

VILLAGE OF FOWLERVILLE

ORDINANCE NO. 483

ORDINANCE AMENDING THE FOWLERVILLE VILLAGE CODE OF ORDINANCES BY ADDING A NEW ARTICLE V, SPECIAL EVENTS, TO CHAPTER 74, STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES

THE VILLAGE OF FOWLERVILLE ORDAINS:

Section 1. Chapter 74, *STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES*, is hereby amended to add a new Article V, *Special Events*, to read as follows:

ARTICLE V. - SPECIAL EVENTS

Sec. 74-130. - Purpose.

The Village recognizes that special events can be valuable to the Village. In supporting such events, the Village recognizes that it must also regulate special events in order to minimize any disturbance to the public health, safety or general welfare. Due to limited time and locations available in the Village to hold such events, the Village must also establish a special events policy.

Sec. 74-131. - Special Event Defined.

For the purpose of the provisions of this chapter, the term "SPECIAL EVENT" shall mean any event outside the normal course of business that has not received the approval of the Village Council independent of this chapter, and which can reasonably be expected to exceed the interior capacity of the building as set by the State Fire Safety Board, and/or to block, close or significantly hinder or impair the flow of vehicular or pedestrian traffic on any street, road or other public right-of-way within the Village. The term "SPECIAL EVENT" shall include, but not be limited to, a parade, demonstration, display, concert, entertainment, carnival, special promotion, advertising event, show, celebration, performance, display, seasonal event, video or film production and certain kinds of athletic events (e.g., running races on public streets).

Sec. 74-132. - Permit Required, Exceptions.

- (A) No person, group or organization shall hold or conduct a special event on Village owned property or public rights-of-way without first obtaining a permit from the Village. Permits shall authorize their holder to conduct a special event on the dates and times indicated on the permit. A special event shall not be held on a date or at a time not authorized by the permit.
- (B) Exceptions to the permit requirement include, but are not limited to, the following:
 - (1) Funeral processions;
 - (2) A permitted Block Party under Article IV of this Code of Ordinances Chapter; and

- (3) A governmental agency acting within the scope of its governmental functions.

Sec. 74-133. - Application For Permit; Investigation.

- (A) The applicant shall pay a permit application fee, as set by Village Council resolution.
- (B) An application for a special event permit must be submitted to the Village Clerk on a form provided by the Village not less than sixty (60) days prior to the date of the event. Village Council may consider applications submitted less than sixty (60) days prior to the event.
- (C) The application shall contain the following information:
 - (1) The name, address and telephone number of the person or organization requesting the permit;
 - (2) A complete description of the event, the location, the number of participants and the estimated number of those expected to attend the event;
 - (3) The date the event is to be conducted and the hour or hours the event will commence and terminate, including time for set-up and clean-up;
 - (4) A proposed plan to provide necessary parking, security, crowd control, traffic control, sanitation facilities, noise control and clean-up of the area of the event. In the case of a parade, proposed route and assembly areas must be provided, with written permission from the owners of any property to be used for assembly;
 - (5) Whether any music will be provided, either live or recorded, and whether loudspeakers and/or amplifying devices will be used;
 - (6) Whether any animals will be participating in the event, what type and any clean-up arrangements that may be required;
 - (7) Whether the use of alcoholic beverages will be permitted on the premises upon which the event is to be conducted and, if so, what measures or procedures will be taken to prohibit the sale of alcohol to minors or to visibly intoxicated individuals;
 - (8) Any other information deemed pertinent by the Village in evaluating the effect the event may have on the health, safety and welfare of the residents of the Village.
- (D) Upon receipt of an application, the Village Clerk will refer it to the Chief of Police and any other department or organization deemed necessary for investigation and a recommendation concerning the application. The findings resulting from the investigation shall be reported to the Village Council.

Sec. 74-134. - Notification to Agencies.

The Village Clerk will send copies of the permit application to the appropriate governmental agencies, including, but not limited to:

- (A) Fowlerville Area Fire Department;
- (B) Fowlerville Department of Public Works;
- (C) Michigan Department of Transportation;
- (D) Fowlerville Community Schools; and
- (E) Livingston County Department of Public Health.

Sec. 74-135. - Criteria For Issuing Permit.

A permit shall be issued by the Village Council if the following criteria are met:

- (A) The application was fully and accurately completed;
- (B) Adequate provisions have been made for the protection of the health, safety and welfare of the community;
- (C) The event will not unreasonably affect the use or enjoyment of private or public property and will not cause unreasonable traffic hazards or delays;
- (D) The event will not constitute a public nuisance;
- (E) The applicant makes payment to the Village prior to the event of the costs anticipated to be incurred by the Village in assigning personnel to the special event to assure the health, safety and welfare of the community, as determined by evaluating the information submitted in the application. This may include additional police coverage or Department of Public Works services. In addition, the payment shall also include the cost incurred by the Village in notifying area property owners, if such notification is determined necessary by the Village Council. The final billing will be adjusted to reflect the actual utilization of Village personnel and equipment;
- (F) The applicant is current on taxes and utilities owed to the Village; and
- (G) The event will not adversely impact or unreasonably affect the use or enjoyment of the private property in the vicinity of the event.

