

ORDINANCE NO. 1576

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1490 AND ORDINANCE NO. 1495 TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING POLICY AND PROCEDURE FOR SIDEWALK AND/OR STREET USAGE WITHIN THE CITY OF FAIRHOPE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRHOPE,
ALABAMA, as follows:**

POLICY AND PROCEDURE FOR SIDEWALK AND/OR STREET USAGE ORDINANCE

It is expressly declared that the purpose of these regulations, policies and procedures is to provide a guideline for those people wishing to close a street and/or sidewalk within the City of Fairhope Central Business District and to establish a fee structure for such use to partially defray the cost of administering these services.

Organizations/Individuals may only request a street closing two times per calendar year.

This policy is applicable to all streets and/or sidewalks in the Central Business District (CBD) of the City of Fairhope.

Any individual and/or group who plan to use a City of Fairhope street and/or sidewalk in the CBD must have written permission of 75% of businesses/residents whose store fronts are directly affected of said street/sidewalk to be closed. 100% of the businesses/residents within 300 feet must be notified of the event via U.S. mail, e-mail or door-to-door. Petition and/or written permission and notifications must be submitted to the City of Fairhope 12 weeks prior to the event and must include Type of Event, Time the street and/or sidewalk will close, Time function will begin and end and the Location of the function. Permission may only be by store owner or their designee.

PERMITTED USE

Only the following uses and activities are permitted on City streets and/or sidewalks:

1. Performing Arts events, when sponsored by a non-profit organization for the benefit of the non-profit organization or the public.
2. Festivals. A "festival" shall be an event with the primary theme being subject of a national, ethnical, artistic, biographical or seasonal theme. Food may be offered in conjunction with permits and regulations of the City of Fairhope revenue office and the Baldwin County Health Department.
3. Walks, Runs and Bicycles Rides. Non-Profits refer to Ordinance No. 1486.

RESERVATIONS

A user is responsible for adhering to and complying with all rules and regulations pertaining to the use of city streets and/or sidewalks. Any violation may result in additional fees.

Reservations are on a first come, first serve basis. All fees, Application, Cancellation Policy, and Indemnity/Hold Harmless Agreement are required at least 12 weeks in advance to secure your reservation. The dates requested cannot be guaranteed until all of these are received. Once received, your reservation will be placed on the calendar and all necessary City Personnel will be notified.

Final event details must be submitted in writing at least 12 weeks before the scheduled event. Details are to include all components of the event such as type of event, expected attendance, staging, tent usage, name of rental companies, entertainment, electricity needs, etc. (SEE ATTACHED RESERVATION FORM).

Any and all cancellations and/or date changes must be in writing and signed by the same person who signed the application and paid the rental fees and must be given to the Banquet Manager not less than 30 days prior to the event. Fee refunds will be made, by check, less a \$10 or 20% handling charge, whichever is greater and will be delivered by mail. No fee refunds will be made for cancellations made within 30 days of the event or due to inclement weather.

PERMIT FEES

The permit fee is \$150 for the first 4 hours and \$75 for each additional hour. The permit fee must be paid in advance and is non-refundable. This includes set-up, event, and take-down.

If electrical/water services are required, a one-time fee of \$50 will be charged. If a representative of the electrical department or water department is called out after hours or on the weekend, the user will be charged a fee for the service rate. All electrical/water needs should be taken care of with your City of Fairhope Site Coordinator prior to the event.

Other fees may apply for personnel and damage to property.

INSURANCE REQUIREMENTS

Any group or individual using a city street and/or sidewalk must sign an indemnity and hold harmless agreement or obtain a special event insurance policy.

SECURITY FEES

The City of Fairhope Police Department security must be provided for all events held on city streets and/or sidewalks.

The security fee and the number of required officers will be determined by the Chief of Police or by his/her designee. The fee will be based on the number of people expected to attend and traffic diversion required. The cost for security is \$30 per officer per hour.

Security is responsible for ensuring all city policies are adhered to by the user, which includes monitoring sound levels, crowd control and traffic diversion.

