

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4 A.

Council Meeting Date: October 24, 2017

ITEM TITLE: **ORDINANCE (1st Reading)**
 INTRODUCED BY: **Mayor Andrew "FoFo" Gilich**
 CONTACT PERSON: **E. Michael Leonard, CAO** *qu*

SUMMARY EXPLANATION:

Ordinance to amend Code of Ordinances, City of Biloxi, Mississippi of 1992, Ch. 12, to add a new article XII to place an application and permitting procedure for Special Events, to delete article 23-4-5(G) of the Land Development Ordinance.

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

| Vote: | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> | <u>Councilmember</u> | <u>Yes</u> | <u>No</u> | <u>Other</u> |
|-------|----------------------|------------|-----------|--------------|----------------------|------------|-----------|--------------|
| | Lawrence | ___ | ___ | ___ | Tisdale | ___ | ___ | ___ |
| | Gines | ___ | ___ | ___ | Glavan | ___ | ___ | ___ |
| | Newman | ___ | ___ | ___ | Barrett | ___ | ___ | ___ |
| | Deming | ___ | ___ | ___ | | | | |

ACTION TAKEN:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CODE OF ORDINANCES, CITY OF BILOXI, MISSISSIPPI, OF 1992, CH. 12, TO ADD A NEW ARTICLE XII TO PLACE AN APPLICATION AND PERMITTING PROCEDURE FOR SPECIAL EVENTS, TO DELETE ARTICLE 23-4-5(G) OF THE LAND DEVELOPMENT ORDINANCE; AND FOR RELATED PURPOSES

WHEREAS, the City of Biloxi currently has a Land Development Ordinance titled "Special Events" located in Article 23-4-5(G); and,

WHEREAS, the size and scope of Biloxi Special Events have grown significantly since the previous ordinance was enacted; and,

WHEREAS, it is in the best interest of the City of Biloxi that a new Special Events ordinance should be adopted; and,

WHEREAS, the existing Special Events ordinance in the Land Development Ordinance should be deleted in its entirety and subsequently incorporated into the new Special Events Ordinance to be inserted in the Biloxi Code of Ordinances; and,

WHEREAS, the appropriate placement of the new Special Events Ordinance is Chapter 12- Licenses and Business Regulations; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION 1. The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION 2. The Biloxi Land Development Ordinance Article 23-4-5(G) – Special Events is hereby deleted in its entirety.

SECTION 3. Chapter 12 of the Code of Ordinances, City of Biloxi, Mississippi, is hereby amended to add a new article to read as follows:

Chapter 12 – Licenses and Business Regulations

Article XII – Special Events

Sec. 12-12-1. – Title.

This article may be cited as the “City of Biloxi Special Events Ordinance.”

Sec. 12-12-2. – Purpose.

The city council finds and declares that it is necessary for the protection of health, safety, comfort, and welfare of the general public and the inhabitants of the city that rules and regulations be established for the purpose of regulating public assemblages with large numbers of people in excess of those normally drawing upon health, sanitation, fire, police, transportation, utility, and other public services regularly provided in the city and for the purpose of regulating assemblages of large numbers of people in excess of those normally using the facilities of licensed business places or community buildings, so as to impact building capacity, grounds capacity, parking area, or traffic flow. It is the intention of this article to establish reasonable limits to the demand for police, fire, sanitation and other city services, to minimize detrimental effects to surrounding properties, to recover a reasonable portion of the cost of such events to the city, and to provide a regulatory framework for permitting special events.

Sec. 12-12-3. – Definitions.

Applicant shall mean any person or organization who seeks a special event permit from the city to conduct or sponsor an event governed by this section. An applicant must be 21 years of age or older.