Sec. 74-136. - Insurance, Liability and/or Security Deposit.

- (A) Applicants shall agree in writing to assume the defense of and indemnify and save harmless the Village, its Council persons, boards, officers, employees and agents, from all suits, actions, damages or claims to which the Village may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the special event. The Village Council may waive this requirement if deemed necessary.
- (B) The Village may require sponsors of special events to carry liability insurance. This requirement will be reviewed and determined by the Village Council and will depend on various factors, to include but not limited to the size of the event, the character of the event, whether alcohol or fireworks will be part of the event, and other considerations deemed relevant.
- (C) If it is determined that insurance is required, an amount of coverage will be determined by the Village Manager. An event sponsor will be required to obtain the liability insurance at least seven (7) days in advance of the event and shall further be required to provide the Village Manager a valid certificate of insurance in the designated amount naming the Village of Fowlerville as an additional insured. Failure to provide this proof of insurance will result in cancellation of the event.
- (D) The Village Council is also authorized to require a security deposit to cover potential costs and/or damages if such deposit is deemed appropriate in his or her sole discretion.

Sec. 74-137. - Determination; Restrictions, Additional Permitting Required.

The Village will act upon the application within thirty (30) days of receipt of permit application. Any permit granted under this Article may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility, morals or welfare, including, but not limited to, changes in time, duration, number of participants or noise levels. Other restrictions and permits may be required from other agencies.

Sec. 74-138. - Litter Collection.

Applicants shall provide for the collection and removal of all trash, garbage, and litter caused by or arising out of the special event and shall advise the Village of the specific plans for same. Should the applicant fail to remove all trash, garbage, and litter to the satisfaction of the Village the same shall be completed by Village employees and the applicant shall reimburse the Village for its costs.

Sec. 74-139. - Conduct Prohibited.

Unless specifically allowed by resolution of the Village Council, the following activities are prohibited within the boundaries of any special event during the dates and times that the special event is scheduled to occur:

- (A) *Unauthorized Vending Prohibited.* No vendors or transient merchants, including commercial and promotional advertising activity, shall be allowed within the event boundaries other than those specifically authorized by the event sponsor(s), as evidenced by a special event permit issued by the Village.
- (B) *No Sound Amplification Devices.* No person shall operate any sound amplification devices, equipment or systems within the event boundaries other than those systems specifically authorized by the event sponsor(s).
- (C) *No Food Preparation or Sale, Except by Authorized Vendors.* No food preparation grills or other food dispensing apparatus are allowed within the event boundaries except those operated by vendors as authorized by the event sponsor(s) and Village.
- (D) *No Motor Vehicles.* No motor vehicles, except emergency vehicles, authorized news media vehicles, or those authorized by the sponsor(s) as necessary for deliveries shall be permitted within the barricaded portions of the streets within the event boundaries.
- (E) *No Animals.* Except for service animals trained for the purpose of assisting persons with disabilities, no dogs or other animals shall be permitted within event boundaries, unless written approval is received prior to event.
- (F) *No Bicycles, Skateboards, etc.* No person shall ride or operate within the event boundaries, including the barricaded portions of streets, any bicycle, unicycle, tricycle, moped, pedicab, roller skates or skateboard. Nothing herein shall prevent the use of strollers or carriages for infants, or manual or electric wheelchairs for persons needing such appliance for mobility.
- (G) *No Hot Air Balloons, etc.* No person shall land a hot air balloon, parachute from an airplane, or drop items from an airplane into any event boundary while an event is underway, unless written approval is received prior to event
- (H) *Alcohol Consumption Prohibited.* Unless specifically authorized by resolution of the Village Council, it shall be unlawful for any person to consume alcoholic liquor within any special event boundary while the special event is being conducted, except those places which are properly licensed therefore by the Liquor Control Council, and then only the particular kind or style of alcoholic liquor which is licensed for sale on said premises.

Sec. 74-140. - Unlawful interference in a special event.

Unless otherwise permitted by law, it shall be unlawful for any person to intentionally interfere with, impede, enter into, disrupt or to attempt to interfere with, to attempt to impede, to attempt to enter into or to attempt to disrupt any special event as defined in section 70-131 for purposes other than that for which the special event permit was issued without expressed permission of the permittee granted approval pursuant to this article.

Sec. 74-141. - Permit Revocation.

