

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

Fairhope Civic Center, P.O. Drawer 429, Fairhope Al. 36532 (251) 990-0130 (251) 929-1479 (251) 929-1467 Fax

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: (Cell) \_\_\_\_\_ (Home/Alternate) \_\_\_\_\_

4. Purpose of Use: \_\_\_\_\_

5. Approximate 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: \_\_\_\_\_

**SIDEWALK AND/OR STREET USAGE CANCELLATION POLICY**


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 Site Manager not less than 30 days prior to the event. Fee refunds will be made, by check, less a \$10.00 or 20% handling charge, whichever is greater and will be delivered by mail. No fee refunds will be made for cancellations made less than 30 days prior to the event.

**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.

We have read and understand all rules and regulations according to **Ordinance No. 1490** as set forth by the governing body of the City of Fairhope and will abide by these rules and regulations. We understand that damage to parklands can and will result in additional fees. We also understand that if at any time the City of Fairhope appointed Law Enforcement Personnel feel that said rules and regulations are not being followed the function will be terminated.

**I have read and understand the above, including the cancellation and indemnity policies.**

 Renter's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City Personnel: \_\_\_\_\_ Fees Paid: \_\_\_\_\_ Date: \_\_\_\_\_ Ck. #: \_\_\_\_\_

*Office Use Only*

Application \_\_\_\_\_ Cancellation Policy \_\_\_\_\_ Indemnity \_\_\_\_\_ Deposit \_\_\_\_\_ Entered in Calendar \_\_\_\_\_

## ORDINANCE NO. 1490

### AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1344 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.

Non-profit organizations, when planning an event open to the public will be exempt from all fees; however, they are responsible for security, clean-up, and any damage fees. Non-profit organizations must provide documentation of their designation.

Any and all requests for a waiver of fees must be made to the Mayor in writing with a signature.

#### 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 3 hours and \$50 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. **NOTE:** Value of policy will be determined by the Site Coordinator based on type of event.

#### **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 \$25 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**

Fees may be assessed for set-up and clean-up. Fees will be determined by the City of Fairhope Public Works Director or his/her designee and will be based on the type of event and the crowd expected to attend.

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 pick-up.

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 park and restored it to its original condition, the City will clean up the street/sidewalk and charge the user for the services. The Public Works Director will assess whether or no any additional clean-up fees will be charged.

#### **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.

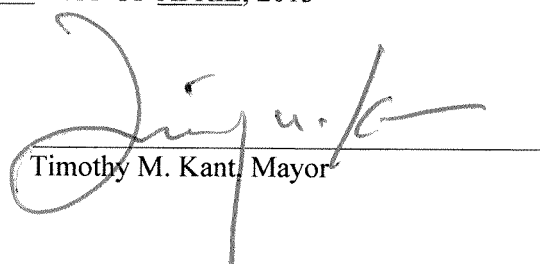
#### **SEVERABILITY**

In the event that any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not thereby be affected.

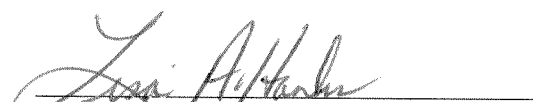
#### **EFFECTIVE DATE**

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

ADOPTED THIS 8TH DAY OF APRIL, 2013

  
\_\_\_\_\_  
Timothy M. Kant, Mayor

Attest:

  
\_\_\_\_\_  
Lisa A. Hanks, MMC  
City Clerk

# FAIRHOPE PARK AND/OR STREET USAGE CHECKLIST

All information regarding your event must be submitted to the City of Fairhope at least 12 weeks prior to your event.

- \_\_\_\_\_ 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:

Emma's Bayhouse: \_\_\_\_\_ Date: \_\_\_\_\_  
Yardarm Restaurant: \_\_\_\_\_ Date: \_\_\_\_\_  
Down by the Bay Cafe: \_\_\_\_\_ Date: \_\_\_\_\_

