

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA, TO ESTABLISH REGULATIONS GOVERNING SPECIAL EVENTS AND PERMITS

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, the City Council desires to update and amend Chapter 18 (Parade and Assembly) of The Code of the City of Stone Mountain, Georgia, to establish procedures related to special event permits; and

WHEREAS, to effectuate this goal, the City County desires to amend Appendix A (Zoning), Article II (Administration), Section 2-1 (Administration and procedure) of the Code of the City of Stone Mountain, Georgia, by deleting subsection 2-1.13 (Special permits) in its entirety.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. Chapter 18 of the Code of the City of Stone Mountain, Georgia, is hereby amended to modify Article I and to add a new Article IV titled “Special Events,” as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. Appendix A of the Code of the City of Stone Mountain, Georgia, is hereby amended to delete Article II, Section 2-1, subsection 2-1.13 in its entirety.

SECTION 3. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective in accordance with City Charter Sec. 2.34.

SECTION 4. This Ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____. _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

SO ORDAINED this ____ day of _____, 2025.

Attest:

Shavala Ames, City Clerk

[CITY SEAL]

Dr. Beverly Jones, Mayor

Approved as to form:

Jeffrey Strickland, City Attorney

CITY CHARTER SEC. 2.21 REQUIREMENTS

- Date of First Reading: _____
- Date of Second Reading: _____
- Date Adopted: _____

City Charter, Section 2.21. (Ordinance form; procedures), provides as follows:

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Stone Mountain..." and every ordinance shall so begin. Prior to the submission of any ordinance for consideration by the mayor and city council, the same shall be submitted to the city attorney and be approved by him or her as to form and to ensure such ordinance is not covered by, or in conflict with, any law of general application or other city ordinance.
- (b) An ordinance may be introduced by any member of the city council and be read at a regular meeting, work session, or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.
- (c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements of a "read" or "reading." By an affirmative vote of a majority of the city council, a reading of the ordinance in its entirety shall be required.

CITY CHARTER SEC. 2.34 REQUIREMENTS

- Date ordinance presented to Mayor: _____ (within three days after its adoption)
- Date ordinance returned to City Clerk: _____ (within four days of receipt from Clerk)

City Charter, Section 2.34. (Submission of ordinances to the mayor; veto power) provides as follows:

- (a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.
- (b) The mayor shall within four days of receipt of an ordinance return it to the city clerk with or without his or her approval or with his or her disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting when a quorum shall be present, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum then present, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council as provided in subsection (c) of this section.

- Date this ordinance becomes law: _____

ZONING ORDINANCE REQUIREMENTS

Appendix A – Zoning, Section 2-1.4 (Public hearing and decision) provides as follows:

Authority. The mayor and city council shall make all final zoning decisions. The mayor and city council shall hold the public hearing required by this article prior to said zoning decisions following the public notice requirements herein. The term "zoning ordinance" shall mean this zoning ordinance (known as appendix A to the City Code of Ordinances) as well as the official zoning map adopted herewith and made a part thereof, as amended.

The term "zoning decision" shall mean final legislative action by the mayor and city council which results in:

- A. The adoption of a zoning ordinance;
- B. The adoption of an amendment to the zoning ordinance which changes the text of the zoning ordinance;
- C. The adoption of an amendment to the zoning ordinance which rezones property from one zoning classification to another; or
- D. The adoption of an amendment to the zoning ordinance which zones property to be annexed to the city.

Public hearing. Before a zoning decision is made, the mayor and city council shall hold a public hearing on the proposed action;

- A. At least 15 but not more than 45 days prior to the date of the hearing, the mayor and city council shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearing before the mayor and city council. The notice shall state the time, place, and purpose of the hearing.
 - B. At least 15 but not more than 45 days prior to the date of the hearing, the mayor and city council shall post the announcement and notice of the hearing at the city hall building. The notice shall state the time, place and purpose of the hearing.
- Date of notice of the hearing published within a newspaper of general circulation:

 - Date of posting the announcement and notice of the hearing at the city hall building:

EXHIBIT A

1. Chapter 18 of the Code of the City of Stone Mountain, Georgia, is hereby amended by deleting Sec. 18-1. in its entirety and replacing it with the following new Sec. 18-1.

“Sec. 18-1. – Short title.

This chapter shall be known and may be cited as the “Parade, Assembly, and Special Events Ordinance of the City of Stone Mountain.”

2. Chapter 18 of the Code of the City of Stone Mountain, Georgia, is hereby amended by adding the following to the end of Sec.18-2. thereof.

“*Special Event* is any activity organized for-profit or nonprofit 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 this article. Gatherings or activities that take place on private property and that make no use of city streets, or other public services other than for lawful parking, are not subject to the provisions of this article, but shall comply with all other requirements specified by ordinance.

“*Special Event permit* is a permit as required by this chapter to conduct a Special Event within the city.”

3. Chapter 18 of the Code of the City of Stone Mountain, Georgia, is hereby amended by adding the following new Article IV which shall read as follows:

“ARTICLE IV. SPECIAL EVENTS

Sec. 18-19. – Purpose.

This article is adopted to work with events sponsors to host successful events in the city while protecting the public health, safety and welfare of the city's inhabitants and safeguarding the interests of the city's residents, businesses and property. This article allows the city's departments and staff to review an application for a special event permit to determine any impact a special event permit may have on the ordinary use of parks, public streets, rights-of-way, or sidewalks and to make the necessary recommendations and allowances.

