



CITY OF DAHLONEGA

Special Called Meeting Agenda - Amended

June 15, 2020 4:00 PM
Zoom Meeting Platform, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

TELECONFERENCE INFORMATION

Due to recommendations by the CDC during the Coronavirus crisis, this meeting will be conducted via teleconference. This is allowed by O.C.G.A. §50-14-1(g) as the public is provided simultaneous access to the teleconference meeting. The City of Dahlonega will utilize Zoom to conduct this teleconference meeting. **TO JOIN:** Go to - <https://dahlonega.gov/mayor-and-council/city-council-meetings/> Find the meeting invite you would like to attend, OR—Click on the hyperlink above.

We appreciate your patience and understanding during this time

CALL TO ORDER AND WELCOME

APPROVAL OF AGENDA

NEW BUSINESS

- [1.](#) Intergovernmental Agreement for the sale, Financing and Redevelopment of Certain Owned Properties, TBD
- [2.](#) Ordinance 2020-11 Special Events and Demonstrations
Bill Schmid, City Manager

ADJOURNMENT



CITY COUNCIL AGENDA REPORT

DATE: June 15, 2020
TITLE: Intergovernmental Agreement For the sale, financing and redevelopment of certain owned properties
PRESENTED BY: TBD

AGENDA ITEM DESCRIPTION:

This Intergovernmental Agreement is to provide for the development of strategy for the redevelopment and revitalization of the Head House property, so as to preserve the historic significance, enhance the downtown district of the City, to promote public purposes, and to develop trade, commerce, industry and employment opportunities in the City.

HISTORY/PAST ACTION:

FINANCIAL IMPACT:

The financial impact is referenced in paragraph 7 of the instrument. The impact is to be determined as part of the Development Plan. The currently anticipated use of the property is for DDA office space on the upper floor with a restaurant on the main floor. The lease of the lower floor is designed to offset a portion of the debt service on the property.

RECOMMENDATION:

SUGGESTED MOTIONS:

ATTACHMENTS:

Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT
FOR THE SALE, FINANCING AND REDEVELOPMENT
OF CERTAIN CITY OWNED PROPERTIES

This Intergovernmental Agreement (the “Agreement” or the “Conveyance IGA”) is made and entered into this ____ day of _____, 2020 by and between the City of Dahlonega, a political subdivision of the State of Georgia, (hereinafter referred to as “City”) and the Downtown Development Authority of the City of Dahlonega, Georgia (hereinafter referred to as “DDA”).

W I T N E S S E T H:

WHEREAS, the City is a political subdivision of the State of Georgia and the DDA is a public body corporate and politic created pursuant to the provisions of O.C.G.A. § 36-42-1, et seq.; and

WHEREAS, pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia, the City and DDA are authorized to enter into Intergovernmental Agreements for periods not exceeding fifty (50) years in connection with the activities which these entities are authorized to undertake; and,

WHEREAS, pursuant to Article IX, Section VI, Paragraph III of the Constitution of the State of Georgia, the DDA is authorized to further activities to promote public purposes to develop trade, commerce, industry, and employment opportunities within the City of Dahlonega; and,

WHEREAS, the DDA is authorized pursuant to O.C.G.A., §36-42-8(a)(8) to make application directly or indirectly to any municipal government or agency or to any other source,

whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the DDA's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such municipal government or agency or other source; and,

WHEREAS, the City, pursuant to the City Charter as codified at Article I, Section 1.10, of the Code of the City of Dahlonega, has the power to acquire, lease and dispose of real property in the public interest; and,

WHEREAS, the DDA, pursuant to O.C.G.A., Section 36-42-8(a)(4) has the power to acquire by sale, lease or transfer real property in fulfillment of its purposes; and,

WHEREAS, the City owns and controls the real property and improvements thereon located at 47 Park Street South Dahlonega, Georgia 30533, Lumpkin County tax parcel D11086 (the "Property"); and,

WHEREAS, the Property has historical significance to the City of Dahlonega but is currently underutilized and has the potential to provide much needed office space for the DDA and new downtown commercial space adding to the vitality, and sense of place and community; and

