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**AN ORDINANCE BY
COUNCILMEMBER KWANZA HALL**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF SECTION 142-60(b) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO REDUCE THE OUTDOOR FESTIVAL PERMIT FEE ON A ONE TIME BASIS TO \$4,500 FOR THE 2008 ATLANTA DOGWOOD FESTIVAL, 2008 ATLANTA PRIDE FESTIVAL, AND 2008 ATLANTA JOURNAL-CONSTITUTION PEACHTREE ROADRACE 10K; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) is undergoing a severe drought; and

WHEREAS, the City is currently under level four drought conditions, meaning among other things that a water ban is in effect that precludes the City from watering its parks; and

WHEREAS, the Department of Parks, Recreation and Cultural Affairs has declared that, with regard to City parks, the current drought is a natural disaster. This declaration is consistent with Governor Perdue’s declaration that the drought is an emergency. It is also consistent with a recent listing by the College of Agricultural and Environmental Sciences of the University of Georgia that includes drought as a natural disaster, along with flooding, high winds, hurricanes, tornadoes and winter storms; and

WHEREAS, like other natural disasters, the current drought struck without warning, and threatens life and property. It has the ability to cause the untimely death of critical elements of the City’s parks, including trees, turf and ornamentals. The loss of these assets in parks increases storm runoff, erosion, and the heat island effect, while decreasing air quality, the value of the City’s capital assets, the surrounding property values, and the quality of life; and

WHEREAS, Outdoor Events, as defined in City of Atlanta Code of Ordinances (“Code”) section 142-2(m), that are held in parks, cause significant wear on the grass. In order to restore grass that has been trampled, the City waters, fertilizes, and aerates the worn areas. Because of the drought and the associated water ban, the City is unable to provide this remediation of the park turf; and

WHEREAS, to protect parks from severe damage, the Department of Parks, Recreation, and Cultural Affairs has opined that the largest Outdoor Events should be re-located outside of City parks, and park remediation time should be implemented between other Outdoor Events to allow grass in parks to rejuvenate on its own; and

WHEREAS, based upon the opinion of the Department of Parks, Recreation and Cultural Affairs, and after consulting with other City departments, the Chief of Staff has utilized his

authority pursuant to Code section 142-12 (m) to establish rules for the location and timing of Outdoor Events in order to protect City parks and to provide objective standards by which to permit or deny Outdoor Event applications (see Drought Policy, attached hereto as Exhibit A, hereinafter referred to as "Rules"); and

WHEREAS, the Rules allow Class B through Class E Outdoor Festivals to be held in parks, but only with one to four weeks of remediation time between events, depending upon the size of the event. During that remediation time, no other permitted Outdoor Events may occur in the location being remediated. The Rules will result in Class B through Class E Outdoor Events being disseminated throughout the City's park system; and

WHEREAS, the Rules do not allow Class A Festivals (festivals with an anticipated attendance of 50,000 or more) to occur in any City parks given their magnitude and the tremendous wear and tear that they cause on parks. For this reason, the Rules will impact Class A Festivals differently from all other Outdoor Events; and

WHEREAS, the only Class A Festivals occurring in the City during the recent past are the Atlanta Dogwood Festival, the Atlanta Jazz Festival, the Atlanta Pride Festival, and the Atlanta Journal-Constitution Peachtree Road Race 10K, all of which have been held in Piedmont Park; and

WHEREAS, the continuing drought forced the Mayor's Chief of Staff to issue the Rules without as much advance notice to the Class A Festival organizers as the City would normally like. In order to address some of the financial impact felt by the Class A Festivals as a result of the Rules, the City is willing to provide the Class A Festival organizers with a one-time permit fee reduction; and

WHEREAS, Atlanta Code section 142-60 (b) requires that the Atlanta Dogwood Festival, the Atlanta Pride Festival, and the Atlanta Journal-Constitution Peachtree Road Race 10K pay an Outdoor Festival Permit Fee of \$9,000 each. Because the Atlanta Jazz Festival is a City-Sponsored event, no permit fee is required, pursuant to Code section 142-3(b).

WHEREAS, in order to assist the Class A Festival organizers with their increased costs, while still offsetting some of the costs incurred by the City as a result of each Class A Festival, the City wishes to waive, on a one-time basis, the requirements of Code section 142-60(b) and provide a one-time 50% permit fee reduction for the Atlanta Dogwood Festival, the Atlanta Pride Festival, and the Atlanta Journal-Constitution Peachtree Road Race 10K, thereby making the 2008 permit fee for each of these festivals \$4,500.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. The provisions of section 142-60(b) of the Outdoor Events Ordinance are hereby waived for the one-time, limited purpose of reducing the Outdoor Festival permit fee owed in 2008 for the Atlanta Dogwood Festival, the Atlanta Pride Festival, and the Atlanta Journal-Constitution Peachtree Road Race 10K, from \$9,000 to \$4,500 for each of the three festivals.

Section 2. All ordinances and resolutions in conflict herewith are hereby repealed for purposes of this Ordinance only, and only to the extent of said conflict.