

**AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINDLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.; AND FOR OTHER PURPOSES.**

**Review List:**

George Dusenbury	Completed	08/15/2013 5:48 PM
Mariangela Corales	Completed	08/20/2013 10:16 AM
Mayor's Office	Completed	08/20/2013 12:00 PM
Office of Research and Policy Analysis	Completed	08/21/2013 8:59 AM
Community Development & Human Resources Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

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

**AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINDLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) Code of Ordinances (“Code”) closes City parks during the nighttime hours of 11:00 p.m. through 6:00 a.m. (“Night Hours”) and prohibits people from being in parks during said hours; and

WHEREAS, the City receives requests to hold permitted outdoor festivals and permitted large gatherings in City parks during Night Hours; and

WHEREAS, the City prohibits park use during Night Hours for reasons that include public safety and disturbance of residential neighborhoods; and

WHEREAS, the City has identified three parks that do not abut residences and that are small enough to allow park users to be seen from the park’s perimeter; and

WHEREAS, it is in the best interest of the City to accommodate the requests of citizens wishing to have permitted events in City parks during Night Hours by allowing said events in the three parks identified above, and by restricting the conduct at said events in a manner that minimizes residential disruption and public safety concerns.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Atlanta Code of Ordinances, section 110-75, entitled “Outdoor events occurring in parks”, which currently reads:

All rules regarding reservation of facilities located in city parks, and all types of outdoor events occurring in city parks, are located in chapter 142 of this Code of Ordinances.

shall be deleted in its entirety and replaced with the following:

“Sec. 110-75. - Overnight and other outdoor events occurring in parks.

- (a) Facility reservations. All rules regarding reservation of facilities located in city parks are located in Chapter 142 of this Code of Ordinances.
- (b) Outdoor events generally. Definitions and permitting requirements of outdoor events that occur in city parks are set forth in Chapter 142 of this Code of Ordinances. Additional rules for outdoor events that occur in parks during night hours are set forth in subsection (c) below.
- (c) Overnight events. Section 110-60 of this Code of Ordinances shall be waived for the limited purpose of allowing certain outdoor events, as defined in chapter 142, to occur in select city parks between 11:00 p.m. through 6:00 a.m. (for purposes of this section 110-75 only, “night hours” or “night”) or some portion thereof, but only under the following circumstances:
- (1) For purposes of this Section 110-75, an “Overnight Event” is a permitted large gathering or outdoor festival (as defined in Chapter 142 of this Code of Ordinances), or any portion of a permitted large gathering or outdoor festival that occurs in a city park after 11:00 p.m. and prior to 6:00 a.m. Where the outdoor festival or large gathering begins prior to 11:00 p.m. and/or continues after 6:00 a.m., the “overnight event” shall be only that portion of the festival or gathering that occurs during night hours. The term “overnight event” does not include outdoor festivals or large gatherings that occur during night hours at the Outdoor Activity Center or Lake Allatoona.
  - (2) An overnight event must meet the “large gathering” or “outdoor festival” permitting requirements, as applicable, set forth in Chapter 142 of the Atlanta Code of Ordinances.
  - (3) Overnight events may occur only in the following parks: Woodruff Park; Findley Plaza; and Gordon White Park.
  - (4) An overnight event must have one person who is responsible for the event during the night hours, and that person must be the applicant (or a co-applicant) for the outdoor festival or large gathering permit. The responsible party must be present throughout the night hours or must appoint a designee to be present and responsible. Where a designee is appointed, the responsible party shall notify the city of said designation in writing at least 24 hours prior to the start of the overnight event.
  - (5) The host of an overnight event in a park (either an individual or an organization as applicable) must wait at least ninety days after the end of the overnight event before beginning another overnight event of which she/he/it is the host in the same park.
  - (6) An overnight event may not be for the purpose of sleeping unless the sleeping is a material component of the host’s message.
  - (7) Duration of an overnight event:

