

Ordinance No. 2532

ORDINANCE TO AMEND CODE OF ORDINANCES CHAPTER 12,
ARTICLE IV PARADES

WHEREAS, the City is in the process of updating its ordinances pertaining to parades and special events; and

WHEREAS, the Biloxi City Council finds that it is in the best interests of the health, safety, and welfare of the residents of Biloxi that Chapter 12, Article IV Parades be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI:

SECTION ONE: That Chapter 12, Article IV Parades be amended as follows:

ARTICLE IV. – ~~PARADES~~ SPECIAL EVENTS ORDINANCE

Sec.12-4-1. – Application for permit. Title.

~~(a) Any person desiring to conduct or manage a parade shall, not later than 15 days before the date on which it is proposed to conduct such a parade, obtain from the chief of police an application for a written route clearance, on a form furnished by the police department, setting forth the following information:~~

~~(1) The name of the person or organization wishing to conduct such parade.~~

~~(2) If the proposed parade is to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and the authorized and responsible head of such organization.~~

~~(3) The name, address and phone number of the person who will be parade chairman and will be responsible for its conduct.~~

~~(4) The name, address and telephone number of the person or organization to whom the permit is to be issued.~~

~~(5) The date such parade is to be conducted.~~

~~(6) The route to be traveled, and the starting and termination points.~~

~~(7) The approximate number of persons, animals and vehicles which will constitute such parade, and the type of animals and a description of the vehicles.~~

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~~(8) The hour such parade will begin and terminate.~~

~~(9) The total number of hours between the beginning time and termination, which is not to exceed three hours.~~

~~(10) Whether such parade will occupy all or only one half of the width of the streets proposed to be traversed.~~

~~(11) A description of assembly and disassembly areas and streets to be used by such parade.~~

~~(12) The time at which units of the parade will begin to assemble at any such assembly area. The total time of assembly is not to exceed one hour.~~

~~(13) The interval of space to be maintained between units of such parade, which is not to exceed 30 feet.~~

~~(b) If such parade is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf.~~

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

Sec. 12-4-2. – Issuance of permit. Purpose.

~~(a) Duties of chief of police and community relations division. After the application for written route clearance has been filed pursuant to this article, the chief of police shall consider the application and other such information as he may otherwise obtain and shall assign the community relations division the detail, who will coordinate and furnish that required by the police department to conduct such parade.~~

~~(b) Standards for issuance. The chief of police shall issue a written route clearance for a parade if, from consideration of the application or such other information as the chief of police may otherwise obtain, or both, the chief of police finds:~~

~~(1) The conduct of such parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.~~

~~(2) The conduct of such a parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the city.~~

~~(3) The concentration of persons, animals and vehicles at the assembly areas of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas.~~

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~~(4) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.~~

~~(5) The conduct of such parade is not likely to cause injury to persons or property.~~

~~(6) Such parade will move from its point of origin to its point of termination in three hours or less.~~

~~(7) The conduct of such parade will not obstruct any construction or maintenance work scheduled to take place upon the public streets.~~

~~(8) The applicant meets with all requirements of this article.~~

~~(e) Alternate date, time and route. If the conduct of the parade on the proposed date, time and route is found by the chief of police to conflict with any of the requirements of this article, he may suggest an alternate date, time and route. If the applicant desires to accept such alternate date, time and route, he may, within five days, but no less than seven days prior to the parade, file a notice of acceptance with the chief of police, and the chief of police shall proceed to issue the written route clearance.~~

~~(d) Denial. If the chief of police finds that such written route clearance should not be issued, he shall mail notice of his action denying the written route clearance to the applicant, stating in general terms the reasons for denial thereof.~~

~~(e) Notification of departments and public utilities. Upon approval of a written route clearance, notice shall be given to the community relations division of the police department, the fire department and any other department of the city that the police department deems necessary to notify, as well as public utilities to be affected by the proposed parade.~~

~~(f) Waiver of time limit. The time limitations prescribed in this article for the filing of an application for a written route clearance or a parade permit may be waived by the chief of police in those instances where the applicant can show that, because of unusual circumstances, it was impossible to have made such an application within such time limitations. Upon the applicant so showing, the chief of police will issue a written route clearance.~~

~~(g) Contents of permit. Such parade permits shall prescribe the following:~~

~~(1) Starting time.~~

~~(2) Termination time.~~

~~(3) Minimum speed.~~

~~(4) Maximum speed.~~

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~~(5) Maximum interval of space to be maintained between the units of such parade.~~

~~(6) What portion of the street is to be occupied by such parade.~~

~~(7) The actual distance of such parade route in miles or fraction thereof.~~

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 regulation 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, ground capacity, parking area, or traffic flow. It is the intention of this article to establish reasonable limits to the demand for police, fire, 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. 12-4-3. – ~~Unlawful to cross crowd restraint device.~~ Definitions.

