

ORDINANCE NO. 2023- 01

CITY OF ALGONAC

COUNTY OF ST. CLAIR, MICHIGAN

AN ORDINANCE OF THE CITY OF ALGONAC, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 4 "AMUSEMENTS AND ENTERTAINMENTS," ARTICLE III "SPECIAL EVENTS."

THE CITY OF ALGONAC ORDAINS:

SECTION 1. AMENDMENT

ARTICLE III. - SPECIAL EVENTS

Section 4-47. - Definitions.

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

Special event means a block party, festival, celebration, concert, parade or any similar occurrence or event to be conducted for a charitable, historical, educational or public or civic purpose and not for profit within any zoned district within the city, provided, however, that all political activities are specifically excluded from coverage under this article.

Section 4-47a. - Special events allowed pursuant to permit.

A person, firm, corporation, or organization shall be allowed to conduct a special event in any zoned area within the city if it has first secured a permit pursuant to this article, as well as final review and approval from the city council, following recommendations from the St. Clair County Sheriff's Department, the Fire Department, the Department of Public Works, and the City Manager. City council shall have final approval on all scheduling issues related to special events permits.

Section 4-48. - Permit required.

No person, firm, corporation or organization shall participate in, advertise for or in any way promote, organize, control, manage, solicit or induce participation in a special event unless a permit has first been obtained from the city administration. No person, firm, corporation or organization shall violate any of the terms issued for a special event or the terms of this article, nor join or participate in any permitted activity under this chapter over the objection of a permit holder or in any manner interfere with the progress or orderly conduct of a special event.

Section 4-49. - Reimbursement for municipal expenses.

Applicants shall reimburse the city for the costs of city employees and for all other expenses incurred by the city in preparing for and administering the special event at rates to be periodically set by resolution of the city council. Reimbursement shall include an administrative fee of 15 percent (15%) of the total cost. The city administration may require that applicants post a surety

bond or letter of credit to ensure reimbursement. There is no requirement for reimbursement where the total municipal expense is one thousand dollars (\$1,000.00) or less.

Section 4-49a. - Responsibility for security costs.

Applicants shall be responsible for all costs related to any physical apparatus or barricades needed to ensure the physical security of the proposed site and the special event.

Section 4-50. - Application for permit.

An application for a permit for the holding of a special event shall be made upon a form provided by the city manager and shall contain all of the following information:

- (1) The name, residence and business address, e-mail address, and telephone number of each person and organization sponsoring the special event. If an organization, the application shall contain the name, residence and business addresses, e-mail addresses and telephone numbers of the president or chairman or individual who is in charge of the event;
- (2) Description of the activity, event or use and proposed locations, including dates and times;
- (3) A detailed map depicting the proposed location of the special event, including routes, boundaries, and street closures, where necessary;
- (4) The dates of and starting and ending times of the activity, event or use, including time required for setup and cleanup;
- (5) Whether parking is requested to be restricted or prohibited during the special event and if so, in what areas;
- (6) Proposed plans to provide necessary parking, security, crowd control, traffic control, refuse disposal, utility service, sanitation facilities, private property protection and restoration, noise control, staging areas, and other areas, personnel and equipment which is or may reasonably be necessary;
- (7) A safety and security plan reviewed and approved by the St. Clair County Sheriff's Department, the Fire Department, the Department of Public Works, and the City Manager in advance of final approval by city council;
- (8) The type, nature and amount of any rate, fee, charge to be paid or donation made by anyone participating in or attending the activity event or use;
- (9) Copies of insurance policies naming the city and any property owners abutting the affected streets, roads, or public rights-of-way as named or additional insureds in amounts of coverage to be determined from time to time by resolution of the city council and insuring the city and abutting property owners against any and all liability for damage to property and insuring the city against any and all liability for personal injury or death as a result of the activity, event or use, as a result of participation in or attendance at the activity, event or use. The city council may, at its discretion, waive these insurance requirements;

(10) A certification, acceptable to the city that the applicant will indemnify the city for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the activity, event or use;

(11) The signature of an authorized person on behalf of the applicant;

(12) A statement of the benefit of the activity, event or use of the general public and the nonprofit organization applicant and of the reasons for the activity, event or use;

(13) Such other information as the city administration deems reasonably necessary in order to carry out their duties under this article.

Section 4-51. - Time of filing.

