CITY OF OAK PARK
OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. O-24-735

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE VII, CIRCUSES AND SPECIAL EVENTS, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN, BY AMENDING THE ARTICLE TITLE, DIVISION 1 SECTIONS 10-251 THROUGH 10-253, AND DIVISION 2 SECTIONS 10-266 THROUGH 10-273 THEREOF

THE CITY OF OAK PARK ORDAINS:

SECTION 1. Chapter 10, Amusements and Entertainments, Article VII, Circuses and Special Events, Division 1- Generally, Sections 10-251 through 10-253, and Division 2-License, Sections 10-266 through 10-273, of the Code of Ordinances of the City of Oak Park is hereby amended to read as follows:

ARTICLE VII. - SPECIAL EVENTS

DIVISION 1. - GENERALLY

Sec. 10-251. - 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 any event that occurs on a non-permanent basis, that is different from the normal lawful use of the premises where the event is to be held, may not otherwise be permitted by the zoning ordinance, or which may require City resources over and above what has already been allocated, or that requires exclusive use of city property, or that includes the use of a tent regulated by the International Fire Code, and is of such a nature as to be acceptable to the general public with regard to morals, safety features and the conduct of the special event participants.

Sec. 10-252. - Prohibited events.

No special event judged to be a nuisance, safety hazard or otherwise not conforming to public welfare or morals shall be permitted and no license shall be issued to such event.

Sec. 10-253. - Operation; public conduct.

The operation of any special event must be orderly and in keeping with the nature of event at all times. It shall be unlawful for any person attending such an event to create a disturbance. It shall also be unlawful for the licensee to operate the event so as to permit or encourage the creation of disturbances or breaches of the peace.

(Cont.)

Secs. 10-254-10-265. - Reserved.

DIVISION 2. - LICENSE

Sec. 10-266. - Required.

No person shall conduct, operate, exhibit, show or cause or permit to be conducted, operated, exhibited or shown in any place owned, leased, managed or controlled by them, any special event in the city without first completing a special event application and obtaining a license. If the event requires the use of city property that is available for rent (i.e., park shelters, community center rooms, etc.), a rental agreement must be obtained, and the event will not require a Special Event license unless the event requires city services over and above those routinely provided or requires the exclusive use of city property. The special event sponsor shall be responsible for complying with all traffic control and safety procedures required by State Law and the city during the special event. Additional conditions may be required by the city as may be necessary for the safety of the public, including, but not limited to:

1) The obtainment of insurance coverage for the special event as set forth in this ordinance;

2) The implementation of various health and safety precautions to minimize the risk of participants;

3) Additional fees to reimburse the city for resources over and above those routinely provided;

4) Providing a bond or cash deposit to the city to ensure that all fees associated with the special event are paid and to reimburse the city for its expense in providing city services which were not anticipated when the license was issued; and

5) Restrictions as to the times and locations that the special event will be held.

Section 10-267. - Application; fee.

Applications for a special event license shall be made to the city clerk by the person or entity which will conduct or perform the special event at least 30 days before the proposed event. A nonrefundable application fee shall be paid. The amount of the fee shall be determined by resolution of the city council from time to time. If requested by the applicant, the city council may waive the application fee for applications submitted by non-profit or neighborhood groups.

Sec. 10-268. - Investigation; recommendation to council.

The city clerk shall refer such applications to the city manager, who shall instruct the various city departments to make an investigation of all phases of the proposed special event, including, but not limited to, the suitability of the proposed site and facilities, including required parking, plans for crowd control, and safety. Each

(Cont.)

Department shall itemize expected departmental activities required for the special event, showing hourly rate and total cost. The total special event management costs to the city shall be the sum of each department's cost. The application will also be assessed for the potential liability risk to the City of Oak Park and may require liability insurance as detailed in Section I 0-270.

After these investigations are concluded, a report and recommendation will be made to city council.

Sec. 10-269. -Consideration for approval; issuance.