~~(a) Definition. Whenever used in this article, unless a different meaning clearly appears from the context, the term "crowd restraint device" shall mean any impediment or structure erected or established by a law enforcement officer or other authorized city personnel on or along the streets of the city for the purpose of keeping crowds and vehicles, except those allowed in subsection (c), out of the streets during a parade, and shall include, but not be limited to, any wooden, rope, cable, wire, or metal barricades, and/or the posting of uniform personnel or other personnel otherwise identifiable as law enforcement officers.~~

~~(b) Violation. Except as provided herein, it shall be unlawful for any person to disregard, cross, traverse, go over, under, around or through a crowd restraint device.~~

~~(c) Exceptions. The provisions of this section shall not apply to:~~

~~(1) Emergency situations when it is necessary to disregard a crowd restraint device or where such movement is authorized by a member of the police department;~~

~~(2) Officials; officers; agents or employees of the city, county, state or federal government in the course of performing their official duties;~~

~~(3) Emergency medical personnel in the course of performing their official duties.~~

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- (a) 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 and complete a background check administered by the Biloxi Police Department to be reviewed by the event committee.
- (b) 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, rock concert, parade, run, race, special promotion, (radio remote, grand opening, sidewalk sale, etc.) or (a) any other similar gathering at a location in which such activity or special event exceeds the normal and customary use of such location, or (b) 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 (c) any other similar gathering in excess of the number of persons normally using a place of business, community buildings (such as schools or churches), streets, parks, municipal beaches, or other public places, so as to impact buildings 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 street, 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.
- (c) Attendant shall mean any person who obtains admission to a special event or assemblage as defines herein by any means whatsoever.
- (d) Vendor shall mean mobile food vendor or mobile food vehicle as defined in Sec. 12-12-2, OR any other person, business, or entity that is providing goods or services for sale.
- (e) 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.
- (f) Special Events Committee shall mean the committee designated to review applications for special events permits and recommend approval, conditional approval or denial to the office of the Mayor of the City of Biloxi.
- (g) Special Events Coordinator shall mean a member of the Biloxi Police Department who shall have the duty to receive, review, and collect information on all permit applications submitted pursuant to this article. Once all applicable information concerning the event has been gathered, the event will be classified in accordance with this ordinance and the information will be provided to the Special Events Committee for recommendation of approval, conditional approval or denial by the Office of the Mayor of Biloxi/City Administration.

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- (h) Sponsor shall mean any person, organization, association, committee, or group who organizes, promotes, conducts or causes to be conducted an assembly as defined herein.
- (i) Permit Issuing Authority shall mean the Director of the Department of Community Development or their designee.
- (j) Event Tier shall be used to define the permitting requirements for events of varying sizes:
 - 1) Tier 1 Permit is for a special event which will require more than 75 extra personnel hours and/or for which the attendance is anticipated to be in excess of 1000 persons over the entire period of the special event (e.g., Cruisin' the Coast).
 - 2) Tier 2 permit is for a special event which will require between 50 to 75 extra personnel hours and/or for which attendance is anticipated to be from 500 to 999 persons over the entire period of the special event (e.g., Gulf Coast Marathon).
 - 3) Tier 3 permit is for a special event which will require between 25 and 50 extra personnel hours and/or for which attendance is anticipated to be from 200 to 499 persons over the entire period of the special event (e.g., Mayor's Cup 5K).
 - 4) Tier 4 permit is for a special event requiring fewer than 25 extra personnel hours and/or for which attendance is anticipated to be less than 200 persons over the entire period of the special event (e.g., Halloween in Hiller).
 - 5) Tier 5 permit is for a special event, which will require no city services over the entire period of the special event.

Sec. 12-4-4. – ~~Exemptions from article.~~ Creation of Special Events Committee.

~~Except for the provisions of section 12-4-3, the provisions of this article shall not be applicable to funeral processions or to parades by forces of the United States armed services, the military forces of the state or forces of the departments of police and fire of the city.~~

- (a) There is hereby created a Special Events Committee, which is designated to review all information provided by the Special Event Coordinator, and other gathered information they deem relevant, concerning a proposed Tier 1 or Tier 2 event, pursuant to this article. The Special Event Committee will recommend to the Office of the Mayor to approve, conditionally approve or deny event requests made in accordance with this ordinance.
- (b) The committee shall be comprised of members representing the applicable city departments and/or divisions. Said committee shall have the authority to establish protocol for the orderly enforcement and administration of this section, which shall be consistent with the provision of this article. The composition of the committee shall be the following departments:

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- 1) Biloxi Police Department;
- 2) Biloxi Fire Department;
- 3) Public Works;
- 4) Parks and Recreation;
- 5) Community Development;
- 6) Member, or designee, City of Biloxi Administration;
- 7) Member of Biloxi Bay Area Chamber of Commerce; and
- 8) Member of Coastal Mississippi Board of Commissioners;

(c) The Special Events Committee shall meet at the time and place of the Development Review Committee meeting.

