

STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF BAY MINETTE

ORDINANCE 1030

AN ORDINANCE TO REPEAL ORDINANCE 416 AND ESTABLISH
REGULATIONS FOR SPECIAL EVENTS/PARADES

Whereas, the City of Bay Minette Ordinance 416 Prohibiting Anyone from Parading, or Participating in a Parade Without Permission was adopted March 24, 1939; and

Whereas, the City of Bay Minette needs to establish regulations for Special Events/Parades; and

Whereas, the City of Bay Minette Ordinance 416 shall be repealed, and new regulations will be adopted in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA, IN REGULAR MEETING ASSEMBLED, AS FOLLOWS:

SECTION I. COUNCIL ACTION

That Chapter 15, Article 2 of the Code of Ordinances for the City of Bay Minette hereby combined, amended, and restated as follows:

SPECIAL EVENTS / PARADES

Findings.

- (a) The City of Bay Minette is an Alabama Class 7 municipal corporation vested with a portion of the state's sovereign power to protect the public health, safety and welfare. *Alabama Code § Title 1 - 45 Section 1.*
- (b) A fundamental role of municipal government is the acquiring, building and maintaining of streets, sidewalks, and other public spaces. The City of Bay Minette holds these assets in trust for the use and benefit of its citizens.
- (c) Municipal government has the primary role in protecting the rights-of-way within its jurisdiction, planning for its most efficient use, and ensuring that community needs are met. The Council is specifically authorized to regulate and control the use of the public-right-of way for any and all purposes. *Alabama Code § Title 11 Section 43-62.*
- (d) The purpose of this Article is to establish reasonable regulations for special events that impact the City's public spaces, rights-of-way, and sidewalks. These regulations will prevent dangerous or unlawful use of public property; protect the public health, safety and welfare; prevent excessive burdens on city staff and emergency personnel; assure proper traffic circulation; and protect the rights of all persons to peaceably assemble and engage in expressive activities.

Short Title/Administration.

This ordinance may be known as the "Special Events/Parade Ordinance." Except as otherwise specified in this Article, the City Administrator is responsible for the administration of this ordinance and shall adopt such policies and procedures necessary to implement the requirements of this Article. The City Administrator may delegate any of the responsibilities prescribed herein. The Chief of Police shall be responsible for the administration of the parade provisions of this ordinance.

Definitions

The following terms, whether capitalized or not, shall apply in this Article, unless the context requires otherwise. In the event of a conflict, the more restrictive definition shall apply.

Parade means any organized formation, parade, procession, or assembly consisting of persons, animals, vehicles, or any combination thereof, traveling in unison with a common purpose on a public street, highway, alley, sidewalk, or public way which does not comply with normal and usual traffic regulations or controls.

Permit means the special events permit or the parade permit required by this article.

Participate or Participants means those persons actually taking part in the event, including but not limited to those sponsoring, organizing, promoting or initiating the event; those invited to attend; those paying to attend; or those for whom the event is sponsored, organized or initiated, including the general public.

Special Event means:

- (1) Any organized activity that will take place, in whole or in part, on any property owned, controlled, or maintained by the City.
- (2) Any organized activities or set of activities that are conducted on private property, but will, due to the nature of the event, require the City to provide traffic management services, special police services or emergency management services.
- (3) Examples of special events include, but are not limited to, the following: parades, music festivals, carnivals, dances, arts and crafts shows, community events, demonstrations, concerts, exhibitions, block parties, weddings, runs/walks, and athletic events.

Sponsor means the person or legal entity responsible for organizing the event and insuring compliance with this Article.

Exceptions.

Special Events shall not include:

- (a) Funeral processions, provided that the police department is given 24-hour notice;

- (b) Students traveling to and from school or classes, or the direct participation in school-sponsored educational activities, provided that such conduct is under supervision of the appropriate school authorities;
- (c) Activities conducted by a governmental authority acting within the scope of its authority.

Application; time for filing; event plan.