WHEREAS, the City desires the creation of a development plan (the "Development Plan") for the redevelopment of the Property in a manner that will preserve the historic significance of the Property, add needed office/commercial space in the historic downtown area and spur additional development opportunities and create jobs in the City; and,

WHEREAS, the City desires to enter into an Intergovernmental Agreement with the DDA to provide for the development of a strategy for the redevelopment and revitalization of the Property, so as to preserve the historic significance, enhance the downtown district of the City, to promote public purposes, and to develop trade, commerce, industry and employment opportunities in the City; and,

WHEREAS, the DDA agrees to manage and develop a strategy for the revitalization and redevelopment of Property, subject to the approval of both the DDA and the City; and

NOW THEREFORE, in consideration of the mutual promises, covenants and undertaking set forth herein, and detailed in the aforesaid recitals, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the City and the DDA do agree as follows:

1.

The City shall retain all title and interest in the Property until such time as the sale, lease or transfer of the Property to the DDA pursuant to the Development Plan approved by both Parties.

2.

The DDA, in conjunction with architects, historic preservation and other consultants, shall use its best practices to create a Development Plan for the revitalization and redevelopment of the Property, to preserve the Property's historic significance, enhance the downtown district of the City, promote public purposes, and develop trade, commerce, industry and employment opportunities in the City.

3.

The DDA shall use its best efforts to prepare and submit to the City for review and approval such Development Plan for the Property, including a budget for the revitalization and redevelopment of the Property pursuant to such Plan.

4.

The DDA shall review and approve for submission to the City, for the City's review and

approval, any and all development plans for the Property.

5.

Both the City and the DDA agree to consider the use of such tools as are available to them to assist in funding public infrastructure or public improvement necessary for the development of the Property or any funding gaps required for the development pursuant to the Development Plan, as they may determine to enhance the downtown district of the City, and/or promote public purposes, and/or develop trade, commerce, industry and employment opportunities in the City.

6.

Upon approval of the Development Plan by the City, the City agrees to sell, lease or transfer the Property to the DDA pursuant to the Development Plan.

7.

The City agrees to provide such financial assistance for the revitalization and redevelopment of the Property as are provided for in the Development Plan and in such form as the City finds financially reasonable.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed in three counterparts each to be considered as an original by their authorized representative, on the day and date hereinabove written.

[EXECUTION ON FOLLOWING PAGE]

CITY OF DAHLONEGA

By: _____

Its: Mayor

**DOWNTOWN DEVELOPMENT AUTHORITY
OF THE CITY OF DAHLONEGA, GEORGIA**

By: _____

Its: Chairman



RESOLUTIONS & ORDINANCES

DATE: June 15, 2020
TITLE: Ordinance 2020-11 Special Events and Demonstrations
PRESENTED BY: Bill Schmid, City Manager

AGENDA ITEM DESCRIPTION:

Amend text of Ordinance 2020-11 Special Events and Demonstrations. The addition of these additional phrases of "or his/her designee" in several places, allows for the work being performed to be delegated to other persons.

HISTORY/PAST ACTION:

Ordinance 2020-11: Special Events and Demonstrations Regulations; Exhibit A: Permit Requirement/ Application/ Processing

FINANCIAL IMPACT:

RECOMMENDATION:

Approve Ordinance 2020-11 (Amendment One) Special Events and Demonstrations Regulations; Exhibit A: Permit Requirement/ Application/ Processing

SUGGESTED MOTIONS:

Approval of Amended Ordinance 2020-11 (Amendment One) Special Events and Demonstrations Regulations; Exhibit A: Permit Requirement/ Application/ Processing

ATTACHMENTS:

Amended Ordinance 2020-11(Amendment One): Special Events and Demonstrations Regulations; Exhibit A: Permit Requirement/ Application/ Processing

Ordinance 2020-11 (Amendment One)

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA, GEORGIA WHICH APPEARS IN THE PUBLICATION OF THE CODE AT CHAPTER 28: STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV: SPECIAL EVENTS BY AMENDING AND REPLACING DIVISION 1 WITH A REVISED TEXT AND TITLE FOR THE ENTIRETY OF DIVISION 1 TO ALLOW FOR DESIGNATION OF AUTHORITY BY CERTAIN OFFICIALS REFERENCED THEREIN

Short title: “events regulations amendment to allow designation of authority”

WHEREAS, the City Council of Dahlonega, Georgia desires to amend its events and demonstration regulations so as to allow designation of authority by certain officials named therein; and

WHEREAS, the City Council further does hereby adopt and ratify the previous recitals made at the original adoption of Ordinance 2020-11 as findings of the Council;

NOW, THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Chapter 28, Article IV, is hereby amended by replacing the title and content of Division 1 with a revised Division 1 as follows:

DIVISION 1. PERMITS FOR SPECIAL EVENTS AND DEMONSTRATIONS

Sec. 28-88. Definitions.

