

CHAPTER 35 SPECIAL EVENTS ORDINANCE

Sec. 35-1. Definitions.

The following definitions shall apply to the interpretation and enforcement of this article:

County Manager means the County Manager of McIntosh County, Georgia, or his or her designee for the administration of this chapter.

Impacts government services on public rights-of-way means where a reasonable person would reasonably expect a need for the provision of county services to a degree significantly over and above that which the county routinely provides under ordinary every day circumstances.

Public Safety Director means the Public Safety Director of McIntosh County, Georgia, or his or her designee for the administration of this chapter.

Producer or host 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.

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 article, shall not be construed to include or prohibit a permanent business, operating under the provisions of the occupation tax 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. 35-2. Permits.

(a) *Required.* It shall be unlawful for any person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in unincorporated McIntosh County without having obtained a valid permit for such event. Additional permits may also be required in accordance with the various provisions of the McIntosh County Code of Ordinances.

(b) *Exemptions.* The following special events are exempt from the provisions of this article, however additional permits may be required in accordance the various provisions of the McIntosh County Code of Ordinances:

(1) Special events where the attendance that is reasonably expected is less than 75 people;

- (2) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;
- (3) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;
- (4) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;
- (5) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes;
- (6) Funeral processions conducted under the supervision and direction of a funeral director in conjunction with any funeral;
- (7) A governmental agency acting within the scope of its agency.
- (c) *Geographic limitation; responsibility for security and sanitation service.* 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 private security and sanitation services within the boundaries of the event during the event and for a period of one hour past the conclusion of the event or until the area is cleared of all activities and structures related to such event. The public safety director shall determine the amount of private security reasonably required for the event that is to be provided by the producer, if any. If the private security is to be performed by persons other than off-duty certified Georgia Peace Officers, the public safety director shall further approve or disapprove any such firm and/or persons to provide the private security, based upon training and experience needed to provide adequate private security for the special event.
- (d) *Time limitation.* Except for clearing of the area, no special event shall be allowed to continue beyond the time approved on the permit for the event.
- (e) *Delineation of boundaries; preservation of areas for circulation.* The outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8½ 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 county manager, or designee, shall require, 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.
- (f) *Maps for walks or runs.* The producer of a special event such as a walk or run, as to which the provisions of subsection (d) above would not be practicable, shall submit with the application for a permit a map, which shall be no smaller than 8½ x 11 inches in size, showing the exact route of the course for the walk or run.

77 **Sec. 35-3. Application; fee.**

- 78 (a) A producer of a special event shall make application for a permit for such event at the
79 McIntosh County Administrative Annex on a form prescribed by the county manager.
80 Application forms may be obtained from the McIntosh County Administrative Annex or
81 County website.
- 82 (b) An application for a special event should be filed at least 30 days prior to the date the event
83 is scheduled to occur. However, no application shall be accepted earlier than one year prior
84 to the date of the event.
- 85 (c) A nonrefundable application fee of \$20.00 shall be paid at the time the application for a
86 permit is filed. Such fee shall be payable to McIntosh County by cash, money order, or
87 cashier's check.

88 **Sec. 35-4. Identification of producer.**

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

94 **Sec. 35-5. Administrative review.**

95 The county manager shall cause the application to be circulated to each government
96 department and/or other agency whose services the county manager determines would be
97 affected by the nature and activities of the proposed event. Each such department or agency shall
98 review the application and note the services which it will be required to perform, the number of
99 personnel to perform such services, the length of time to perform such services, the cost to
100 perform such services, and any other information which would assist the county manager in
101 facilitating the event and services required.

102 **Sec. 35-6. Special conditions on permit.**

103 Each department of the government reviewing an application may recommend in writing
104 certain conditions or restrictions as deemed necessary to facilitate the event, to comply with
105 other laws or regulations, and/or to the safety, health and welfare of the community. In reviewing
106 the recommendations of the departments, the county manager may impose such conditions or
107 restrictions as a part of the permit and such special conditions so imposed shall be construed to
108 have the full force and effect of law as a provision of this article. A violation of such conditions
109 or restrictions shall be deemed a violation of this article.

