

NOTICE

At a Regular Rochester Hills City Council Meeting held at the City of Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Oakland County, Michigan on Monday, July 26, 2010:

Present: President Gregory Hooper, Members J. Martin Brennan, Nathan Klomp, Vern Pixley, James Rosen, Michael Webber and Ravi Yalamanchi

QUORUM PRESENT

MOTION BY Webber, seconded by Pixley, **Resolved that Ordinance No. 556**, an Ordinance to adopt new Chapter 79, Special Events, to the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to regulate and require a permit for special events as defined in the Ordinance, repeal conflicting Ordinances and prescribe a penalty for violations, **BE AND IS HEREBY ADOPTED** and shall become effective on Friday, August 6, 2010 the day following its publication in the *Rochester Post*.

Ayes: Brennan, Hooper, Klomp, Pixley, Webber and Yalamanchi

Nay: Rosen

MOTION CARRIED

ORDINANCE NO. 556

AN ORDINANCE TO ADOPT NEW CHAPTER 79, SPECIAL EVENTS, TO THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO REGULATE AND REQUIRE A PERMIT FOR SPECIAL EVENTS AS DEFINED IN THE ORDINANCE, REPEAL CONFLICTING ORDINANCES AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Chapter 79, Special Events, shall be added to the Code of Ordinances, as follows:

CHAPTER 79

SPECIAL EVENTS

Sec. 79-01. Purpose.

The regulations promulgated herein are in order to promote the health, safety and welfare of residents and visitors in the City of Rochester Hills by ensuring that special events held at commercially-zoned property do not create disturbances or nuisances, threaten or endanger persons or property, cause traffic problems, or burden public services.

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Sec. 79-02. Definition.

Special event means, for purposes of this Chapter, a carnival, circus, show, attraction or exhibit, or the temporary display or sale, whether for profit, non-profit or charitable, of goods, products, wares, merchandise, services or material, that is held, staged or conducted in open air or at a stand, tent or temporary structure outside of a completely enclosed building or an approved permanent outdoor sales area on non-residential property. "Special event" shall include, but not be limited to, carnivals, circuses, shows, amusement rides, arts and crafts exhibits and fairs, flea markets, rummage sales and similar temporary activities or events conducted, sponsored or authorized by the owner, tenants or occupants of the subject property.

Sec. 79-03. Permit requirement.

No person shall hold, stage or conduct a Special Event without first obtaining a permit from the City of Rochester Hills Building Department. The building official or his/her designee is authorized to approve Special Event permits. In addition, other permits may be required including, where applicable:

- a. Permit from the Oakland County Health Department shall be obtained for all temporary sanitary, water and food service facilities. However, no permit shall be required where only pre-packaged, ready-to-eat type foods are sold from a concession stand or booth.
- b. Street Occupancy permit from Rochester Hills Engineering Department for blocked public streets, pathways or sidewalks.

Sec. 79-04. Exception.

This article shall not apply to the display or sale by a business of merchant goods or services when placed or located directly in front of the business (but not in any parking/maneuvering/fire lane) and in accordance with local building, fire codes and zoning regulations.

Sec. 79-05. Application.

Any person desiring to obtain a Special Event permit shall complete and submit an application with the City of Rochester Hills Building Department for each event accompanied by the required fee. Permit applications must be submitted at least fourteen (14) calendar days prior to event and include all of the following information:

- a. Written permission from the property owner (if other than applicant)
- b. Three (3) copies of a site plan (8-1/2" x 11" preferred) describing and depicting:
 1. Location of event activities;
 2. Temporary structures or tents and their size;
 3. Location and type of merchandise;
 4. Any/type of food to be served;
 5. Location and type of sanitary facilities;
 6. Temporary electrical use and lighting (may require separate permit); and

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7. Trash receptacles
- c. Certificate of insurance with the City name as certificate holder for public liability insurance in the amount of \$500,000.00, combined single limit coverage, for injuries to person and property and umbrella liability coverage in the amount of \$1,000,000.00. No cancellation of material change in insurance may occur without 30 days written notice to the City.
- d. Description of activities including the following information:
 1. Dates and hours of the event (Hours are restricted to 7 a.m. – 9 p.m.;
 2. Types of activities proposed;
 3. Anticipated number of participants; and
 4. Any activities that may cause unusual noise, danger or safety concerns
- e. If a temporary tent, canopy or other structure 200 square feet or more with sides or 400 square feet or more without sides are proposed, the following information must be provided:
 1. Site Plan (3 sets) indicating the size and location and proximity between the tent/structure and all buildings, parking lots and streets (include on site plan);
 2. Floor Plan with interior layout showing seating, tables, aisles and exits with dimensions;
 3. Fastening details;
 4. The proposed occupant load of the structures;
 5. Fire Resistance Certificate of Flame Spread documentation for tent/canopy fabric;
 6. Parking lot protection for pedestrians;
 7. Indicate if tent will have open or closed sides;
 8. Indicate location and type of heating and electrical equipment; and
 9. Number and location of fire extinguishers

Sec. 79-06. Permit issuance.

a. *Approval.* A permit application shall be approved if the Building Department determines the Special Event will not interfere with public health, safety and welfare, create a disturbance or nuisance, threaten or endanger persons or property, create a traffic problem or violate other applicable ordinances or regulations.

b. *Conditions.* The Building Department may attach reasonable conditions to the permit designed to ensure the objectives of this Chapter are met.

c. *Duration.* Permits shall be effective for up to thirty (30) days. A person may hold up to three (3) such events per calendar year.

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Sec. 79-07. Fees.

Application, plan review and permit fees shall be charged as follows:

- a. Application fee.....\$75.00
- b. Plan review fee\$75.00
- c. Permit fee
 - 1. 1-10 days.....\$150.00
 - 2. 11-20 days.....\$225.00
 - 3. 21-30 days.....\$300.00

Sec. 79-08. Signs.

Temporary signs when displayed during the approved times of the event shall be permitted without additional fees or permits. Temporary signs shall be limited to one (1) per road frontage, 25 square feet in area and not be located in any public right-of way. Ground signs are limited to seven (7) feet in overall height; wall signs are limited to twenty (20) feet in overall height. No roof-mounted displays, balloons or signs are permitted. Signs may not be located in any parking, fire lane or area interfering with public activity outside the event area.

Sec. 79-09. Permit revocation.

A violation of or failure to comply with any provision of this chapter or any permit condition, or the making of any false, inaccurate or misleading statement in the permit application is grounds for the immediate revocation of the permit.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on August 6, 2010 following its publication in the *Rochester Post* on August 5, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on July 26, 2010.

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Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON JULY 26, 2010.

Jane Leslie, Clerk
City of Rochester Hills

Accepted for First Reading: 7/19/2010
MJW: 7/26/2010