

ORDINANCE NO. 1344

AN ORDINANCE REPLACING ORDINANCE NO. 1220 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.

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 two-thirds of businesses/residents within 300 feet of said street/sidewalk to be closed. 100% of the businesses/residents within 300 feet of said street/sidewalk must be notified of the event. Petition and/or written permission **and notifications must be submitted to the City of Fairhope 4 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.

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 full financial disclosure and/or a tax return and show proof that at least 75% of the proceeds will go to a charitable organization in Fairhope.**

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 4 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 4 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.

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.

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 4 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 on October 1, 2007, and publication as required by law.

ADOPTED THIS THE 24TH DAY OF SEPTEMBER, 2007

Timothy M. Kant, Mayor

Attest:

Geniece W. Johnson, City Clerk