

VILLAGE OF BEULAH

EVENT POLICY

Adopted by action of the Beulah Village Council on May 14, 2024

I. PURPOSE

The purpose and intent of this Policy is as follows:

- (a) The purpose of this Policy is to manage and regulate Events in Village parks and streets.
- (b) It is intended to regulate them as to time, place, and manner and not as to content.
- (c) It is recognized and appreciated that the Village's parks and open spaces are used by residents and visitors for recreational enjoyment in their natural state (Parks Primary Purpose).
- (d) It is recognized that the primary purpose of Village streets is for motorized and non-motorized travel including access for emergency response to adjacent properties (Streets Primary Purpose).
- (e) This Policy is intended to strike a balance between the use of Village parks and streets for Events and the Parks Primary Purpose and Streets Primary Purpose.
- (f) This Policy sets forth the conditions upon which sponsors and users of Village parks and streets may use the Village's parks and streets to protect the citizens of the Village's use and investment in its parks and streets.
- (g) This Policy is not intended to manage and regulate reservations for the use of facilities within a Village Park for general public use of those facilities such as picnics, games, or other recreation within the Village's Parks utilizing the facilities. Use of these facilities for these types of activities is on a first-come, first-served basis.

II. DEFINITIONS

The following words and phrases shall have the following definitions:

- (a) "Applicant" is the person applying for permission to use a street or park.
- (b) "Event" means a planned activity to use

- (1) a Park or portion of a Park that involves the use of equipment, fixed signs, sound broadcasting equipment, tents tables or similar items which is designed or promoted to attract a gathering of the general public; or
- (2) a Street or portion of a Street in a manner that blocks access to or closes any portion of the Street or entrances to buildings or adjacent properties which is designed or promoted to attract a gathering of the general public.
- (c) “General Public Use for Recreation” means recreation engaged in by the general public in Parks that does not involve reserving or setting aside any Park or a part of a Park nor, fixed signs, sound broadcasting equipment, tents, bleachers or similar items.
- (d) “Mobile Event” means an Event that is constitutionally protected free speech activity, such as picketing, protesting, or leafletting, distributing pamphlets, and other similar activities where there is no interference with the safe and orderly movement of vehicles or pedestrians or blocking of access to buildings or adjacent properties and all laws, including traffic laws, are observed by the participants.
- (e) “Parks” means those Village-owned parks as shown on the attached map.
- (f) “Permit” means a permit granted by the Village pursuant to this Policy.
- (g) “Permit Holder” is the person receiving permission to use a street or park pursuant to this Policy.
- (h) “Person” means any individual, firm, corporation, co-partnership, governmental unit, or other legal entity.
- (i) “Street” means the public right-of-way of the Village streets and alleys.
- (j) “Street Performance” means a live, public presentation or exhibition which includes but is not limited to acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading aloud, puppetry, sidewalk art, or performing of any sort.
- (k) “Village Clerk” means the Village Clerk or designee.
- (l) “Village President” means the Village President or designee.
- (m) “Village Sponsored Event” means an event where the Village completes and submits the Permit Application.

III. PERMIT REQUIRED.

An Event shall not be held or announced as going to be held until and unless a Permit has been issued pursuant to this Policy. Identical recurring events held multiple times will require only one application/permit (i.e. Music in the Street).

IV. EXEMPT ACTIVITIES.

The following activities are exempt from this Policy:

- (a) General Public Use for Recreation,
- (b) Mobile Events provided the Mobile Event:
 - (1) Is either continuously moving or less than eight (8) hours in duration between 9:00 a.m. and 5:00 p.m., and
 - (2) Is without the use of an amplification device, and
 - (3) Does not involve the set-up of any item in a Street or sidewalk, and

