

**COUNTY OF WALKER
STATE OF GEORGIA**

ORDINANCE NO. O-03-20

AN ORDINANCE ADDING ARTICLE VI TO CHAPTER 14 OF THE CODE OF WALKER COUNTY, GEORGIA REGARDING THE WALKER COUNTY BUSINESS CODE; ESTABLISHING A SPECIAL EVENTS PERMIT

WHEREAS, special event permits are in place across the state of Georgia and the United States, and there is in existence in counties neighboring Walker County a permitting system for special events; and

WHEREAS, consistent practice with communities of similar size lessens confusion for event planners and entrepreneurs; and

WHEREAS, information about the existence of special events occurring in unincorporated Walker County is necessary to safeguard public health and safety by providing for effective emergency preparedness and response;

THEREFORE BE IT HEREBY ORDAINED by the Walker County Sole Commissioner that the Code of Walker County Georgia is amended as follows:

ARTICLE VI: SPECIAL EVENTS PERMIT

Sec. 14-90. - Definitions:

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

Director: The Governing authority of Walker County, Georgia, or a designee for the administration of this article.

Producer: Any person, group of persons, organizations, association, club, or other entity responsible for planning, producing and conducting an event. See also section on Identification of Producer.

Sheriff: The Sheriff of Walker County, Georgia.

Special Event: The term “special event” or “event” shall mean any organized activity having as its purpose entertainment or recreation, such as a festival, celebration, foot race, bicycle race, vehicle race, horse race, barrel race, rodeo, concert, parade or march, film or television production, tour, 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 or may impact the health, safety or welfare of the public generally because of the nature of the assembly or the size of the assembly. The term “special event” or “event” does not include an organized activity having as its purpose entertainment, recreation or education which occurs on county or school board property or in the county public use buildings.

Vendor: Any person or persons or entity engaging in the sale to the public of any food or food products, including beverages, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis in connection with a special event. 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 business license ordinances 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. 14-91. - 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 Walker County without having obtained a valid permit for such event.
- (b) *Geographic limitation; responsibility for police 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 security and sanitation services within the boundaries of the event for a period of two hours past the conclusion of the event or until the area is cleared of all activities and structures related to such event.
- (c) *Time limitation.* 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. All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in a permit. 24 hours is permitted for clean-up. Exceptions may be considered by the director, or designee, on a case by case basis prior to the event.
- (d) *Site plan and 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 8.5 inches x 11 inches in size, and attached to the application for a permit.

Sketches must include traffic patterns, curb cuts, proposed parking plan and entrance/exit points for emergency vehicles. All public streets and/or sidewalks within and adjacent to such area(s) or public rights-of-way on which government services are impacted shall be clearly identified. The Fire Marshal requires that all entries, exits and fire lanes be maintained.

The director, 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.

- (e) *Maps for walks, runs, rides or races.* The producer of a special event such as a walk, run ride or race, 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 8.5 inches x 11 inches in size, showing the exact route of the course for the event.

Sec. 14-92. - Application; fee.

- (a) A producer of a special event shall make an application for a permit for such event at the Walker County Planning Office on a form prescribed by the director. Application forms may be obtained from the Planning Office.
- (b) An application for a special event shall be filed with the director at least 60 days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the event.
- (c) A nonrefundable *application* fee, as set in the Planning Office fee schedule, shall be paid at the time the application for a permit is filed. Such fee shall be payable to Walker County Planning Office.

Sec. 14-93. - 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 such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this article and other applicable laws.

Sec. 14-94. - Administrative review.

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

Sec. 14-95. - 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 director 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 article. A violation of such conditions or restrictions shall be deemed a violation of this article.

Sec. 14-96. - Final approval of permit; minimum review period.

- (a) The director 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.
- (b) A minimum of 30 working days shall be allowed for the administrative review of an application and the issuance of a permit.
- (c) The government 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 of the denial; on a written request by the producer for the reason(s) for the denial, the reason(s) for the denial shall be given in writing.
- (d) A special events permit is not transferable. The producer identified on the application is the responsible party for any event. Should the producer of record

no longer have an affiliation with a permitted event, a new permit with a new producer must be sought.

Sec. 14-97. - Emergency issuance of permit.

In extraordinary circumstances, the director 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. 14-98. - Permit fees.

- (a) The fee for a permit to conduct a special event shall be based on all services to be provided by the government for such an event and shall be equal to the estimated actual cost to the government to provide such services. The initial permit fee shall be aggregate of the estimated costs of such services calculated by each government department. The director may require a security bond be provided by a producer or a cash deposit, if he determines that a security bond or deposit is necessary to provide for unanticipated expenses in connection with the event. If, at the conclusion of the event, the cost of government services is greater than the initial payment, the producer of the event shall be billed for the difference. Failure to pay the outstanding amount within 30 days of the billing date shall be a violation of this article.
- (b) The initial permit fee must be paid in full at least five (5) business days prior to the date of the event.
- (c) The fees required in this section shall be in addition to the *application* fee and any other fees which may be required by any other ordinances or regulations that might be applicable.
- (d) No producer of any special event, except as otherwise provided for, shall be exempt from the payment of the appropriate fees and charges required under this article. The Board of Commissioners may exempt all or a portion of the fee upon petition of the producer.

