

**SPECIAL EVENTS ORDINANCE**

TO CREATE CHAPTER 52 OF THE CODE OF ORDINANCES, BEN HILL COUNTY, GEORGIA, SO AS TO ESTABLISH REQUIREMENTS FOR THE CONDUCT OF SPECIAL EVENTS WITHIN THE UNINCORPORATED AREAS OF BEN HILL COUNTY, GEORGIA; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE GOVERNING AUTHORITY OF BEN HILL COUNTY, GEORGIA:

SECTION I. TEXT. Chapter 52 of the Code of Ordinances, Ben Hill County, Georgia, is hereby created, to wit:

**ARTICLE I - IN GENERAL**

**Sec. 52-1. 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:

- (a) Special Event is defined as any organized activity that is open to the public, having as its purpose entertainment, recreation and/or education, such as festivals, races, concerts, etc., that is initiated by an entity other than the Ben Hill County Government.
- (b) Private Event is defined as any activity that is not open to the public and therefore do not require a special event application or permit and are not included in this policy.
- (c) Public Assembly is any meeting, demonstration, rally or gathering of more than 50 people for a common purpose as a result of prior planning that occupies park area open to the general public and will require a special event permit. A public assembly of fewer than 50 people is not defined as a special event and does not require a special event permit.
- (d) Parades are any meeting, demonstration, rally or gathering of three or more people, who wish to use public property or roads within the County limits for the purpose of holding a parade, assembly, demonstration, road closing or other activity for a common purpose as a result of prior planning, and are required to have a permit from the County for the privilege of engaging in any such activity within the County unless such a permit is prohibited under state law or the activity is otherwise exempted by law, ordinance or other valid regulation.
- (e) County Event is defined as any meeting, gathering, or organized activity that is initiated by the Ben Hill County Government and is within the County limits.

**Sec. 52-2. Permit required.** No person shall operate, maintain, conduct, advertise, or sell or furnish tickets for a special event in the County unless he shall first obtain a special event permit from the County to operate or conduct such a special event.

**Sec. 52-3. Administration:**

The County Clerk shall be responsible for receiving all applications and coordinating the use of any government property for such events.

Event organizers initiate the permitting process by completing and returning an application to the County Clerk at least 90 days in advance of the event's date, no event shall be booked more than one year in advance of the event's date.

The application shall be reviewed by the County Administrator. If approved, the organizer is given a timeline of when any additional information is required, the fees associated with the event, and the terms of the agreement.

**Sec. 52-4. Conditions:**

County facilities and park amenities are available for special events as long as the event does not present a danger to the public, conflicts or competes with County programs or events; or impairs the atmosphere that is contrary to the purposes for which the location was established. Events may be approved that occur during operating hours or after hours.

Events to be held on private or public property are to abide by the same application process.

**Sec. 52-5. Violations; remedies of County.**

- (a) It shall be unlawful for any permittee, employee, agent or person associated with said permittee, to do any of the following:
  - (1) Conduct or operate a special event without first procuring a permit to do so.
  - (2) Sell tickets to a special event without a permit first having been obtained.
  - (3) Operate, conduct or carry on a special event in such a manner as to create a public or private nuisance.
  - (4) Operate, conduct or carry on a special event in such manner as to violate the zoning laws and regulations of the County.
  - (5) Allow any person on the premises of the permitted special event to cause or create a disturbance in, around, or near the special event by offensive or disorderly conduct.
  - (6) Knowingly allow any person to consume, sell, or be in possession of intoxicating liquor while in a place of a special event except where such consumption or

possession is expressly authorized under the terms of this article and under the laws of the state.

(7) Knowingly allow any person at the permitted special event to use, sell, or be in possession of any narcotic or dangerous drug while in, around, or near the special event.

(8) Knowingly allow any person at the special event to use or be in the possession of any firearm, weapon or other dangerous instrumentality.

(b) Any of the above violations shall constitute a criminal act and shall be punishable by a fine of not more than five hundred (\$500.00) dollars, for each and every day such offense shall continue, or imprisonment for not more than sixty (60) days, or both. It is provided, however, that the County retains any and all civil remedies, including the right of civil injunction for the prevention of said violations and for the recovery of money damages therefor.