(d) Further, with regard to any Coliseum events, or other County-sponsored events occurring within the City of Biloxi, the Special Events Committee will include and/or invite a designee or representative from (i) the Mississippi Coast Coliseum Commission, (ii) the Harrison County Board of Supervisors, and (iii) the Harrison County Sheriff's Department. This committee shall meet once per month at a designated time and location to review, discuss and coordinate upcoming events occurring at the Coliseum or other County sponsored events within the City.

Sec. 12-4-5. – ~~Picketing.~~ Permit required; exemptions.

(a) Any persons desiring to conduct or sponsor an assembly or other special event in the city shall first obtain a special event permit application from the Special Events Coordinator. A special event permit is NOT required for the following:

- 1) Any event not anticipated to impact 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), parks or other public places, parking area or traffic flow.
- 2) Funeral processions and wedding services.
- 3) Any event occurring at a municipality owned or managed venue for which a separate rental agreement with the City has been executed, or an event taking place on the property of the Mississippi Coast Coliseum and Convention Center. However, any mobile food vendors as defined in Section 12-12-2, or Vendor defined in Section 12-4-3(d), shall still be required to apply for permitting under those sections, or secure appropriate permissions and permits from a sponsoring applicant that will ensure compliance by such vendors.

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(b) ~~No part of this article shall be construed to interfere with lawful picketing.~~

Sec. 12-4-6. – ~~Reserved.~~ Other permits required.

~~Editor's note — Ordinance No. 1794, § 2, adopted January 12, 1996, states in future publication, section 13-1-46, previously enacted by the city council and entitled, Parades — Sale, possession or use of smoke bombs or other objects, shall be recodified as section 12-4-6.~~

- (a) Prior to doing any construction, excavation, grading or encroachment required for the special event or assemblage, the permittee or applicant shall obtain from the Community Development Department all necessary permits therefor.
- (b) All food and beverage permittees or applicants on or near the premises or affiliated with the special event shall either apply for a mobile food permit as required by Code of Ordinance Sections 12-12-1 through 12-12-9, or secure appropriate permissions and permits from a sponsoring applicant that will ensure compliance by such vendors.
- (c) If amplified sound will be used, the permittee or applicant shall obtain an amplified sound permit through the Biloxi Department of Police. The Special Events Committee will consider the location of any residential neighborhoods when granting, denying or granting with restrictions an amplified sound permit.
- (d) If any planned special event offers regulated business under the City of Biloxi Regulated Business Licensing and Permitting Ordinance, the permittee or applicant shall obtain all applicable State and City business licenses required thereunder.

Sec. 12-4-7. – ~~Prohibition of animals and reptiles.~~ Application procedure.

~~The presence of animals and reptiles, other than those on fenced private real property, or those which are actually participating in a parade or other permitted public event, is prohibited within 150 feet of the parade route or the site of the public event.~~

Any person, business or organization desiring to sponsor an assembly or other special event not exempted by section 12-4-5 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 the City of Biloxi. The following timelines for applications apply:

<u>EVENT TIER</u>	<u>UP TO</u>	<u>NO LATER THAN**</u>
<u>1</u>	<u>360 Days Prior to the Event</u>	<u>120 Days Prior to the Event</u>
<u>2</u>	<u>240 Days Prior to the Event</u>	<u>90 Days Prior to the Event</u>
<u>3</u>	<u>120 Days Prior to the Event</u>	<u>60 Days Prior to the Event</u>
<u>4</u>	<u>60 Days Prior to the Event</u>	<u>30 Days Prior to the Event</u>
<u>5</u>	<u>60 Days Prior to the Event</u>	<u>30 Days Prior to the Event</u>

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**The Special Events Committee may waive this time limit requirement for events currently scheduled in 2023, prior to the passage of this Ordinance. The Special Events Committee may also consider an application filed after the deadline upon showing of good cause and that the event is for the primary purpose of exercising the right to assemble or freedom of speech.

Sec. 12-4-8. – ~~Penalty for violation of article.~~ Contents of application form.

~~Any person who shall stage, present or conduct or attempt to stage, present, conduct or participate in a parade on the city streets without having first obtained a permit as provided in this article, or who shall otherwise violate any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100.00 or sentenced to not more than 90 days in jail, or both.~~

The application for a special events permit shall provide the following information:

(a) All Events.