Sec. 18-20. – Administration.

The city manager and his designee(s) shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the state, or the constitution of the state or the United States, for the administration and enforcement of the provisions of this article and the collection of application fees.

Sec. 18-21 – Permit Requirements.

- (a) It shall be unlawful for a special event to occur in the city without having first obtained a permit for such special event.
- (b) All permits issued pursuant to this article shall be temporary and shall not vest in the holder any permanent property rights in the permit.
- (c) No special event shall be allowed to exceed six days in any 30-day consecutive period of time.
- (d) The location of a special event must include sufficient parking, which may be reduced when, for instance, an event is located near public transit.
- (e) An application for a permit shall be subject to review by the city manager or designee to determine compliance with this Code.
- (f) Unless specifically provided otherwise, a special event is subject to and must comply with all other applicable city ordinances.

Sec. 18-22 – Permit 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 shall be filed at least 120 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) Each application for a special event permit shall be accompanied by a nonrefundable application fee in such amount as may be set according to the provisions outlined in this article.
- (d) 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 and ordinances.
- (e) The application for a special event permit shall include the following information:
 - (1) Event details and description;
 - (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;

(4) Overall site plan of the event location. Plan must be drawn to scale and must include:

i. all property boundaries and setbacks for proposed location of the special event;

ii. All existing buildings, structures, parking, and curb cuts permanently located on site; and

iii. Any proposed temporary structures including buildings, structures, and parking;

(5) Schedule of proposed activities;

(6) Projected attendance at the special event;

(7) Plans for parking, restroom facilities, and sanitation concerns;

(8) First aid/medical support plan;

(9) Plan for crowd and traffic control;

(10) Producer shall provide proof all affected residents/businesses both on and adjacent to a proposed street closure are to be notified 30 days prior to the proposed event. The event producer shall provide residents/businesses a copy of the proposed street closure map. Additionally, notification signs may be required at the event producer's expense in the neighborhood during the street closure for traffic routing purposes.

(11) In addition, the city or any of its departments may require any other information deemed reasonably necessary to determine that the permit meets the requirements of this article.

(f) 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.

(g) 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 Stone Mountain Police Officer(s) shall be

utilized. If Stone Mountain Police Officer(s) are not available, then a DeKalb County police officer(s) may be utilized.

(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 EMT 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 and public/private 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 producer.

(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 noise ordinance, found at Chapter 15 of this Code.

(h) 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.

Sec. 18-23 – Permit denial.

The city reserves the right to deny a special event permit application as it deems necessary. If a permit is denied, the city manager or his designee shall give written notice to the applicant setting forth the reasons for permit denial. The applicant or producer shall have an opportunity to respond to a denial within seven (7) business days after receipt of the denial notice by presenting written or oral evidence to the city manager or his designee. A final written decision will be issued by the city manager or his designee within fifteen (15) business days after the applicant or producer has appealed the denial.

Sec. 18-24 – Permit modification, suspension or cancellation.

(a) After receiving a permit, a permittee may request a modification of the permit at any time by submitting a change request in writing to the city manager or his designee. The

city manager or his designee shall process the change request in the same manner established for processing initial applications.

- (b) If the city suspends, revokes or cancels a permit prior to the special event, the city will refund the permit fee upon written request.

Sec. 18-25 – Permit Fees.

- (a) Application fees for special event permits shall be set by resolution of the Mayor and City Council. Application fees are non-refundable and must be paid, in full, at the time of application.
- (b) Additional fees and charges may be assessed based upon specific requirements, including fees for the monitoring of public safety or special services by a city department, based upon labor, time and equipment necessary to provide the service. When using city-owned buildings or property other than public road rights-of-way, for production activities, a separate rental fee or charge may be negotiated.

Sec. 18-26 – Penalties for violation

Any producer of a special event that does not receive a special event permit or violates the material terms of a permit, or is otherwise in violation of this article, upon citation or summons by the police chief, code enforcement officer or other authorized city employee, and judgment or conviction by the Municipal Court of the City of Stone Mountain or any other court of competent jurisdiction, shall be subject to the penalties set forth in Section 1-11 of this Code. Each day a violation continues shall constitute a separate offense.

Sec. 18-27 – Insurance and liability.

- (a) At the discretion of the city, prior to issuance of a permit, the producer shall provide to the city proof of comprehensive liability insurance naming the city as an additional insured. The producer's comprehensive liability insurance shall be primary over any other policy of the city.
- (b) At the discretion of the city, the producer, at all times during the special event, shall maintain comprehensive general liability insurance combined single limits coverage including bodily injury and property damage with limits of \$1,000,000.00 for each occurrence, personal and advertising injury with a limit of \$1,000,000.00 per occurrence and \$2,000,000.00 general and auto liability insurance including owner, hired, and non-owned vehicles with combined single limits including bodily injury and property damage of \$1,000,000.00 for each occurrence and workers' compensation as required by law. The City of Stone Mountain shall be named as an additional insured on all policies and said policies shall be primary to any insurance maintained by the city.

- (c) 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 injury or property damages arising from any acts or omissions emanating from the 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.
 - (d) The city, its officials, employees, or agents shall not incur any liability or responsibility for any injury or damage to any person or any property 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.”
4. Appendix A of the Code of the City of Stone Mountain, Georgia, is hereby amended by deleting Sec. 2-1.13 in its entirety and replacing it with the following new Sec. 2-1.13.

“Sec. 2-1.13 – Reserved.”