



# Use Policy for City of Alpena Owned or Controlled Properties and Parks

The City of Alpena Park System consists of approximately 100 Acres of land with nearly 16.5 miles of bike path, and approximately 1-1/2 miles of Lake Huron shoreline. There are 18 parks within the City of Alpena including the following:

Avery Park	North Riverfront Park
Bay View Park	South Riverfront Park
Blair Street Park	Starlite Beach
Culligan Plaza	Sytek Park
Duck Park	Thomson Park
Eleventh Avenue Boat Launch	Washington Avenue Park
Island Park	Water Tower Park
LaMarre Park	Veteran's Memorial Park
McRae Park	Alpena City Hall
Mich-e-ke-wis	City-Controlled Properties

These parks and properties are intended for use and enjoyment by residents of the City of Alpena and visitors to our area. The City reserves the right to establish capacities for each park, or property outlined herein. The following standards and requirements have been established by which activities, special events, and gatherings may be permitted within the Alpena Park System, or other City-owned or controlled property when the requirements have been met and approved by the Alpena Municipal Council or City staff.

## **APPLICATION FOR A USE PERMIT**

- A. A person shall not sponsor, operate, maintain, conduct, or promote an event in any City of Alpena Park, or on any City of Alpena owned or controlled property unless the person shall have first made application(s) for, and obtained as hereinafter prescribed, a permit for each such event.
- B. Any person making application for a use permit who is not current in paying City property taxes, is in default to the City, or is in litigation with the City shall have that application denied with no appeal process.
- C. A person shall not conduct an event in any City of Alpena Park, or on any property owned or controlled by the City of Alpena unless a permit has been issued for that event.
- D. Application for a permit to conduct any event in any City of Alpena Park, or on any property owned or controlled by the City of Alpena must be made in writing on such forms and in such a manner as prescribed by this document. For all events, the initial application shall be made at least forty-five (45) days prior to the date of the proposed event. The City of Alpena reserves the right to allow City staff to waive this requirement if all information is provided in a timely manner.

## **FEES AND DEPOSITS**

- A. For events taking place within the confines of a park building (within the building's rated capacity), the normal rental fee and deposit, as established in the fee schedule within the City of Alpena budget document, shall apply and be due upon application for the reservation.
- B. For-profit entities, those charging a fee to attend the event, payment for services rendered, or those selling goods reserving and utilizing a park or facility shall be required to pay twice the published fee as established in the annual budget.
- C. If an event causes any building or facility to be unavailable for rent to the public, the event shall be responsible for the normal rental fees as established in the fee schedule for that building or facility. The rental fee shall be due upon application for the reservation, regardless of whether the building or facility is being used by the event.
- D. An additional deposit, per the City of Alpena's fee schedule, will be required for a person reserving a shelter or park area, if that person or group has failed to abide by City of Alpena rules and regulations for use of the parks in the past or violated this policy during a previous event at a City of Alpena park, or a City of Alpena-owned or controlled property. Deposits, when required, are due upon approval for the reservation. Failure to pay any required deposit may result in forfeiture of the reservation and any fees paid to date for the event.
- E. Any deposits required will be retained by the City Clerk's Office to cover any costs incurred for repair or maintenance because of the scheduled event or rental for which the deposit was for. In the event the applicant does not comply with cleanup requirements or causes damage to the City-owned or controlled facilities, the cost for repairs or performing the work shall be deducted from the deposit. The balance of the deposit shall be returned. If costs exceed the deposit amount, the sponsor shall be billed for the difference.

- F. If the event is canceled, the deposit and fees paid can be refunded up until two (2) weeks prior to the event.

## **ACTION BY THE CITY**

- A. The application shall be reviewed by City staff for consideration.
- B. The City Manager and/or his or her designee shall make decisions regarding approval or disapproval of an event permit. If deemed necessary, an application may also be referred to the Alpena Municipal Council for a decision.
- C. An applicant may appeal a denial of an application by the City Manager within five (5) business days of the notice of denial, by submitting a written appeal to the City Clerk's Office. The Alpena Municipal Council shall review the appeal at its next regularly scheduled session and shall advise the applicant of its decision in writing, within five (5) business days of the meeting at which the appeal was addressed.
- D. The City has full authority to add additional conditions of use to a permit. City staff may also require additional event security, sanitation facilities, public safety measures, etc.

## **PERMIT DENIAL – The permit may be denied if:**

- A. The application fails to comply with any requirements of this policy, existing park rules and regulations, or any conditions imposed pursuant hereto, or with any other applicable provisions of state law or local ordinances.
- B. The applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting document.
- C. City staff or the Alpena Municipal Council may deny the permit for any of the following reasons, including but not limited to:
- Prior commitments
  - Scheduling conflicts
  - Facility capacities
  - Prior performance of the applicant, person, or sponsor
  - Failure to follow park rules and regulations
  - A lack of adequate City resources for the protection of the parks and their visitors
  - Health or safety issues
  - Failure to follow conditions of a permit for a previous event or activity
  - State Law
  - Public Health Orders, including those in effect after the permit is issued
  - City Ordinances

## **SOUND-PRODUCING EQUIPMENT**

If the event involves sounds that are mechanically, or physically amplified, those sounds shall not create a

nuisance or produce excessive amplification which will unduly interfere with the rights and privileges of other park users and/or neighboring residents, and/or violate the City's Noise Ordinance 54-1. The Alpena Municipal Council shall be the only body with authority to waive any portion of Ordinance 54-1.

