

ORDINANCE NO. OR 13-312

**ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO MISCELLANEOUS PROVISIONS SO AS TO CREATE PROVISIONS ALLOWING FESTIVALS IN THE CITY; TO PROVIDE FOR REGULATIONS OF SUCH FESTIVALS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:**

**SECTION 1. Ordinance.** That Title 9, Chapter 9.28 of the current Stockbridge Code be amended by adding a new Title 9, Chapter 9.28, Section 9.28.040 to the Code of Ordinances, City of Stockbridge, Georgia, so as to read as follows:

**SECTION 9.28.040 – Outdoor Festivals.**

A. An outdoor festival is an outdoor public celebration or gathering which lasts for greater than one hour and that occurs on a one day basis (or on two or more consecutive days), which is temporary in nature, and which is reasonably expected to have more than 25 people gather or congregate in a public park, street, or right of way, or is reasonably expected to have more than 250 people gather on privately owned property. Outdoor festivals falling outside of this definition may be treated by the City as separate outdoor festivals and regulated under this ordinance, or may be treated as gatherings under City Code § 9.28.020 as the facts dictate and as determined by the City Manager. Properly permitted outdoor festivals can be held on a temporary basis, in whole or in part, on public property such as streets, sidewalks, and parks, provided that all applicable ordinances are followed.

B. It is unlawful for any person or entity to use the City streets or sidewalks, or any real property belonging to the City for the purpose of an outdoor festival without having first obtained a written permit from the City to do so. All such permits are to be obtained from the City Council upon recommendation of the City Manager. In determining whether to grant a permit, the City may consider the outdoor festival hours, the noise generated by the outdoor festival, the size of the outdoor festival, the traffic conditions prevailing in the City at the time, and the likely hazards and inconvenience to citizens and traffic as a result of the proposed outdoor festival. Outdoor festivals held or officially sponsored by the City are exempted from the permit requirement.

C. Persons desiring to hold an outdoor festival must apply to the City for an outdoor festival permit at least sixty (60) days prior to the first date of the outdoor festival for which a permit is sought. The application shall be made on a form provided by the City, which shall specify the name, address, telephone number, and electronic mail address of all of the festival organizers and sponsors; describe the nature and purpose of the festival; describe in detail the festival gathering area (including all areas reasonably anticipated to be impacted by the festival itself and parking, traffic, and noise therefrom); provide the date(s) and time(s) for the festival; describe and identify in detail the festival production area, vending area, parking area, and gathering area for attendees; and describe in detail any and all reasons why the festival permit should be granted.

D. Any person submitting an application for an outdoor festival permit shall pay an outdoor festival permit fee, in an amount determined by the City to reasonably approximate the cost to the City of processing the application, and providing all necessary services to the festival (including police and emergency services and trash pickup) if the permit is granted. The fee amount shall be determined by the City Manager and published in a fee schedule available to applicants.

E. Outdoor festivals that are properly permitted by the City shall be permitted to allow vending of food and beverages within a defined portion of the festival gathering area (which should be identified in detail on

the outdoor festival permit application if food and/or beverages are to be sold), and are thus exempt from the provisions of City Code § 9.58.030 during the festival, provided that all laws of the State of Georgia pertaining to health and safety are observed.

F. In addition, alcoholic beverages may be sold during outdoor festivals in the food and beverage vending portion of the festival gathering area during the festival, provided that any vendor selling alcoholic beverages must be previously licensed by the State of Georgia and a local government in Georgia for retail sales of alcoholic beverages of the type to be sold during the festival. Each such vendor of alcoholic beverages must also obtain a permit for outdoor festival alcoholic beverage sales from the City, and it shall be unlawful to sell alcoholic beverages at an outdoor festival in the City without such a permit. The permit application shall be on a form prescribed by the City, which shall be submitted to the City at least 45 days in advance of the planned first date of the outdoor festival. The application shall request identifying information from the vendor, and shall require that the vendor submit proof of its license from the State of Georgia and a local government for the retail sale of alcoholic beverages of the type planned to be sold by that vendor. The City may charge a festival alcohol vendor's fee in an amount to be determined by the City to reasonably approximate the cost to the City of processing the alcohol vendor application, and providing all necessary services to the festival that result from the consumption of alcoholic beverages sold by that vendor. Vendors of alcoholic beverages at outdoor festivals held or officially sponsored by the City are not exempted from obtaining an alcoholic beverage vending permit.

G. To the extent that subsection F above conflicts with any of the provisions of Title 9, Chapter 9.04 of the City Code relating to alcoholic beverages, subsection F shall control. However, nothing herein shall otherwise exempt a vendor of alcoholic beverages from abiding by Title 9, Chapter 9.04 of the City Code or Georgia law relating to the retail sale of alcoholic beverages.

H. The City shall require that a uniformed on-duty police officer provide safety and security at all outdoor festivals at which alcohol is served, and at any outdoor festival which is reasonably expected to attract more than 250 persons at any one time during the festival.

**SECTION 2. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 3. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 4. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 5. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity,

unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

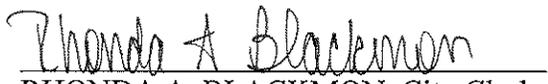
**SECTION 6. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 7. Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

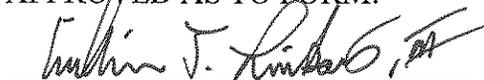
SO ORDAINED this 13th day of May, 2013.

  
MARK A. ALARCON, Mayor

ATTEST:

  
RHONDA A. BLACKMON, City Clerk (SEAL)

APPROVED AS TO FORM:

  
WILLIAM J. LINKOUS, III, City Attorney

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