

## **ORDINANCE 2023-01**

### **A RESOLUTION TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING A POLICY AND PROCEDURE FOR RESERVATIONS OF PUBLIC PARKS, MAGNOLIA RIVER ACCESS POINTS AND STREET CLOSURES**

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

#### **(A) POLICY AND PROCEDURE FOR THE RESERVATION OF CERTAIN PUBLIC PARKS, MAGNOLIA RIVER ACCESS POINTS AND STREET CLOSURES**

- i. It is expressly declared that the purpose of these regulations, policies and procedures is to provide a guideline for those people wishing reserve municipal outdoor facilities and to establish a fee structure for such use.
- ii. This policy is applicable to all areas listed below:
  - a. Magnolia Springs Old School Park
  - b. Magnolia Landing
  - c. Jessamine Street Landing
  - d. Bay Street Landing
  - e. Arboretum
- iii. This Ordinance is not intended to be an exclusive list of public parks, Magnolia River access points, or rights of way, and shall not be interpreted as such.

#### **1. Only the following uses and activities are permitted hereunder:**

- a. Special events include parades, road races (i.e., walks and runs), small reunions, wedding ceremonies and small receptions.
- b. Performing art events are those sponsored by a nonprofit organization for the benefit of the nonprofit organization.
- c. Festivals shall be an event with the primary theme is that of a national, ethnical, artistic, biographical, culinary, historical, or seasonal theme. Food may be offered in conjunction with a festival when sponsored by a nonprofit organization or public agency in compliance with permits and regulations of the Baldwin County Health Department.

**2. 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. No event can be longer than two consecutive calendar days and reservations are on a first come, first served basis. The date requested cannot be guaranteed until payment is received. Only one event per day will be scheduled at each location. Event application, with fee payment, must be submitted to the Town Clerk sixty (60) days prior to the event. The application will then be reviewed at the next regularly scheduled Town Council Workshop and normally voted on at the next Regular Council Meeting unless circumstances prevent the vote until a subsequent Council Meeting.

Any and all cancellations and/or date changes must be in writing and signed by the same person who signed the application and must be given to the Town Clerk no less than thirty (30) days prior to the event. Fee refunds will be made by check for cancellations, less a \$20 processing charge and will be delivered by mail. No fees will be refunded for cancellations made less than 30 days before the event unless due to inclement weather, acts of God, or similar acts or conditions beyond the reasonable control of the applicant as determined by the Town Council in its sole discretion.

**3. Indemnity and Insurance Requirements** – By signing the Application, the applicant acknowledges and agrees to indemnify and hold the Town harmless from and against any and all claims caused by or arising out of the event or applicant's use of the Magnolia Springs Old School Park or Magnolia River Access Points. The Town of Magnolia Springs requires applicants to obtain special events insurance naming the Town as additional insured. Other fees may apply for personnel and damage to the property. During the term of the applicant's use of the school property, the applicant shall maintain in effect insurance for both bodily injury and property liability of not less than \$1,000,000.00 for personal injury and \$1,000,000.00 for property damage. The policy shall include an endorsement naming the Town as an additional insured. Prior to commencing use of said property, the applicant shall provide certificates of insurance with the endorsements required herein. The Town may require that the applicant furnish the Town, at any time prior to commencing use of Magnolia Springs School property, certificates of insurance evidencing the foregoing. 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 or failure to require that applicant furnish said certificates of insurance be deemed a waiver of the provision.

**4. Permit Fees** –

Local Non-Profit organizations will not be charged a fee. Local non-profits are those that are based within the Magnolia Springs town limits.

Non-Profit organizations that are not based within Magnolia Springs town limits will be charged \$100.00 for the first day and \$75.00 the second day.

Individual residents that reside inside town limits or police jurisdiction will be charged \$50.00 per event.

Non-resident fees would be \$200.00 the first day and \$150.00 the second.

All applicants must pay a refundable security deposit of \$300.00. This refundable security deposit will not be returned until after the event and after satisfactory inspection of the property by the Town Council or its designee.

**5. Set Up/Clean Up** – Set up for events cannot begin before 8:00 a.m. the day before the event. Events involving entertainment or sound equipment must end by 8:00 p.m.; all other events must end by 9:00 p.m. Clean up and disposal of trash and total clearance of property **SHALL** be the responsibility of the event holder and shall be accomplished within 24 hours of the event closure.

**6. Alcoholic beverages** – Alcoholic beverages are allowed; if an ABC license is required, a copy of same must be submitted to the Town 15 days prior to the event.

