

**RESOLUTION OF THE CITY OF SOUTHAVEN GOVERNING AUTHORITIES AMENDING  
CITY ORDINANCE TITLE VIII, CHAPTER 6, "CITY OF SOUTHAVEN SPECIAL EVENTS  
ORDINANCE"**

**WHEREAS**, the City of Southaven ("City") Governing Authorities have the power to adopt any orders, resolutions, or ordinances with respect to such municipal affairs, property, and finances; and

**WHEREAS**, the City Governing Authorities have the power to make all needful police regulations necessary for the preservation of good order and peace of the City and to prevent injury to, destruction of, or interference with public or private property; and

**WHEREAS**, the City of Southaven Special Events Ordinance provides objective and specific guidelines for the City and serves a legitimate governmental interest; and

**NOW, THEREFORE BE IT ORDAINED** BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT TITLE VIII, CHAPTER 6, "CITY OF SOUTHAVEN SPECIAL EVENTS ORDINANCE" BE AMENDED AS FOLLOWS:

**Sec. 8-136. Title.**

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

**Sec. 8-137. Purpose.**

The regulations contained in this article are ordained and required for the public health, safety, morals, good order, convenience and general welfare of the City of Southaven ("City"). It is the intention of this Ordinance to establish reasonable limits to the demand for police, fire, sanitation and other City services, to minimize detrimental effects to surrounding properties, to recover a reason portion of the cost of such events to the City, and to provide a regulatory framework for permitting special events.

**Sec. 8-138. Definitions.**

The following definitions apply where such words appear in this article:

*Applicant* shall mean any person or organization or entity who seeks a special event permit from the City to conduct or sponsor an event governed by this section. An applicant must be 18 years of age or older.

*Athletic event* shall mean an occasion in which a group of persons collectively engage in a sport or form of physical exercise, and which is conducted on any City street, sidewalk, alley or other public right-of-way, or other property owned or controlled by the City, which obstructs, delays, impedes, impairs or interferes with their usual, normal and free pedestrian or vehicular use, or does not comply with traffic laws and controls. Athletic events include, but are not limited to, bicycling and foot races.

*Banner* shall mean a display constructed of canvas, nylon or vinyl, with proper implements for installation, which advertises an upcoming special event or other topic of interest and benefit to the City, and which is designed for display along the public right-of-way.

*Block party* shall mean a gathering of neighbors or businesses for the purpose of fellowship, the beautification of an area, or the exposure of the residents to the arts or music, that may or may not require the blocking of any City Street. The definition of block parties includes barbeques, picnics, music, games, and dances.

*City-sponsored event* shall mean an event which is organized by the City, or which the City directly funds and agrees to sponsor or co-sponsor.

*Fair or carnival* shall mean an enterprise offering amusement attractions or rides, and operation of said events.

*Festival* shall mean a gathering of people for the buying and selling of goods; an occasion for feasting or celebration; an event usually for the benefit of a charity, public institution, or neighborhood organization; including entertainment, games, and the sale of goods.

*Game* is defined as an amusing or competitive activity, involving skill that may or may not include the winning of a prize.

*Other special event* shall mean an event planned to be held on any City street, sidewalk, alley or other public right-of-way, or other property owned or controlled by the City that meets all three of the following criteria: (a) is reasonably expected to cause or result in more than 25 people gathering in a park or other public place; (b) is reasonably expected to have a substantial impact on such park or other public place; and (c) is reasonably expected to require the provision of substantial public services.

*Parade* shall mean any organized movement or march of persons and/or things which requires the closure of streets to prevent a conflict with the regular flow of vehicular traffic.

*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 special events whose primary purpose is First Amendment expression.

*Special events committee* shall mean the committee designated to review applications for special event permits.

*Special events coordinator* shall mean the representative of the City Police Department, who shall have the duty to receive and administer all permit applications pursuant to this Ordinance, to classify special events for purposes of imposing the permit fee, and to issue final permits.

