

**CITY OF EATON RAPIDS
SPECIAL EVENTS POLICY**

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CITY OF EATON RAPIDS SPECIAL EVENTS POLICY

Special Events: Definition

A special event is a program or activity that takes place on public lands or lands that are wholly owned and controlled by The City of Eaton Rapids where the use of such lands is considered outside of the normal scope of use as covered within a rental agreement for such location. Any use of public lands controlled by the City of Eaton Rapids where the intended use is at conflict with any of the City's ordinances requires a special event permit to be applied for.

These include, but are not limited to, parks, streets, parking lots or any other public lands. Events in which the City of Eaton Rapids is the primary sponsor, or has traditionally been a co-sponsor, are not exempt from this policy.

Special events are classified into two categories: Type 1 events and Type 2 events. Type 1 events are events with an anticipated attendance of less than 100 people. Type 2 events are events with an anticipated attendance of 100 people or more.

SPECIAL EVENT APPLICATION REQUIRED:

This Policy Statement covers all special events. Any organization wishing to sponsor or hold a special event will be required to complete the City of Eaton Rapids Special Event application and submit it within the following time frame: Type 1 event applications must be submitted no later than 21 days of the date of the actual event. Type 2 events must be submitted no later than 60 days prior to the date of the actual event. Applications are available from City Hall and the City Website.

The City of Eaton Rapids may waive this rule for events involving some type of security issue (i.e. Presidential Visit).

The City of Eaton Rapids may hold its own Special Events, contract with one or more organizations to perform Special Event services, or jointly sponsor a Special Event with one or more organizations. In such cases, the City Administration and the participating organizations shall submit a Special Event Application which shall include a description of financial participation for both the City and the related organization(s). Consideration for joint sponsorship with the City will be considered during the budget appropriation process during the second quarter of each calendar year.

Sponsors of Special Events should be aware that noise generated by the event could have an impact on the neighborhoods near the event site. Sponsors must be considerate of the neighborhood and be aware of the City Noise Ordinance (Attachment A to this Policy).

Approval Process

The Special Events Committee will provide a complete review of any Special Event Application, including consultation with the applicant as may be reasonably necessary, to resolve problems at no charge to event sponsors. Each application will be reviewed by the special events committee and within 10 days the special events committee will notify the applicant of their decision which will be: approval, denial, or approval with additional information.

Type 1 events can be approved by the Special Event Committee. All Type 2 events will need the approval of the City Council. After a preliminary review of a Type 2 special event application, the special events committee will then refer the application to the City Council for consideration.

Special Event Review Committee and Event Conditions

The Special Event Review Committee shall consist of the following: The City Manager or his/her designee(s), the Chief of Police or his/her designee, the Quality of Life Director or his/her designee and the Fire Chief or his/her designee. The Special Event Review Committee shall conduct a risk control evaluation and event classification and handling of the increased liability associated with specific events.

The Special Event Review Committee will review each Special Event Application and assess the potential liability risk based on the following risk categories:

The Special Event Committee may place additional requirements on any event. These requirements may include specific staffing levels for Police, Fire, Paramedic, Municipal Services or other personnel. Expenses for these requirements will be billed to the sponsoring organization under the terms of this policy.

As a result of the review of the event by the Special Event Review Committee the City Council may place special conditions on the event. A member of the Review Committee shall be available to meet with event organizers to review the special conditions and insure that all conditions are met before the event begins. Some events may require that a member of the Special Event Review Committee or their Designee be on site during the event.

Any member of the Special Event Review Committee has the authority to cancel or stop an event if the special conditions required for approval of the event are not being met. In addition, the members of the Special Event Review Committee and City public safety officials have the authority to cancel or stop an event, or place additional restrictions on the event, if it is deemed that the public health, safety or welfare would be better served with additional restrictions.

CITY SERVICES PROVIDED FOR SPECIAL EVENTS

The City will provide support to Special Events on the following basis:

- a. City Operated Events: The City will operate certain Special Events directly. The City will fund the portion of the event as set by the annual budget and detailed in the approved event application.
- b. Co-Sponsored events: The City may co-sponsor certain events with other organizations, when the City Council determines that the event is of general interest to the public and advances the City's public image. The City will provide financial support detailed in the approved application to these events as determined in the annual budget appropriation. These events must meet the other

requirements of the Special Event Policy, and must reimburse the City for any City costs in excess of the support level authorized by the budget appropriation.

c. Non-Profit Events: The City may provide up to \$200.00 in City labor and related fringe benefit costs, equipment rental charges, purchased or rented materials as well as Park/Facility rental fees to assist other Special Events operated by non-profit organizations. These events must meet the other requirements of the Special Event Policy, and must reimburse the City for any City costs in excess of this support level. Groups filing an application as other Non-Profit Event must be able to submit a current IRS 501 C3 Statement.

