

Subject Matter: Special Events Ordinance
Date First Presented to Council at Public Meeting: May 5, 2008
Date of Second Reading and Adoption Before Town Council: June 2, 2008

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

**ORDINANCE NUMBER 08-01
(as enacted)
TOWN OF SHARPSBURG, GEORGIA**

PREAMBLE AND FINDINGS

WHEREAS, the Mayor and Town Council desire to protect the public health, safety, environment, and general welfare through the regulation of Special Events, as defined in this ordinance;

WHEREAS, the Mayor and Town Council desire to develop, coordinate and implement efficient plans for special services expected and required by special events within the corporate limits of the Town of Sharpsburg;

WHEREAS, the Mayor and Town Council recognize that there are logistical challenges that must be planned and addressed when conducting such special events involving Town properties and/or groups of people;

WHEREAS, the Mayor and Town Council desire to preserve the community atmosphere and public peace;

WHEREAS, the Mayor and Town Council desire to protect the assets that may be potentially used by event producers and attendants;

**WHEREFORE THE TOWN OF SHARPSBURG HEREBY ADOPTS AND
ORDAINS THE FOLLOWING ORDINANCE:**

ARTICLE ONE

The Town hereby enacts and ordains the following ordinance regulating festivals, yard sales and other special events in the Town of Sharpsburg:

General Provisions

Sec. 44-100 Title.

This ordinance shall be known as the “Town of Sharpsburg Special Events Ordinance.”

Sec. 44-101 Purposes

The purpose of the town in adopting the Sharpsburg Special Events Ordinance is to ensure that the town will have adequate advance notice of a proposed special event and the cooperation of the organizers in order to properly plan for the event.

Protecting local citizen’s property and privacy rights.

Sec. 44-102 Definitions

Administrator means the Administrator of the government of the Town of Sharpsburg, Georgia, or his designee for the administration of this chapter.

Application means a written request on forms supplied by the Town of Sharpsburg which sets forth the information required to be provided by this article.

Application fee means the non-refundable fee paid in connection with an application made pursuant to this article.

Internal emergency services plan means a plan submitted by the applicant and approved, as submitted or as modified thereafter, by the Administrator, for the provision of emergency services, which term shall include fire and medical services, to public and private property, performers, entertainers, exhibitors, speakers or other persons in the festival assembly area.

Internal security plan means a plan submitted by the applicant and approved, as submitted or as modified thereafter, by the Administrator, for the provision of security to public and private property, performers, entertainers, exhibitors, speakers or other persons in the festival assembly area.

Permit fee means the fee required to be paid pursuant to this article for the issuance of a permit to hold a special event, where such fee shall be assessed to recover the direct and indirect costs associated therewith, and shall not exceed the administrative costs of regulation.

Producer means any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting an event.

Special Event or event means any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-

way, or occurs on private property and impacts government services on public rights-of-way and also:

- a. Lasts for two or more continuous days; or
- b. Is reasonably expected to have more than 100 people gather in a public park and/or on a public street and/or on other public rights of way owned by or located in the Town of Sharpsburg; or is reasonably expected to have more than 50 people gather on privately-owned property; and
- c. Includes entertainment, dancing, music, dramatic productions, art exhibitions, parades, road races, the sale of merchandise, the sale of food, or any combination of the foregoing; and
- d. Requires the erection of stages, barricades, utility poles, booths, tents, or other temporary structures, or the use of parked vehicles or of permanent structures which need to be removed within 24 hours after the event; and
- e. Which of necessity requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the town routinely provides under ordinary everyday circumstances.

Special event assembly area means the entire area of the event for which the applicant(s) are responsible under the terms of this article, including the following elements: the event production area, all vending locations connected with the event, the area where the anticipated crowd can reasonably be expected to locate itself upon arrival at the event.

Town-sponsored event means a public event that is directly related to a recognized function of the local government and which is in major part initiated, financed and executed by the town.

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 ordinance, 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.

Sec. 44-103 Applicability

1. This article is intended to be the framework within which all special events held in the town, as the term "special event" is defined herein, are approved and regulated.
2. It shall be unlawful for any person or organization to hold an special event as defined herein within the limits of the town without complying with the procedures set forth

in this article, provided that the requirements of this article shall not apply to a town-sponsored event.

