

Ordinance to amend the Code of Ordinances Chapter 12, Article IV Parades. Introduced by Mayor A.M. Gilich, Jr. To see the ordinance approved by council on October 24, [click here](#).

Note 1: There were minor text amendments made by Council meeting prior to adoption. Approved, 6-1, with those minor text amendments.

Note 2: To see the original ordinance revision as presented to council on May 16, 2023, [click here](#))

- ▶ This summary was prepared by Paul A. Tisdale, Councilman, Ward 5. It's intended to provide highlights for quick reference of what was approved by the city council, October 24.

## 12-4-1 Title, Special Events Ordinance

### 12-4-2 Purpose

The city council finds and declares that it is necessary for the protection of health, safety, comfort, and welfare of the general public and the inhabitants of the city that rules and regulations be established for the purpose of regulating public assemblages with large numbers of people in excess of those normally drawing upon health, sanitation, fire, police, transportation, utility, and other public services regularly provided in the city and for the purposes of regulation assemblages of large numbers of people in excess of those normally using the facilities of licensed business places or community buildings, so as to impact building capacity, ground capacity, parking area, or traffic flow. It is the intention of this article to establish reasonable limits to the demand for police, fire, and other city services, to minimize detrimental effects to surrounding properties, to recover a reasonable portion of the cost of such events to the city, and to provide a regulatory framework for permitting special events.

### Sect. 12-4-3 Definitions

- (a) *Applicant*
- (b) *Assemblage, assembly, activity or special event*
- (c) *Attendant*
- (d) *Vendor*
- (e) *Pre-established route*
- (f) *Special Events Committee*
- (g) *Special Events Coordinator*
- (h) *Sponsor*
- (i) *Permit Issuing Authority*
- (j) *Event Tiers for Special Events*
  - 1) Tier 1 Permit... requires more than 75 extra personnel hours and/or for which the attendance is anticipated to be in excess of 1,000 persons over the entire period of the special event (e.g., Cruisin' the Coast)
  - 2) Tier 2 Permit... requires between 50-75 extra personnel hours and/or for which attendance is anticipated to be from 500-999 persons over the entire period of the special event (e.g., Gulf Coast Marathon)
  - 3) Tier 3 Permit... requires between 25-50 extra personnel hours and/or for which attendance is anticipated to be from 200-499 persons over the entire period of the special event (e.g., Mayor's Cup 5K)
  - 4) Tier 4 Permit... requires between less than 25 extra personnel hours and/or for which attendance is anticipated to be less than 200 persons over the entire period of the special event (e.g., Gulf Coast Marathon)
  - 5) Tier 5 Permit... requires no city services over the entire period of the special event

**Sect. 12-4-4 Creation of Special Events Committee**

- (a) Purpose: to review all information provided by Special Event Coordinator and other gather information concerning proposed Tier 1 and Tier 2 events... will recommend to Mayor to approve, conditionally approve, or deny event requests made in accordance with this ordinance.**
- (b) Composition: BPD, BFD, Public Works, Parks & Rec, Community Develop., Administration member/designee, Biloxi Bay Area Chamber of Commerce, Coastal Mississippi (Tourism)**
- (c) Meeting time & Place... when & where Development Review Committee meets**
- (d) Re any Coliseum events or County-sponsored events occurring within the City, representatives from the Coliseum Commission, HarCo Board of supervisors, and HarCo Sheriff Dept will meet monthly to coordinate upcoming events occurring at the Coliseum or other county sponsored events within the City.**

**Sect. 12-4-5 Permit required; exemptions**

- (a) Any persons desiring to conduct or sponsor an assembly or other special event in the city shall first obtain a special event permit application from the Special Events Coordinator. A special event permit is NOT required for the following:**
  - 1) Any event not anticipated to impact public services regularly provided in the city or in excess of the number of persons normally using the licenses business places...**
  - 2) Funeral processions and wedding services**
  - 3) Any event occurring at a city owned or managed venue for which a separate rental agreement with the City has been executed, or an event taking place on the property of the Mississippi Coast Coliseum and Convention Center... However, any mobile food vendors...**

