

**RESOLUTION 2011-02**

**A RESOLUTION TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING A POLICY AND PROCEDURE FOR THE MAGNOLIA SPRINGS SCHOOL PROPERTY USAGE WITHIN THE TOWN OF MAGNOLIA SPRINGS:**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, as follows:**

**POLICY AND PROCEDURE FOR SCHOOL PROPERTY USAGE RESOLUTION**

It is expressly declared that the purpose of these regulations, policies and procedures is to provide a guideline for those people wishing to reserve the Magnolia Spring's School Property 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 the school property.

**PERMITTED USE**

The following uses and activities are permitted for special events on the Magnolia Spring's School Property:

Festivals – a festival shall be an event with the primary theme being the subject of a national, ethnical, artistic, biographical, culinary, historical or seasonal theme. Food and alcoholic beverages may be offered in conjunction with a festival when sponsored by a private business, nonprofit organization or public agency in compliance with permits and regulations of the Town of Magnolia Springs, the Baldwin County Health Department, and the Alabama Beverage Control Board.

**RESERVATIONS**

A user is responsible for adhering to and complying with all rules and regulations pertaining to the use of town property. Any violation may result in additional fees.

The Town Council reserves the right to allow only one event per calendar quarter on the Magnolia Springs School Property. Each event can be no longer than two (2) consecutive calendar days, subject to all other terms and conditions provided by this resolution and the Rules for Reserved Use of the Magnolia Springs School Property. Reservations are on a first come, first serve basis. All fees are required in advance to secure a reservation. The dates requested cannot be guaranteed until payment is received. Event application, with details, must be submitted to the town clerk seven days prior to a scheduled Council Workshop. The application will be reviewed and normally voted on at the next Regular Council Meeting, unless circumstances prevent the vote from being conducted until a subsequent Council Meeting.

## **INSURANCE REQUIREMENTS**

Any group or individual using the Magnolia Springs School Property by signing the application acknowledges the agreement of the indemnity and hold harmless agreement. The Town of Magnolia Springs requires the group or individual to obtain special events insurance naming the Town as additional insured, and provide the Town with a copy. Other fees may apply for personnel and damage to the property.

## **PERMIT FEES**

Permit fees for resident applicants are as follows: Non-profit organizations are \$100.00 for the first day and \$75.00 for the second day. For all others, \$150.00 for the first day and \$100.00 for the second day.

Permit fees for non-resident applicants are as follows: \$500.00 for the first day, \$400.00 for the second day.

All applicants must pay a refundable security deposit of \$150.00. The clean up fee will not be refunded until all clean up is completed to the satisfaction of the Town Council or its designee.

## **SET UP/CLEAN UP**

Set-up for events cannot begin before 6 a.m. Events involving entertainment or sound equipment must end by 9 p.m. All other events must end by 10:00 p.m. Clean up and disposal of trash is the responsibility of the event holder, and shall be accomplished within twenty-four hours of the event closure.

## **ALCOHOLIC BEVERAGES**

Alcoholic beverages are allowed, and if an ABC license is required, a copy of must be submitted to the Town

## **RESTROOM FACILITIES**

Restroom facilities are not located on the Magnolia Springs School Property. The applicant is responsible for providing these facilities. The facilities must be set up no sooner than 24 hours before the event and removed within 24 hours after the event.

The attached "Application for Permission to use Town Property", and the "Rules for Reserved Use: are made a part of this resolution upon its adoption.

**Approved and Adopted this the 22<sup>nd</sup> day of February, 2011**

  
\_\_\_\_\_  
**Charles S. Houser – Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Karen S. Biel – Town Clerk**