3. Additional special event operating guidelines, policies and procedures specific to staging a special event in the town streets, right of way, sidewalks and parks may be developed and adopted administratively and enforced by the town.

Sec. 44-104 Permit Required

1. It shall be unlawful for any person, group, organization, association, club, or other entity to conduct or cause to be conducted any special event in the town limits of Sharpsburg without having obtained a valid permit for such event.
2. A special event shall be limited to the specific geographic area(s) within which the event is to take place and the producer of a special event shall be responsible for the provision of off duty police and sanitation services within the boundaries of the event for a period of two (2) hours past the conclusion of the event or until the area is cleared of all activities and structures related to such event.
3. Except for the clearing of the area, no special event shall be allowed to continue beyond the time approved on the permit for the event. The hours of operation shall be no more than 8:00 a.m. to 8:00 p.m unless prior approval from the Mayor and Council.
4. A maximum continuous sound level of 80 dBA and a maximum peak sound level of 100 dBA shall not be exceeded at adjacent property lines of any residential use.
5. The outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8 ½ x 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. The Administrator, or designee, shall require as part of the approval for the event, that area(s) no less than five (5) 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.
6. The producer of a special event such as a walk or run shall submit with the application for a permit a map, which shall be no smaller than 8 ½ x 11 inches in size, showing the exact route of the course for the walk or run.
7. Any person or organization desiring to hold a special event must make application for a permit to hold such event to the Town Clerk in the Town office. Such application must be made no later than 45 days prior to the date of the festival.

The application must include the following information:

1. The name of the festival and its purpose in general terms.
2. The names of the persons or organizations sponsoring the festival, together with the addresses and telephone numbers of all such persons or organizations.
3. The dates and times of the proposed festival, including projected set-up and break-down and the opening and closing time for each day of the event.
4. The specific location within the town where such event is to be held.
5. The number of persons estimated to be in attendance at such event or festival.
6. A site plan showing the layout of the event area, parking area, showing the event production area in detail, and specifying the boundaries of the overall event

- assembly area. The site plan should also include the location of portable toilets to be provided, and show the number of such toilets at each location.
7. Whether any street closings are requested and, if so, which streets, who will guard the closed streets, dates and times of closing.
 8. Whether any temporary outdoor structures are proposed to be erected, describing them in detail.
 9. Whether any signs or banners are proposed to be erected, giving details.
 10. Whether a parade is expected to be held in connection with the event, stating the time, location and anticipated number of participants.
 11. Whether any entertainment will be involved, giving details as to nature, time and place of such entertainment.
 12. Whether there will be street vendors involved, giving details, including specifically contracted or regularly licensed vendors.
 13. How the applicant proposes to insure the cleanup of the area, including the following information:
 - a. The applicant shall provide detailed plans regarding the following:
 - i. The number, volume and location of containers within the event assembly area for the collection and disposal of solid waste generated by the proposed outdoor festival.
 - ii. The number, volume and location of containers within the event assembly area for the separate collection, removal and recovery of recyclable materials generated by the proposed outdoor festival.
 - b. For any special event required to provide private solid waste collection, the applicant shall provide the name and contact information of the private company contracted for the collection, removal and disposal of solid waste and recyclable materials from public event area.
 14. Include in the site plan for all required internal emergency services for the festival, specifying how emergency vehicles will reach and leave the site.
 15. A specific plan for internal security for the festival, specifying the number of security guards which the applicant plans to use and what arrangements the applicant has made for them. At the option of the applicant the internal security plan may be comprised entirely of off-duty law enforcement officers in addition to "T-shirt" security.
 16. Whether utility services such as electrical power or water will be required, specifying the amount and type, and stating the applicant's proposal, if any, for obtaining such services.
 17. Whether electrical wiring will be installed, specifying installation details.
 18. Whether the applicant intends to gate the festival and charge an admission fee, specifying the amount of the fee and details as how the applicant proposes to gate the festival.
 19. A certification by applicant that a notice of intent to hold a special event has been sent by registered mail or by hand delivery to the Town of Sharpsburg. A copy of this notice without the attachments shall be attached to the application. If delivered by hand, a receipt must be obtained and attached.

20. The applicant shall be provided with a copy of all ordinances deemed applicable to the conduct of an outdoor festival at the time of receipt of application.