**Sect. 12-4-6 Other permits required**

- (a) Prior to doing any construction, excavation, grading or encroachment required for the special event or assemblage...**
- (b) All food and beverage permittees or applicants on or near the premises or affiliated with the special event shall either apply for a mobile food permit as required by Sect. 12-12-1 through 12-12-9 or secure appropriate permissions...**
- (c) If amplified sound will be used, permittee or applicant shall obtain an amplified sound permit through the police department. The Special Events Committee will consider the location of any residential neighborhoods when granting, denying or granting with restrictions, an amplified sound permit.**
- (d) If any planned special event offers regulated business under the City's regulated business licensing and permitting ordinance...**

**12-4-7 Application procedure**

<b>Event Tier</b>	<b>Apply Up To</b>	<b>No later than</b>
<b>1</b> Over 1,000 people	360 days prior to event	120 prior to event
<b>2</b> 500-999 people	240 days prior to event	90 days prior to event
<b>3</b> 200-499 people	120 days prior to event	60 days prior to event
<b>4</b> Less than 200 people	60 days prior to event	30 days prior to event
<b>5</b> Needs no city services	60 days prior to event	30 days prior to event

**\*\*Special Events Committee may waive this time limit requirement for events currently scheduled in 2023 prior to passage of this ordinance. *Special Events Committee may also consider an application filed after the deadline upon showing of good cause and that the event is for the primary purpose of exercising the right to assemble or freedom of speech.***

**12-4-8 Contents of application form.**

- (a) All events... Applicant/Sponsor Name, address, and telephone number and an alternate contact person.**
- 1) If an organization... Name of organization, Address of organization, Telephone number of organization, Name of authorized head of organization, Name, address, telephone numbers of organizations agent and/or officers, and, if requested by the Event Coordinator, written authorization to apply for special events permit by organization officer**
  - 2) Person who will be present and in charge of event on day event held... Name, Address, Phone number**
  - 3) Exact location/area of premises where assembly is planned and full description of proposed activity**
  - 4) Exact location/area of lands to be used for parking and uses incidental to activity/assembly**
  - 5) Type of event and purpose of event**
  - 6) Dates and hours during which assembly is to be conducted**
  - 7) Estimate, supporting documentation of minimum & maximum number of attendants, vendors, other persons expected to attend**
  - 8) Type and estimated number of vehicles, animals, structures that will be used at event**
  - 9) Description and location(s) of any sound amplification equipment to be used at event**
  - 10) Whether any food or beverages, including alcoholic beverage or merchandise will be sold at event, including any applications for sub-vendors**
  - 11) During event, if concerts, shows, contests, or other activities are advertised:
    - i- Date(s) and time(s) of the promoted activity**
    - ii- Location of the activity**
    - iii- Name of all performers or entertainers**
    - iv- Name and contact info of the person or entity who is promoting the event/concert**
    - v- Number of tickets sold for the promoted event or concert**
    - vi- Security Plan for the promoted event or concert, to include
      - Number of private security personnel and their names to be used at the event**
      - Any approved request(s) for BPD off-duty police**
      - Written notification required pursuant to this subsection to be sent to the Event Coordinator within the specified Tier time frame prior to promoted event or concert******
  - 12) Application for permit to be accompanied by detailed explanation, including drawings and diagrams where applicable, of prospective plan of permittee to provide for the following:
    - i- Food and water supply and facilities**
    - ii- Health and sanitation facilities**
    - iii- Medical facilities/services including emergency services and equipment**
    - iv- Vehicle access and parking facilities... if additional parking is expected to be required, applicant
      - submits plans showing where additional parking will be provided... and a letter/contract from owners of**
      - the property granting approval for such use****
    - v- Illumination facilities**
    - vi- Communication facilities**
    - vii- Noise control and abatement****

- viii- Facilities for cleanup and waste disposal
- ix- Insurance and bonding arrangements

- (b) In addition to above information, following information is required for parades, races, other events along a route
  - 1) Assembly point for event, time at which units of parade. other event will begin to assemble
  - 2) Route to be traveled
  - 3) Whether parade/other event occupies all or only a portion of the streets to be traveled
  - 4) Intervals of space maintained between units of a parade or other event
  - 5) Number, type and size of floats
  - 6) Material and maximum size of any signs, banners to be carried along the route
  - 7) Rules or regulations developed by organizers that apply to the event
- (c) Any supplemental info, which Special Events Committee shall find reasonably necessary, under particular circumstances of the special event application, to determine whether to recommend approval, conditional approval or denial of a special event permit
- (d) State of understanding... applications must certify they understand 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

