

City of Troy Standards for Issuance of Special Use Permits in Parks.

This Policy Statement on Special Use Permits covers all special uses in the City of Troy parks. Any organization wishing to sponsor or hold a special event in any City of Troy municipal park will be required to complete the City of Troy Special Park Use Application.

All special uses shall be reviewed by the City Manager or his designee prior to City Council submission. Special Uses are defined as activities which are not directly related to the day-to-day operations of the City of Troy, but which may occur on park land.

The City Manager, or designee, may place additional requirements on any event. These requirements may include specific staffing levels for Police, Fire, Paramedic, Public Services or other personnel. Expenses for these requirements will be billed to the sponsoring organization under the terms of the policy.

Fees

A fee to cover administrative costs of processing the permit shall be paid to the City by the applicant when the application is filed. The administrative cost is \$35.00.

If the application is for the use of any City property or if any City services shall be required for the special use, the applicant shall pay the estimated charges for rent and services. These fees must be paid prior to issuance of the approved permit.

Standards for Approval

The City Council shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- 1) The conduct of the special use will not substantially interrupt other regularly scheduled park activities.
- 2) The conduct of the special use will not require the diversion of so great a number of City staff that normal work activity cannot be accomplished.
- 3) The conduct of the special use is not reasonably likely to cause injury to persons or property.
- 4) Adequate sanitation and other required health facilities are or will be made available.
- 5) There are sufficient parking places in the park to accommodate the number of vehicles reasonably expected.
- 6) No special use permit application for the same time and/or location has already been granted.
- 7) The duration of time the reserved area or park is unavailable due to set-up, take down and the event is not so substantial to prevent normal public use for extended periods.
- 8) The reserved area is no more than 50% of the available open space in the park.

City Services Provided For Special Use

The City may provide support for special uses on the following basis:

A. City Operated Events: The City may operate certain special events directly. The full cost of these events will be funded by the City.

B. Co-Sponsored Events: The City may co-sponsor certain events with other organizations when City Council determines that the event is of general interest to the public and advances the City's public image.

C. Non-Profit Events: The City may assist other special uses operated by non-profit organizations. These events must meet the other requirements of the special use policy and must reimburse the City for any City costs. To qualify as a non-profit, the organization must be a non-profit as recognized by the State of Michigan or have 501C3 status. Organizations who have applied for non-profit status may be considered in this category.

D. For-Profit Uses: The City may allow other special uses operated by for-profit sponsors, which are beneficial to the City and the public subject to a rent for the use of the public property, which is approved for each event. These events must meet the other requirements of the special use policy and must reimburse the City for any costs.

E. Civic, Cultural, Educational or Family Celebrations: Use by groups whose function is civic, cultural, educational or family celebrations (graduation, reunions, etc.) may be approved under this policy. There is no residency requirement for family celebrations such as graduation parties, family reunions, etc. These events must meet the other requirements of the Special Use policy and must reimburse the City for any City costs.

Note: All organizations, groups or individual applicants must be Troy based with 75% of the sponsoring organization residents or business residents.

Fees For Special Uses

Fees shall be charged for City services provided to special uses as follows:

- a. Straight time shall be the hourly cost for any employee working on a special event during the "normal work day," including the actual cost for fringe benefits.
- b. Overtime shall be the hourly cost for any employee working on a special event during a time period, which would be considered overtime for City payroll records, including the actual cost for fringe benefits.
- c. Purchased or rented materials shall include all direct costs for all materials purchased or rented by the City of Troy for use at the event.
- d. Equipment charges shall be the current equipment rental rates charged by the City of Troy.
- e. An administrative fee of 20% shall be added to the total billing. This administrative fee shall cover the City's expenses related to supervision, use of stock parts (i.e. nuts/bolts, fluids) and costs related to payment of bills related to the event.

Billings For Special Uses

Special Use billings by the City shall be itemized as follows:

Public Safety Employee Regular/Overtime	\$ _____
Public Services Employee Regular/Overtime	\$ _____
Equipment Charges	\$ _____
Purchased Materials	\$ _____
Rented Materials	\$ _____
Rental fee (if applicable)	\$ _____
Special Requests	\$ _____
Sub Total	\$ _____
Plus 20% Administrative Fee	\$ _____
NET TOTAL BILLING	\$ _____

A cash deposit, performance bond or other security acceptable to the City will be required in an amount equal to the amount estimated by the City to be billed for City fees as described above. Invoices for services shall be issued within thirty (30) days of the event.

Rental Charge To Be Set For-Profit Use:

Uses, which are exclusively sponsored by private for-profit organizations, shall be charged a rent for use of public areas, such as parks or public grounds, in addition to the City event fees provided herein. The rent shall be set at \$100.00 or 50% of the cost for City services whichever is greater.

Special Event Signs:

Any signs used for the event must conform to the City of Troy City Code chapter 26 and 78.

Liability Insurance Requirements:

In order to comply with the City's insurance liability carrier, the City shall require that all sponsors of special uses carry liability insurance with coverage of at least \$1,000,000 except for Class I – Low Hazard events approved by the City Manager as provided below. An event sponsor shall be required to provide a valid certificate of insurance naming the City of Troy as an additional insured prior to the event. City Council may require higher levels of insurance based on risk factors and past experience. Outcomes of past public events conducted by the group will contribute to the determination of risk category.

It shall be the policy of the City of Troy to not routinely require insurance coverage for uses classified as Class I – Low Hazard and the City Manager may waive insurance requirements for Class II – Moderate Hazard events depending on evaluation of risk.