“Demonstration” means any demonstration, rally, protest, counter-protest, picket, or other similar public assembly conducted on public property, at which one or more individuals are engaged in non-commercial expression protected by the First Amendment of the United States Constitution.

“Event” may refer either to a demonstration or a special event, or to demonstrations and special events, collectively.

“Open flame” means fire whose flame is supported by a wick, oil or other slow-burning means to sustain itself. “Open flame” includes, but is not limited to, flame producing devices such as candles, torches, and juggling or other fire artist equipment; provided, however, that “open burning and open fire” and “open flame” shall not include handheld candles when used for ceremonial purposes, provided that they are not held or used in an intimidating, threatening, dangerous, or harmful manner.

“Prohibited items” shall mean all items prohibited by law from being held, carried, displayed, worn or otherwise used in public, and any item prohibited by event specific regulations or as specified in permit conditions promulgated by the City Manager or his designee.

“Special event” means any activity, such as a sports event, pageant, celebration, historical reenactment, carnival or other entertainment, exhibition, dramatic presentation, fair, festival, race (i.e., run/walk/bike), block party, movie filming, parade, and any other, similar activity conducted by a person or entity other than the City of Dahlonaga on public property that is reserved, or is sought to be reserved, as the venue for such activity. The term "special event" shall exclude (i) a gathering people in a park for general recreational or sports activities and (ii) a demonstration, as defined above within this section.

“Sponsor” shall mean the person or persons who sign, or whose authorized representative(s) sign, an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Where a purported sponsor is not a legal entity, the sponsor shall be the individual(s) signing the permit application.

Sec. 28-89. Permit required.

- (a) The City Manager is authorized to adopt standard operating procedures that establish an event permit application process to be administered through the City Clerk or her designee. The procedures shall also provide for the grant or denial of permit applications within specified times; establish the grounds for revocation of an approved permit; provide for the application of reasonable time, place and manner regulations for permitted events; establish reasonable fees, charges, rentals and insurance and indemnification requirements; and restrict the possession or use of prohibited items, as defined herein, during the event. The procedures once promulgated by the City Manager shall be immediately applicable but must be ratified within forty-five days by the City Council in order to remain in effect. Initial procedures promulgated by the Manager and ratified by the City Council are attached hereto and labeled Exhibit A.
- (b) Any person or entity intending to hold or sponsor an event on any City-owned or leased property must first obtain a permit through the City Clerk or her designee, unless (i) the event is exempt from permitting requirements under the standard operating procedures promulgated by the Dahlonaga City Manager, or (ii) such person is holding or sponsoring such event pursuant to a valid permit issued by the City Manager or his designee, pursuant to another Chapter of this Code.
- (c) By accepting a permit issued by the City pursuant to this Article, the Sponsor represents that (1) all information included or presented as part of the permit application was, to the best of the Sponsor’s information and belief, complete and correct; (2) that all terms and conditions of such permit have been or will be complied with; and (3) that a copy of the permit will be made available for inspection by any City representative during the event.

Sec. 28-90. Insurance requirements.