110 **Sec. 35-7. Final approval of permit; minimum review.**

- 111 (a) The county manager is authorized to approve and issue a permit for a special event after
112 considering all comments and conditions of the reviewing departments and agencies as well
113 as other information pertaining to the proposed event as described on the application, and
114 after the payment of all applicable fees and costs.

- (b) A minimum of ten working days shall be allowed for the administrative review of an application and the issuance of a permit.
- (c) The county manager shall either issue or deny the permit no later than 30 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. 35-8. Emergency issuance of permit.

In extraordinary circumstances, the county manager, shall be authorized to waive or otherwise expedite any or all of the review process and to issue a special event permit upon payment by the producer of all applicable fees and costs for such event.

Sec. 35-9. Permit fees.

The fee for a permit to conduct a special event shall be \$250 per day.

Sec. 35-10. Liability.

The producer of any special event shall hold harmless McIntosh County, 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 any and all other insurance that may be necessary for any special event. The amount and kind of insurance required shall be determined by the county manager, or his or her designee, after considering the nature of the special event, and the potential for harm and the degree of harm to persons and property. The producer shall provide proof to the county manager, or his or her designee, that such insurance is in effect prior to the issuance of a permit.

Sec. 35-11. 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 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 part of the application for a permit.
- (b) *Authorization of vendors.* The producer of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event. Such identification shall be not less than three inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the producer of the event.
- (c) *Identification required.* Any vendor authorized by the event producer 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 producer of the event.
- (d) *Permit not required.* Vendors authorized by the producer 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. However, all other vendors, of whatever nature, not authorized as a

participant in the special event shall obtain the appropriate licenses and permits as required under other applicable ordinances.

(e) *Unauthorized vending 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 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 producer of an event to assure compliance with this section by any such vendors.

Sec. 35-12. Glass containers prohibited.

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

Sec. 35-13. Police services.

Traffic and crowd control shall be provided by the McIntosh County Sheriff's Department, and the number of officers and/or special arrangements shall be determined by the public safety director or chief deputy of the McIntosh County Sheriff's Department.

Sec. 35-14. Toilet facilities.

The producer of a special event shall be required to provide temporary outdoor toilet facilities at any event at which 100 or more persons are expected to be in attendance. The number of toilets and their locations shall be determined by the county building inspector.

Sec. 35-15. Tents, stages, etc.

Tents, arbors, stages, grandstands or other temporary facilities constructed or erected as a part of a special event shall be approved by the county building inspector.

Sec. 35-16. Street closing.

The complete or partial closure of any street, sidewalk or other public way as a part of a special event shall be approved by the county manager. The complete or partial closure of any State of Georgia road, sidewalk or other public way as part of a special event shall be approved by the Georgia Department of Transportation and be the responsibility of the applicant to obtain approval.

Sec. 35-17. 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. Approval of the county manager shall be obtained by the event producer for any banners or signs permitted in this section. The producer of the event shall be responsible for the removal of such banners, pennants or decorations within 48 hours after the close of the event.

Sec. 35-18. 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. 35-19. 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 county manager or his or her designee 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 county manager or his or her designee to cease any activity, it shall be unlawful for such producer and/or any participants to permit such activity to continue.

Sec. 35-20. Picketing and demonstrations, etc.

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any public or private place. Any person, group or organization engaged in such activities is required to make application as set forth in section 35-3 (a) and (b) of this article. However, any such person, group or organization shall be exempt from the permit requirement in section 35-2 (a) of this article and the fees set forth in section 35-3 (c) of this article.

Sec. 35-21. Penalties.

Any violation of this article shall be punishable by a fine not exceeding \$1,000.00, and/or imprisonment of not more than six months.