

GARDEN CITY POLICE DEPARTMENT
CONCERT AND EVENT APPLICATION

Name and Age: _____ Date: _____

Address: _____

Phone Number(s): _____

Association/Organization/Corporation: _____

Partners, Officers, or Directors who will be designees of above listed information: _____

Name and Mailing Address of Owner of Property: _____

Event Location: _____

Event Date: _____ Event Hours: _____

Location of Assemblage/Disbanding/Parking: _____

Number of Attendees: Minimum: _____ Maximum _____

Description of sound equipment and intensity of sound: _____

Description of Event: _____

Permission: Granted Denied Special Instructions: _____

By Authority of: _____ Date: _____

Gilbert C. Ballard, Chief of Police

ORDINANCE NO. 2014-3

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF GARDEN CITY, GEORGIA, AS AMENDED, BY ADDING CHAPTER 11 TO REGULATE THE HOLDING OF CONCERTS AND SPECIAL EVENTS WITHIN THE CITY; TO PROVIDE FOR PERMITTING; TO PROVIDE GENERAL OPERATING REGULATIONS; TO PROVIDE FOR THE REVOCATION OF CONCERT AND SPECIAL EVENT PERMITS; TO PROVIDE FOR EXEMPTIONS; TO PROVIDE FOR INSPECTIONS OF PREMISES FOR CONCERTS AND SPECIAL EVENTS; TO PROVIDE FOR PENALTIES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Council of Garden City, Georgia, and it is hereby ordained by the authority thereof that:

Section 1. Mayor and Council hereby amend the Code of Ordinances of Garden City, Georgia, by adding the following Chapter 11 to such Code entitled "Concerts and Special Events" which shall read as follows:

"CHAPTER 11 - Concerts and Special Events"

Section 11.1 Definitions.

For purposes of this Chapter, certain words shall have the meanings assigned below.

- (a) *Concert.* Any entertainment, activity, amusement, gathering or assembly of persons within the City, whether on private or public property and whether or not an admission fee is charged, where there will be presented as the primary source of entertainment live or recorded musical entertainment, and which the promoter thereof has reason to believe will attract fifty (50) or more persons or which does in fact attract fifty (50) or more persons. "Concert" as defined herein includes but is not limited to dances and dance exhibitions.
- (b) *Promoter.* Any natural person, association, partnership, firm, corporation, joint venture or any other legal entity whatsoever, who initiates, organizes, promotes, permits, conducts, causes to be advertised, or otherwise brings about a concert or special event.
- (c) *Special Event.* Any outdoor entertainment, activity, amusement, gathering or assembly of persons within the City, whether on private or public property and whether or not an admission fee is charged, and which the promoter thereof has reason to believe will attract fifty (50) or more persons or which does in fact attract fifty (50) or more persons. "Special event" as defined herein includes but is not limited to fairs, festivals, foot runs, bicycle runs, car shows, car exhibitions, motorcades, parades, and any and all other outdoor entertainment, activity, amusement, gathering or assembly of persons that will affect

the ordinary use of public streets, rights-of-way, sidewalks, or otherwise will be noncompliant with normal and usual traffic or noise regulations or controls.

Section 11.2 Permit required.

- (a) It shall be unlawful for any promoter to initiate, organize, promote, permit, conduct, cause to be advertised, or otherwise bring about a concert or special event unless the promoter first obtains a permit pursuant to this Chapter. The promoter obtaining or seeking to obtain a permit under this Chapter is hereinafter referred to as "permittee" or "applicant." A separate permit shall be required for each concert and special event.
- (b) The requirement that a permit shall be obtained is in addition to any other permits or licenses required by the State, this Code, City Council or any department, board, agency or commission of the City.
- (c) No such permit shall be transferable.

Section 11.3 Application requirements.

The promoter of a concert or special event shall make written application for a permit to conduct and operate the concert or special event to the Chief of Police. The application shall be submitted ten (10) business days or more prior to the date upon which the concert or special event is to be or may be held. Each application shall contain the following:

- (a) The name, age, residence, telephone number, and mailing address of the applicant. Where the applicant is a association, partnership, firm, corporation, joint venture or any other legal entity, this information shall be provided for the partners, officers and directors who will be the designee(s) for the association, partnership, firm corporation, joint venture or other legal entity.
- (b) The name and mailing address of the owner of the premises, if other than the applicant.
- (c) The exact location of the premises on which the concert or special event is to be presented, including the location of an' assemblage area, disbanding area, and parking area.
- (d) The date and hours during which the concert is to be presented, including the dates and hours of assemblage and disbanding.
- (e) An estimate of the minimum and the maximum number of persons expected to attend the concert or special event.
- (f) A description of all loudspeakers and sound equipment to be used and the estimated intensity of the sound, in decibels, at the boundary of the property on which the concert or special event is to be presented.

