

TITLE 11 SPECIAL EVENTS

AN ORDINANCE OF THE MAYOR AND COUNCIL OF
THE TOWN OF GAY, GEORGIA TO ADOPT TITLE 11 –
SPECIAL EVENTS AS AN INDIVIDUAL ORDINANCE TO
REPEAL CONFLICTING ORDINANCES AND FOR OTHER
PURPOSES.

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Chapter 1 General Provisions

Sec. 11-1-1. Title authority.

This chapter shall be known and may be cited as the Town of Gay Special Events Ordinance.

Sec. 11-1-2. Purpose.

The town council recognizes the impact that special events have on the availability of town and county services and the town council further recognizes the dangerous nature of fireworks to the health safety and welfare of the citizens of Gay, Georgia, and therefore adopts this procedure to license and regulate activities of this nature.

Sec. 11-1-3. Definitions.

The following words, terms, and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, except where the context clearly requires otherwise.

Town means the Town of Gay, Georgia.

Consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87- 1, and additionally shall mean Roman candles. [Cross Reference: O.C.G.A § 25-10-1]

As used in this chapter, the terms "consumer fireworks" or "fireworks" shall not include:

- (a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps; nor shall the term "consumer fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and hunting purposes; and
- (b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less or multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party peppers, string peppers, snappers, and drop pops each consisting of 0.25 grains or less of explosive mixture.

Consumer fireworks retail facility shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

Consumer fireworks retail sales stand shall have the same meaning as provided for by NFPA 1124.

Demonstration means lawful picketing.

Distributor means any person, firm, corporation, association, or partnership which sells consumer fireworks.

Fair means any event which involves but not limited to vendors, crafters, retailers, food vendors, amusements and entertainment located on private or public property for a specific time period.

Film production means any individual, organization or company conducting filming for public distribution or private use that involves the use of a film crew and/or involves the continuous use of a location.

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any

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explosive or flammable compound and tablets and other devices containing an explosive substance. [Cross reference: O.C.G.A. § 25-10-1]

NFPA 1124 means the National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.

Nonprofit organization or group means any entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14 of the Georgia Nonprofit Corporation Code, or a sponsored organization of a public or private elementary or secondary school in this state, with a physical address in Meriwether County, Georgia. [Cross reference: O.C.G.A § 25-10-1]

Parades, marches, and processions means a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles or ten or more persons or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the town.

Proximate audience means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, Code for Fireworks Display, as adopted by the Safety Fire Commissioner. [Cross reference: O.C.G.A § 25-10-1]

Pyrotechnics means fireworks. [Cross reference: O.C.G.A § 25-10-1]

Road race means any race on public rights-of-way that require the closing of such rights-of-way or otherwise impedes the flow of normal traffic.

Special event, as used in this article, means:

- (a) Any activity which occurs upon private or public property that will affect the ordinary use of parks, public streets, rights-of-way, sidewalks, or otherwise impacts the delivery of public safety services.
- (b) Any activity which causes an increase of more than 100 percent in average daily trips on any public street within the town.
- (c) Special events include, but are not limited to, film production, races, parades, art festivals, fairs, concerts, holiday celebrations, bicycle runs and block parties. Private social gatherings which will make no use of town streets other than for lawful parking are not included. Garages sales, lawn sales, rummage sales, or any similar casual sale of tangible personal property are not included.

Special event permit means the permit required by section 11-2 of this title.

Vendor means any persons or persons who engage in the sale to the public of any food or food products including beverages, goods, services, or merchandise of what ever nature from any location, either mobile or stationary, on a temporary itinerant basis in connection with a special event.

Chapter 2 Permits

Sec. 11-2-1. Permit 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 the Town of Gay without having obtained a valid permit for such event.

Sec. 11-2-2. Exceptions.

This title shall not apply to:

- (1) Funeral processions.
- (2) Weddings, less than 500 in attendance. Attendance of more than 500 requires a permit.
- (3) Activities of, or sponsored by, a governmental agency that do not require the closing of any street,

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roadway, rights-of-way or sidewalk.

- (4) Any bona fide athletic event or contest which is scheduled and sponsored by any bona fide elementary, secondary, or high school situated within the county of Meriwether so long as during such special event no fireworks shall be used, exploded, or displayed and that does not require the closing of any street, roadway, rights-of-way or sidewalk.
- (5) The provisions of this title shall not apply to film activities for the purpose of news media.
- (6) Small free to the public live outdoor performances during normal business operating hours.
- (7) Lawful picketing - Lawful picketing shall be conducted off the street or roadway and not in a manner as to obstruct vehicular or pedestrian traffic.

