

**ORDINANCE NO. 2014-1185**

**AN ORDINANCE AMENDING CHAPTER 66  
OF THE CITY'S CODE OF ORDINANCES,  
"STREETS, SIDEWALKS AND OTHER PUBLIC PLACES"  
TO ADD AN ARTICLE V. ENTITLED  
"SPECIAL EVENTS"**

**WHEREAS**, the City of Orange Beach is the location of a variety of special events for our community and our guests;

**WHEREAS**, special events in the City have a significant impact on traffic flow, traffic concentration, parking, right-of-way use, access to parks and other public and private facilities;

**WHEREAS**, special events in the City increase the demand on City resources and City staff;

**WHEREAS**, the City desires to promote the public health, safety and general welfare by adopting and enforcing reasonable regulations consistent with state and federal law concerning special events.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, as follows:**

**SECTION 1.** That Chapter 66 of the Code of Ordinances for the City of Orange Beach is hereby amended to add Article V, Special Events, and to read as follows:

**Section 66-\_\_\_\_. Special Events Generally.**

- (a) All special events within the City must be approved by the City Council and receive a special events permit.
- (b) All special events within the City will comply with all local, state and federal laws.
- (c) The duration of any special event will not exceed four (4) consecutive days.
- (d) Hours of operation for special events shall be between 7:00 a.m. and 10:00 p.m.

**Section 66-\_\_\_\_. Special Events Permit Application.**

Any person wishing to hold a special event in the City must submit a special events permit application to the City, which must include, among other things:

- (a) The name, address and telephone number of the person or organization;
- (b) The name, address and telephone number of the person or persons who will act as the primary contact for the special event and be responsible for the conduct thereof;
- (c) The purpose of the event, estimated number of persons to participate and attend, and the number and types of vehicles (if any) to participate;

- (d) The date and time the event will begin and the date and time the event will end;
- (e) Assembly and dispersal locations, routes and plans, if any;
- (f) Whether any music will be provided, live or recorded, and the number, types and locations of any loudspeakers or amplifying devices to be used;
- (g) Whether any temporary signage will be used, and the design, size and proposed location of the signage;
- (h) Whether any temporary structures, including portable buildings, tents, or otherwise will be used;
- (i) Assurance that the applicant will make provision for adequate police presence, if any, and that the applicant will conform to any necessary fire prevention rules, regulations and guidelines;
- (j) 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.
- (k) Assurance that the applicant will cause all booths, stands, other fixtures pertaining to the special event to be removed immediately after the event;
- (l) Such other information as the City may deem necessary to properly provide for traffic control, street and property maintenance, and the overall protection of the health, safety and welfare of the public.

**Section 66-\_\_\_\_. Time Limitation for Application.**

No special events permit shall be issued for a special event unless application has been made not less than thirty (30) days in advance of the date on which the special event is to be begin. The City may consider an application for a permit filed less than thirty (30) days before the special event only upon good cause showing that the application requires expediting.

**Section 66-\_\_\_\_. Issuance or Denial of Permit; Appeal.**

If the City finds that the special event is not to be held for any unlawful purpose and will not in any manner tend to breach peace or unreasonably impact City resources or interfere with the public use of streets, sidewalks and other public facilities, and determines that all necessary assurances have been met as to police presence, if any is needed, fire protection, garbage and litter clean up, and any other requirements, the City may approve the special events permit.

**Section 66-\_\_\_\_. Special Events Business License.** Any person holding a valid City special events permit must also obtain, if required by the City, a special events business license as set out in the City's Business License Code at Chapter 50, Article III, Section 50-79, "Schedule L".

**Section 66-\_\_\_\_. Conditions Contained in Permit; Closing of Streets; Parking Prohibited.**

Any permit granted under this ordinance may contain conditions reasonably calculated to reduce or minimize dangers and hazards to vehicular or pedestrian traffic and the public health, safety and welfare, including but not limited to changes in time, duration or number of participants. For the purposes of public safety and welfare, the City may order temporary closing of streets and / or may temporarily prohibit parking in certain areas during the event and may direct the posting of proper warning signs in connection therewith.

**Section 66-\_\_\_\_. Indemnification of City; Liability Insurance.**

The applicant for a special events 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. 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.

**Section 66-\_\_\_\_. Commercial Film, Video, and Audio Productions Prohibited without Commercial Film, Video and Audio Productions Special Events Permit.**

Except as otherwise provided in this Section, no motion picture, video production, or audio production may be filmed, taped or otherwise recorded at any public place or private site within the City unless a special events permit has been issued by the City for such activity.