- 1) Name, address, and telephone number of the applicant/sponsor and an alternate contact person;
- 2) 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 agent and/or officers; and if requested by the event coordinator, written authorization to apply for the special events permit by an officer of the organization;
- 3) Name, address, and telephone number of the person who will be present and in charge of the event on the day the event is to be held;
- 4) Exact location and area of the premises on which the assembly is planned and a full description of the proposed activity;
- 5) Exact location and area of the lands to be used for parking and uses incidental to the activity and/or assembly;
- 6) Type of event and purpose of the event;
- 7) Dates, hours and time span during which the assembly is to be conducted;
- 8) 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;
- 9) Type and estimated number of vehicles, animals, and structures that will be used at the event;
- 10) Description and location(s) of any sound amplification equipment that will be used at the event;
- 11) Whether any food or beverages, including alcoholic beverage, or merchandise will be sold at the event, including any applications for sub-vendors;

- 12) During the event, if concerts, shows, contests, or other activities are advertised;
 - i. The date(s) and times of the promoted activity;
 - ii. The location of the activity;
 - iii. The name of all performer(s) or entertainer(s);
 - iv. The name and contact information of the person or entity who is promoting the event or concert;
 - v. The number of tickets sold for the promoted event or concert;
 - vi. The security plan for the promoted event or concert, which must include the number of private security personnel to be utilized at the event or concert, and any approved request(s) for BPD off-duty police.

The written notification required pursuant to this subsection must be remitted to the Event Coordinator within the specified Tier time frame prior to the promoted event or concert.
- 13) 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. Food and water supply and facilities;
 - ii. Health and sanitation facilities;
 - iii. Medical facilities and services including emergency services and equipment;
 - iv. 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;
 - v. Illumination facilities;
 - vi. Communication facilities;
 - vii. Noise control and abatement;
 - viii. Facilities for cleanup and waste disposal;
 - ix. Insurance;
- (b) In addition to the above information, the following additional information is required for parades, races, and other events occurring along a route.
 - 1) The assembly point for the event, the time at which units of the parade or other event will begin to assemble;
 - 2) The route to be traveled;
 - 3) Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed;
 - 4) The intervals of space to be maintained between units of a parade or other event;
 - 5) The number, type and size of floats;
 - 6) Material and maximum size of any signs and banners to be carried along the route;

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- 7) Any rules or regulations developed by the organizers that apply to the event.
- (c) Any supplemental information, which the Special Events Committee shall find reasonably necessary, under the particular circumstances of the special event application, to determine whether to recommend approval, conditional approval or denial of a special event permit.
- (d) Statement of understanding. All applications must certify 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. 12-4-9. - Action on applications for events.

- (a) Tier 1 and Tier 2 events
 - 1) Once the Police Department Special Events Coordinator receives a special events request for a Tier 1 or Tier 2 event, the Special Events Coordinator will review and investigate matters relevant to the application, and within 15 calendar days of receipt thereof, prepare a package containing all provided and collected information and forward it to the Special Events Committee. The Special Events Committee shall review matters relevant to the application, and within seven (7) calendar days of receipt thereof, shall recommend the issuance, set conditions prerequisite to the issuance of, or recommend the denial of the permit to the Office of the Mayor of Biloxi. The Office of the Mayor of Biloxi, with such coordination as required or requested with the Biloxi City Council, shall, if approved; direct the permit issuing authority to issue an event permit, collecting such deposits or fees as required. If denied, the Office of the Mayor of Biloxi will direct the permit issuing authority to notify the applicant, in person or by certified letter, of the grounds for denial in writing. The applicant will also be notified of their right of appeal to the Biloxi City Council as detailed in Section 12-4-13 of this ordinance.
- (b) Tier 3, Tier 4 or Tier 5 events.
 - 1) Once the Police Department Special Events Coordinator receives a special events request for a Tier 3, Tier 4 or Tier 5 event, the Special Events Coordinator will review and investigate matters relevant to the application, and within 15 calendar days of receipt thereof, prepare a package containing all provided and collected information and forward it for review to the Special Events Committee. The review will be conducted by such members, and in a manner consistent with any rules established by the Special Events Committee.

Sec. 12-4-10. - Grounds for denial of application or revocation of a special event permit.