- (a) *Application.* Any person seeking to organize or hold a special event or parade within the city shall first make application with the City Administrator on such forms as may be provided for that purpose. Parade permits shall be issued by the Chief of Police in accordance with this ordinance.
- (b) *Time for filing.* Applications shall be filed at least 30 days in advance of the special event or parade. Failure to timely file an application may be grounds for denial.
- (c) *Contents of application.* The applicant shall submit an event plan and provide information sufficient to determine the extent to which the proposed event will impact public resources, including, but not limited to: contact information for all sponsors; the purpose of the event; date, time and place; estimated attendance, number of vehicles; assembly and dispersal locations, routes and plans; types and location of amplification; temporary structures or tents; garbage and litter plan providing for cleanup during and after the special event; the sponsor's history and experience with special events; and any other information as may be requested.

Review.

- (a) Upon receipt of a timely and properly completed application, the City Administrator shall solicit comments from the Chief of Police, Fire Chief, Streets Superintendent and other relevant departments to determine whether the event will have an adverse impact on the public health, safety or welfare, and/or whether the city has adequate resources to accommodate the event, considering the nature of the event and the other events which may be occurring in the area. The City Administrator may also refer any permit application directly to the City Council for decision.
- (b) *Decision on the application.* The decision to approve or deny a special event permit is based on all relevant factors including, but not limited to, the impact the event will have on public safety and emergency services, the overall impact the event will have on business and residential access, and the ability of the organizer to put on a safe, secure event.
- (c) *Grounds for Denial.* Permits may be denied for any of the following:
 - (1) The application contains false, incomplete, or misleading information;
 - (2) The special event is prohibited by law;
 - (3) The special event will require the diversion of so great a number of police officers to properly police the area or route for the special event and areas contiguous so as to prevent normal

police operation and protection to the City;

- (4) The special event will interrupt the safe and orderly movement of traffic;
 - (5) The special event will require a diversion of fire and emergency resources such that it prevents normal fire and emergency operations and protections.
 - (6) The concentration of persons, animals, and vehicles at or part of the special event unduly interferes with proper fire and police protection to any areas being utilized for the event or areas contiguous.
 - (7) The special event interferes with the ability for the City to move fire and emergency equipment enroute to a fire or emergency;
 - (8) The special event requires so great a number of City personnel in order to provide security, traffic control or crowd control or other support for the event such that it interferes with the City's governmental operations;
 - (9) Another special event is already scheduled on the requested special event date where City personnel are already assigned;
 - (10) The applicant has failed to pay appropriate fees or reimburse the City for expenses for a prior special event;
 - (11) Alcoholic beverages will be sold, traded, dispensed, served or consumed and the appropriate licensing has not been obtained within the time prescribed by law;
 - (12) The applicant has not obtained all permits and licenses required by any agency with regulatory authority over any aspect of the special event, including but not limited to food permits, business and/or vendor licenses, alcohol licenses, or any other required permit or license; or
 - (13) The applicant is not legally competent to enter into contracts or to sue or be sued.
- (d) *Appeal.* An applicant may appeal the denial of a permit. The appeal must be filed with the City Clerk not later than three (3) business days from the date the permit was denied specifying the grounds for appeal. The City Clerk shall promptly set the matter for hearing on the Council's agenda and notify the appellant of the date and time of the hearing, and his or her opportunity to be heard. The standard of review on appeal is whether the decision to deny the permit application was arbitrary or capricious. The Council may affirm or reverse the decision and may also impose additional conditions necessary to protect public health, safety and welfare.

Conditions

- (a) Permits may be conditioned on the performance of reasonable requirements concerning the time, place and manner of the event. The City Administrator or Chief of Police may suggest changes to the event plan that are necessary to facilitate a successful event.