Any lawful picketing which crosses, traverses, or is otherwise conducted in or upon any street, roadway, rights-of-way or sidewalk shall not be exempted from the permit requirement.

Sec. 11-2-3. Permit application.

The town clerk or his/her designee shall be in charge of administering this title and coordinating the application process. The town clerk shall immediately upon receipt, forward applications received to the town mayor, or his/her designee for review.

Any person seeking the issuance of a special events permit shall file an application with the town clerk, located at the Gay Town Hall, 19125 Hwy 85, Gay, Georgia 30218. Applications are also available on the town's website. The town clerk has the authority to approve special events permits, unless it is determined to be controversial or out of the ordinary, at which time the application will be reviewed and approved by the town council.

- (1) *Filing period.* An application for a permit (that does not involve closing of a street, roadway, rights-of-way or sidewalks) shall be filed not more than 180 days and not less than 45 days before the date and time which the proposed special event is to take place. However, for just cause, the town mayor may waive the minimum 45-day filing period and accept an application filed within a shorter period if, after consideration of the date, time, place and nature of the special event, the number of participants and the necessity for town or county services which will be required in connection with the special event, the town mayor reasonably deems it appropriate to waive the filing period.
 - a. Special events, media productions and fairs that require or request closing of public streets will require town council or county approval, subject to the town and county's road closure policy. Such permit applications must be submitted no less than 90 days in advance.
 - b. If the proposed special event is associated with freedom of speech or demonstration (and requires no closure of a street, roadway, rights-of-way or sidewalk) the minimum filing period is seven days in which case the application shall be walked through the review process by the applicant.

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- (2) *Contents.* The application for a permit shall set forth the following information and such other information as may be reasonably required:
- a. The name, place of residence, mailing address and telephone number of the person applying for the permit.
 - b. If the event is to be conducted for, on behalf of, or by an organization the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization must be provided.
 - c. The name, place of residence, mailing address and telephone number of the individual person responsible for conducting the event.
 - d. The dates and times scheduled for the event.
 - e. The exact location/street address of the event. (Attach copy of rental/lease agreement or land use agreement if property is owned by someone other than the applicant.)
 - f. A detailed plan/layout of the event (to include placement of tents, chairs, tables, stages, port-a-johns, dumpsters, etc.) If event involves the closing of a street, roadway, rights-of-way or sidewalk - a detailed layout of the route to be taken (including starting and ending point), roads involved, dates, times and length of times roads will need to be closed, whether or not a full road closure is needed or if a rolling closure can be done, and the purpose of closing the road must be submitted with application.
 - g. The nature and types of activities that will occur, as well as stating how trash disposal and access to toilets will be handled. If event is scheduled to last two hours or longer, the entity filing the special event permit application is required to provide a sufficient number of port-a-johns for event attendees to be determined by the town. Said entity is also responsible for the disposal of trash generated by their event. The determination of whether port-a-johns and trash dumpsters are required and the number of port-a-johns and size of dumpster's rests solely with the town, with the reservation and costs of such provisions being the sole responsibility of the special event permit applicant.
 - h. The approximate number of spectators and participants present or participating in the event.
 - i. The purpose of the event.
 - j. If the event is a parade, the following additional information shall be required.
 1. The exact location of any marshaling or staging areas for the parade.
 2. The time at which units of the parade will begin to arrive at the staging areas, and the times at which all such units will be dispersed therefrom.
 3. The exact route to be traveled, including the starting point and termination point.
 4. The approximate number of persons, animals and vehicles which will participate in the parade, including a description of the types of animals and vehicles to be used in the parade.
 5. A statement as to whether the parade will occupy all or only a portion of the width of the street, roadway, or sidewalks to be used.
 6. A designation of any public facilities or equipment proposed to be utilized.

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- k. Attachment of all authorizations required by any other governmental agency possessing jurisdiction over the event—including but not limited to:
 - 1. Temporary food service permit (Meriwether County Environmental Health) (if required).
 - 2. Sign permit (Town of Gay).
 - 3. Alcohol license (State of Georgia; Town of Gay).
 - 4. Fireworks license (State of Georgia) and permit (Meriwether County Probate Court).
 - 6. Any other permit or license or authorization as may be required.
- l. The application shall be signed by the applicant.

Sec. 11-2-4. Application fee; permit fee; cost analysis.