#### **12-4-9 Action on applications for events**

##### **Tier 1 and Tier 2 events...**

**Special Events Coordinator reviews and investigates and within 15 calendar days of receipt, prepares/forwards package with info provided/collected and forwards to Special Events Committee...Special Events Committee reviews application and within 7 calendar days of receipt recommends the issuance, sets conditions prerequisite to issuance of, or recommend denial of the permit to the Mayor... Mayor with such coordination as required or requested with the City Council shall, if approved, direct the permit issuing authority to issue an event permit and collect deposits or fees as required. If denied, Mayor will direct permit issuing authority to notify applicant in person or by certified letter of the grounds for denial in writing... Applicant will also be notified of their right of appeal to City Council as detailed in 12-4-13**

##### **Tier 3, Tier 4, or Tier 5 events...**

**Special Events Coordinator reviews and investigates and within 15 calendar days of receipt, prepares/forwards package with info provided/collected and forwards it to the Special Events Committee for review. The review will be conducted by such members and in a manner consistent with any rules established by the Special Events Committee.**

#### **12-4-10 Grounds for denial of application or revocation of special event permit**

- a) The Special Events Committee shall recommend approval of an application for a Special Event Permit unless it is determined from consideration of the application, or other pertinent information, any of the following which shall also be justification for the Special Events Committee to recommend revocation of 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 the five (5) calendar days after being 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 number of police officers of the city to ensure that all participants stay within the boundaries or route of the event, or to protect participants in the event, as to prevent normal protection of the remainder of the city; or
- 8) The parade, or other event moving along a route, will not move from its point or origin to its point of termination in three (3) 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.

b) Nothing authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of event participants with the number of police officers available to police the event

c) When grounds for denial of an application for permit specified in section (a)(3) through (a)(11) above can be corrected by altering the date, time, duration, route or location of the event, the Special Events Committee shall instead of recommending denial of the application, will recommend conditional approval to the Mayor.

d) Conditions imposed for a recommendation of full approval shall provide for only such modification of the applicants proposed event as are necessary to achieve compliance with subsections (a)(3) through (a)(11) above. Conditions are described in section 12-4-11 herein.

#### **12-4-11 Permit conditions**

**(a) Special Events Committee may condition the recommended issuance of a special events permit by imposing reasonable requirements concerning the time, place, and manner of the event, and such requirements necessary to protect the safety of persons or property, control of traffic... may include but are not limited to the following:**

- (1) Alteration of date, time, route, or location of the event proposed on event application**
- (2) Conditions concerning area of assembly and disbanding of parade or other events occurring along route**
- (3) Conditions concerning accommodation of pedestrian/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 provision of first aid or sanitary facilities**
- (6) Requirements for use of event monitors and providing of notice of permit conditions to event participants**
- (7) Restrictions on number/type of vehicles, animals or structures at the event and inspection/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/residences along the affected route/streets in advance of the event**

**(b) All events will be conditioned upon compliance with relevant ordinance or law...**

#### **12-4-12 Special provisions**

**Though the special events application requires applicants to draft their own safety plan, 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.**

#### **12-4-13 Appeal Procedure**

**(a) Applicant has the right to appeal the denial of a permit or a permit condition to the City Council by filing a notice of appeal with the Clerk of Council within 10 days of notification of said denial or permit condition.**

**(b) At next available regular meeting, the matter will be published as a public hearing on that agenda. The decision of the city council shall be binding.**

#### **12-4-14 Indemnification agreement**

**Prior to 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 applicant's location for the permitted event or proximately caused by the actions of the permittee/sponsoring organization...**

**12-4-15 Insurance, indemnity**

**(a) The applicant/sponsor of an event or any business or landowner permitting the use of their venue or property for an event must possess or obtain public liability insurance....**

- (1) \$250,000 each person- bodily injury; \$500,000 each occurrence- bodily injury; \$100,000 each occurrence- property damage, or**
- (2) \$500,000 each occurrence combined single limit bodily injury and property**

**(b) Copy of policy or certificate of insurance, with all necessary endorsements, must be filed with the permit issuing authority no less than 14 days before the date of the event. A special event permit shall not be issued by the permit issuing authority until after the insurance policy or certificate of insurance, along necessary endorsements, have been filed by the applicant/sponsor.**

