A SUBSTITUTE ORDINANCE **09-O-0805**
BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE

A SUBSTITUTE ORDINANCE MODIFYING ATLANTA CODE OF ORDINANCES CHAPTER 142, THE OUTDOOR EVENTS ORDINACE: TO IMPLEMENT CERTAIN ADMINISTRATIVE FEES, TO REQUIRE THAT CERTAIN OUTDOOR EVENT APPLICATIONS BE FILED THIRTY DAYS PRIOR TO THE EVENT, AND TO REQUIRE A PARKING METER FEE BE PAID FOR OUTDOOR EVENTS THAT MAKE METERS INACCESSIBLE FOR GREATER THAN ONE DAY; AND MODIFYING ATLANTA CODE OF ORDINANCES SECTION 110-3 TO INCREASE CERTAIN PAVILLION AND BALLFIELD FEES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") issues permits for various types of outdoor events that occur within the City, including large gatherings, assemblies, and outdoor festivals (all outdoor events described in City Code of Ordinances Chapter 142 are herein referred to collectively as "Outdoor Events"); and

WHEREAS, the issuance of Outdoor Events permits is governed by City Code of Ordinances Chapter 142, entitled the Outdoor Events Ordinance ("OE Ordinance"); and

WHEREAS, the City incurs a number of administrative costs while processing Outdoor Event applications and issuing permits, and the City wishes to recoup some of these administrative costs; and

WHEREAS, in recouping such costs, the City will not use administrative fees to produce revenue; and

WHEREAS, the Department of Parks, Recreation and Cultural Affairs ("DPRCA") rents pavilions and ball fields and incurs expenses related thereto; and

WHEREAS, though fees have been established for the pavilion and ball field rentals, those fees do not cover the costs incurred by DPRCA related to such use; and

WHEREAS, the fees need to be modified so that all costs borne by DPRCA are reimbursed by the renter.

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

SECTION 1: Chapter 142 shall be amended to require applicants for Large Gatherings on public property to pay a $50 administrative fee. Specifically, Section 142-103(d) shall be modified by deleting the first sentence that reads: "The Application Fee for a Large Gathering is $35 for City residents and $50 for non-City residents", and replacing it with the following:

"The Application Fee for a Large Gathering is $50."

SECTION 2: The second sentence of Section 142-103(d) currently requires that: "[W]here a Large Gathering occurs, at least in part, in a City park, the Application Fee shall be deposited in a trust account to be utilized solely by the Department of Parks, Recreation, and Cultural Affairs to offset the Department's administrative costs associated with Large Gatherings." Said sentence shall be modified by deleting "a trust account" and replacing it with "an account". Said fees collected pursuant to this second sentence of Section 142-103(d) shall be deposited into account number GL: 7701 (Trust Fund) 140201(PRC Parks Admin) 3472003 (Fees) 6210000 (Function/Act) 100247 (Project) 91494 (Trust Fund 9999); PTAEO: 14100247 (Project) 102 (Task) 770191494 (Award) 5311002 (Expenditure Type) COA (Org).

SECTION 3: Chapter 142 shall be amended to require that Large Gathering applicants submit their applications at least thirty days prior to the Outdoor Event, except where the event is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty. Other than large gatherings falling within this exception, the current deadline for filing applications is fourteen days prior to the Outdoor Event. Section 142-103(c) shall be modified by replacing the word "fourteen" with the word "thirty" so that the section now reads as follows:

> "Except as set forth in subsection (1) and (2) below, a Large Gathering Application must be filed at least thirty days prior to the Outdoor Event so that the City can provide adequate solid waste and security services."

SECTION 4: Chapter 142 shall be amended to require applicants for Large Gatherings on private property to pay a $50 application fee. Specifically, Section 142-115 (d) which states that "There is no Application Fee for a Private Large Gathering", shall be deleted in its entirety and replaced with the following:

"The Application Fee for a Private Large Gathering Application is $50."

SECTION 5: Chapter 142 shall be amended to require that Private Large Gathering applicants submit their applications at least thirty days prior to the Outdoor Event, except where the event is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty. Other than large gatherings falling within this exception, the current deadline for filing an application is fourteen days prior to the Outdoor Event. Section 142-115(c) shall be modified by replacing the word "fourteen" with the word "thirty" so that the section now reads as follows:

> "Except as set forth in subsection (1) and (2) below, a Private Large Gathering Application must be filed at least thirty days prior to the Outdoor Event."

SECTION 6: Chapter 142 shall be amended to require applicants for Street Closures and Sidewalk Closures to pay a $50 application fee. Specifically, the first sentence of Section

142-85(a) shall be amended by adding the following language immediately before the period: "and shall submit a $50.00 Application Fee therewith." Therefore the first sentence of Section 142-85(a) shall read as follows:

> "Any person or entity wishing to obtain a Street Closure Permit or a Sidewalk Closure Permit shall submit a completed Street or Sidewalk Closure Permit Application to the Chief of Police or her/his designee at least ten days prior to the event to guarantee review, and shall submit a $50.00 Application Fee therewith."

