

RESOLUTION AND ORDINANCE OF THE BOARD OF COMMISSIONERS OF CARROLL COUNTY TO AMEND THE CARROLL COUNTY CODE OF ORDINANCES TO ADD A NEW ARTICLE V ENTITLED "SPECIAL EVENTS FACILITIES" TO CHAPTER 22 ENTITLED "BUSINESSES"; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners of Carroll County, Georgia, has the duty to protect the health, safety and welfare of persons and property within its jurisdiction limits; and

WHEREAS, there has been an increase in Carroll County residents using, renting, leasing, or otherwise providing their property, reception halls, conference centers, banquet centers, homes, barns, pastures, or other facilities to earn additional income or for commercial purposes; and

WHEREAS, events, parties, and guests at a special events facility can negatively impact the peace and quiet enjoyment of neighboring property owners and residents; and

WHEREAS, as the popularity of special events facilities has grown, it is necessary for Carroll County to establish a framework of regulations; and

WHEREAS, the establishment of a framework of regulations by Carroll County, which shall govern the operation of special events facilities in Carroll County, shall not supersede existing zoning ordinances, land use regulations, building codes, private agreements, leases, or covenants such as condominium association rules, should such agreements prohibit the operation of certain properties as special events facilities; and

WHEREAS, nothing in the framework of regulations established hereby shall be deemed to alter, affect, supersede, or conflict with the requirements of any state or federal law or of any other provisions of the Carroll County Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners that a new Article V entitled "Special Events Facilities" be added to Chapter 22 entitled "Businesses" in the Carroll County Code of Ordinances as follows:

SPECIAL EVENTS FACILITIES ORDINANCE

Article V in Chapter 22

ARTICLE IV. SPECIAL EVENTS FACILITIES

Section 22-70– Short Title.

This article shall be known and may be cited as the "Carroll County Special Events Facilities Ordinance."

Section 22-71– Intent; Purpose.

It is the purpose of this article to protect the public health, safety, and general welfare of individuals and the community at large; to facilitate and provide reasonable means for citizens to mitigate impacts created by special events facilities; and to implement rationally based, reasonably tailored regulations to protect the peace and quiet enjoyment of neighboring property owners and residents.

Section 22-73– Definitions; General Provisions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special events facility renter means guests, lessees, or any other person or persons who, pay, give or exchange some form of money or other compensation for the use of a special events facility.

Special events facility means any place kept, used, maintaining, advertised, and held out to the public as a place which serves as a location for special events, including, but not limited to, weddings and receptions, anniversary receptions, bar/bat mitzvah receptions, birthday parties, and other such parties, receptions or events. Such facility may include, but not be limited to, reception halls, conference centers, and banquet centers, and shall not include places of worship or restaurants.

Special events facility agent means a person designated by the special events facility owner on the special events facility license application. Such a person shall be available for and responsive to contact at all times.

Special events facility guests means guests, invitees, or any other person who attends or is present at a special events facility for or during an event.

Special events facility owner means the owner of record of the property where the special events facility is located.

Special events facility license is the license issued by the Carroll County Community Development Department to a special events facility owner or the designated special events facility agent who have submitted the required documentation and met the requirements set forth in this article for operation of a special events facility.

Section 22-74– Special events facility license.

- (a) No person or entity shall rent, lease, or otherwise provide or give all or any portion of a property, reception hall, conference center, banquet center, home, barn, pasture, room, or any type of special events facility to any other person or entity who, pay, give, or exchange any form of money or other compensation for

the use of the special events facility, without first obtaining a special event facility license pursuant to the regulations contained in this article.

- (b) No licensee shall transfer the right to operate under any license issued under this article to any other person or entity by lease, agreement, contract, or any other agreement.
- (c) No license issued under this article may be operated or shall have any legal effect at any location other than those for which it is issued.
- (d) Nothing in this article shall be deemed to alter, affect, supersede or conflict with the requirements of any state or federal law or of the Carroll County Code of Ordinances, including, but not limited to, the requirements related to occupation taxes, regulatory fees, and business licenses and the County's zoning ordinance regulating the location where certain uses of land can be conducted.
- (e) One-time events or mass gatherings permitted by Carroll County's under and pursuant to Carroll County' mass gathering ordinance are exempt from this Article and shall not also have to obtain a special event facility permit.

Section 22-75– Application for a Special Events Facility.

- (a) Applicants for a special events facility license shall submit, on an annual basis, an application for a special events facility license to the Carroll County Community Development Department. The application shall be accompanied by a non-refundable application fee in the amount of \$200.00. Such application should include:
 - (1) The address of the property to be used as a special event facility;
 - (2) The name, address, telephone number, and email address of the special event facility agent, which shall constitute his or her 24-hour contact information;
 - (3) The special event facility agent's signed acknowledgment that he or she has reviewed this article and understands its requirements;
 - (4) The number and location of parking spaces allotted to the premises;
 - (5) The special events facility agent's agreement to use his or her best efforts to assure that use of the premises by special event facility guests will not disrupt the neighboring property owners or residents and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

