

CITY OF EASTPOINTE  
COUNTY OF MACOMB  
STATE OF MICHIGAN

ORDINANCE NO. 24-1242

AN ORDINANCE AMENDMENT TO CHAPTER 6, AMUSEMENTS AND ENTERTAINMENTS, TO ADD ARTICLE V, SPECIAL EVENTS, OF THE ORDINANCES OF THE CITY OF EASTPOINTE

The City of Eastpointe ordains:

**Section 1. Special Events.** Chapter 6 of the Codified Ordinances of the City of Eastpointe is amended to add the following:

**Article V. - SPECIAL EVENTS**

**Sec. 6-105. - 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:

- a. *Special event* means any event open to the public taking place on public property or outdoors on private property, including, but not limited to: car shows and cruises; events with inflatables, rock-climbing walls, or other similar activities; fairs; festivals; fun walks and runs; grand openings; groundbreaking ceremonies; marathons and bike-a-thons; marches and processions; parades; ribbon-cutting ceremonies, and similar types of activities.
  1. While not necessarily open to the public, any film productions using public space are subject to the processes and fees set forth in this article. Film production means any activity involving filming a motion picture or film.
- b. *Inflatable* means any object that is inflated by air, typically made of a flexible fabric and equipped with a motor to blow air into the object. This includes, but is not limited to, bounce houses, inflatable waterslides, and inflatable obstacle courses.
- c. *City-sponsored event* means any event that is executed entirely or in part by the city and/or its contractors and/or consultants, and that is fully and/or partially financed by the city and/or by sponsors obtained by the city.
- d. *Demonstration* means a public assembly or gathering held solely for the purposes of speechmaking or other like forms of conduct which have the intent or propensity to draw a crowd.

**Sec. 6-106. - Intent.**

The intent of this article is to regulate the use of public streets, sidewalks, rights-of-way, parks, and city resources, when in association with a special event held on such public places. The purpose of this regulation is to ensure the enjoyment of the public while remaining consistent with the public health and safety objectives of the city, without undue financial burden to the city or its residents.

**Sec. 6-107. - Application required; approval process.**

The application for a special event permit shall be filled out in its entirety, and returned to the building department at city hall by the person or persons in charge of or responsible for the proposed event no later than 30 days before the date of the proposed event. The application shall include and set forth the following information:

1. The name, title, address, phone number, and email address of the person requesting the permit.
2. The name of the organization requesting the permit, and whether it is associated with the city (including Eastpointe Community Schools, South Lake Schools serving portions of the City of Eastpointe, or the Recreation Authority of Roseville and Eastpointe).
3. Event information, including the name and type of event, a brief description of the event, the date(s) and times of the event and of the event setup, the location of the event, any facilities to be used, and the estimated crowd and number of participants.
4. The name and phone number(s) of the on-site contact person during the event.
5. Details of any services requested from the police department, the fire department, and/or the department of public works.
6. Details of any tents or signs requested for the proposed event.
7. A site plan layout with the location and dimensions of any tents or structures.
8. A description of any additional or supplemental electricity usage, including generators or additional electric wiring.
9. A description of any cooking and/or open flames that will occur during the event.
10. A detailed plan for cleanup after the event, including the timeframe of cleanup and the persons involved in the cleanup.
11. Accessibility requirements and specifications, including ADA standards for accessibility of entrances and exits, paths of travel, and restrooms, for events held on private property.
12. Entertainment information, including any sound systems, a description of entertainment and list of entertainers, and the times of entertainment.
13. Type and location of restrooms to be used during an event on private property.
14. A description of parking areas available for an event on private property.
15. Information on vending or sales to take place during the event.
16. A certification that the information in the application is true, and that the applicant

- will abide by the city's ordinances and regulations governing the proposed event.
17. An indemnification statement agreeing that the sponsor of the proposed event will hold the city harmless against liability.
  18. Additional insurance may be required for special events on public property.

After receiving the application, the building department shall review the application for completion. Once the completed application is received, department heads shall review the application and attached site plans to determine if there are any additional requirements that will need to be met. The application and departmental approvals and/or comments shall be presented to city council for approval at a regularly scheduled meeting before the date of the proposed event.

