



## **CITY OF DUNWOODY**

41 Perimeter Center East

Dunwoody, GA 30350

Phone: 678.382.6700 • Fax: 678.382.6701

[www.dunwoodyga.gov](http://www.dunwoodyga.gov)

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## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Kimberly Greer, Assistant to the City Manager

**Date:** August 23, 2010

**Subject:** **Text Amendment – Definition of Special Event**

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### **BACKGROUND**

The Mayor and City Council have previously established a process for permitting and coordinating special events in Chapter 26, Streets, Sidewalks, and Other Public Places. Section 26-265 (1) requires that a permit must be obtained for “any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which takes place on public property or on private property, but requires special public services and which is permitted by the city under this article.”

At the August 9<sup>th</sup> Work Session, the Mayor and City Council initiated a text amendment to the aforementioned section to improve the clarity and ensure small, private gatherings such as a child’s birthday party, and regularly scheduled events occurring on public property, such as classes at the Dunwoody Nature Center, are exempt from the permitting requirements of this article.

### **RECOMMENDATION**

Staff recommends this change to improve the clarity of Chapter 26, Streets, Sidewalks, and Other Public Places, Section 26-265 and eliminate confusion over which gatherings and activities require a special event permit.

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY EXEMPTING CERTAIN EVENTS FROM THE DEFINITION OF SPECIAL EVENTS**

**WHEREAS,** The City of Dunwoody has heretofore adopted an ordinance for Public Assemblages and Special Events, Codified as Article VIII of Chapter 26 of the Code of the City of Dunwoody (the “Code”); and

**WHEREAS,** Since the adoption of this Ordinance, the City has acquired certain park land from DeKalb County that the City envisions for, among other things, the enjoyment and recreation of the citizens of the City; and

**WHEREAS,** the City wishes to make exclusions from permit requirements under this Chapter for small events taking place on the City’s park property in order not to overburden the citizens and the City staff and allow for individual and minimal private use of park facilities without the burden of the permitting process.

**THEREFORE,** Mayor and City Council of the City of Dunwoody hereby ordain:

**Section 1:** The Assemblages in Public Places ordinance, Chapter 26, Article VIII, Division 3 (Special Events) of the City of Dunwoody Code of Ordinances, is hereby amended, by changing the definition of “special events” contained in Section 26-265 to read as follows:

**ADDITIONS = UNDERLINED**  
**DELETIONS = ~~STRIKETHROUGHS~~**

*Special Event.*

- (1) The term "special event" means any organized for-profit or nonprofit activity having as its purpose entertainment, recreation and/or education which takes place on public property or on private property, but requires special public services and which is permitted by the City under this Article. Gatherings or activities that take place on private property and that make no use of city streets, other than for lawful parking, are not subject to the provisions of this Article, but shall comply with all other requirements specified by ordinance as to the use of residential property. Gatherings or activities that take place on City Park property but are intended to be private events that do not significantly affect the customary and ordinary use of the park, such as a birthday party, and do not include any temporary structures, are exempt from the permitting requirements of this Article; however these same activities may not have vendors as described in Sections 26-272 and 26-273 below. Regularly scheduled events occurring on City Park property, including park and recreation facilities, by organizations with on-going agreements with the City shall be exempt from the permitting requirements of this Article if prior notification of events is given to the City in writing within a reasonable period of time prior to the event. No special event shall be allowed to exceed six days in any 30-day consecutive period of time.

- (2) By way of example, special events include, but are not limited to, fairs, tours, grand opening celebrations, races, parades, marches, rallies, assemblies, festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garage sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.
- (3) A parade, march, or procession subject to this article is defined to be a group or number of people or vehicles, or the combination thereof, consisting of ten or more vehicles, 20 or more persons, five or more vehicles and ten or more persons, or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city. Specifically excepted from this definition are funeral processions.

**Section 2:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_ day of \_\_\_\_\_, 2010.

Approved:

\_\_\_\_\_  
Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk  
(Seal)

\_\_\_\_\_  
Brian Anderson, City Attorney