SOUND

The City has a noise ordinance that prohibits excessive noise. We ask that you please be considerate at all times. The noise ordinance will be enforced by security. At any time if security feels there is not responsible monitoring of sound amplification then he/she has the authority to shut down your event.

SET-UP/CLEAN-UP (DEPOSIT REQUIRED)

A refundable clean-up deposit of \$500.00 is required for events with less than 50 participants. For events with 50 or more participants, the clean-up deposit will be \$1,000.00. Deposits and all permit fees must be paid in advance. The refundable clean-up deposit will be held until after the event.

Set-up will not be allowed until after 5:00 p.m. on weekdays and Saturdays.

Store fronts may never be blocked.

Clean-up must be done during the events as needed and litter picked up. All trash accumulated during the event must be placed in receptacles for City and/or contractor pick-up. Recycling is encouraged. Additional garbage and recycle containers may be requested prior to the event.

Fire lanes must be maintained at all times.

All grease and charcoal must be disposed of properly.

At the conclusion of the event, the area will be inspected by a representative of the City. If the user has not cleaned up the sidewalk/street and restored it to its original condition, the City will clean up the sidewalk/street and charge the user for the services. The clean-up deposit will be refunded less the charges for these City services as assessed by the appropriate City staff.

TENTS/STAGING

All tent and staging placement must be approved by your City of Fairhope event coordinator. Tents must be sandbagged; no stakes will be allowed due to underground cables and water lines.

Tents and other decorations and equipment must be placed on the day of the event and not before. They must be taken down and removed immediately following the event.

ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGES ARE NOT PERMITTED ON THE STREETS OF FAIRHOPE. If requested, the Fairhope City Council may allow alcoholic beverages on the streets and/or sidewalks of Fairhope. If alcohol is allowed, the user must adhere to all rules of the Alabama Beverage Control Board and its permitting process. All permits required must be submitted to the City of Fairhope Police Chief at least 12 weeks prior to the event.

NO GLASS OR OPEN CONTAINERS ARE ALLOWED.

RESTROOMS

Restroom facilities are located in downtown Fairhope. If portable toilets are to be used, please indicate this on your reservation form. Portable restroom facilities must be placed and removed within 24 hours of the event. Location will have to be coordinated with the City of Fairhope Public Works Dept. or your Site coordinator.

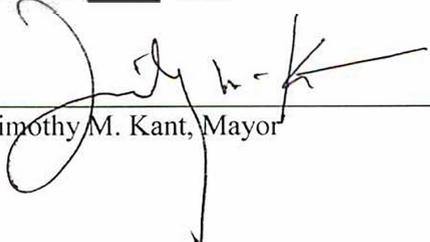
SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

EFFECTIVE DATE

This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 9TH DAY OF MAY, 2016



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Ord. No. 1576 Published in
FAIRHOPE COURIER
on Friday, May 20, 2016
Lisa A. Hanks City Clerk

APPLICATION FOR USE OF THE CITY OF FAIRHOPE SIDEWALKS AND/OR STREETS

We the undersigned hereby apply for the use of certain sidewalks and/or streets within the City of Fairhope and in connection with said application, furnish the following:

1. Which street and/or sidewalk do you wish to use? _____

2. Date Requested: _____ Hours requested from: _____ to _____

3. Renter's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Numbers: _____

4. Purpose of Use: _____

5. Number of persons expected to attend (adults and minors): _____

6. Will there be alcohol on the premises during the event? _____ If requested, the Fairhope City Council may allow alcoholic beverages. If alcohol is allowed, the user must adhere to all rules of the Alabama Beverage Control Board and its permitting process. All permits required must be submitted to the City of Fairhope Police Chief at least 12 weeks prior to the event.

