

CITY OF MANTON

ORDINANCE--2017-02

**ORDINANCE AMENDING CHAPTER 24
PARKS AND RECREATION, ARTICLE II, FOR SPECIAL EVENTS OF THE CITY OF
MANTON CITY CODE**

THE CITY OF MANTON ORDAINS:

Section 1.

Section 24-42- Alcoholic beverages consumption and possession on city property shall be amended as follows:

No person shall consume an alcoholic beverage with an alcohol content of one percent or more by volume, upon any beach, park, playground, recreation area or on any other property open to the public except for designated camping sites and picnic areas within the Lake Billings RV Park, and except as otherwise permitted by Section 24-43.

Section 2.

Section 24-43 shall be amended as follows:

Section 24-43. Special Events and Special Events with Alcoholic Beverages

(A) Definitions

“Attendant” means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

“Designated Area” means an area where alcohol may be consumed at a Special Event pursuant to the terms of this Section.

“Licensee” means any person to whom a license is issued pursuant to this ordinance.

“Person” means any natural person, partnership, corporation, association or organization.

“Secure Area” means an area where alcohol may be sold or otherwise provisioned by the applicant at a Special Event, and where the consumption of that alcohol is also consumed, pursuant to the terms of this Section.

“Special Event” referred to in this ordinance means any outdoor event attended by more than 50 attendants, including a festival, concert, public show, display, entertainment, amusement or exhibition, bicycle races, footraces, skateboard competitions, parades or similar events, intended to be conducted within a public road, public park, or other public property

“Sponsor” means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

(B) All Special Events upon City owned Property Require a Permit.

A person shall not sponsor, operate, maintain, conduct or promote a special event upon City owned property without a permit for each special event.

(C) Application for Permit (Content)

Applicants for a Permit to conduct a special event must submit a complete application to the City Clerk at least 60 days prior to the date of the special event. Each application must be accompanied by a nonrefundable fee to be determined by a resolution of the City Commission and must include at least the following:

1. The applicant’s name, age, residence and mailing address.
2. A statement of the kind, character, and type of proposed special event.
3. The address, legal description and proof of ownership of the site at which the proposed special event is to be conducted, unless the event is to be conducted only on City-owned property. Where ownership is not vested in the prospective applicant, the prospective applicant must submit an affidavit from the owner indicating consent to the use of the site for the proposed special event.
4. The date or dates and hours during which the proposed special event is to be conducted.
5. An estimate of the maximum number of attendants expected at the special event for each day it is conducted, along with an explanation of the admission procedure that will be used to regulate the number of attendants.
6. A map or maps of the overall site of the proposed assembly.
7. An explanation, including drawings and diagrams, where applicable, of the prospective licensee’s plans to provide for the following:
 - a. Police and fire protection,
 - b. Food and water supply and facilities (if to be provided),

- c. Health and sanitation facilities,
- d. Medical facilities and services including emergency vehicles and equipment (if to be provided),
- e. Vehicle access and parking facilities,
- f. Camping and trailer facilities (if to be provided),
- g. Lighting facilities (if to be provided),
- h. Communications facilities,
- i. Noise control and abatement (if music or loudspeakers are provided),
- j. Facilities for clean up and waste disposal,
- k. Insurance and bonding arrangements.

(D) Application Review and Procedure

1. The applicant must pay a Special Event Permit Fee established by a resolution of the City Commission.
2. Only one organization is allowed to have a Special Event Permit per event.
3. Prior to City Commission consideration of the Permit, the applicant shall meet with the Police Department, and the Department shall issue a report to the City Commission with respect to any need for security personnel or police officers for crowd and traffic control and to ensure all requirements of the alcohol provisions are met. Security requirements will be determined by the Police Department which may include hiring regular or reserve police officers, private security or both. The applicant sponsor will be required to pay for the officers/security personnel for the event.

(E) City Commission review and approval or denial

1. Within 30 days after the application is filed, the City Commission shall:
 - a. Issue a Permit,
 - b. Issue a Permit subject to specified conditions, or
 - c. Deny a Permit.

2. Where conditions are imposed as prerequisite to the issuance of a Permit, or where a Permit is denied, notice must be mailed to the applicant within five days after the City Commission's decision. In the case of denial, the reasons for the denial must be stated in the notice.

(F) Standards for Approval

The standards for granting approval of a special event Permit are the following:

1. The activity will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
2. The activity does not cause a violation of any law, ordinance, rule or regulation.
3. To the extent the special event activity requires the use of a street or road in the City, the activity will not unreasonably restrict traffic flow, or create any hazard to the attendants or to the general public (including restriction on emergency vehicle access) and, where applicable, the applicant has obtained any necessary consent, or permit, from any entity having jurisdiction over the street or road, other than the City.