(c) The Magistrate Court of Ben Hill County shall have jurisdiction over violations of this Article and all procedures for enforcement of said article shall be as provided in Article 4, Chapter 10, Title 15 of the Official Code of Georgia Annotated. Complaints of violations of any provision of said article shall be brought before the Magistrate Court on a citation issued by the County building official or the chief magistrate of Ben Hill County and shall be prosecuted through the court. Violations of said article will be tried upon citations either with or without a prosecuting attorney as determined by said County building official. Service of a citation shall be performed by the constable of the Magistrate Court of Ben Hill County, Georgia. Citations shall meet all of the requirements as specified in the Official Code of Georgia Annotated Section 15-10-63, as amended.

**Sec. 52-6. Application – Generally.** Application for a permit to conduct a special event shall be made in writing on forms provided by the County Clerk, or his designee, at least ninety (90) days prior to the time indicated for the commencement of the proposed special event and shall be accompanied by a nonrefundable application fee of \$100.00 and shall contain the following information (in the event a permit is granted hereunder, such application fee shall be applied to the permit fee required pursuant to Sec. 52-9 hereof):

(1) The name, age, social security number, residence and mailing address of the person making said application. If the application is made by a partnership, the names and addresses of the partners must appear. Where the applicant is a corporation, the application must be signed by the president, vice-president, and secretary thereof and must contain the addresses of said corporate officer; and a certified copy of the articles of incorporation shall be submitted with the application.

(2) A statement of the kind, character, or type of special event which the applicant proposes to conduct, operate or carry on.

- (3) The address or legal description of the place where the proposed special event is to be conducted, operated or carried on. Additionally, the applicant must submit proof of ownership of the place where the special event is to be conducted or a statement signed by the owner of the premises indicating his consent to the use of the site for the proposed special event.
- (4) The date or dates and the hours during which the special event is to be conducted.
- (5) An estimate of the number of customers, spectators, participants and other persons expected to attend the special event for each day it is conducted.
- (6) The applicant shall provide names and addresses of anyone contributing, investing, or having a financial interest greater than \$500.00 in producing the special event.
- (7) At the time of making the application the applicant shall arrange to be fingerprinted by the Sheriff's Office.
- (8) A list of cities and counties where special events have been conducted by applicant within the past twelve (12) months.
- (9) Such other information as is required by this article and such additional information as may be necessary to define completely the activities to be conducted within the County.

**Sec. 52-7. Special event plans.** A detailed explanation of the applicant's plans to provide security and fire protection, water supply facilities, food supply facilities, sanitation facilities, medical facilities and services, vehicle parking space, vehicle access and on-site traffic control, vendor activities, safety measures to be implemented for the protection of both spectators and participants, and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities shall accompany the application. The applicant's plans shall include what provisions shall be made for the number of spectators in excess of the estimate, provisions for cleanup of the premises and removal of rubbish after the event has concluded. Said explanation shall be made to the satisfaction of the County Administrator or his designee and on such forms as he may provide. A plot plan showing arrangement of the facilities including those for parking, egress, ingress shall be submitted with said application. Once the application is received and reviewed, application fee is paid and any additional requested information is obtained satisfactory to the County Administrator then a request for special event permit shall be presented to the Board of Commissioners at their next meeting for approval or denial.

**Sec. 52-8. Grant or denial of permit.** Based upon the testimony of the witnesses and evidence presented at said hearing, including the report of said department heads, the Board of County Commissioners shall grant the permit required by this article, deny the permit, or set conditions which must be met, or security given that they will be met, before a permit may be granted. If conditions are imposed by the Board, the applicant shall furnish or cause to be furnished to the

County Administrator proof that all conditions have been met before the permit may be issued by said administrator.

After the application is approved, all permit fees have been paid, receipt of Certificate of Insurance, receipt of executed Waiver of Liability and any and all other requirements are met then a Special Event Permit will be issued. A copy of the Special Event Permit is to be sent by the County Clerk to the Sheriff's Office, 9-1-1 Office and the Director of EMS.

**Sec. 52-9. Issuance of permit; fee; nontransferable.** When the County administrator certifies that conditions have been met for the issuance of a permit under this article, the Board of County Commissioners shall, upon payment of \$100.00 per day of operation (up to a maximum of \$1,000.00 for any one period of continuous business operation; provided, however, that in any case where a greater permit is required by other ordinances of the County, the greater fee shall apply), issue a permit specifying the name and address of the permittee, the kind of special event permitted and the number of days the operation is authorized. The permit shall remain posted in a conspicuous place upon the premises at which the special event is conducted. No permit issued pursuant to this article shall be transferable or removed to another location.

