

**CITY OF FORT OGLETHORPE  
STATE OF GEORGIA**

**ORDINANCE NUMBER 2021- 15**

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF FORT OGLETHORPE AN ORDINANCE TO REPEL AND REPLACE THE CODE OF ORDINANCES, CITY OF FORT OGLETHORPE, GEORGIA, CHAPTER 74, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE III, PARADES AND DEMONSTRATIONS, Sec. 74-71. SAID ORDINANCE TO GOVERN THE USE OF THE CITY'S STREETS, SIDEWALKS AND OTHER PUBLIC PLACES FOR PURPOSES OF PARADES AND ASSEMBLY FOR ALL REASONS; TO PROVIDE FOR PROVISIONS THEREIN AS AUTHORIZED BY STATE LAW; TO PROVIDE FOR MODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN ADOPTION EFFECTIVE DATE; AND, FOR ALL OTHER PURPOSES ALLOWED BY LAW.**

**WHEREAS** the duly elected governing authority of the City of Fort Oglethorpe, Georgia, is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia, the Official Code of Georgia Annotated Section 36-35-3, and the Charter of the City of Fort Oglethorpe, Georgia, to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Fort Oglethorpe, Georgia; and

**WHEREAS**, the Mayor and Council envision an improved methodology for application and administration of public use of the City's public ways and spaces for parades, assembly, and demonstrations; and

**WHEREAS** the duly elected governing authority of the City of Fort Oglethorpe, Georgia is vested in the City Council composed of a mayor and five council members; and

**WHEREAS**, this Ordinance shall repeal and replace the City of Fort Oglethorpe, Georgia, Chapter 74, Streets, Sidewalks, And Other Public Places, Article III, Parades and Demonstrations;

**Section 1:** The City of Fort Oglethorpe, Georgia, Chapter 74, Streets, Sidewalks, And Other Public Places, Article III, Parades and Demonstrations, Sec. 74-71, is hereby repealed in its entirety and replaced as follows:

**SEC. 74-71. – REGULATED.**

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

Director: The City Manager of the City of Fort Oglethorpe or his/her designee for the administration of this article.

Producer: Any person, group of persons, organization, association, club, or other entity

responsible for planning, producing, or conducting an event.

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, parade, foot race or vehicle race or show, music concert, 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 right-of-way's 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 City property in public use buildings.

Vendor: Any person or persons who engage 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.

(B) Every Producer who desires to use a public street, sidewalk, or right-of-way, or use private property that impacts government services on public right-of-way's 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 are hereby required to have a permit issued by the City for the privilege of engaging in such activity, unless such a permit is prohibited under state law, or the activity is

otherwise exempted by law, ordinance or other valid regulation. It shall be unlawful for any Producer, person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in the City of Fort Oglethorpe without having obtained a valid permit for such event.

(C) The City Manager shall designate a Director to coordinate the permit process to ensure all applications for special events are processed and presented to the Mayor and Council for approval and issuance of the permit in an efficient and timely manner. The Director may be assisted by other employees of the City.

(D) 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 police 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.

(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 8 1/2 inches 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) or public right-of-way's on which government services are impacted shall be clearly identified. 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.

(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 8 ½ inches x 11 inches in size, showing the exact route of the course for the walk or run.

(G) A Producer of a special event shall make application for a permit at least 90 days prior to the date the event is scheduled to occur at the office of the Director. However, no application shall be accepted earlier than one year prior to the date of the event. Application forms may be obtained from the office of the Director.

(H) A non-refundable application fee of \$50.00 shall be paid at the time the application for a permit is filed. Such fee shall be payable to the City by cash, money order, or cashier's check. The Producer may apply to the Council for a refund of the application fee after the Council considers all comments and conditions of the reviewing departments and agencies, certain conditions or restrictions as deemed necessary to facilitate the event, other laws or regulations, and/or the safety, health, and welfare of the community, as well as other information pertaining to the proposed event as described on the application.

(I) 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.

(J) 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. Each department of the City 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 City Council may impose such conditions or restrictions as a 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 ordinance.

(K) Final approval of permit; minimum review period. The Mayor and City Council shall approve or deny all applications for special event permits occurring in the City after considering all comments and conditions of the reviewing departments and agencies, certain conditions or restrictions as deemed necessary to facilitate the event, other laws or regulations, and/or the safety, health, and welfare of the community, as well as other information pertaining to the proposed event as described on the application, and after the payment of all applicable fees. The City shall either issue or deny the permit no later than 45 working days following the date the completed application is filed. If the permit is denied, the Producer shall be notified of the denial; on written request by the Producer for the reason(s) for the denial, the reason(s) for the denial shall be given in writing.

(L) Permit Fee: The fee for a permit to conduct a special event shall be based on all services to be provided by the City for such event, must be paid in full prior to the issuance of a permit and no later than 72 hours prior to the date of the event, and shall be equal to the estimated actual cost to the City to provide such services. The initial permit fee shall be the

aggregate of the estimated costs of such services calculated by each City 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 City 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. The fees required in this section shall be in addition to any other fees which may be required by any other ordinances or regulations that might be applicable. The Producer may request that the Permit Fees be waived by the Mayor and City Council after considering all comments and conditions of the reviewing departments and agencies, certain conditions or restrictions as deemed necessary to facilitate the event, other laws, or regulations, and/or the safety, health, and welfare of the community, as well as other information pertaining to the proposed event as described on the application,

(M) The Producer of any special event shall hold harmless the City of Fort Oglethorpe, its officers, departments, constitutional 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 liability insurance that may be necessary for any special event. The amount of liability insurance shall be based on the size of the event and shall designate the City as an additional insured.

(N) 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 and in accordance with such conditions and limitations as shall be imposed by county, state, and federal laws, rules, and regulations. 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. 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. 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 any nature, not authorized as a participant in the special event shall obtain the appropriate licenses and permits as required under other applicable ordinances. 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 25 yards of such event from one hour before until one hour after the special event.

(O) Traffic and crowd control shall be provided by the Police Department and the number of officers and/or special arrangements shall be determined by the Director in conjunction with the Chief of Police.

(P) The Director, 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 at which 200 or more persons are expected to be

in attendance. In addition, the number of toilets and their locations shall be determined by the Director.

(Q) Musical entertainment shall be provided in a manner consistent with the peace and good order of the community. Musical entertainment shall not commence before 10:00 a.m. and must cease before 11:00 p.m. 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.

(R) Temporary, noncommercial banners or signs maybe 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. 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.

(S) 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 this Ordinance. However, any such person, group or organization shall be exempt from the payment of fees set forth herein.

(T) 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 Chief of Police or his lawful officers 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 Chief of Police or his lawful officers to cease any activity, it shall be unlawful for such Producer and/or any participants to permit such activity to continue.

(U) 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.

## **Section 2:**

If any part of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this ordinance unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

## **Section 3:**

That this ordinance shall take effect on the 1<sup>st</sup> day of January 2022.

First reading this 23rd day of August, 2021.

Second reading this 13th day of September, 2021.

Official Public Hearing held @ 6:00 PM on the 27<sup>th</sup> day of September 2021.

Passed and adopted on the third and final reading this 27<sup>th</sup> day of September 2021.

  
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Earl Gray, Mayor

ATTEST:  
  
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Carol Murray, City Clerk