#### **Sec. 8-139. Creation of special events committee.**

There is hereby created a special events committee, which is designated to review all requests for permits pursuant to this article. The committee shall be comprised of five (5) members.. The composition shall be as follows:

- (1) City Mayor;
- (2) City Police Chief;
- (3) City Fire Chief;
- (4) City Planning Director;
- (5) City Parks Director;

Said committee shall have the authority to establish regulations for the orderly enforcement and administration of the Ordinance, which shall be consistent with the provisions of this Ordinance.

#### **Sec. 8-140. Permit required; exemptions.**

Any person, organization, or entity desiring to conduct or sponsor a parade, athletic event, block party, festival, fair, carnival or other special event in the City shall first obtain a special event permit from

the special events coordinator. A special event permit is not required for the following:

- (1) City-sponsored event;
- (2) Event that is completely indoors;
- (3) Funeral processions.

**Sec. 8-141. Application procedure.**

- (a) Any person, organization, or entity desiring to sponsor or host a parade, athletic event, block party, festival, fair, carnival or other special event not exempted by this Ordinance shall apply for a special event permit by filing an application with the special events coordinator of the City Police Department on a form supplied by that person, organization, or entity. Applications must be submitted not less than 30 days before the event date.
- (b) Upon a showing of good cause, the special events coordinator shall consider an application that is filed after the filing deadline, if there is sufficient time to process and investigate the application and to obtain police services for the event, if necessary. Good cause can be demonstrated by the applicant showing that the circumstances giving rise to the permit application did not reasonably allow the participants to file within the time prescribed, and that the event is for the primary purpose of exercising the right of free speech, and that the applicant will select a pre-established route.

**Sec. 8-142. Contents of application form.**

The applicant for a special event permit shall provide the following information:

(1) *All events.*

- a. Name, address and telephone number of the applicant and an alternate contact person;
- b. If the event is proposed to be sponsored by an organization, the name address and telephone number of that organization, and the authorized head of the organization; if requested by the coordinator, written authorization to apply for the special events permit by an officer of the organization;
- c. Name, address and telephone number of the person who will be present and in charge of the event on the day of the event;
- d. Type of event and purpose of the event;
- e. Date and estimated starting and ending time of the event;
- f. Location of the event including its boundaries;
- g. Estimated number of participants and spectators in the event;
- h. Type and estimated number of vehicles, animals, and structures that will be used at the event;
- i. Description of any sound amplification equipment that will be used at the event;
- j. Whether any food or beverages, including alcoholic beverages, or merchandise will be sold at the event;
- k. Whether monitors or private security will be employed at the event;

- l. Parking requirements and arrangements for the event;
- m. Whether any banners will be utilized to promote the event, and desired locations of these banners; and
- n. Whether there will be water, toilets and first aid provided to the participants and the locations of the water, toilets and first aid.

(2) *Additional information required for parades, races and other events occurring along a route.*

- a. The assembly point for the event, the time at which units of the parade or other event will begin to assemble;
- b. The route to be traveled;
- c. Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed;
- d. The intervals of space to be maintained between units of a parade or other event;
- e. Material and maximum size of any signs or banners to be carried along the route; and
- f. Any rules or regulations developed by the organizers that apply to the event.

(3) *Supplemental information.* Any supplemental information which the coordinator shall find reasonably necessary, under the particular circumstances of the special event application, to determine whether to approve, or conditionally approve a special event permit.

(4) *Certification of understanding.* All applicants must certify that they understand that 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. 8-143. Action on application.**

The special events coordinator may approve, conditionally approve, or deny an application. Such action shall be taken no later than ten days after receiving a completed application, including all supplemental information requested, for an event along a pre-established route. If the application is denied, the special events coordinator shall inform the applicant of the grounds for denial in writing, and the right of appeal. If the special events coordinator relied on information about the event other than that contained in the application, he shall inform the applicant about this information he considered. The applicant shall be notified of any conditions placed on the permit at the time the application is approved and of his right to appeal those conditions.

