

Ordinance No. 2009-04

**AN ORDINANCE TO REGULATE SPECIAL EVENTS AND MASS GATHERINGS IN
THE CITY OF CENTER POINT, ALABAMA**

1) Title

This ordinance shall be designated as the “Special Events and Mass Gatherings Ordinance of the City of Center Point.”

2) Purpose

The intent and purpose of this ordinance is to provide for the protection of the public health, public welfare and public safety of those persons in attendance at mass gatherings held within the corporate limits of the City of Center Point and of those persons who attend or who reside near or are located in proximity to the sites of such mass gatherings or are directly affected thereby. Nothing herein is intended or shall be used to impose any duties on the City of Center Point, its officials, employees, agents, and/or representatives for purposes of claims or causes of actions arising by a failure to properly execute this ordinance, and no third party shall have any claims related to the same.

3) Exemptions

A) Events sponsored or sanctioned by the City of Center Point, Alabama or events in permanent structures designed, maintained, and properly equipped for mass gatherings or assemblages, and having sufficient existing permanent facilities (sanitary, parking, seating) to handle the number of attendees and other persons to be located in the area during the event and attendance is less than 3,000 persons.

B) Regularly scheduled worship and church services and school events under normal circumstances.

C) Any event that was scheduled by a promoter or coordinator prior to the effective date of this ordinance to occur within the sixty five day period immediately following the publishing of this ordinance as required by Alabama law shall not be subject to the provisions described herein.

4) Definitions

As used in this ordinance:

City – The City of Center Point, Alabama

City Code Official - Any person whose duty includes the enforcement of the applicable codes of the City or the reporting of code violations.

Event Leader - Any person authorized or allowed by a promoter or coordinator (including themselves) in fact or in practice to direct, control, or otherwise have responsibility for the preparation, opening, conduct, operation, closing, or clean up of a Mass Gathering.

Fire Marshall/Official – The duly appointed Fire Marshall of the City of Center Point or other official of the Center Point Fire District acting in behalf of the Fire Marshall

Mass Gathering – An actual or reasonably anticipated assembly of five hundred (500) or more persons

Mass Gathering Committee – A committee composed of the three representatives from the City of Center Point, one representative from the Center Point Fire District, one representative from Center Point law enforcement, and one representative from the Center Point Area Chamber of Commerce which reviews all mass gathering applications

Promoter/Coordinator – The person or company (also called the “Operator”) responsible for the mass gathering, including but not limited to the management of the event and the area, promotion, and/or collection of any fees charged for the event.

Public Nuisance – Any of the following:

1. Any public or private nuisance known at common law, Alabama statute, local ordinance, or in equity.
2. Any attractive nuisance known at common law, Alabama statute, local ordinance, or in equity.
3. Any condition which violates local, state, or federal environmental or health laws, ordinances and/or regulations.
4. Any condition which violates the sensibilities of reasonable persons so

as to pose a potential threat of harm to health or so as to pose a potential threat to the safety, use and/or enjoyment of the local environment.

5) Permit Required

No person, partnership, association, corporation, organization, landowner, lessee or other entity shall hold, permit to be held or promote a mass gathering which is to be held within the corporate limits of the City of Center Point without first obtaining a special permit issued by the City. Some special events will also require the purchase of a business license.

6) Application for Special Permit

Written application for a special permit for the mass gathering event shall be made to the Inspections Department of the City of Center Point by submission to the City Clerk at least sixty (60) days prior to the first day the event is to be held. Every application will be reviewed by the Mass Gatherings Committee to determine services required within thirty (30) days. Approved applications will carry requirements to be met by applicant depending on various factors relating to the planned event. The applicant shall submit a fee, as set forth from time to time by resolution of the Center Point City Council, with the application, in cash or by certified check, to defray the cost of administering this ordinance.

7) Application Requirements

Each application for a special permit shall be by verified petition, addressed to the City of Center Point, and shall contain the following:

- A)** Statement of name, age, and residence address of the applicant and a copy of a governmental issued photo ID; if the applicant is a corporation, the name of the corporation and the names and addresses of directors and officers; if the applicant is a partnership or other business entity, the names, addresses and ages of every individual associated with the partnership or entity as a partner, member, or officer thereof.
- B)** A statement of the name and address of the owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the proposed dates and hours of the event; the maximum number of persons intended to use the property at any one (1) time and collectively; the number of automobiles and other vehicles intended to use the property at one (1) time and collectively; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged; and the names and addresses of all concessionaires and other

persons providing services or facilities under contract, lease or other arrangement for the event.