- (a) The Special Events Committee shall recommend approval of an application for a Special Event Permit unless it is determined from consideration of the application, or other pertinent information, any of the following, which shall also be justification for the Special Events Committee to recommend revocation of a previously issued permit.
- 1) Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail; or
 - 2) The applicant fails to complete the application form within five calendar days after being notified of the additional information or documents required; or
 - 3) Another special event 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
 - 4) Another special event 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
 - 5) 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
 - 6) 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
 - 7) The size of the event will require diversion of so great 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 of the remainder of the city; or
 - 8) The parade, or other event moving along a route, will not move from its point or origin to its point of termination in three hours or less; or
 - 9) 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
 - 10) 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 activates 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.

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- (b) 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.
- (c) When grounds for denial of an application for permit specified in section (a)(3) through (a)(11) above can be corrected by altering the date, time, duration, route or location of the event, the Special Events Committee shall, instead of recommending denial of the application, will recommend conditional approval to the Office of the Mayor of Biloxi.
- (d) The conditions imposed for a recommendation of full approval shall provide for only such modification of the applicants proposed event as are necessary to achieve compliance with subsections (a)(3) through (a)(11) above. Conditions are described in section 12-4-11 herein.

Sec. 12-4-11. - Permit conditions.

- (a) The Special Events Committee may condition the recommended 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 to assemble or freedom of speech. Such conditions may include, but are not limited to the following:
 - 1) Alteration of the date, time, route, or location of the event proposed on the event application;
 - 2) Conditions concerning the area of assembly and disbanding of a parade or other events occurring along a route;
 - 3) Conditions concerning accommodation of pedestrian or vehicular traffic including restricting the event to only a portion of a street traversed;
 - 4) Requirements for the use of traffic cones and barricades;
 - 5) Requirements for the provision of first aid or sanitary facilities;
 - 6) Requirements for the use of event monitors and the providing of notice of permit conditions to event participants;
 - 7) Restrictions on the number 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.
 - 8) Compliance with animal protection ordinances and laws;
 - 9) Requirements for use of garbage containers, and the cleanup and restoration of city property;
 - 10) Restrictions on the use of amplified sound; and
 - 11) Proof of notification of the event to businesses and residences along the affected route or streets in advance of the event.

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- (b) 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 inspections permits, beer permits, and state health department permits.

Sec. 12-4-12. - Special provisions.

Though the special events application requires applicants to draft their own safety plan, the special events 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.

Sec 12-4-13. - Appeal procedure.

- (a) 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 filing a notice of appeal with the Clerk of Council within 10 days of notification of said denial or permit condition.
- (b) At the next available regular meeting, the matter will be published as a public hearing on that agenda. The decision of the city council shall be binding.

Sec 12-4-14. - Indemnification agreement.

Prior to the issuance of a special event 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 applicant's location for the permitted event or proximately caused by the actions of the permittee/sponsoring organization, its officers, employees, or agents, or any person who under the permittee/sponsoring organization. The agreement 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, except for those claims, cost, damages, demands, liability and notices, or any of these, caused solely by the negligence or willful misconduct of the city.

Sec 12-4-15. – Insurance; indemnity;

- (a) The applicant/sponsor of an event or any business or landowner permitting the use of their venue or property for 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 property damage arising from the event. Such insurance shall name on the policy or by endorsement as additional insureds the city, its officers, employees and agents. Insurance

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coverage must be maintained for the duration of the event. Coverage shall be comprehensive general liability insurance policy with the following minimum limits:

- 1) \$250,000.00 each person-Bodily injury; \$500,000.00 each occurrence-Bodily injury; \$100,000.00 each occurrence-property damage; or
- 2) \$500,000.00 each occurrence combined single limit bodily injury and property damage.
- (b) A copy of the policy or certificate of insurance along with all necessary endorsements must be filed with the permit issuing authority no less than fourteen (14) days before the date of the event. A special event permit shall not be issued by the permit issuing authority until after the insurance policy or certificate of insurance, along with necessary endorsements, have been filed by the applicant/sponsor.
- (c) The insurance requirements of subsections (a) and (b) above shall not apply to any special event classified as a Tier 4 or Tier 5 special event. Nothing herein shall waive the requirement to complete the indemnification agreement as required by section 12-4-14.

Sec 12-4-16. - Fees

- (a) The special events coordinator shall classify each application according to the following criteria:
 - 1) The anticipated amount of extra personnel that shall be required to be furnished by the city to accomplish the necessary public 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;
 - 2) The type and amount of city services required other than extra personnel hours; and
 - 3) The anticipated number of attendants over the entire period of the special event.
- (b) Nonrefundable application fees due at the time of submission are as follows:
 - 1) Tier 1: \$1000
 - 2) Tier 2: \$500
 - 3) Tier 3: \$250
 - 4) Tier 4: \$100
 - 5) Tier 5: \$25
- (c) Permit fees due after approval of special event application shall not exceed the following amounts for each tier:
 - 1) Tier 1: \$5,000
 - 2) Tier 2: \$2,500
 - 3) Tier 3: \$1,000
 - 4) Tier 4: \$250
 - 5) Tier 5: N/A