- (b) Conditions deemed necessary for the safe and expeditious conduct of the event, include but are not limited to:
- (1) The hours of operation shall not commence before 7:00 a.m. and must end before 10:00 p.m. local time;
 - (2) Proof of automobile insurance for each vehicle utilized in the parade/procession shall be provided to the city prior to the date of the event;
 - (3) All floats, props, tents, platoons, electronics and other elements shall be inspected;
 - (4) Proof that the sponsor has express permission or authorization from the appropriate person or entity for the use of any property that is not owned or controlled by the city;
 - (5) Assurance that the applicant will make provision for adequate police or emergency medical services presence, if required, and that the applicant will conform to any necessary fire prevention rules, regulations, and guidelines;
 - (6) Assurance that the applicant will make provision for garbage and litter cleanup associated with the special event during and after the special event in the specified area of the event;
 - (7) Assurance that the applicant will cause all booths, stands, other fixtures pertaining to the special event to be removed immediately after the event; and
 - (8) Such other condition necessary to provide for traffic control, street and property maintenance, and the overall protection of the health, safety and welfare of the public.

Parade Permits

- (a) *Proposed alternate route.* The Chief of Police, in denying an application for a special event permit for a parade, may authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall, within seven (7) days after notice of the Chiefs denial of the original application, file a written notice of the acceptance of the alternate permit with the Chief of Police. An alternate special event permit shall conform to the requirements and shall have the effect of a special event permit issued under this ordinance. The Chief shall provide a copy of the alternate permit to City departmental representatives as listed above.
- (b) Specific contents to be included in a special event permit for a parade:
 - (1) Parade starting time;
 - (2) Minimum speed;
 - (3) Maximum speed;

- (4) Maximum interval of space to be maintained between units of parade;
- (5) Specific portions of streets to be used by parade;
- (6) Maximum length of parade in miles or fractions thereof; and
- (7) Each Parade Participant/Float must be identified including documentation of the sponsoring organization, group who will be riding, designated driver and proof of their insurance and a listing of the walkers for that float if applicable.
- (8) Safety Walkers are mandatory for every float and vehicle. One (1) walker per wheel including pulling vehicles. 19 years of age or older is mandatory. The Safety Walkers are to maintain a position alongside the float or vehicle near the wheel and prevent participants and/or spectators from being struck or run over. Safety Walkers must be able to notify their driver of any problems requiring immediate action for the safety of all.
- (9) No smoking, vaping or other use of tobacco products or possession or consumption of alcoholic beverages or nonprescription drugs will be allowed by any participant in, or about the Special Event/Parade.
- (10) The Organization's parading vehicles shall at all times be operated in a safe manner and in compliance with this ordinance. Candy/Throws are to be tossed **TO** spectators, not **AT** the spectators.
- (11) Vehicles allowed include cars, trucks, golf carts, motorcycles and recreational outdoor go carts. Tractors and other farm related equipment used to tow hay trailers and equipment are permissible. Drivers of any vehicle in the parade must be 19 years of age and possess a current valid driver's license. Each vehicle in the parade shall have mandatory liability insurance.
- (12) Prohibited vehicles except when used by public safety officials include: four wheelers, ATVs, UTVs.
- (13) Horses will not be allowed unless they are part of a trained equestrian group and have their own liability insurance coverage as a group.
- (14) No person shall ride on the exterior of an automobile during a parade, except that one or two person(s) may ride seated on the back of a convertible automobile that has been approved as a float vehicle.
- (15) Such other information as the Chief of Police deems necessary.

Revocation or Termination of a Special Event

Any special event permit or parade permit may be revoked or terminated at any time, up to and including the date of the permitted activity, with or without notice if the Chief of Police or Fire

Chief determines that:

- (a) Revocation or termination is in the interest of the immediate public health or safety because of fire, casualty, act of God, or a public emergency;
- (b) Any term, standard for issuance, condition, duty, restriction or limitation of such permit has been violated by special event participant(s) and, as a result, the immediate health or safety of any participant or the general public is threatened;
- (c) Any federal, state or municipal ordinance, statute or law is being violated by a participant;
- (d) A breach of the peace is occurring or an activity in the nature of a riot has occurred; or
- (e) The failure of the sponsor to comply with any standard, or condition of the permit, as required by the ordinance.

Violation

- (a) It shall be unlawful for any person to sponsor a special event without first obtaining a special event permit required by this Article;
- (b) It shall be unlawful for any person to sponsor, conduct, promote or otherwise host a parade without the parade permit required by this Article;
- (c) It shall be unlawful for any sponsor to conduct, promote, or otherwise host a special event or parade that violates any law or permit condition.