Assemblage, assembly, activity or special event shall mean any group of persons attending an event, all or any part of which includes an entertainment event, game, show, exhibition, activity, amusement, theatrical exhibition, display, music festival, peace festival, rock concert, parade, run, race, special promotion (radio remote, grand opening, sidewalk sale, etc.), non-profit event, or any other similar gathering, in excess of those normally drawing upon health, sanitation, fire, police, transportation, utility and other public services regularly provided in the city or in excess of the number of persons normally using the licensed business places, community buildings (such as schools or churches), streets, parks or other public places, so as to impact building capacity, grounds capacity, parking area or traffic flow. Without regard to the number of persons participating, parade shall mean any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks, or other public places within the city with an intent of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of vehicular or pedestrian traffic or both upon the streets, parks or other public places of the city.

Attendant shall mean any person who obtains admission to a special event or assemblage as defined herein by any means whatsoever.

City-sponsored event shall mean an event planned, administered, coordinated, held by, and/or paid for by a City department or by City departments. Sponsorship may include the provision of City facilities or services at a reduced cost or no cost to the coordinating department(s). The City Council, through a resolution adopted on the Council minutes, shall determine whether an event is considered city-sponsored.

Pre-established route shall mean a route (course of travel) along designated streets, sidewalks, or other street rights-of-way that has been established by the chief of police for use by a special event whose primary purpose is First Amendment expression.

Special events committee shall mean the seven-member committee designated to review applications for special events permits.

Special events coordinator shall mean the representative of the Biloxi Police Department who shall have the duty to receive and administer all permit applications pursuant to this article, to classify special events for purposes of imposing the permit fee, and to issue final permits.

Sponsor shall mean any person who organizes, promotes, conducts or causes to be conducted an assembly as defined herein.

Sec. 12-12-4. – Applicability.

(1) General.

The procedures and standards of this subsection shall apply to all special events that are planned for or which reasonably may be expected to attract more than 500 persons at any one time (including but not limited to cultural events, musical events, celebrations, festivals, fairs, and carnivals) held on private or public property within the City, unless exempted in accordance with Section 12-12-5, Exemptions.

(2) Special Events Permit for Special Event Required.

All special events subject to this subsection shall have a Special Events Permit for a special event reviewed and approved or approved with conditions by the Special Events Coordinator/Committee before conducting the special event.

Sec. 12-12-5. – Exemptions.

Any person desiring to conduct or sponsor an assembly or other special event in the city shall first obtain a Special Events Permit from the Special Events Coordinator. The following events or activities are exempt from the standards of this subsection (i.e. may occur without a Special Events Permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance. A special event permit is NOT required for the following:

(1) On Grounds of Private Residence.

Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, townhouse, two-family, three- to four-family, or multifamily residential development, provided such events are held no more frequently than weekly and do not hamper the quiet enjoyment of adjacent properties.

(2) Event Sponsored by City or State.

See Section 12-12-3, Definitions, for full definition of city-sponsored event.

(3) Event or Activity at Site Intended for Such Event or Activity.

Any organized activities conducted at sites or facilities specifically intended and used for such activities. These events include the following: sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, churches, or similar facilities; funeral services conducted at funeral homes or cemeteries; and religious services, wedding services, and funeral services conducted at places of worship.

(4) Event or Activity Drawing less than Five Hundred Persons.

(5) Concerts or Conventions Contained Within Concert or Convention Grounds.

Concerts or Conventions within the grounds of such property on which the Concert or Convention is being held, provided:

- a. Such events may be confined within those premises without creating large numbers of people in excess of normal capacities for such premises; and,
- b. Such event does not create demands in excess of normal police, fire, sanitation, and other city services.

Sec. 12-12-6. – Creation of Special Events Committee.

(1) Special Events Committee Composition and Review of Class A or Class B Events.

There is hereby created a Special Events Committee, which is designated to review all requests for permits classified as either Class A or Class B pursuant to this article. The Committee shall be comprised of seven (7) members, representing the applicable city departments or divisions. Said Committee shall have the authority to establish regulations for the orderly enforcement and administration of this article, which shall be consistent with the provisions of this article. The composition shall be a representative from the following departments:

- a. Biloxi Police Department—One member, serving as Special Events Coordinator;
- b. Biloxi Fire Department—One member;
- c. Mayor's office—One member;
- d. Public Works—One member;
- e. City Attorney's office—One member;
- f. Parks and Recreation Department—One member; and
- g. Community and Economic Development Department—One member.