- (a) To further the goal of public safety and to protect the City of Dahlonga and its officers, officials and employees from claims for damage to property or bodily injury occurring during the event, the sponsor of an event shall be required to furnish a general liability and property damage insurance contract insuring the Sponsor's liability for personal injury and death and damages to property resulting from its use of public property. The required general liability and property damage insurance, unless waived in whole or in part, shall be provided in an amount not less than \$1,000,000 (\$2,000,000 aggregate), and the insurance policy shall name the City (including its officers, officials, employees and agents), as additional insured parties to the insurance contract.
- (b) This insurance requirement may be waived, in whole or in part, by the City Manager or his designee because: (1) the cost of the insurance will result in a documented financial hardship to the sponsor, or (2) for an event that does not (i) pose a high level of liability risk to the City or a material risk to public safety, and (ii) does not involve any inherently dangerous activity. A written request to waive or modify any insurance requirement must be made by the sponsor at the time a permit application is submitted. An approval or denial of the request will be made in writing to the event sponsor.
- (c) The decision on whether the event poses a high level of liability risk to the City or a material risk to public safety will be based on the following factors: (1) whether the event and planned activities present a risk of personal injury or property damage; (2) whether the event involves a large number of participants relative to the size of the event venue; (3) whether the event involves the preparation and sale of food; (4) the duration of the event; and (5) whether the event involves transportation or installation of heavy equipment, or the installation of a stage or other temporary structures. Provided however, that, in deciding whether insurance will be required or waived for an event the City Manager or his designee shall not consider the number of anticipated onlookers, the potential risk of property damage or bodily injury that may be caused by onlookers, nor the possibility that the event will be controversial in nature.

Sec. 28-91. Violations and penalties.

The following conduct is declared to be unlawful and shall be, upon conviction, punishable as a civil offense with a fine not to exceed five hundred dollars:

- (a) Sponsoring, holding or conducting an event for which a permit is required, without first obtaining a permit;
- (b) Sponsoring, holding or conducting a permitted event on days or at times not authorized by the permit;
- (c) Intentionally providing false, misleading or incomplete information in a permit application;
- (d) Failing to comply with any terms or conditions placed on a permit;
- (e) The failure to comply during an event with any lawful directive of a law enforcement officer, or with any lawfully posted public sign, direction or instruction;

- (f) Climbing, during an event, upon any tree, or any wall, fence, shelter, fountain, statue, or any other structure not specifically intended for climbing purposes;
- (g) Closing any street or public right-of-way during an event, or using any street or right-of-way in a manner that obstructs vehicular or pedestrian passage during an event, without first obtaining permission to close the street from the City and the Georgia Department of Transportation if applicable;
- (h) Holding, carrying, displaying or using any prohibited item as defined herein within the area where a permitted event is taking place, without the prior written consent of the City Manager or his designee;
- (i) Throwing or propelling objects of a potentially dangerous nature during an event, including but not limited to rocks, bottles, sticks, staffs, glass objects or cans; and
- (j) Damaging landscaping, plantings, improvements, equipment or structures located on City property where an event is being held.

In addition to the sanctions authorized herein, any person engaging in the unlawful conduct proscribed by this section, may also be held civilly liable for any damages or loss, and may be banned from the future use of City-owned property for a specified period of time.

Except as modified herein, the Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

(Secs. 28-92—28-117. - Reserved.)

Effective date: _____

Adopted and ordained this ____ day of _____, 2020.

By: _____
Sam Norton, Mayor

Attest: _____
Mary Csukas, City Clerk

Exhibit A

1.1. Permit Requirements.

1.1.1. Events involving 50 or more persons or events in which the sponsor requests space to be reserved* may be held only pursuant to a permit issued by the City Manager or his designee. Events involving fewer than 50 persons where no space is requested to be reserved do not require a permit. A demonstration involving 50 or more persons which occurs without prior planning or announcement for the purpose of an immediate and spontaneous response to a recent occurrence, may take place without a permit if (i) it is otherwise a lawful assembly conducted in accordance with the regulations set forth in section 1.3.8.b herein; (ii) the group will not unreasonably interfere with other scheduled events or other events taking place concurrently; (iii) the demonstration does not block streets or access to City property including but not limited to city parks; and (iv) the demonstration does not pose a threat to public safety. A demonstration occurring more than 48 hours after the event to which it is responsive will not qualify as a spontaneous demonstration, even without prior planning or announcement. Sponsors of events outside this window must apply for and receive a permit for an event expected to draw 50 or more persons.

1.1.2. Wherever these regulations specify that a particular use or activity may be conducted only pursuant to a permit, such permit shall be required in order for that use or activity to be lawful.