- C) A site map showing the size of the property, the names of the record owners of the adjoining properties, the streets or highways abutting the property, the size and location of any existing or proposed structures or facilities to be used for the assembly, the placement of the proposed water distribution system, the location of parking areas for automobiles and other vehicles, the means of ingress and egress to the parking areas and the services, public and private roads serving the camping areas, food services areas, toilet facilities, garbage and refuse collection facilities and entertainment and performance areas.
- D) A detailed drawing of the event setup – this will include but not be limited to – estimated attendance, number of event staff, event stages, number of vendors.
- E) A detailed plan with drawings and written explanation, showing and specifying the methods to be used for the disposal of sanitary sewage.
- F) A detailed plan with drawings and written explanation showing and specifying the system for supply, storage, treatment and distribution of drinking water.
- G) A detailed plan with drawings and written explanation showing and specifying the layout of the parking areas for automobile and other vehicles and the methods of traffic control to be used thereon.
- H) A statement specifying whether food or beverage is intended to be prepared, sold or distributed. If food or beverage is intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of the food or beverage. Names and contact numbers of all vendors must be furnished to the City for business license and sales tax collections not later than five (5) business days prior to event. Food vendors must display Health Department Certification and comply with all Health Department regulations.
- I) A detailed plan with drawings and written explanation showing and specifying the method and means of disposing garbage, trash, rubbish and other refuse.
- J) A written statement specifying whether private security personnel will serve on or about the site during the event and, if so, the names and addresses of such persons, the duties to be performed by such persons and the qualifications and source of such persons.

- K) A detailed written description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the City of Center Point and its various public bodies, officers and employees.
- L) A subscribed authorization from the landowner and the applicant to the City of Center Point and Jefferson County, Alabama to permit the City and county and their lawful agents to go upon the property to inspect the same to determine if there is compliance with all other State and Local laws, to provide adequate police and fire protection and to protect persons and property from danger.
- M) A written statement subscribed by the applicant stating the maximum number of tickets to be sold, given or otherwise issued. The exact number of support staff working and family and friends attending will also be required and will be counted in the total attendance number. Counters are required to be used at all entrance doors to the event.
- N) A written statement subscribed by the applicant stating that no public nuisance will be created or caused by holding the event.
- O) Any application submitted is subject to rejection by the Committee if it does not contain the foregoing items; however, in its sole discretion, the Committee may allow submission of particular item(s) (A) – (N) after the 60 day deadline for submitting the Application itself if (a) the Application was otherwise timely filed 60 or more days prior to the event and (b) the Committee is satisfied the public welfare, safety and health concerns underlying this ordinance will not be jeopardized by later receipt of supporting item(s), and (c) the Promoter or Coordinator fully complies with such other deadlines established by the Committee for submission of each particular item not contained in the Application.

8) Public Safety Requirements:

- A) Mass Gathering Committee will meet with the promoter or coordinator of the special event to determine the adequate amount of Emergency Medical Technicians, Firefighters, Sheriff's Deputies, First Aid Stations, Rescue/Transport Units and Fire Truck/Pumpers no later than two (2) weeks prior to the scheduled event. The Fire Marshall/Official will produce an IAP (Incident Action Plan).
- B) It will be the responsibility of the promoter/coordinator to fund for the adequate amount of Sheriff's Deputies, Emergency Medical Technicians, Firefighters, First Aid Stations, Rescue/Transport Units and Fire Truck Pumpers. The cost of off duty

emergency services personnel will be determined by the Mass Gatherings Committee. Payment is to be paid in full either before or at the end of the event.

- C) A security deposit, the amount determined by the Mass Gatherings Committee, shall be made to the City to ensure payment of the public safety personnel.
- D) A vehicle charge, based on the current published FEMA recoupment rate, will be assessed for each public safety and law enforcement vehicle requested by the promoter or determined as required by the Center Point security supervisor and Fire Marshall/Official directly to support the event (examples: patrol of the perimeter of the event, blocking access points and traffic direction, fire truck and emergency transport vehicles needed). Vehicle charges will be paid to the City of Center Point and forwarded to the agencies providing the vehicles.
- E) A written severe weather plan. The Fire Marshall/Official has the right to halt any function if he/she feels the safety of lives is threatened during a severe or traumatic weather event.
- F) Life/Safety walkthrough of the scheduled event will be conducted by representatives of the City of Center Point Inspections Department, the Fire Marshall/Official and the City of Center Point Contract Deputies prior to and the day of the event. This will include fire alarm function, proper and functioning emergency lighting, all exits functioning properly, exit door functioning properly and an overall building safety analysis.
 - 1) Promoter will be required to make a safety announcement advising all attendees fifteen (15) minutes before the event of the emergency exits.
 - 2) An open line of communication will be maintained at all times between the Fire Marshall/Official, Center Point security supervisor and deputies, Center Point City Officials, and the Event Leader. This line of communication will be used prior to the event, during the event, and after the event is over until an all clear is given.
 - 3) Mass Gatherings and Special Events will require security meeting(s) with the Mass Gathering Committee thirty (30) days prior to the event.
 - 4) The Mass Gatherings Committee shall be the final approval authority of each event's security plan and will determine what adequate