**7. Restroom Facilities** – None are located at any public park or Magnolia River access point. Applicant is responsible for providing same. Must be set up no sooner than 24 hours before the event and removed within 48 hours after.

**8. Parking** – If parking is not located on site, the applicant is responsible for procuring parking and arranging for a traffic officer to direct traffic. The applicant must provide, with the application, locations, routes, and plans for parking, assembly, and dispersal.

**9. Security** – Security by the Baldwin County Sheriff's Department or other recognized police agencies must be provided for all events at the sole expense of the applicant. Applicant shall provide the Town with a copy of their security plans thirty (30) days prior to the event.

## **(B) POLICY AND PROCEDURE FOR STREET CLOSURE**

**1. Permitted Use** – only the following activities and uses are permitted hereunder:

a. Special events. Special events include parades, road races (i.e., walks and runs), small reunions, wedding ceremonies and small receptions.

**2. Reservations** – a user is responsible for adhering to and complying with all rules and regulations pertaining to the use of Town streets. Any violation may result in additional fees. Streets may not be closed for more than one hour unless agreed to by the Town Council in its sole discretion. Written notice by the applicant regarding the closure must be provided to all residents within three (300) hundred feet of the proposed street closure at least thirty (30) days prior to the closure. Reservations are on a first come, first served basis. Event application with fee payment must be submitted to the Town Clerk sixty (60) days before the date of the event. The application will then be reviewed at the next regularly scheduled Town Council Workshop and normally voted on at the next Regular Council Meeting.

**3. Indemnity and Insurance Requirements** – By signing the Application, the applicant acknowledges and agrees to indemnify and hold the Town harmless from and against any and all claims caused by or arising out of the event or applicant's use of Town streets. The Town of Magnolia Springs requires applicants to obtain special events insurance naming the Town as additional insured and provide the Town with a copy of same. Other fees may apply for personnel and damage to the property. During the term of the applicant's use of a Town street, the applicant shall maintain in effect insurance for both bodily injury and property liability of not less than \$1,000,000.00 for personal injury and \$1,000,000.00 for property damage. The policy shall include an endorsement naming the

Town as an additional insured. Prior to commencing use of said street, the applicant shall provide certificates of insurance with the endorsements required herein. The Town may require that the applicant furnish the Town, at any time prior to commencing use of the Town street, certificates of insurance evidencing the foregoing. 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 or failure to require that applicant furnish said certificates of insurance be deemed a waiver of this provision.

**4. Permit Fees –**

Local Non-Profit organizations will not be charged a fee. Local non-profits are those that are based within the Magnolia Springs town limits.

Non-Profit organizations that are not based within Magnolia Springs town limits will be charged \$100.00 for the first day and \$75.00 the second day.

Individual residents that reside inside town limits and police jurisdiction will be charged \$50.00 per event.

Non-resident fees would be \$200.00 the first day and \$150.00 the second.

All applicants must pay a refundable security deposit of \$300.00. This refundable security deposit will not be returned until after the event and after inspection of the property by the Town Council or its designee.

**5. Set Up/Clean Up –** Set up for street closure shall occur no earlier than one half hour (30 minutes) prior to closure of street. Clean up shall occur one half hour (30 minutes) after event. All clean up and trash disposal is the responsibility of the applicant.

**6. Alcoholic beverages –** Alcoholic are **NOT** allowed on the streets of Magnolia Springs.

**7. Restroom Facilities –** The Town may, in its sole discretion, require restroom facilities depending on the nature and size of the event.

**8. Parking –** Applicant must supply, with the application, a plan for parking and its control.

**9. Security Fees –** Security by the Baldwin County Sheriff's Department or other recognized police agencies must be provided for all events at the sole expense of the applicant. Applicant shall provide the Town with a copy of their security plans thirty (30) days prior to the event.

**(C) INCORPORATION OF RULES AND PENALTIES**

The attached "Reservation Application for Public Parks, Magnolia River Access Points and Street Closures." Anyone violating the provisions of this Ordinance shall be guilty of an offense against the Town and shall, upon conviction, be punished for each violation as provided in the Town's Code of Ordinances as now in force or hereinafter adopted or amended.

**(D) REPEAL OF RESOLUTION 2015-07**

Resolution 2015-07 adopted by the Town of Magnolia Springs, Alabama, on September 22, 2015, is hereby repealed, such repeal to become effective on the effective date of this Resolution.

