

ORDINANCE NO. 2189

AN ORDINANCE

TO AMEND THE CODE OF ORDINANCES ADOPTED JULY 24, 1989, AT CHAPTER 11, CRIMINAL CODE BY REPEALING ARTICLE II, PUBLIC ASSEMBLAGES, AND REPLACING SAME WITH A NEW ARTICLE II, LARGE GROUP ACTIVITIES.

WHEREAS, the City Council of Gulf Shores has determined that it is in the public interest to revise provisions of the Code of Ordinances relating to the issuance of public assembly permits;

WHEREAS, large gatherings of people in public places put a burden on the City's health, sanitation, fire, police, transportation, and other public services;

WHEREAS, requiring anyone who wishes to operate or conduct a large group activity to first obtain a permit mitigates the risk of an unexpected burden on the City's health, sanitation, fire, police, transportation, or other public services;

WHEREAS, the U.S. Supreme Court in *Thomas v. Chicago Park Dist.*, 534 U.S. 316, 322 (2002) recognized that it is valid to require advance permitting of large group activities occurring in public spaces because the object "is not to exclude communication of a particular content but to coordinate multiple uses of limited space," to preserve public spaces, "to prevent uses that are dangerous, unlawful, or impermissible under the [City's] rules, and to assure financial accountability for damage caused by the event"; and

WHEREAS, the City does not regulate any communicative activity by virtue of requiring advanced permitting of large group activities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN REGULAR SESSION ON DECEMBER 8, 2025, as follows:

Section 1. That Article II of Chapter 11, Criminal Code, of the *Code of Ordinances*, be and it is hereby repealed, and that a new Article II of Chapter 11 is adopted as follows:

ARTICLE II. – LARGE GROUP ACTIVITIES

Sec. 11-20. – Definitions.

Undefined terms in this article shall be given their ordinary and customary meanings. As used in this article, the following defined terms shall have the respective meanings ascribed to them:

Attendee: Any person who is present in an area in the streets, parks, or other public places within the City of Gulf Shores due to a large group activity.

City clerk: The city clerk of the City of Gulf Shores or his or her designee.

Hearing officer: An attorney, not an employee of the city, who is licensed to practice law in Alabama, and retained to serve as an independent tribunal to conduct hearings under this chapter.

Large group activity: A stationary event involving more than fifty (50) individuals occurring in the streets, parks, or other public places within the City of Gulf Shores.

Permittee: A person who has been granted a large group activity permit under this article.

Sec. 11-21. – Findings, purpose and applicability.

The city council finds and declares that it is necessary for the protection of health, safety, comfort, and welfare of the general public and the inhabitants of the city that rules and regulations be established for the purpose of regulating large group activities.

Sec. 11-22. – Unlawful to operate or conduct a large group activity without permit; government exemption.

- (a) It shall be unlawful for any person to operate or conduct a large group activity in the city without a valid permit for such large group activity. This prohibition does not govern any activity sponsored, operated, coordinated, conducted, or marketed by the City of Gulf Shores, provided that the person operating or conducting such activity complies with Sec. 11-27.
- (b) No permit granted under this article shall be transferable to another location, another person or entity, or another set of dates.

Sec. 11-23. – Unlawful to knowingly remain at an unlawful large group activity.

It shall be unlawful for any attendee of a large group activity to remain within one hundred fifty (150) feet of the site of the large group activity more than five (5) minutes after the person has been told by a city representative that the large group activity is not lawful and that the attendee must leave the site.

Sec. 11-24. – Permit application.

An applicant for a large group activity permit shall file at the office of the city clerk a completed application made on a form provided by the city clerk. The application shall be signed by the individual who is primarily responsible for the proposed event. An application shall be considered complete when it contains the information and/or items required in this section:

- (1) The applicant's name, address, phone number, and email address, and any website for the large group activity.
- (2) If the applicant is an organization or entity, the name, mobile phone number, and email address of the individual who is primarily responsible for the proposed large group activity.

- (3) The exact location, legal description, and area of the premises in which the large group activity is proposed to take place.
- (4) The dates and hours during which the large group activity would be conducted, and the dates and hours when setup and dismantle/cleanup activities would take place.
- (5) A specific and detailed description of the large group activity, including an estimate of the number of attendees, vendors, and other persons expected to participate or attend, together with detailed information supporting such estimate.
- (6) A statement of whether the large group activity will involve any construction, and if so, a copy of the permit(s) issued or permit applications filed to obtain all necessary permits.
- (7) A statement of whether the applicant will use city employees for any part of the preparation, execution, and clean-up (such as music festivals and the National Shrimp Festival), and if so, a copy of the separate agreement with the City of Gulf Shores for reimbursement of city expenses in association with the event.
- (8) If the application is for a large group activity permit, the application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective plan of the applicant to provide for the following:
 - a. Police and fire protection; security personnel, *see* Sec. 11-27(1).
 - b. Food and water supply and facilities, *see* Sec. 11-27(2).
 - c. Health and sanitation facilities, *see* Sec. 11-27(3).
 - d. Vehicle access and parking facilities. If the proposed event is expected to require additional parking than can be provided at the location, then the applicant must submit plans showing where additional parking will be provided and a letter from the owners of the property granting approval for such use, *see* Sec. 11-27(4).
 - e. Camping and trailer facilities, *see* Sec. 11-27(5).
 - f. Facilities for cleanup and waste disposal, *see* Sec. 11-27(6).
 - g. Medical facilities and services including emergency vehicles and equipment, *see* Sec. 11-27(7).
 - h. Illumination facilities, *see* Sec. 11-27(8).
 - i. Insurance and bonding arrangements, *see* Sec. 11-27(9).
 - j. Communications facilities.
 - k. Noise control and abatement.

