

ORDINANCE NO. 1438

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1345
TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY
PROVIDING POLICY AND PROCEDURE FOR PARK 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 PARK 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 reserve outdoor facilities at Fairhope's bay front parks and bluffs and to establish a fee structure for such use to partially defray the cost of administering these services and the additional costs and expenses to maintain these parks. *A user is responsible for adhering to and complying with all rules and regulations pertaining to the use of city parks. Any violation may result in additional fees.*

This policy is applicable to all public parks listed below:

*Cliff Drive Bay Front Bluff from Cliff Drive to Fels Avenue
Duck Pond and Bridge Area
Fairhope Beach Pavilion
Henry George Park (park on bluff above fire hall)
Knoll Park
Orange Street/Pier Street Bay Front Bluff extending to Fairhope Legion
Park on South End of Pier
Rose Garden & Fountain Area*

PERMITTED USE

Only one event per day will be scheduled in each park. Only the following uses and activities are permitted in City parks:

1. Performing Arts events, when sponsored by a non-profit organization for the benefit of the non-profit organization or the public.
2. Weddings, catered receptions, banquets, and memorial services. Receptions and/or banquets will not be allowed on any of the bluff areas.
3. 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 a festival when sponsored by a non-profit organization or public agency in compliance with permits and regulations of the City of Fairhope revenue office and the Baldwin County Health Department.

RESERVATIONS

Reservations are on a first come, first served basis. All fees, Application, Cancellation Policy, and Indemnity/Hold Harmless Agreement are required at least 8 weeks in advance to secure your reservation. The dates requested can not 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 and/or special requests must be submitted in writing at least 8 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 Event Coordinator and/or his/her designee 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.

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PERMIT FEES

The permit fee is \$150 for the first 4 hours and \$75 for each additional hour. *This includes set-up, event, and take-down.* The permit fee must be paid when the application is turned in at least 8 weeks in advance and is non-refundable.

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.

ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGES ARE NOT PERMITTED IN PUBLIC PARKS.

INSURANCE REQUIREMENTS

Any group or individual using a public park 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 Chief and/or his/her designee will determine if Law Enforcement Personnel must be provided for each event. The 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.

Law Enforcement Personnel are responsible for ensuring all city policies are adhered to by the user, which includes monitoring sound levels, crowd control, preventing vehicular traffic in the parks, and any alcohol related issues.

VEHICULAR TRAFFIC

Absolutely no vehicular traffic is permitted on the lawn or sidewalks of our parks. This includes unloading and reloading supplies. It is the responsibility of the event organizer and security to ensure this policy is followed through. Any damage to lawns or sidewalks may result in a fine to cover the cost of repairs.

Vehicles loading or unloading cannot block any entry way or sidewalks.

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 Law Enforcement Personnel and/or the City of Fairhope Police Dept. Please refer to Ordinance No. 1401 and 1424 (or Sections 12-3 through 12-5.3 of the City of Fairhope Code of Ordinances) regarding additional questions about noise.

SET-UP/CLEAN-UP

Set-up for events cannot begin before 7:00 a.m. Events involving entertainment or sound equipment must end by 9:00 p.m. Breakdown and clean-up must end by 10:00 p.m.

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. Additional garbage and recycle containers may be requested prior to the event.

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 park and charge the user for the services. The Public Works Director and/or his/her designee will assess whether or not additional clean-up fees will be charged.

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TENTS/STAGING/INFLATABLES

All tent and staging placement must be approved by your City of Fairhope Event Coordinator and/or his/her designee. Tents must be sandbagged; no stakes will be allowed due to underground utility lines.

Inflatables are the responsibility of the Renter and will require insurance. They must be monitored at all times and are never to be left unattended.

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

RESTROOMS

Restroom facilities are not located in all of our parks. 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.

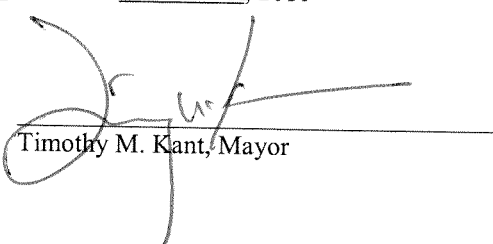
SEVERABILITY

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

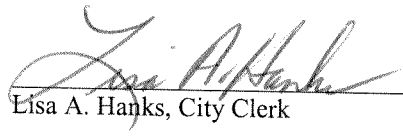
This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS THE 11TH DAY OF OCTOBER, 2010



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, City Clerk