**(E) EFFECTIVE DATE**

The provisions of this Ordinance shall become effective immediately upon the passage and approval thereof by the Town Council of the Town of Magnolia Springs, Alabama, and the publication and/or posting thereof as required by Alabama law.

Approved and adopted this the 28th day of February 2023.

ATTEST:

  
\_\_\_\_\_  
Kim Koniar, Mayor


  
\_\_\_\_\_  
Hannah Driskell, Town Clerk

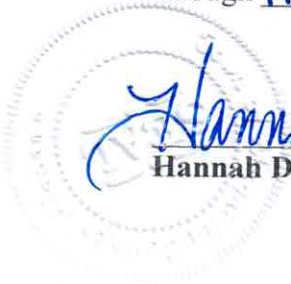


**CERTIFICATION OF PUBLICATION**

**TOWN OF MAGNOLIA SPRINGS, ALABAMA** Certificate of Publication.

This is to certify that **Ordinance No. 2023-01**, Town of Magnolia Springs, Alabama, was published by posting on at least three (3) Bulletin Boards in the Town; Magnolia Springs Post Office, United Bank, and at the Mayor's Office from March 1, 2023 through April 1, 2023.

  
\_\_\_\_\_  
Hannah Driskell, Town Clerk



**RULES FOR RESERVED USE OF PUBLIC PARKS, MAGNOLIA RIVER  
ACCESS POINTS AND STREET CLOSURES**

1. Applicant must be over twenty-one (21) 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. 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 Town Clerk not less than thirty (30) days prior to the event. Fee refunds will be made, by check, less a twenty-dollar (\$20.00) processing charge and will be delivered by mail. No fee refunds will be made for cancellations made within thirty (30) days of the event unless due to inclement weather, acts of God, or similar acts or conditions beyond the reasonable control of the applicant as determined by the Town Council in its sole discretion.
7. The subleasing or transfer of an approved application is prohibited.
8. 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 injuries 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.
9. 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.
10. 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 than 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.

11. 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.
12. 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.
13. 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.
14. The applicant is responsible for the location of event to be cleaned up after the event within twenty-four hours. The \$300 security deposit will be refunded to the applicant after all clean-up is completed to the satisfaction of the Town Council or its designee.
15. 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.
16. Any person(s) caught damaging or defacing any part of the property will be prosecuted to the fullest extent of the law.

DATE RECEIVED: \_\_\_\_\_ APPLICATION FEE: \_\_\_\_\_ RECEIPT NO: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_ SCHEDULED MEETING DATE: \_\_\_\_\_



**RESERVATION APPLICATION  
FOR PUBLIC PARKS, MAGNOLIA RIVER ACCESS  
POINTS AND STREET CLOSURES**

Applications must be received by Town Clerk 14 days prior to a scheduled Council Workshop and at least 60 days prior to event.

NAME/ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROPERTY TO BE USED:**

- Magnolia Springs Old School Park
- Rock Street Landing
- Magnolia Landing
- Jessamine Landing
- Arboretum
- Bay Street Landing
- Street: \_\_\_\_\_

TYPE OF EVENT \_\_\_\_\_

**DESCRIPTION OF ALL ACTIVITIES/FACILITIES INVOLVED (include food, beverages, alcoholic beverages, tents, music, restrooms, security; list any requested street closures, if applying as non-profit provide proof of status):**

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

DATE OF EVENT: \_\_\_\_\_ TIME OF EVENT: \_\_\_\_\_

RESERVATION DATE(S) (including set up and clean up): \_\_\_\_\_

RESERVATION TIME(S) (including set up and clean up): \_\_\_\_\_

APPROXIMATE NO. OF ATTENDEES: \_\_\_\_\_

**I have read and I understand the Rules for Reserved Use of the Magnolia Springs Public Parks, Magnolia River Access Points, and Street Closures and I hereby give my consent to the same. The application cannot be transferred or assigned to any other party.**

APPLICANT SIGNATURE \_\_\_\_\_

PRINTED SIGNATURE \_\_\_\_\_





**TOWN USE ONLY**

**APPLICATION IS: APPROVED / DENIED (CIRCLE ONE)**

**DATE OF APPROVAL:** \_\_\_\_\_

**SPECIAL CONDITIONS, IF ANY:** \_\_\_\_\_

**IF DENIED, DATE FEE RETURNED TO APPLICANT:** \_\_\_\_\_

**CITY OFFICIAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**DOCUMENTS INCLUDED:**

**CERTIFICATE OF INSURANCE**

**BALDWIN COUNTY HEALTH DEPARTMENT CERTIFICATE, IF APPLICABLE**