(1) *Permit fee.*

- (a) Cost analysis. The town clerk or designee shall send copies of special event applications to the mayor and/ or town council. The town clerk or his designee shall compile the figures and give in writing to the applicant the final cost of the permit fee (to include any town facilities/town or county personnel fees) as soon as practicable but not later than ten business days after the completed application has been received.
- (b) Permit fee. The permit fee and all applicable rental fees shall be paid in full prior to issuance of a permit as prescribed by the Town of Gay, Georgia Consolidated Fee Schedule.
- (c) 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 if the applicant fails to notify the town of an event cancellation no less than ten days prior to the date of the event. The cancellation notice must be in writing to the town clerk. 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.
- (d) All applicable fees shall be made payable to and through the town.
- (e) All associated fees can be found in the Gay Consolidated Fee Schedule. The town shall maintain a consolidated fee schedule for permits, licenses and other town fees, charges and costs. Unless otherwise indicated, the amount of any fees, charges and costs imposed by the town, including, but not limited to, those set forth in the town's consolidated fee schedule, shall be established from time to time by action of the town council, as it deems necessary. A copy of the consolidated fee schedule shall be kept in the office of the town clerk, be made available for public examination during normal working hours and posted on the town's website for public view at any time.
- (f) The fees required in this article shall be in addition to any other fees which may be required by any other applicable ordinances or regulations.

(2) *Fee exemptions*

- (a) All non-profit or religious organizations shall be exempt from the payment of fees if the special event does not involve fireworks, a parade, the use of town facilities or the use of town personnel. A copy of the 501c3 form must be provided.
- (b) Activities of or sponsored by a governmental agency shall be exempt from the payment of fees if the special event does not involve fireworks, a parade, the use of town facilities or the use of town personnel.

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- (c) Any bona fide athletic event or contest which is scheduled and sponsored by any bona fide elementary, secondary, high school or college situated within the county shall be exempt from the payment of fees if the special event does not involve fireworks, a parade, the use of town facilities or the use of town personnel.

Chapter 3 Fireworks

No governing authority or official of the town or other political subdivision shall be responsible for any decisions made pursuant to this Code section.

Sec. 11-3-1. Commercial Fireworks displays.

No person, firm, partnership, association, or corporation shall expose, use, or ignite or cause to be ignited any commercial fireworks unless a license shall first have been obtained from the State of Georgia Safety Fire Commissioner and a permit has been obtained from the Meriwether County Probate Court.

- (a) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks not before a proximate audience or before a proximate audience shall first obtain a permit as required by state law as now or hereafter amended. [Cross Reference: O.C.G.A § 25-10-3.2 and 25-10-4]
- (b) A copy of the following documents must be submitted with the special event permit application to the town fire chief, or designee:
 - (1) State license as issued by the State of Georgia Safety Fire Commissioner.
 - (2) A copy of the permit issued by the Meriwether County Probate Court.
 - (3) A certificate of liability insurance.
 - (4) The firework company's contact name, address, and phone number.
 - (5) A detailed listing of the type and quantity of fireworks to be used.
 - (6) A detailed written statement outlining all appropriate safety procedures which will be used at the fireworks display to protect the safety of the public and all surrounding property, and the number of town personnel necessary for the event.
 - (7) A detailed written statement describing what facilities and containers will be used to store fireworks.
 - (8) If applicable, the applicant's federal license number for transporting fireworks across state lines. A detailed list of the names, addresses, occupations, and backgrounds of all individuals who will be responsible for the actual display, use, ignition, or explosion of any fireworks. The background statement should include a complete history of the experience of the individuals involved with respect to their use of fireworks, including a detailed list and explanation of each and every accident resulting from the use of fireworks which the individuals have been responsible for or involved in.
 - (9) It shall be unlawful to use fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1 indoors or within the right of way of a public road, street, highway, or railroad of this state. [Cross Reference: O.C.G.A § 25-10-2]

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Sec. 11-3-2. Consumer Fireworks displays.

- (1) It shall be lawful for any person 18 years of age or older to use or ignite or cause to be ignited or to possess, transport, or store consumer fireworks that are considered legal in the state of Georgia.
- (2) It shall be lawful for any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited any consumer fireworks anywhere in this state except:
 - a. As provided for under state law.
 - b. In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks;
 - c. Within 100 yards a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons for the purpose of retail sale; or a facility engaged in the production, refining, processing, or blending of any flammable or combustible liquids or gases for retail purposes; any public or private electric substation; or a jail or prison;
 - d. Within 100 yards of the boundaries of any public use air facility under Title 6 of Georgia Law or any public use landing area or platform marked and designed for the landing use by helicopters;
 - e. Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the town, except pursuant to a special use permit that has been granted by the town;
 - f. Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the state, except pursuant to any rules and regulations of the agency or department having control of such property which may allow for such use or ignition of consumer fireworks;
 - g. Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 13 of Georgia Law; provided, however, that an owner or operator of such facility may use or ignite or cause to be ignited consumer fireworks on the property of such facility or may grant written permission to any person, firm, corporation, association or partnership to use or ignite or cause to be ignited consumer fireworks on the property of such facility [Cross Reference: O.C.G.A. § 25-10-2]; or
 - h. While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in state law. [Cross Reference: O.C.G.A § 25-10-2.1].