7. Describe any decorations, tents, sound equipment, staging, port-o-lets, etc.: _____

Rental Company: _____

8. Will you need electricity? _____ Yes _____ No For: _____

Will you need water? _____ Yes _____ No For: _____

INDEMNITY AND HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Fairhope to use the sidewalks and/or streets, I hereby indemnify and hold harmless the City of Fairhope, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third parties using the sidewalks and/or streets who are injured or suffer property damage that is in any way caused by my use of the sidewalks and/or streets. This indemnity and hold harmless agreement is given to the City of Fairhope to protect the City and its agents, servants and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of the sidewalks and/or streets.

CLEANING AND CANCELLATION POLICIES

- a.) At the conclusion of the event, the area will be inspected by a representative of the City. If the user has not cleaned up the park and restored it to its original condition, the City will clean up the park and charge the user for the services.
- b.) All cancellations and/or date changes must be in writing and signed by the same person who signed the application and paid the rental fees, and must be given to the Site Manager not less than 30 days prior to the event. No fee refunds will be made for cancellations made less than 30 days prior to the event.

Fee refunds will be made by check, and delivered by mail, less the cost of City services, as assessed by the appropriate City staff for cleaning, or a 20% handling charge for cancellations.

We the undersigned have read and understand the **Indemnity Agreement**, as well as all rules and regulations contained in **City Ordinance No. 1576** as set forth by the governing body of the City of Fairhope, and will abide by these rules and regulations, which include but are not limited to the **Cancellation** and **Cleaning** policies. We also understand that if, at any time, the City-appointed Law Enforcement Personnel feel that said rules and regulations are not being followed, the function will be terminated.

Renter's Signature: _____ Date: _____

City Personnel: _____ Fees Paid: _____ Date: _____ Ck. #: _____

-Office Use Only-

Application Signed/Dated _____ Permit/Deposit Fees _____ Entered in Calendar _____

CITY OF FAIRHOPE

PARK AND/OR STREET USAGE CHECKLIST

ALL INFORMATION AND DOCUMENTATION REGARDING YOUR EVENT MUST BE SUBMITTED TO

THE CITY OF FAIRHOPE AT LEAST 12 WEEKS PRIOR TO YOUR EVENT

ANY DOCUMENTATION THAT IS SUBMITTED LESS THAN 12 WEEKS WILL NOT BE ACCEPTED

- _____ 1. Application, Cancellation Policy, Indemnity/Hold Harmless Agreement completed, signed, and dated.
- _____ 2. A copy of the letter to the City Council if you are making any special requests which include but are not limited to street closing, permission to have alcohol, law enforcement personnel, barricades, and other event details.
- _____ 3. Route/Map of Special Event [Emergency Vehicle (i.e. police, fire, etc.) access must be provided]
Estimated Law Enforcement/Personnel Cost: \$ _____
- _____ 4. NON-PROFIT ORGANIZATIONS: Proof of nonprofit status (IRS letterhead)
- _____ 5. Proof of liability insurance for event naming the City of Fairhope as certificate holder with date of event requested.
- _____ 6. For Street Closings within the Central Business District, signatures from 75% businesses/residences and notification to 100% of the businesses/residences within 300 feet of the location of event. (12 weeks prior to event)
- _____ 7. For Street Closings outside the Central Business District, signatures from adjacent businesses within 300 feet of event (12 weeks prior to event) and notification of all businesses/residents along race route (30 days prior to event).
- _____ 8. For South Park Events, signatures from:
- Shuck's Restaurant: _____ Date: _____
- Down by the Bay Cafe: _____ Date: _____
- _____ 9. Event details (Items, including the ones listed below, must be removed *immediately* following event and park/street cleaned and restored to original condition. (If not, additional fees will be incurred.)
- _____ Law Enforcement Personnel Provided by: _____
- _____ Barricades Provided by: _____
- _____ Staging Provided by: _____
- _____ Tents Provided by: _____
- _____ Port-o-lets provided by: _____
- _____ Special transportation needs provided by: _____
- _____ Special electrical needs: _____
- _____ 10. AGENDA DATE TO MEET WITH CITY COUNCIL (if required): _____

Office use only

_____ Street closing approved _____ Alcohol approved _____ ABC License if selling alcohol _____ Park/Street permit fees paid