(G) Permit Denial

1. A Permit may be denied if the applicant fails to comply with any or all of the standards for approval and other requirements of this ordinance, or with any or all conditions imposed by the Permit, or with any other applicable provision of state or local law; or, the applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(H) Posting of Permit

If granted, a Permit must specify the name and address of the person permitted, the kind and location of the special event, the maximum number of attendants permissible, the duration of the Permit, and any other conditions imposed by the City. A Permit must be posted in a conspicuous place on the premises of the special event and cannot be transferred to any other person or location.

(I) General Conditions

All Permits will, at a minimum, require the following:

1. *Security Personnel* — The applicant is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly.

2. *Restroom Facilities* — The applicant shall provide sufficient toilet facilities or portable toilets. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	1:100

3. The applicant shall provide the City Clerk with a true copy of an executed agreement with a licensed septage, or similar, waste servicer for the proper removal of restroom waste from the premises within 24 hours of the conclusion of the event to prevent a nuisance or threat to the public health.
4. *Waiver of Liability* — Each sponsor in an athletic special event, such as a bike race, run, etc., shall have signed a waiver of liability/acceptance of risk, using a form available in City Offices.
5. *Solid Waste Disposal* — The applicant shall provide for removal of solid waste from the event site within 24 hours of the event's conclusion. Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants.

The applicant shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health.

Solid waste containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

6. *Access and Traffic Control* — The applicant shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises.
7. *Parking* — The applicant shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.
8. *Lighting*— Where applicable, the applicant shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants.
9. *Insurance*. Licensees shall provide insurance as follows:

- a. Comprehensive general liability insurance - \$1,000,000 per occurrence and such additional insurance and coverages as may be required by the City Commission by resolution.
 - b. The policy shall name the City as an additional insured in the policy coverage. Any amendment to or cancellation of such insurance shall require no less than thirty (30) days written notice provided to the City Clerk of such cancellation and/or amendment.
 - c. The duration of the insurance shall encompass the total length of the special event.
 - d. Suitable proof of insurance shall be submitted to the City Clerk prior to the special event taking place. In addition, the licensee shall execute a hold harmless and indemnification provision agreeing to hold the City and its officials, employees and volunteers harmless and to indemnify the City in the event of a claim resulting solely or partially from the special event or activity applied for.
10. *Fire Protection*— Where an event is to occur in an indoor facility, the applicant shall, at its own expense, take adequate steps as determined by the City Fire Chief to ensure fire protection.
11. *Tents*— If tents are used, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the applicable codes and erected to meet wind load requirements of the State Construction Code.
12. *Cleanup*— The licensee shall promptly and completely cleanup and restore the site within 24 hours of the event's conclusion.
13. *Set Up and Removal*— Set up and removal shall occur promptly and the time allowed therefore shall be restricted in the license, but removal shall be completed otherwise within 24 hours.
14. *Time of Events*— The Permit shall specify the days and hours of the event. Unless otherwise indicated in the license, all events are limited to the hours of 10:00 am and Midnight daily. The City Clerk may approve a time extension for good reason.

(J) Alcohol Consumption on City-owned Property at a Special Event

Alcohol may be consumed at Special Event provided that the consumption occurs under the following conditions:

- 1. The applicant identifies a Designated Area in a site plan as to where the alcohol consumption is planned to occur as part of the Special Event. The applicant shall use barricades, fencing, signs or other means of identifying the Designated Area on site.

2. The event participants shall comply with any state or other applicable laws in association with the consumption of alcohol. For example, minors on site shall not consume alcohol.
3. The applicant shall not charge any consideration whatsoever, directly or indirectly, for the right of participants to consume alcohol within the Designated Area.
4. The applicant must qualify as a non-profit or a charitable entity.
5. No sale of, or other provisioning of, alcohol, shall be undertaken by the applicant within the Designated Area. The consumption of alcohol shall be limited to that supplied by individual participants at the event.

