

**A RESOLUTION OF THE BROOKHAVEN CITY COUNCIL TO CREATE A SPECIAL  
EVENTS POLICY**

**WHEREAS**, the City of Brookhaven, Georgia (hereinafter, the "City") was duly incorporated on December 17, 2012; and

**WHEREAS**, a special events policy is critical for ensuring consistent processing of special event permits.

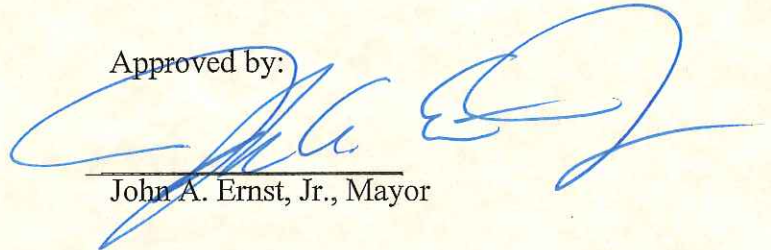
**NOW, THEREFORE BE IT RESOLVED**, that the attached policy of the City of Brookhaven as Exhibit "A" be established as the official special events policy.

Should any section of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

This resolution shall be effective immediately upon its adoption.

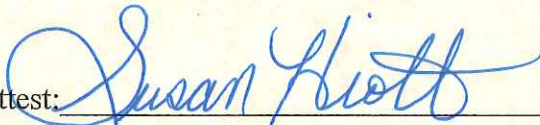
**SO RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
BROOKHAVEN, this 28<sup>th</sup> day of March, 2017.**

Approved by:



John A. Ernst, Jr., Mayor

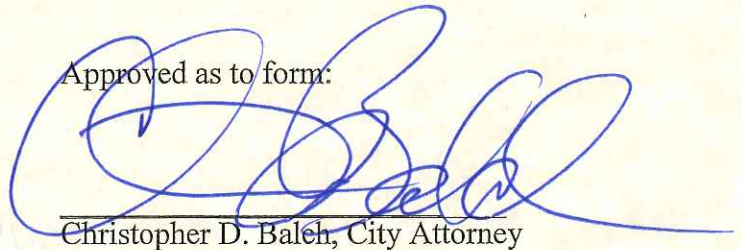
Attest:



Susan Hiott, City Clerk



Approved as to form:



Christopher D. Balch, City Attorney

City of Brookhaven

Date of Issue: Resolution Number\_RES 2017-03-02

Effective Date: 3/28/17

Subject: Special Events Policy

Revised Date: Resolution Number

Approved: John Arthur Ernst, Jr. Mayor—City of Brookhaven

PURPOSE

The City of Brookhaven (the City) recognizes that Special Events (events) provide opportunities to promote community welfare and quality of life, build a sense of community, to enrich cultural opportunities, to draw visitors to the City, and to contribute to the economy of the community. Therefore, the City is committed to quality events that offer significant cultural and entertainment enrichment for the community at-large, while fitting within the existing capacities of the City’s resources and infrastructure.

DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1. Film production includes motion picture, television, video, educational film, and photography.
2. Producer means any person responsible for planning, producing and conducting a special event.
3. Special event means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which (i) takes place on public property or (ii) takes place on private property, but requires special public services and which is permitted by the city under its Code of Ordinances and this Policy. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this Policy, but shall comply with all other requirements specified by ordinance as to the use of residential property. No special event other than film production, as defined above, shall be allowed to exceed six days in any 30-day consecutive period of time. By way of example, special events include, but are not limited to; fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, film production, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.



4. A parade, march, or procession subject to this article is defined to be a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles and 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 city. Specifically excepted from this definition are funeral processions.
5. Special event permit, when used hereafter, shall mean and include film production special event permit unless specifically stated otherwise.
6. Vendor means any person or persons or entity who engages 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 as an authorized participant of the special event.
7. A City of Brookhaven Marquee Event shall be any special event as designated by the City Council and recorded annually in the Special Event Policy. It is desired that all Marquee Events be determined in conjunction with the consideration of the City of Brookhaven annual budget. The City Council may, at its discretion, agree to produce, co-produce and/or sponsor a Marquee Event. Support shall be defined as any or all the following fee waivers: special event permit fees; facility rental fees; public safety fees; special event sign permit fees. The City Council may add or remove a special event from the Marquee Event listing, and will from time-to-time review level of support; such level of support will be determined solely by City Council and dedicated in the Special Events item in the City of Brookhaven budget.
8. The City of Brookhaven may from time to time make a recommendation to its Convention and Visitors Bureau (CVB) for advertising support of special events. CVB participation is restricted to the promotion of tourism and the establishment of annual events with the intention of filling hotel/motel vacancies. The City of Brookhaven may work with the CVB in requesting promotional attention to a certain event, but under no circumstance will the City ask to go outside of the policies and rules of the CVB.

