

ORDINANCE NO. _____

AN ORDINANCE FOR THE REGULATION OF SPECIAL EVENTS WITHIN THE CITY OF GUNTERSVILLE,
ALABAMA

BE IT ORDAINED by the City Counsel of the City of Guntersville, Alabama (the "City") as follows:

1. DEFINITIONS

- a. *Director of Special Events ("Director")*. A city employee designated by the mayor to coordinate the authorization and supervision of special events. The Director shall have the following duties and powers:
 - i. Issue permits for special events
 - ii. Coordinate the use of city personnel and facilities needed for the special event
- b. *Special event*. Any meeting, activity, gathering, or group of persons, animals or vehicles, or any combination thereof, having a common purpose, design or goal, upon or impacting city property, where the special event substantially inhibits the usual flow of pedestrian or vehicular traffic or which occupies any public area and preempts use by the general public. A special event shall include, but shall not be limited to a festival celebration, concert, parade, block party, athletic event and other similar gathering which meets one or both of the following; 1) is reasonably expected to have a substantial impact on such park or other public place; or 2) is reasonably expected to require the provision of substantial city resources such as police, fire, transportation, or sanitation departments. This section shall not apply to funeral processions.
- c. *Event holder*. A person, group or business entity seeking to conduct or sponsor a special event.

2. RESERVATIONS

An event holder who intends on conducting a special event in the City or within the police jurisdiction of the City shall adhere to the following application procedures:

- a. *Application deadline*. An event holder seeking the issuance of a special event permit shall file with the Director an online application which is located under the "special events" tab on the City of Guntersville website. The event holder shall not submit an application more than 365 days nor less than 90 days prior to the desired date of event.
- b. *Booking*. Reservations will not be considered accepted prior to the completion of the Special Event Application, payment of application fees, and written approval by the Director. Reservations are considered on a first come first serve basis.

- c. *Cancellation penalty.* Event holder shall be subject to a penalty fee upon cancellation of special event within 14 days of the scheduled event date. The fee amount is determined by the Director to reimburse the City for the expenditures incurred in preparation for the cancelled special event.
- d. *Event confirmation.* Arrangements of final details shall be confirmed at least 60 days in advance of the special event so as to schedule the personnel, equipment and services required. Details are to include all components of the special event such as type of event, security needed, expected attendance, staging, tent usage, name of rental companies, entertainment, electricity needs, etc.
- e. *Attendance.* The city shall have the option to restrict the number of attendants to the special event based on the location and type of special event.
- f. *Insurance requirements.* Should an event require security or medic services, then lessee shall comply with Ala. Code § 6-5-338 (1975) by the purchasing of general liability insurance in the amount of one hundred thousand dollars (\$100,000.00) per off-duty officer or off-duty tactical medic. In the event that security and/or medic services are not needed, the City reserves the right to require the event holder to obtain general liability insurance with the City named as an additional insured.
- g. *Fees.*
 - i. *Application fee.* A non-refundable \$50 fee shall be required upon submission of any special event application.
 - ii. *Cleaning penalty.* At the conclusion of the event, the area impacted by the special event will be inspected by a representative of the City. If the user has not cleaned up the special event area and restored it to its original condition, the City will clean up the special event area and charge the event holder for the services.

3. ISSUANCE OF PERMIT

The Director shall issue a written special event permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, such Director finds that:

- a. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic within the City;

- b. The conduct of the special event will not require the diversion of so great a number of police officers, fire fighters, ambulances, etc. in controlling the special event as to prevent normal protection and/or service to the City;
- c. The concentration of persons, animals, and vehicles at the special event will not unduly interfere with proper fire and police protection of, or ambulance service to areas outside of the special event;
- d. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- e. The conduct of the special event will not interfere with the conduct of any other special event;
- f. No other special event permit has been granted or is under consideration for any portion of the time sought by the event holder unless in the discretion of the Director city resources are available to conduct more than one special event during the same time period.

4. CONTENTS OF PERMIT

Each special event permit shall include the following information:

- a. Starting time and time of conclusion;
- b. Portions of facilities or real property that may be occupied by the special event;
- c. The maximum number of attendees for the special event;
- d. Such other information as the Director shall find necessary for the enforcement of this ordinance.