Upon completion of the investigation and review by the city administration and city council, the city has the right to deny an application for a special event license. Considerations for issuance of a special event license shall include, but are not limited to:

1) Whether the special event will disrupt traffic within the city beyond practical solution or will interfere with access to fire stations and fire hydrants;
2) Whether the location of the special event will cause undue hardship to adjacent businesses or residents or affect the use or enjoyment of public or private property;
3) Whether the special event will require the diversion of so many public employees that allowing the special event would unreasonably compromise service to the remainder of the city;
4) Whether the application is fully and accurately completed;
5) Whether the applicant complies with all terms of this article including remittance of all fees and deposits, provided all required indemnification and proof of insurance, bonds, and a save harmless agreement to the city if applicable;
6) Whether the applicant is in default on any debt or obligation owing to the City;
7) Whether the special event has made adequate plans for the protection of the public health, safety and welfare of the area of the proposed event;
8) Whether there are concerns raised during the investigation regarding the special event which impact the general health, public safety and welfare of the city; or
9) Other similar reasons that approval of the special event is not in the best interests of the city.

If the application is approved, the city clerk will issue the appropriate license upon completion of all requirements under this article. Upon issuance, the special event license may include certain reasonable time, place, and manner restrictions as a condition to granting such license if such restrictions are reasonable and necessary for the protection of the public health, safety and welfare. The city reserves the right to cancel or stop an event if the conditions required for approval of the event are not being met. The city also has 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.

(Cont.)

Sec. 10-270. - Public liability insurance.

(a) Before a license is granted under this article, the applicant shall furnish evidence that the applicant has in force at the time such special event is to operate in the city:(l) Worker's compensation insurance to comply with the state statutes; (2) Comprehensive general liability insurance, by an insurance company licensed to do business in this state, providing coverage of $1,000,000.00 combined single limit per occurrence. Such coverage shall include independent contractors, products liability and personal injury, and the city shall be an additional named insured.(3)Comprehensive automobile liability providing for a single limit of $500,000.00 per occurrence and aggregate for owned, not owned, and hired motor vehicles. The city shall be an additional named insured.

(b) Certificates of insurance, along with copies of original policies, where applicable, in form and with companies acceptable to the city, shall be filed with the city clerk prior to commencement of such special event.

Sec. 10-271. - Permits.

Required permits shall include, but not be limited to, the following areas:

(I) Health facilities. A permit from the county health department shall be obtained for all sanitary, water and food service facilities. However, no permit shall be required where only prepackaged, ready-to-eat type foods are sold from a concession stand or booth.

(2) Electricity. A permit from the city is required for all temporary generator or electric supply sources. All electrical work is to be done by a licensed electrical contractor.

(3) Mechanical amusement devices. Certification by the state department of labor of all mechanical amusement devices and rides is required. Certification by the city building department as to construction and safety features of all devices is also required.

(4) Fire hazards. Certification by the fire department of flame spread rates of all canvas and/or cloth enclosures is required. Certification of all buildings and concession stands on the event premises is also required.

(5) Inspections; certificate of use. The city shall have the right to inspect all rides at any reasonable time for compliance with this article. Denial of the right to inspect any ride shall be grounds for shutting down that amusement ride. A temporary permit fee shall be charged for the inspection of the premises by the city. In addition, a fee per each mechanical amusement ride and booth shall be charged for inspection purposes. If all inspections have been approved, the building department will issue a temporary certificate of use for the time period designated.

Sec. 10-272. - Compliance with state requirements.

In addition to any other provision of this section, any person operating any amusement ride shall obtain a permit from the state for each such ride. Such person shall comply with all of the rules and regulations promulgated by the state carnival amusement safety board under the authority of Act No. 225 of the Public Acts of Michigan of 1966 (MCL 408.651 et seq.), as amended.

(Cont.)

SECTION 5. Savings Clause.
Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. Severability.
No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park shall be affected by this ordinance, except as to the above sections and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park.

SECTION 7. Effective Date.
This ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

MADE, PASSED AND ADOPTED by the Council of the City of Oak Park, on this 15th day of April 2024.

T. EDWIN NORRIS **City Clerk**	**MARIAN McCLELLAN** **Mayor**

I, T. Edwin Norris, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on April 15, 2024.

T. EDWIN NORRIS, City Clerk

First Reading:	April 1, 2024
Second Reading:	April 15, 2024
Adopted:	April 15, 2024
Published	April 21, 2024