

**THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM**

SUBJECT: Ordinance Amendment Establishing a Fee for Emergency Review of Special Events Permit Applications

DATE: June 30, 2021

BUDGET INFORMATION:

REVENUES: \$375
EXPENSES: N/A
FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: August 3, 2021

PURPOSE:

To request that the Mayor and Commission adopt an amendment to Section 6-5-3 of the Code of Athens-Clarke County, Georgia, to establish a fee for emergency review of special events applications (**Attachment #1**).

HISTORY:

1. On September 1, 1992, the Mayor and Commission (M&C) approved the Special Events Ordinance (Section 6-5).
 2. On December 3, 2019, M&C amended the Special Events Ordinance to incorporate a permit process and associated fees for special events needing to comply with Athens-Clarke County's Materials Management Policy as it relates to recycling and composting for events on public property.
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FACTS & ISSUES:

1. The Special Events Ordinance exists to coordinate the delivery of additional public services for special events in the community. Such public services may include road closures/traffic management, access to public water or electric meters, equipment rental, waste management services, and other similar services.
2. A special events permit is not required for public rallies, marches, protests, or other constitutionally-protected activities. However, some of these event sponsors still choose to voluntarily obtain a special events permit so they have increased access to public services.
3. The Special Events Ordinance currently has an application fee of \$25 (6-5-3 (c)) and a requirement that permit applications be submitted at least 60 days and no more than a year prior to the proposed event (6-5-3 (b)).

4. The Special Events Ordinance also permits the Manager, at his/her sole discretion, to issue emergency permits with fewer than 60 days of review when extraordinary circumstances exist (6-5-8).
5. In practice, most special events permits are submitted at least 60 days prior to the proposed event. 60+ days of notice provides staff time to adequately engage with the event sponsor to ensure events on public property are safe, inclusive, and minimize disruptions to public services. It also allows staff to incorporate the review process into their regularly schedule work assignments. However, it has become increasingly common for applicants to submit special events permits with less than 30 days notice. In rare cases, applications are submitted with less than five days notice. While the ordinance permits the ACCGov to reject these permits, it is staff's approach to accommodate them where possible.
6. An emergency review fee creates a financial incentive for event sponsors to engage in the process with at least 60 days notice, while recognizing that such notice is not always feasible. It also more accurately reflects the expense incurred by ACCGov when assigned work must be delayed in order to accommodate a review of a proposed special event with limited notice. The proposed ordinance addition preserves the Manager's authority to deny permits that do not apply with the required notice; this option is needed to address limited-notice events that are likely to compromise safety or public service delivery.
7. The Special Events Ordinance and the proposed emergency review fee has no impact on the ability for residents to hold events related to freedom of speech, religion, or other constitutionally-protected activities.
8. This recommendation supports the following Mayor and Commission Strategic Commitments:
 - Safe and Prepare Community
 - Accountable and Responsive Government

OPTIONS:

1. To request that the Mayor and Commission adopt an amendment to Section 6-5-3 of the Code of Athens-Clarke County, Georgia, to establish a fee for emergency review of special events applications (**Attachment #1**).
2. The Mayor and Commission do not approve the Special Events Ordinance change.
3. Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1

DEPARTMENT: Central Services
Prepared by: Andrew Saunders



Andrew Saunders
Central Service Director

6/30/2021

Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1



Manager

July 13, 2021

Date:

ATTACHMENTS:

Attachment #1 – Redline Edits to the Special Events Ordinance

CHAPTER 6-5. SPECIAL EVENTS

Sec. 6-5-1. Definitions.

The following definitions shall apply to the interpretation and enforcement of this chapter:

Food vendor: Any person or persons who engage in the sale to the public of any food or food products, beverages, or anything else that is intended for human consumption from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, public property, or right-of-way. The definition of food vendor, as used in this chapter, shall not be construed to include or prohibit a permanent business, operating under the provisions of the business license ordinance and other applicable laws, from displaying food or beverages on a public sidewalk immediately in front of and adjacent to the permanent business structure so long as such displays do not impede the normal flow of pedestrian traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

Manager: The manager of the government of Athens-Clarke County, Georgia, or his designee for the administration of this chapter.

Producer: Any person, group of persons, organization, association, club, or other entity responsible for planning, producing and conducting an event.