#### **2017 Approved City of Brookhaven Marquee Events**

The Cherry Blossom Festival

#### **INTENT**

1. To preserve the City's character while protecting the health, safety and welfare of the citizens, businesses and visitors of this City.
2. To ensure the City of Brookhaven will have adequate advance notice of a proposed special event and the cooperation of the Producer(s) to adequately plan City services, such as security, sanitation, parking, and traffic control that may be required for such an event.
3. To establish a straightforward and accountable process for the event producers enabling the City and other public agencies to manage these events in a cost-effective and well-coordinated way.

4. To ensure that the City's infrastructure and facilities, including, but not limited to, parks, public building, waterways, and public rights-of-way are protected and conserved by limiting the number and types of events held in these areas.
5. To establish procedures to ensure that the City is compensated by event Producers for their use of City resources.
6. To establish a process by which the Brookhaven City Council enjoys the authority to determine specific City of Brookhaven Marquee Events and a procedure for determining a means of City support.

### **AUTHORITY**

The City Council has authorized the City Manager, or his designee, to administer this policy.

This policy is intended to work in concert with all other applicable rules, regulations, laws, and ordinances of the City of Brookhaven and the State of Georgia.

The City reserves the right to amend this policy over time, as it deems necessary.

### **Permit conditions**

- (a) It shall be unlawful for a special event to occur in the City without having first obtained a permit for such special event pursuant to Brookhaven Code of Ordinances § 27-1424 and § 27-1164 or other applicable Ordinance.
- (b) All permits issued pursuant to this policy shall be temporary and shall not vest in the holder any permanent property rights in a permit.
- (c) The location of a special event must comply with all existing zoning requirements of the City, and there must be sufficient lawful parking available. An application for a permit shall be subject to review of the Director of the Department of Community Development to determine compliance with zoning requirements. Administrative exceptions are subject to the approval of the City Manager or their designee.
- (d) Parades, marches, and processions shall follow such designated route or routes as may be on file with the City Manager and shall be preceded by a police vehicle.
- (e) Unless specifically provided otherwise, a special event is subject to and must comply with any and all other applicable ordinances of the City.

### **Application**

- (a) The producer of a special event shall make application for a permit for the special event on a form prescribed by the City.
- (b) An application for a special event permit, other than a film production special event permit, shall be filed at least 60 days prior to the date the special event is scheduled to take place; provided, however, no application shall be accepted earlier than one year prior to the date of the special event.
- (c) An application for a film production special event permit shall be filed at least three days prior to the date the filming is scheduled to take place; provided, however, no application shall be accepted



earlier than one year prior to the date of the filming and provided further no more than one such permit shall be issued quarterly for any one residential location and of no more than 14 consecutive days in duration, unless previously requested and approved by the city manager.

- (d) Each application for a special event permit shall be accompanied by a nonrefundable application fee in such amount as may be set from time to time by resolution of the City Council.
- (e) All producers of a special event shall be properly identified on the application; provided, however, a special event permit shall be issued only to an individual person. Therefore, if a group, organization, association, or other entity is producing the special event, a designated agent of the producer shall be named for purposes of the permit, and this individual shall be solely and fully responsible for compliance with all provisions, including all financial requirements of this article and other applicable laws.
- (f) The application for a special event permit, other than a film production special event permit, shall include the following information:
  - (1) Purpose of the special event;
  - (2) Name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (d) of this section;
  - (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. nor later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. nor later than 12:00 midnight in commercial zoned locations;
  - (4) Schedule of proposed activities;
  - (5) Projected attendance at the special event;
  - (6) Plans for parking, restroom facilities, and sanitation concerns;
  - (7) Plan for crowd and traffic control;
  - (8) Such other health or public safety, sanitation, noise abatement, or operational information deemed necessary by the City or any of its Department Heads to adequately understand and evaluate the application and the impact the event may have on neighboring communities or residents.
- (g) The application for a film production special event permit shall include the following information:
  - (1) Purpose of the filming and the type of production;
  - (2) Location manager or production manager name, address, e-mail address, and telephone number of the sponsoring entity or person in addition to the person named in subsection (a) of this section;
  - (3) Proposed date, location, and hours of operation, but in no event earlier than 8:00 a.m. nor later than 11:00 p.m. in residential zoned locations and in no event earlier than 8:00 a.m. nor later than 12:00 midnight in commercial zoned locations;
  - (4) Proposed schedule of filming activities;
  - (5) Full disclosure of special effects, i.e., fire, explosives, gunfire;
  - (6) Full disclosure of nondomestic animals and if there will be the consumption or sale of alcohol on film site;