In addition, a new sentence shall be added to the end of Section 142-85(a) that shall read as follows:

> "No Application Fee for the Street or Sidewalk Closure Permit shall be due when said closure is part of an Outdoor Festival that is permitted or whose permit is pending. An Application Fee shall be due when the closure is part of a Large Gathering that is permitted or whose permit is pending."

SECTION 7: Street Closure and Sidewalk Closure Application Fees shall be deposited in an account to be utilized solely by the Atlanta Police Department to offset the Department's administrative costs associated with processing such applications. Said fees shall be deposited into account number 7701 (Trust Fund) 240426 (APD Special Operations) 3472003 (Fees) 6210000 (Function/ Act) 100247 (Project) 91494 (Trust Fund 9999); PTAEO 14100247 (Project) 102 (Task) 770191494 (Award) 5311002 (Expenditure Type) COA (Org)..

SECTION 8: Chapter 142 shall be amended to require applicants for Assemblies to pay an application fee. Specifically, Section 142-82 (c) shall be amended by adding a new section (3) that shall read as follows:

> "The Assembly Application shall be accompanied by the appropriate Application Fee. For Assemblies with an anticipated attendance of below 10,000 attendees, the Application Fee shall be $50.00. Assemblies with an anticipated attendance of 10,000 people or more shall have an Application Fee of $100.00. For purposes of this subsection, attendance shall be determined based upon the anticipated number of participants plus spectators, but in no event shall attendance be calculated based upon the anticipated number of counter-demonstrators."

Chapter 142 shall be further amended to require applicants for Assemblies to provide a $100 refundable sanitation bond. Specifically, Section 142-82 (c) shall be amended by adding a new section (4) that shall read as follows:

> "The Assembly Application shall be accompanied by a $100 refundable sanitation bond, or a sanitation bond of greater value as set forth in subsection 142-22(f)(3)(A). The sanitation bond requirement may be waived if the Host has performed or held an Assembly at least once during the past three consecutive years and completed all clean-up and cooperated fully with the City during each of these events."

SECTION 9: Chapter 142 shall be amended to establish a presumption against allowing an Assembly to occur on a weekday, except where the weekday is a federal holiday. Specifically, Section 142-83 shall be amended by adding a sentence immediately prior to the last sentence that shall read as follows: "To minimize impact upon public safety and traffic,

the Police Chief or her/his designee shall recommend denial of Assembly requests where the Outdoor Event is to occur on a weekday that is not a federal holiday, unless s/he reasonably determines that the Outdoor Event will create negligible traffic delays and public safety concerns." Accordingly, Section 142-83 shall now read:

> "The Assembly Permit shall be granted at the discretion of the Chief of Staff after her/his consideration of the factors set forth in Section 142-12 above, but only after s/he receives a security plan approved by the Chief of Police or her/his designee, an Emergency Services and Fire Safety Plan approved by the Fire Chief or her/his designee, and a recommendation from the Commissioner of the Department of Watershed Management, the Department of Public Works and/or the Department of Parks, Recreation and Cultural Affairs, or any of their designees, as may be appropriate. In considering whether to grant the Assembly Permit, the Chief of Staff, the Police and Fire Chiefs, and the Commissioners mentioned above shall evaluate the public safety, traffic, and sanitation effects of such closing, and shall require that reasonable steps be taken, where possible, to minimize the adverse effect such closings may have upon the public. To minimize impact upon public safety and traffic, the Police Chief or her/his designee shall recommend denial of Assembly requests where the Outdoor Event is to occur on a weekday that is not a federal holiday, unless s/he reasonably determines that the Outdoor Event will create negligible traffic delays and public safety concerns. Upon granting the Assembly Permit, the Chief of Staff shall authorize the closure of the appropriate City streets, sidewalks, rights of way, and/or parks, or portions thereof, to accommodate the Assembly."

SECTION 10: Chapter 142 shall be amended to establish a presumption against allowing a Street Closure to occur on a weekday, except where the weekday is a federal holiday. Specifically, Section 142-85 (e) shall be amended by adding a second sentence that shall read:

"To minimize impact upon public safety and traffic, the Police Chief or her/his designee shall recommend denial of a Street Closure Permit Application where the closure is to occur on a weekday that is not a federal holiday, unless s/he reasonably determines that the closure will create negligible traffic delays and public safety concerns."