5. OPERATIONS

- a. *Presentation of permit.* A designated person by the special event holder shall carry the special event permit on his/her person during the operation of the special event.
- b. *Security.* The City of Guntersville Police Department and Fire Department will determine the appropriate amount of security and fire protection needed for any and all events held within the City of Guntersville as well as the cost of providing the necessary personnel. The event holder shall arrange and pay for security and/or fire protection if it is determined necessary for any event. If security and/or fire protection is required, it must be approved through the City Police Department and the City Fire Department before the permit is issued.

- c. *Reservation of rights.* The City does not relinquish the right to control the security for the special event in addition to that security provided by the event holder or to enforce all the necessary and proper laws and rules for the management and operation of the same. The City, their agents, and their employees may enter all special event premises, at any time and on any occasion in performance of their duties and responsibilities.
- d. *Max capacity.* Event holder shall not admit to the special event a larger number of persons than seating capacity or that can safely move about in the special event area. The decision of the City Fire Marshal or his/her designee in this respect shall be final.
- e. *Prohibited uses.* The event holder shall not permit the demised premises to be used for lodging rooms, or for any improper, immoral or objectionable purpose.
- f. *Posted signs/notices.* All persons shall adhere to all posted signs and/or notices posted at location of special event.
- g. *Removal of City property.* No person shall move or remove any city owned decorations or property in the special event area. Doing so will be in violation of this ordinance and the event holder may incur additional damage fees.
- h. *Defacing facilities.* All persons shall refrain from defacing any city property, including but not limited to the use of nails, tacks, brackets, and tape.
- i. *Personal property.* All personal property shall be removed at the end of the event. Any personal property not timely removed shall be disposed of as authorized by state law. Such action may require the use of cleaning deposit funds.
- j. *Tents, inflatables and staging placement.* All tent and staging placement must be approved by the Director and/or his/her designee. The city may require tents to be sandbagged due to underground utility lines. Inflatables are the responsibility of the event holder and will require insurance approved by the Director. 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 dates authorized by the permit and not before. Any of these listed items may be subject to an on-site inspection by the Fire Department. They must be taken down immediately following the event.

- k. *Sound and lighting.* The event holder shall be responsible for any damage or injury caused by sound, lighting, and electrical equipment. The event holder shall be subject to the City's Sound Ordinance no. 1012.
- l. *Alcohol.* The sale or distribution of alcohol shall be subject to City Ordinance no. 1068 and any other applicable state laws.

6. REVOCATION AND TERMINATION OF EVENT

- a. *Revocation; termination during event.* An organized event may be terminated or special event permit revoked on the day of the event without prior written notice if the mayor, the chief of police, the fire chief, or the Director determines that:
 - i. Revocation or termination is in the interest of the immediate public safety because of fire, casualty, act of nature, or a public emergency;
 - ii. The conduct of the event violates applicable law, including provisions of this article or permit conditions, which has resulted in a secondary harm; or
 - iii. A breach of the peace is occurring or an activity in the nature of a riot has occurred.
- b. *Revocation prior to event.* The Director shall have the authority to revoke a special event permit issued for the use of public space any time before the time the event is scheduled to commence if he/she determines that, due to new information or a change in circumstances, grounds to deny the application exist.
- c. *Cure.* Before revoking an event permit or terminating an organized event, the Director shall, if the Director believes it reasonable to do so without comprising public safety or public property, endeavor to allow event conduct to be modified in order to cure the violation and address the secondary harm, to the Director's satisfaction; provided, however, if city event services are required to protect public safety or public property and such services are not available, then the event permit shall be revoked or the event terminated. Where the violation includes a failure to obtain permitting in accordance with this article, the Director may immediately issue a permit, provided that the secondary harm caused by event conduct has been addressed to the satisfaction of the Director. Nothing in this subsection shall be construed to prevent the enforcement, by arrest or citation, of applicable laws.

7. PENALTIES

- a. *Municipal civil infraction.* Any conduct by a person violating any provision of this chapter that is not otherwise defined by state law or city ordinance as a criminal offense, shall be held responsible for a municipal civil infraction. The fine for the first violation of a civil infraction under this ordinance shall be \$50; the second violation, \$100; and the third or any subsequent violation within one calendar year, \$250. These fines shall be in addition to any applicable fees or penalties listed herein.

REPEALING PRIOR ORDINANCES

This ordinance hereby repeals all previous municipal ordinances for the City of Guntersville inconsistent with this ordinance.

This ordinance shall act to repeal City Ordinance no. 527.

SEVERABILITY

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.