1.2. Permit Applications In cases where a permit for an event is required:

1.2.1. Permit applications may be obtained from the City Clerk or her designee.

1.2.2. Applications for permits shall be submitted by the event sponsor in writing, on a form provided by the City, so as to be received by the City Clerk or her designee at least (i) twenty (20) days in advance of any event, if not requiring street closure, removal of parking, or provision of public safety personnel, or (ii) thirty (30) days in advance of any event, if requiring street closure, removal of parking, or provision of public safety personnel. This time may be extended beyond thirty (30) days if the street closure involves a route governed by the Georgia Department of Transportation. These periods may be reduced by the City Manager with respect to demonstrations only if, upon consultation with the City Marshal/Police Chief, Fire Chief or other appropriate public safety officials, the size and nature of the proposed demonstration will not reasonably require commitment of City resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period, and review of the permit by all appropriate personnel for the purposes contemplated by these ordinances is feasible within the necessary time period. In all cases, sponsors are encouraged to submit requests for permits as far in advance of any event as possible (but not to exceed 14 months).

*City rental policies apply to space reserved.

Previously permitted annually recurring events with no changes from prior approved event elements are subject to summary staff approval.

a. Each application shall specify (i) the name, address and telephone number of a contact person for the sponsor, (ii) the nature of the event, (iii) the date when the event is to be conducted, (iv) the times when the event is to begin and end, and the approximate times when assembly for, and disbanding of, the event are to take place, (v) the location(s) and/or route of the event and any assembling or disbanding areas, as well as any related stands or other structures to be used in the event, (vi) the approximate number of persons, animals, and vehicles that will participate in the event, (vii) whether the sponsor will invite, publicize or advertise the event to groups and other persons that the sponsor does not directly represent, (viii) a description of the types of animals, the types of vehicles to be used, the number of bands and other musical units and sound trucks to be used, and the number, type, and size of banners, placards, and signs to be used, (ix) the number of persons who will be designated by the sponsor to monitor the event, and (x) any other information required by these regulations.

b. Any permit grant will be based on the information provided in the application being, and remaining, complete, accurate and not containing any material omissions regarding the nature of the event, any structures or items to be used during the event, or any activities to be conducted during an event, which information constitutes conditions and limits on the event. Sponsor will notify the City as soon as practicable if any information in the application is no longer complete or accurate and provide a revised application containing the updated information. The City will promptly review the revised application and notify the sponsor whether the permit will stand, or be revoked, modified or subject to additional conditions or limits. The sponsor will be responsible for notifying the anticipated attendees of any applicable conditions and limits placed on an event and any relevant subject matter of these regulations directly applicable to their conduct at an event, such as the list of prohibited items and the allotted time and location for an event and its initial staging and dispersal, if applicable.

c. Each application must be accompanied by all required fees and deposits and signed by all sponsors responsible for the event unless, with respect to an application for a demonstration only, the sponsor claims in the application a bona fide financial hardship and the sponsor demonstrates to the City Manager by reasonable evidence including supporting financial documents and records indicating that the monetary obligations imposed by these regulations on the event would render the sponsor not reasonably able to conduct the demonstration, in which event the City Manager may waive, in whole or in part, compliance with the monetary obligations, including the obligations of indemnification, imposed by

these ordinances to the extent necessary to enable the sponsor to conduct the demonstration.

d. The sponsor of (i) an event at which at least 500 people will or may be expected to attend, or (ii) a special event for which admission fees will be charged shall provide the City with the location and number(s) of people who attended the past three events staged by the sponsor (or the sponsor's officers, directors or other principals). This will assist City officials and public safety personnel in planning for any services which may be necessary in connection with the event, including by contacting counterparts in other jurisdictions for the purpose of assessing the appropriate levels of such services.

1.3. Permit Processing.

1.3.1. Permit applications for events will be approved in order of receipt. The use of a particular area is allocated in order of receipt of completed applications (including any applicable fees or charges); however, the application of a sponsor who applies for a hardship fee waiver or reduction will not be considered incomplete due to non-payment of any fees or charges unless and until a determination is made that any fees or charges are due and owing from the sponsor and the due date for the fee has passed without the payment having been made. Unless otherwise provided by these regulations, no applications shall be accepted more than fourteen months prior to the proposed date of an event. Upon receipt of a permit application, the City Clerk or her designee shall promptly deliver a copy of such application to the City Manager or his designee, the Downtown Development Authority, the Police Chief/City Marshal, the Fire Chief, Public Works Director and any other City officials whom the City Manager may, from time to time, designate as reasonably necessary to receive and review permit applications, or their respective designees. Such officials shall promptly deliver to the City Manager or his designee their recommendations with respect to granting or denying the requested permit, or any modifications, conditions or limits upon which issuance of the permit should be based.

