

MEMORANDUM



TO: VICTOR CARDENAS, CITY MANAGER
FROM: CHARLES BOULARD, COMMUNITY DEVELOP. DIRECTOR
ERIC ZINSER, CHIEF OF POLICE
CORTNEY HANSON, CITY CLERK
SUBJECT: OUTDOOR GATHERING PERMIT CHALLENGES AND OPPORTUNITIES
DATE: AUGUST 5, 2024

Background:

Outdoor Assembly events whether public fair, high school festival or private cultural celebration are important and valuable for the City and our residents. Chapter 24, Article II of the Novi Code of Ordinances: Permit for Outdoor Assembly requires an application, review and issuance of a permit prior to any event exceeding 200 persons (200 person threshold by policy). As outlined in the Ordinance, the application is required to include information including detail and layout of the property to be utilized, measures to assure public safety including but not limited to security and fire protection, water supply and sanitation, medical facilities, access and parking, waste disposal. Insurance and/or bonding are also required. Tents typically require verification of anchoring, clearances to adjacent structures and fire retardant treatment as well. Complete applications are required at least 10 days prior to the start of the event.

Challenges:

Recently there has been a significant reduction in both the completeness and timeliness of applications. In some cases, promoters and sponsors of events have submitted incomplete applications just a few days before the scheduled event. In a number of cases there have also been significant last-minute changes to the scope and event activities including added tents, layout changes, open fire features and vendor /entertainment components. This situation has arisen even with annual events.

City staff from the Clerk's Office, Public Safety and Community Development have worked diligently to secure missing information, review and respond to applications, and last-minute changes to accommodate these events wherever possible in an accommodating, but unsustainable fashion. Based on the current trend some events will simply not be able to be approved.

Moving forward:

To further assist event organizers an expanded and revised application with additional information and a more comprehensive checklist with an emphasis on timeliness and completeness has been implemented.

The Administrative team also plans to bring forward proposed update amendments to Chapter 24 of the City Code to Ordinance Review for consideration at a future date.

Please let us know if we can provide additional information.

ARTICLE II. - PERMIT FOR OUTDOOR ASSEMBLY

[2]Footnotes:

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Editor's note— Ord. No. 08-42.3, Pt. III, adopted Oct. 20, 2008, changed the title of Art. II from permit to permit for outdoor assembly.

Sec. 24-16. - Required.

No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly with an attendance of over 200 persons during daily duration of the event in the city unless he shall have first made application for and obtained as prescribed in this article a permit for each outdoor assembly.

(Ord. No. 82-42.1, § 3.01, 11-22-82)

Sec. 24-17. - Application—Filing.

Application for a permit to conduct an outdoor assembly must be made in writing at least fourteen (14) days prior to the date of the proposed outdoor assembly on forms and in such manner as prescribed by the city clerk.

(Ord. No. 82-42.1, § 4.01, 11-22-82; Ord. No. 12-42.04, Pt. I, 4-23-12)

Sec. 24-18. - Same—Contents.

The applicant for a permit required by this article shall supply the following information on the application:

- (1) The name, age, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors or members;
- (2) A statement of the kind, character, and type of proposed outdoor assembly;
- (3) The address, legal description and proof of ownership of the site at which the proposed outdoor assembly is to be conducted. Where ownership is not vested in the prospective permittee, he shall

submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly;

(4) The dates and hours during which the proposed outdoor assembly is to be conducted;

(5) An estimate of the maximum number of attendants expected at the outdoor assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes;

(6) Each application shall be accompanied by a nonrefundable fee in an amount as set by resolution by the council.

(Ord. No. 82-42.1, § 4.01, 11-22-82)

Sec. 24-19. - Same—Accompanying plans.

Each application for a permit required by this article shall be accompanied by a detailed explanation, including dimensioned drawings and diagrams where applicable, of the prospective permittee's plans to provide for the following:

(1) The size or area of the property to be used;

(2) Location (dimensioned), size and type of all temporary structures including tents and membrane structures, stages and stage canopies, bleachers and platforms. Building permits as required by the Fire and Building Codes.

~~(3)~~ Police and fire protection;

~~(4)~~ Food and water supply and facilities;

~~(5)~~ Health and sanitation facilities;

~~(6)~~ Medical facilities and services including emergency vehicles and equipment;

6) Vehicle access and parking facilities;

(7) Camping and trailer facilities;

(8) Illumination facilities;

(9) Communications facilities;

~~(10) Noise control and abatement~~ Any provisions for public address and amplified sound ;

(11) Duration of the outdoor assembly;

(12) Facilities for cleanup and waste disposal;

(13) Insurance and bonding arrangements.

(Ord. No. 82-42.1, § 5.01, 11-22-82)

Sec. 24-20. - Same—Investigation.

Upon receipt of a fully complete application by the Ccity Clerk, copies of the application for a permit required by this article shall be forwarded to the police chief, department of building and safety, and to such other appropriate public officials as the clerk deems necessary. Such officers, department and officials shall review and investigate matters relevant to the application and within five (5) days of receipt thereof shall report their findings and recommendations to the city clerk.

(Ord. No. 82-42.1, § 6.01, 11-22-82; Ord. No. 06-42.2, Pt. I, 10-23-06; Ord. No. 12-42.04, Pt. II, 4-23-12)

Sec. 24-21. - Prerequisites to issuance.

In processing an application for a permit required by this article the council shall, at a minimum, require the following:

(1) Security personnel. The permittee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the outdoor assembly and for the preservation of order and protection of property in and around the site of the outdoor assembly. No permit shall be issued unless the Ppolice Cchief is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the assembly.