- (4) Does not involve the setup of any items in a Park that interfere with other uses in the Park or cannot be readily removed from the Park such as fixed signs, tents, or heavy equipment.
- (c) Street Performance provided the Street Performance:
 - (1) Does not close or block access of any portion of a Street to vehicular traffic,
 - (2) Does not block access to entrances to buildings or adjacent properties,
 - (3) Does not interfere with other uses in the Park or portion of the Park,
 - (4) Is conducted between the hours of 7 am and 11 pm,
 - (5) Maintains at least five (5) feet of contiguous sidewalk width for pedestrian passage,
 - (6) Is in compliance with all ordinances of the Village, including the Village noise ordinance, and
 - (7) Any equipment or devices utilized in the performance can readily be removed by the performer(s).
- (d) Events that are part of an Event for which a Permit has been issued pursuant to this Policy, and
- (e) Village Sponsored Events.

V. PERMIT APPLICATIONS.

Permit Applications must be completed by the Applicant and the person who will be the Permit Holder and submitted to the Village Clerk. The Village Clerk shall forward fees collected to the Village Treasurer. Such Applications and the submittal of the Applications shall comply with the following:

- (a) Time.
 - (1) Applications for an Event that will require closure of the vehicular traveled portion of a Street or an Event in a Park or portion thereof shall be filed sixty (60) days before an Event.
 - (2) Applications for all other Events shall be filed fourteen (14) days before an Event.
 - (3) Where an Event that will not require closure of the vehicular traveled portion of a Street is requested as a result of an exigent, sudden occurrence where it would be unreasonable or difficult to request permission within the time periods in this section, an Application shall be submitted at least 24 hours in advance. Upon presentation of a complete Application and any documentation required by this Policy, the Village President shall issue a Permit.

If an Application is not submitted in compliance with the deadlines, the application process may not be completed in time for the Event to be held. The Village may deny an Application automatically if not timely submitted. However, the Village President may approve a permit to an Applicant who does not comply with the above deadlines if the Village President determines the Application can be processed and the Event can be prepared for by the Village within a shorter time period. **Additionally, in submitting an Application, an applicant should keep in**

mind the appeal provisions set forth in Section IV (a) and the necessary time it may take for the Village Council to consider any appeal as it relates to the timing of the Event and the Village Council's regularly scheduled meetings. The Village Council shall not be obligated to hold a special meeting to consider the denial of an Application.

(b) Signature. The Application shall be signed under oath or affirmation by an individual 18 years of age or older who will attend and be in charge of the Event and who can bind the Person requesting the permit.

(c) Permit Holder. The Application shall specify the name, address, and telephone number, cell phone number, e-mail address of the Permit Holder who shall be the sponsoring Person and other information deemed relevant or necessary.

(d) Fee. There are no application fees. Payment for any services to be provided by the Village over normal service may be charged to the Applicant or Permit Holder.

(e) Insurance. Unless waived by the Village Council, all Permit Holders for an Event that will require closure of the vehicular traveled portion of a Street or an Event in a Park or portion thereof shall provide insurance as follows:

- (1) Comprehensive general liability insurance - \$1,000,000 per occurrence.
- (2) The policy shall name the Village as an additional insured in the policy coverage and shall include an endorsement to the policy naming the Village as additional insured. Any amendment to or cancellation of such insurance shall require no less than thirty (30) days written notice provided to the Village of such cancellation or amendment.
- (3) The duration of the insurance shall encompass the total length of time any equipment or other similar items are placed on Village property or the duration of the Event, whichever is longer.
- (4) Suitable proof of insurance shall be submitted to the Village Clerk prior to the Event taking place. In addition, the Applicant and Permit Holder shall execute a hold harmless and indemnification provision agreeing to hold the Village and its officials, employees, and volunteers harmless and to indemnify the Village in the event of a claim resulting solely or partially from the Event applied for.

(f) Description of Event. The Event shall be described with such detail as required on the forms supplied. The description shall include a detailed site plan.

(g) Noise Containment Plan. A plan for noise and vibration containment shall accompany the Application.