Special event: The term "special event" or "event" shall mean any organized activity having as its primary purpose entertainment, recreation and/or education, which provides a substantial public and community benefit, such as a festival, celebration, foot or vehicle race, parade, march, rally or assembly, which takes place in whole or in part on a public street, public property, sidewalk or right-of-way, or any organized activity that occurs on private property and impacts government services on public rights-of-way.

Vendor: Any person or persons who engage in the sale to the public of any food or food products, goods, services, or merchandise of whatever nature from any location, either mobile or stationary, on a temporary itinerant basis on any public street, sidewalk, or right-of-way. The definition of vendor, as used in this chapter, shall not be construed to include or prohibit a permanent business, operating under the provisions of the business license ordinance and other applicable laws, from displaying goods or merchandise on a public sidewalk immediately in front of and adjacent to the permanent business structure so long as such displays do not impede the normal flow of pedestrian traffic and so long as other laws and ordinances pertaining to such business or displays are complied with.

(Ord. of 9-1-92, § 1; Ord. of 3-7-2017(2), § 1 ; Ord. of 12-3-2019, §§ 1, 2)

Sec. 6-5-2. Permits.

- (a) *Required.* It shall be unlawful for any person, group, organization, association, club or other entity to conduct or cause to be conducted any special event in Athens-Clarke County without having obtained a valid permit for such event. Additionally, it shall be unlawful for any food vendor, except as authorized under section 6-5-11(f), to operate at a special event without having obtained a valid solid waste permit for such event.
- (b) *Geographic limitation; responsibility for police and sanitation service.* A special event shall be limited to the specific geographic area(s) within which the event is to take place and the producer of a special event shall be responsible for the provision of police and sanitation services within the boundaries of the event for a period of two hours past the conclusion of the event or until the area is cleared of all activities and structures related to such event.
- (c) *Time limitation.* Except for clearing of the area, no special event shall be allowed to continue beyond the time approved on the permit for the event.

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- (d) *Delineation of boundaries; preservation of areas for circulation.* The outermost boundaries of the special event shall be fully and clearly delineated on a map, which shall be no smaller than 8½ × 11 inches in size, and attached to the application for a permit. All public streets and/or sidewalks within and adjacent to such area(s) shall be clearly identified. The manager, or designee, shall require, as part of the approval for the event, that areas no less than five feet in width shall be designated and preserved for public circulation and access to adjoining business establishments outside the area(s) delineated for the event.
 - (e) *Maps for walks or runs.* The producer of a special event such as a walk or run, as to which the provisions of subsection (d) above would not be practicable, shall submit with the application for a permit a map, which shall be no smaller than 8½ × 11 inches in size, showing the exact route of the course for the walk or run.

(Ord. of 9-1-92, § 1; Ord. of 3-1-94, § 1; Ord. of 12-3-2019, § 3)

Sec. 6-5-3. Application; fee.

- (a) A producer of a special event shall make application for a permit for such event at the office of the manager on a form prescribed by the manager. Application forms may be obtained from the office of the manager, the office of the clerk of commission, and the police department.
- (b) An application for a special event should be filed at least 60 days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the event.
- (c) A nonrefundable application fee of \$25.00 shall be paid at the time the application for a permit is filed. Such fee shall be payable to Athens-Clarke County by cash, money order, or cashier's check. If an application is submitted because extraordinary circumstances may justify an emergency issuance of a permit as outlined in Section 6-5-8, and there are fewer than 60 days between the submittal and the date of the event, the nonrefundable application fee shall increase to \$150.00.
- (d) A food vendor authorized by the producer of an event as a component of the event shall make application for a solid waste permit for such event at the office of the manager on a form prescribed by the manager. Application forms may be obtained from the office of the manager, the office of the clerk of commission, the solid waste department, and the police department. Applications shall require food vendors to comply with the Solid Waste Department's SW-021 Material Management Policy.
- (e) An application for a food vendor as a component of a special event should be filed at least 30 days prior to the date the event is scheduled to occur. However, no application shall be accepted earlier than one year prior to the date of the event.
- (f) A nonrefundable application fee of \$25.00 shall be paid at the time the application for a solid waste permit is filed. Such fee shall be payable to Athens-Clarke County by cash, money order, or cashier's check.