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- (d) If a special event permit is approved, the applicant may obtain such permit by agreeing to accept the classification and conditions imposed by the permit issuing authority and by paying the applicable fee. The application fee of approved special event applications will be offset against the permit fees due.
- (e) Any special event requiring in excess of the extra personnel hours and city service set forth or 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.
- (f) If applicant requests financial or in-kind support from the City, the City Council shall have the authority to offset Section 12-4-16(c) fees against such financial or in-kind support, upon proper presentation of benefits to the City, whether economic or otherwise.
- (g) The Special Event Committee may waive any applicable fees depending upon the anticipated attendance, personnel hours, and city services required for events that are for the primary purpose of exercising the right to assemble or freedom of speech.

Sec 12-4-17. - Clean up deposit for certain special events

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 event permit. The cleanup deposit required shall not exceed those amounts set forth in Section 12-4-16(b).

Sec 12-4-18. - Duties of permittee/sponsor of event

- (a) The permittee/sponsor of any event shall comply with all terms and conditions of the special event permit, the provisions of this article and any other applicable state, federal or local law.
- (b) Each permittee/sponsor of any event, or the person in charge of such event shall carry proof of possession of the special event permit on his person for the duration of the event.

Sec 12-4-19. - 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 12-4-20. - Hours of operation

- (a) No event shall start prior to 8 a.m. and any scheduled event day with exception for requests for historically early morning events such as but not limited to marathons, 5-K's, and events where good cause requests are approved by the committee.

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- (b) Closing times during event dates and for all events or event related activities will be 10:00 p.m. No permit for any event, vendor, event activity, or established event location shall be issued exceeding those hours of operation. No mobile food or alcoholic beverage vendor may operate at any special event past 9:00 p.m.
- (c) Individuals under the age of 21 will not be allowed on at any event or event premises which serves alcohol after 9:00 p.m. during the designated times of the event.
- (d) The permittee shall operate the event only on those days and during those hours specified in the permit.

Sec 12-4-21. - Compliance with zoning regulations

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

Sec 12-4-22. - Unlawful to sponsor or participate in an event without a permit

- (a) 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 such person should reasonably expect to attract an assemblage of persons at any one time, unless and until a valid city permit has been applied for. 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.
- (b) All events will have a main sponsor responsible for the overall event. All sub-vendors, promoters of events activities, and any other event proposed related function shall have written permission from such sponsor and approval from the Special Events Committee prior to obtaining a permit or securing appropriate permissions for the overall scheduled event times and dates.

Sec. 12-4-23. - Unlawful to exceed the scope of permit.

The special event 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. 12-4-24. – Vendors

- (a) Any person or business wanting to set up as a vendor, as defined in 12-4-3 (d), including any sub-vendors operating under the main sponsor’s application, will have to submit a vendor permit request to the Biloxi Police Department’s Event Coordinator no later than 60 days prior to the event for review by the event committee. All required information and supporting documents must be submitted before final approval can be granted. Prior to

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submission, the requestor must receive written permission from the property owner where they plan to setup.

- (b) A vendor permit shall be issued to one specific vendor, and will be date and address specific. All requests will be in accordance with this ordinance, the City of Biloxi Land Development ordinance (events), the City of Biloxi Food Truck Ordinance, City of Biloxi Regulated Business Licensing and Permitting Ordinance, and any other City of Biloxi Ordinance which pertains to vendors and events.
- (c) In addition to any other applicable penalty as set forth in this Article, any person or business attempting to operate or is operating as a vendor and is in violation of this section or of this article may be subject to a suspension of all business or other activity or revocation of any applicable permit for the duration of the event.
- (d) The required and/or supporting documentation is as follows;
 - 1. Contact information for vendor and an alternate person associated to business
 - 2. Date of event and approval from main event coordinators for association
 - 3. Approval from property owner where vendor plans to setup
 - 4. Attach a copy of a site plan to include address
 - 5. Department of Revenue Sales Tax Permit/Account for the City of Biloxi
 - 6. A list of items to be sold
 - 7. If applicable, a Mississippi Health certificate
 - 8. If applicable, Biloxi Police Department Amplified Sound permit
 - 9. If applicable, a Food Truck inspection certificate issued by the Biloxi Fire Department
 - 10. A copy of any liability insurance required for type of business
 - 11. If applicable, any State or City permits issued to Regulated Businesses pursuant to the City of Biloxi Regulated Business Licensing and Permitting Ordinance.
- (e) All submitted permit requests shall be reviewed by the event committee for final approval.

