



CITY of NOVI CITY COUNCIL

Agenda Item 2
April 9, 2012

SUBJECT: Consideration of adoption of Ordinance Text Amendment and amended fee resolution to update Chapter 24, "Outdoor Gatherings":

- a) Consideration of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. **FIRST READING**
- b) Consideration of a resolution establishing the amended fees for outdoor gatherings under Section 24-18(6).

SUBMITTING DEPARTMENT: City Clerk

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

The Ordinance Review Committee met on March 6, 2012 to discuss potential changes to the Outdoor Gathering ordinance with respect to the application timeframe. Currently the ordinance requires the application to be submitted 30 days prior to the event. Applicants have explained that they do not know the details of an event 30 days in advance and therefore cannot gather and submit all required paperwork for an Outdoor Gathering Permit 30 days before the event. For instance, the City Clerk's office received 14 outdoor gathering applications in 2011 with an average timeframe of 8 days to review.

The City Clerk's Office suggested changing the time for submission from 30 days to 10 business days in order to allow a reasonable amount of time for the applicant to submit the required paperwork. The adjusted timeframe will still allow sufficient time for the Police Department, Fire Department and Building Department to review the application.

The City Clerk's Office is also recommending an amendment to the current fees in regards to applications for outdoor gatherings. The fees were established by resolution on July 15, 1985 and no changes have been made since.

Estimated Maximum Attendants	Fees set in 1985	Proposed new fees
200	\$60.00	\$110.00
500	\$110.00	\$210.00
2,500	\$260.00	\$360.00
5,000	\$510.00	\$510.00

In reviewing the Outdoor Gathering Permit application, the Police Department must perform a background search of criminal history on the applicant. The Community Development Department must perform the following steps:

- Review of the site plan showing the location of the tent or location of the gathering.
- If a tent is being used, review of the tent material for compliance with the code, and location of the tent for Fire Department access, and its proximity to other structures to verify compliance with the ordinance.
- Depending on the scope of the event, many times a separate electrical permit would be required to be submitted for temporary lighting, and or DJ services.
- Once the site plan has been reviewed, a building inspector and sometimes an electrical inspector are sent to the site location to verify correct installation of the tent per the manufacturers' requirements and to verify that all electrical installed for the event is in compliance with the National Electric Code.
- If the inspectors do not have any issues with the installation, they would be able to approve the set up.
- If there were violations on the site, a separate inspection the following day would be required.

The Fire Department must grant approval when a tent will be set up at the proposed location. The tent must be in compliance with Chapter 23 of the Fire Code. Specific items that are considered are the following:

- Accessibility for fire apparatus.
- Ensure there will be no open flames under the tent, including cooking.
- How the tent will be used, i.e. amount of chairs, tables, area for standing, occupant load.
- Flame spread rating on the fabric of the tent material.
- Exit lighting and emergency lighting if tent will be used at nighttime or if there are sides to the tent.
- Proper separation from buildings and other tents.

The recommended fee changes are based on the large scope of work the Community Development Department and Fire Department must perform prior to granting approval for the permit.

In a survey of the surrounding communities it was found that most communities only have a special event permit or temporary use permit, however neither encompass the amount of review that is performed for our outdoor gathering permits.

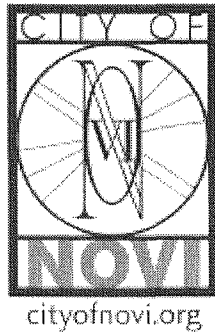
RECOMMENDED ACTION: Consideration of adoption of Ordinance Text Amendment and amended fee resolution to update Chapter 24, "Outdoor Gatherings":

- a) Consideration of Ordinance Text Amendment 12-42.04, as recommended by the Ordinance Review Committee, to amend Chapter 24, "Outdoor Gatherings", of the Novi City Code to change the time for submission of an application from 30 days before an event to 10 days before an event and to make other minor revisions in the review process. **FIRST READING**
- b) Consideration of a resolution establishing the amended fees for outdoor gatherings under Section 24-18(6).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

MEMORANDUM



TO: ORDINANCE REVIEW COMMITTEE
FROM: CORTNEY HANSON, DEPUTY CITY CLERK
SUBJECT: PROPOSED OUTDOOR GATHERING ORDINANCE CHANGES
DATE: FEBRUARY 29, 2012

The owner of Paradise Park intended to build a pavilion on the Paradise Park property in order to accommodate special events. Since the pavilion was never built, the owner erects a tent for each individual event. Section 3004 of the City Ordinance currently allows a Temporary Special Land Use Permit to be issued for a temporary tent for a maximum of five days in any six-month period.