(Ord. of 9-1-92, § 1; Ord. of 12-3-2019, § 4)

Sec. 6-5-4. Identification of producer.

The producer of an event, if a group or organization, shall be fully identified on the application. However, a special event permit shall be issued only to an individual person, who may be the actual producer or a designated agent of the producer, and such individual person shall be solely and fully responsible for compliance with all provisions, including all financial requirements, of this chapter and other applicable laws.

(Ord. of 9-1-92, § 1)

Sec. 6-5-5. Administrative review.

The manager shall cause the application(s) to be circulated to each government department and/or other agency whose services the manager determines would be affected by the nature and activities of the proposed event. Each such department or agency shall review the application and note the services which it will be required to perform, the number of personnel to perform such services, the length of time to perform such services, the cost to perform such services, and any other information which would assist the manager in facilitating the event and services required.

(Ord. of 9-1-92, § 1; Ord. of 12-3-2019, § 5)

Sec. 6-5-6. Special conditions on permit.

Each department of the government reviewing an application may recommend in writing certain conditions or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations, and/or to ensure the safety, health and welfare of the community. In reviewing the recommendations of the departments, the manager may impose such conditions or restrictions as a part of the permit and such special conditions so imposed shall be construed to have the full force and effect of law as a provision of this chapter. A violation of such conditions or restrictions shall be deemed a violation of this chapter.

(Ord. of 9-1-92, § 1)

Sec. 6-5-7. Final approval of permit; minimum review period.

- (a) The manager is authorized to approve and issue a permit for a special event and/or a solid waste permit for a food vendor after considering all comments and conditions of the reviewing departments and agencies as well as other information pertaining to the proposed event as described on the application, and after the payment of all applicable fees and costs.
- (b) A minimum of 30 working days shall be allowed for the administrative review of an application and the issuance of a permit.
- (c) The government shall approve, tentatively approve or deny the permit no later than 30 working days following the date the completed application is filed. If the permit is denied, the producer or food vendor shall be notified in writing of the denial and the reason(s) for the denial. The manager may tentatively approve an application for a permit received more than 135 days prior to the proposed special event. A tentative approval reserves the locations, dates and times of a special event and is subject to revision based upon the manager's subsequent review, in accordance with paragraph (a) of this Code section, of information received following issuance of a tentative permit. If a permit is tentatively approved, final approval and issuance of the permit shall occur no later than 90 days prior to the special event.

(Ord. of 9-1-92, § 1; Ord. of 5-7-2013, § 1; Ord. of 12-3-2019, §§ 6, 7)

Sec. 6-5-8. Emergency issuance of permit.

In extraordinary circumstances, the manager or the chief of police, as his designee, shall be authorized to waive or otherwise expedite any or all of the review process and to issue a special event permit and/or a solid waste permit for a food vendor upon payment by the producer or food vendor of all applicable fees and costs for such event.

(Ord. of 9-1-92, § 1; Ord. of 12-3-2019, § 8)

Sec. 6-5-9. Permit fees.

- (a) The fee for a permit to conduct a special event shall be based on all services to be provided by the government for such event and shall be equal to the estimated actual cost to the government to provide such services. The initial permit fee shall be the aggregate of the estimated costs of such services calculated by each government department. If, at the conclusion of the event, the cost of government services is greater than the initial payment, the producer of the event shall be billed for the difference. Failure to pay the outstanding amount within 30 days of the billing date shall be a violation of this chapter.
- (b) The initial permit fee must be paid in full prior to the issuance of a permit and no later than 72 hours prior to the date of the event.
- (c) The fees required in this section shall be in addition to any other fees which may be required by any other ordinances or regulations that might be applicable.
- (d) No producer of any special event, except as otherwise provided for, shall be exempt from the payment of the appropriate fees and charges required under this chapter.

(Ord. of 9-1-92, § 1)

Sec. 6-5-10. Liability.

All applicants for permits pursuant to this chapter shall hold harmless the Unified Government of Athens-Clarke County, its officers, employees and agents from liability of damages arising from any acts or omissions emanating from a special event. Proof of such waiver shall be filed with, and made a part of, the application form. The applicant shall be responsible for providing any and all other insurance that may be necessary for any special event.