- (6) Any other information that this article requires the special event facility agent to provide to Carroll County as part of an application for a special events facility license. The Director of the Carroll County Community Development Department, or his or her designee, shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this article.
- (b) Attached to the submission of the application described in this section, the special event facility license applicant shall provide:
 - (1) Written rules posted in or on the special event facility, including:
 - a. Acknowledgment that it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Carroll County's noise control ordinances. Special event facilities are encouraged to provide a noise monitoring device.
 - b. Acknowledgment that the maximum occupancy of a special events facility is limited to the maximum occupancy of the facility under the other codes and regulations of the County and as determined by the fire marshal but in no event shall exceed 250 people without obtaining a mass gathering permit.
 - c. Acknowledgment and agreement that violations of this article may result in immediate termination of the any agreement for the use of the special events facility and the eviction of all special event facility guests from the special event facility by the owner or agent, as well as the potential liability for payments of fines levied by Carroll County; and
- (c) If the special events facility agent changes, the special event facility agent shall notify the Carroll County Community Development Department within 30 business days.

Section 22-76– Special Events Facility Owners; Special Events Facility Agents.

- (a) The special events facility rental owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this section, including, without limitation, the permitting of the special events facility rental, the management of the special events facility rental, and the compliance with the conditions of the special events facility rental permit. The special events facility rental owner of the special events facility rental is responsible for compliance with the provisions of this section and the failure of a special events facility rental agent, representative, or special events facility rental guest or tenant to comply with this section shall be deemed noncompliance by the special events facility rental owner. A special events facility rental owner may also serve as the special events facility rental agent.

- (b) The duties of the special events facility rental agent are to:
 - (1) Be available to handle any problems arising from use of the special events facility;
 - (2) Keep his or her name and emergency contact phone number posted in a readily visible place in the special events facility;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the special events facility;
 - (4) Monitor the special events facility for compliance with this article; and
 - (5) List the special events facility license number on each on-line listing or advertisement for use of the special events facility.
- (c) The special events facility owner is responsible for compliance with the provisions of this article and the failure of a special events facility rental agent or special events facility rental guest to comply with this article shall be deemed to be noncompliance by the owner.
- (d) No special events facility permit issued under this article shall be transferred or assigned or used by any person other than the special events facility owner or the special events facility agent to whom it is issued, or at any location other than the one for which it is issued.

Section 22-77– Grant or denial of application.

- (a) Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this article or federal or state law or local ordinance related to the operation of a special events facility, or otherwise fails to demonstrate the ability to comply with local, state, or federal law through the operation of the proposed special events facility rental. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.
- (b) Special events facilities require a site inspection by the County fire marshal to ensure compliance of life safety codes and regulations. The site inspection required by this subsection shall be required once every five (5) years.

Section 22-78– Special events facility regulation procedure.

- (a) Any external signage must be approved and permitted;

- (b) A legible copy of the special events facility license shall be posted with the unit and include all of the following information:
 - (1) The name, address, telephone number, and email address of the special events facility agent;
 - (2) The special events facility license number;
 - (3) The maximum occupancy of any building; and
 - (4) The maximum number of vehicles that may be parked at the special events facility.
- (c) Vehicles shall not be parked on the County right-of-way or along any roadways at any time.
- (d) When a special events facility owner, special events facility agent, or special events facility rental location has accumulated three convictions or judgments for code violations, the County shall revoke any special events facility licenses for the special events facility owner, special events facility agent, or special events facility location and reject all applications for the special events facility rental owner, special events facility rental agent, or special events facility rental location for a period of 12 consecutive months.
- (e) Except as provided herein, any person violating the provisions of this article shall be punished as provided by Section 1-13. With respect to violations that are continuous with respect to time, each day the violation continues is a separate offense.
- (f) A person aggrieved by the County's decision to revoke, suspend, or deny a special events facility license may appeal the decision in writing to the Carroll County Community Development Appeals Board. The appeal must be filed within 30 calendar days after the adverse action, and it shall contain a concise statement of the reasons for the appeal. The Community Development Appeals Board shall hold a public hearing and render a determination, which will constitute a final ruling. The decision of the Community Development Appeals Board may be appealed via certiorari to the Superior Court of Carroll County. The rules of the Community Development Appeals Board, outlined in the County's Code of Ordinances, shall govern the implementation of this subsection, including the procedures and processes which shall govern any such appeals.
- (g) Nothing in this article shall limit Carroll County from enforcement of this code, state, or federal law by any other legal remedy available to the County. Nothing in this article shall be construed to limit or supplant the power of any County officer, inspector, fire marshal, or other duly empowered officer under Carroll County's Code of Ordinances or the rules and regulations and the authority

granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from people or property which constitutes a public nuisance or to abate a nuisance by any other lawful means of proceedings.

Section 22-79– Taxes.

Special Events Facility are subject to applicable state and local taxes and are responsible for payment thereof as established by state law and the Carroll County Code of Ordinances.

This Resolution and Ordinance shall be effective on _____, 2022.

Adopted this _____ day of _____, 2022.

Michelle Morgan, Chairman of
Board of Commissioners of Carroll County

Attest: _____
Dianne Roberts, Deputy Clerk