Sec. 44-105 Application Fee

1. A producer of a special event shall make application for a permit for such event at the Town Hall office on a form provided by the Town of Sharpsburg. Application forms may be obtained at the Town Hall office.
2. An application for a special event should be filed at least forty-five (45) days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one (1) year prior to the date of the event.
3. A non-refundable application fee, as set forth in the Town's adopted fee schedule, shall be paid at the time the application for a permit is filed. Said fee shall be payable to the Town of Sharpsburg by cash, money order, or cashier's check.

Sec. 44-106 Identification of Producer

The producer of an event, if a group or organization, shall be fully identified on the application. However, a special event permit shall be issued only to an individual person, who may be the actual producer or a designated agent of the producer, and said individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this ordinance and other applicable laws.

Sec. 44-107 Final approval of permit; minimum review period

1. The Mayor and Council or their designee is authorized to approve and issue a permit for a special event after considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and after the payment of all applicable fees and costs.
2. A minimum of ten (10) working days shall be allowed for the review of an application and the issuance of a permit.
3. The Town of Sharpsburg shall either issue or deny the permit no later than fifteen (15) working days following the date the completed application is filed. If the permit is denied, the producer shall be notified in writing of the denial and the reason(s) for the denial.

Sec. 44-108 Permit Fees

After the Administrator approves the issuance of a permit, the producer may obtain such permit by agreeing to accept the conditions imposed in accordance with this ordinance and by paying the applicable permit fee, as set forth in the Town's adopted fee schedule.

Sec. 44-109 Liability

The producer of any special event shall hold harmless the Government of the Town of

Sharpsburg, its officers, employees and agents from liability of damages arising from any acts or omissions emanating from a special event. Proof of such waiver shall be filed with, and made a part of, the application form. The producer shall be responsible for providing all insurance that may be necessary for any special event.

Sec. 44-110 Vendors

1. 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 producer of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the producer and submitted as a part of the application for a permit.
2. Unauthorized vending is prohibited. It shall be unlawful for any vendor not authorized by the producer of a special event as provided under this section to engage in such business within a distance of twenty-five (25) yards of such event from one (1) hour before until one (1) hour after the event.
3. Exemption. Whether or not approved by an event producer, a vendor that has been assigned a fixed location for the purpose of vending within the Town of Sharpsburg or a property owner may continue to engage in such business at that assigned location during any special event.

Sec. 44-111 Glass Containers Prohibited

The use of glass containers within the area of any special event shall be prohibited.

Sec. 44-112 Toilet Facilities

The producer of a special event shall be required to provide temporary outdoor toilet facilities at any event at which fifty (50) or more persons are expected to be in attendance. The outdoor toilets shall be removed within 24 hours after the event has ended. The ADA requires that at least 5% of a single user portable toilet cluster at a single location be wheelchair-accessible for public events.

Sec. 44-113 Entertainment

Musical entertainment shall be provided in a manner consistent with the peace and good order of the community. The producer of the event shall be responsible for full compliance with the environmental ordinance.

Sec. 44-114 Tents, stages, etc.

Tents, arbors, stages, grandstands or other temporary facilities constructed or erected as a part of a special event will be subject to approval by the Building Inspector and must be removed within twenty-four (24) hours after the close of the event.

Sec. 44-115 Street Closings

The complete or partial closure of any street, sidewalk or other public way as a part of the special event shall be subject to approval by the Town of Sharpsburg. With the closing of streets the barricades shall be manned at the expense of the producer.

Sec. 44-116 Movie, TV, advertising and/or production company use of streets and/or sidewalks

Use of town streets, sidewalks, parks or other town owned property by any movies/TV/advertising/production company filming in the town shall be permitted only upon approval by the Mayor and Council following application setting forth the day(s), time(s), and scope of the intended use. Use or rental fees, as set forth in the Town's adopted fee schedule, shall be paid after the permit is approved by the Town.

1. Off duty officers shall be used for any security and/or traffic control. These officers shall be provided by the Company and at their expense. First right of refusal shall be given to the Coweta County Sheriff Department off duty officers.
2. Any town owned property or facility shall be returned to its original condition upon completion of production, and shall be inspected and checked off by the Administrator, and by a representative of the Historic Preservation Commission in the case of historic properties.
3. The production company shall indemnify and hold harmless the Town of Sharpsburg, its officers, employees and agents from any and all liability of any kind arising from or in any way related to the special event. Proof of such indemnification and waiver of liability shall be filed with, and made a part of, the application form. The Administrator may require that the producer obtain a policy of liability insurance to cover liability associated with the special event. The production company shall be responsible for providing any and all other insurance that may be necessary for any special event and shall name the Town of Sharpsburg as an additional insured on the policy of Insurance. Said documentation must be executed and presented to the Administrator prior to any filming.

