

Not dated

**ORDINANCE TO ALLOW AND REGULATE SPECIAL EVENTS IN THE
COUNTY**

AN ORDINANCE OF THE GOVERNING AUTHORITY FOR EVANS COUNTY, GEORGIA, ADOPTING A NEW ORDINANCE DESIGNED TO ALLOW AND REGULATE SPECIAL EVENTS IN THE COUNTY; DEFINING WHAT CONSTITUTES A SPECIAL EVENT SUBJECT TO THE REGULATION; PROVIDING A PROCESS FOR APPLYING FOR AND OBTAINING A SPECIAL EVENT PERMIT AND PRESCRIBING THE CONDITIONS FOR ISSUANCE OF A PERMIT; ESTABLISHING AN APPLICATION FEE FOR THOSE SEEKING A SPECIAL EVENT PERMIT; PROVIDING A PROCESS FOR APPEALS OR DECISIONS DENYING OR CONDITIONALLY APPROVING AN APPLICATION FOR A SPECIAL EVENT AND FOR REVOCATION OF AN ISSUED SPECIAL EVENT PERMIT; PRESCRIBING VARIOUS CONDITIONS AND REQUIREMENTS THAT MUST BE SATISFIED IN CONDUCTING A SPECIAL EVENT; PROVIDING A PENALTY FOR A VIOLATION OF THE PROVISIONS GOVERNING SPECIAL EVENTS; TO REGULATE SPECIAL EVENTS IN A METHOD AND MANNER PROPERLY PROTECTING THE PUBLIC HEALTH, SAFETY, WELFARE, AND GOOD ORDER; TO PROTECT AND PRESERVE WITHOUT UNLAWFUL INJURY THE PUBLIC'S RIGHT TO ENGAGE IN CONSTITUTIONALLY PROTECTED ACTIVITY SUCH AS SPEECH AND ASSEMBLY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES, RESOLUTIONS, AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the County is increasingly approached with requests to conduct special events in the County to benefit and advance various commercial, cultural, and public causes;

WHEREAS, these kinds of events can enhance the image and reputation of the County, serve as a catalyst for economic development, and increase and enhance the public's cultural, education, and recreation opportunities;

WHEREAS, the County desires hosting and encouraging special events in the County and to provide an atmosphere and process by which to encourage and promote special events in the County;

WHEREAS, the County recognizes that special events may present various inconveniences to the public and that there is a need to regulate special events to minimize within the bounds permitted by law the possible adverse impact the events may have on the public and the County's various resources;

WHEREAS, the County has a compelling governmental interest in protecting property, public and private, as well as the public health, safety, welfare, and good order;

WHEREAS, the County also recognizes and supports the public's right to assemble publicly on public and private property for civic, charitable, religious, social, political, and commercial purposes and such other various purposes, including, but not limited to, assembly to engage in activities protected by the State and Federal constitutions;

WHEREAS, the exercise of these rights and engaging in activities in support thereof may in some instances place additional stress and strain on limited public resources, including, but not limited to, those intended to protect the health, welfare, safety, and good order of the public as well as those participating in an event or which may otherwise endanger the health, welfare, safety, and good order of the public or event participants;

WHEREAS, as a result of the various interests impacted by special events the County finds it necessary to establish procedures to accommodate the public's right to produce and engage in various special events and corresponding activities consistent with protecting and preserving property, public and private, as well as the public health, safety, welfare, and good order;

WHEREAS, to achieve these purposes without improper interference with constitutionally protected rights, decisions to issue, deny, or conditionally approve permits shall not be based on the content of a message associated with a proposed special event absent a compelling government interest and where such governmental action is the least restrictive means of achieving the legitimate result sought;

WHEREAS, in furtherance of the foregoing this ordinance seeks to impose reasonable time, place, and manner controls in an appropriate and limited manner upon those events for which a permit is required;

WHEREAS, upon due consideration the Governing Authority believes that Exhibit A attached hereto achieves these goals and objectives and should be adopted in pursuit of the County's authority under its Charter and all other applicable State and Federal law;

THE GOVERNING AUTHORITY SO ORDAINS AS FOLLOWS:

Sec. 1. That Exhibit A attached hereto is hereby adopted as the Evans County Special Event Ordinance.

Sec. 2. That the application fee required for special event permits is set at \$_____.

Sec. 3. To the extent a provision of this Ordinance or Exhibit A conflicts with any other provision of the County's Code of Ordinances, then the stricter of the conflicting provisions shall prevail.

Sec. 4. In the event a court of competent jurisdiction declares any word, phrase, clause, sentence, or paragraph of this Ordinance or Exhibit A attached hereto invalid, unenforceable, or unconstitutional, such ruling shall not affect the remaining words, phrases, clauses, sentences, and paragraphs of this Ordinance or Exhibit A, but the invalidated provisions shall be severed from the Ordinance or Exhibit A and the remaining contents shall stand with their validity in no way affected.

Sec. 5. This Ordinance and Exhibit A shall become effective immediately upon its adoption by the Governing Authority.

Eligibility for a temporary special event alcohol permit.

(a) A temporary special event alcohol permit may be issued to any person, firm or corporation for an approved special event. The person, firm or corporation must make application and pay the fee that may be required and shall be required to comply with all the general provisions and licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.

(b) Special event alcohol permits shall be obtained for the following:

(1) Events catered pursuant to the regulations established.

(2) The special event must meet the following criteria before the issuance of a permit to sell or distribute alcoholic beverages.

(3) The special event must receive approval from the sheriff's office on crowd control and security measures.

(4) The special event must receive approval from the sheriff's office on traffic control measures.

(c) The premises where the special event shall occur shall meet the distance from certain uses requirements.

(d) Any employee or volunteer of the special event permit holder, working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to obtain an employee permit for the special event. Employees or volunteers dispensing, selling, serving, taking orders or mixing alcoholic beverages must be 18 years of age or older. Employees of caterers must comply with the regulations and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.

(e) The sheriff's office or his designee may immediately revoke any temporary permit for a special event if continued alcohol sales may endanger the health, welfare or safety of the public.

(f) As a condition on the issuance of a temporary special event permit, the permit holder shall indemnify and hold the county harmless from claims, demand or cause of action that may arise from activities associated with the special event.

(g) The director of community development shall issue the temporary special event permit to the applicant upon compliance with the terms hereof.

(h) In the event that a special event alcohol permit is denied by the director of community development, the applicant may appeal the decision to the Board of Commissioners.