

AN ORDINANCE TO ADD CHAPTER 15, ARTICLE I
TO THE CODE OF THE CITY OF WYOMING
ENTITLED "SPECIAL EVENTS"

THE CITY OF WYOMING ORDAINS:

Section 1. That Chapter 15, Article I is hereby added to the Code of the City of Wyoming to read as follows:

ARTICLE I
SPECIAL EVENTS

Sec. 15-1. Findings of Facts.

The city council finds that the interest of the public health, safety and welfare of the citizens of the city requires the regulation, licensing and control of special events drawing upon the space, health, sanitation, fire, police, transportation, utilities and other public services regularly provided in this city or those events contrary to the provisions of applicable zoning codes.

Sec. 15-2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means any document that is required between the applicant and the city addressing the requirements and expectations when approval is granted regarding the organization, promotion and conduct of a special event.

Applicant means any person or entity who is seeking approval to organize, promote and conduct a special event.

Application means the initial request form, submitted by the applicant, related to the request to organize, promote and conduct a special event.

Fee means any monetary charge related to the organization, promotion and conduct of a special event.

Special event (major) means any event, attended daily by 300 or more participants; all or any part of which includes entertainment, amusement, theatrical exhibition, public show, display, fundraising or other assemblages, including, but not limited to block parties, parades, musical festivals, cultural festivals, fitness events or similar gatherings. Special event (major) may also include those events conducted over a period of greater than five (5) days, even if attendance does not exceed 300 participants daily, or if the event is deemed to have a significant potential impact to the city.

Special events (minor) means any event attended daily by less than 300 participants, and/or such activity contrary to normal provisions of allowed use or restrictions within a zoning district such as off premise temporary food vendors and/or miscellaneous retail sale of non-customary store products. Special event (minor) may also include any event that is deemed to have a significant potential impact to the city, including but not limited to, lack of available parking, impact to businesses/residents or event duration.

Special event (major or minor) does not mean:

(1) An event which is conducted or sponsored by a governmental unit or agency on public owned land.

(2) An event held entirely within the confines of a privately owned, permanently enclosed and covered structure (pursuant to compliance with existing codes and ordinances addressing the use of said structure).

Special event coordinator means that individual designated by the city as a liaison between the applicant and city departments.

Participant means any person who obtains admission to a special event.

Permit means any required approval form related to the request for and/or organization, promotion and conduct of a special event.

Sponsor means any person who assists with the organization, financing, promotion and conduct of a special event.

15-3. Violations.

It shall be unlawful for an applicant, his/her employee or agent, to knowingly:

(1) Conduct a special event without first making application and obtaining permit as defined in this article.

(2) Conduct a special event in such a manner as to create a public or private nuisance.

(3) Conduct, or allow within the special event, any obscene display, exhibition, show, play, entertainment or amusement.

(4) Allow any person on the premises to cause or create a disturbance in, around or near the special event by obscene or disorderly conduct.

Sec. 15-4. Waiver of provisions by city manager or city council.

The city manager or designee, in writing, may alter, amend or waive the provisions of this ordinance with respect to any applicant if deemed to be in the best interest of the city and the amount of waived fees would be less than \$7,500.00. The city council, by resolution, may alter, amend or waive the provisions of this ordinance with respect to any applicant if deemed to be in the best interest of the city and the amount of waived fees would be more than \$7,500.00. Requests to alter, amend or wave any provision must be in writing and provide the rationale for the waiver. All such requests shall be submitted to the city clerk sufficiently in advance of the proposed special event to allow proper consideration. The special event coordinator will evaluate the proposed waiver, including potential consultation with city departments, to provide a recommendation to the city manager or city council.

15-6. Application contents and fee.

An application for a permit to conduct a special event must be made in writing to the city clerk at least 120 days prior to a major event, and 60 days prior to a minor event. The application shall be accompanied by a non-refundable fee in an amount established by resolution of the city council. Application made without the required information will not be accepted and will result in review delays. The application shall include the following information.