**(c) Insurance requirements of subsections (a) and (b) shall not apply to any Tier 4 or Tier 5 special event**

**12-4-16 Fees**

**(a) Special Events Coordinator shall classify each application by the following criteria:**

- (1) Anticipated amount of extra personnel required to be furnished by the city to accomplish necessary sanitation components**
- (2) Type and amount of city services required other than extra personnel hours**
- (3) Anticipated number of attendants over the entire period of the special event**

**(b) Nonrefundable application fees due at time of submission are:**

- (1) Tier 1, \$1,000**
- (2) Tier 2, \$ 500**
- (3) Tier 3, \$ 250**
- (4) Tier 4, \$ 100**
- (5) Tier 5, \$ 25**

**(c) Permit fees due after approval of special event application shall not exceed the following**

- (1) Tier 1, \$ 5,000**
- (2) Tier 2, \$ 2,500**
- (3) Tier 3, \$ 1,000**
- (4) Tier 4, \$ 250**
- (5) Tier 5, N/A**

**(d) If a special event permit is approved, the applicant may obtain such permit by agreeing to accept the classification and conditions imposed by the permit issuing authority and by paying the applicable fee. The application fee of approved special event applications will be offset against the permit fees due.**

**(e) Any special event requiring in excess of the extra personnel hours and city service set forth or anticipated in the application, and endorsed on the permit, shall reimburse the city for the cost of such excel personnel hours and services in addition to the initial permit fee.**

**(f) If applicant requests financial or in-kind support from the City, the City Council shall have the authority to offset Section 12-4-16(c) fees against such financial or in-kind support, upon proper presentation of benefits to the City, whether economic or otherwise.**

**(g) The Special Event Committee may waive any applicable fees depending upon the anticipated attendance, personnel hours, and city services required for events that are for the primary purpose of exercising the right to assemble or freedom of speech.**

**12-4-17 Clean up deposit for certain special events**

**All applicants/sponsoring organizations are responsible for cleanup of the event site or route within 24 hours of the event's conclusion. To ensure such cleanup, applicant/sponsor of an event shall be required to provide a cleanup plan and deposit prior to issuance of a special event permit. The cleanup deposit required shall not exceed those amounts set forth in Section 12-4-16(b).**

*(12-4-16(b) Nonrefundable application fees due at time of submission are:*

*(1) Tier 1, \$1,000*

*(2) Tier 2, \$ 500*

*(3) Tier 3, \$ 250*

*(4) Tier 4, \$ 100*

*(5) Tier 5, \$ 25*

**12-14-18 Duties of permittee/sponsor of event**

- (a) Comply with terms and conditions of special event permit and state, federal or local law**
- (b) Carry proof of possession of the special event permit on his person for the duration of the event**

**12-4-19 Permits not transferable**

**No permit granted under this article is transferable to another location, person, entity, or another set of dates.**

**12-4-20 Hours of Operation**

- (a) No event to start prior to 8 am, with exception for requests for historically early morning events, e.g., marathons, 5K races, and other events where good cause requests are approved by the Committee**
- (b) Closing times will be 10:00 pm. No permit shall be issued exceeding those hours of operation. No mobile food or alcoholic beverage vendor may operate at any special event past 9:00 pm**
- (c) Individuals under age 21 not allowed on any event/premises which serves alcohol after 9:00 pm**
- (d) Permittee shall operate the event only on those days and during those hours specified in the permit.**

**12-4-21 Compliance with zoning regulations**

**Permittee to comply with all applicable zoning regulations of the city**

**12-4-22 Unlawful to sponsor or participate in an event without a permit**

**(a) Unlawful for any person to allow, permit, encourage, organize, promote, conduct or advertise any assembly within the limits of the city or police jurisdiction where it is expected to attract an assemblage of persons at any one time. Unlawful for person to participate in such event with knowledge that sponsor has not been issued the required permit.**



**(b) All events will have a main sponsor responsible for the overall event. All sub-vendors, promoters of events, activities, and any other event proposed related function will have written permission from such sponsor and approval from the Special Events Committee prior to obtaining a permit for the overall scheduled event times and dates.**

**12-4-23 Unlawful to exceed the scope of permit**

**The special event permit authorized permittee/sponsor to conduct only such events as is described in the permit... Unlawful for permittee/sponsor to willfully violate terms and conditions of the permit.**

**12-4-24 Vendors**

**(a) Any person or business wanting to set up as a vendor, has to submit a vendor permit request to BPD's Event Coordinator no later than 60 days prior to event, for review by event committee**