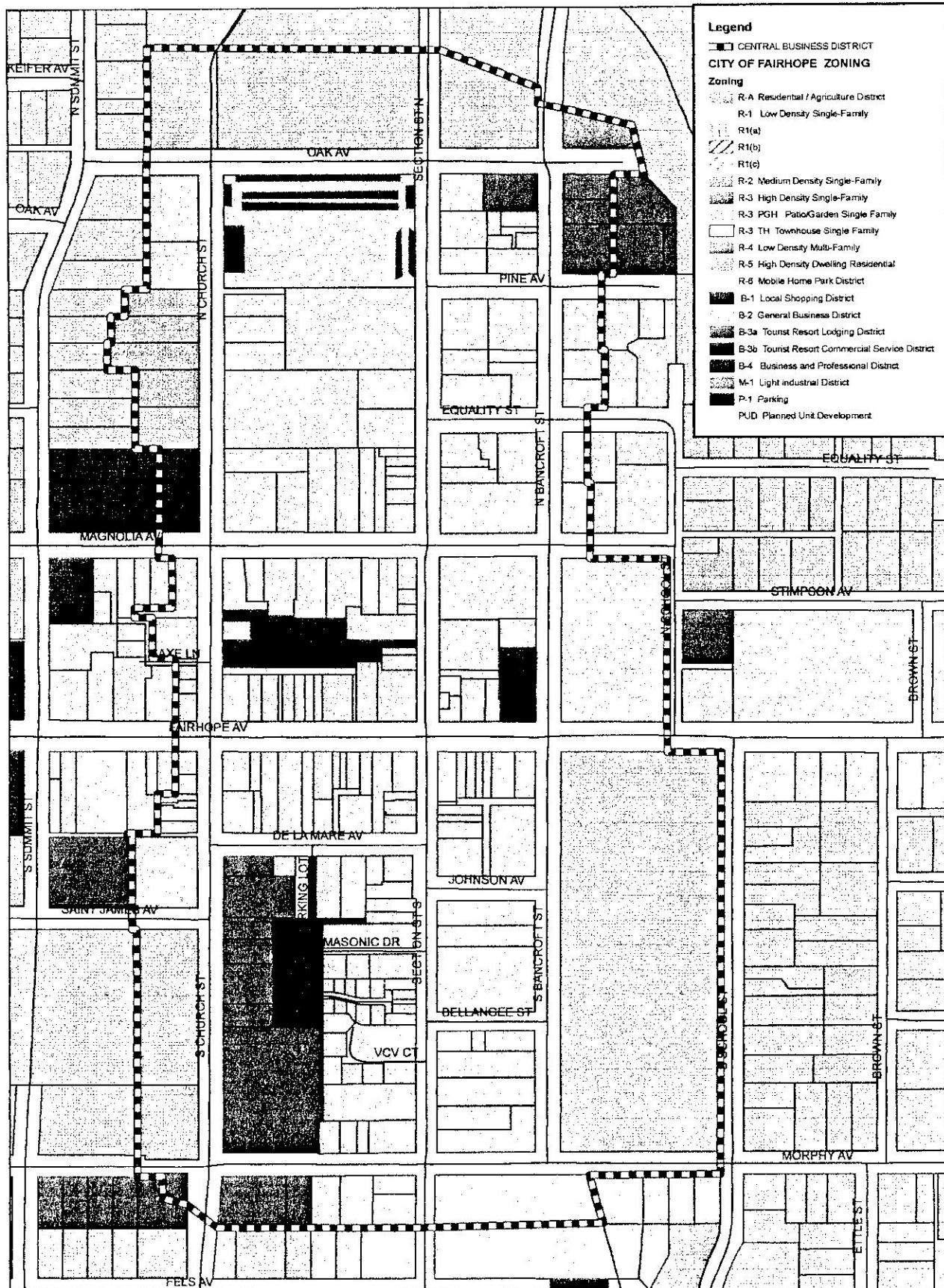
- \_\_\_\_\_ 9. Event details (Items, including the ones listed below, must be removed immediately following event and park/street cleaned and restored to original condition. (If not, additional fees will be incurred.)
  - \_\_\_\_\_ Law Enforcement Personnel Provided by: \_\_\_\_\_
  - \_\_\_\_\_ Barricades 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 \_\_\_\_\_ Park/Street permit fees paid/date \_\_\_\_\_  
\_\_\_\_\_ Alcohol approved \_\_\_\_\_ ABC License if selling alcohol (12weeks prior)

# City of Fairhope Central Business District



**Legend**

▬ CENTRAL BUSINESS DISTRICT

**CITY OF FAIRHOPE ZONING**

**Zoning**

- ▨ R-A Residential / Agriculture District
- ▨ R-1 Low Density Single-Family
- ▨ R1(a)
- ▨ R1(b)
- ▨ R1(c)
- ▨ R-2 Medium Density Single-Family
- ▨ R-3 High Density Single-Family
- ▨ R-3 PGH PatioGarden Single Family
- ▨ R-3 TH Townhouse Single Family
- ▨ R-4 Low Density Multi-Family
- ▨ R-5 High Density Dwelling Residential
- ▨ R-6 Mobile Home Park District
- ▨ B-1 Local Shopping District
- ▨ B-2 General Business District
- ▨ B-3a Tourist Resort Lodging District
- ▨ B-3b Tourist Resort Commercial Service District
- ▨ B-4 Business and Professional District
- ▨ M-1 Light industrial District
- ▨ P-1 Parking
- ▨ PUD Planned Unit Development

The City of Fairhope makes no warranty as to the accuracy of the data and shall not be liable for mistakes on this map. The user of this map should consult the City and sources of responsibility for the use thereof, and for the accuracy of the data and for the use thereof. The City of Fairhope shall not be liable for any damage, loss, or liability resulting from the use of this map. The City of Fairhope shall not be liable for any damage, loss, or liability resulting from the use of this map.

