

**AN ORDINANCE TO AMEND THE CODE OF
ORDINANCES FOR TIFT COUNTY, GEORGIA
WITH RESPECT TO SPECIAL EVENTS AND FOR
OTHER PURPOSES.**

The **Board of Commissioners of Tift County, Georgia** hereby adopts an ordinance to better provide for the orderly implementation and planning for special events that impact public services provided by the County as follows.

SECTION 1. The following language is hereby adopted and set forth as part of the Code of Ordinances for Tift County, Georgia entitled, “Special Events”:

Section 1.1. Definitions.

(a) Special Event. The term “special event” or “event” shall mean any organized activity having as its purpose entertainment, recreation and/or education, such as a festival, carnival, or celebration, foot or vehicle race, concert, parade or march, rally, trade show, or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services.

(b) Producer. The term “producer” shall mean any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting an event.

(c) Vendor. The term “vendor” shall mean any person or persons who engage(s) in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature, from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way. The definition of vendor, as used in this ordinance, shall not be construed to include, or prohibit, a permanent business 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.

(d) County Manager. The term “County Manager” shall mean the County Manager of Tift County, Georgia, or his designee for the administration of this ordinance.

Section 1.2. Permit Required.

(a) Except for activities sanctioned or conducted by Tift County or the Cities of Tifton, TyTy, or Omega [including departments of these political subdivisions], 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 Tift County without having obtained a valid permit for such event.

(b) 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 and for a period of two (2) hours past the conclusion of the event or until the area is cleared of all activities and structures related to such event.

(c) 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.

(d) The outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8 ½ 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) shall be clearly identified. The County Manager, or designee, shall require as part of the approval for the event, that area(s) no less than five (5) 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) 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 x 11 inches in size, showing the exact route of the course for the walk or run.

Section 1.3. Application; Fee.

(a) A producer of a special event shall make application for a permit for such event at the office of the Clerk of the Tift County Board of Commissioners. Application forms may be obtained from the office of the Clerk of the Tift County Board of Commissioners or the Tift County Sheriff's Department.

(b) An application for a special event should be filed at least sixty (60) days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one (1) year prior to the date of the event.

(c) Except when waived by the County Manager, a non-refundable application fee of twenty-five dollars (\$25.00) shall be paid at the time the application for a permit is filed. Said fee shall be payable to Tift County by cash, money order, or cashier's check.

Section 1.4. 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 said individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this ordinance and other applicable laws.

Section 1.5. Administrative Review.

The County Manager shall cause the application to be circulated to each government department and/or other agency whose services the County Manager 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 County Manager in facilitating the event and services required.

Section 1.6. 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 County Manager 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 ordinance. A violation of such conditions or restrictions shall be deemed a violation of this ordinance.

Section 1.7. Final approval of permit; minimum review period.

(a) The County Manager 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 thirty (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 thirty (30) working days following the date the completed application is filed. If the permit is denied, the producer shall be notified in writing of the denial and the reason(s) for the denial.

Section 1.8. Emergency issuance of permit.

In extraordinary circumstances, the County Manager or his designee 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.

Section 1.9. Permit Fees.

(a) Except when waived or amended by a consensus of the Tift County Board of Commissioners, the fee for a permit to conduct a special event shall be based on all services to be provided by the government for such event and shall be equal to the estimated actual cost to the government to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services calculated by each government department. 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 thirty (30) days of the billing date shall be a violation of this ordinance.

(b) The initial permit fee must be paid in full prior to the issuance of a permit and no later than seventy-two (72) hours prior to the date of the event.

(c) 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.

(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 ordinance.

Section 1.10. Liability.

The producer of any special event shall hold harmless the Board of Commissioners of Tift County, its officers, employees and agents from liability for damages arising from any acts or omissions emanating from a special event. Proof of such indemnity shall be filed with, and made a part of, the application form. The producer shall be responsible for providing any and all other insurance that may be necessary for any special event.

Section 1.11. Vendors.

(a) Sales permitted. The sale of food, including the sale of beer and/or wine, or any merchandise or services of any type by a vendor may 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 a part of the application for a permit.

(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.

(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. Said identification shall be not less than three (3) inches by three (3) inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the producer of the event.

(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 vendors permit to operate during the period of the event.

(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 twenty-five (25) yards of such event from one (1) hour before until one (1) hour after the event.

(f) Food Sales. The vendor of any food, whether hot or cold, included as a part of a special event shall be subject to all rules and regulations of the Tift County Health Department. It shall be the responsibility of the producer of an event to assure compliance with this section by any such vendors.

Section 1.12. Sale of Beer and/or Wine.

Designated areas where beer and/or wine may be dispensed and consumed may be permitted only within the delineated boundaries of a special event subject to the following conditions:

(a) The dispensing of beer and/or wine shall not be permitted at any special event except by persons appropriately licensed for such sales.

(b) The producer of a special event shall have the discretion to provide special areas where beer and/or wine may be served by licensed persons within the delineated boundaries of the event.

(c) Whenever any event will include the dispensing and consumption of beer and/or wine, the producer of such event, at least forty five (45) days prior to the event, shall meet with appropriate staff members of the Tift County government as designated by the County Manager in order to review the plans, conditions and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the producer shall sign a statement of understanding of and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.