Once Paradise Park has reached their limit on Temporary Special Land Use Permits, they apply for an Outdoor Gathering Permit for each event. This is problematic because the application is not filed in time for appropriate review by the Police Department, Fire Department and Building Department. Specifically, the Fire Department needs sufficient time to assess the event location and inspect the tent.

The following chart gives an overview of the Outdoor Gathering applications submitted by Paradise Park in 2011:

Date application was submitted	Date of Event	Days given for City to review	Estimated # of people according to application
June 9, 2011	June 11 - 12	1	Max 250 guests.
June 13, 2011	June 18 - 19	4	Max 225 guests. Tent for 125 guests. Sporadic attendance.
June 21, 2011	June 26 - 27	3	Max 225 guests. Tent is for 100. Attendance is sporadic and of short duration.
August 1, 2011	August 7 - 8	4	Max 300 guests. Tent is for 250 people.
August 9, 2011	August 13 - 14	3	Max 200 guests. Seating for 120 people.

August 17, 2011	August 19 - 21	1.5	Max 200 guests. Seating for 70 people. Guests will come and go throughout.
August 31, 2011	September 3 – 4	2	Max 200 guests. Seating for 100.
September 21, 2011	September 25	2	Max 200 guests. Seating for 50.

The City Clerk's Office has spoken with the owner of Paradise Park and explained that 1-3 days is not adequate time to review the application. The owner states that they are not made aware of the number of people to be in attendance until a few days before the event; therefore they cannot submit the application any earlier. Currently the ordinance requires the applicant to submit the application at least thirty (30) days in advance of the event.

Below is a summary of all other Outdoor Gathering Permit Applications that were received in 2011.

Applicant	Date of Application	Date of Event	Days given for City to review	Type of Event	Was there a tent?
On The Border	March 21	May 5	39	Cinco de Mayo Party.	Yes
Library Pub	August 17	September 11	20	Lion's football game	Yes
Tata Technologies	August 22	August 31	6	Employee event	Yes
Sri Venkateswara Temple	September 13	October 1	14	Prayer service	Yes
Worldwide Day of Play	September 15	September 24	8	Community event	No
Best Buy (two locations)	November 18	November 24	5	Movie viewing for customers	No

There are several factors to take into account regarding the amount of time involved in the approval of the application. For example, the two events that did not have a tent did not require as much review time by the Fire Department and Building Department. For the events that do require a tent, it is suggested that we have at least 10 business days to review the application in order to address all aspects of having the tent erected safely for the public.

It is **recommended** that Ordinance Review Committee consider amending the filing deadline from 30 days to 10 business days to give a reasonable amount of time for City Departments to review.

Moved by Margolis, Seconded by Gatt: Carried Unanimously

To remove wording regarding financial hardship from Section 26.5-34(d) and add that a performance bond is an acceptable form of financial guarantee.

2. Proposed Outdoor Gathering Ordinance Changes

Mr. Cardenas began by explaining a temporary special land use permit can be issued for a temporary tent for a maximum of five days in any six-month period. Once an applicant has reached the limit on temporary special land use permits, if they expect over 200 people at the event, they file an outdoor gathering permit application for each event. There is no limit on the number of outdoor gathering permits allowed per applicant or per business. He explained that the issue arose due to businesses submitting applications only a few days before the event, which is not enough time for the Police Department, Building Department and Fire Department to review the application. He said the proposal is to change the ordinance to require applicants to file the application a minimum of ten business days before the event. He said currently the ordinance requires 30 days however the Clerk's Office, Police Department, Building Department and Fire Department have all agreed that ten business days would be sufficient time to review the application.