(Ord. of 9-1-92, § 1; Ord. of 12-3-2019, § 9)

Sec. 6-5-11. Vendors.

- (a) *Sales permitted.* The sale of food, including the sale of beer and/or wine, or any merchandise or services of any type by a vendor shall be allowed as a component of a special event provided such vendor is approved and authorized in writing by the producer of the event and shall be conducted in accordance with such conditions and limitations as shall be imposed in writing by the producer and submitted as part of the application for a permit and provided that any food vendors apply for and receive an individual solid waste permit.
- (b) *Authorization of vendors.* The producer of a special event shall have sole responsibility and authority to allow or disallow sidewalk or street vending as a component of an event and to designate the location and activities of such vendors. It shall be unlawful for any vendor to engage in such business at any location or in any manner not authorized by the producer of the event.
- (c) *Identification required.* Any vendor authorized by the event producer shall be required to prominently display on his or her person a badge identifying the vendor as an authorized participant in the event. Such identification shall be not less than three inches by three inches, shall state that the bearer is an official participant in the event, and shall bear the signature of the producer of the event.
- (d) *Permit not required.* Vendors authorized by the producer of an event as a component of the event, excepting food vendors who are required to apply for a solid waste permit, shall not be required to obtain any separate vendors permit to operate during the period of the event. However, all other vendors, of whatever nature, not authorized as a participant in the special event shall obtain the appropriate licenses and permits as required under other applicable ordinances.

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- (e) *Unauthorized vending prohibited.* It shall be unlawful for any vendor not authorized by the producer of a special event as provided under this section to engage in such business within a distance of 25 yards of such event from one hour before until one hour after the event.
 - (f) *Exemption.* Whether or not approved by an event producer, a vendor that has been assigned a fixed location for the purpose of vending within the Athens Downtown Tax District may continue to engage in such business at that assigned location during any special event in accordance with the Vendors Ordinance (6-6-8.n) and other applicable laws.
 - (g) *Food sales.* The vendor of any food, whether hot or cold, as a part of a special event shall be subject to all rules and regulations of the county health department in addition to the requirement to apply for and receive a solid waste permit. It shall be the responsibility of the producer of an event to assure compliance with this section by any such vendors.

(Ord. of 9-1-92, § 1; Ord. of 3-1-94, §§ 2, 3; Ord. of 12-3-2019, §§ 10—12)

Sec. 6-5-12. Sale of beer and/or wine.

Special outdoor cafe areas where beer and/or wine may be dispensed and consumed shall be permitted only within the delineated boundaries of a special event subject to the following conditions:

- (1) The dispensing or consumption of beer and/or wine shall not be permitted at any special event which, due to the size of such event, does not require the closing of at least one city block.
- (2) The producer of a special event shall have the discretion to provide special outdoor cafe areas where beer and/or wine may be served within the delineated boundaries of the event.
- (3) Whenever any event will include the dispensing and consumption of beer and/or wine, the producer of such event, at least 45 days prior to the event, shall meet with appropriate staff members of the Athens-Clarke County government as designated by the manager in order to review the plans, conditions and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the producer shall sign a statement of understanding of and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.
- (4) A special outdoor cafe area within a special event where beer and/or wine is permitted shall be securely enclosed on all sides by a fence, barricade or other similar such structure approved by the chief of police, or his designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted. Every special outdoor cafe permitted under this section shall be rectangular in shape with one of the longer sides of such special outdoor cafe area abutting a street curb.
- (5) One special outdoor cafe area, limited to no more than 300 persons and not exceeding an area greater than 4,000 square feet, may be located at any location within the event.
- (6) Additional special outdoor cafe areas shall be limited to no more than 150 persons and shall not exceed an area greater than 2,000 square feet.
- (7) No more than two special outdoor cafe areas designated for up to 150 persons shall be permitted within any one city block and shall be restricted to no more than one such area on either side of the street.
- (8) Within any city block where a special outdoor cafe designated for up to 300 persons is located, no additional special outdoor cafe areas shall be permitted.
- (9) Every special outdoor cafe permitted under this section shall provide seating and food service for every person admitted to such area. Food service shall not be required in a special outdoor cafe that has a separate home-brew special event permit.