Sec. 12-4-25. – Unlawful to cross crowd restraint device.

(a) Definition. Whenever used in this article, unless a different meaning clearly appears from the context, the term "crowd restraint device" shall mean any impediment or structure erected or established by a law enforcement officer or other authorized city personnel on or along the streets of the city for the purpose of keeping crowds and vehicles, except those allowed in subsection (c), out of the streets during a parade, and shall include, but not be limited to, any wooden, rope, cable, wire, or metal barricades, and/or the posting of uniform personnel or other personnel otherwise identifiable as law enforcement officers.

(b) Violation. Except as provided herein, it shall be unlawful for any person to disregard, cross, traverse, go over, under, around or through a crowd restraint device.

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(c) Exceptions. The provisions of this section shall not apply to:

(1) Emergency situations when it is necessary to disregard a crowd restraint device or where such movement is authorized by a member of the police department;

(2) Officials; officers; agents or employees of the city, county, state or federal government in the course of performing their official duties;

(3) Emergency medical personnel in the course of performing their official duties.

Sec. 12-4-27. – [Removed]

Sec. 12-4-28. - Penalties.

- (a) Any person, business, entity, promoter, landowner, or vendor 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.
- (b) Any fines for violations of this ordinance by landowners may be filed as liens against the property in accordance with applicable law.
- (c) 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 and because of, the event.
- (d) The city may revoke and terminate the permit or business license in the event the vendor or business found in violation of any term, condition, or provision of the permit, the City of Biloxi Code of Ordinances and/or zoning ordinances, state and/or federal law, or if the business license issued by the city on two or more occasions within a twenty-four (24) month period. The procedures for revoking or terminating a permit shall be the same as revoking or terminating a business license. The revocation may be sought as a remedy in a civil action. The vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice to the special event coordinator. Termination of the permit shall not operate to relieve the vendor or business of the obligation to release, hold harmless, and indemnify the city and its officers, agents, and employees.
- (e) Enforcement of penalties or other remedies under this article does not bar or prohibit the enforcement of penalties or remedies available under any other applicable chapters of the Code of Ordinances of the City of Biloxi or of the laws of the State of Mississippi.

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- (f) During any permitted or unpermitted event, the Chief of Police or their designee, may, in their discretion, revoke any event permit and close any business, parking lot, venue, or public or private property, or event related area for duration as to be determined on a case by case basis when it is necessary to preserve and protect health, safety, and welfare of the residents of Biloxi.

Sec. 12-4-29. – Suspension of permit; exceeding scope of permit

- (a) Each plan included in the special event application, and any conditions imposed by the Special Events Coordinator, shall be continuously implemented during the special event, and any failure to do so shall result in the automatic suspension of the permit and suspension of the event until full implementation is made or suspension of the permit and special event in its entirety.
- (b) Should the special event exceed the scope of the permit in attendance or those attempting to enter the event, number of vehicles in designated or public parking areas, or the capacity of the designated event area or venue for a period of one (1) hour, it shall become the duty of the sponsor of the event to take reasonable, diligent, and constant measures to reduce the excess. The failure of any such person to immediately, after notice from the City, make a reasonable, diligent and constant effort to reduce the excess shall be a violation of this ordinance and the special event may be subject to suspension.
- (c) The Chief of Police or his designee is authorized to approve actions to reduce the excess if he or she finds: (i) that the sponsor of the event is acting in good faith after notice of the excess; (ii) that full and immediate elimination of the excess will not be feasible without intervention; and (iii) that it would be in the best interest of the public safety and welfare to intervene.
- (d) For any special event, the Chief of Police or their designee is hereby authorized to designate and incorporate into the special event area any venue or area that was not originally designated as the special event area and, for all areas within that zone, requiring additional traffic control and security measures including but not limited to:
 - a. Require the placement of warning signs along each point of ingress/egress into or out of the special event area
 - b. Place and enforce occupancy limits on private and public property in a special event area.
 - c. Assess a reasonable fee for all relevant costs and fees associated with designating and enforcing the special event zone, including, but not limited to, costs and fees for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services.
 - d. Application of any and all other special event rules, ordinances, or laws.
 - e. Establishing a special event area for any contiguous areas reasonably necessary to ensure the public health, safety, and welfare.

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Sec. 12-4-30. – Spontaneous unpermitted events

The City has found and determined that some special events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media.