(K) Sale of Alcohol (and related consumption of alcohol sold by the applicant) on City-owned Property at a Special Event

Alcoholic Beverages may be sold and consumed on City Property at a Special Event regardless of whether a fee is charged; and at any event for which a fee or consideration is paid, either directly or indirectly (including an admission fee), regardless of whether it is open to the public or by invitation only under the following conditions:

1. The applicant must qualify as a non-profit or charitable entity.
2. The applicant must receive a Special License for Consumption on the Premises (“Special License”) or an equivalent license issued by the Michigan Liquor Control Commission, along with a Special Event Permit from the City Commission.
3. The City’s Special Event Permit, if approved, shall be issued on a preliminary basis prior to the applicant’s request for a Special License from the Michigan Liquor Control Commission (“LCC”).
4. Final approval of the Special Events Permit shall not be granted until the applicant shows proof that the applicant has received a Special License from the LCC, and the applicant has provided a Certificate of General Liability Insurance and Liquor Liability Insurance which names the City, its officers and agents, as additional insureds, and provides for at least 15 days notice of cancellation. The minimum insurance coverage limits will be \$1 million per occurrence and \$2 million aggregate. All parties involved in conducting the event shall also be named as additional insureds.
5. The City Clerk may thereafter issue final approval of the Permit once the applicant confirms compliance with the foregoing conditions.

6. The sale of alcohol, and the related consumption of alcohol sold by the applicant, shall take place in an enclosed Secure Area, and shall comply with the following:
 - a. A single entrance to the Secure Area shall be staffed at all times.
 - b. The Secure Area shall comply with all local and state fire safety regulations.
 - c. Fire lanes of 18'- 20' must be maintained at all times.
 - d. The entire event enclosure must be approved as a part of the issuance of the permit. Typically, this will require the area to be fenced off with at least two barriers spaced 4' apart to prevent unauthorized entry or contact with individuals outside the event.
 - e. A system of checking I.D.s to prevent underage drinking must be provided and followed.
 - f. No one under the age of 21 may be within the enclosed Secure Area except when food is being served.
 - g. Adequate lighting must be provided.
 - h. A minimum of two restrooms including lavatory, soap, and paper towels must be provided for each 250 people, or fraction thereof, estimated to attend. At least one of the restrooms provided must be an ADA acceptable restroom. The applicant is responsible for all clean-up, damage, and for providing a dumpster for waste disposal.
 - i. Erection of a tent must be approved by the City. The sponsor is responsible for repairing any damage to the pavement.
 - j. A to-scale drawing of the proposed site Secure Area, showing the location of the enclosure or tent, restrooms, and dumpster must be submitted with the application. The tent, restrooms and dumpster must be removed within 24 hours of the event's conclusion except that any items placed within a public street must immediately be removed at the conclusion of the event in order to open the street back up to vehicular traffic.
 - k. A building or electrical permit (or both) may be required. The applicant is responsible for any and all such additional permits.
 - l. The City may require a minimum \$500 cash deposit for any anticipated expenses to be incurred by the City, including, but not limited to, use of Police Department personnel, the use of City equipment, temporary electrical service, cleanup, and restoration expenses.

7. The sale of alcohol shall comply with the following restrictions:
- a. Only beer and wine shall be permitted.
 - b. No direct sale (for take-out) of beer and wine shall be permitted.
 - c. Purchase of beer and wine shall be made by tickets only.
 - d. Ticket sales for the purchase of beer and wine shall be made in a separate and apart area from where alcohol is being dispensed.
 - e. Events shall conclude no later than midnight with one additional hour provided for clean-up. However the specific hours of the event shall be approved as part of the permit.
 - f. Ticket sales shall be discontinued at least one hour prior to the conclusion of the event but in no instance later than 11:00 p.m.
 - g. Dispensing of beer and wine shall be discontinued at least thirty minutes prior to the conclusion of the event but in no instance later than 11:30 p.m.
 - h. No beer or wine will be dispensed to persons who are visibly intoxicated.
 - i. All volunteers or staff serving beer and wine, selling tickets, or monitoring entrance to the event, shall undergo T.I.P.S. or T.A.M.S. training (or other acceptable alcohol awareness training as approved) prior to the event.

Section 3. Notice to be published.

The City Clerk shall publish this Ordinance in the manner required by law.

Section 4. Severability.

If any provision, paragraph, work, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

Section 5. Effective date.

This Ordinance shall be effective 10 days after its adoption.

Upon roll call vote, the following voted:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

We, the Mayor and City Clerk of the City of Manton, hereby certify that the above Ordinance was adopted by the Manton City Commission at a regular meeting on _____, 2017.

Mayor:

Teresa Loving, Clerk

I, the City Clerk of the City of Manton, hereby certify a synopsis of the above Ordinance 2017-___ was published in the Cadillac News, a newspaper of general circulation in the City of Manton, on _____, and that the entire Ordinance was made available for review by the public at the offices of the City.

Teresa Loving, Clerk