Any permit for a special event issued pursuant to this chapter may be revoked by the Village Council, Village President, Village Manager, or Village Chief of Police at any time when, by reason of emergency, disaster, calamity, disorder, riot, extreme traffic conditions, violation of this Article or any permit conditions, or undue burden on public services, he, she, or they determines that the health, safety, tranquility, morals or welfare of the public or the safety of any property requires such revocation. Notice of revocation of the permit shall be delivered in writing to at least one person named upon the permit by personal service or by certified mail, or if the closure has commenced, orally, or in writing, by personal contact or service, or by telephone. Continuance after such notice has been delivered is unlawful. The Village and its officers, employees, agents, and contractors shall have no liability because of the revocation of a special event permit.

Sec. 74-142. - Waiver Of Time Limitations.

For good cause shown, the Village Council or the Village Manager may waive the time limitations in this Article.

Sec. 74-143. - Two or More Applications for the Same Event Date.

If two or more competing special event applications are received for the same date and time prior to approval of either application, the Village Manager shall attempt to resolve conflicts with the sponsors of each application. If no resolution can be reached in this manner, the date and time the Village received the application with requisite paid fees shall determine the order of preference. However, preference may be given to any Village sponsored event in the case of such conflicts.

Sec. 74-144. - Permit Fee, Additional Services and/or Requirements.

- (A) A permit fee may be assessed prior to the issuance of a permit. The fee shall be in an amount to be determined by the Village administration to reimburse the Village for the costs it incurs in providing services for the event including, but not limited to, police, fire, sanitation services, or arranging for traffic alterations. In the event that the actual costs exceed the permit fee, a bill shall be delivered to the event sponsor for this excess amount and payment by the sponsor shall be made within seven days after the bill is received.
- (B) The Village Council and/or Village Manager may place additional requirements on any special event for good cause shown. These requirements may include specific staffing related to number of police officers, fire department personnel, paramedics, municipal services or other personnel. Additionally, the Village may require for

certain special events trash dumpsters, trash barrels, portable toilets, fencing, security personnel and/or other facilities or services. Expenses for these additional requirements will be the responsibility of or billed to the sponsoring person or organization unless specifically waived by the Village.

Sec. 74-145 - Classes of Permits.

- (A) In addition to any other provisions of this Article, the following classes of permits are established for special events associated with events held in the Village (such as Art in the Park, parades and the like), and using the public right-of-way.
 - (1) New sales permit. For outdoor on-premises sales by an existing licensed business of a type not normally carried on by that business.
 - (2) Outdoor sales permit. For outdoor on-premises sales by an existing licensed business of the type that is normally carried on inside of the business (for example, a sidewalk sale), not including the sale of alcohol.
 - (3) Outdoor sales with alcohol. For outdoor on-premises sales by an existing licensed business of the type that is normally carried on inside the business, including the sale of alcohol (for example, a beer tent).
 - (4) Third-party permit. For a special event, either indoor or outdoor, conducted by any individual or entity on-premises normally occupied by an existing licensed business, pursuant to any form of agreement with the existing licensed business.
- (B) Every applicant for a permit to stage or hold a special event associated with events held in the Village shall file an application with the Village Clerk on a form provided by the Village at least sixty (60) days prior to the event. Village Council may consider applications submitted less than sixty (60) days prior to the event.

Sec. 74-146. - VIOLATIONS AND DAMAGE TO PUBLIC FACILITIES.

- (A) Any person violating any provisions of this article shall be deemed responsible for committing a municipal civil infraction and shall be responsible for a civil fine, as set forth in Sec. 1-13 of this Code. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this Code. Each day on which any violation of this Code or any ordinance continues is a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any penalties provided for in this Code, any equitable or other remedies available may be sought
- (B) In addition to any remedies the Village may have at law for a violation of these provisions, the Village may seek reimbursement from any special event sponsor, applicant or individual where property damage is done to any public facility or property during the course of the approved event. A member of the Village Department of Public Works will inspect the facility both before and after the scheduled special event to determine if any damage has occurred.
- (C) Nothing in this Article diminishes or abrogates the special event sponsor's responsibilities as provided in the special events use agreement issued at the time a special event is approved.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

Carol Hill, Village President

Kathryn M. Rajala, Village Clerk

REVIEWED FOR FORM:

David G. Stoker, Village Attorney

Village Council Member Helfmann, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member Mayhew, and upon being put to a vote, the vote was as follows:

Carol Hill, President	Aye
Jerry Bell, Trustee	Aye
Craig Curtis, Trustee	Absent
Kathryn Heath, President Pro Tem	Aye
Mary Helfmann, Trustee	Aye
Jim Mayhew, Trustee	Aye
Jane Mills, Trustee	Aye

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Fowlerville this 14th day of March 2022.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 483 adopted by the Village Council of the Village of Fowlerville, County of Livingston, Michigan, at a regular meeting held on March 14, 2022.

Kathryn M. Rajala, Village Clerk