(2) Special Events Committee Composition and Review of Class C or Class D Events.

For special events permits classified as Class C or Class D, certain members of the Special Events Committee will consider those permits initially denied by the Special Events Coordinator.

- a. Should a permit application classified as Class C or Class D be **approved** by the Special Events Coordinator, no further action should be taken.
- b. Should a permit application classified as Class C or Class D be initially **denied** by the Special Events Coordinator, then the committee representative from the Public Works Department, and the committee representative from the City Attorney's office will review the application, and submit their recommendations.

(3) Decisions of the Special Events Committee and/or the Special Events Coordinator are Subject to Appeal to the City Council.

Sec. 12-12-7. – Special Events Permit Application Procedure.

- (1) Any person desiring to sponsor an assembly or other special event not exempted by Section 12-12-5(1), 12-12-5(2), 12-12-5(3), or 12-12-5(4) of this article shall apply for a Special Event Permit by filing an application with the Special Events

Coordinator of the Biloxi Police Department on a form supplied by that person. Any person desiring to sponsor an assembly or any other special event shall apply for a Special Events Permit. Only the application fee will be paid at the time of filing the application. Applications must be submitted not less than **90 days** before the date of the event if said event is deemed a Class A or a Class B event by the Special Events Coordinator; not less than **60 days** before the date of the event if said event is deemed a Class C event by the Special Events Coordinator; and not less than **45 days** before the date of the event if said event is deemed a Class D event by the Special Events Coordinator.

- (2) Upon a showing of good cause, the Special Events Coordinator may consider an application that is filed after the filing deadline, if there is sufficient time to process and investigate the application and to obtain police services for the event, if necessary. Good cause can be demonstrated by the applicant by showing that the circumstances giving rise to the permit application did not reasonably allow the sponsors to file within the time prescribed, and that the event is for the primary purpose of exercising the right of free speech, and that the applicant will select a pre-established route.

Sec. 12-12-8. – Contents of Special Events Permit Application Form.

The application for a Special Events Permit shall provide the following information:

(1) All events.

- a. Name, address and telephone number of the applicant/sponsor and an alternate contact person;
- b. If the event is proposed to be sponsored by an organization, the name, address and telephone number of that organization, the authorized head of the organization, and the name, address and telephone numbers of the organization's agents and/or officers; and if requested by the Coordinator, written authorization to apply for the Special Events Permit by an officer of the organization;
- c. Name, address and telephone number of the person who will be present and in charge of the event on the day(s) of the event;
- d. Exact location and area of the premises on which the assembly is planned and a full description of the proposed activity;
- e. Exact location and area of the lands to be used for parking and uses incidental to the activity and/or assembly;

- f. Type of event and purpose of the event;
- g. Date(s) and hours during which the assembly is to be conducted;
- h. An estimate of the minimum and maximum number of attendants, vendors, and other persons expected to attend the assembly, together with detailed information supporting such estimate;
- i. Type and estimated number of vehicles, animals, and structures that will be used at the event;
- j. Description and location(s) of any sound amplification equipment that will be used at the event;
- k. Whether any food or beverages, including alcoholic beverages, or merchandise will be sold at the event;
- l. Each application for permit shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective plan of the permittee to provide for the following:
 - i. Police and fire protection;
 - ii. Food and water supply and facilities;
 - iii. Health and sanitation facilities, including an adequate number of portable restroom facilities;
 - iv. Medical facilities and services including emergency vehicles and equipment;
 - v. Vehicle access and parking facilities. If the proposed public assembly is expected to require additional parking than can be provided at the location of the assembly, then the applicant must submit plans showing where additional parking will be provided and a letter and/or contract from the owners of the property granting approval for such use;
 - vi. Camping and trailer facilities;
 - vii. Illumination facilities;
 - viii. Communication facilities;
 - ix. Noise control and abatement;

- x. Facilities for cleanup and waste disposal; and
- xi. Insurance and bonding arrangements.

(2) Additional information required for parades, races and other events occurring along a route.