* Mayor Gatt asked why we would change the timeframe from 30 days to ten days because it is only shortening the review time. Mr. Cardenas explained it gave a more reasonable timeframe for applicants to abide by. Mayor Gatt said it was basically a compromise then.

Mayor Gatt asked what would happen if the business owner did not know how many people would be in attendance. Ms. Hanson explained that it is up to the business owner to make an estimate, but if they do not expect more than 200 people, they do not need to file an application for an outdoor gathering.

Mr. Schultz added that most businesses do not file very many outdoor gathering permit applications, but in the specific instance of Paradise Park, he had intended to build a pavilion on the premises. Since he had not built the pavilion, he had been applying for temporary special land use permits and subsequently applies for outdoor gathering permits. Mayor Gatt asked what would happen if he did build the permanent structure. Mr. Schultz said he would no longer have to apply for temporary special land use permits or outdoor gathering permits.

Moved by Margolis, Seconded by Gatt: Carried Unanimously

To amend the filing deadline in the Outdoor Gathering ordinance from 30 days to ten business days.

The meeting was adjourned at 7:06 p.m.

Recorded by: Cortney Hanson
Deputy City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-~~42.04~~

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 24, "OUTDOOR GATHERINGS," ARTICLE II, "PERMIT FOR OUTDOOR ASSEMBLY," IN ORDER TO CHANGE THE TIME FOR SUBMISSION OF AN APPLICATION FROM 30 DAYS BEFORE AN EVENT TO 10 DAYS BEFORE AN EVENT AND TO MAKE OTHER MINOR REVISIONS IN THE REVIEW PROCESS.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 24, "Outdoor Gatherings," of the City of Novi Code of Ordinances, Article II, "Permit for Outdoor Assembly," Section 24-17, "Application – Filing," is hereby amended to read as follows:

Sec. 24-17. Application – Filing.

Application for a permit to conduct an outdoor assembly must be made in writing at least ~~thirty (30)~~ ten (10) days prior to the date of the proposed outdoor assembly on forms and in such manner as prescribed by the city clerk.

PART II. That Chapter 24, "Outdoor Gatherings," of the City of Novi Code of Ordinances, Article II, "Permit for Outdoor Assembly," Section 24-20, "Same – Investigation," is hereby amended to read as follows:

Sec. 24-20. Same – Investigation.

Upon receipt of a fully complete application by the city 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 ~~ten (10)~~ five (5) days of receipt thereof shall report their findings and recommendations to the city clerk.

PART III. That Chapter 24, "Outdoor Gatherings," of the City of Novi Code of Ordinances, Article II, "Permit for Outdoor Assembly," Section 24-22, "City clerk action," is hereby amended to read as follows:

Sec. 24-22. City clerk action.

Within ~~twenty (20)~~ eight (8) days of the filing of an 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. ~~Where conditions are imposed as prerequisite to the issuance of a permit and where a permit is denied, notice thereof shall be mailed to the applicant by certified mail within five (5) days of such action.~~ 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.

PART IV.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART V.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART VI.

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

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2012.

Maryanne Cornelius, City Clerk

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-42.04

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Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

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Maryanne Cornelius, City Clerk

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

RESOLUTION TO ESTABLISH AMENDED FEES FOR APPLICATIONS FOR PERMIT FOR OUTDOOR ASSEMBLY UNDER CHAPTER 24, ARTICLE II, OF THE CITY CODE OF THE CITY OF NOVI

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS; pursuant to Section 24-18(6) of the City Code, the City Council is authorized to establish a fee for each application for permit for outdoor assembly; and

WHEREAS; the City Council has established that it is in the best interest of the City to amend the current fee schedule; and

WHEREAS; the City of Novi City Council desires to adopt the following amended fees:

Estimated Maximum Attendants	Fee
200	\$110.00
500	\$210.00
2,500	\$360.00
5,000	\$510.00

NOW THEREFORE, IT IS HEREBY RESOLVED that the City of Novi City Council hereby establishes the attached amended schedule of fees pursuant to Section 24-18(6) of the City Code.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Maryanne Cornelius, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this _____ day of _____, 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Maryanne Cornelius, City Clerk
City of Novi