

SPECIAL

EVENTS



CITY OF FITZGERALD

Special Events Policy and Application



Introduction

The City of Fitzgerald welcomes and encourages Special Events. Special Events build a sense of community and create an environment that fosters civic pride. A *special event* is any activity or planned gathering that occurs upon public or private property that affects the ordinary use of parks, public streets, rights-of-way, sidewalks, or impact the delivery of public safety services, and/or disrupts the flow of traffic on public streets and/or sidewalks. Special events may include but are not limited to such activities as arts festivals, fairs, tours, concerts, holiday celebrations, grand opening celebrations, bicycle races, runs, walks, parades, etc.

Individuals or groups wishing to hold events on public property, or on private property but with an impact on public property such as roads, within the City limits, including City or Department of Leisure Services parks, must obtain a Special Event Permit from the City of Fitzgerald.

Please read through all the information contained herein to ensure you are aware of all City requirements and associated costs.

POLICY

The Special Event General Application must be completed and submitted at least fifteen (15) days prior to the event is scheduled to take place; provided, however, no application shall be accepted earlier than 180 days prior to the date of the special event.

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 the City Administrator.

All necessary documentation, such as certificate of insurance, must be submitted as soon as possible but at least fourteen (14) days prior to the scheduled date of the Special Event to avoid cancellation of the event.

It is unlawful for any person, entity, or organization to advertise or start any work on a Special Event, unless a Special Event Permit has first been obtained.

Changes and/or modifications to event permits require a new permit to be submitted for review and are subject to denial.

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, yard sales, or any similar casual sale of tangible personal property are not included in special events but must see the Building Department for appropriate permitting.

No block parties or events requiring blocking of roadways will be permitted for residential areas.

For events over 1,000 people, a deposit may be required and will be determined on a case-by-case basis.

The City of Fitzgerald reserves the right to cancel any scheduled event. A copy of the City of Fitzgerald Ordinance # 24-1619 is attached which includes all the regulations for a special event. The following key points note important factors.

Key Points

Application Fee: The application fee must accompany the application when submitted to the City Administrator. The application fee is \$50.00 and non-refundable.

Noise: The sound level of any special event must comply with the city noise, music and any other disturbance ordinances.

Crowd/Traffic Control and Security: As an event organizer, you are required to provide a safe and secure environment for your event. This is accomplished through pre-planning by anticipating potential problems and concerns related to the event activities and surrounding environment. The size, time of day, and location of your event, as well as the overall activities, are all areas that need to be analyzed in depth and addressed through your security plan. The special event organizer(s) must provide an adequate plan for crowd and traffic control, as well as licensed security with jurisdictional authority. Off-duty, uniformed Fitzgerald Police Officers may be utilized after they have been verified by the city's chief of police, obtained and paid by the organizer. The Chief of Police will determine, based on the number of attendees, how many security or off-duty officers are needed for the event.

Event Parking: It is important that you plan for the safe arrival and departure of event attendees, participants, and vendors. As an event organizer, you should develop parking and/or shuttle plans that are suitable for your event site and logistics. You must always include accessible parking and/or access points in your event plans for attendees, while always leaving accessible parking for surrounding businesses and residents. *The City of Fitzgerald may require your event to provide staff on-site or hire an off-duty police officer to ensure compliance with the approved parking plan.*

Permit Posting: Special Events Permits should be posted at greeting areas or main entrances at events. Event organizer(s) should keep in mind they may be asked, by City staff, to show proof of permit during the event.

Permit Fee: The permit fee will be determined by evaluation of the special event and the needs of each department. An itemized list of the costs will be provided. The total costs of the Permit Fee is due to the City from the applicant.

Restrooms: The special event organizer(s) are responsible for having temporary toilet facilities if the location of the event does not have restrooms. Standard recommendation is one portable toilet per 50 people. The number of expected attendees and length of the event should be considered when planning for temporary toilet facilities. Please keep in mind that an ADA complaint portable restroom must be available.

Trash/Cleanup: Trash must be disposed of in approved containers provided by the City of Fitzgerald. The applicant/organizer must clean the right-of-way or public property of all rubbish and debris, returning it to its pre-event condition at the conclusion of the event. If the applicant fails to clean up such refuse, cleanup will be arranged by the city and the costs charged to the applicant.

Fireworks: Fireworks are not permitted without prior approval from the City of Fitzgerald. Prior to application submission, you must apply for and obtain a permit to conduct public fireworks display. All applicable insurance requirements must be met if approved.

