

**AN ORDINANCE OF
THE BOARD OF COMMISSIONERS OF DAWSON COUNTY
REGULATING SPECIAL EVENTS; TO PROVIDE FOR ENFORCEMENT; TO
PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES AND
RESOLUTIONS; TO PROVIDE FOR SEVERABILITY;
AND FOR OTHER PURPOSES.**

WHEREAS, special events as defined herein affect the ordinary use of public streets, rights-of-way, and sidewalks and require road closings and interfere with the movement of emergency vehicles and other traffic to insure public safety; and

WHEREAS, Dawson County may enact regulations to insure the delivery of emergency services, protect public safety, and maintain the orderly and safe flow of traffic.

NOW, THEREFORE, the Board of Commissioners of Dawson County hereby enact this Ordinance as follows:

SECTION I. PURPOSE.

- a. The purpose of this ordinance is to establish an application and permitting procedure for organizations, groups of persons, and any other entity that seek to use public streets, rights-of-way or sidewalks within the unincorporated area of Dawson County for the purpose of a special event as defined herein.
- b. This ordinance shall not be construed to limit, restrict, inhibit, reduce, or otherwise impact the ordinance of Dawson County regulating parades, public assemblies, demonstrations and rallies in public places, but shall be construed for the purpose of regulating special events. The ordinance regulating parades, public assemblies, demonstrations and rallies in public places shall remain controlling and in effect, and the terms hereof shall apply only to special events as defined herein.

SECTION II. DEFINITIONS.

A "special event" as used herein means a footrace or fun run or bicycle ride that affects the ordinary use of public streets, rights-of-way or sidewalks.

SECTION III. PERMIT REQUIRED.

- a. Every organization, group of persons, or entity having a special event as defined herein within the unincorporated area of Dawson County shall obtain a permit from Dawson County before engaging in the special event.
- b. During the course of the permitted special event, an individual authorized by the permittee shall be present at all times and shall possess either the original permit

or a true and accurate copy thereof and shall present such permit or copy thereof to persons authorized to enforce this ordinance.

SECTION IV. DUTIES OF DAWSON COUNTY.

Dawson County shall perform the following duties in accord with the terms of this ordinance:

- a. prepare and provide the necessary forms to apply for a special event permit;
- b. review the application and collect the application fee set by the Board of Commissioners as set forth within "Exhibit A" hereof;
- c. designate and/or coordinate the route for the special event and the time of the special event;
- d. receive input from the Georgia Department of Transportation, Dawson County Emergency Services, the Dawson County Sheriff, the Dawson County Marshal, the Dawson County Parks and Recreation Department, and any other public office or officer deemed necessary to address public safety issues associated with the special event permit application; and
- e. consider, process, and render a decision regarding the permit application within thirty (30) days of the permit application being filed.

SECTION V. APPLICATION

- a. Every applicant for a special event permit shall submit an application to the Dawson County Planning and Development Department at least thirty (30) days before the activity, which shall conform to the requirements hereof.
- b. Each application shall contain the following information:
 1. Name, address, and telephone number of the person or entity conducting the special event;
 2. The names and addresses of the partners if the applicant is a partnership;
 3. The names and addresses of the officers and directors if the applicant is a corporation;
 4. All prior special events within Dawson County;
 5. The date, time, and route where the special event shall occur;
 6. The type of activity or event; and
 7. The number of expected participants; and
 8. The expected duration of the special event.
- c. Each application shall be signed and verified by the applicant.

- d. False statements within an application for a permit shall justify an immediate revocation of the permit and/or denial of the application.
- e. The omission of required information within an application shall disqualify the applicant, but such disqualification shall not bar any subsequent application for the same or a different special event.
- f. Application Fee. The application fee defrays the County's costs for activities related to management of the use of the public streets, rights-of-way and sidewalks for the special event. The application fee shall be in accord with a fee schedule adopted by the Dawson County Board of Commissioners. See "Exhibit A".

SECTION VI. PERMIT ISSUANCE

- a. Review and recommendation. A copy of the application shall be delivered to those persons or entities providing input regarding the requested special event. The persons or entities providing input regarding the application may include, but shall not be limited to, the following:
 - 1. Georgia Department of Transportation;
 - 2. Dawson County Sheriff's Office;
 - 3. Dawson County Emergency Services;
 - 4. Dawson County Marshal's Office; and
 - 5. Dawson County Park and Recreation Department.

Each person or entity providing input may make a recommendation regarding the application within seven (7) days of receiving a copy of the application.