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- (3) Any person, firm, corporation, association, or partnership may use or ignite or cause to be ignited any consumer fireworks for the amusement of the public or special event, must obtain a special events permit and shall designate the time or times and location that such person, firm, corporation, association, or partnership may use or ignite or cause to be ignited such consumer fireworks.
- (4) Whenever the governor issues a declaration of drought, the governor may, for the boundaries of the area covered by such declaration, enact further regulations and restrictions concerning the use of consumer fireworks than provided for under this chapter; provided, however, that no such further regulations or restrictions on the use of consumer fireworks shall be effective pursuant to this subparagraph on January 1, July 3, July 4, or December 31 of any year; provided, further, that such further regulations or restrictions shall only apply to the exact boundaries of the area covered by such declaration and shall only apply with regard to the ignition of consumer fireworks; and provided, further, that upon expiration or conclusion of such declaration, such further regulations or restrictions shall be rescinded by law.

State law reference(s)—The use of fireworks is governed by State Law, O.C.G.A. Title 25, Chapter 10 Regulation of Fireworks.

Chapter 4 Parades, Marches, Processions

Sec. 11-4-1. Parades, marches and processions.

Parades, marches and processions shall be considered special events as defined in this title and shall require issuance of a permit subject to the fees and conditions contained in this article and as specified in the subsections below.

- (1) Prohibited without permit. It shall be unlawful for any person to be a part of or to engage in any parade, march, or procession or to march, parade or proceed along any street or sidewalk in the town as a part of or a party to such parade, march, or procession without having first obtained a written permit from the town clerk or his designee for the holding of such parade, march or procession.
- (2) Application for permit as prescribed in section 11-2.
- (3) Police vehicle to precede parades, marches and processions. All parades, marches and processions through the streets of the town shall be preceded by a police vehicle and conducted in such manner as to impede and interfere with the flow of traffic to the least possible extent.
- (4) If the special event is a parade and if the parade will traverse a state or federal highway the persons or organization must also have a permit from the Georgia Department of Transportation; there must be 90 days' advance notice for state permits. Application for permits must be submitted to the chief of police before going to state headquarters.
- (5) This section does not apply to funeral processions which are exempt from the special events ordinance.

Chapter 5 Protection and Emergency Services

Sec. 11-5-1. Police protection.

After obtaining the above information, the mayor and/or town council shall determine whether and to what extent additional police protection will be required for the event for purposes of traffic, crowd control and

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security. If additional protection for the event is deemed necessary, the town shall so inform the applicant for the permit. The applicant then shall have the obligation to secure protection acceptable to the town at the sole expense of the applicant and shall pay the expenses of such protection as required. The town 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 town.

Sec. 11-5-2. Fire protection and emergency medical services.

- (1) After receiving notification of the intended event, the county fire chief shall make a determination as to the need for on-site fire watch or emergency medical personnel. The county fire chief shall consider such factors as the location, number of anticipated participants, spectators, and the type of event, including the application of appropriate codes and ordinances. If fire watch and/or emergency medical personnel for the event are deemed necessary by the county fire chief, he shall so inform the applicant. The applicant shall have the obligation to secure fire watch and/or medical personnel reasonably acceptable to the county fire chief at the sole expense of the applicant and shall pay the expenses of such protection as required. The fire chief 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 fire/EMS services may be used by the applicant with approval of the fire chief or his designee. The fire chief may designate someone to act on his behalf regarding any portion of this section.
- (2) 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.

Chapter 6 Permit Issuance

Sec. 11-6-1. Standards for permit issuance.

The town clerk, or his/her designee, shall issue a permit as provided herein upon receipt of verification from the town clerk that the following standards for issuance of the permit have been substantially satisfied or found not applicable to the requested permit:

- (1) The conduct of the event will not substantially interrupt the safe and orderly movement of other pedestrians or vehicular traffic in or contiguous to the route or location of the event.
- (2) The conduct of the event will not require the diversion of so great a number of public safety personnel or equipment of the town to properly secure the event area and the areas contiguous thereto as to prevent the current level of public safety services from being furnished to other parts of the town.
- (3) The event shall not take place until inspections by concerned departments that are deemed necessary, i.e., fire, health, and sheriff have been conducted and a determination has been made that all codes and ordinances have been met and satisfied.
- (4) The concentration of persons, animals and/or vehicles at the event will not unduly interfere with proper fire and police protection or ambulance service to areas contiguous to the event area and other areas of the town.
- (5) The conduct of the assembly is not reasonably likely to cause injury or intended to cause injury to persons or property or to provide disorderly conduct as defined by state statutes, provided that under

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no circumstances may the building official deny a permit solely on the basis of the proposed content of speech or ideas of the group involved.

- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the event area and the applicant has agreed to clean the right-of-way or public property of rubbish and debris, returning it to its pre-event condition, within 24 hours of the conclusion of the event with the understanding that failure to do so will result in the town conducting the clean-up and charging the applicant with any and all costs associated with the clean-up. An extended clean-up period may be requested, but must be approved by the town clerk or mayor.
- (7) There are sufficient parking places near the event to accommodate the approximate number of automobiles reasonably expected to be driven to the assembly, such number to be estimated by the chief of police.
- (8) The applicant has secured police, fire and emergency medical services/protection, if any, required under this section and has prepaid the expenses therefore.
- (9) If the event is a parade, such parade is not to be held for the primary purpose of advertising any product, goods or event which is primarily for private profit, provided, however, that the prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used to conduct the event.
- (10) If an event sponsored by an institution or corporate entity is to take place in any publicly owned or controlled property, public liability and property damage insurance with the town named as an additionally insured party shall be obtained in an amount of no less than \$1,000,000.00 unless otherwise approved by the town risk manager.
- (11) If the event is a parade and if the parade will traverse a state or federal highway the persons or organization must also have a permit from the Georgia Department of Transportation; there must be 90 days' advance notice for state permits. Application for permits must be submitted to the chief of police before going to state headquarters.

Sec. 11-6-2. Standards for denial of permit.

Reasons for denial of a special event permit, as determined by the town include (but not limited to):

- (1) The event will disrupt traffic within the town beyond practical resolution.
- (2) The event will interfere with access to fire stations and/or fire hydrants.
- (3) The location of the special event will cause undue hardship to adjacent businesses or residents.
- (4) The event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the town.
- (5) The application contains incomplete or false information.
- (6) The applicant fails to comply with all terms of this article including failure to remit all fees and deposits or failure to provide proof of insurance/certificate of insurance, proof of authorization from applicable outside entities such as licenses or permits required by federal, state or county officials for alcohol licenses, food service, fireworks, bonds, and a save harmless agreement to the town.

Sec. 11-6-3. Notice of rejection.

Should the application be denied, the town clerk 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.

Sec. 11-6-4. Appeals.

Any applicant aggrieved shall have the right to appeal the denial of a permit or revocation of permit under section 11-14 hereof to the town clerk. 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 town clerk. The town clerk shall meet to hear the appeal within five business days of receipt of notice of such appeal unless circumstances warrant delaying the appeal hearing for a reasonable time thereafter and shall issue a decision on the appeal within 24-hours after said hearing, which requirement may be extended if the town clerk requires additional information or needs to seek legal advice, but shall be rendered as soon as practicable thereafter. Any appeal from the decision of the town clerk shall be forwarded to Gay Municipal Court and shall be filed within 30 days of the date on which the decision is rendered to the applicant.

Sec. 11-6-5. Notice of issuance or denial.

Immediately upon issuance of a permit or denial of a permit, the town clerk or his designee shall forward sufficient documentation to the following (or their designee):

- (1) The mayor and council.
- (2) The town clerk.

Sec. 11-6-6. Duties of permittee.

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

Sec. 11-6-7. Revocation of permit.

The town mayor, mayor pro-tem or 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.

Chapter 7 Indemnification

Sec. 11-7-1. 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 town 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. 11-7-2. 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 town, 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 town, its officers and employees.

Sec. 11-7-3. Construal of provisions.

Nothing in this chapter shall be construed so as to exempt the applicant or any other person from the requirements of the Georgia Code or any other applicable state or federal law.

Sec. 11-7-4. 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 Town of Gay. Each day such violation is committed or permitted to continue shall constitute a separate offense.

If, at the discretion of the town clerk or his designee, the town 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.

TITLE 11 SPECIAL EVENTS

The proposed new Title related to the permitting of Special Events including fairs, filming projects, and entertainment related events shall become effective upon the second reading and approval by the Mayor and Council.

So ordained this the _____ day of _____, 2023 by the Town of Gay, Georgia and executed by:

Ruth Nash, Mayor

Attested to by:

Sharon Richmond, Clerk (SEAL)

First Reading _____

Second Reading _____