d. For-Profit Events: The City will allow other Special Events operated by for-profit sponsors that are beneficial to the City and the public, subject to an additional. Use Charge for the use of the public property which is approved for each event. In addition, these events must pay 100% of all City costs related to the event. These events must meet the other requirements of the Special Event Policy, and must reimburse the City for any City costs in addition to the payment of the established rent.

e. Political or Ballot Issue Events: The City will allow Political or Ballot Issue events providing that the political party, candidate or political organization pay 100% of all costs.

f. Weddings: Wedding ceremonies held on any City property that can be classified as a Class I-Low Hazard Event, are required to submit a standard Special Event Application. A donation shall be paid to the City for the use of any City property. Wedding ceremony reservations are on a first-come/first-serve basis, with precedence given to paid applications, in the event there is a scheduling conflict with another wedding ceremony application received at the same time. Please be aware of the City's Special Events Schedule to avoid scheduling conflicts with other Special Events.

LIABILITY INSURANCE REQUIREMENTS:

In order to comply with the City's insurance liability carrier, the City shall require that all sponsors of Special Events or commercial video or film crews carry liability insurance with coverage of at least \$1,000,000 unless otherwise approved by the Special Event Review Committee or City Council. An event sponsor shall be required to provide a valid certificate of insurance naming The City of Eaton Rapids as an additional insured prior to the event.

A waiver of the insurance requirement is meant to cover small gatherings or ceremonies that do not involve more than 100 people, are limited to passive participation by the public, and require no City services.

FEES FOR SPECIAL EVENTS: (please see Attachment B for a current fee schedule) Fees shall be charged for City services provided to Special Events as follows:

- a. Hourly Rate shall be the hourly cost for any employee working on a Special Event as established by the City Council. Please note that these rates are reviewed/ adjusted annually. Please refer to Attachment B to confirm rates. Hourly Rate shall include expenses related to the employee including fringe benefits and overhead.
- b. Purchased or Rented Materials shall include all direct costs for all materials purchased or rented by The City of Eaton Rapids for use at the event. An Administrative Fee of 5% shall be added to all purchased or rented material to cover costs related to order processing and vendor payment.
- c. Equipment Charges shall be the current equipment rental rates charged by the City of Eaton Rapids Equipment Fund.
- d. A Replacement Cost will be billed for missing/damaged equipment/supplies.

BILLINGS FOR SPECIAL EVENTS: Special Event billings by the City shall be itemized as follows:

Municipal Services Employee Time \$
Police Employee Time \$
Fire Department Time \$
Facility Fee \$
Equipment Charges \$
Purchased Materials \$
Rented Materials \$
Missing/Damaged Equipment/Supplies \$
Sub-Total \$
Rent/Facility Fee if applicable \$ +
Less amount of City support \$ -
NET TOTAL BILLING \$

A cash deposit, performance bond or other security acceptable to the City will be required in an amount equal to the amount estimated by the City to be billed for City Fees as described above. Arrangements for the deposit or other acceptable security are to be made by event organizers not less than five (5) working days before the start of the event. It should be noted that the fees listed in the City Council are ESTIMATES ONLY, actual fees may be higher or lower.

UNLIMITED PARKING FOR SPECIAL EVENTS:

The term "unlimited parking" as used on the Special Event Application form means that there will be no enforcement of parking time limits or permit parking. Enforcement of handicapped zones and all fire lanes shall be enforced at all times.

Unlimited parking shall only be granted if requested by the sponsor and approved by the City Council. There shall be a twenty-foot (20') Fire Lane maintained at all times during

the Special Event. The Fire Lane must be maintained even during set up and tear down of the event.

CIVIC ORGANIZATIONS AND MERCHANTS IN SPECIAL EVENTS:

It is the desire of the City Council that local non-profit organizations, and local merchants in the vicinity of the Special Event being held, be given the opportunity to participate in the Special Event to the greatest extent practical, consistent with the nature and purpose of the event.

SPECIAL EVENT BANNERS:

The Special Event Application shall include a description of the advertising signs, which are proposed to be used for the event. The use of signs shall conform to the description contained in the application, or as modified by either the Special Events Committee or the City Council in its approval. Except as expressly approved otherwise, event signs erected prior to the first day of the event shall be subject to the following restrictions:

- a. Any signs advertising the event in advance of the event shall be in the form of banners made to be able to be installed on the light poles in the Central Business District or as an across the street banner.
- b. Any such sign shall comply with the standards for banner signs as established by the City of Eaton Rapids (See sign ordinance). Across the street banners require a Banner Permit, which must be submitted 21 days prior to hanging the banner.
- c. The fee for installing/removing the banners shall be \$50.00. Additional signs may be erected as needed at the site of the event during the event's occurrence. All signs are subject to the approval of the City.