**Sec. 52-10. Conditions.** At the hearing required under section 52-8, the Board of County Commissioners may establish conditions which must be met prior to the issuance of any permit under this article, except that the Board may take a matter under consideration before determining which conditions shall be imposed. Where the Board may take a matter under consideration, written notice of any conditions imposed as prerequisite to the issuance of a permit must be mailed to the applicant within fifteen (15) days of the original hearing. The conditions which may be imposed by the Board of County Commissioners pursuant to the County's general police power for the protection of health, safety, and property of local residents and persons attending special events in the County, are as follows:

- (1) *Police protection.* Every permittee shall employ at his own expense, police protection. The number and type of officers, if any, shall be determined by the County sheriff to provide for the protection of property in and around the place of the special event. Funds to employ this specified number of law enforcement officers at the current hourly salary rate for sheriff's deputies shall be deposited with the County at least ten (10) days prior to the specified date the activity is to occur. A minimum of one law enforcement officer for every 500 persons expected to be in attendance shall be required.

Where the sheriff specified the employment of off-duty peace officers to meet the requirements of this article, said peace officers shall be under the complete direction and control of the sheriff. The sheriff must be satisfied that the requisite number of peace officers will be provided at all times of operation, plus any specified time prior to and following the event, before a permit is issued.

- (2) *Water supply.* Every permittee shall provide, from a water purveyor operating under permit as required by regulations of the state division of health, an ample supply of portable water for drinking and sanitation purposes on the premises of the special event. The location and condition of water facilities on the premises must be

approved by the County Health Department prior to issuance of a permit. The minimum supply of water to special events shall be as determined by the County health officer.

- (3) *Food concessions.* Should the permittee (to include his employees, agents, and representatives), vendors, concessionaires, or any other person(s) propose to offer food, beverages, or any other food product at the special event, such persons must be licensed and operate under a valid health department permit pursuant to local ordinances and state laws.
  
- (4) *Sanitation facilities.* Every permittee shall provide at least one enclosed flush-type toilet facility marked "Men" and one such facility marked "Women" on the premises of the special event at the ratio of one flush-type toilet for each 60 males and one for each 40 females expected to be in attendance. Lavatories provided with cold water under pressure, soap, and paper towels shall be provided on the basis of one lavatory for each 75 persons expected to be in attendance.
  - a. Where lavatories provided with cold water under pressure cannot be provided, the Board of County Commissioners may allow the use of wash basins not under pressure or some similar arrangement. Such alternate arrangement must meet with the approval of the County Health Department before any permit may be issued.
  - b. Where flush-type toilets cannot be made available for the persons in attendance, the Board of County Commissioners may allow the use of portable chemical toilets. Such chemical toilets must meet the approval of the County Health Department before any permit may be issued. Chemical toilets shall be emptied and recharged at the permittee's expense as necessary pursuant to regulations established by the County Health Department.
  - c. Every permittee shall be required to furnish at least one trash can with 36 gallon capacity with a tight-fitting lid for each 25 persons expected to be in attendance, an adequate supply of plastic bag liners to fit the trash receptacles shall be provided and each container shall at all times have a plastic bag liner inserted and when full it shall be tied, removed and a new plastic bag liner inserted. The pickup and removal of refuse, trash, garbage and rubbish shall be at least once a day and more often if required by the County Health Department. Removal of all trash and refuse shall be at the permittee's expense.
  
- (5) *Medical facilities.* The permittee shall provide as required by the County Health Department emergency medical personnel, treatment facilities and emergency medical transport on the premises of the special event.
  - a. The number and type of certified medical personnel needed and the quantity and nature of medical supplies, drugs, ambulances, and other equipment that must be

on the site shall be approved by the EMA Director prior to the issuance of any permit hereunder. The EMA Director officer shall calculate the need for medical services, based on the number of persons expected to attend and/or participate in the special event, their expected age group, the distance of the premises from adequate existing treatment facilities, the duration of events planned and the nature of possible injuries.