(a) Any individual, business, organization, or institution, that is paid, reimbursed, or provided any measure of financial or in-kind support for any costs associated with an audio, film or video production must obtain a special events permit prior to working in the City. This applies not only to those shooting feature films or network or cable video programming, but also to those who capture audio or footage for documentaries, commercials, product demonstrations, web sites, or training films; provided, however that no permit shall be required for the following production activities:

- (1) Filing or recording current news;
- (2) Filming or recording for private or family use;
- (3) Filming or recording for use in a school project;
- (4) Filming or recording by or at the direction of the City;
- (5) Filming or recording for the transmission of live entertainment to large-screen monitors within an approved live entertainment venue;
- (6) Filming or recording entirely within a legally established, properly zoned, and properly licensed commercial motion picture, television, radio, or photography studio, so long as City resources are not required for such filming or recording.

(b) In addition to any items required above, the permit application for filming and recording shall also include:

- (1) The federal tax ID number or Social Security number of the applicant;
- (2) Proof of liability insurance coverage with respect to the proposed production in a minimum amount of one million dollars (\$1,000,000.00);

(3) Name of the production, identification of the proposed production site(s), and schedule showing proposed duration of site use;

(4) Detailed description of proposed on-site activities;

(5) Detailed description of final product, including story line with attached storyboards, treatments or scripts as appropriate;

(6) A full description of use and outlet for final product, including air date if applicable;

(7) A full description of any props to be used;

(8) Whether "talent" meaning anyone in front of the camera or recording device will be used, and if so, a full description of the talent, who they are, and how they will be utilized;

(9) An itemization of all lighting, amplified sound, special effects, pyrotechnics, production equipment, vehicles, and aircraft to be utilized and the manner and dates of such utilization;

(10) A listing, by name, address, title and function, of all persons included in the production crew or who will be present on the production site with the crew;

(11) An identification of the accommodations in which the talent and crew will be staying during production;

(12) An identification of the person on location who will be responsible for the company's adherence to all terms and conditions of the permit;

(13) Such other information relating to the proposed production as the City may require in the permit application form.

(c) An individual, business, organization, or institution that is engaged only in the general business of small scale audio, film or video production for commercials, product demonstrations, private or family party usage, or website usages and that is generally subject to employment for such productions on a short advance notice basis shall be exempt from the ordinance form this ordinance when they are locally licensed and insured and if the production budget for each individual production remains below five thousand dollars (\$5,000.00).

(d) The City Council will review and evaluate the permit application and the recommendations of staff to determine whether the permit should be issued with or without conditions after scheduling the application for public comment at a regular council meeting. In addition to evaluating the potential impact on traffic flow, noise, and other community impacts, the Council will review and evaluate the draft product concept design, script, storyboard, or messaging outline to determine if the permit request should be accommodated. The Council will not approve the issuance of a permit for any production that misrepresents or falsely depicts City facilities, employees, programs, or property, or the community as a whole; or that contains or implies any inappropriate message; or that suggests or promotes illegal or destructive actions.

#### **Section 66-\_\_\_\_. Penalties.**

Anyone violating the provisions of this ordinance shall be guilty of an offense against the City and shall, upon conviction, be punished for each violation as provided in

the City's Code of Ordinances as now in force or as hereafter amended. Each day the violation continues shall constitute a separate offense.

**Section 66-\_\_\_\_. Cease and Desist.**

In addition to the authority conferred by otherwise applicable law, officers of the City authorized by the City's Code of Ordinances to enforce laws, including but not limited to, law enforcement officers and code enforcement officers, are hereby authorized, to order anyone participating in filming, taping, or recording in violation of this ordinance to immediately cease and desist. Anyone failing to obey such order to cease and desist shall be guilty of an offense against the City punishable as set out above.

**Section 2:**

This Ordinance shall be effective on and after its adoption and publication as required by law.

**Section 3:**

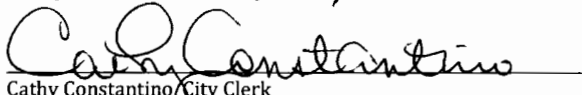
All ordinances or parts of ordinances in conflict are to the extent of such conflict repealed.

**ADOPTED** this 1<sup>st</sup> day of April, 2014.

  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing Ordinance No. 2014-1185 was posted on 04/03/2014 in the following three

(3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

  
Cathy Constantino, City Clerk