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- (10) The dispensing of beer and/or wine at any special outdoor cafe area shall be restricted to: (1) a holder of an alcoholic beverage caterer license issued by Athens-Clarke County, (2) a holder of a temporary alcoholic beverage permit issued to a bona-fide non-profit, tax-exempt civic organization by Athens-Clarke County, or (3) a holder of a separate home-brew special event permit issued by Athens-Clarke County. The name of such licensee(s) or permittee(s) and the current assigned number, as such appears on the license or permit, shall be required as a part of the application for a special event permit.
 - (11) The producer of the special event shall provide, at his/her own expense, at least one security officer, approved by the chief of police, or his designee, at each special outdoor cafe area approved for the consumption of beer and/or wine.
 - (12) Every area where beer and/or wine is consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.
 - (13) It shall be unlawful for patrons of any area(s) of a special event in which beer and/or wine is permitted to bring into or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and/or wine is permitted. Provided, however, that participants in and sponsors of home-brew special events may transport malt beverages to a home-brew special event in a special outdoor cafe in accordance with applicable law.
 - (14) The application for a special event at which beer and/or wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8½ × 11 inches in size, clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and/or wine is proposed. However, no areas designated for the consumption of beer and/or wine shall encroach within the designated public circulation areas described in section 6-5-2(d).
 - (15) The application for a permit for a special event at which beer and/or wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s). The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas as required in subsection (4) above.
 - (16) The fee for a permit to dispense and/or consume beer and/or wine at a special event shall be \$300.00 for an area designated for up to 300 persons and \$150.00 for each area designated for up to 150 persons, payable to Athens-Clarke County, and shall be paid in addition to and remitted at the same time as any other fees provided for in section 6-5-9.
 - (17) Notwithstanding the provisions of this section, any person dispensing and/or consuming beer and/or wine in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.
 - (18) Notwithstanding the provisions of this section, all food vendors shall apply for and receive a solid waste permit pursuant to the requirements of this Chapter before dispensing beverages at a special event.

(Ord. of 9-1-92; § 1; Ord. of 3-1-94, § 4; Ord. of 5-7-2013, § 2; Ord. of 11-4-2014, §§ 1—3 ; Ord. of 10-6-2015(3), § 1 ; Ord. of 12-3-2019, § 13)

Sec. 6-5-13. Glass containers prohibited.

The use of glass containers within the area of any special event shall be prohibited.

(Ord. of 9-1-92, § 1)

Sec. 6-5-14. Police services.

Traffic and crowd control shall be provided by the Athens-Clarke County Police Department and the number of officers and/or special arrangements shall be determined by the chief of police.

(Ord. of 9-1-92, § 1)

Sec. 6-5-15. Toilet facilities.

The producer of a special event shall be required to provide temporary outdoor toilet facilities at any event at which 200 or more persons are expected to be in attendance. The number of toilets and their locations shall be determined by the director of the building inspection department.

(Ord. of 9-1-92, § 1)

Sec. 6-5-16. Entertainment.

Musical entertainment shall be provided in a manner consistent with the peace and good order of the community. The producer of the event shall be responsible for full compliance with the noise ordinance.

(Ord. of 9-1-92, § 1)

Sec. 6-5-17. Fireworks.

Any producer of an event desiring to conduct a public exhibition or display of fireworks shall first obtain a permit from the judge of probate court in accordance with the provisions set forth under state law.

(Ord. of 9-1-92, § 1)

Sec. 6-5-18. Tents, stages, etc.

Tents, arbors, stages, grandstands or other temporary facilities constructed or erected as a part of a special event shall be approved by the director of the building inspection department.

(Ord. of 9-1-92, § 1)

Sec. 6-5-19. Street closing and parking restrictions.

- (a) The complete or partial closure of any street, sidewalk or other public way as a part of a special event shall be approved by the traffic engineer in consultation with the chief of police.
- (b) It shall be a violation of this chapter for any motor vehicle to be located on any street or other area that has been closed to parking for a special event. Designated parking spaces in such areas closed shall be clearly marked as such, and such marking shall be posted not less than 12 hours prior to the effective date and time of such closure and shall contain the statement, "No parking after (date & time). Unauthorized vehicles present after that time are subject to towing and impoundment." The manager or the manager's designee may have vehicles illegally parked in violation of this section immediately towed and impounded at the expense of the owner or other person responsible for such vehicle pursuant to the provisions of chapter 3-3 of this code. The fine for violation of this section shall be \$50.00.