Required information:

(1) Names, mailing addresses, phone numbers and any other pertinent contact information of the applicant.

(2) A description of the proposed special event including purposes, dates, times of operation, expected daily attendance, and method of participant admittance.

(3) The address of the proposed location for the special event with ownership contact information. Where ownership is not vested with the applicant, an affidavit from the owner consenting to the special event shall be provided at the time of application.

(4) Sketch plan identifying event boundaries or course, activity areas and parking.

(5) Insurance. Applicant shall provide the city with a certificate of insurance in an amount acceptable to the city for the special event. If the special event is to be held on private property, the certificate of insurance provided to the city shall name the city as a certificate holder. If the special event is to be held on city property, applicant shall provide the city with a certificate of insurance naming the city as an additional insured and shall execute the standard indemnification agreement as required by the city.

(6) If the applicant is proposing to sell alcoholic beverages during the event, applicant shall provide proof that applicant has obtained all required licenses or permits from the Michigan Liquor Control Commission as required for the type of special event.

Additional information may be required at some time during the application process or before a permit is issued. Special events require considerable preparation for their proper operation and to protect the public health, safety and welfare. The following provides potential areas of concern that may have to be addressed in the review and approval of the special event.

- (1) Police and fire protection.
- (2) Facility clean-up including trash and waste disposal.
- (3) Electrical and water service.
- (4) Security plan.
- (5) Access and parking control plan.
- (6) Noise control and abatement.
- (7) Lighting and illumination plan.
- (8) Signage and advertising.
- (9) Concessions and/or food and beverage items.
- (10) Vendors.

(11) Traffic management and parking plan, including the proposed use of city streets if desired. If off-premise parking is proposed, affidavits shall be provided from the respective property owners consenting to the use of their properties.

(12) First aid plan (including medical facilities, staffing and emergency vehicles).

(13) Emergency plan (including event cancellation procedures).

(14) Sanitation plan.

(15) Communications plan.

(16) Inclement weather procedures.

(17) Staffing and volunteer plan.

(18) Merchandising.

(19) Equipment to be used (including tents, inflatable activities, tables, booths, etc...)

Sec. 15-7. Review procedures.

Upon acceptance of the application by the city clerk, the submittal package shall be forwarded to the special event coordinator. The coordinator shall distribute pertinent information to the appropriate city departments for evaluation. The coordinator shall be a liaison between the applicant and respective city departments to align city services and required permits to best implement the proposed special event. Within 30 days of filing the application, the coordinator shall conclude the review and investigation and report the findings with a recommendation for approval including any conditions of operation, or denial, to the city manager or designee. If the permit is recommended for approval, applicant will be provided with an agreement by the special event coordinator addressing all requirements, fees, additional permits and expectations related to the special event. The permit may be denied if:

(1) The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed, or with any other applicable provision of state or local law.

(2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting documents.

(3) For any other reason in the reasonable exercise of the city's discretion. Such reasons can include, but are not limited to; prior commitments of city services, schedule conflicts, facility capacities, prior performance of the applicant or his/her employees or agents, failure to follow city rules and regulations, lack of adequate city staff to provide support for the proposed special event, and for the protection of the city, city residents and event participants.

Appeals for reconsideration of denials may be made to the city manager or designee. Any appeal must be filed within 10 days after denial.

Sec. 15-8. Revocation.

The special event coordinator may revoke a permit whenever the applicant, an employee or agent fails, neglects or refuse to fully comply with all provisions and requirements set forth in this ordinance, any agreement entered into as part of the application process or with any other applicable provisions, regulations, ordinances, statutes or law. In the event the actions of the applicant result in a danger to the health, safety and welfare of the citizens of the city or the patrons or participants of the special events, the special events coordinator may order an immediate revocation of the permit and require immediate cessation of all activities. Appeals of the revocation may be made to the city manager or designee. Any appeal must be filed within 24 hours after notice of revocation.

Sec. 15-9. Penalty.

Violation of any provision of this Article shall be a misdemeanor punishable as provided by this Code.