**(b) A vendor permit is issued to one specific vendor and is date and address specific**

**(c) Any person or business attempting to operate or is operating as a vendor and is violation of this section may be subject to a suspension of all business/activity for duration of the event**

**(d) Required/supporting document is as follows:**

- (1) Contact info for vendor and an alternate person associated to business**
- (2) Date of event and approval from main event coordinators for association**
- (3) Approval from property owner where vendor plans to setup**
- (4) Attach a copy of a site plan to include address**
- (5) A State Tax Commission License Number**
- (6) A list of items to be sold**
- (7) If applicable, a Mississippi Health certificate**
- (8) If applicable, BPD Amplified Sound Permit**
- (9) If applicable, a Food Truck inspection certificate issued by BFD**
- (10) A copy of any liability insurance required for type of business**
- (11) If applicable, State or City permits issued to Regulated Businesses pursuant to City's Regulated Business Licensing and Permitting Ordinance. (**

**(e) All submitted permit requests shall be reviewed by the event committee for final approval**

**12-4-25 Unlawful to cross crowd restraint device**

**(a) Crowd Restraint Device means any impediment or structure erected or established by a law enforcement officer or other authorized city personnel for the purpose of keeping crowds and vehicles (except those listed in subsection (c), out of the streets during a parade...**

**(b) Unlawful for any person to disregard, cross, traverse, go over, under, around or through a crowd restraint device**

**(c) Exceptions:**

- (1) Emergency situations or such movement is authorized by a member of the police department**
- (2) Officials, officers, agents or employees of the city, county, state or federal government in the course of performing their official duties**
- (3) Emergency medical personnel performing their official duties**

**12-4-26 [No text]**

**12-4-27 [Removed}**

**12-4-28 Penalties**

**(a) Any person, business, entity, promoter, landowner, or vendor violating any provision is guilty of misdemeanor... Upon conviction will be fined, not to exceed \$1,000 for each violation**

**(b) Fines for violations by landowners may be filed as liens against the property**

**(c) Special event not operated within this article will be a public nuisance... such violations may also be addressed by civil action and violator shall be liable for actual full costs to the city for having provided police services, for and because of the event**

**(d) City may revoke and terminate the permit or business license... the revocation may be sought as a remedy in a civil action... Vendor may terminate or surrender the permit at will any time prior to the expiration of the permit by providing written notice to the Special Event Coordinator...**

**(e) Enforcement of penalties under this article does not bar or prohibit enforcement of penalties/remedies available under other applicable city ordinances**

**(f) Chief of Police, or designee, may revoke any event permit and close any business, parking lot, venue, or public or private property, or event related area for duration as to be determined on a case-by-case basis when it's necessary to preserve and protect health, safety, and welfare of the residents of Biloxi**

**12-4-29 Suspension of permit; exceeding scope of permit**

**(a) Each plan included in special event application, and any conditions imposed by Special Events Coordinator, shall be continuously implemented during the special event... Failure to do so results in automatic suspension of permit and suspension of event until full implementation is made or suspension of permit and special event in its entirety**

**(b) Should special event exceed scope of permit in attendance or those attempting to enter the event, number of vehicles in designated or public parking area, or capacity of the designated event area/venue, for a period of 1 hour, it becomes duty of sponsor of event to take reasonable, diligent, and constant measures to reduce the excess... Failure after notice from the City, to do so will be a violation of this ordinance and special event may be subject to suspension**

**(c) Chief of Police, or is designee, is authorized to approve actions to reduce the excess if he/she finds:**

- (1) Sponsor of event is acting in good faith after notice of the excess**
- (2) Full and immediate elimination of the excess will not be feasible without intervention**
- (3) It would be in best interest of public safety and welfare to intervene**

**(d) For any special event, Chief of Police, or designee, is authorized to designate and incorporate into the special event area any venue or area that was not originally designated as the special event area and, for all areas within that zone, requiring additional traffic control and security measures, including but not limited to:**

- (1) Require placement of warning signs along each point of ingress/egress of special event area
- (2) Place and enforce occupancy limits on private and public property in a special event area
- (3) Assess reasonable fee for all relevant costs/fees associated with designating/enforcing the special event zone, not limited to costs/fees for supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services
- (4) Application of any/all other special event rules, ordinances, or laws
- (5) Establishing a special event area for all contiguous areas between event venues reasonably necessary to ensure the public health, safety, and welfare

#### 12-4-30 Spontaneous unpermitted events

The City has found and determined that some special events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media.