**Sec. 6-108. - Compliance required.**

Before approval of the special event application, the applicant shall have complied with this article, and other applicable provisions of this code, which may include an inspection of the proposed premises by the building department and the fire department. The event must also comply with ADA accessibility requirements.

Throughout the event application process, the duration of the event, and any setup or cleanup of said event, event coordinators must comply with the following:

- a. Noise. Event coordinators should be aware that any noise generated by the event has the potential to impact the neighborhoods near the event site, and must abide by the city's noise ordinance.
- b. Tents. If tents are to be erected during the event, event coordinators must include the tent location and measurements on the detailed site plan attached to the application. Additionally, any tent over 100 square feet shall require a certificate of flammability.
- c. Signs. Any signs erected in relation to a special event must comply with chapter 50, article 10, section 10.05.
- d. Food and beverage. A food service license from the county health department must be obtained for all food, including beverages and ice. For purposes of this section, the term "beverage" does not include alcoholic drinks. Prepackaged food and bottled or canned beverages that do not require temperature control for safety may be sold without a food service license.
- e. Alcohol. All alcohol sales must comply with chapter 4 of this city's code of ordinances. Event coordinators are responsible for contacting the Michigan Liquor Control Commission to ensure compliance with their requirements.
- f. Food trucks. Any food trucks or other mobile food businesses shall comply with sections 30-173 through 30-175 of this city's code of ordinances.
- g. Temporary outdoor sales. All outdoor sales in relation to the special event must comply with chapter 50, article 18, section 18.05.

The applicant shall be responsible for restoring the site to its condition prior to the special

event. Cleanup shall begin immediately following the completion of the event, unless otherwise indicated in the approved special event application. Cleanup shall include but not be limited to removal of all waste and debris generated by the event and removal of any tents, signs, temporary barriers, tables, seating, and portable toilets.

**Sec. 6-109. - Fees.**

Each applicant for a special event permit shall be charged an application fee, in an amount as adopted by the city council from time to time as set forth in the city fee schedule contained in section 2-525, for the issuance of such permit. This application fee is non-refundable.

Additional fees shall be charged as follows, in an amount as adopted by the city council from time to time and as detailed in the city's fee schedule:

- a. The hourly cost for any city employee working on a special event, subject to the inclusion of fringe benefits, overhead, and overtime, if applicable.
- b. Equipment charges and rented materials charges.
- c. Rental of park facilities.

**Sec. 6-110. - Penalties.**

Any person or organization violating the requirements of this article shall be subject to the following penalties:

- a. Any person or organization who shall conduct, host, or sponsor an event for which proper approval has not been obtained, or for which any contingency requirements are not met, shall be responsible for paying a fee in an amount as determined by council from time to time as set forth in the city fee schedule contained in section 2-525.
  - 1. Whenever any such fee is delinquent for three months, the director of finance shall prepare a report of such parcel, upon which such charges and penalties have not been paid, whereupon such charges and penalties, together with a further penalty of five percent, shall be entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as special assessment taxes against such premises are collected and the lien thereof enforced.
- b. The city reserves the right to cancel any event that is conducted in a manner that is different from that indicated in the approved application, at any time, with no liability to the city.

**Sec. 6-111. - Liability insurance; hold harmless provisions.**

The special event application may not be approved until the applicant fulfils the conditions imposed by this article, including but not limited to the following:

- a. Insurance requirements.
  1. An application for a license required by this chapter shall be accompanied by policies of insurance to protect the city, its elected and appointed officials, employees and volunteers and others working on behalf of the city from any liability or damage whatsoever, for injury, including death, to any person or property. Said insurance shall be in amounts as adopted by the city council from time to time. An applicant shall during the duration of its license maintain:
    - a. Workers' compensation and public liability insurance in an amount sufficient to protect itself from any liability or damages for injury, including death, to any of its employees including liability or damage which may arise by virtue of any statute or law in force or which may hereafter be enacted.
    - b. Public liability insurance in an amount sufficient to protect itself and the city, its elected and appointed officials, employees and volunteers and others working on behalf of the city against all risks of damage or injury, including death, to property or persons wherever located, resulting from any action or operation in connection with the license.
    - c. Automobile liability insurance, including property damage, covering all owned or rented equipment used in connection with the business.
  2. All insurance policies shall be issued by companies authorized to do business under the laws of the state. Such policies shall contain appropriate endorsements to save and hold the city and licensee harmless from any liability or damage whatsoever. Certificates of insurance evidencing such insurance and endorsements shall accompany the application for license. The city shall at all times maintain a copy of each certificate of insurance.
- b. Indemnification/hold harmless agreement. The applicant shall sign an agreement whereby it agrees to the fullest extent permitted by law to defend, pay on behalf of, indemnify and hold harmless the city, its elected and appointed officials, employees, volunteers and others working on behalf of the city against any and all claims, demands, suits or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the city, its elected and appointed officials, employees, volunteers and others working on