- b. Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance, helicopter, and other emergency vehicles to transport patients, or emergency personnel to appropriate on and off-site treatment facilities.
- (6) *Parking facilities.* Every permittee shall provide adequate parking space for persons attending the special event by motor vehicle. The County building official must approve an applicant's parking plan before permit shall be issued.
  - (7) *Access and parking control.* Every permittee shall provide adequate ingress and egress to special event premises and parking areas thereof. Necessary roads, driveways and entranceways shall exist to ensure orderly flow of traffic into the premises from a highway or road which is a part of the County or state system of highways or which is a highway maintained by the state. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The County building official or his designee must approve the permittee's plan for ingress and egress before a permit shall be issued. Additionally, any applicant may be required to show that traffic guards are under his employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the special event area.
  - (8) *Hours of operation.* All special events which are subject to permit under this article shall close and cease operation continuously between the hours of 10:00 p.m. and 6:00 a.m. of each and every day.
  - (9) *Illumination.* Every permittee planning to conduct a special event after 6:30 p.m. or planning to allow persons who attend the special event to remain on the premises after such time, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. The County building official must approve an applicant's lighting plan as a prerequisite to issuance of a permit hereunder.
  - (10) *Overnight camping facilities.* Every permittee authorized to allow persons who attend the special event to remain on the premises overnight shall provide camping facilities and overnight areas that meet the requirements and conditions which may be imposed by the County health officer and County building official prior to the issuance of any permit.
  - (11) *Insurance.* Applicant shall provide a certificate of insurance satisfactory to the Board of County Commissioners, such insurance to be comprehensive general liability insurance issued by a reputable insurance carrier authorized to do business in the State, in a minimum amount of one million dollars (\$1,000,000.00) combined single limit coverage, naming the County, its agents, servants and employees and the Board

of County Commissioners as additional insureds. The applicant shall also agree to indemnify and hold harmless the County for any damage to person or property which might occur during or as a result of the operation of the special event, as well as any costs necessitated for repairing public roads, cleaning up and removing debris, trash or other waste from, in, and around the premises.

- (12) *Fire protection.* Every permittee shall provide, at his own expense adequate fire protection as determined by the County building official. If the event is located in a hazardous fire area as defined by said County building official, a suitable number of fire guards shall be employed by the permittee. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by such County building official, fire extinguishment equipment shall be provided as directed by the same.
- (13) *Financial statements.* Each permittee shall be required to provide a financial statement to give assurance of the ability of the promoters and applicants to meet the conditions of the permit.
- (14) *Business License.* Each permittee shall be required to provide a business license.
- (15) *Communication.* Permittee shall be required to establish a communication system for public use where ordinary communications are not readily available.
- (16) *Construction of Barriers.* Applicant shall be required to construct barriers, fences, seating areas, and other similar structures for the protection of spectators and participants, as the same may be required by the County building official.
- (17) *Miscellaneous.* Any applicant may be required to meet any other condition prior to receiving a permit to conduct a special event which is reasonably calculated as necessary to protect the health, welfare, and property of local residents and persons attending or participating in the special event.

**Sec. 52-11. Grounds for denial; notice of denial.**

- (a) After holding the required public hearing, the Board of County Commissioners may deny issuance of a permit under this article if it finds any of the following:
  - (1) That the applicant fails to meet the conditions imposed pursuant to this article.
  - (2) That the proposed special event will be conducted in a manner or location not meeting the health, zoning, fire or building and safety standards established by this article, the laws of the County, or the laws of the state.
  - (3) That the applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application for permit or in any other document required pursuant to this article.



(4) That the applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate, or manager has previously conducted the type of special event being applied for which resulted in the creation of a public or private nuisance.

(5) That the applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate, or manager has been convicted, within the last five (5) years, in a court of competent jurisdiction, of:

- a. An offense involving the use of force or violence upon the person of another;
- b. A felony offense; or
- c. A crime involving moral turpitude.

(b) Where the application is denied, the County administrator or his designee shall mail to the applicant written notice of denial within fourteen (14) days of said action, which notice shall include a statement of the reason(s) the application was denied.

**Sec. 52-12. Revocation.** The Board of Commissioners shall have the power to revoke any permit, or to revoke and then reinstate any permit upon suitable conditions, when the following causes exist:

(1) The permittee fails, neglects or refuses to pay to the Board of Commissioners the fee prescribed by this article.

(2) The permittee, his employee or agent, fails, neglects or refuses to fulfill any or all of the conditions imposed pursuant to this ordinance.

(3) The permittee allows the special event to be conducted in a manner which violates any law or regulation established by this article, the County or the laws of the state.

(4) The permittee allows the special event to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the special event while under the influence of intoxicating liquor, or any narcotic or dangerous drug.

(5) The permittee, his employee or agent, is convicted of any of the offenses enumerated under section 52-12(a)(5).

Each violation as listed above shall result in a fine of \$500.00 per violation. If a permittee shall receive 3 violations in a 12 month period of time then their permit shall be revoked.