(h) Filing Date. An application shall not be deemed to be filed until the Village Clerk states in writing that it is complete. The date of such writing shall be the date of filing of that

application. Once an application has been deemed complete, the Application shall be processed in the order in which they are deemed complete.

(i) Applications for Events shall be considered and decided on a first come-first serve basis as of the date they are filed and deemed complete. An Application shall be decided promptly after it has been properly and completely filed.

VI. STANDARDS

(a) A permit shall be issued by the Village President upon a determination that the standards for granting approval of a Permit have been met or can be met by the imposition of any conditions and receipt of the certificate of insurance required by this Policy, if any.

(b) The standards for granting approval of a Permit application are the following:

(1) The activity will not unreasonably interfere with or detract from the general public's enjoyment of the Park or Street or nearby public land.

(2) The activity will not unreasonably disturb normal activity on surrounding private land.

(3) The activity will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety, and recreation.

(4) The activity does not cause a violation of any law, ordinance, rule, or regulation.

(5) The Park or Street or portion thereof desired has not been reserved for other use on the date and hour requested in the Application.

(6) The activity will not cause damage to the Street or the Park, including the water, beaches, trees, benches, landscaping or other natural or man-made components of the Park or Street.

(7) The activity does not entail extraordinary or burdensome expense of operation by the Village.

(8) The activity does not materially impact the characteristics or functions of environmentally sensitive resources, properties, or the Street.

(9) The activity will not be exclusive, in whole or in part, but will be open to the general public without charge.

(10) The activity shall not occur so soon before or after another Event that it creates a burden on the Park or Street, Village staff or resources, or so soon that it unreasonably impedes the primary general public use of the Park or Street.

(11) The Event complies with all other provisions of this Policy.

VII. GENERAL CONDITIONS

The following general conditions apply to all Events. Additional special conditions may be imposed in the Permit. The Applicant and Permit Holder's Acceptance of a Permit shall constitute agreement by the Applicant and Permit Holder to all terms and conditions in the Permit and these General Conditions. All terms and representations specified in the Application are automatically special conditions to the Permit unless changed or superseded by the general conditions or an additional condition.

(a) **Equipment and Signs.** No other property, equipment or signs are to be used by participants in the Street, Park, public land, and adjacent property or water except as listed in the permit. No signs shall be erected in violation of any Village ordinance. Placement of such equipment shall be coordinated with the Village Department of Public Works. Unless authorized by the Village President, all property, equipment, and signs shall be removed from the Street or Park on any day during which the Event, setup, or removal is not being conducted.

(b) **Cleanup.** The Applicant and Permit Holder shall promptly and completely cleanup and restore the site immediately following the Event or activity.

(c) **Set Up and Removal.** Set up and removal shall occur promptly and the time allowed therefor shall be restricted in the Permit.

(d) **Village Cost.** Damage to public properties or the Village's cost incurred in cleanup and repair shall be the responsibility of the Applicant and the Permit Holder. Payment of any such assessment shall be due within thirty (30) days. The Village President may require a bond, letter of credit, or cash deposit as security for cleanup and restoration. The Permit Holder and Applicant shall defend, hold harmless and indemnify the Village for any personal or property damage to third parties as a result of the Event.

(e) **Tents.** If tents are used, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the applicable Fire Code and erected to meet wind load requirements of the State Construction Code.

(f) **Advertising.** Any advertising or public announcements of the Event that occurs before all necessary approvals from the Village have been obtained, is not permitted. No signs are allowed in the Village rights-of-way.

(g) **Time of Events.** The Permit shall specify the days and hours of the Event. Unless otherwise indicated in the Permit, all Events are limited to the hours of 7 am and 11 pm daily. The Village President may approve a time extension for good reason.