- (a) If an assembly develops into a special event spontaneously (and therefore without a permit) in either a commercial or non-commercial venue, it shall become the duty of all persons or entities (a) owning the subject property (b) able to control the event venue and (c) providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances which caused the assembly to become a special event - that is for example but not limited to:
 - (1) Reducing occupancy to the permitted capacity of the venue or providing transportation to eliminate unpermitted off-site parking or vehicular or pedestrian congestion; or
 - (2) Providing the additional municipal type services needed to regulate event traffic, maintain the peace and protect the public health and safety;
- (b) The failure of any such person or entity to immediately after notice from the city make a reasonable, diligent and constant effort to reduce the event below the applicable criteria threshold shall be a violation of this law punishable by penalties specified in this Article and any other applicable state laws.
- (c) The Chief of Police or his designee is authorized to approve actions to partially or slowly reduce the event if he or she finds: (i) that such person is acting expeditiously and reasonably to employ feasibly available resources to address the issues after notice of the assembly has become a special event; (ii) that full and immediate elimination of the criteria threshold will not be feasible without intervention; and (iii) that it would be in the best interest of the public safety and welfare to intervene and taper down the event rather than shut it down entirely. If these three conditions are not met, the Chief of Police shall precede as outlined in (d) below.
- (d) The Chief of Police or his designee is authorized to approve actions to suspend and shut down any spontaneous event which either: (i) the sponsor fails to control or bring the event within the applicable criteria threshold; (ii) partially or slowly reducing the event is not reasonably feasible; or (iii) it would be in the best interest of the public safety and welfare to immediately suspend and shut down the event.
- (e) Whether a spontaneous assembly has developed into a special event based upon attendance, vehicle congestion or a need for municipal services (as those services are defined in this Article), or any combination of those three (3), shall be determined by an objective and reasonable examination of the totality of the circumstances at hand, including but not limited to the following factors:

(1) With respect to attendance and attempted attendance:

- a. The size of the venue.
- b. Whether the attendance is ticketed.
- c. Actual attendance at prior, similar events.
- d. The extent of commercial promotion and advertisement of the event, especially promotion outside of Harrison County, by traditional or digital means, but excluding spontaneous social media not initiated, encouraged or orchestrated by a commercial event producer or any person acting on behalf of the event producer or any person with a financial or other personal interest in the event ("spontaneous social media").
- e. The extent of spontaneous social media encouraging attendance at the assembly.
- f. Whether the location and configuration of the venue, and the nature and presence (sight and sound) of the event, will be likely to draw attendees or observers from the public at large.
- g. The number in attendance and attempting to attend shall be determined by the Chief of Police or his designee using recognized or previously established law enforcement estimating techniques.

(2) With respect to actual vehicle congestion, the number of vehicles parked shall be counted, and the number attempting to park shall be determined by the Chief of Police or his designee using recognized or previously established law enforcement estimating techniques.

(3) With respect to municipal services actually required:

- a. Repeated pedestrian trespass.
- b. Repeated vehicular trespass.
- c. Illegal parking.
- d. Traffic congestion.
- e. Apparent need for sanitation facilities as evidenced by public urination or other bodily functions.
- f. Repeated and flagrant instances of illegal activity.
- g. Repeated noise ordinance violations after notice, including differing offenders.

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h. Unusual amount of trash being abandoned with no apparent resources available to clean up after event.

i. Unusual or repeated need for medical assistance.

(f) For any unpermitted special event, the Chief of Police or their designee is hereby authorized to designate a Special Event Zone and, for all areas within that zone, requiring additional traffic control and security measures including but not limited to:

(1) Require the placement of warning signs along each point of ingress/egress into or out of the Special Event Zone.

(2) Place and enforce occupancy limits on private and public property in a Special Event Zone.

(3) Assess a reasonable fee for all relevant costs and fees associated with designating and enforcing the special event zone, including, but not limited to, costs and fees for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services.

(4) For any special event which takes places in more than one (1) event venue, the Chief of Police or their designee shall be required to establish a Special Event Zone for all contiguous areas between the event venues reasonably necessary to ensure the public health, safety, and welfare.

(5) Application of any and all other special event rules, ordinances, or laws.

Sec. 12-4-31. – Other provisions; miscellaneous

(a) Temporary, mobile, or non-permanent vendors will not be permitted to sell alcohol at any time during an event unless they have written permission from the property owner, the appropriate State of Mississippi issued ABC license, State of Mississippi business license, and approval from the Chief of Police or designee.

(b) The sale of alcohol shall be prohibited before and after the listed hours of operation.

(c) No private parking area shall be utilized for vendors unless the vendor is ancillary to the existing business, or the owner has given permission for its use as such and the business or owner has obtained a permit under section 12-4-24.

Sec. 12-4-32. - Severability.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this article are severable, and if any phrase, clause, sentence, paragraph or section of this article, or any combination thereof, shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the city

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council without the incorporation in this code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION TWO: 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, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.