Insurance: The event organizer is responsible for obtaining and maintaining liability insurance in accordance with the terms and conditions of the subject permit. Proof of insurance must be provided to the City Administrator no later than fourteen (14) days prior to the scheduled date of the event.

Non-profit Entities: Entities recognized as a 501(c)3 organization and holding a special event to benefit the charitable organization are exempt from the City's special event permit fee requirement. However, this does not exempt the nonprofit from any state-required permit fees such as alcohol permits. The nonprofit must follow the City's special event policies.

Food Vendors: Mobile food service establishments (food trucks) must have obtained a permit from the Department of Health or County Board of Health in its county of origin. The City of Fitzgerald will recognize that permit as required by HB 1443. Food vendors must also have a business/occupation license from their county of origin or will be required to obtain one with the City of Fitzgerald. To get a license, the food vendor must have a permit from the Department of Health or County Board of Health.

Alcohol: If alcohol is to be served or sold, applicant/organizer must apply for the special event alcohol permit which is a separate application process. This will also require a special event alcohol permit from the Georgia Department of Revenue. Please see the City of Fitzgerald Administrative Office for an application.

Unpermitted Events: The City of Fitzgerald may seek and recover from the organizer/promoter of any unpermitted event, reimbursement of all expenses incurred by the city associated with public safety, including, but not limited to, costs and fees for the provision of traffic control, supplemental law enforcement, fire suppression services, emergency medical technician or paramedic services, and sanitation services. (S.B. 443)

Possible Reasons for Denial of Applications and Permits

The City reserves the right to deny a request for Special Event Permit for any reason, including, but not limited to:

- The application, permits and application fee were not properly submitted.
- The event will disrupt traffic within the city beyond practical solution.
- The event will unreasonably interfere with access to firefighting equipment and fire hydrants, or other first responder needs.
- The location of the event will cause extreme hardship to adjacent businesses or residents.
- The event will require the diversion of enough city employees that allowing the event would unreasonably deny service to the remainder of residents. This includes City Holidays.
- The event will interfere with another event for which permits have been approved and issued.
- A reoccurring event that did not leave the site clean, pay for City services, notify surrounding businesses, or in any way disregard the application and permits requirements.
- Anything the City of Fitzgerald deems unsafe.
- Failure to comply with any federal, state or local law, ordinance(s) or guideline(s).

- Failure to submit City of Fitzgerald Special Event Application or Permit requests a minimum of fifteen (15) days prior to the event.
- Estimated attendance and event is too large for the requested location or venue.
- The event may interfere with other City activities or use of the facilities by City residents.

Miscellaneous Information

- Glass containers shall not be allowed at special events.
- Any tent or membrane structure having an area more than 200 square feet and any canopy in excess of 400 square feet shall not be erected, operated, or maintained for any purpose without first obtaining approval from the City of Fitzgerald.
- Any City rental facilities or parks being used during the event must be secured separately and payment of rental fees paid in accordance with the appropriate rental applications and guidelines.
- City and/or County sanctioned events are exempt from the permit fee but must follow the guidelines for events herein and obtain any state required permits.

Denial/Appeal

Should the event application be denied, a letter from the City Administrator will notify the applicant/organizer by personal delivery or certified mail within seven (7) business days of the denial. A copy of this notification will include the reasons for the denial of the permit.

Any denied applicant has the right to appeal against the denial of a permit to the Mayor and Council of the City of Fitzgerald. The appeal should be submitted by the applicant within five (5) business days after the receipt of the notice of denial by filing a written notice of appeal with the City Administrator. The appeal will be heard at the next scheduled city council meeting.

Submitting Your Special Event Permit Application

Complete the application and return to the City Administrator via in person or mail with your application fee at:

City of Fitzgerald
ATTN: Special Event Permit Request
302 East Central Avenue
Fitzgerald, Ga 31750

Fax: 229-426-5066

Email: kyoung@fitzgeraldga.org



Special Event General Application

Note: There may be separate fees for the use of City parks or facilities.

Name of Event: _____

Desired Date(s) and Time(s) of Event: _____

Estimated number of attendees: _____ Estimated number of event workers: _____

Start Time: _____ End Time: _____

Has this event been held before? _____ If so, where and when? _____

Name of Individual or Organization Sponsoring Event: _____

Address: _____

Contact person authorized to act on behalf of the Organization: _____

Contact person phone: _____ (cell) _____ (other)

Contact person Email address: _____

Please provide a copy of valid driver's license.