(d) A designated area within a special event where beer and/or wine is permitted shall be securely enclosed on all sides by a fence, barricade, or other similar such structure, approved by the Tift County Sheriff, or his designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted.

(e) Every designated area permitted under this section shall provide seating and food service for every person admitted to such area.

(f) The dispensing of beer and/or wine at any designated area shall be restricted to persons having a valid alcoholic beverage license to sell retail beer and/or wine by the drink. The name of such licensee(s) and the current license number, as such appear on the license, shall be required as a part of the application for a special event permit.

(g) The producer of the special event shall provide, at his/her own expense, at least one (1) security officer, approved by the Tift County Sheriff, or his designee, at each designated area approved for the consumption of beer and/or wine.

(h) Every area where beer and/or wine are consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following; at each entrance "The possession of alcoholic beverages allowed within the boundaries of this designated area only", and at each exit "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three (3) inches in height and one-half (1/2) inch in width and shall be in black letters on a contrasting light background.

(i) It shall be unlawful for patrons of any area(s) of a special event in which beer and/or wine is permitted to bring into or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and/or wine is permitted.

(j) It shall be unlawful for persons attending a special event to bring in or “brown bag” alcoholic beverages of any nature or description [including beer and wine] unless such permission is sought in connection with the application for permit and approved by the Tift County Board of Commissioners.

(o) The application for a special event at which beer and/or wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8 ½ x 11 inches in size clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and/or wine is proposed. However, no areas designated for the consumption of beer and/or wine shall encroach within the designated public circulation areas.

(p) The application for a permit for a special event at which beer and/or wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s). The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas as required in subsection (d) above.

(q) The fee for a permit to dispense and/or consume beer and/or wine at a special event shall be three hundred dollars (\$300.00) payable to Tift County, and shall be paid in addition to and remitted at the same time as any other fees provided for in this ordinance.

(r) Notwithstanding the provisions of this ordinance, any person dispensing and/or consuming beer and/or wine in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession, and consumption of alcoholic beverages.

Section 1.13. Trash Facilities. Glass Containers Prohibited.

The producer of a special event shall be required to provide temporary garbage and recycling collection facilities at any event at which existing permanent collection facilities are determined by the County to be inadequate. The number of collection stations and their locations shall be determined by the Tift County Code Enforcement Department. The producer shall be responsible for picking up litter, maintaining a trash-free environment, and tipping fees or other costs associated with disposal of garbage and trash. When determined by staff during the application review, the producer may be required to submit a refundable deposit of \$50.00 with the county to ensure facilities and grounds are adequately cleaned. Such deposit will be refunded as long as the producer complies with the requirements of this section.

The use of glass containers for individual consumption (i.e. beer bottles) within the area of any special event shall be prohibited. Larger glass containers (i.e. wine bottles) are allowed and should be disposed of at appropriate collection stations.

Section 1.14. Police Services.

Traffic and crowd control shall be provided by the Tift County Sheriff's Office and the number of officers and/or special arrangements shall be determined by the Sheriff or his designee.

Section 1.15. Toilet Facilities.

The producer of a special event shall be required to provide temporary outdoor toilet facilities at any event at which two hundred (200) or more persons are expected to be in attendance. The number of toilets and their locations shall be determined by the Tift County Code Enforcement Department.

Section 1.16. Entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the community. The producer of the event shall be responsible for full compliance with Tift County's noise ordinance.

Section 1.17. 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 the Tift County Probate Court in accordance with the provisions set forth under state law.

Section 1.18. 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 Department Head of the Tift County Code Enforcement Department.

Section 1.19. Road Closing.

The complete or partial closure of any street, sidewalk or other public way as a part of a special event shall be approved by the Tift County Public Works Director and Sheriff or his designee.

Section 1.20. Banners, signs, etc.

Temporary banners or signs may be permitted overhead across public roads or 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 Code Enforcement Department 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 forty-eight (48) hours after the close of the event.

Section 1.21. Duration of permit.

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

Section 1.22. 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 manner. The Tift County Sheriff or his designee 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 Tift County Sheriff or his designee to cease any activity, it shall be unlawful for such producer and/or participants to permit such activity to continue.

Section 1.23. 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 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 and conduct such activities in the designated area as specified in the special events permit. However, any such person, group or organization shall be exempt from the permit requirement and the fees set forth in this ordinance.

Section 1.24. Funeral Processions.

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

Section 1.25. Sidewalk cafes; displays.

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

SECTION 2. Effective Date.

(1) The effective date of this ordinance shall be _____, 200_.

(2) Any special event occurring after the effective date of this ordinance, although applied for prior to said date, shall be subject to all provisions of this ordinance.

SECTION 3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Adopted this ____ day of _____, 200_.

TIFT COUNTY BOARD OF COMMISSIONERS

by: _____
Grady Thompson, Chairman

Attest: _____
Glynda Hemby, Clerk

[SEAL]

APPROVED:

Charlotte Bedell, Vice-Chair

Donnie Hester, Commissioner

John Moody Huggins, Commissioner

Frankie Mathis, Commissioner

Fred Rigdon, Jr., Commissioner

Hugh Webb, Commissioner