### **Sec. 8-144. Grounds for denial of application or revocation of a special event permit.**

- (a) The special events coordinator or his designee shall approve an application for a special permit unless he determines from a consideration of the application, or other pertinent information, any of the following, which shall also be justification for the special events coordinator to revoke 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 having been 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 a 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 to the remainder of the City; or
  - (8) The parade, or other event moving along a route, will not move from its point of origin to its point of termination in two 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 activities 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; or
  - (11) The event is a parade that is scheduled to begin after the hour of 7:00 p.m.
- (b) When grounds for denial of an application for permit specified in subsection (a)(3) through (a)(11) above can be corrected by altering the date, time, duration, route, or location of the event, the special events coordinator may, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance.

#### **Sec. 8-145. Permit conditions.**

- (a) The special events coordinator may condition the 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 and property, and the control of traffic, provided such conditions shall not unreasonably restrict the right of free 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 and type of vehicles, animals, or structures at the event, and 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 street(s) in advance of the event.
- (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, rides, and on the procurement of any legally required permits, licenses or certificates, including, but not limited to, any necessary business permits, beer permits, fire safety inspection permits, and state health department permits.

#### **Sec. 8-146. Special provisions.**

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. 8-147. Appeal procedure.**

- (a) The applicant shall have the right to appeal the denial of a permit or a permit condition to the City Board of Alderman by the filing of a notice of appeal with the special events coordinator within ten days of notification of said denial or permit condition.
- (b) The City Board shall hold a hearing at the next available regularly scheduled meeting. The decision of the City Board shall be final.

#### **Sec. 8-148. 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 permitted event proximately caused by the actions of the permittee/sponsoring organization, its officers, employees, or agents, or any person who was under the permittee/sponsoring organizations control insofar as permitted by law. The agreement shall also provide that the permittee/sponsoring organization 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, its officers, employees, or agents, or any person who was under the permittee/sponsoring organization's control, in connection with the permitted event, regardless of whether the City is actively negligent or passively negligent, except for those claims, costs, damages, demands, liability and notices, or any of these, caused solely by the negligence or willful misconduct of the City.

#### **Sec. 8-149. Insurance.**

- (a) The applicant/sponsoring organization of 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 coverage must be maintained for the duration of the event. Coverage shall be a 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 special events coordinator no less than five days before the date of the event, unless the special events coordinator for good cause waives the filing deadline. The special event permit shall not be issued by the special events coordinator until after the insurance policy or certificate of insurance, along with necessary endorsements, have been filed by the applicant/sponsor and approved by the special events coordinator.
- (c) The insurance requirements of subsections (a) and (b) above shall not apply to any special event classified as a Class D special event. Nothing herein shall waive the requirement to complete the indemnification agreement as required by Section 8-148.
- (d) The insurance requirements of subsections (a) and (b) above may be waived by the special events committee for non-athletic events, if the applicant or officer of the sponsoring organization signs a verified statement that he believes the event's purpose is First Amendment expression, and that he has determined that the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression. The statement shall include the name and address of one insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage. The committee shall review such statement before any determination regarding waiver of insurance. Nothing herein shall waive the requirement to complete the indemnification agreement as required by Section 8-148.

#### **Sec. 8-150. 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 safety and sanitation components of the special event. By agreement, as endorsed upon the permit or in a separate contract, the applicant 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 persons attending the event over the entire period of the special event.
- (b) The classes of special event permits and the evaluated factors of each class shall be as follows:
  - (1) *Class A permit.* For a special event which will require between 25 and 50 extra personnel hours and for which the attendance is anticipated to be in excess of 5,000 persons over the entire period of the special event.
  - (2) *Class B permit.* For a special event which will require between three and 25 extra personnel hours

and for which the attendance is anticipated to be from 500 to 5,000 persons over the entire period of the special event.

(3) *Class C permit.* For a special event which will require fewer than three extra personnel hours and for which the attendance is anticipated to be less than 500 persons over the entire period of the special event.

(4) *Class D permit.* For a special event which will require no City services and for which the attendance is anticipated to be 200 persons or less over the entire period of the special event; for any parade sponsored by an educational institution.

