

10-0-1220

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AN ORDINANCE
BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AN ORDINANCE AMENDING THE
ATLANTA CODE OF ORDINANCES ,
CHAPTER 142 ENTITLED THE
OUTDOOR EVENTS CHAPTER, BY
ADDING A NEW SECTION 142-64, TO
CREATE A UNIQUE FESTIVAL
PERMITTING PROCEDURE FOR
OUTDOOR EVENTS CONDUCTED OR
SPONSORED BY GEORGIA STATE
UNIVERSITY IN HURT PARK; AND FOR
OTHER PURPOSES.

ADOPTED BY
JUL 19 2010
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 07/06/10

Referred To: CDHR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee
Date
Chair
Referred to

CDHR

Committee CDHR

Date 7/13/10

Chair James Sheperd

Action

Fav, Adv, Hold (see rev. side)

Other

Members

[Handwritten signatures of committee members]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
JUL 19 2010
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JUL 19 2010
Ronda Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
JUL 27 2010
[Signature]
MAYOR



**AN ORDINANCE
BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AMENDING THE ATLANTA CODE OF ORDINANCES , CHAPTER 142 ENTITLED THE OUTDOOR EVENTS CHAPTER, BY ADDING A NEW SECTION 142-64, TO CREATE A UNIQUE FESTIVAL PERMITTING PROCEDURE FOR OUTDOOR EVENTS CONDUCTED OR SPONSORED BY GEORGIA STATE UNIVERSITY IN HURT PARK; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) regulates outdoor events that occur inside of the City, in the manner set forth in Chapter 142 (“Outdoor Events Chapter”) of the Atlanta Code of Ordinances; and

WHEREAS, Hurt Park (the “Park”) is a 1.87 acre City-owned park located at 25 Courtland St. NE, at the intersection of Edgewood Avenue and Courtland Street; and

WHEREAS, the Park is located in the center of the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (“University” or “Georgia State University”) campus. The Park is heavily utilized by students for passive activity such as study and socializing. In addition, the Park is heavily programmed by the University, its departments/units, or officially-recognized University student organizations. These programs often occur with short notice, but qualify as “Large Gatherings” or “Outdoor Festivals” as defined by the Outdoor Events Chapter; and

WHEREAS, the City wishes to accommodate the unique circumstances arising from a City park that is enclosed by a University campus, while at the same time upholding the regulations established by the Outdoor Events Chapter, which address safety, notice to the City, and City resource allocation; and

WHEREAS, it is in the best interest of the City to modify the Outdoor Events Chapter to allow the University to obtain a non-exclusive ninety day outdoor festival permit that is continually renewable for an additional ninety days, provided that the University fulfills the requirements established below. It is anticipated that the Outdoor Events Chapter may be modified in a similar manner to apply this provision to Couch Park, the City park that is located within the campus of the Board of Regents of the University System of Georgia by and on behalf of Georgia Institute of Technology (“Georgia Institute of Technology”). There are no other City parks located within a college or university campus, and therefore the unique circumstances described herein would not apply to any other City park.



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

Section 1.

Atlanta Code of Ordinances, Chapter 142 entitled “Outdoor Events Chapter” shall be modified by adding a new section 142-64 that shall read as follows:

“Sec. 142-64.- Outdoor Events at Hurt Park sponsored by Georgia State University.

Hurt Park is located within the heart of the Board of Regents of the University System of Georgia by and on behalf of Georgia State University (“Georgia State University”) campus. Based upon the unique programming needs of a vibrant campus, the following provisions shall apply to outdoor festivals and other outdoor events sponsored by Georgia State University at Hurt Park.