SECTION 11: Chapter 110-3 that sets forth the fee schedule for amenities of the Department of Parks, Recreation, and Cultural Affairs, shall be amended to increase the rental fees for pavilions and gazebos located in certain City parks. Specifically, Section 110-3 (e)(1) shall be modified as follows:

1) The rental cost for the Pavilion in Anderson Park shall be increased. The "$50" cost for City residents shall be deleted and replaced with "$100". The "$75" cost for non-residents shall be deleted and replaced with "$150".
2) The rental cost for the Urban Treehouse in Bessie Branham Park shall be increased. The "$50" cost for City residents shall be deleted and replaced with "$100".
3) The rental cost for the Main Pavilion in Brownwood Park shall be increased. The "$50" cost for City residents shall be deleted and

replaced with "$100". The "$75" cost for non-residents shall be deleted and replaced with "$150".

4) The rental cost for the Pavilion #1 and the Pavilion #2 in Candler Park shall be increased. The "$50 each" cost for City residents shall be deleted and replaced with "$100 each". The "$75 each" cost for non-residents shall be deleted and replaced with "$150 each".

5) The rental cost for the Gazebo in Howell Park shall be increased. The "$75" cost for City residents shall be deleted and replaced with "$100". The "$100" cost for non-residents shall be deleted and replaced with "$150".

6) The rental cost for the Main Pavilion in Maddox Park shall be increased. The "$50" cost for City residents shall be deleted and replaced with "$100". The "$75" cost for non-residents shall be deleted and replaced with "$150".

7) The rental cost for the Gazebo in Piedmont Park shall be increased. The "$75" cost for City residents shall be deleted and replaced with "$100".

8) The rental cost for the Pavilion #1 and the Pavilion #2 in Pittman Park shall be increased. The "$75" cost for City residents shall be deleted and replaced with "$100 each". The "$100" cost for non-residents shall be deleted and replaced with "$150 each".

9) The rental cost for the Gazebo in Rosa L. Burney Park shall be increased. The "$50" cost for City residents shall be deleted and replaced with "$100". The "$75" cost for non-residents shall be deleted and replaced with "$150".

SECTION 12: Chapter 110-3 that sets forth the fee schedule for amenities of the Department of Parks, Recreation, and Cultural Affairs, shall be amended to increase the rental fees for the use of City ballfields. Specifically, Section 110-3 (a)(3) shall be modified as follows:

1) The rental cost for Unlighted Ballfields shall be increased. The "$12 per hour" cost for tax-exempt City residents shall be deleted and replaced with "$20 per hour". The "$18 per hour" cost for tax-exempt non-residents shall be deleted and replaced with "$25 per hour". The "$25 per hour" cost for all other organizations that are City residents shall be deleted and replaced with "$33 per hour". The "$36 per hour" cost for all other organizations that are non-residents shall be deleted and replaced with "$43 per hour".

2) The rental cost for Lighted Ballfields shall be increased. The "$25 per hour" cost for tax-exempt City residents shall be deleted and replaced with "$33 per hour". The "$36 per hour" cost for tax-exempt non-residents shall be deleted and replaced with "$42 per hour". The "$45 per hour" cost for all other organizations that are City residents shall be deleted and replaced with "$53 per hour". The "$65 per hour" cost for all other organizations that are non-residents shall be deleted and replaced with "$71 per hour".

3) The Ballfield Tournament Fees shall be increased, and shall be paid in addition to the ballfield rental cost. The Tournament Fees for tax-

exempt City residents, currently "$20.00 per hour, 8 hour minimum" shall be deleted and replaced with "$35.00 per hour, 8 hour minimum". The Tournament Fees for tax-exempt non-residents, currently "$50.00 per hour, 8 hour minimum" shall be deleted and replaced with "$75.00 per hour, 8 hour minimum". The Tournament Fees for all other organizations that are City residents, currently "$35.00 per hour, 8 hour minimum" shall be deleted and replaced with "$50.00 per hour, 8 hour minimum". The Tournament Fees for all other organizations that are non-residents, currently "$65.00 per hour, 8 hour minimum" shall be deleted and replaced with "$90.00 per hour, 8 hour minimum".

SECTION 13: Chapter 142 shall be amended to require applicants for Outdoor Events or Street Closures that block the public's ability to park at parking meters for greater than one day to pay for the use of said parking meter spaces. Specifically, Chapter 142 shall be amended by adding a new Section 142-89 that shall read as follows:

"Section 142-89. Parking Meter Reimbursement.
The recipient of an Assembly Permit or any other Outdoor Event Permit, or a Street Closure Permit, shall pay the City a Parking Meter Reimbursement Fee where the Permit results in the closure of a street on which parking meters are located. The Fee shall be applied only where the meter parking is disallowed for greater than one calendar day, where a calendar day is defined as 12 a.m. through 11:59 p.m. The Fee shall be $5.00 per each calendar day, subsequent to the first day, per parking meter space that cannot be utilized by the public, as calculated by the Department of Public Works, Office of Transportation. Said Parking Meter Reimbursement Fee must be paid by the Permit Applicant prior to her/his receiving the Permit."

SECTION 14: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.