- (a) If assembly develops into a special event spontaneously (therefore without a permit) in a commercial or non-commercial venue, it becomes the duty of person/entity: (a) owning the subject property; (b) able to control the event venue and; (c) providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances that caused the assembly... for example but not limited to:
- (1) Reducing occupancy to permitted capacity of venue or providing transportation to eliminate unpermitted off-site parking or vehicular or pedestrian congestion, or
  - (2) Providing additional city type services need to regulate event traffic, maintain the peace and protect the public health and safety.
- (b) Failure to do (a)(1) above is a violation of this law
- (c) Chief of Police, /designee authorized to approve to partially or slowly reduce the event if he/she finds:
- (1) Such person is acting expeditiously and reasonably to employ available resources to address the issues after notice of the assembly has become a special event
  - (2) Full and immediate elimination of the criteria threshold will not be feasible without intervention,
  - (3) It is in best interest of public safety and welfare to intervene and taper down the event rather than shut it down entirely. If these 3 conditions are not met, Chief of Police shall precede to (d).
- (d) Chief of Police or designee authorized to suspend and shut down any spontaneous event which either:
- (1) Sponsor fails to control or bring the event within applicable criteria threshold
  - (2) Partially or slowly reducing the event is not reasonably feasible
  - (3) It's in the best interest of the public safety and welfare to immediately suspend and shut down the event
- (e) Whether a spontaneous assembly has developed into a special event shall be determined by an objective, reasonable examination of following factors:
- (1) With respect to attendance and attempted attendance:
    - a) Size of the venue
    - b) Whether attendance is ticketed
    - c) Actual attendance at prior, similar events

- d) Extent of commercial promotion and advertisement of the event, especially promotion outside of Harrison County, by traditional or digital means, but excluding spontaneous social media not initiated, encouraged or orchestrated by a commercial event producer or any person acting on behalf of the event producer or any person with a financial or other personal interest in the event (“spontaneous social media”)
- e) Extent of spontaneous social media encouraging attendance at the assembly
- f) Whether the location and configuration of the venue, and nature and presence (sight and sound) of the event will be likely to draw attendees or observers from the public at large
- g) Number in attendance and attempting to attend shall be determined by Chief of Police, or designee, using established law enforcement estimating techniques
- (2) With respect to actual vehicle congestion, number of vehicles parked will be counted and the number of attempting to park shall be determined by Chief of Police or designee using established law enforcement estimating techniques
- (3) With respect to municipal services actually required:
  - a) repeated pedestrian trespass
  - b) repeated vehicular trespass
  - c) illegal parking
  - d) traffic congestion
  - e) apparent need for sanitation facilities s evidenced by public urination or other bodily functions
  - f) repeated and flagrant instances of illegal activity
  - g) repeated noise ordinance violations after notice, including different offenders
  - h) unusual amount of trash being abandoned with no apparent resources available to clean up after the event
  - i) unusual or repeated need for medical assistance
- (f) For unpermitted special event, Police chief or designee may designate a Special Event Zone and, for all areas within that zone, requiring additional traffic control and security measures including but not limited to:
  1. Require placement of warning signs along each point of ingress/egress in/out of special event zone
  2. Enforce occupancy limits on private and public property in a special event zone.
  3. Assess reasonable fee for all relevant costs and fees associated with designating and enforcing the special event zone, not limited to costs for supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services
  4. For any special event that takes place in more than one (1) event venue, police chief/designee shall be required to establish a special event zone
  5. Application of any and all other special event rules, ordinances, or laws.

**12-4-31 Other provisions; miscellaneous**

- (a) Temporary, mobile, or non-permanent vendors not permitted to sell alcohol during an event unless they have written permission from the property owner, the appropriate State of Mississippi issued ABC license, State of Mississippi business license, and approval from Chief of Police or designee
- (b) Sale of alcohol is prohibited before and after the listed hours of operation
- (c) No private parking area shall be used unless the person is there specifically for the business or the owner has given permission for it's use as such and the business or owner has obtained a permit under Sec. 12-4-24

**12-4-32 Severability**

**If sections are found unconstitutional, that won't affect any of the remaining phrases**