- a. The assembly point for the event, and the time at which units of the parade or other event will begin to assemble;
- b. The route to be traveled;
- c. Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed;
- d. The intervals of space to be maintained between units of a parade or other event;
- e. The number, types and size of floats;
- f. Material and maximum size of any signs or banners to be carried along the route; and
- g. Any rules or regulations developed by the organizers that apply to the event.

(3) Supplemental information.

Any supplemental information which the Coordinator/Committee shall find reasonably necessary, under the particular circumstances of the Special Events Application, to determine whether to approve, or conditionally approve a Special Events Permit.

(4) Certification of understanding.

All applicants must certify that they understand the grant of any permit under this article shall not be deemed waiver on the part of the city of the terms of any other ordinance or policies of the city.

Sec. 12-12-9. – Action on Special Events Permit Applications.

(1) Class A and Class B Events.

Upon receipt by the Special Events Coordinator, copies of the permit application for Classes A and Class B events shall be forwarded to the Special Events Committee within twenty-one (21) calendar days of receipt thereof. The Special Events Committee shall review and investigate matters relevant to the application, and within thirty (30) calendar days of the filing of the application, the Committee shall report their findings and recommendations to the Special Events Coordinator. The Committee will also decide whether or not the event is exempt from further permit fees. Within forty (40) calendar days of the filing of the application, the Special Events Coordinator shall issue, set conditions prerequisite to the issuance of, or deny the permit. If issued, the applicant will be advised of the applicable Permit Fee at that time, which must be paid within fourteen (14) days. If the application is denied, the Special Events Coordinator shall inform the applicant of the grounds for denial in writing, and his right of appeal to the City of Biloxi City Council. If the Special Events Coordinator and Special Events Committee relied on information about the event other than that contained in the application, the Special Events Coordinator shall inform the applicant about this information considered. The applicant shall be notified of any conditions placed on the permit at the time the application is approved of his right to appeal those conditions. If the Coordinator refuses to consider a late application as provided for by Section 12-12-7, the Coordinator shall inform the applicant of his reason for the refusal, and of his right of appeal.

(2) Class C and Class D Events.

Upon receipt by the Special Events Coordinator, the Coordinator will review and investigate matters relevant to the application, and within twenty-one (21) calendar days of receipt thereof, shall approve, conditionally approve, or deny the application. Should the application be approved by the Special Events Coordinator, no further action need be taken. Should the application be conditionally approved, the Coordinator shall send a request in writing for supplemental information to the applicant within thirty (30) calendar days of the filing of the application. Should the application be denied, the application will be forwarded to the Public Works' committee representative and the City Attorney's committee representative for review within thirty (30) calendar days of the filing of the application. The Committee representatives from Public Works and the City Attorney's Office will then submit their findings and recommendations to the Special Events Coordinator with 7 calendars days of receiving the application from the Coordinator. The ultimate decision on the application will be determined by majority vote of the three Committee members. If the application is ultimately denied, the Special Events Coordinator shall inform the applicant of the grounds for denial in writing, and his right of appeal to the City of Biloxi City Council.

Sec. 12-12-10. (10) Grounds for Denial and/or Revocation of Special Events Permit

(1) The Special Events Coordinator or the Special Events Committee shall approve an application for a Special Events Permit unless he determines from consideration of the application, or other pertinent information, any of the following, which shall also be justification for the Special Events Coordinator to revoke a previously issued permit:

- a. Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail; or
- b. The applicant fails to complete the application form within five calendar days after having been notified of the additional information or documents required; or
- c. Another Special Events Permit application has been received prior in time, or has already been approved, to hold another event at the same time and place requested by the applicant; or so close in time and place as to cause undue traffic congestion; or
- d. Another Special Events Permit application has been received prior in time or has already been approved such that the police department is unable to meet the needs for police services for both events; or
- e. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to great traffic congestion; or
- f. The concentration of persons, animals and vehicles at the site of the event, or the assembly and disbanding areas around an event, will prevent proper police, fire, or ambulance services to areas contiguous to the event; or
- g. The size of the event will require diversion of so great a number of police officers of the city to insure that all participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection to the remainder of the city; or
- h. The parade, or other event moving along a route, will not move from its point of origin to its point of termination in three hours or less; or
- i. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the city streets, or along any public right of way, or where construction work is scheduled in connection with a previously granted encroachment permit; or
- j. The event shall occur at a time when school is in session at a route or location adjacent to the school or class thereof, or on a route or at a location

adjacent to any hospital such that the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof, or would cause a disturbance and be detrimental to the well-being of any patients at the hospital; or