- (g) Such other reasonably specific and objective information pertinent to the event as the Chief of Police finds is reasonably necessary and required in order to determine whether or not the permit should be granted.

Section 11.4 Permit approval; denial; conditions for issuance.

- (a) Within five (5) business days after an application is filed, the Chief of Police shall approve or deny the application. Failure by the Chief of Police to act within that period shall constitute approval of the application. In approving an application, the Chief of Police may set conditions prerequisite to the issuance of a permit and shall, as a minimum, require the following of all applicants:
 - (1) Security personnel. The applicant shall employ at his own expense such security personnel as are necessary and sufficient to provide for adequate security and protection of the maximum number of persons expected to attend the concert or special event and for the preservation of order and protection of property in and around the site of the concert or special event. The required number of security personnel as well as the organization providing security shall be determined by the Chief of Police whose decision shall be final.
 - (2) Fire protection. The applicant shall at his own expense take adequate steps as determined by the fire marshal to ensure fire protection.
- (b) Any other conditions imposed by the Chief of Police as a prerequisite to the issuance of a permit shall be reasonably calculated to protect the health, safety, welfare and property of persons attending the concert special event or of the citizenry in general. If such other conditions are imposed as a prerequisite to the issuance of a permit or where an application is denied, within three (3) days of such action, notice thereof shall be mailed to the applicant by certified mail and, in the case of denial, the reasons therefore shall be stated in the notice.
- (c) The Chief of Police may, in his or her discretion, require proof that the applicant has insurance, with limits of coverage, as determined by the Chief of Police, adequate for the risks associated with the concert or special event and to support the applicant's indemnity obligations to the City.
- (d) A permit may be denied if:
 - (1) The applicant fails to comply with any requirements of this Chapter, or with any conditions imposed pursuant hereto, or with any other applicable provision of state or local law, rule or regulation.

- (2) The applicant has knowingly made a false misleading or fraudulent statement in the permit application or in any supporting document.
- (3) The applicant applying lacks authority to represent the entity for which application is made.
- (4) A permit has been granted to an earlier applicant for the same time and place.
- (5) The applicant or entity represented by the applicant has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature.
- (6) The applicant or entity represented by the applicant has on prior occasions damages City property in connection with events of a substantially similar nature and has not paid for the damages.
- (7) The plan of the concert or special event as proposed is likely to present a danger to the health or safety of participants in the concert or special event or other members of the public.
- (8) The plan of the concert or special event as proposed is likely to cause a disturbance of the peace, is likely to burden lawful commerce in the area at the time of the proposed concert or special event, or is likely to intrude upon the privacy or property of citizens in the area at the time of the proposed concert or special event.
- (9) The plan of the concert or special event as proposed is likely to require the diversion of so many public employees that allowing the event would unreasonably deny services to the remainder of the City.
- (10) The plan of the concert or special event as proposed is likely to require the diversion of so great a number of ambulances that allowing the event would unreasonably deny services to the remainder of the City.
- (11) The plan of the concert or special event as proposed is likely to disrupt traffic within the City beyond practical solution.
- (12) The applicant refused to sign the permit indicating his or her willingness to abide by or comply with the provisions of this Chapter and the conditions set forth in the permit.

Section 11.5 General operating regulations.

The following operating regulations shall be enforced by the permittee:

- (a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be operated in such manner as to be plainly audible across property boundaries at a distance of one hundred (100) feet from the building, structure or premises on which it is located.
- (b) No concert or special event shall be presented between the hours of 11:00 p.m. and 9:00 a.m.
- (c) Concerts or special events operating without a permit under this Chapter based on a reasonable anticipation of less than one hundred (100) persons in attendance shall limit attendance to ninety-nine (99) persons and printed tickets, if utilized, shall not number more than ninety-nine (99).
- (d) The burden of preserving order during the concert or special event is upon the permittee.

Section 11.6 Revocation of permit.

All permits issued pursuant to this Chapter are temporary and do not vest any permanent rights. Upon the occurrence of (a) any violation of one or more of the requirements of this Chapter, (b) a violation of one or more of the terms and conditions of a permit issued hereunder, or (c) events which would have served as a basis for denying a permit under Code Section 11-4(d), the permit may be summarily revoked by the Chief of Police or his designee. The permit may be revoked at any time prior to the conclusion of the concert or special event. Upon revocation of the permit, the permittee shall immediately terminate the concert or special event and provide for the orderly and immediate dispersal of those in attendance.