Location- check all that apply:

- | | | |
|---|---|---|
| ☐ Blue and Gray Park | ☐ Grand Conference Center | ☐ Downtown Main & Pine St. |
| ☐ Grand Plaza Park | ☐ Grand Theatre | ☐ Tourism Depot |
| ☐ Paulk Park | ☐ Paulk Park Depot | ☐ Monitor Auditorium |
| ☐ Legion Park | ☐ Other (Please Specify) _____ | |

Type of event- check all that apply:

- | | | |
|---|---|---|
| ☐ Recreation/Sport | ☐ Carnival/Circus/Fair | ☐ Concert/Performance |
| ☐ Revival | ☐ Run/Walk/Bike | ☐ Festival |
| ☐ Grand Opening/Business | ☐ Car Wash | ☐ Antique Car Show |
| ☐ Parade | ☐ Rally/Assembly/March | ☐ Farmer/Outdoor Market |
| ☐ Holiday Celebration | ☐ Wedding | ☐ Other (Please Specify) _____ |

Purpose of Event- check all that apply:

- | | | | |
|-------------------------------------|---|--|--|
| ☐ Charity | ☐ Education | ☐ Entertainment | ☐ City/County Event |
| ☐ Fundraiser | ☐ Other (Please Explain) _____ | | |

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Will fees be charged for: Admission? _____ Amount: _____
Vendors? _____ Amount: _____
Other? (Please Specify) _____ Amount: _____

Do you have any need for any cones, barricades, etc. from the City? _____

Will sound amplification be used? _____ If yes, please explain: _____

If this is a parade, road race, prayer walk, or cycling event, please describe the route below: *(attach a map with the route)*

Liability Insurer **(Please attach copy of policy)** _____

Policy Number _____ Liability Limits _____

Waiver and Release: I/We agree to hold harmless and defend the City of Fitzgerald against any claim for damages, compensation or otherwise on the part of any participant or any other party, growing out of or resulting from injury which might occur as a result of activity at the facilities of the City of Fitzgerald, and to reimburse or make good any loss, damage or costs that the City of Fitzgerald may have to pay if litigation arises from injury to any participant or other party, under the laws of this or any other state as against such claims for reimbursement or indemnity by the City of Fitzgerald.

I/We also agree to reimburse the City for the cost of any clean up or any damage or repair that is left of the event.

The undersigned does affirm that the information given is true to the best of his/her belief and knowledge.

Signature

Date

Please return completed application and fee to Kathy A. Young, City Administrator:

City of Fitzgerald ♦ 302 East Central Avenue ♦ Fitzgerald, Ga 31750

OFFICE USE ONLY:

☐ **APPROVED** ☐ **DENIED REASON:** _____

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Downtown Main Street and Pine Street Event

Please describe the portion of the Downtown Area you would like to use. **Any** area used for your event must be approved by the City and listed below.

ONLY AREAS APPROVED ON THIS APPLICATION MAY BE USED.

Please furnish a timeline for your event:

Set-up Start time: _____

Event Start time: _____

Event Finish: _____

Clean up Finish: _____

Please list the area in which you would like to suggest street closures:

The event organizer must provide written notice to EVERY resident and business along streets that will be closed at least a week before the event. The notice must provide the date(s) and times that the street is expected to be closed. A copy of the notice must be provided to the City Administrator.

OFFICE USE ONLY:

☐ **APPROVED**

☐ **DENIED REASON:** _____



Parade Event

The City has determined a number of pre-approved routes for parades that work best for the City and events. Please submit your route map and details. Please include a start and finish point, first aid stations, portable toilets, etc. **Any** route must be approved by the City.

For questions regarding parade routes, please contact Chief of Police at 229-426-5000

Please furnish a timeline for your event:

Set-up Start time: _____

Assembly of entrants: _____

Parade Start: _____

Parade Finish: _____

Awards/Prizes: _____

Clean up Finish: _____

Please list the types and number of units that will be included in your parade:

Motorized Floats: _____

Vehicles: _____

Animals: _____

Towed Floats: _____

Walkers: _____

Golf Carts: _____

Side by Sides (ATV): _____

OFFICE USE ONLY:

☐ **APPROVED**

☐ **DENIED REASON:** _____



RUN/WALK/BIKE EVENT

The City has determined a number of pre-approved routes for runs, walks or biking that work best for the City and events. Please submit your route map and details. Please include a start and finish point, first aid stations, portable toilets, etc. **Any** route must be approved by the City.