Sec. 11-25. – Issuance of permit.

Applications for permits are processed in the order of receipt. Within fourteen (14) days of the filing of a completed application, the city clerk shall: (a) issue a permit, (b) issue a written denial of the permit, or (c) notify the applicant in writing that it is extending the processing period for an additional fourteen (14) days, by the conclusion of which it must either issue the permit or a written denial of the permit. The city clerk shall issue a permit unless:

- (1) The applicant has failed to provide information required by this article for issuance of the permit.
- (2) The applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting document.
- (3) The large group activity, as proposed, fails to comply with any of the requirements of this article.
- (4) The time or location for the proposed large group activity conflicts with the time or location for another large group activity previously applied for or scheduled in the city.
- (5) The large group activity, as proposed, is likely to significantly impede the safe and orderly movement of pedestrian or vehicular traffic on a public street, sidewalk or walking path.
- (6) The applicant has violated any of the provisions of this article within the preceding two years.
- (7) The applicant has engaged in unpermitted construction, excavation, or grading in relation to a large group activity within the preceding two years.

Sec. 11-26. – Appeal procedures; hearing.

- (a) When the city clerk issues a written decision to deny a large group activity permit, the city clerk shall transmit the decision, which shall state the grounds under this article for such action, to the applicant's email address or via U.S. Mail or personal delivery to the applicant's mailing address on file with the city clerk.
- (b) The decision shall also state that the applicant shall have seven (7) days after the decision was transmitted pursuant to subsection (a) to submit, to the office of the city clerk, a written request for a hearing that identifies and explains the grounds for appeal and all alleged defects in the city clerk's decision. If the applicant does not request a hearing within said seven (7) days, the city clerk's written decision shall become final on the eighth (8th) day after it is issued.
- (c) If the applicant (hereafter, "petitioner") does make a written request for a hearing within said seven (7) days, then the city clerk shall, within seven (7) days after receiving the

request, send a notice to the petitioner indicating the date, time, and place of the hearing. The hearing shall be conducted no less than ten (10) days nor more than thirty (30) days after the date that the hearing notice is issued. The hearing may be transcribed by either party.

- (d) At the hearing, the petitioner shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine the city's witnesses, if any. The hearing shall take no longer than one (1) day, unless extended at the request of the petitioner to meet the requirements of due process and proper administration of justice. The petitioner shall have the burden of proving by a preponderance of the evidence that there is no substantial evidence supporting the city clerk's decision. The hearing officer shall affirm the city clerk's decision if any substantial evidence in the record at the hearing supports any of the grounds set forth in the decision. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this article, to the petitioner and the city within five (5) days after the hearing.
- (e) If the decision is to deny a permit, the decision shall advise the petitioner of the right to appeal such decision to a court of competent jurisdiction. If the hearing officer's decision finds that there is no substantial evidence to support the city clerk's permitting decision, the hearing officer shall, contemporaneously with the issuance of the decision, order the city clerk to immediately withdraw the decision and to notify the petitioner in writing by certified mail of such action. If the hearing officer determines that there is no substantial evidence to support denying a permit to the petitioner, the city clerk shall contemporaneously issue the permit to the applicant.
- (f) If any court action challenging a permitting decision is initiated, the city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

Sec. 11-27. – Additional requirements.

Any person that operates or conducts a large group activity shall comply with the following requirements:

- (1) *Security personnel*: The event operator shall, at a minimum, employ security personnel at its expense based on the number of estimated attendees as follows:
 - a. 150 to 299 attendees: 1 security guard;
 - b. 300 to 449 attendees: 2 security guards;
 - c. 450 to 599 attendees: 3 security guards;
 - d. 600 or more attendees: 1 additional security guard for each additional 200 attendees.