## **SIGNAGE**

No signage shall be erected on any City property before the day the event is to take place. No signs shall be larger than allowed on any residential property within the City per section 4.3 of the Alpena Zoning Ordinance. The Alpena Municipal Council shall be the only body with authority to waive any portion of the Zoning Ordinance.

## **ALCOHOLIC BEVERAGES**

When an event sponsor sells or furnishes beer, wine, or other spirits, a temporary license to do so shall have been obtained from the Michigan Liquor Control Commission. The event shall also be required to carry liquor liability insurance with the City listed as an additional insured. A copy of all required permits, and/or licenses required by the Michigan Liquor Control Commission shall be submitted to the City Clerk prior to the event.

## **OTHER PERMITS AND LICENSES**

For events that might include such items as tents, caterers, open fires, local permits and/or licenses may be required. The sponsor shall be responsible for acquiring those permits or licenses and providing a copy to the City of Alpena Clerk at least five (5) days prior to the event.

## **WAIVER**

The sponsor of the event may petition the City, or its designated representative, for a waiver of one or more of the requirements for a park, or City-controlled property use permit under these rules. Upon receipt of such petition, if it appears to the City, or its designated representative, that one or more of the requirements of the policy creates an unnecessary hardship, not created by the action of the sponsor, or that a genuine hardship exists because of the unusual circumstances with regards to the activity, such requirement or requirements may be waived. The need to obtain a parks or City-controlled property use permit may be waived by the City, or its designated representative, if it is determined it is unreasonable for the size or nature of the activity taking place.

The nature of the event, the number of attendees anticipated, and the history of similar events and/or sponsoring organizations are factors that will be considered in determining whether a waiver is granted.

## **REVOCACTION**

The City, or its designated representative, may revoke a permit whenever the sponsor, its employees, or agents fail, neglect, or refuse to fully comply with all provisions and requirements set forth herein or with

all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

## **VIOLATIONS**

Any violations of this policy shall cause the immediate suspension of any uses, activities, or events authorized by any permit issued. Further penalties may be invoked as violations of State Law or City Ordinances including but not limited to noise ordinances, littering, destruction of property, arson, vandalism, etc.

## **TRANSFERABILITY**

No license or permit issued shall be transferable unless specifically authorized.

## **SEVERABILITY**

If any word, clause, sentence, or section of this policy or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this policy.

## **RESERVATIONS**

Scheduling of all park facility rentals shall be coordinated through the City Clerk's Office, which shall maintain a master calendar for all parks and facilities. Rentals or use of the park facilities may be granted on a tiered priority basis with long-standing events having priority over new or occasional events. Reservations are not transferable. Events submitting their request by the date indicated shall have priority over other events submitted later. Subsequent requests shall be reviewed on a first-come, first-served basis. The tiers shall be as follows:

### **TIER I (Requests received prior to February 1 of each year)**

All established entities, which have previous permission from the Alpena Municipal Council for use of the park facilities, i.e., the Michigan Brown Trout Festival, Art on the Bay, True North Radio Summer Concert Series, McRae Park Association, etc.

### **TIER II (Others on a first-come, first-served basis)**

Other non-profit groups or organizations, family reunions, weddings, etc. and those for-profit entities holding free events for clients, employees, or the public.

## **RESERVATION ANNOUNCEMENTS**

Upon approval, a permit will be issued to the applicant. Applicants are encouraged to post their issued permit on site the day of the event to ensure availability.

## DEFINITIONS

- A. "Applicant" means a person who applies for a use permit.
- B. "Capacity" shall mean the number of people allowed to attend an event and remain within the confines of the rental area.
- C. "Deposit" shall mean an amount of money paid in advance to the City by the event sponsor and held by the City until the conclusion of the event and inspection by the City of the facilities utilized. The cost of any damages to the facilities or costs of any cleanup required by the City not performed per the policy shall be deducted from the monies held. If the deposit held does not cover all costs incurred, the event sponsor shall be billed for the additional costs.
- D. "Event" means any activity or gathering to be held in a City of Alpena Park, or on a City property, all or any of which includes a theatrical or musical exhibition, public exhibition, public show, display, entertainment, amusement or exhibition including but not limited to: reunions; clubs; fraternity or sorority gatherings; races; walking events; youth and adult sporting events; fishing tournaments; day camps or similar gatherings; political gatherings; parades; or a gathering of similar characteristics; but does not mean:
  - a. An event which is conducted or sponsored by the City of Alpena on publicly-owned or controlled land.
  - b. Volunteer groups working within the park, with advanced permission from City staff.
- E. "Fees" mean any cost, as established by the City, for rental or use of a park, portion of a park, or facilities within a park.
- F. "Person" means any individual, partnership, corporation, association, group, or organization.
- G. "Sponsor" means any person or group of persons who organizes, promotes, conducts, or causes to be conducted, any event or a large outdoor assembly.
- H. "Youth Group" means a group organized for, and whose membership is comprised of children 0-18 years of age. The term 'youth group' shall not include any college or university youth group.