For questions regarding routes, please contact Chief of Police at 229-426-5000

Please furnish a timeline for your event:

Set-up Start time: _____

Assembly of entrants: _____

Start: _____

Finish: _____

Awards/Prizes: _____

Clean up Finish: _____

OFFICE USE ONLY:

☐ **APPROVED**

☐ **DENIED REASON:** _____

ORDINANCE NO. 24-1619

**AN ORDINANCE TO AMEND CHAPTER 18,
"OFFENSES AND MISCELLANEOUS
PROVISIONS" OF THE CODE OF ORDINANCES
OF THE CITY OF FITZGERALD, GEORGIA,
SPECIFICALLY ARTICLE III.
"MISCELLANEOUS," THEREOF TO PROVIDE
FOR THE REGULATION OF SPECIAL EVENTS;
TO PROVIDE FOR AN EFFECTIVE DATE; TO
PROVIDE FOR SEVERABILITY; TO REPEAL
INCONSISTENT ORDINANCES AND PARTS OF
ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and Council of the City of Fitzgerald, Georgia, find it necessary and proper to regulate special events organized and held within the City of Fitzgerald, Georgia in order to provide for public safety and welfare of the citizens of the City of Fitzgerald;

NOW, THEREFORE, it is hereby ordained by Mayor and Council of the City of Fitzgerald, Georgia, as follows:

SECTION 1: That Article III, "Miscellaneous", of Chapter 18, "Offenses and Miscellaneous Provisions", of the Code of Ordinances of the City of Fitzgerald, Georgia, is hereby amended by the addition of a new section Sec. 18-94. 'Special Events' which shall read as follows:

Sec. 18-94. Special Events.

(a) **Definitions:** The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) *Special Event* shall be defined as any activity which occurs upon private or public property:

(A) That will affect the ordinary use of parks, public streets, rights-of-way, sidewalks, or otherwise impact the delivery of public safety services; and/or

- (B) That disrupts the flow of traffic on public streets and/or sidewalks.

(b) Permit Required:

- (1) It shall be unlawful for any person, entity, or organization to advertise, engage in, participate in, aid, form or start any Special Event, unless a Special Event Permit shall first have been obtained from the City Administrator or designee thereof.
- (2) The following activities are exempted from the Special Event Permit requirement set forth hereinbefore, to wit:

- (A) Funeral Processions;
- (B) Activities conducted by the government of the City of Fitzgerald or that of Ben Hill County, Georgia;
- (C) Activities involving a demonstration, march, assembly, or other exercise of rights guaranteed by the First Amendment of the United States Constitution ("free speech event") unless the activity will affect the ordinary use of parks, public streets, rights-of-way, sidewalks, or if the activity will disrupt the flow of traffic on public streets or sidewalks (such activities shall be subject to all those provisions found elsewhere in this Chapter);
- (D) Private social gatherings located wholly upon private property which will make no use of city streets (other than for lawful parking); or
- (E) Garage Sales, Yard Sales, Estate Sales, Rummage Sales, or similar sale of tangible personal property (such activities shall be subject to any other permitting requirements set forth in the Code of Ordinances of the City of Fitzgerald).

(c) Application:

- (1) The City Administrator shall promulgate an application and make the same available to all individuals, entities, and/or organizations that seek a permit for a Special Event.
- (2) Any individual, entity or organization that seeks to obtain a Special Event Permit must fully complete and submit the Special Event application designated hereinbefore in accordance with the terms and conditions as follows:

- (A) All applications must be fully completed and delivered to the City Administrator or designee of the same no later than fifteen (15) days in advance of the date of the proposed Special Event but not more than one-hundred eighty (180) days before the same.

- (B) A non-refundable application fee shall be submitted contemporaneously with the filing of all applications. Such application fee shall be set by, adjusted from time to time, and published by the City Administrator.
- (C) Any material modification to the information submitted in any such application, including, by not limited to, changes in the size, extent, composition, or general makeup of the proposed event shall require a new application and fee.
- (D) The applicant and any other person, organization, or entity on whose behalf the application is made by filing a permit application shall represent, stipulate, contract, and agree that they jointly and severally indemnify and hold the city harmless against liability. This includes court costs and attorney's fees, including appeal, or any and all claims for damage to property or injury to or death of persons arising out of or resulting from issuance of the permit or the conduct of the event or any of its participants or the revocation of the permit for reasons herein stated.
- (E) The applicant is required to provide a save/hold harmless agreement in which the applicant agrees to defend, pay, hold, and save harmless the City, its officers and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the Special Event; excepting any claims arising solely out of the negligent acts of the city, its officers and employees.

