

DEKALB COUNTYITEM NO. **BOARD OF COMMISSIONERS**

HEARING TYPE

Preliminary

BUSINESS AGENDA / MINUTES**MEETING DATE:** February 9, 2016

ACTION TYPE

Resolution

SUBJECT: An Ordinance to Amend the Code of DeKalb County, Georgia – Chapter 17, Article VII
Division 2 – Parade Permit

DEPARTMENT: Public Works - Sanitation

PUBLIC HEARING: YES NOATTACHMENT: YES NoINFORMATION CONTACT: Billy Malone &
Chief James ConroyPAGES:

PHONE NUMBER: 404-294-2927

PURPOSE:

To consider amending Chapter 17, Article VII, Division 2 – Permits of the DeKalb County Code of Ordinances.

NEED/IMPACT:

County resources and infrastructure are adversely impacted due to litter, debris and rubbish left on parade routes when parades are held. Currently, a permit issued through the Police Department, is required for individuals/groups wishing to hold parades within the corporate boundary of DeKalb County. The proposed amendment seeks to add a requirement to the permitting process that includes posting a bond in the amount of \$5,000. Parade organizers will be responsible for ensuring that the parade route is properly cleaned and cleared of all litter and debris following the end of the parade. Upon satisfactorily meeting this requirement, the bond will be released. If the requirement is not met, the bond will be forfeited.

The Police Department has reviewed and concurs with this recommended change and the Law Department has reviewed and approved as to form.

RECOMMENDATION(S):

Approve the recommended amendment to Chapter 17, Article VII, Division 2 – Permits of the DeKalb County Code of Ordinances.

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 17, ARTICLE VII, DIVISION 2 PERTAINING TO PARADE PERMITS
AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is authorized to adopt such ordinances or regulations for the governing and policing of the County for the purpose of protecting and preserving the health, safety and welfare of the citizens of the county; and

WHEREAS, Chapter 17 of the Code of DeKalb County currently regulates Motor Vehicles and Traffic in unincorporated DeKalb County; and

WHEREAS, Chapter 17, Article VII, Division 2 of the Code of DeKalb County specifically regulates parade permitting in unincorporated DeKalb County; and

WHEREAS, DeKalb County finds that an ever-increasing number of demands are being made upon county resources and infrastructure due to litter, debris and rubbish left on parade routes held in unincorporated DeKalb County; and

WHEREAS, the governing authority desires to recoup the costs of removing the litter, debris and rubbish that is left in the County right of way should the parade permittee fail to leave the parade route clean and clear of debris.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 17, Article VII, Division 2 of the Code of DeKalb County, Georgia, as Revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By amending Chapter 17 by deleting Sec. 17-222 in its an entirety and inserting new Sec. 17-222 and deleting Sec. 17-224 in its an entirety and inserting new Sec. 17-224 to read as follows:

**ARTICLE VII.
PARADES
DIVISION II.
PERMIT**

Sec. 17-222. Application; contents.

To obtain a parade permit the person or group of persons desiring to hold a parade shall file with the police department an application form which shall contain the following information:

(1) The name, address and telephone number, both business and residential, of the applicant.

(2) The date and hours when the parade is to be held.

(3) The location and time of the point of assembly.

(4) The location and time of the disbursal.

(5) The parade route.

(6) The anticipated number of marching persons.

(7) The anticipated number and types of motorized and other vehicles and devices.

(8) The number of bands and floats in the parade.

(9) A statement by the applicant agreeing to assume all responsibility for the mechanical condition of each vehicle in the parade, and all damages caused by mechanical failure of any vehicle, float or other device in the parade.

(10) Any applicant granted a permit to conduct a parade shall be responsible for keeping the parade route free and clear of litter and other debris during the time such parade is carried on or conducted.

Sec. 17-224. - Bonds.

(a) The chief of police may require the applicant for a parade permit to furnish to the county a bond in an amount not to exceed two hundred fifty thousand dollars (\$250,000.00) secured by a surety company licensed to do business in the state, payable to the county or to any person in the county who may suffer any injury or damage from any vehicle, float, device or person participating in the parade.

(b) In order to ensure that all right of ways used for the parade route are kept free and clear of all litter and other debris and such route is properly cleaned up and cleared at the termination of the parade, the applicant shall file with the chief of police a sanitation bond in the amount of five-thousand dollars (\$5,000). Any sanitation bond submitted shall be given from a good and sufficient surety or sureties approved by the County. Such sanitation bond shall secure the faithful acceptance by the permittee and shall be issued for the protection of the County. The bonds shall be of a forfeiture type. All sureties should be licensed to do business in the State of Georgia, must have the ratings established by the Finance Department and be listed in the Department of Treasury's publication of companies holding certificates of authority as acceptable reinsuring companies. Release of said bond will be conditioned upon the permittee completely clearing and cleaning the parade route of any litter or other debris.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any court of this state declare any section, part, paragraph or clause of this Article unconstitutional or invalid for any cause or reason, then such decision shall affect only that section, part, paragraph or clause so declared to be unconstitutional or invalid, and shall not affect any other section, part, paragraph or clause of this Article.

November 30, 2015

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of ____,
2015.

LARRY JOHNSON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

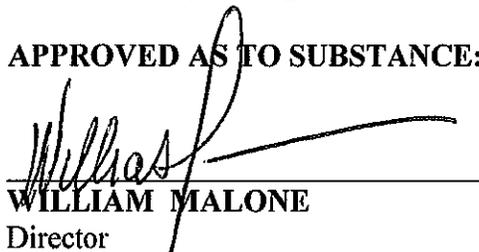
APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of
____, 2015.

LEE MAY
Interim Chief Executive Officer
DeKalb County, Georgia

ATTEST:

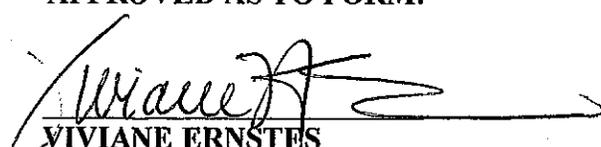
BARBARA H. SANDERS, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



WILLIAM MALONE
Director
Public Works Sanitation Division
DeKalb County, Georgia

APPROVED AS TO FORM:



VIVIANE ERNSTES
Deputy County Attorney
DeKalb County, Georgia