Section 11.7 Appeal of denial of application or conditions of approval for permit.

- (a) Any applicant aggrieved by the actions of the Chief of Police in the denial of an application or the imposition of conditions of approval of an application for a permit under this Chapter shall have the right to appeal to the City Manager. The appeal shall be taken by filing with the Clerk of Council within ten (10) days after notice of the City Manager's decision regarding denial or conditions of approval, a written statement setting forth fully the grounds for appeal. The Clerk of Council shall forthwith notify the City Manager, who shall schedule a meeting and shall give notice of such meeting to the applicant.
- (b) After the meeting, City Manager may affirm or revoke the Chief of Police's decision with respect to denial of the permit and may affirm, modify or waive those conditions of approval which, in its opinion, are impractical or would result in severe hardship to the applicant; provided, however, that the provisions of Code Sections 11.4 (a)(1) and (2), herein cannot be waived.

Section 11.8 Exemptions.

- (a) The provisions of this Chapter shall not apply to any concert or special event sponsored or co-sponsored by the United States, the State of Georgia, Chatham County, or the City where such event is conducted on publicly owned land or property.
- (b) Private social gatherings, neighborhood block parties and neighborhood parades conducted on private property at a private residence or primarily on subdivision streets within the neighborhood and which will make only limited use of other city streets may be exempted from this Chapter. However, no such event is exempted and no such event shall be held unless and until a permit application has been filled out and a subsequent exemption letter for such event has been obtained from the Chief of Police.
- (c) Religious services sponsored by any church, synagogue, mosque, or other religious institution located within the City are exempted from this Chapter. No exemption letter is required to conduct religious services, regardless of whether the services would otherwise constitute a concert or special event.

Section 11.9 Permit fee.

The Chief of Police may develop a permit fee schedule based upon the size of the concert or special event provided that the fee schedule is reasonably related to any actual costs likely to be imposed on the City by the concert or special event and provided that the fee is not established or exercised as a revenue raising tool.

Section 11.10 Permit deposit.

The Chief of Police may develop a clean-up and security deposit schedule based upon the size of the concert or special event provided that the deposit schedule is reasonably related to any actual costs likely to be imposed on the City by the concert or special event. The Chief of Police may adjust the security deposit required of an applicant based upon past violations of permits or past violations of this Chapter by the applicant or the entity represented by the applicant.

Section 11.11 Deposit return.

The permittee shall clean and return all public property to its previous condition with twenty-four (24) hours of the scheduled conclusion of the concert or special event. If the permittee fails to complete the clean-up within (24) hours of the scheduled conclusion of the concert or special event, the City may perform the clean-up. If the City performs the clean-up or otherwise incurs any costs related to the concert or special event, including but not limited to costs incurred by the need to deploy security or law enforcement beyond that provided by the permittee, the permit deposit shall be forfeited. Where applicable, deposits shall be returned within seven (7) days after the scheduled conclusion of the concert or special event.

Section 11.12 Inspections; right of entry.

The City Manager, or his authorized agents or representatives, shall have the power to enter a concert or special event upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter or of terms and conditions imposed pursuant thereto.

Section 11.13 Indemnity.

As a condition of the issuance of the permit, each permit shall contain a condition that the permittee shall hold the City harmless and shall indemnify the City, its officials and employees from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the concert or special event, except for any claims arising solely out of the grossly negligent acts of the City, its officials and employees.

Section 11.14 Limitation of liability.

This Chapter shall not constitute a waiver of sovereign immunity, create rights in any third party, or impose upon the City or its officials or employees any liability or responsibility for any injury or damage to any person or property arising out of the concert or special event for which a permit has been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility for any reason of inspections performed, the issuance of any permit, or the approval of the use of any City right-of-way.

Section 11.11 Penalties.

Any person violating any of the provisions of this Chapter or violating the terms and conditions of a permit granted pursuant to this Chapter shall be guilty of an offense against the City, punishable upon conviction by the municipal court as set forth in Section 1.13 of this Code.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

ADOPTED THIS 19th day of May, 2014.


RHONDA FERRELL BOWLES
Clerk of Council

RECEIVED AND APPROVED THIS 19th day of May, 2014.

Tennyson Holder
TENNYSON/HOLDER
Mayor

Read first time: 5/19/14

Read second time and passed: 5/19/14