(d) Permit Issuance and Fee:

- (1) Upon receipt of a fully completed application and required fee pursuant to subsection (c) hereinbefore, the City Administrator shall, within five (5) business days from receipt thereof, either deny such application or issue the requested permit, subject to the further requirements set forth hereinafter.
- (2) During the aforementioned evaluation period, the City Administrator shall review the application with all Departments of the City of Fitzgerald (i.e. Police, Fire, Public Works, etc....) at which time each Department shall evaluate and provide an itemization of the costs to each such Department with regard to the subject Special Event. The total of all such costs shall be equal to the Permit Fee due to the City from Applicant.
- (3) The aforementioned 'Permit Fee' shall be paid in full prior to the issuance of the Special Event Permit.
- (4) In the event that the Special Event is canceled by the Permittee, the Permit Fee shall be refunded to the Permittee, provided that written notice of such cancelation shall be received by the City Administrator no later than fourteen (14) days prior to the scheduled date of such Special Event.

- (5) Entities recognized as receiving 501(c)(3) status by the United States Internal Revenue Service shall be exempt from the Permit Fee contemplated herein upon provision of adequate proof of such status to the City Administrator at the time of application. Nothing herein shall exempt such entity from other fees required by the State of Georgia or the City of Fitzgerald.
- (6) In the event that any application for such Special Event Permit is denied, notice of such denial shall be communicated to Applicant within seven (7) business days of such denial by personal delivery, certified mail, or overnight mail by common courier (i.e. UPS, FedEx) to the address supplied by such applicant on the subject application. Such notice shall include the ground(s) for such denial and advise as to the right of appeal as set forth hereinafter.
- (7) Any applicant denied issuance of such a permit shall have the right to appeal the denial of the issuance of the same or revocation of an issued permit to the city council. The appeal shall be submitted by the applicant within five (5) business days after receipt of the notice of denial or the date of revocation of an issued permit, by filing a written notice of appeal with the City Administrator. The city council shall hear the appeal at the next scheduled city council meeting.

(e) Obligations of Permit Holder:

- (1) A permittee hereunder shall comply with all permit directions, terms, and conditions and with all applicable laws and ordinances. The responsible individual shall maintain custody of the permit and, upon demand, shall produce it to the city authorities. Under no circumstances may a permit be transferred from the Permit Holder to any other person, organization or entity.
- (2) All Permit Holders shall be required to keep and maintain liability insurance in accordance with the terms and conditions of the subject permit. Proof of such insurance must be provided to the City Administrator no later than fourteen (14) days prior to the scheduled date of the Special Event.
- (3) The Special Events Permit, or a copy of the same, shall be posted at all entrances to the event location.
- (4) The Permit Holder shall comply with all conditions of the Permit as provided to the Permit Holder at the time of issuance. All such terms and conditions shall be promulgated and provided by the City Administrator.
- (5) Permit Holder must provide an adequate crowd control, traffic control, and security plan for approval by the Chief of Police of the City of Fitzgerald not later than fourteen (14) days prior to the scheduled date of such Special Event. Permit Holder must comply with such plan at Permit Holder's sole expense.

(f) Revocation of Permit/Cancelation of Special Event:

- (1) The City Administrator or the designated representative of the same, shall have the authority to revoke a permit issued hereunder instantly upon violation of any provision of the Code of Ordinances or terms/condition/standards of the permit as contemplated hereinbefore.
- (2) The City Administrator shall be fully authorized to revoke any permit and cancel any Special Event at any time should the Special Event be deemed a public safety risk or operate in a fashion other than permitted. Such discretion shall be solely vested in the City Administrator.

(g) *Penalty:*

- (1) The punishment imposed for any violation of this Code Section, upon conviction, shall be punishable as a misdemeanor and be subject to a fine up to \$1,000.00 and up to thirty (30) days in jail. Each day any such violation is committed shall constitute a separate offense. The Municipal Court of the City of Fitzgerald shall have concurrent jurisdiction over all such violations of this Section.
- (2) Nothing herein shall limit or restrict the City of Fitzgerald from pursuing other remedies as provided by law for violation of this code section or other provisions of the laws of the State of Georgia, specifically including remedies provided in Chapter 2 of Title 41 of the Official Code of Georgia Annotated.

SECTION 2: This Ordinance shall become effective as of July 1, 2024.

SECTION 3: In the event that any provision or portion of this ordinance shall be deemed unconstitutional or invalid, the remaining portion shall remain in full force and effect.

SECTION 4. Any portion of any ordinance in conflict with this ordinance is hereby repealed.

DATE OF FIRST READING:

May 13, 2024

DATE OF SECOND READING:

June 10, 2024

PASSED BY THE FOLLOWING VOTE:

“YES”

7

“NO”

0

“ABSTAIN”

0



APPROVED:

[Signature]

MAYOR

ATTEST:

[Signature]

CITY CLERK