- (2) *Drinking water:* The event operator shall provide a potable domestic water supply from a source approved by the county health officer at a rate of at least 12 fluid ounces of water per attendee per hour. Water shall not be dipped from a receptacle for drinking or cooking uses. All food concessions that handle other than packaged or bottled goods must be supplied with hot and cold running water, under pressure, and a means of disposing of wastewater. If trucks are used to haul water into the site, they shall, prior to use, be cleaned and sterilized.
- (3) *Sanitary facilities:* Adequate toilet facilities for both sexes must be distributed throughout the grounds at the rate of one (1) water closet or one (1) chemical or sanitary privy unit for each two hundred fifty (250) persons. Toilet facilities and accessories shall be maintained in a sanitary condition at all times and shall be cleaned at least twice each day. Wastewater and sewage originating on the ground must be disposed of by a system approved by the manager of the Gulf Shores utilities.
- (4) *Parking:* If the maximum number of attendees, vendors, and other persons expected to attend the large group activity exceeds 500 people, the event operator shall arrange to have at the site of the event, or contiguous thereto, automobile storage spaces equal to one-tenth (1/10) of the number of persons which the permit allows to attend the event. At all times between one (1) hour before the beginning of the event and one (1) hour after its termination, the event operator shall provide a sufficient number of parking attendants at all entrances, exits, and within the parking lots.
- (5) *Camping and trailer facilities:* The event operator shall remove all trailers or sales booths which are located on the site of the large group activity within twenty-four (24) hours following the close of the event. The event operator shall thereafter be charged a demurrage fee of fifty dollars (\$50.00) per day for each trailer or sales booth until such is removed.
- (6) *Garbage and refuse removal:* The event operator shall furnish at least one (1) trash can with at least thirty-two (32) gallons' capacity for every twenty-five (25) persons expected to be in attendance. All solid waste material shall be disposed of by removal and export from the city, and the event area and parking area shall be returned to a litter-free condition within forty-eight (48) hours after the event is concluded, all to the satisfaction of the public works department.
- (7) *Medical treatment facilities and services:* If the maximum number of attendees, vendors, and other persons expected to attend the large group activity exceeds 500 people, the event operator shall have at least one (1) advanced life support (paramedic) crew, with transport capabilities, on site at all times from before crowd assembly until after crowd dispersal. In addition to the ALS unit, there shall be a first aid station, staffed with at least one (1) basic E.M.T. Level I. If the ALS transport unit has to leave to transport a patient to a hospital, arrangements must be made to have another ALS unit stand by on site. When city paramedics are used for this purpose, the event operator shall reimburse the city for all expenses related to their presence.

- (8) *Illumination of areas:* If the large group activity will take place after dark, or allow persons who attend the event to remain at the location after dark, the event operator shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. An event operator shall be required to illuminate specific areas on the premises in accordance with the following scale of lighting:

Open areas reserved for attendees	10 footcandles
Stage areas	100 footcandles
Parking and overnight areas	5 footcandles
Restroom and concession areas	50 footcandles

- (9) *Insurance:* Proof of insurance, in the form of an original certificate of insurance showing Commercial General Liability coverage with a minimum of \$1,000,000 combined single limit per occurrence, shall be furnished no later than five (5) days preceding the date of the large group activity. If any alcohol will be served, liquor liability coverage must be obtained and is subject to Alabama’s statutory limits. If the applicant has employees, workers’ compensation insurance must be obtained and is subject to Alabama’s statutory limits. The applicant must also agree to endorse the City of Gulf Shores as an additional insured on the general liability, auto, and liquor liability policy and to include a copy of each endorsement with the certificate of insurance. Failure to produce such certificate, binder, or other suitable proof of insurance shall cause the permit to be revoked automatically.

Sec. 11-28. – Unlawful acts.

It shall be unlawful for any permittee, permittee’s employees or agents, or the operator of a large group activity to knowingly:

- (1) Conduct or operate a large group activity in such a manner that creates a public or private nuisance.
- (2) Allow any person within the large group activity to engage in obscene or disorderly conduct.
- (3) Allow any person to unlawfully consume, sell, or possess intoxicating liquor at the large group activity.
- (4) Allow any person to unlawfully use, sell, or possess any narcotics or other illegal substances at the large group activity.

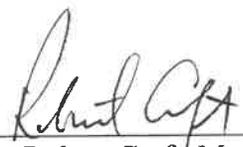
Secs. 11-29—11-39. – Reserved.

Section 2. That the provisions of this Ordinance are severable and a determination of the invalidity of any portion of this Ordinance shall not affect the validity and enforceability of the remainder of the Ordinance.

Section 3. That this Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED this 8th day of December, 2025





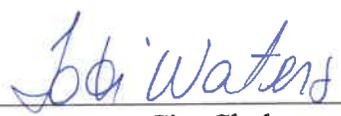
Robert Craft, Mayor



Tobi Waters, MMC
City Clerk

CERTIFICATE

I, Tobi Waters, City Clerk of the City of Gulf Shores, Alabama, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2189, which Ordinance was legally adopted at a regular meeting of the City Council on December 8, 2025, and the same was duly published as required by law.



City Clerk