(c) If a special event permit is approved, the applicant may obtain such permit by agreeing to accept the classification and conditions imposed by the special events coordinator and by paying the applicable permit fee and sanitation deposit. Such fees shall be determined according to the following schedule:

| Application fee | Permit fee | Sanitation fee | Class | Attendance         | Extra personnel hour                  |
|-----------------|------------|----------------|-------|--------------------|---------------------------------------|
| \$10.00         | \$2000.00  | \$150.00       | A     | greater than 5,000 | 25-50                                 |
| 10.00           | 100.00     | 75.00          | B     | 500-5,000          | 3-25                                  |
| 10.00           | 30.00      | 20.00          | C     | less than 500      | 3                                     |
| 00.00           | 00.00      | 00.00          | D     | 250 or less        | 0 hours and no City services required |

(d) The special events coordinator shall waive all fees, other than the application fee, for any event not involving the sale of food or beverages, and not requiring the blocking of any streets or otherwise impeding the flow of vehicular traffic, which is conducted for the primary purposes of expression of First Amendment rights.

(e) The fees set forth in this Ordinance shall be in addition to any other inspection and/or permit fees, including, but not limited to the fees set forth in City Code of Ordinances Title V, Chapter 1, Section 5-3.

#### **Sec. 8-151. Cleanup deposits for certain special events.**

(a) All applicants/sponsoring organizations shall be responsible for the cleanup of the event site or route within 12 hours of the conclusion of the event. To ensure such cleanup, the applicant/sponsor of an event may be required to provide a cleanup deposit prior to the issuance of a special event permit.

(b) The committee shall conduct a closeout meeting at the conclusion of each event at which time the permittee/sponsoring organization's compliance with the permit shall be assessed.

(c) The cleanup deposit shall be returned to the applicant/sponsor after the event if the area used for the permitted event has been cleared and restored to the same condition as existed prior to the event within 12 hours of the conclusion of the event.



- (d) If the property used for the event has not been properly cleaned or restored, the City shall do so, and the applicant/sponsor shall be billed for the actual cost incurred by the City for cleanup and restoration, and the cleanup deposit, or a portion thereof, shall be applied toward the payment of the bill. If the applicant/sponsor disputes the bill, he may appeal to the City Board of Alderman within ten days after receipt of the bill. Should there be any unexpended balance on deposit after completion of the work, this balance shall be refunded to the applicant/sponsor. Should the amount of the bill exceed the cleanup deposit, the difference shall become due and payable to the City upon the applicant's receipt of the bill.

#### **Sec. 8-152. Duties of permittee/sponsor of event.**

- (a) The permittee/sponsor of an 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 shall ensure that the person leading a parade or other event along a route, or the person in charge of any other event shall carry the special event permit on his person for the duration of the event.

#### **Sec. 8-153. Unlawful to sponsor or participate in an event without a permit.**

- (a) It shall be unlawful for any person to sponsor or conduct a parade, athletic event, block party, festival, fair or carnival, or other special event requiring a special event permit unless a permit has been issued for the event. 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) No person shall interfere with or disrupt a lawful parade, athletic event, block party, festival, fair or carnival, or other special event.

#### **Sec. 8-154. Unlawful to exceed 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. 8-155. Penalties.**

Any person 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 \$1,000.00 for each violation of the article. A special event operated otherwise than in accordance with this article shall be a public nuisance which may be enjoined or abated and/or terminated. 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 or because of the event.

#### **Sec. 8-156. Conflict.**

If the provisions of this Ordinance conflict with provisions found in other adopted ordinances or regulations of the City, this Ordinance shall govern.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-19-25, provide notice of the adoption of the code in the Desoto Times for one (1) time a notice in substantially the following form:

Notice is given that the City of Southaven on the \_\_\_\_\_ of \_\_\_\_\_, 2024 adopted the City of Southaven Special Events Ordinance.

Following the reading of the foregoing Ordinance, Alderman \_\_\_\_\_ made the motion and Alderman \_\_\_\_\_ seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman Jerome  
Alderman Hoots  
Alderman Wheeler  
Alderman Flores  
Alderman Payne  
Alderman Kelly  
Alderman Gallagher

The motion having received the affirmative vote of the members present, the Mayor declared the motion carried and the Ordinance adopted, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF SOUTHAVEN, MISSISSIPPI

By:

\_\_\_\_\_  
Darren Musselwhite  
Mayor

ATTEST:

\_\_\_\_\_  
Andrea Mullen  
City Clerk