## **RULES FOR RESERVED USE OF MAGNOLIA SPRINGS SCHOOL PROPERTY**

1. Applicant must be over 18 years of age, and applicants and their guest must fully comply with the requirements of any special conditions attached to the Permit, these rules and local ordinances, codes and regulations, as well as all state and federal laws.
2. Applicants will be considered on a first come, first serve basis from the actual date and time a completed application and fee are received by the Town Clerk.
3. The Town reserves the right to deny an application to anyone if it finds that the event is likely to be of an inappropriate character. The Town reserves the right to deny an application to anyone if it finds that the event is likely to be contrary to the public health, safety and welfare of the community or if it finds that the use is likely to damage the property. The Town will deny any application to any applicant or organization which discriminates against any person due to race, religion, sex, age, national origin, or disability.
4. Applicants shall make proper arrangements to clean all paper and other debris from the property, and leave it in the same or better condition than when it was prior to the event.
5. Usage fees are non-refundable and non-transferrable. If an application is denied, the usage fee submitted with the application will be returned.
6. The subleasing or transfer of an approved application is prohibited.
7. The applicant hereby agrees to indemnify and hold the Town and its officers, employees and agents harmless for any and all claims for damages or injures to persons or property resulting from the issuance or their use of the property, and the applicant will be responsible for the group's behavior and actions at all times.
8. The Town assumes no liability or responsibility for loss of property or for injury or damages to person or property that may be sustained while on the property, and the applicant hereby releases and agrees to hold the Town harmless from the same.
9. During the term of applicant's use of the Magnolia Springs School Property, applicant shall maintain in effect insurance for both bodily injury and property liability in per occurrence limits of not less than One Million U.D. Dollars (US \$1,000,000) for personal injury and not less that One Million U.S. Dollars (US \$1,000,000) for property damage. The policy(ies) shall include an endorsement naming the Town as an additional insured. Applicant shall furnish the Town, prior to commencing use of said property, certificates of insurance with the endorsement required herein. The town shall have the right to inspect the original policies of such insurance, but under no circumstances shall the Town's failure to so inspect be deemed a waiver of this provision.
10. The Town expressly disclaims any warranty or representation as to the suitability or condition of the property, and the applicant and applicant's guests enter at their own risk.
11. Applicant shall provide adequate and sanitary portable restroom facilities from a company licensed by the Baldwin County Health Department in such quantity and type as required by all applicable federal, state, and local laws. Said portable restroom facilities are required to be present and operational at all times during the event, but they may be installed 24 hours prior to the scheduled event and removed within 24 hours after the conclusion of the event. All portable restroom facilities shall be relocated or moved at the request of the Town to minimize their disruption on the public or their unsightliness. The applicant is responsible for contacting the Baldwin County Health Department to find out if they comply with the Health Department's rules and regulations.

12. The applicant shall obtain all necessary permits or approvals from the Baldwin County Health Department prior to event and submit a copy to the Town.
13. The applicant is responsible for the school property area to be cleaned up after the event within twenty-four hours. In addition, the applicant will be required to submit a refundable \$150.00 security deposit after the application is approved by the Town Council to constitute final approval of the application. The clean up fee will be refunded to the applicant after all clean up is completed to the satisfaction of the Town Council or its designee.
14. The approved application may be revoked or terminated at any time by the Town if the applicant breaches any of these rules, violates any other laws, ordinances, or regulations, or the Town, in the exercise of its sole and absolute discretion, deems it necessary to revoke to ensure the public's health, safety, welfare, or enjoyment of the public property.
15. Any person(s) caught damaging or defacing any part of the property will be prosecuted to the fullest extent of the law.

**APPLICATION FOR PERMISSION TO USE  
MAGNOLIA SPRINGS SCHOOL PROPERTY**

Application must be received seven days prior to a scheduled Council Workshop

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_

**TYPE OF EVENT:** \_\_\_\_\_

**DESCRIPTIONS OF ALL ACTIVITIES/FACILITIES INVOLVED (include whether food/ beverages, alcoholic beverages will be served, tents erected, music, restrooms facilities, etc.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DATE OF EVENT:** \_\_\_\_\_

**TIME OF EVENT: FROM** \_\_\_\_\_ **TO** \_\_\_\_\_ **(including set up and clean up.**

**MAXIMUM NUMBER OF PERSONS:** \_\_\_\_\_

**I have read and I understand the Rules which govern my application and use of the property, and I hereby agree and consent to the same.**

**SIGNATURE OF APPLICANT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**USE FEE DUE WITH APPLICATION**



FOR TOWN USE ONLY

Date application and fee received: \_\_\_\_\_

Application is: Approved / Denied (circle one)

If approved, special conditions if any: \_\_\_\_\_

If denied, date fee was returned to applicant \_\_\_\_\_

Town Official \_\_\_\_\_ (Name) Date \_\_\_\_\_

\_\_\_\_\_  
Signature