- (7) Site plan - showing production location and base camp;
- (8) Proof of permission of property owner for use of the production location and base camp;
- (9) Notification of neighbors and businesses affected by production location.

In addition, any film project that occurs in a residential location and involves any of the four items below; will require a meeting with the special event/film permit review staff a minimum of five days prior to the submission of the film permit application:

- (1) Outdoor filming;
  - (2) Film project that lasts three or more days;
  - (3) Full and partial lane and street closures;
  - (4) Requested variances to any City of Brookhaven ordinance.
- (h) Two copies of a to-scale survey of the proposed location for the special event shall accompany the application and shall accurately depict the proposed location of the special event, all buildings, structures, parking, and curb cuts permanently located on the site. The survey shall further show the proposed temporary location of any and all buildings, structures, and parking to be associated with the proposed special event. Moreover, the entire location shall comply with the city's standards for setbacks from applicable property lines as defined in the Zoning Code.
- (i) Each City department and/or agency whose services would be impacted by the special event shall review the application and recommend in writing any conditions or restrictions deemed necessary. Special conditions or restrictions recommended by the city manager, or his designee, shall become a condition of the permit.
- (j) The following standards shall be considered in reviewing the application:
- (1) A special event permit may be issued only after an adequate plan for crowd and traffic control, as well as security has been presented, and, when deemed necessary, employment of off-duty, uniformed Brookhaven Police Officer(s) shall be utilized. If Brookhaven Police Officer(s) are not available, then a P.O.S.T. certified police officer(s) may be utilized after they have been verified by the City and obtained by the producer.
  - (2) A special event permit may be issued only after an adequate plan for fire inspection/prevention and/or fire code enforcement and, when deemed necessary, employment of off-duty, uniformed fire personnel have been verified by the City and obtained by the producer.
  - (3) A special event permit may be issued only after an adequate EMS plan and, when deemed necessary, employment of off-duty medics who are state-certified EMTs or paramedics has been verified by the city and obtained by the producer.
  - (4) A special event permit may be issued only after adequate waste disposal facilities have been determined by the City and obtained by the producer. The producer shall be required to clean the right-of-way or public property of rubbish and debris, returning it to its pre-special event condition, within 24 hours of the conclusion of the special event. If the producer fails to clean up such refuse, cleanup shall be arranged by the City, and the costs incurred for this service shall be charged to the applicant.
  - (5) A special event permit granted by the City may provide for the city to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days.



- (6) The sound level of any special event must comply with the city of Brookhaven noise ordinance (Municipal Code chapter 16.)
- (k) After all of the requested information pertaining to the special event has been submitted, reviewed, and approved, a permit may be issued upon payment of all applicable fees and costs. The special event permit, as well as any other permits required in conjunction with the special event, shall be posted on site during the special event.
- (l) Should a permit be denied, the producer shall be notified in writing of the denial.

#### **Permit fees**

- (a) Each City department and/or agency whose services would be impacted by the special event shall itemize the departmental activity required for the special event, showing the hourly rate and the actual and reasonable total cost. The "total costs to the city" shall be the sum of each department's costs. The city manager shall determine and calculate a reasonable fee to reimburse the city for its services.
- (b) A cash bond may be determined to be appropriate by the City, and in this event the city shall advise the producer of the amount, and this bond shall be remitted to the City before the special event permit is issued.
- (c) The initial permit fee shall be paid in full prior to the issuance of the permit and in any event no later than 72 hours prior to the date of the event.
- (d) 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.
- (e) No producer of any special event, except as may otherwise be provided herein, shall be exempt from the payment of the appropriate fees and charges required under this article.
- (f) Entities operating as a non-profit with appropriate Internal Revenue Service (IRS) documentation may request a 50% reduction to the special event permit fee.