(a) Additional definitions. In addition to the words, terms and phrases set forth elsewhere in this Chapter, the following words, terms and phrases, when used in this section 142-64 only, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (1) *90-day Permit* shall mean a non-exclusive ninety-day outdoor festival permit issued by the City to Georgia State University that authorizes Hurt Park festivals and other outdoor events that are sponsored by Georgia State University.
- (2) *Permitted Event* shall mean an Outdoor Event that is performed pursuant to this Section 142-64 and authorized by a 90-day Permit, including without limitation Outdoor Festivals and Large Gatherings.
- (3) *Park* shall mean Hurt Park, located in Atlanta at 25 Courtland Street N.E., at the intersection of Edgewood Avenue and Courtland Street.
- (4) *University* shall mean Board of Regents of the University System of Georgia by and on behalf of Georgia State University.

(b) The University shall be allowed to obtain a non-exclusive ninety-day outdoor festival permit from the City that will authorize all Outdoor Festivals and other Outdoor Events sponsored by the University in Hurt Park during that ninety day period, without notifying the City or receiving an individual event permit for any specific Large Gathering, Outdoor Festival, or other Outdoor Event occurring during that time, subject to and except as set forth in the provisions established in this Section 142-64. The City may issue the 90-day Permit at any time after receiving the University’s Application, without waiting for ninety days to pass. The University may apply for a new 90-day Permit at least thirty days prior to the expiration of an existing 90-day Permit, so that there is no lapse in the City’s authorization of University events in the Park. The University’s new Application shall highlight any changes from the immediately preceding Application. Upon submission of its first 90-day Permit Application, the



University shall pay to the City a \$100 Application Fee. Thereafter, an Application Fee will be required only if there is a material change in the University's Application (other than the dates during which the permit is effective). Nothing in this Section 142-64 shall require the City to grant the University a 90-day Permit. The City shall have sole discretion regarding issuance of this type of permit, provided that a decision to deny the Permit shall not be based upon any of the factors set forth in Section 142-12(b).

(c) The University shall perform or provide the following for each Permitted Event:

- (1) Sparks Hall shall be unlocked and available during each Permitted Event in order to provide access to lavatories and water fountains.
- (2) The University Fire Safety Officer shall perform all necessary banner permitting for Permitted Events. In addition, the University Fire Safety Officer shall approve the fire safety plan for every Permitted Event, and may do so without review or approval from the City Fire Marshall if the Permitted Event:
 - a) has tents that are no larger than ten feet by ten feet, or has no tents at all;
 - b) has no tents that are closer together than twelve feet;
 - c) has no grilling or other open flame activity, regardless of whether the activity is within or outside of tents;
 - d) does not include use of fireworks;
 - e) does not include exhibits with compressed gases, with flames or with ovens, such as glass blowing; and
 - f) has fewer than 2,000 attendees.
- (3) Where a Permitted Event does not meet all of the requirements set forth in subsection (c)(2)(a) through (f) above, the University shall submit a fire safety plan for the Permitted Event to the Atlanta Fire Rescue Department for a Sub-permit. The plan must be submitted at least ten business days prior to the Permitted Event. In addition to other potential requirements, the Atlanta Fire Rescue Department shall mandate that the University provide one or more crowd control managers where expected attendance is greater than 2,000. The University will be required to monitor crowd size during the Permitted Event and respond appropriately should there be an unanticipated increase in participants or should an overcrowding condition arise. The University shall utilize its own Fire Safety Officers to implement compliance with all fire safety laws.
- (4) The University shall provide at least one First Aid Station and at least two Emergency Medical Technicians-Intermediate for a Permitted Event that exceeds 1,999 attendees. The University must submit a medical safety plan to the Atlanta Fire Rescue Department for a Sub-permit where the Permitted Event exceeds 9,999 attendees.
- (5) The University shall provide one 55-gallon trash receptacle and one 55-gallon recycling receptacle for every anticipated 100 attendees at the Permitted Event. Where the Permitted Event includes sale and/or distribution of food and/or beverages, the University shall increase this number to five trash and five recycling 55-gallon receptacles per 100 people. The University