1.3.2. Reserved.

1.3.3. Permit Application Fees. An application fee shall be paid by the sponsor of every proposed event for which a permit is required. The permit fee shall be based solely on the cost of processing the application but not to exceed \$300.00. Other segments of the City's ordinances and these regulations may require direct financial commitment by the sponsor beyond the processing fees for the application. If a permit is denied or revoked, the application fee will not be refunded.

1.3.4. Requests for Information. Before or after permit issuance, the City Manager or his designee may request from the sponsor such additional information with respect to a proposed event as reasonably deemed necessary for evaluating the proposed event's compliance with these regulations and the impact of the proposed event upon public safety, persons, and property, and the interests of persons not participating in the event being able to use City streets, sidewalks, and other public ways to travel to their intended destinations,

City parks for recreational purposes, and other City lands for their intended purposes unreasonably impaired. The sponsor's failure to timely provide such additional information constitutes grounds for denial of a permit request or the modification, conditioning or limiting of a permit.

1.3.5. Grounds for Rejecting or Revoking a Permit. A permit may be denied, or its grant may be conditioned or limited by the City Manager, or an issued permit may be revoked upon the following grounds:

a. Receipt of Multiple Requests: a fully executed application for the same time and place has been received at an earlier time, reserving an area for an event or activities which do not reasonably permit multiple events in the particular area.

b. Reserved.

c. Incompatible Use: the proposed event is of such a nature or duration that it cannot reasonably be accommodated in the particular area applied for; would be inconsistent or incompatible with the purpose(s) for which the area sought to be reserved is normally used, or with other uses of the area sought to be reserved.

d. Failure to Meet Conditions: the application proposes activities contrary to one or more of the purposes, conditions or limits specified within these regulations.

e. No Responsible Person: there is no person authorized to sign an application on behalf of the sponsor applying for a permit and/or there is no person willing or able, as demonstrated to the City Manager by reasonable evidence, to accept responsibility for and perform the sponsor's obligations set forth in these regulations, including, without limitation, the sponsor's indemnification obligations.

f. Reserved.

g. Failure of the Event to be Consistent with the Application: The City Manager reasonably determines at any time, following consultation with the Police Chief/City Marshal, the Fire Chief, or other appropriate City officials, that any material information set forth in the permit application is incorrect or misleading, or has become since the submission of the application incorrect or misleading and the permit must be revoked, modified, conditioned or limited consistent with these regulations.

h. Prohibited Items: Prohibited items are not allowed at events and an event permit will be denied or revoked if at any time it appears that prohibited items will be used, or are being used, during an event, and the City has not granted special permission in the permit covering such use. If any prohibited item is used during the demonstration, such use will be unlawful and the permit's allowance of such use shall be automatically revoked. The person responsible for the unlawful use of the item will be directed by law enforcement to leave the demonstration area, and any

person refusing to do so shall be subject to arrest for trespassing. Nothing in these regulations shall prohibit a disabled person from carrying, possessing or using a wheelchair, cane, walker, or similar device necessary for providing mobility so that the person may participate in a permitted event. Nothing in these regulations shall prohibit certified law enforcement officers or other public safety officials acting in their official capacity from carrying or possessing materials, weapons and/or devices used in the performance of law enforcement duties. Prohibited items shall be identified by event specific permit conditions promulgated by the City Manager.

i. A permit may be denied if, taking into account the size and nature of the proposed event, the City Manager does not have sufficient time to evaluate the proposed event's potential impact upon public safety, persons and property, and the interests of persons not participating in the event being able to use City streets, sidewalks, and other public ways to travel to their intended destinations, City parks for recreational purposes, and other City lands for their intended purposes.