#### **Liability**

- (a) The producer shall provide to the City proof of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$300,000.00 personal injury per person, \$1,000,000.00 maximum, and \$100,000.00 property damage against all claims arising from permits issued pursuant to this article.
- (b) The producer of any special event shall provide a written agreement in a form satisfactory to the City providing the producer shall defend, pay, and save harmless the city, its officers, employees, and agents from liability of all personal or property damages arising from any acts or omissions emanating from a special event and from any and all claims, attorney fees or lawsuits for personal injury or property damage arising from or in any way connected to the special event. The agreement shall be filed with, and made a part of, the application form.
- (c) The City, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit has been issued. The city, its officials, employees, or agents shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

#### **Vendors of food and merchandise**

- (a) The sale of food and/or merchandise by vendors shall be allowed as a component of a special event provided each vendor is authorized to participate in writing by the producer of the event and provided further each vendor shall be subject to all conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit.
- (b) The producer of a special event shall have sole responsibility and control of all food and merchandise vendors as a component of a special event and to designate the location and activities of such vendors.
- (c) Authorized vendors of the producer, providing food and/or merchandise, shall not be required to obtain a separate vendor permit to operate during the special event.
- (d) Notwithstanding the provisions of subsection (c) of this section, food vendors authorized by the producer shall be required to comply with rules and regulations of the county health department as to the preparation and service of food.
- (e) Any food vendor shall have a license to operate within the State of Georgia and shall have a current food safety inspection certificate from DeKalb County before offering food or beverages for sale at any event permitted under this policy.

#### **Vendors of alcoholic beverages**

The dispensing of alcoholic beverages, by sale or otherwise, shall be allowed as a component of a special event provided each vendor is authorized to participate by the producer and provided further each vendor dispensing alcoholic beverages shall have been duly licensed by the state and the City or another local governing authority and shall further have complied with all provisions of Brookhaven Code of Ordinances and this Policy relating to the sale of alcoholic beverages off-premises at an authorized function or event.

#### **Miscellaneous provisions regarding vendors**

- (a) Each vendor authorized by the producer of the special event shall prominently display on his or her person a badge provided by the producer and identifying the vendor as an authorized participant in the special event which shall bear the signature of the producer or his designated agent.
- (b) It shall be unlawful for any vendor not authorized by the producer as provided herein to engage in any business within a distance of 100 yards of the special event from one hour before the start of the special event, and until one hour after the special event.
- (c) A special event permit granted by the City may provide for the City to close designated streets and intersections to allow use of the public right-of-way for the special event during designated hours and days. The producer shall bear all responsibility for having all vendors remove any structures and all trash and debris from the designated area by not later than the time stated under the permit for re-opening of all streets.

#### **Other permits**

- (a) The purpose of this article is to allow the City's departments and staff to review an application for a special event permit outside the regular Policy standards in order to determine how disruptive a special event may be to the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make recommendations and allowances. Administrative guidelines issued by the department of community development shall be followed by the City in allowing specified signage and advertising which may not be in compliance with existing zoning ordinances for banners and vendors. Upon



approval by the City manager, or his designee, recommendations and allowances made shall become conditions of the permit to be followed and carried out by the producer.

(b) Notwithstanding subsection (a) of this section:

- (1) The holder of a resident or nonresident license to sell and dispense alcoholic beverages shall obtain an off-premises license and event permit for pouring alcoholic beverages for an authorized function or event as provided in chapter 4 of the City of Brookhaven Municipal Code if he is authorized to participate by the producer; and
- (2) A permit allowing fireworks shall be approved and permitted by the Director of Community Development following the issuance of a permit from the applicable state agency. Further, the person to be performing the firework display shall be pyrotechnics licensed and qualified in the state.

#### **Denial or revocation of a special event permit**

(a) Reasons for denial of a special event permit include, but are not limited to:

- (1) The special event will unnecessarily disrupt traffic within the city beyond practical solution;
- (2) The special 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 special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the City;
- (5) The application contains incomplete or false information; and
- (6) The producer fails to comply with any terms required by this article.

(b) Reasons for revocation of a special events permit include, but are not limited to:

- (1) False or incomplete information on the application;
- (2) Failure to comply with all terms and conditions of the permit;
- (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the City; and
- (4) Existence of disaster, public calamity, riot or other emergency as the City determines, in its sole discretion, to be an impact upon the public health, safety and welfare.

(c) Further, a special event permit may be denied, suspended, or revoked by the City, if the City Manager, the Chief of the Police Department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

#### **Appeals**

- (a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the city manager. This request must be in writing and received by the City Manager within five days of the of the permit denial or revocation.
- (b) The City Manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the city manager may deem justified by the evidence.