- ( ) An overnight event may utilize the entire park for a maximum of two consecutive nights. The host's park use shall be non-exclusive when the park is open to the public (6:00 a.m. through 11:00 p.m.).
  - ( ) If an overnight event occurs on more than two consecutive nights, the City will require the overnight event to utilize a smaller, contained area that is pre-designated for such use by the Commissioner of the Department of Parks and Recreation. The Commissioner will include the description of the designated locations in the Department's written policies, and will use these locations for every overnight event lasting longer than two consecutive nights.
  - ( ) An overnight event shall last for no longer than six consecutive nights.
- (8) The following rules shall apply during overnight events:
- ( ) Generators are permitted, but only if they are non-combustion generators and have received the requisite permits and permissions from the city and other applicable governmental entities.
  - ( ) Fire of any kind is prohibited except for hand-held candles.
  - ( ) Amplified sound is prohibited.
  - ( ) Sound arising from the overnight event must not be audible more than 100 feet from the park boundaries, including generator sounds, instruments and voices.
  - ( ) Where a park already has lighting, no additional lights may be used during the overnight event. Where a park does not have lighting, lighting may be used at the overnight event provided that it does not require electricity. Nothing in this provision shall prohibit battery-operated flashlights which are expressly permitted during overnight events.
  - ( ) No alcohol is allowed at an overnight event.
  - ( ) The overnight event must have a sanitation and recycling plan approved by the City's Office of Sanitation.
  - ( ) All park rules apply to overnight events, including rules regarding tents.
  - ( ) Overnight events cannot be gated.
  - ( ) Anyone in a park during an overnight event must be participating in the event or a counter-demonstration thereto. An overnight event in a park does not open the park for general use.
- (9) A security plan approved by the Atlanta Police Department is required for every overnight event. Where the overnight event is part of an outdoor festival or large gathering that begins prior to or continues after night hours, the security plan for the overnight event portion of the festival or gathering must be separate from the security plan for the remainder of the outdoor event, and the requirements of each security plan may be different. The overnight event security plan must include the hiring of off-duty law enforcement officers who are present throughout the overnight event in a quantity prescribed by the Atlanta Police Department pursuant to Atlanta Code of Ordinances section 142-55. The requirement of off-duty law enforcement officers at the overnight event shall not, in and of itself, create a requirement for off-duty law enforcement officers during daytime hours.

SECTION 2: The Atlanta Code of Ordinances, Chapter 142 entitled "Outdoor events", shall be

amended to add the definition of “overnight event”. Specifically, Atlanta Code of Ordinances section 142-2, entitled definitions, shall be amended by adding a new subsection “n”, and by re-lettering the current 142-2(n) through 142-2(x) as 142-2(o) through 142-2(y) accordingly. The new

Code subsection 142-2(n) shall read as follows:

- (n) *Overnight Event* means a permitted large gathering or outdoor festival (as defined in this chapter 142), or any portion of a permitted large gathering or outdoor festival that occurs in a city park after 11:00 p.m. and prior to 6:00 a.m., and that meets the criteria set forth in Section 110-75(c) of this Code of Ordinances. Where the outdoor festival or large gathering begins prior to 11:00 p.m. and/or continues after 6:00 a.m., the “overnight event” shall be only that portion of the festival or gathering that occurs between 11:00-6:00. The term “overnight event” does not include outdoor festivals or large gatherings that occur at the Outdoor Activity Center or Lake Allatoona.

SECTION 3: The Atlanta Code of Ordinances, Chapter 142 entitled “Outdoor events”, shall be amended by modifying the definition of “Large Gathering”. Currently the definition of “Large Gathering” requires a minimum attendance of 75. The amendments set forth below expand the “Large Gathering” definition to include overnight events with fewer than 75 attendees. Specifically, the following three changes shall be made:

- (1) Code subsection 142-101(a). Code subsection 142-101(a) shall be revised so that overnight events are not exempt from the requirement to obtain an outdoor event permit, even where the overnight event has fewer than 75 attendees. Specifically, Atlanta Code of Ordinances subsection 142-101(a) which currently reads:

An outdoor event occurring on public property, with an expected attendance of fewer than 75 people, and that is not an assembly, does not require an outdoor event permit, and no outdoor event application need be filed.

shall be amended by adding the underlined portion below, such that Code subsection 142-101(a) shall hereinafter read as follows:

An outdoor event occurring on public property, with an expected attendance of fewer than 75 people, and that is not an assembly or an overnight event, does not require an outdoor event permit, and no outdoor event application need be filed.

- (2) Code subsection 142-103(a). Code subsection 142-103(a) shall be modified so that the term “large gathering”, which currently requires an attendance of at least 75 people, also includes overnight events with fewer than 75 people. Specifically Atlanta Code of Ordinances subsection 142-103(a) which currently reads:

A large gathering is an outdoor event on public property that lasts for more than one hour, has more than 75 attendees, and does not meet the definition of outdoor festival nor assembly.

shall be amended by adding the underlined portion below, such that subsection 142-103(a) shall hereinafter read as follows:

A large gathering is an outdoor event on public property that lasts for more than one hour, has more than 75 attendees, and does not meet the definition of outdoor festival nor assembly. In addition, the term 'large gathering' shall include an overnight event of any size, even with an attendance of fewer than 75 people, provided that the overnight event meets all other elements of the large gathering definition.

