

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPLACE CHAPTER 10-AMUSEMENTS AND ENTERTAINMENTS, ARTICLE III-SPECIAL EVENTS**

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON as follows:

1. Chapter 10 - Amusements and Entertainments, Article III – Special Events is deleted in its entirety and the following substituted therefor:

***ARTICLE III - SPECIAL EVENTS***

***Sec. 10-130 - Purpose.***

*The city council recognizes the impact that special events have on the availability of city services and therefore adopts this procedure to license and regulate activities of this nature.*

***Sec. 10-131 – Definition; 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, sidewalks, or otherwise impacts the delivery of public safety services.*

*(b) that disrupts the flow of traffic on public streets or sidewalks*

*No person or organization shall advertise, engage in, participate in, aid, form or start any special event, unless a special event permit shall first have been obtained from the city manager or his designee. Private social gatherings located on private property which will make no use of city streets other than for lawful parking do not require a permit.*

***Sec. 10-132 - Exemptions.***

*The following activities are exempt from the special event permit requirement:*

*(a) Funeral processions;*

*(b) Activities conducted by the City of Canton or one of its component entities;*

*(c) Activities involving a demonstration, march, assembly, or other exercise of rights guaranteed by the First Amendment of the United States Constitution ("Free Speech Event") unless the activity will affect the ordinary use of parks, public streets, rights of way, sidewalks or the activity will disrupt the flow of traffic on public streets or sidewalks;*

*Sec. 10-133 - Permit application; Deadline; Content.*

*(a) An application for a special event permit shall be submitted to the City Manager or his designee:*

*(1) Not less than seven (7) days prior to a Free Speech Event;*

*(2) Not less than two (2) weeks prior to an event if city resources are not required and the anticipated crowd will be less than 100 people;*

*(3) Not less than ninety (90) days prior to an event if the anticipated crowd will be more than 100 people but less than 500 people;*

*(4) Not less than ninety (90) days prior to an event if road closures are required for the event;*

*(5) Not less than six (6) months for any event which is anticipated to have more than 500 people in attendance;*

*(6) Not more than one (1) year prior to an event;*

*(b) Contents. The City Council shall approve special event policies, including an application form. For every event, there shall be an individual designated as the contact person, who shall be the person responsible for the event.*

*Sec. 10-134 - Permit fee; cost analysis.*

*(a) Permit fee.*

*(1) Cost analysis. The city manager or his designee shall send copies of special event applications to all city departments who may be impacted by the event. Each department shall evaluate and itemize the costs associated with this event for their department, the total of which shall be the permit fee. The city manager or his designee shall compile the departmental figures and give in writing to the applicant the final cost of the permit fee (to include any city facilities/city personnel/park rental fees) as soon as practicable but not later than ten business days after the completed application has been received.*

*(2) Permit fee. The permit fee and all applicable rental fees shall be paid in full prior to issuance of a permit.*

*(3) Refund. If the event does not take place due to inclement weather, fire, or other public safety emergency, and the event cannot be rescheduled within three months from the original date, a refund for the permit fee will be given to the applicant. There will be no refund of the permit fee nor deposit if the applicant fails to notify the city of an event cancellation no less than fourteen days prior to the date of the event. The cancellation notice must be in writing to the City Manager. If the event involves a road closure, the same notification method used for the road closure must be used for notification of cancellation of event.*

*(4) All applicable fees shall be made payable to and through the City of Canton, Georgia.*

*Sec. 10-135 - Police protection.*

*The applicant shall be required to provide police protection as required by the special events policy. The police department shall determine whether and to what extent additional police protection will be required for the event for purposes of traffic, crowd control and security. The applicant then shall have the obligation to secure police protection acceptable to the chief of police at the sole expense of the applicant and shall pay the expenses of such protection as required. The chief of police shall consider what additional manpower, equipment, and supplies are needed, as well as any other items or expenses which will be necessary. An estimate of these costs will be provided to the applicant prior to the issuance of a permit. Private security may be used by the applicant with approval of the chief of police or his designee. The chief of police may designate someone to act on his behalf regarding any portion of this section.*

*Sec. 10-136. - Fire protection and emergency medical services.*

*(a) The applicant shall be required to provide fire protection and emergency medical services as provided in the special events policy. The applicant may be required to provide for additional fire watch personnel and emergency medical personnel, if the event creates an unusual fire hazard or threat to the safety of people attending the event. Private fire/EMS services may be used by the applicant with approval of the fire marshal or his designee. The fire marshal may designate someone to act on his behalf regarding any portion of this section.*