Special Exception

Prior to a final decision on the Special Event/Parade Permit, a sponsoring organization may request a special exception be granted by the City Council. The Special Exception request should be submitted in writing to the City Clerk three (3) business days prior to a Council meeting in order to be placed on the agenda for consideration. The Council may provide for the following by special exception:

- Participation of banned vehicle types
- Exemption of individual parade requirements
- Solicitation at County and State intersections located within city limits

Indemnification of City

The sponsor of a Special Event/Parade permit shall agree to indemnify and hold harmless the city, its servants, agents and employees, for any and all claims caused by or arising out of the activities permitted.

All Participants must be associated with and listed on a roster by a Sponsoring Organization that has been issued a permit by the City of Bay Minette. A properly executed Special Event/Parade

Liability Waiver must be on file with the City of Bay Minette for each individual participant and no person shall be allowed to participate in the Special Event/Parade as a driver unless a properly executed Special Event/Parade Liability Waiver for that person is on file with the City of Bay Minette. Minors participating in the parade must be supervised by an adult/group leader at all times. The Sponsoring Organization is responsible for obtaining the Liability Waiver Forms and providing those to the City five (5) business days prior to the day of the event.

Supervision of special event

The city and its officers, employees and agents assume no responsibility for supervision of the activities conducted under the authority of a permit. The permittee shall be responsible for supervision of event activities.

Liability Insurance Required

The applicant shall provide the City proof of liability insurance in an amount approved by the City and issued by a company licensed to do business in the State of Alabama.

Duties of special event sponsors and participants

- (a) Special event participants will comply with all permit directions and conditions imposed for the use of the special event location, and with all applicable ordinances, statutes and laws, including, but not limited to requirements for security, requirements concerning alcoholic beverages, signage or any other aspect of the special event, in order to protect the safety, health and welfare of the public.
- (b) Special event participants will stay within the area or route designated for the special event during the conduct of the event.

Interfering with permitted activity prohibited

- (a) It shall be unlawful for any person to unreasonably obstruct, impede or interfere with any authorized special event for which a special event permit has been issued.
- (b) No driver of any vehicle, other than an authorized emergency vehicle, shall drive between the vehicles or persons comprising a special event when such vehicles or persons are in motion and are conspicuously designated as special event participants.
- (c) The Superintendent of Streets, Police Chief or Fire Chief shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the street, highway, or any other area constituting a part of the special event area or route. When necessary, the Superintendent of Streets shall post signs to such effect. It shall be unlawful for any person to park or leave unattended vehicles in areas posted as "No Parking" in special event areas.

SECTION II. REPEALER

Ordinance 416 adopted by the Council, which is in conflict with this Ordinance is hereby repealed to

the extent of such conflict.

SECTION III. SEVERABILITY

The provisions of this Ordinance are severable. If any section subsection, clause, phase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV. Effective Date

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Bay Minette and publication as required by law.

SECTION V. POSTING OF ORDINANCE

Ordinance 1030 shall be posted in three public locations as required by law. Posting locations include Bay Minette City Hall, Bay Minette Public Library and North Baldwin Utilities.

FURTHER, BE IT RESOLVED AND ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BAY MINETTE, ALABAMA IN REGULAR MEETING ASSEMBLED, determined that Ordinance 1030 Repealing Ordinance 416 and Establishing Regulations for Special Events/Parades is hereby **Adopted.**

DONE THIS 15th DAY OF MAY 2023.



Robert A. Wills, Mayor

ATTEST:



Rita Diedtrich, City Clerk

I, the undersigned qualified and acting City Clerk of the City of Bay Minette, Alabama do hereby certify that the above and foregoing is a true copy of an Ordinance lawfully passed and adopted by the Bay Minette City Council, at a regular meeting of such Council, held on the 15th day of May, 2023 and that said Ordinance is on file in the office of the Bay Minette City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Bay Minette, Alabama on this the 15th day of May 2023.



Rita Diedrich, City Clerk