**Sec. 52-13. Recurring Events.** Recurring events will not be required to obtain a Special Event permit for each event that recurs within a calendar year as long as at least one special event permit has been issued to the permittee and thereafter the permittee enters into a separate and specific agreement, which is approved by the Board of Commissioners, to hold the event(s) pursuant to the terms of the individual agreement. The Board of Commissioners is authorized to modify the terms or requirements of this Ordinance within such an agreement, provided the modifications meet the spirit, if not the letter, of this Ordinance. At the conclusion of a calendar year a permittee shall renew its Special Events permit without having to go through the

application process as addressed herein. The revocation section (Sec. 52-12) hereinabove shall likewise apply to recurring events.

**Sec. 52-14. Prior Year Discount.** If the event is a repeat event taking place in the same general time, place, and manner as the most recent event, which must have taken place at least once within the previous two calendar years, a prior event discount of 25% shall apply.

**Sec. 52-15.** Individuals and/or entities which have held events which fall within this Special Events Ordinance prior to the enacting of same shall be exempt and shall not be required to go through the Special Events permit process as stated herein.

**SECTION II. REPEALED.** All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION III. EFFECTIVE DATE.** This Ordinance shall become effective on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

THEREFORE, BE IT RESOLVED that the Ben Hill County Board of Commissioners does hereby ordain, resolve and enact the foregoing.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(COUNTY SEAL)

BEN HILL COUNTY BOARD OF  
COMMISSIONERS

\_\_\_\_\_  
Steve Taylor - Chairman

\_\_\_\_\_  
Hope Harmon - Vice Chairman

\_\_\_\_\_  
Bennie Calloway - Member

\_\_\_\_\_  
John Mooney - Member

\_\_\_\_\_  
Daniel Cowan - Member

ATTEST:

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Donna Prather - County Clerk

**CHECKLIST FOR**  
**SPECIAL EVENTS ORDINANCE**  
**ORDINANCE NO. 52**

\_\_\_\_\_ Application completed and returned to the County Clerk at least 90 days prior to event date.

\_\_\_\_\_ Application fee of \$100.00 paid.

\_\_\_\_\_ County Administrator shall review the application and determine if additional information is needed and if so request same from the event organizer and provide deadline for same.

\_\_\_\_\_ If application approved – notify event organizer with timeline of when additional information is needed, fees to be paid, and terms of agreement.

**CONDITIONS**

\_\_\_\_\_ Police protection (minimum of 1 law enforcement officer for every 500 people expected to be in attendance).

\_\_\_\_\_ Water supply (documentation of ample water for drinking and sanitation purposes – need prior approval from County Health Department).

\_\_\_\_\_ Food concessions (valid health department permit)

\_\_\_\_\_ Sanitation facilities

a. Toilets - 1 enclosed flush-type toilet marked "men" and one enclosed flush-type toilet marked "women" at the ratio of 1 such flush-type toilet for each 60 males and 1 for each 40 females expected, portable chemical toilets may be allowed if have approval of County Health Department

b. Lavatories - 1 lavatory for each 75 people expected; each lavatory shall have cold water, soap and paper towels based on 75 people expected

c. Trash can - 1 36 gallon trash can with tight fitting lid for every 25 people expected.

\_\_\_\_\_ Medical facilities (Approval from EMA Director)

\_\_\_\_\_ Parking (Approval from County building official)

- \_\_\_\_\_ Confirmation hours of operation 6 am to 10 pm
- \_\_\_\_\_ Illumination (approval from County building official)
- \_\_\_\_\_ Overnight camping (approval from County Health Department and County building official)
- \_\_\_\_\_ Insurance (Certificate of insurance – comprehensive general liability min \$1,000,000 combined single limit naming County as additional insured)
- \_\_\_\_\_ Indemnification (Applicant has signed document agreeing to indemnify and hold County harmless)
- \_\_\_\_\_ Fire Protection (Approval from County building official)
- \_\_\_\_\_ Financial statement
- \_\_\_\_\_ Business license
- \_\_\_\_\_ Communication (permittee must establish a communication system if ordinary communications are not available).
- \_\_\_\_\_ Construction barriers (approval of County building official)
- \_\_\_\_\_ Additional requested information provided.
- \_\_\_\_\_ Application reviewed and approved by County Administrator.
- \_\_\_\_\_ Permit fees paid
- \_\_\_\_\_ Meeting held by Board of Commissioners to approve special event permit
- \_\_\_\_\_ Special event permit issued