The application for a permit shall be filed not less than 90 days prior to the scheduled date of the special event. Failure to file on time will result in the denial of a permit. Certificates of insurance required under the terms of section 4-50 must be filed with the city no later than 45 days prior to the event. Failure to file an insurance certificate in a timely manner shall result in immediate revocation of the permit and cancellation of the event.

Section 4-52. - 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 within seventy-two (72) hours of the conclusion of the event, weather permitting, and shall advise the city administration of the specific plans for same. Additional trash receptacles may be required by the City pursuant to Section 4-50(6) of the application process. In such cases where additional trash receptacles are indicated, they shall be provided by and at the expense of the applicant. Should the applicant fail to remove all trash, garbage and litter to the satisfaction of the city the same shall be completed by city employees and the applicant shall reimburse the city pursuant to section 4-49.

Section 4-53. - Alcoholic liquors prohibited.

No alcoholic liquors shall be sold, possessed, or consumed on public property during any special event permitted pursuant to this article unless the same be expressly approved by the city council and sanctioned by the state liquor control commission.

Section 4-54. - Conditions in permit.

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 or participants or noise levels.

Section 4-55. – Permit as a mere license.

No permit granted under this article allows the permit holder to exercise authority granted the City under either the Home Rule City Act, MCL section 117.1 et seq., or this Code. Special event permit holders may not expand or restrict the rights of the public to access or use city

property. The grant of a special events permit under this article is a mere license. Any attempts by a permit holder to assert the City's exclusive authority in any matter related to the event may result in the revocation of the permit pursuant to section 4-59.

Section 4-56. - Standards for issuance.

A permit shall be issued by the clerk upon order of the city manager when, from a consideration of the application and from such other information as may otherwise be obtained, the city council finds that all of the following circumstances exist:

- (1) The applicant has not knowingly and with intent to deceive, made any false, misleading or fraudulent statements of material fact in the application for a permit or any other document required pursuant to this article.
- (2) The applicant has met the standards in this article and agrees to such conditions as are imposed in the permit.
- (3) The time, duration, and size of the special event will not substantially disrupt the safe movement of traffic.
- (4) Any required or necessary street closure is of a size or nature such that it will not require the diversion of so great a number of police officers so as to prevent normal police protection to the city.
- (5) The concentration of persons will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to that area where the special event is being held.

Section 4-57. - Notice of issuance or denial.

Written notice of the issuance or denial of the permit shall be provided to the applicant within 30 days of receipt of an application. If a permit is denied, such written notice shall state the reason for denial.

Section 4-58. - Waiver of time limitations.

For good cause shown, the city manager may waive the time limitation in section 4-51 for filing an application and/or the time limitation as set forth in section 4-57 for filing an appeal.

Section 4-59. - Revocation of permit.

Any permit for a special event issued pursuant to this article may be revoked by the city administration 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, it is determined that the health, safety, tranquility, morals or welfare of the public where the safety of any property requires such revocation. Notice or 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.

Sec. 4-60. - Vendors.

All vendors participating in a special event shall comply with the provision of Chapter 40 of this Code. It shall be the responsibility of the applicant to ensure any of its preferred vendors have applied for and been issued temporary business licenses pursuant to Chapter 40.

SECTION 2. SEVERABILITY

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of Algonac or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION

All other provisions of the Code of Ordinances of the City of Algonac, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.


SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Algonac, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Algonac, but in no case sooner than ten (10) days after enactment pursuant to Charter Section 7.3(f).

ORDINANCE DECLARED ADOPTED.



Rocky B. Gillis, Mayor
City of Algonac, Michigan

CERTIFICATION

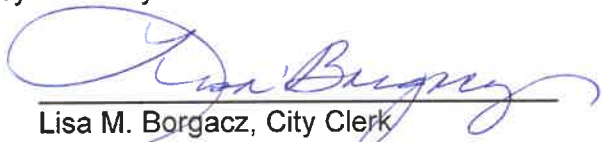
The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Algonac, County of St. Clair, State of Michigan, at a regular meeting of the City Council on held on the 7th day of February, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Councilmembers Bembas, Carter, Davey, Gillis, Harris, Martin
Members Absent: Councilman Blair

It was moved by Member Bembas and supported by Member Davey to adopt the Ordinance.

Members voting yes: Davey, Gillis, Harris, Martin, Bembas, Carter
Members voting no: None
Members absent: Blair

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Algonac.


Lisa M. Borgacz, City Clerk
City of Algonac, Michigan

INTRODUCED: January 17, 2023
ADOPTED: February 7, 2023
PUBLISHED: February 15, 2023
EFFECTIVE: February 15, 2023