(3) Code subsection 142-103(c)(2). Code subsection 142(103)(c)(2) shall be amended to require that overnight events submit permit applications no less than thirty days prior to the commencement of the event. Certain large gatherings are exempt from the thirty-day requirement, but the exemption will not apply to overnight events. Specifically, Atlanta Code of Ordinances subsection 142-103(c)(2) which currently reads:

If the timing of the large gathering is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty, including but not limited to an announcement regarding a military action, an announcement of a court decision, or a death, and if the large gathering occurs within 48 hours of the identifiable event, the 14-day requirement for filing the application shall be waived, as long as the large gathering does not interfere with nor impede the flow of vehicular and/or pedestrian traffic. This waiver shall not apply to sub-permit applications.”

shall be amended by adding the underlined portion below, such that subsection 142-103(c)(2) shall hereinafter read as follows:

If the timing of the large gathering is based upon the occurrence of an identifiable event or decision, the date of which could not have been predicted with certainty, including but not limited to an announcement regarding a military action, an announcement of a court decision, or a death, and if the large gathering occurs within 48 hours of the identifiable event, the 14-day requirement for filing the application shall be waived, as long as the large gathering does not interfere with nor impede the flow of vehicular and/or pedestrian traffic. This waiver shall not apply to overnight events or to sub-permit applications.

SECTION 4: The Atlanta Code of Ordinances, Section 110-60, entitled “Use of public parks at night”, shall be amended by adding a new subsection (f) as set forth below. Code subsection 110-60(a) states in relevant part: “No person shall be in any park or upon any park lane or park drive between the hours of 11:00 p.m. and 6:00 a.m. daily...” The new subsection (f) shall read as follows:

(f) The park hours established in subsection 110-60(a) above shall not apply to overnight events as defined in and meeting the criteria of section 110-75(c) of this code of ordinances.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Trina Horton

Contact Number: (404) 546-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/Human Resources Committee

Chief of Staff Deadliue: June 21, 2013

Anticipated Committee Meeting Date(s): July 9, 2013, and July 30, 2013

Anticipated Full Council Date: August 19, 2013

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner's Signature: \_\_\_\_\_

Chief Information Officer Signature (for IT Procurements) \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

**AN ORDINANCE**

**BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.; AND FOR OTHER PURPOSES.**

**FINANCIAL IMPACT:** (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: VJ. 6/20/13  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview: Community Development Human Resources Committee**

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

**AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** August 19, 2013

**Requesting Dept.:** Department of Parks, Recreation and Cultural Affairs

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

**THE PURPOSE OF THIS LEGISLATION IS TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.**

**2. Please provide background information regarding this legislation.**

**3. If Applicable/Known:**

- (a) **Contract Type:**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. **Fund Account Center:** n/a

5. **Source of Funds:**

6. **Fiscal Impact:** \$0

7. **Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: Trina Horton, Departmental Contracting Officer**

<p>(Do Not Write Above This Line)</p>	<p>Committee _____ Date _____ Chair _____ Referred To _____</p>	<p>First Reading</p>	<p>FINAL COUNCIL ACTION  <input type="checkbox"/> 2<sup>nd</sup>    <input type="checkbox"/> 1<sup>st</sup> &amp; 2<sup>nd</sup>    <input type="checkbox"/> 3<sup>rd</sup>                      Readings  <input type="checkbox"/> Consent    <input type="checkbox"/> V Vote    <input type="checkbox"/> RC Vote</p>
<p><b>AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE</b></p> <p><b>AN ORDINANCE TO AMEND THE ATLANTA CODE OF ORDINANCES SECTIONS 110-75, 142-2(N), 142-101(A), 142-103(A), 142-103(C)(2) AND 110-60 TO DEFINE AND PROVIDE THE REQUIREMENTS FOR PERMITTED OUTDOOR EVENTS THAT MAY BE HELD IN WOODRUFF PARK, FINLEY PLAZA AND GORDON WHITE PARK BETWEEN THE HOURS OF 11:00 P.M. THROUGH 6:00 A.M.; AND FOR OTHER PURPOSES.</b></p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE &amp; REFER <input type="checkbox"/> 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER <input type="checkbox"/> PERSONAL PAPER REFER</p> <p>Date Referred _____ Referred To: _____ Date Referred _____ Referred To: _____ Date Referred: _____ Referred To: _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____ Refer To _____</p>	<p>MAYOR'S ACTION</p>