- b. Action by Board of Commissioners. The Dawson County Board of Commissioners shall render a decision regarding the application no later than thirty (30) days after the Planning and Development Department receives a completed application.
- c. Form of Action. The decision of the Dawson County Board of Commissioners shall be in writing. Any decision adverse to the applicant shall state the reason or reasons for denial. If the application is approved by the Board of Commissioners, then the Dawson County Planning and Development Department shall issue a copy of the decision to the applicant.
- d. Authority to Set Routes, Time Schedules, or to Cancel.
 - 1. If more than one special event permit is sought for the same date or if a parade permit is sought for the same date or if the proposed route interferes with the orderly flow of vehicular traffic, pedestrians, or emergency vehicles, then Dawson County may designate reasonable

alternate routes and establish a time schedule for the beginning and ending of the special event. Dawson County may cancel the permit if the special event fails to begin within a reasonable time after the time set for beginning based upon other activities for which permits have been granted or based upon the impact caused by such delay upon the public welfare, peace, safety, health, and good order.

2. If the special event may impact traffic travelling on a state route, then the Georgia Department of Transportation shall be notified of the potential impact, and approval from the Georgia Department of Transportation shall be obtained by the applicant.

SECTION VII. CRITERIA FOR APPROVAL.

The special event permit shall be granted, unless one or more of the following circumstances exist:

- a. the proposed special event shall unreasonably interfere with property rights of non-participants;
- b. the proposed special event shall unreasonably disrupt the orderly flow of traffic, vehicular or pedestrian;
- c. the proposed special event shall unreasonably endanger the health and safety of the participants or the citizens of Dawson County;
- d. the application is incomplete or contains a material falsehood or misrepresentation; or
- e. the proposed special event conflicts with another event that has already been approved and scheduled.

SECTION VIII. FINANCIAL RESPONSIBILITY AND INSURANCE.

- a. Nothing within this ordinance shall relieve the applicant and/or permittee from responsibility for injuries or damages to persons or property, private or public, caused by acts or omissions arising from the special event for which any permit under this ordinance issues. The applicant shall indemnify and hold Dawson County harmless from and against any such claim.
- b. The applicant shall be solely responsible for cleaning affected areas littered during the activity, providing sufficient parking and storage areas for motor vehicles, providing temporary toilet facilities, and providing other similar special and extraordinary items deemed necessary for the special event by Dawson County to keep the area of the event safe and sanitary.

- c. Insurance Requirements. An applicant for a special event permit shall obtain liability insurance from an insurer licensed in the State of Georgia for the special event. The minimum policy limit shall be \$1,000,000 per incident and \$2,000,000 aggregate for the entire event. All costs for insurance and naming Dawson County as an additional named insured shall be borne solely by the applicant. Such insurance shall protect Dawson County from any and all claims for damages to property and/or bodily injury or death.

SECTION IX. APPEALS.

Any applicant whose application for a special event permit under this ordinance is denied may seek certiorari review by the Superior Court of Dawson County within thirty (30) days of the date such application is denied.

SECTION X. VIOLATIONS AND PENALTIES.

Any person convicted of violating the terms of this ordinance may be punished by a fine not to exceed \$1,000.00. The Magistrate Court of Dawson County shall maintain jurisdiction regarding violations of this ordinance.

SECTION XI. SEVERABILITY

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, then such invalidity shall not be construed (1) to affect the portions of the ordinance not held to be invalid or (2) to affect the application of this ordinance to other circumstances. It is hereby declared to be the intent of the Board of Commissioners of Dawson County to provide for separable and divisible parts, and the Board of Commissioners hereby adopts any and all parts not held invalid.

SECTION XII. REPEALER

All resolutions or ordinances or parts of resolutions or ordinances in conflict with the terms of this ordinance are hereby repealed; provided, however, that the terms of the ordinance of the Board of Commissioners of Dawson County regulating parades, public assemblies, demonstrations, and rallies in public places continue in force and in effect for all events described therein. Further, it is hereby provided that any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

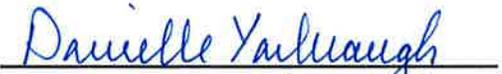
This ordinance shall be effective on the 17th day of April, 2014.

Approved, this 17th day of April, 2014.

**DAWSON COUNTY BOARD
OF COMMISSIONERS**

ATTEST:

By: 
Mike Berg, Chairman

By: 
Danielle Yarbrough, County Clerk

Vote: 4 Yes

0 No

Dates of Public Hearings:

March 20, 2014

April 3, 2014

Dates of Advertisements:

February 26, 2014

March 5, 2014

March 12, 2014

EXHIBIT A

SPECIAL EVENTS ORDINANCE
FEE SCHEDULE

<u>AMOUNT:</u>	<u>DURATION OF EVENT – CONTINUOUS HOURS:</u>
\$250.00	3 hours or less
\$500.00	3 to 6 hours
\$750.00	6 to 9 hours
\$1,000.00	9 to 12 hours

Events that last more than 12 continuous hours require specific approval by the Board of Commissioners for the event and the duration. The amount of the fee for an event that lasts more than 12 continuous hours shall be set in at an amount deemed reasonably necessary by the Board of Commissioners to defray the cost of the event imposed upon the County.