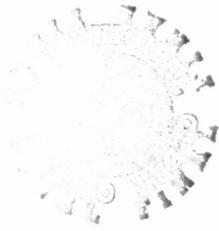
shall: monitor the waste and recycling receptacles throughout the Permitted Event to make certain that they do not overflow, and shall empty them as needed; dispose of refuse; dispose of recyclables to a location that processes them; at the conclusion of the Permitted Event, provide litter control and remove other debris from the Park and from the areas within 200 feet surrounding the Park; and pressure wash surfaces of the Park after the Permitted Event if needed. Where a Permitted Event includes grilling, the University shall also provide coal disposal bins in the grilling area(s), and shall be responsible for safely disposing of the coals at the end of the Permitted Event.

- (6) The University shall provide police coverage by University Police Officers or other post-certified public safety officers with a minimum ratio of the following:
 - a) For Large Gatherings with fewer than 250 attendees: the amount of police coverage (if any) shall be determined at the discretion of the University.
 - b) For Large Gatherings with greater than 250 attendees: one officer per 250 attendees.
 - c) For Outdoor Festivals: one officer per 250 attendees.
 - d) For a Large Gathering or Outdoor Festival that includes distribution of free food as part of the event: one officer per 100 attendees.
 - e) For Outdoor Festivals that include consumption, distribution, and/or sale of alcohol: one officer per 100 attendees.
- (7) Where a Permitted Event includes a lane or street closure, the University must submit a public safety plan for the Permitted Event to the Atlanta Police Department for a Sub-permit. In addition to other potential requirements, the Atlanta Police Department will mandate that the University provide one or more traffic control officers to monitor the closure. The officers must be either University Police Officers or other post-certified public safety officers.
- (8) Immediately prior to the submission of each 90-day Permit Application, the University shall submit plans to the City's Bureau of Buildings regarding the stage and/or other temporary structures that may be utilized during Permitted Events, but only if the University's plans have changed since the previous 90-day Permit was issued. Where no changes have been made, the University shall provide a letter to that effect to the City's Bureau of Buildings. The Bureau of Buildings will determine which structures may be permitted for the full ninety days, even if the University has not made changes to its plans. The Bureau of Buildings will provide the temporary structure sub-permit to the University, and the University will present the sub-permit to the Mayor's Office of Special Events to be included with the University's 90-day Permit. For temporary structures that are not covered by the 90-day Permit, the University must receive a temporary structures sub-permit from the Bureau of Buildings prior to use.
- (9) The University may use amplified sound during Permitted Events, but only on weekends and federally recognized holidays, and on weekdays between 12:00 p.m. through 1:30 p.m. and from 6:00 p.m. through 11:00 p.m..



At all other times, any and all sound produced by a Permitted Event may not be plainly audible outside the perimeter of the Park.

- (10) No alcohol shall be allowed in the Park except during Outdoor Festivals. Where an Outdoor Festival includes consumption, distribution, and/or sale of alcoholic beverages, the University shall obtain all necessary licenses and permits from the governmental jurisdictions of purview.
 - (11) Where an Outdoor Festival includes an amusement and/or ride, the University must submit an Amusement Sub-Permit Application to the Office of Parks and the Bureau of Buildings and receive a Sup-permit from each as applicable.
 - (12) Except as described herein, the University shall not be required to obtain any further sub-permits for its Permitted Events unless set forth in writing by the Chief of Staff or her/his designee, after consultation with the University.
- (d) The University shall abide by the following rules throughout the duration of each 90-day Permit:
- (1) Hurt Park shall remain a park that is owned by the City of Atlanta and the University shall keep the Park open to the public at all times, including without limitation during events authorized pursuant by the 90-day Permit. This provision notwithstanding, the City shall have the right to close Hurt Park at its discretion; provided, however, the City provides reasonable prior notice to the University as may be practicable.
 - (2) The University shall abide by the United States Constitution's First Amendment, and shall not interfere with speech and other forms of expression protected thereby, except as otherwise authorized by the First Amendment and resulting applicable case law.
 - (3) The University shall be responsible for making certain that all Permitted Events comply with the applicable laws and rules established by the Fulton County Health Department.
 - (4) The University shall comply with all other applicable laws, including without limitation the City's laws regarding conduct prohibited inside of City parks. The University shall enforce such prohibitions amongst all attendees of Permitted Events.
 - (5) The rules set forth in this Outdoor Events Chapter shall apply to all Permitted Events, except to the extent that those rules are specifically modified by this section 142-64. These rules shall include, without limitation, reimbursement of the City for the cost of Restoration Services and Supplemental Services should they be required.
 - (6) The City may permit other outdoor festivals or outdoor events in Hurt Park, which are not sponsored by the University, but will communicate closely with the University to avoid scheduling conflicts. The University will not be responsible for providing any services during non-University events, except as otherwise agreed upon by the University and the City.
 - (7) The City shall provide an updated calendar to the University indicating all non-University festivals and other outdoor events that have received a permit