behalf of the city by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, or any matter which arises out of or is in any way connected or associated with the sale of goods and services for which a license was issued.

#### **Sec. 6-112. - Exceptions.**

The City of Eastpointe may hold its own special events, referred to as city-sponsored events. Such events are exempt from the fees set forth in this article, but remain subject to the application and approval process. Any event held by the members of Eastpointe Community Schools or South Lake Schools serving portions of the City of Eastpointe, is exempt from the fees set forth in this article, but remain subject to the application and approval process. In addition, any event held by the members of the Recreation Authority of Roseville and Eastpointe is subject to the application process but exempt from the fees and approval process set forth in this article.

Demonstrations and First Amendment activity on city streets or sidewalks, including those in parks, that do not impede, obstruct, impair, interfere, or disrupt normal or usual use of city-owned property, public property, public facilities, or public rights-of-way are exempt from the processes and fees set forth in this article, unless such activity also includes any events or components which would otherwise be covered under the definition of a special event.

Additionally, the following shall not be construed as a special event and are exempt from the provisions of this article:

1. County and State sponsored events.
2. Funeral processions and gatherings.
3. Garage sales, lawn or yard sales, estate sales, and private property auctions excluding the auctioning of items transferred to the property for the principal purpose of sale including what are commonly referred to as "consignment auctions." See chapter 32 sales.
4. Private gatherings such as weddings, graduation parties and similar events occurring entirely on private property including residentially used property or the common area of a multi-family residential development, provided the event is not open to the general public and not for pecuniary gain or profit.
5. Inflatables on private property.
6. Activities conducted within a building designed for assembly use, such as churches, banquet facilities, halls, and fraternal organizations.
7. The outdoor temporary sale of Christmas trees. See chapter 32 sales, article III Christmas trees.
8. The sale of fireworks. See chapter 20 for fire prevention and protection, article IV fireworks.
9. Block parties. See section 38.107 block parties.
10. Civic sponsored outdoor sale events comprised of multiple vendors displaying and selling predominately agricultural products and commonly referred to as a "farmers

market.” See chapter 19 farmers’ market.

11. Events on school property that are public school-related student academic, athletic, or extracurricular activities and are historically typical school-related events.
12. Unless specifically defined herein, an activity held solely on public property which does not require for its successful execution the provision and coordination of city services to a degree over and above that which the city routinely provides.

**Sec. 6-113. - Denial of Application.**

The city reserves the right to deny a special event application for any reason with no liability to the city. Reasons for denial of a special event application may include, but are not limited to: the application contains incomplete or false information; the event puts the health, safety, or welfare of the public at risk; or the event is not in the best interests of the city.

**Secs. 6-114-6-129. - Reserved.**

**Section 2. Severability.** If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Repealer.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

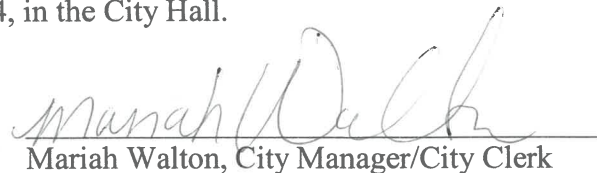
**Section 4. Publication.** The Clerk shall publish this Ordinance within ten days in a newspaper printed and circulating within the City of general circulation.

**Section 5. Effective Date.** This Ordinance shall become effective ten days after date of adoption by the City Council.

**CERTIFICATION**

We, Michael Klinefelt, Mayor, and Mariah Walton, City Manager/City Clerk, for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance No. 24-1242 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, October 15, 2024, in the City Hall.

  
Michael Klinefelt, Mayor

  
Mariah Walton, City Manager/City Clerk