

ORDINANCE NO. 872

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FERNDALE BY ADDING A NEW SECTION TO BE DESIGNATED AT SECTION 16- 12 TO REGULATE SPECIAL EVENTS

THE CITY OF FERNDALE ORDAINS:

Part I.

That the code of Ordinances, City of Ferndale, Michigan, is hereby amended by adding a section, to be numbered Sec. 16-12 of Chapter 16 (Streets, Sidewalks and Other Public Places), which said section reads as follows:

Sec. 16-12 Use of Public Property for Special Events.

(A) Definitions.

- (1) "Special Event" means an event including but not limited to a parade, carnival, athletic event, festival, show, fair, celebration, performance, display, gathering, or video or film productions, but excluding residential block parties and residential block sales covered by existing City policies for such events.
- (2) "Person" means an individual, corporation, partnership, association and any other recognized legal entity.
 - (b) Intent. The intent of this Ordinance is to regulate the use of public streets, rights-of-way, parks, and resources, in order that they may be reasonably accessed and enjoyed by the general public, and not be usurped by commercial or special interest groups to the exclusion of the public, while preserving the health, safety and welfare of the public, remaining fully consistent with the Michigan Constitution, Michigan law, Ferndale City Charter, and ordinances, so as to assure the enjoyment of the public at large, all without undue financial costs to the City of Ferndale or its residents.
 - (c) Approval Required. In order to properly provide for traffic and crowd control, street and property maintenance and the protection of the public health, safety and welfare, it shall be unlawful to participate in any special event upon any City street, park, or public area of the City unless such activity is granted approval by resolution of the City Council.
 - (d) Other Permits. The permit for a special event shall be in addition to any other permit required by any other governmental agency, by state law or local ordinance.
 - (e) Expiration of Permit. A permit issued under the authority of this section shall expire not later than nine months from the date of approval, and shall be non-transferrable and non-assignable.
 - (f) Exemptions. Special events conducted solely by the City of Ferndale or solely by any other governmental entity shall be exempt from the permit requirements of this Ordinance.

- (g) Application. The application for a permit to conduct a special event shall be made to the City Clerk, in writing, by the person or persons in charge of or responsible therefore. Such application shall set forth the following information.
- (1) The name, address and telephone number of the person requesting the permit.
 - (2) The name and address of the organization or group sponsoring the special event. A copy of the organization's Articles of Incorporation, Partnership Agreement, Charter, or other organizing documents shall be attached to the application.
 - (3) The name, address and telephone number of the person who will act as Chairman of the special event and be responsible for the conduct thereof.
 - (4) The purpose of the event and the estimated number of persons to attend.
 - (5) The date the event is to be conducted and the hours it will commence and terminate each day.
 - (6) The specific assembly and disbursal locations, and the specific route plans to be used, if applicable.
 - (7) Such other information as the City may deem reasonably necessary.
 - (8) A certification that the statements in the application are true, accurate and complete.
- (h) Time Lapse for Application. No approval shall be issued for a special event unless application is made not less than 60 days in advance of the date on which such special event is sought to be held. In special instances, applications may be accepted with less notice, but these applications must be approved by the Special Events Committee and the City Council.
- (I) Considerations for Issuance or Denial. If the City Council finds that the special event is not to be held for any unlawful purpose and will not in any manner act so as to breach the public peace or unnecessarily interfere with the public use of the streets, sidewalks, parks and public areas, it shall grant the approval. Denial of approval shall be in writing, setting the reasons for such denial.
- (j) Restrictions. The permit evidencing approval under this ordinance may include certain reasonable time, place, and manner restrictions as a condition to granting such permit if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare.
- (k) Payment of Costs. The City Council shall adopt a policy which sets forth whether or not the special event must pay for City services and to what extent such City services must be paid by the person or entity responsible for the special event. Such policy shall have the full force and effect of this ordinance, and any violation of the policy shall be deemed to be a violation of this ordinance.
- (l) The Penalty for Violation.
- (1) A violation of this ordinance or a violation of the conditions imposed in any permit granted by authority of this ordinance shall be a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than

\$500 and not less than \$100, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

- (2) Any violation of or failure to comply with, this ordinance is hereby declared to be a nuisance per se and may be abated by any and all available means, including without limitation, equitable relief by any court of competent jurisdiction. Any person violating this ordinance shall pay the cost and expenses, including reasonable attorney fees, incurred by the City abating the nuisance.

Part II. Savings Clause

Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this ordinance are not affected by this ordinance.

Part III. Severability

Should any section, clause, or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part thereof other than the part declared to be invalid.

Part IV. Effective Date; Publication

This Ordinance shall become effective 15 days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the Ordinance, a brief statement as to the subject matter of this Ordinance, and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ____ DAY OF JUNE, 1996.

CHARLES G. GOEDERT, MAYOR

LEE ANN O'CONNOR, CITY CLERK
CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed a regular meeting of the Ferndale City Council, held on the ____ day of June, 1996.

LEE ANN O'CONNOR

Date of Adoption: June 10, 1996

Date of Publication and Notice of Adoption: June ____, 1996