minimal security requirements are for each event. The Committee will designate the law enforcement Security Supervisor for each event.

- 5) If additional public safety personnel provided by the promoter are to be used, they must be first reviewed and approved by the designated Center Point Security Supervisor and then presented to the Mass Gatherings Committee for approval ten (10) days prior to the event.

9) Advisory Authority

Any entity holding a mass gathering must comply with all local and state regulations, including, but not limited to, regulations of the following agencies:

- City of Center Point
- Center Point Fire District
- Jefferson County, Alabama
- Jefferson County Health Department
- Jefferson County Sheriff's Department

10) Insurance and Bond Requirements

- A) No permit shall be issued unless the applicant has furnished the City of Center Point at least fifteen (15) days prior to the event, a comprehensive liability insurance policy insuring the City against liability for damage to persons or property with limits of not less than five hundred thousand/one million dollars (\$500,000/\$1,000,000) for bodily injury or death and limits of not less than five hundred thousand dollars (\$500,000) for property damage, sufficient in form to insure, indemnify and hold the City harmless from any liability or causes of action that might arise by reason of the granting of the permit. This insurance shall be non-cancelable without ten (10) days prior written notice to the City.

- B) No permit shall be issued unless the applicant deposits with the City Clerk of the City of Center Point cash or a bond with sufficient sureties approved by the City Council, in such sum not less than one thousand dollars (\$1,000.00), as the City Council may reasonably require, and conditioned that all requirements of the permit will be fully performed by the applicant, that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property by reason of the granting of the permit. The cash shall be refunded or surety company bond canceled upon certification of the City Council of the City of Center Point that all conditions of this ordinance have been complied with. The surety bond or cash shall serve as an indemnity to save and protect the roads, pavements, bridges, road signs or other property of the City of Center Point, the Jefferson County and any other City or Town within the County

from any and all damage that may be caused by vehicles, employees or participants in the event, to be used to restore the ground where the event is held to a sanitary condition and to pay all charges and losses to the City of Center Point and Jefferson County and its respective cities and towns for damages to roads, pavements, bridges and other property.

11) Permits

No permit shall be issued unless all of the provisions for the event described in the application are determined by the Mass Gatherings Committee to sufficiently safeguard the safety, health, welfare and well-being of persons and property and unless it is in compliance with all other requirements of this ordinance, other local laws of the City of Center Point, the regulations of the Jefferson County Department of Health, the Alabama Department of Environmental Management, and any other applicable laws and regulations.

12) Suspension or Revocation of Permit

A permit issued pursuant to this chapter may be immediately suspended or revoked by the authorized City official, the City code official, the Fire Marshall/Official or Center Point City Sheriff's Deputy if the provisions of this ordinance, requirements of the Jefferson County Health Department or conditions of the permit are not complied with or adhered to.

13) Penalties for Offenses

A) A person who violates any provision of this ordinance [chapter] shall have committed an offense punishable by a fine not to exceed five hundred dollars (\$500.00) or thirty (30) days in jail, or both. Each day such violation exists or continues shall constitute a separate offense.

B) In addition to the penalties described above, the City Council of the City of Center Point may also maintain an action or proceeding in the name of the City in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

14) Effective Date

This local law shall be effective upon all events subject to the provisions described herein beginning on the fifth (5th) day after the publishing or posting of this ordinance as required by Alabama law and shall be continuously in effect until amended or revoked by the Center Point City Council.

ADOPTED by the Center Point City Council this 19th day November, 2009.

Roger A. Barlow, Council President

Danny King, Councilman

Linda Kennemur, Councilwoman

Raymond Olan, Councilman

Terry Leesburg, Councilman

APPROVED this 23rd day of November, 2009.

Thomas E. Henderson, Mayor

ATTEST: _____
Jackie Davidson, City Clerk