TRAFFIC CONTROL AND SAFETY REQUIREMENTS

The Special Event sponsor shall be responsible for complying with all traffic control and safety procedures required by the City during the event. Additional requirements outside of State and local law will be indicated in the notice of approval, and additional requirements may be made by the City during the event as may be necessary for the safety of the public. It should be noted that The City of Eaton Rapids does not allow solicitations of any kind in the street. The City of Eaton Rapids accepts no responsibility or liability for the safety of persons who may, against the policy of the City, make solicitations in the streets.

The City of Eaton Rapids has NO authority to grant a permit for solicitations on any State of Michigan highway.

PARTICIPANT WAIVER OF LIABILITY

The Special Event sponsor shall be responsible for obtaining all signed indemnification agreements as required by the City. The agreement which must be signed and attached to the Special Event Application is attached. The specific requirements for each event will be indicated in the City's written confirmation of approval.

VENDOR INSURANCE AND LICENSE REQUIREMENTS

All vendors must complete the concession waiver of liability prior to opening of the vending operations. An event that is serving food must have all food vendors approved by the Eaton County Health Department. All food vendors must supply a valid certificate of insurance naming The City of Eaton Rapids as an additional insured prior to opening of the food stand. All Food Vendors must post a valid temporary Food License as authorized by the Eaton County Health Department. Food Vendors are responsible for any and all fees related to obtaining a food license. Food Vendors are required to comply with all Eaton County Health Department rules and regulations for Temporary Food License Facilities. Vendors should contact the Health Department WELL IN ADVANCE of the event date.

TWO OR MORE APPLICATIONS FOR THE SAME EVENT DATE:

In the event that two or more Special Event Applications are received for the same date and time prior to the approval of either event, the date and time that each application was received by The City of Eaton Rapids shall determine the order of preference. Once a Special Event Permit has been granted, it shall be the policy of the City Council to not award further permits for the same date, time and general location.

In the event that two or more Special Event Applications are received at the same time for the same date and time, the City Administration shall attempt to resolve date and time conflicts with the sponsors of each application.

RESERVATION OF ANNUAL EVENT DATES:

If an event is intended to be an annual event at regularly scheduled dates, the current year's application may include the following year's requested dates. Approval of the current year's application will include reservation of the next years-proposed dates; however, it will not constitute approval of next year's event, which must have its own timely application submitted for City approval. In general, the City will not approve Special Event dates more than one year in advance.

In all cases preference for scheduling shall be given in the following order:

- a. City Sponsored Events
- b. City Co-Sponsored Events
- c. Community Non-Profit Events
- d. Non-Community Non-Profit Events
- e. For Profit Events
- f. Political or Ballot Issue Events
- g. Weddings

ALCOHOL POLICY

The sale or consumption of alcoholic beverages on property owned by the City of Eaton Rapids is prohibited. This includes parks, parking lots, alleys and city streets. Special Events that involve the sale or consumption of alcoholic beverages must comply with the applicable City of Eaton Rapids alcohol policy as set forth in the Eaton Rapids City Code and with the rules and regulations promulgated by the Michigan Liquor Control Commission.

The request for alcohol service must be presented at the time that the original Special Events application is submitted.

VEHICLES PROHIBITED

No motor-driven cycle, motor vehicle or snowmobile shall be driven or operated in the public parks; except the operation on designated roadways and parking lots. With prior approval from the Parks Department, vehicle entry authorization is restricted to limited access areas.

Revised 11/17/09

ARTICLE II. NOISE

Sec. 15-26. Loud noises prohibited; enumeration of prohibited noises; exceptions.

(a) Each of the following acts is prohibited, but this enumeration shall not be deemed to be exclusive:

(1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.

(2) *Construction noises.* The erection (including excavating there for), demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays and other days, except between the hours of 7:00 a.m. and 6:00 p.m., unless a special permit is first obtained.

(3) *Engine exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which effectively prevents loud or explosive noises there from.

(4) *Handling merchandise.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(5) *Blowers.* The noise created from the discharge into the open air from any blower or power fan unless the noise from the blower or fan is muffled sufficiently to deaden the noise.

(6) *Hawking.* The hawking of goods, merchandise or newspapers in a loud and boisterous manner.

(7) *Horns and signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except when reasonably applied as a danger signal if another vehicle is approaching, apparently out of control, or to give warning of intent to go into motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended.

(8) *Radio, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(9) *Shouting and whistling.* Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public street, between the hours of 11:00 p.m. and 7:00 a.m., or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.

(b) None of the terms or prohibitions of subsection (a) shall apply to:

(1) Any police or fire vehicle or any ambulance, while engaged upon emergency business.

(2) Excavations or repairs of bridges, streets or highways by or on behalf of the city, county or the state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

(Code 1966, §§ 9.75, 9.76; Ord. No. 1999-6, 6-28-9)