(Ord. of 9-1-92, § 1 ; Ord. of 9-6-2016(1), § 7)

Sec. 6-5-20. Banners, signs, etc.

Temporary, noncommercial banners or signs may be permitted overhead across public streets for the purpose of designating "starting" and "finish" lines for a race. Small banners, pennants, signs or other decorations which do not interfere with vehicular or pedestrian traffic, and which do not damage or deface any tree or public structure, may be allowed as part of a special event. Approval of the building inspection department shall be obtained by the event producer for any banners or signs permitted in this section. The producer of the event shall be responsible for the removal of such banners, pennants or decorations within 48 hours after the close of the event.

(Ord. of 9-1-92, § 1)

Sec. 6-5-21. Duration of permit.

No permit issued under this chapter shall be valid prior to or past the date of the special event for which it is issued.

(Ord. of 9-1-92, § 1)

Sec. 6-5-22. Cessation of activities.

The safety, health, welfare and good order of all citizens and the community shall be first and foremost and every special event shall be conducted in such manner. The chief of police may terminate any activity, whether a part of or the entire event, which does not meet this community standard. Upon notification of the event producer in person by the chief of police to cease any activity, it shall be unlawful for such producer and/or any participants to permit such activity to continue.

(Ord. of 9-1-92, § 1)

Sec. 6-5-23. Picketing and demonstrations, etc.

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any public or private place. Any person, group or organization engaged in such activities is required to make application as set forth in section 6-5-3(a). However, any such person, group or organization shall be exempt from the permit requirement in section 6-5-2 and the fees set forth in section 6-5-3(c) and section 6-5-9.

(Ord. of 9-1-92, § 1)

Sec. 6-5-24. Funeral processions.

The provisions of this chapter shall not apply to any parade or procession conducted under the supervision and direction of a funeral director in conjunction with any funeral.

(Ord. of 9-1-92, § 1)

Sec. 6-5-25. Sidewalk cafes; displays.

The provisions of this chapter shall not apply to any sidewalk cafes or displays as regulated by other laws or ordinances.

(Ord. of 9-1-92, § 1)

Sec. 6-5-26. Compliance; violations; penalties.

- (a) *Violations; penalties.* It shall be unlawful for any person to violate the provisions of this Chapter. Upon conviction for the violation thereof each person shall be subject to the punishment allowed under section 1-1-5, after hearing before the judge of municipal court. In addition, upon conviction for the violation thereof by a permittee, the licensee's agents or employees, any permit may be revoked, suspended or put on probation under conditions.
- (b) *Civil fines; probation, suspension, revocation of permit.*
- (1) Any person holding any permit issued pursuant to this chapter or any employee or agent of such person who violates any provision of this chapter, or directs, consents to, permits, or acquiesces in such violation either directly or indirectly shall, by such conduct, subject the permit to suspension, revocation or probation upon conditions. In addition, a minimum civil fine of \$200.00 and a maximum civil fine of \$500.00 may be imposed on the permit for the first violation. Each subsequent violation shall result in a fine of \$1,000.00. Additionally, a third violation and all subsequent violations shall result in a 13-month suspension of the permittee's ability to receive a special event or food vendor permit.
 - (2) In considering the amount of the civil fine, if any, the administrative hearing officer shall consider the following factors:
 - a. The gravity of the violation;
 - b. The costs to Athens-Clarke County related to compliance or enforcement efforts undertaken by Athens-Clarke County in pursuing the case;
 - c. Actions of the permittee, its employees, subcontractors or agents in connection with the violation.

The imposition of a civil fine under the provisions of this section shall not prevent the suspension, revocation, or non-renewal of the permit or the privilege to apply for and receive a permit or the taking of punitive or remedial action for any other violation of the ordinances of Athens-Clarke County or for subsequent violations of this section. No permit shall be renewed or issued pursuant to this chapter if any civil fines imposed pursuant to this section have not been paid by the permittee prior to the application for renewal or issuance of a permit.

For purposes of administering and enforcing this chapter, any act committed by an employee, agent or representative of a permittee shall be deemed to be an act of such permittee.

(Ord. of 12-3-2019, § 14)