Sec. 44-117 Litter Receptacles at Places Frequented by the Public

1. Receptacles required. Every owner, occupant, tenant, lessee or producer in control of any property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, lessee or producer in control of any property shall determine the number and size of the receptacles, except that no less than one (1) receptacle shall be placed at each site. Receptacles shall be no less than fifty-five (55) gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which receptacles are required by this chapter shall at his or her own expense be responsible for the placement, and maintenance of such receptacles as

required by this chapter.

2. Periodic emptying of receptacles. All litter and solid waste shall be removed from receptacles as necessary and be maintained in a sanitary and serviceable condition.

Sec. 44-118 Banners, signs, etc.

Temporary, noncommercial banners or signs may be permitted overhead across public streets for the purpose of designating “starting” and “finish” lines for a race. Small banners, pennants, signs or other decorations which do not interfere with vehicular or pedestrian traffic, and which do not damage or deface any tree or public structure, may be allowed as part of a special event. Banners or signs permitted in this section will be subject to the approval of the Building Inspection Department. The producer of the event shall be responsible for the removal of such signs, banners, pennants or decorations within twenty-four (24) hours after the close of the event.

Sec. 44-119 Duration of Permit

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

Sec. 44-120 Cessation of activities

The safety, health, welfare and good order of all citizens and the community shall be first and foremost and every special event shall be conducted in such manner. The Administrator may terminate any activity, whether a part of or the entire event, which does not meet this community standard. Upon notification of the event producer in person by the Administrator to cease any activity, it shall be unlawful for such producer and/or participants to permit such activity to continue.

Sec. 44-121 Funeral Processions

The provisions of this chapter shall not apply to any parade or procession conducted under the supervision and direction of a funeral director in conjunction with any funeral.

Sec. 44-122 Special Conditions on Permit

Each department of the government reviewing an application may recommend 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. In reviewing the recommendations of the departments, the Mayor and Council may impose such conditions or restrictions as part of the permit and such special conditions so imposed shall be construed to have the full force and effect of law as a provision of this ordinance. A violation of such conditions or restrictions shall be deemed a violation of this ordinance.

Sec. 44-123 Administrative Appeal

Any person aggrieved by a decision or order of Mayor and Town Council or his designee, may appeal in writing within 10 days after the issuance of such decision or order to the Town Clerk and shall be entitled to a hearing before the independent hearing officer within 30 days of receipt of the written appeal. The decision of the hearing officer shall be submitted to the Town Administrator within 10 days after the hearing and shall serve as a non binding advisory opinion to the Mayor and Town Council which will allow the Mayor and Town Council to amend or not to amend their original decision. The cost of the administrative appeal shall be borne by the appealing person.

Sec. 44-124 Judicial Review

Any person aggrieved by a decision or order of Mayor and Town Council or his designee, after exhausting all administrative remedies, shall have the right to appeal de novo to the Coweta County Superior Court.

ARTICLE TWO

This Ordinance shall be codified within the Code of Ordinances of the Town of Sharpsburg, Georgia at Chapter 44 in a manner consistent with the laws of the State of Georgia and of the Town of Sharpsburg and shall be referred to as "Special Events Ordinance."

ARTICLE THREE

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

ARTICLE FOUR

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

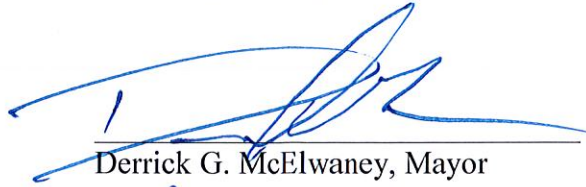
ARTICLE FIVE

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.


ARTICLE SIX

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the 2nd day of June, 2008, by the following voting for adoption:


Derrick G. McElwaney, Mayor

Absent
L. Gordy Anderson, Council Member


Polly A. Garlington, Council Member

Absent
D. Keith Rhodes, Council Member


Connie F. Turner, Council Member

Attest:

Donna M. Camp, Town Clerk