Sec. 14-99. - Liability.

The producer of any special event shall indemnify and hold harmless the government of Walker County, Georgia, its officers, departments, constitutional officers,

employees and agents from liability of damages arising from any acts or omissions emanating from a special event. An indemnification and hold harmless agreement shall be filed with, and made a part of, the application form. The producer shall be responsible for providing all liability insurance that may be necessary for a special event. The county shall be designated as an additional insured. The minimum insurance requirement is set forth in the Special Event Permit application.

Sec. 14-100. - 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 for the application for a permit and in accordance with such conditions and limitations as shall be imposed by county, state and federal laws, rules, and regulations.
- (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 and to designate the location and activities of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the producer of the event. A list of authorized vendors should be provided to the Walker County Planning Office at least three (3) days prior to 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. The producer is responsible for providing all badges to vendors.
- (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 business license or vendor permit to operate during the period of the event, with the exception of vendors selling or serving beer, wine or distilled spirits. 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) *Exemption.* Whether or not approved by an event producer, a vendor that has been assigned a fixed location for the purpose of conducting business within Walker County may continue to engage in such business at that assigned location during any special event in accordance with other applicable laws.
- (g) *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 Walker 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. 14-101. - Glass containers prohibited.

The use of glass containers for consumption of food or beverage by attendees within the delineated boundaries of a special event shall be prohibited.

Sec. 14-102. - Law Enforcement Services.

Traffic and crowd control shall be provided by the Walker County Sheriff's Office at the producers expense. The number of officers and/or special arrangements shall be determined by the sheriff. The sheriff and his lawful deputies, and other law enforcement agencies including deputies not assigned to the special event, shall be allowed access to the special event property at all times.

Sec. 14-103. - Emergency Medical Services.

At the discretion of law enforcement and emergency services, an ambulance(s) may be required on site. If required, the producer is responsible for contracting with an ambulance service to provide this public safety provision.

Sec. 14-104. - Toilet facilities.

The director of the Walker County Planning Office, upon consideration of the health safety, and welfare of the attendees of the special event and the community, may

require the producer of a special event to provide temporary outdoor toilet facilities at any event. The number of toilets and their locations shall be determined by the director of the Walker County Planning Office.

Sec. 14-105. - Entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the community. Musical entertainment shall not commence before 10 a.m. and must cease before 11:30 p.m., unless granted a special exception by the director, or designee.

Sec. 14-106. - Fireworks.

Any producer of an event desiring to conduct a public exhibition or display of fireworks shall first obtain a permit from the judge of Probate Court in accordance with the provisions set forth under state law and county ordinances.

Sec. 14-107. - 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 director of the Walker County Planning Office and the Fire Marshal's Office.

Sec. 14-108. - Street closing.

The complete or partial closure of any street, sidewalk or public way of a special event shall be approved by the director in consultation with the sheriff and emergency services. As part of the application, the producer must submit a list of all closures being requested for their event.

Sec. 14-109. - Banners, signs, etc.

Temporary, non commercial 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 Walker County Planning Office 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 24 hours after the close of the event.

Sec. 14-110. - Duration of permit.

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

Sec. 14-111. - 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 a manner, The sheriff or his lawful deputies 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 sheriff or his lawful deputies to cease any activity, it shall be unlawful for such producer and/or participant to permit such activity to continue.

Sec. 14-112. - 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 of any public or private place. Any person, group or organization engaged in such activities are required to make an application as set forth in this ordinance. However, any such person, group, or organization shall be exempt from the permit requirements in section 14-91 and the fees set forth in section 14-92.

Sec. 14-113. - Funeral processions.

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

Sec. 14-114. - Sidewalk cafes; displays.

The provisions of this article shall not apply to any sidewalk cafes or displays as regulated by other laws or ordinances.

Sec. 14-115. - Punishment.

Any violation of the provisions of this article shall be punished as provided in the Official Code of Walker County, Georgia. In addition to the aforementioned fines, the court may impose court costs for each offense.

Sec. 14-116. - Special exclusions.

If held on their property, this article shall not apply to meetings or events of church or religious groups, civic clubs or organizations, or non-profit corporations which hold 501(c)(3) status.

- (a) Individual or community yard sales are exempt from the permit if they do not exceed four (4) days.
- (b) Children's lemonade stands, etc. are exempt from the permit.
- (c) Private parties hosted by an individual are exempt from the permit provided that no monies are exchanged.
- (d) County sponsored events are exempt from the permit.

APPROVED AND ADOPTED THIS 22nd DAY OF OCTOBER, 2020.

Shannon K. Whitfield
Sole Commissioner
Walker County, Georgia

ATTEST:

Rebecca Wooden
Clerk of Walker County, Georgia