(2) Water facilities. The permittee shall provide potable water, sufficient in quantity and pressure to ensure proper operation of all water-using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the Community Development Department~~department of building and safety~~.

(3) Restroom and drinking water facilities.

a. The permittee shall provide separate enclosed flush-type water closets, ~~as defined in Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.~~ If such flush-type facilities are not available, the Community Development Department~~department of building and safety~~ may permit the use of other facilities which are in compliance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA

14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

b.The permittee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

c. The number and type of facilities required shall be determined on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:100	1:100
Urinals	1:100	
Lavatories	1:200	1:200
Drinking fountains		1:500
Taps or faucets		1:500

Where the outdoor assembly is to continue for more than ~~twelve~~twenty-four (~~24~~12) hours, the permittee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the ~~department of building and safety~~Community Development Department.

(4)Food service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act No. ~~368~~ of the Public Acts of Michigan of ~~1978~~ (MCL ~~333.1101~~ et seq., MSA ~~14.15(1101)~~ et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any applicable state or local law. If the

outdoor assembly is distant from food service establishments open to the public, the permittee shall make such food services available on the premises as will adequately feed the attendants.

~~(5) Medical facilities. If the outdoor assembly is not readily and quickly accessible to adequate existing medical facilities, the permittee shall be required to provide such facilities on the premises of the outdoor assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the department of building and safety.~~

(6) Liquid waste disposal. The permittee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the department of building and safety. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, Manual of Septic Tank Practice. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act No. 243 of the Public Acts of Michigan of 1951 (MCL 325.281 et seq., MSA 14.434(1) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the permittee shall provide the department of building and safety with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will ensure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

(7) Solid waste disposal.

a. The permittee shall provide for solid waste storage on and removal from the premises.

b. Storage shall be in approved, covered, flytight and rodentproof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to the issuance of any permit, the permittee shall provide the department of building and safety with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will ensure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

c. The permittee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

~~(8) Public bathing beaches. The permittee shall provide or make available or accessible public bathing beaches only in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.~~

~~(9) Public swimming pools. The permittee shall provide or make available public swimming pools only in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.~~

(10) Access and traffic-control. The permittee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a permit, the police chief must approve the permittee's plan for access and traffic-control.

(11) Parking generally. The permittee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall less than one (1) automobile space for every four (4) attendants be provided.

(12) Camping and trailer parking. A permittee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

(13) Illumination. The permittee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the ~~department of building and safety~~Community Development Department.

(14) Insurance. Before the issuance of a permit, the permittee shall obtain insurance with limits as set by the city clerk pursuant to guidelines as established by resolution of the council from a company or companies approved by the commissioner of insurance of the state, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the outdoor assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the city clerk in writing at least ten (10) days before the expiration or cancellation of the insurance.

(15) Bonding. Before the issuance of a permit the permittee shall deposit a sum of money in cash, in an amount as set by the city clerk pursuant to guidelines as established by resolution by the council, with the city clerk, as bond secured by cash. The bond shall be in a form approved by the city attorney, conditioned upon the permittee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the city, its agents, officers, and employees and the council against any and all loss, injury or damage whatever arising out of or in any way connected with the outdoor assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the outdoor assembly.

(16) Fire protection. The permittee shall at his own expense take adequate steps as determined by the Fire Chief or designee to ensure fire protection.

~~(17) Noise disturbance. Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the outdoor assembly so as to exceed eighty (80) decibels at the property line.~~

~~(18) Fencing. The permittee shall erect a fence completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendance from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.~~

(19) Other conditions. Prior to the issuance of a permit, the City Clerk may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the city.

(Ord. No. 82-42.1, § 10.01, 11-22-82; Ord. No. 06-42.2, Pt. I, 10-23-06)

Sec. 24-22. - City clerk action.

Within eight (128) days of the filing of a completen application for a permit required by this article, the city clerk shall issue, set conditions prerequisite to the issuance of, or deny, a permit. The City Clerk may require that adequate security or insurance be provided before a permit is issued. In the case of a permit denial, the reasons therefor shall be stated in the notice. The City Clerk shall issue such decision by regular mail unless information for facsimile or electronic mail is provided with the application, in which case such means of notice may be used.

(Ord. No. 82-42.1, § 7.01, 11-22-82; Ord. No. 06-42.2, Pt. I, 10-23-06; Ord. No. 12-42.04, Pt. III, 4-23-12)

Sec. 24-23. - Grounds for denial.

A permit required by this article may be denied if:

- (1) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant to this chapter, 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 document;
- (3) The anticipated maximum attendance comprises more than two hundred (200) persons per acre of property available, not including vehicle access or parking; or
- (4) The estimated vehicles requiring parking facilities shall exceed one hundred twenty-five (125) per acre of property available.

(Ord. No. 82-42.1, § 8.01, 11-22-82)

Sec. 24-24. - Contents, posting, transferability.

A permit required by this article shall specify the name and address of the permittee, the kind and location of the outdoor assembly, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this chapter. It shall be posted in a conspicuous place upon the premises of the outdoor assembly, and shall not be transferred to any other person or location.

(Ord. No. 82-42.1, § 9.01, 11-22-82)

Sec. 24-25. - Revocation.

(a) The council may revoke a permit issued pursuant to this article whenever the permittee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter or with any and all provisions, regulations, ordinances, statutes, or other law incorporated by reference in this chapter.

(b) A permit shall automatically be revoked if riotous conduct occurs at an outdoor assembly or if an assemblage exceeds twenty-five (25) percent of the estimated attendance, as indicated on the application for a permit. In such instances the premises may be closed by the ~~P~~police ~~D~~epartment and the assembly disbursed.

(Ord. No. 82-42.1, § 11.01, 11-22-82)