

## Ordinance No. 289

### AN ORDINANCE INSTITUING A SPECIAL EVENTS POLICY WITH SPECIAL EVENTS PERMIT APPLICATION FOR THE CITY OF MAGEE, MISSISSIPPI

BE IT ORDAINED by the Mayor and the Board of Aldermen of the City of Magee, Mississippi, as follows:

**Section 1:** That the Mayor and Board of Aldermen of the City of Magee, Mississippi, find that instituting a special events policy and special events permit application would better protect the health, safety, and welfare of the citizens of Magee, Mississippi.

**Section 2:** Requirements to apply for a special event - Sponsoring organizations or individuals will receive a copy of the Special Events Policy. To apply for a Special Event, sponsoring organizations or individuals must submit a completed Special Event Application at least 20 days before the event is planned. The application fee will be determined by the Special Events Committee, who will make recommendations the Board of Aldermen. In addition, the following will be provided at the time of application: map of the event/area and/or road closures requested; copy of Insurance Certificate; copy of nonprofit, 501c3 Certificate (if applicable); signed indemnification form; and signed acknowledgement form. Submission of these elements constitutes agreement to abide by the Special Events Policy instituted by this Ordinance.

**Section 3:** Permissions - The Special Events Committee, comprised of City department heads, shall review the application and make recommendations to the Board of Aldermen about whether to approve or deny the request and projected application fees. When the application is reviewed by the Board of Aldermen, the applicant is expected to attend the Board of Aldermen meeting and respond to any questions, at which time the Applicant shall be notified of any specific requirements imposed by the Board of Aldermen and the time frame for completing such requirements. Appeals of the decision of the Board of Aldermen shall be consistent with state statute. The adoption of this Ordinance constitutes approval of the Special Events Policy in whole.

**Section 4:** Cost - Prior to approval of a special events application, the Special Events Committee will discuss the logistics of the event and determine the amount of City services required. The cost associated with any proposed services shall constitute the fee for the special event application and will be forwarded to the Board of Aldermen for consideration. The Board of Aldermen shall make the final decision on any Special Event requests.

**Section 5:** Revocation of permissions - The City may, in its sole discretion, postpone, cancel, suspend or close any Special Event or revoke a Permit for any of the following

reasons: force majeure event (force majeure event means and includes fire, casualty, strikes, inability to procure materials or supplies, failure of power, dangerous or life-threatening weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, strikes, or local, national or international emergencies, or other reasons of like nature). The City shall have no liability for such postponement, cancellation, suspension, or closing. Further, the City shall have no liability for the failure to postpone, cancel, suspend, or close the event for the above- listed or for any other reason related to public health, welfare or safety.

The City of Magee may revoke a Permit at any time due to the failure of the Applicant to comply with any of the terms and conditions of the Permit or any other rules and regulations of the City. The failure by the City to revoke a Permit or to exercise any right, power, or authority shall not constitute a waiver of the terms or conditions of the Permit and shall not affect the rights of the City to enforce against any other or subsequent breach by the Applicant.

**Section 6: Exceptions** - The events that do not fall under the criteria of special events in terms of attendance or dates, i.e., events that are regularly scheduled to occur during a month or season such as a Farmer's Market, and are requesting city services, shall be considered a single event and shall be treated for the purposes of the policy as a single event. Any request for City participation or a waiver of fees, deposits, etc. shall be considered in the same manner as any event that is held annually or as a one-time event. Said participation, if approved, shall be considered to apply to the entire event timeframe or season unless specifically differentiated by the Board of Aldermen.

**Section 7: Location** - Designated areas approved by the Zoning Director include the General Commercial District (C-2), the Major Thoroughfares Commercial District (C-3), the Limited Industrial District (I-1), and the Heavy Industrial District (I-2). Proposed sites of special events in other zones must be reviewed by the Special Events Committee and submitted to the Board of Aldermen for final approval.

**Section 8: Trash** - Sponsors of special events are responsible for removal of all waste, trash, litter, or garbage associated with their event.

**Section 9: Violations and Penalties -**

A. In addition to complying with all conditions of the Special Event Permit and all applicable City ordinances, regulations, rules, policies, and guidelines, the Applicant must comply with all applicable federal, state, and county laws, rules and regulations, including parking laws, signage laws, and public and private property laws. It is the responsibility of the Applicant to obtain all licenses and/or permits necessary to conduct the event and all licenses and/or permits required by other governmental

- authorities.
- B. Failure to abide by this Ordinance shall result in a fine not to exceed \$500.00, as determined by the Board of Aldermen.
  - C. Any offense shall be considered a misdemeanor upon conviction and is also subject to the penalties prescribed by Section 2514 of the Zoning Ordinance.
  - D. Violation of this Ordinance may result in the suspension or revocation of any City permit or license issued to the applicant.
  - E. Each day on which an infraction of the Ordinance continues shall be considered a separate and distinct violation.

**Section 10: Severability** - Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances of the City of Magee, as a whole.

**Section 11:** That the City Clerk shall cause this Ordinance to be published at least one (1) time in the *Magee Courier*, a newspaper authorized by law to publish legal notices in the City of Magee.

**Section 12:** This Ordinance shall take effect and be in force as provided by law.

THE ABOVE AND FOREGOING ORDINANCE was first reduced to writing and read, considered and approved, section by section, and approved as a whole in its entirety at the regular public meeting of the Mayor and Board of Aldermen held on this the 18<sup>th</sup> day of July, 2023, at the City Hall in the City of Magee, Mississippi, the regular meeting place of the mayor and Board of Aldermen of said City, and the vote on its final passage was taken by “yeas” and “nays.”


A motion to adopt the foregoing Ordinance was made by Alderman Tebo and said motion was duly seconded by Alderman Honea. Whereupon, the motion was put before the Board of Aldermen by Mayor Dale Berry, and upon roll call, voted as follows:

	YEA	NAY
Mark Grubbs	X	_____
Sammie Tebo	X	_____
Patrick Brown	X	_____
Sue Honea	X	_____

The Ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Magee, Mississippi, Mayor Dale Berry declared said Ordinance to have been fully adopted and to be in full force and effect according to its provisions.

SO ORDERED, this the 18<sup>th</sup> day of July, 2023.

  
Dale Berry, Mayor

Attest:  
  
Jon Styron, City Clerk