1.3.6. Modifying or Placing Conditions or Limits on Permit Grants. A permit may be modified or its grant may be conditioned or limited by the City Manager where necessary to meet the requirements of these regulations or to further their purposes. Such conditions and limits may include, for example, requiring the event to be relocated to an alternative venue if doing so is required to safely accommodate the number of anticipated attendees or type of event; provided, however, that with respect to demonstrations only, the City Manager shall take into account whether the alternative venue is suitable for communicating the content of the demonstration. The City reserves the right to limit the number of persons allowed at events based on the location or nature of the event, and to require that the sponsor provide a certain number of individuals, who may be volunteers within sponsor's organization, to act as crowd managers to assist with ensuring that the assembly is and remains lawful and in compliance with these regulations and liaising with City officials prior to and during the event. However, this does not give sponsors the authority to employ individuals to perform law enforcement functions without complying with state and local licensure or other requirements. Reasonable content neutral time, place and manner restrictions may be imposed also.

1.3.7. Notice of Decision.

a. Applicants shall be notified of the City's approval or denial of a permit for an event as soon as reasonably practicable after the date on which the application was received. The City may also issue approval of a permit for an event conditioned upon the sponsor's accepting modifications, conditions or limits imposed on the event consistent with these regulations.

b. Unless denied or modified within 10 business days following the submission of a completed permit application, or within thirty (30) business days if the event requires a street closure, removal of parking, or provision of public safety personnel, all requests for demonstration permits shall be deemed granted, subject

to the conditions and limits set forth in the permit and these regulations, so long as the area proposed for the demonstration had not been reserved by another person prior to the date on which the permit would be deemed granted in accordance with this section 3.4.7(b). The applicant must provide GDOT approval of closure of state or federal highways at the time of filing the application for a permit. If not provided, the application will be deemed incomplete until the GDOT approval is provided.

c. All denials of requests for, or conditional approvals of, demonstration permits shall include a reasonably detailed description of the reason for the denials or the modifications, conditions or limits, and specific instructions for how an appeal of the denial or conditional approval can be submitted to the Mayor.

1.3.8. Permit revocation.

a. An issued permit for an event may be revoked by the City Manager upon a finding of a violation, or a reasonably anticipated violation, of any rule, ordinance, law, regulation and/or condition or limit of the permit, or a finding that a permit application was not complete or accurate or had a material omission of fact when granted, or a finding that the information in the permit application has become, or is reasonably likely to become, incomplete, inaccurate or to contain a material omission. Immediately upon such a revocation, the City Manager shall send a written notice to the sponsor at the sponsor's address in the permit application, specifying the reason for the revocation.

b. During the conduct of an event, a permit may be revoked by the ranking police/Marshal or other public safety supervisory official in charge, and the event attendees dispersed, if the event is unlawful, prohibited items are being used, there exists an imminent likelihood of violence or other threat to public safety endangering persons or threatening to cause significant property damage, or if the City has declared either a state of emergency or an unlawful assembly covering the area in which such demonstration is being or will be held. Upon such revocation, the sponsor and the other sponsor attendants shall communicate the need to disperse the demonstration to the attendees.

c. When a permit has been granted, or is deemed to have been granted pursuant to these regulations, the City Manager may revoke, modify, condition or limit the permit for any reason for which it could have been denied, modified, conditioned or limited originally.

d. Except for permits revoked during demonstrations, all revocations of demonstration permits shall include a reasonably detailed description of the reason for the revocation and specific instructions for how an appeal of the revocation can be taken, and shall be served personally or by certified mail, with a copy sent by fax or e-mail at the sponsor's request.

1.3.9. Appeals.

a. Except for permits revoked during demonstrations, an appeal of the denial, conditional approval or revocation of a demonstration permit may be made to the Mayor or his designee in writing, and shall include a statement of the basis for the objection to the denial, conditional approval or revocation.

b. The Mayor or his designee shall make a decision on appeal expeditiously and, if practicable, at least three (3) business days prior to the date the demonstration is planned to commence, and shall explain in writing the reasons for the decision.

Submitted By: _____
Bill Schmid, City Manager

Ratified this, ____ day of _____, 2020.

By: _____
Sam Norton, Mayor

Attest: _____
Mary Csukas, City Clerk