the clerk of municipal court within ten days of receipt of the notification from the city clerk provided for by section 90-194. The appellant shall notify the city clerk and the city attorney in writing, by person or by mail, of the request for a hearing on the appeal within three days of filing same with the clerk of municipal court.
- (b) The municipal court judge shall hear the appeal at the next regularly scheduled session of the court. The judge shall hear evidence as to the reasons the application was denied by the mayor and council through the testimony of the city clerk. The judge shall then issue a ruling that shall approve, disapprove, or amend the application. The judge shall notify the applicant of the decision within five working days after the hearing, such notification being sent by registered mail. The decision of the municipal court judge is final.
- (c) If an application is not filed within the required time, as specified in subsection 90-191(b), the event organizer making the application may request a waiver of such a requirement by the mayor and city council at its next regular meeting, or at such a special meeting which may be called prior thereto by the mayor and the city council to consider such matter, and that body may waive such requirement in the exercise of its sound discretion if there is a finding that unusual circumstances prohibited timely filing.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-198. - Alternative permit.

The mayor and council, in denying an application for a special event permit, may authorize the conduct of the special event on a date, a time, or over a route different from that named by the event organizer without additional vote. A person desiring to accept an alternate permit shall within two days after notice of the action file a written notice of acceptance with the office of the city clerk. An alternate permit shall conform to the requirements of, and shall have the effect of, a special event permit under this article.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-199. - Indemnification agreement.

Prior to the issuance of a special event permit the person must sign an agreement to reimburse the city for any costs incurred in repairing damage to city property resulting from or in connection with a permitted event. The agreement shall also provide that the person or sponsoring organization shall defend the city against, and indemnify and hold the city harmless from, any liability to or claims of liability by any persons resulting from any alleged damage or injury occurring in connection with the special event.

(Ord. No. 935, § 2, 8-25-2014)

Sec. 90-200. - Vendors.

- (a) *Sales permitted.* The sale of food, or any merchandise or services of any type by a vendor shall be allowed as a component of a special event provided such vendor is approved and authorized in writing by the event organizer of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the event organizer and submitted as part of the application for a permit.

- (b) *Authorization of vendors.* The event organizer of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event and to designate the location and activities of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the event organizer of the event.
- (c) *Identification required.* Any vendor authorized by the event organizer shall be required to prominently display on his or her person a badge identifying the vendor as an authorized participant in the event. Such identification shall be not less than three inches by three inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the event organizer of the event.
- (d) *Permit not required.* Vendors authorized by the event organizer of an event as a component of the event shall not be required to obtain any separate vendors permit to operate during the period of the event.
- (e) *Unauthorized vending prohibited.* It shall be unlawful for any vendor not authorized by the event organizer of a special event as provided under this section to engage in such business within a distance of 25 yards of such event from one hour before until one hour after the event.
- (f) *Food sales.* The vendor of any food, whether hot or cold, as a part of a special event shall be subject to all rules and regulations of the county health department. It shall be the responsibility of the event organizer of an event to assure compliance with this section by any such vendors.

(Ord. No. 935, § 2, 8-25-2014)