*(b) The conduct of the event shall not introduce extraordinary hazard to fire protection and/or to the life or safety of the spectators or participants in the immediate or adjacent areas.*

*Sec. 10-137. - Parks and recreation and or public works department staff.*

*The applicant shall be required to provide for services of the parks and recreation and public works department staff for purposes of traffic control, park and/or street cleaning and maintenance as provided in the special events policy. The parks and recreation director and the public works director shall consider what additional manpower, equipment, and supplies are needed, as well as any other items or expenses which will be necessary. The applicant then shall have the obligation to secure event staff acceptable to the parks and recreation director at the sole expense of the applicant and shall pay the expenses of such maintenance as required. The parks and recreation director and/or the public works director may designate someone to act on his behalf regarding any portion of this section.*

*Sec. 10-138. - Standards for permit issuance.*

*The city council shall establish standards for the issuance of special events permits in the special events policy. The city manager, or his designee, shall issue a permit as provided herein upon receipt of verification from the applicable city department directors that the standards for issuance of the permit have been substantially satisfied or found not applicable to the requested permit.*

*Sec. 11-139 - Standards for denial of permit; Notice; Appeal.*

*(a) The city council shall establish standards for the denial of special events permits in the special events policy.*

*(b) Should the application be denied, the city manager or his designee shall notify the applicant by personal delivery or certified mail within seven business days of the denial. A copy of this notification shall include the reasons for the denial of the permit and shall advise of the appeal procedure.*

*(c) Any applicant aggrieved shall have the right to appeal the denial of a permit or revocation of permit to the city council. The appeal shall be submitted by the applicant within five business days after receipt of the notice of denial by filing a written notice of appeal with the city manager. The city council shall hear the appeal at the next scheduled city council meeting.*

*Sec. 11-140 - Duties of permittee.*

*A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The responsible individual shall maintain custody of the permit and upon demand shall produce it to the city authorities. Under no circumstances may a permit be transferred from the applicant to any other person or organization.*

*Sec. 11-141. - Revocation of permit.*

*The city manager, or his designated representative, shall have the authority to revoke a permit issued hereunder instantly upon violation of any one or more of the Code, ordinances or conditions or standards of issuance as set forth herein.*

*Sec. 11-142. – Insurance*

*The applicant shall provide insurance as required by the special events policy.*

*Sec. 11-143 Indemnification.*

*The applicant and any other persons, organizations, or corporations on whose behalf the application is made by filing a permit application shall represent, stipulate, contract, and agree that they jointly and severally indemnify and hold the city harmless against liability. This includes court costs and attorney's fees, including appeal, or any and all claims for damage to property or injury to or death of persons arising out of or resulting from issuance of the permit or the conduct of the event or any of its participants or the revocation of the permit for reasons herein stated.*

*Sec. 11-144. - 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.*

*Sec. 11-145. - Penalties for offenses; misrepresentation.*

*Any person violating any provision of this chapter shall, upon conviction, be punishable as a misdemeanor as provided by the Code of the City of Canton. Each day such violation is committed or permitted to continue shall constitute a separate offense.*

*If, at the discretion of the city manager or his designee, the city has to provide additional personnel due to the applicant misrepresenting facts on the application; or failure to provide agreed upon private security/staffing; or for any other just and lawful reason and for protection of public safety, it shall be at the sole expense of the applicant.*

*The city manager shall cancel an event at any time should the event be deemed a public safety risk or operate in any fashion other than as permitted.*

2. If any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

3. This Ordinance shall become effective on the date the Mayor signs the ordinance indicating approval, ten days after the adoption of the ordinance if the Mayor has not signed nor vetoed, or immediately upon an affirmative vote of the City Council after the Mayor's veto, whichever shall first occur.

Attest:

\_\_\_\_\_  
Susan C. Stanton  
CITY CLERK

\_\_\_\_\_  
Gene Hobgood, MAYOR

Date:

Approved as to form:

\_\_\_\_\_  
Robert M. Dyer, City Attorney

**ORDINANCE NO.** \_\_\_\_\_

First Reading \_\_\_\_\_

Adopted by Council \_\_\_\_\_

Approved by Mayor \_\_\_\_\_

Veto by Mayor \_\_\_\_\_

Second Vote by Council \_\_\_\_\_

Effective Date \_\_\_\_\_

\_\_\_\_\_  
Susan C. Stanton, City Clerk