- (h) Time of Amplified Sound. Unless otherwise allowed in the Permit, amplified music or sound shall be limited to no more than a total of six hours including normal breaks taken between the beginning and end of individual music performances between 7 am and 11 pm.
- (i) Noise. The Application shall include a current, active plan for the containment of noise and vibration attributed to the Event. Special conditions may be placed on any amplified sound to preserve the rights and enjoyment of those adjacent or near the Event.
- (j) Excavation.
- (1) Parks. No digging, staking or any other ground disturbing activity shall be performed except as authorized in the Permit and prior notification to the Department of Public Works. Trenching, excavating, or other disturbance of the ground surface will require the applicant to notify MISS DIG to appropriately mark all areas where obstructions exist prior to disturbing the surface area.
 - (2) Streets. No digging, staking or any other ground disturbing activity shall be performed.
- (k) Trash and Toilets. Additional portable toilet and trash receptacles shall be provided, as necessary, for all Events based on the anticipated size of the Event. These shall be provided at the expense of the Permit Holder. The number, type and location of all trash receptacles and toilets shall be listed on the Permit. At least one portable toilet must be ADA compliant/handicap accessible. Trash from the Event in all receptacles including Village trash receptacles shall be collected and removed by the Permit Holder.
- (l) Commercial Activity. Only incidental commercial activity is allowed. All such incidental commercial activity shall be under the control of the Permit Holder and shall not be operated independently by third parties unless the third party operated commercial activity is allowed in the Permit.
- (n) Vehicles. No trucks or other motor vehicles are allowed except in designated parking lots or except those conveying specialized equipment for the Event and allowed in the Permit.
- (o) Lights. No strobe lights or flashing lights are allowed. All lighting shall be directed at the Event and to the extent practical away from areas where the activity is not occurring. Portable or vehicle mounted generators are not allowed unless shielded from view and hearing by appropriate means approved by the Village President.
- (p) Site Plan. Applicants shall provide a detailed site plan depicting the portion of the Street or Park desired and facility locations, if any, to be used or installed during the Event.
- (q) Access to Streets. A 20-foot-wide center lane for any Event within a Street shall be kept clear for emergency access.

(r) Traffic Control Devices. Traffic control devices shall be installed in conjunction with any closure or partial closure of a Street and a detour route shall be marked all in conformity with the current Michigan Manual of Uniform Traffic Control Devices with such costs to be borne by the Permit Holder.

(s) Access to Sidewalks. Where an Event requires closure of a Street or a portion of a Street to vehicular traffic, the sidewalk adjacent to the Street shall remain open to non-vehicular traffic and all Exempt Events at all times.

VIII. REVOCATION OF USE.

In addition to the penalties provided by Ordinance, a Permit may be revoked in writing at any time by the Village President if it is determined that the holding of the Event authorized by the Permit is no longer in the best interest of the public health, safety and welfare, or there has been a misrepresentation in the Application or any material misstatement by the Applicant, or there has been a failure to follow this Policy, or other Village ordinance, State law, or any condition attached to a Permit.

IV. APPEALS.

(a) Permit Denial. Any person denied a Permit pursuant to the provisions of this Policy may appeal to the Village Council in writing, stating the reasons why the Permit should be granted. The Village Council shall respond to the appeal in writing within 10 days of receiving it. The Village Council shall be considered to have received it at its next regular meeting following the filing of the Appeal. To be considered filed, the appeal must be filed at least seven (7) days before the date of the next regular Village Council meeting. The Village Council may grant or deny the Permit, and such decision shall be final.

(b) Permit Revocation. The Applicant or Permit Holder whose Permit is revoked by the Village President may appeal to the Village Council in writing within three (3) days. The Village Council may affirm, reverse, or modify the revocation of the Permit, and such decision shall be final. All activities under the Permit will be suspended pending such appeal. Anyone acting pursuant to a Permit that has been revoked or suspended shall be deemed to be trespassing, may be removed, and may, at the discretion of the Village President, be charged with criminal trespass. In the event that a Permit has been revoked, the Applicant or Permit Holder shall not be granted a Permit under this policy for two years following the date of revocation.