- k. The event is a parade that is scheduled to begin after the hour of 8:00 p.m.
- (2) Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event.
- (3) When grounds for denial of an application for permit specified in section (1)(c) through (1)(k) above can be corrected by altering the date, time, duration, route or location of the event, the Special Events Coordinator shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicants proposed event as are necessary to achieve compliance with subsections (1)(c) through (1)(k) above. Conditions are described in Section 12-12-11, Permit Conditions.

Sec. 12-12-11. – Permit Conditions.

- (1) The Special Events Coordinator/Committee may condition the issuance of a Special Events Permit by imposing reasonable requirements concerning the time, place and manner of the event, and such requirements as are necessary to protect the safety of persons or property, and control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such conditions may include, but are not limited to the following:
- a. Alteration of the date, time, route or location of the event proposed on the event application;
 - b. Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
 - c. Conditions concerning accommodation of pedestrian or vehicular traffic including restricting the event to only a portion of a street traversed;
 - d. Requirements for the use of traffic cones and barricades;
 - e. Requirements for the provision of first aid or sanitary facilities;
 - f. Requirements for the use of event monitors and the providing of notice of permit conditions to event participants;

- g. Restrictions on the number and type of vehicles, animals or structures at the event, and the inspection and approval of all floats, structures and decorated vehicles for fire safety by the fire department;
 - h. Compliance with animal protection ordinances and laws;
 - i. Requirements for use of garbage containers, and the cleanup and restoration of city property;
 - j. Restrictions on the use of amplified sound; and
 - k. Proof of notification of the event to businesses and residences along the affected route or streets in advance of the event.
- (2) All events will be conditioned upon compliance with any relevant ordinance or law, including but not limited to any ordinances governing the construction and safety of temporary structures, booths, or tents and on the procurement of any legally required permits, licenses or certificates, including but not limited to any necessary business permits, fire safety inspection permits, beer permits, and state health department permits.

12-12-12. – Special Provisions.

Though the Special Events Permit Application requires applicants to draft its own police traffic and safety plan, the Special Events Coordinator and/or Committee shall have the authority to establish rules of procedure and safety provisions to govern particular events. Said rules of procedure shall be made available to the public.

12-12-13. – Appeal Procedure.

- (1) The applicant shall have the right to appeal the denial of a permit or a permit condition to the City Council of the City of Biloxi by the filing of a notice of appeal with the Special Events Coordinator within 21 days of notification of said denial or permit condition.
- (2) The City Council shall hold a public hearing at the next available regularly scheduled meeting of that body. The decision of the City Council shall be binding.

Sec. 12-12-14. – Indemnification Agreement.

Prior to the issuance of a Special Events Permit, the permit applicant or sponsor (if any) must sign an agreement to reimburse the City for any costs incurred by the city in

repairing damage to city property occurring in connection with the permitted event proximately caused by the actions of the permittee/sponsoring organization, its officers, employees, or agents, or any person who under the permittee/sponsoring organizations shall hold harmless, indemnify and defend the City, its officials, members, agents and employees from any claim of injury or damage arising from or proximately caused by actions of the permittee/sponsoring organization's control, in connection with the permitted event, regardless of whether the city is actively negligent or passively negligent, except for those claims, costs, damages, demands, liability and notices, or any of these, caused solely by the negligence or willful misconduct of the city.

Sec. 12-12-15. – Insurance.

