

ORDINANCE NO. 21-2015

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
FOR THE CITY OF TYBEE ISLAND, GEORGIA,
TO AMEND SEC. 54-70, PERMITS, CONCERNING SPECIAL EVENTS,
TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend Sec. 54-70, Permits, so as to make the existing subsection as “(a)” and to add a new subsection “(b)”, to repeal conflicting ordinances and for other purposes.

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that the Code of Ordinances, Section 54-70, be amended so that hereafter the section shall read as hereinafter provided.

SECTION 1

Section 54-70 is hereby amended so that hereafter it shall read as follows:

Sec. ~~54-70~~. - Permits.

(a) In the interests of the public's convenience and safety and availability of city services, persons or organizations wishing to host a special event upon the public beaches, public streets or rights-of-way, or within the city parks or parking lots must first obtain a permit from the city manager or his designee. The permit application shall include, but not necessarily be limited to, the following information:

- (1) Description of event (location, date/time, activities, estimated number of participants, etc).
- (2) Name, address and telephone number of sponsoring organization and its responsible representative.
- (3) Method of notification of participants.
- (4) Publicity plan, if open to the general public.
- (5) Parking/traffic control requests and concerns.
- (6) Public safety requests and concerns, if any.
- (7) Impacts on other city services, if any.

(b) *Festival Ordinance.*

1. Definitions. Words and terms used in this ordinance are defined as follows:

a. *Festival* shall mean a program of cultural and/or entertainment events open to the general public and taking place either fully or in part on public streets, thoroughfares, parking lots, parks or squares, or other public property in connection with a community festival or event such as Pirates Fest. To be regulated by this ordinance, each such festival must be designated as a festival by the mayor and council.

b. *Festival Area* shall mean the area specifically designed and defined by the mayor and council as the location of festival events and activities.

c. *Control Zone* shall mean a zone within the festival area in which special regulations may apply as recommended in each case by the city manager and authorized by the mayor and council including, but not limited to, controlled access by fencing and gating, wristband identification of persons admitted to a control zone, wristband identification of persons authorized to purchase and hold in possession alcoholic beverages, loud speaker limits and controls, enhanced security measurements and entertainment controls.

d. *Alcoholic beverage* shall mean any beverage containing alcohol.

2. *Designation of a Community Festival.* On the recommendation of the city manager, the mayor and council may designate and name certain community festival days and, during such festival days, authorize cultural and entertainment events and initiate regulatory provisions of this article within the festival area.

3. *Designation of Festival Area.* Unless the mayor and council specifically define otherwise, the festival area shall be that area bounded on the North by 14th Street, the East by the Atlantic Ocean including the Walter Parker Pier & Pavilion, the South by 17th Street, and the West by the properties abutting the west side of Highway 80 and Butler Avenue between the north and south boundaries.

4. *Designation and Management of Control Zone.* Upon recommendation of the city manager, the mayor and council may designate one or more control zones within the festival area, and may authorize the city manager to implement regulations and controls which will be specific for each designated control zone. Such regulations and controls may include, but are not limited to, the following:

a. *Fencing and gating.* Fencing designated control zone(s) and establishing entrance gates for controlling and limiting access to each control zone.

b. *Signage.* The festival manager is required to provide signage indicating control zone boundaries and all restrictions required within the zone.

c. *Identification entrance criteria.* Require pre-numbered wristbands or other means of identifying persons who have met entrance criteria. Entrance criteria may include, but are not limited to, prohibiting persons from entering with unlawful weapons, beverage coolers, pets, excluding pets of residents who live within the control zone, exotic animals, skates, bicycles, fireworks, sparklers, bang snaps (snap and pops), smoke balls (smoke bombs), and fountains and other items which may be dangerous, disruptive, or inconvenient in crowded conditions and prohibiting entry by persons appearing to be intoxicated.

d. *Identification, consumption of alcoholic beverages.* Require wristbands or other means of identifying persons who have displayed proof of attaining the age of 21 years and who are authorized to purchase or hold in possession alcoholic beverages within the control zone, outside of licensed alcohol beverage establishments. A fee, as set by the mayor and council, may be charged for such wristbands and such wristbands shall contain the city logo. Only persons who are authorized may sell or disburse wristbands. Displaying such a wristband

does not relieve alcohol beverage establishments of responsibility for determining if a person has attained the age of 21 years before dispensing alcohol to that person.

e. *Designation of festival manager within the control zone.* The mayor and council may designate and authorize a non-profit, tax exempt organization or similar entity to organize and manage festival activities within a control zone. Such designation may include authorization to collect and expend funds, in which case paragraph (f) below will apply.

f. *Financial requirements, audit regarding wristbands.* Any organization designated and authorized to collect fees and generate revenues from the public in connection with such event shall, with regard to sales of wristbands, within seven (7) calendar days of conclusion of the event, provide to the city manager a comprehensive audit that provides full accounting of all revenues and expenditures associated with the event. The designated organization shall be required to maintain documentation supporting event revenues and expenditures. The city will have complete and free access to all such financial records at all reasonable times for purposes of review and audit. Any organization designated and authorized to collect fees and generate revenues from the sales of wristbands to the public in connection with such event shall, within seven (7) calendar days of conclusion of the event, provide the city manager with a certified report of the number of wristbands sold and pay the city the agreed upon fee for each wristband sold (or otherwise unaccounted for).

g. *Insurance.* Any organization authorized to organize and manage festival activities within a control zone shall take out and keep in force for all activities associated with such event a special events liability policy. Such policy shall provide the following:

1. Minimum coverage limits: \$1,000,000.00 single limit.
2. Named as an additional insured: City of Tybee Island.
3. Certificate of Insurance: A Certificate of Insurance shall be issued to the additional insured at least five (5) calendar days prior to the beginning of the event. Such Certificate shall be on standard form and will provide for notification of the additional insured within ten (10) calendar days of termination of coverage.

h. *Restricting hours of alcohol sales.* Within the control zone, outdoor dispensing of alcoholic beverages under any permit or license will be promoted from 11:00 a.m. to 12:00 Midnight only.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to the ordinances of the City.

ADOPTED THIS 10 DAY OF SEPTEMBER, 2015.



MAYOR

ATTEST:

Janet Zulner
CLERK OF COUNCIL

FIRST READING: 8/14/15

SECOND READING: 8/26/15

ENACTED: 9/10/15

Tybee/Ordinances/21-2015 festivals 07.15.15 EMH
Tybee/Ordinances/21-2015 festivals 08.14.15 council
Tybee/Ordinances/21-2015 festivals 08.26.15 council