to occur in Hurt Park, including the date, time, nature and anticipated attendance of the event. The City shall provide the University with at least 30 days advance notice of Outdoor Festivals and at least 21 days advance notice of Large Gatherings. The University shall not hold any Large Gatherings or Outdoor Festivals in the Park during permitted non-University events therein (unless it obtains the City's prior written consent), provided that the City gives the University the prescribed advance notice. The University shall provide the City, as soon as practicable, any events that should be added to the calendar. The City will assume that any other Large Gathering or Outdoor Festival that occurs in Hurt Park is a University sponsored Permitted Event, and the University shall be responsible for all restoration or other repair costs arising therefrom, unless the University notifies the Chief of the Atlanta Police Department, or her/his designee, both by email and by telephone, that an unauthorized event is occurring. The notice must occur while the event is in progress. Where the University provides such notice, and where the event was in-fact not sponsored by the University, or one of its departments/units, or a student group or organization officially recognized by the University, the University shall not be responsible for restoration and repair costs arising from the event.

(e) The University shall be required to pay the City for all applicable sub-permit fees, including without limitation street closure sub-permits and temporary structure sub-permits. The City shall also charge the University a Permit Application Fee, but only as described in subsection 142-64(b) above. The City shall not charge the University any Permit Fees for its Hurt Park Outdoor Events, but only if the University provides certain maintenance and other services for Hurt Park, as spelled out in a Memorandum of Understanding between the City and the University. Where the Memorandum of Understanding fails to be in effect for three consecutive months or more, the University may not receive a new 90-day Permit until a Memorandum of Understanding is executed.

(f) The City shall have the right to modify the requirements set forth in this section for any particular Permitted Event based upon the description of the Permitted Event and reasonable safety, sanitary, park maintenance, or other similar issues related thereto, provided that those reasons are compliant with the regulations set forth in Code Section 142-12(b)."

Section 2. The University may apply for a 90-day Permit, and the Mayor or his designee, on behalf of the City, may grant the 90-day Permit, when this legislation is adopted by the Atlanta City Council and approved by the Mayor.

Section 3. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,


Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JUL 19, 2010
JUL 27, 2010

RCS# 449
7/19/10
3:09 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

EXCEPT 10-O-1227

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

B Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	B Martin	Y Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		07-19-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 10-O-0808	39. 10-R-1286	59. 10-R-1302
2. 10-O-1206	40. 10-R-1287	60. 10-R-1303
3. 10-O-1207	41. 10-R-1325	61. 10-R-1304
4. 10-O-1248	42. 10-R-1326	62. 10-R-1305
5. 10-O-1250	43. 10-R-1332	63. 10-R-1306
6. 10-O-1346	44. 10-R-1288	64. 10-R-1307
7. 10-O-0305	45. 10-R-1289	65. 10-R-1308
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37. 10-R-1284		
38. 10-R-1285		