- (1) The applicant/sponsoring organization of an event must possess or obtain public liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from the event. Such insurance shall name on the policy or by endorsement as additional insureds the City of Biloxi, its officers, employees and agents. Insurance coverage must be maintained for the duration of the event. Coverage shall be a comprehensive general liability insurance policy with the following minimum limits:
 - l. \$250,000.00 each person—Bodily injury; \$500,000.00 each occurrence—Bodily injury; \$100,000.00 each occurrence—Property damage; or
 - m. \$500,000.00 each occurrence combined single limit bodily injury and property damage.
- (2) A copy of the policy or certificate of insurance along with all necessary endorsements must be filed with the Special Events Coordinator no less than fourteen (14) days before the date of the event, unless the Special Events Coordinator for good cause waives the filing deadline. The Special Events Permit shall not be issued by the Special Events Coordinator until after the insurance policy or certificate of insurance, along with necessary endorsements, have been filed by the applicant/sponsor and approved by the Special Events Coordinator.
- (3) The insurance requirements of subsections (1) and (2) above may be waived by the Special Events Coordinator for non-athletic events, if the applicant or officer of the sponsoring organization signs a verified statement that he believes the event's purpose is First Amendment expression, and that he has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage. The Special Events Coordinator/Committee shall review such statement before any determination regarding waiver of insurance. Nothing herein shall waive

the requirement to complete the indemnification agreement as required by Section 12-12-14.

Sec. 12-12-16. – Fees.

(1) The Special Events Coordinator shall classify each application according to the following criteria:

- a. The anticipated amount of extra personnel that shall be required to be furnished by the city to accomplish the necessary public safety and sanitation components of the special event. By agreement, as endorsed upon the permit or in a separate contract, the application may furnish some of the personnel required; and the anticipated personnel requirements for classification purposes shall be considered as reduced accordingly;
- b. The type and amount of city services required other than extra personnel hours; and
- c. The anticipated number of attendants over the entire period of the special event.
- d. The classes of Special Events Permits and the evaluated factors of each class shall be as follows:
 - i. **Class A permit.** For a special event which will require more than 75 extra personnel hours and for which the attendance is anticipated to be in excess of 25,000 persons over the entire period of the special event.
 - ii. **Class B permit.** For a special event which will require between 50 and 75 extra personnel hours and for which attendance is anticipated to be from 10,000 to 25,000 persons over the entire period of the special event.
 - iii. **Class C permit.** For a special event which will require between 25 and 50 extra personnel hours and for which attendance is anticipated to be from 1,000 to 10,000 persons over the entire period of the special event.
 - iv. **Class D permit.** For a special event requiring fewer than 25 extra personnel hours and for which attendance is anticipated to be from 1,000 to 500 persons over the entire period of the special event.

(2) If a Special Events Permit is approved, the applicant may obtain such permit by agreeing to accept the classification and conditions imposed by the Special Events

Coordinator and by paying the applicable fee and sanitation deposit. Such fees shall be determined according to the following schedule:

| Class | Application fee | Permit fee | Sanitation fee | Attendance Anticipated | Police Hours Anticipated |
|--------------|------------------------|------------------------------|-----------------------|-------------------------------|---------------------------------|
| A | \$10.00 | 5% of anticipated attendance | \$250.00 | 25,000+ | 75+ |
| B | \$10.00 | 5% of anticipated attendance | \$175.00 | 10,000-25,000 | 50-75 |
| C | \$10.00 | 5% of anticipated attendance | \$100.00 | 1,000-10,000 | 25-50 |
| D | \$10.00 | 5% of anticipated attendance | \$50.00 | 1,000-500 | 25 or less |

- (3) Any special event requiring in excess of the extra personnel hours and city services anticipated in the application and endorsed on the permit shall reimburse the City for the cost of such excess personnel hours and services in addition to the initial permit fee.
- (4) Upon satisfactory completion of the sanitation deposit agreement, the sanitation deposit fee shall be refunded to the applicant.
- (5) The Special Events Coordinator shall waive or alter all fees, other than the application fee, for any event not involving the sale of food or beverages, and not requiring the blocking of any streets or otherwise impeding the flow of vehicular traffic, which is conducted for the primary purposes of expression of First Amendment rights.
- (6) The Application fee is due at the time of filing the Special Events Application. All other fees are due fourteen (14) days after the Special Events Coordinator advises the applicant of its decision. If exempt or denied, no further fees are due.

Sec. 12-12-17. – Sanitation Deposits.

All applicants/sponsoring organizations shall be responsible for the cleanup of the event site or route within 24 hours of the conclusion of the event. To ensure such cleanup, the applicant/sponsor of an event shall be required to provide a cleanup plan and deposit prior to the issuance of a Special Events Permit. The cleanup deposit required shall be based on the classification of the special event by the Special Events Coordinator in accordance with Section 12-12-16.

- (1) The Special Events Committee shall conduct a closeout meeting at the conclusion of each event deemed a Class A or Class B Special Event at which time the permittee/sponsoring organization's compliance with the permit shall be assessed.

- (2) The Special Events Coordinator shall conduct a closeout assessment at the conclusion of each event deemed a Class C or Class D Special Event at which time the permittee/sponsoring organization's compliance with the permit shall be assessed.
- (3) The Sanitation Deposit shall be returned to the applicant/sponsor after the event if the area used for the permitted event has been cleared and restored to the same condition as existed prior to the event within 24 hours of the conclusion of the event.
- (4) If the property used for the event has not been properly cleaned or restored, the city shall do so, and the applicant/sponsor shall be billed for the actual cost incurred by the city for cleanup and restoration, and the cleanup deposit, or a portion thereof, shall be applied toward the payment of the bill. If the applicant/sponsor disputes the bill, he may appeal to the city council within 21 days after receipt of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant/sponsor. Should the amount of the bill exceed the Sanitation deposit, the difference shall become due and payable to the city upon the applicant's receipt of the bill.

Sec. 12-12-18. – Duties of Permittee/Sponsor of Event.

- (1) The permittee/sponsor of any event shall comply with all terms and conditions of the Special Events Permit, the provisions of this article and any other applicable state, federal or local law.
- (2) Each permittee/sponsor of any event shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event shall carry the Special Events Permit on his person for the duration of the event.

Sec. 12-12-19. – Permits Not Transferable.

No permit granted under the provisions of this article shall be transferable to another location, another person or entity, or another set of dates.

Sec. 12-12-20. – Hours of Operation.

The permittee/sponsor shall operate the event only on those days and during those hours specified in the Special Events Permit.

Sec. 12-12-21. – Duration of Permit.

A Special Events Permit for a special event authorized in accordance with this article shall be limited to the time period approved on the application and authorized by the Special Events Coordinator.

Sec. 12-12-22. – Compliance with Zoning Regulations.

The permittee/sponsor shall comply with all applicable zoning regulations of the city.

Sec. 12-12-23. – Unlawful to Sponsor or Participate in a Special Event Without a Permit.

- (1) It shall be unlawful for any person to allow, permit, encourage, organize, promote, conduct or advertise any assembly within the limits of the city or police jurisdiction thereof where it is reasonably expected to attract an assemblage of persons at any one time, unless a valid city permit is first obtained. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued the required permit.
- (2) No person shall interfere with or disrupt a lawful assembly, parade, athletic event, block party, festival or other special event.

Sec. 12-12-24. – Unlawful to Exceed the Scope of the Special Events Permit.

The Special Events Permit authorizes the permittee/sponsor to conduct only such event as is described in the permit, and in accordance with the terms and conditions of the permit. It shall be unlawful for the permittee/sponsor to willfully violate the terms and conditions of the permit. It shall be unlawful for any event participant with knowledge of the terms and conditions of the permit to willfully violate the terms and conditions of the permit.

Sec. 12-12-25. – Penalties for Violating Special Events Permit.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1000.00 for each violation of the article. A special event operated otherwise than in accordance with this article shall be a public nuisance which may be enjoined or abated as allowed by law. Such violations may also be addressed by civil action and any violator shall be liable for the actual full costs to the city for having provided police services for, or because of, the event.

SECTION 4. Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi. This ordinance shall be published according to law and spread on the minutes of the Biloxi City Council.