The City Manager will review each special use application received and assess the potential liability risk of the City of Troy based on the following risk categories:

Class I – Low Hazard involves little physical activity by participants and no hazardous exposure to spectators.

Class II – Moderate Hazard involves moderate physical activity by participants and no significant hazardous exposure to spectators.

Class III – Substantial Hazard involves major participation by participants and/or moderate risk to spectators.

Class IV – High Hazard involves danger or significant risk to spectators and/or participants.

As a result of the review of the use by the City Manager, some events may require that additional City staff or representatives of the City be on site during the event.

Traffic Control and Safety Requirements

The sponsor shall be responsible for complying with all traffic control and safety procedures required by the City during the event. The requirements will be indicated in the notice of approval and additional requirements may be made by the City during the event as may be necessary for the safety of the public.

Participant Waiver of Liability

The sponsor shall be responsible for obtaining all signed indemnification agreements as required by the City. Specific requirements may be indicated in the City's written confirmation of approval.

Vendor and Concession

The City has granted exclusive privilege of sale of food, drinks, etc. at Boulan Park, Firefighters Park, Flynn Park, the Aquatic Center and Community Center. Therefore, no food vendors may be brought to those locations.

Any event that is serving food must have all food vendors approved by the Oakland County Health Department. All food vendors must supply a valid certificate of insurance naming the City of Troy as an additional insured prior to opening of the food stand. All food vendors must post a valid temporary food license if required by the Oakland County Health Department. Food vendors are responsible for any and all fees related to obtaining a food license.

Two or More Applications For The Same Date

In the event that two or more applications are received for the same date and time, prior to the approval of either event, the date and time that each application was received by the City of Troy shall determine the order of preference. Once a special use permit has been granted, it shall be the policy of City Council to award no further permits for the same date, time and general location.

Reservation Dates

Groups meeting the residency requirement may reserve parks for new special events beginning the first Monday in February. Non-Troy based groups or those not meeting the residency requirement may apply for park special use no earlier than thirty days prior to the event.

Reservation of Annual Event Dates

If an event is intended to be an annual event at regularly scheduled dates, the current years application may include the following years requested dates. Approval of the current years application will include reservation of the next years proposed dates. However, it will not constitute approval of next years event, which must have its own timely application submitted for City approval. Non Troy based groups may not reserve annual events for the next year.

Written Confirmation of City Approval:

Upon approval of the special use application, a written confirmation as to the action of City Council will be forwarded to the individual or organization requesting the event. This confirmation will outline any special conditions that must be met if the event is to be held. The City of Troy special use application must be completed for all special uses that take place in parks that are controlled by the City of Troy.

Park Shelter Use:

Park Shelters will be unavailable for other groups when a special use is scheduled. If a park shelter is reserved, no special use will be allowed. If a park shelter is available to be reserved, the applicant will pay the park shelter fee. Park shelters are available for reservation May through September.

Alcohol In Parks/Public Places:

No alcohol may be consumed in parks or on public grounds except by special permit.

Noise

The noise ordinance must be adhered to before, during and after the event.

Amusements:

No rides, amusements, petting zoos, inflatable games, dunk tanks, generators, concessions, hot or cold air balloons without special permission and/or permits as required by City Ordinances.

Tents:

No tents may be erected without special permission.

Athletic Field Use:

Only athletic events may be held on athletic fields.

**City of Troy General Rules and Regulations
INDEMNIFICATION AGREEMENT**

The _____ agree(s) to defend, indemnify and hold harmless the City of Troy, Michigan from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from the _____ by reason of any damage to property, personal injury or bodily injury, including death, sustained by a person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Troy or by third parties, or by the agents, servants, employees or factors of any of them.

Signature _____ Date _____

Witness _____ Date _____

City of Troy Special Use Application

Directions: Complete this application in accordance with the City of Troy's Special Use Policy and return it to the Parks Department office at least 60 days prior to the starting date of the event.

Sponsoring Organization's Legal Name _____ Phone _____

Organization Address: _____

Organization's Agent: _____ Phone _____

Agent's Title _____

Agent's Address _____

Event Name _____

Event Purpose _____

Number of people expected: _____ Use dates: _____

Event start time/end time: _____

Time wanted before and after event starting time: _____

Event Location _____

Will there be an admission charge? Yes No If yes, what is the charge? _____

Describe completely the details of the event: _____

1. **TYPE OF EVENT** City Operated Event Non-Profit Event
 Co-sponsored Event For-Profit Event

2. **ANNUAL EVENT:** Is this event expected to occur next year? Yes No

If YES, you can reserve a date for next year with this application (See Policy Section ____). To reserve dates for next year, please provide the following information.

Normal Event Schedule (e.g., third weekend in July) _____

Next year's specific dates: _____

3. **EVENT MAP** A diagram of event set-up must be attached.

4. **VENDORS:** Food Concessions Yes No Other Vendors Yes No

5. **EVENT SIGNS:** Will this event include the use of signs? Yes No

6. **OTHER REQUESTS:** What will you need for set-up? (chairs, tables, etc.) _____

Will you have amplification? Yes No

Noise ordinance must be adhered to.

Will there be a sound system, speaker or D.J.? Yes No

Will there be live music? Yes No

Describe any special requests for this event such as amusements, petting zoos, balloons, dunk tank, concessions, etc. _____

7. **CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that:

- a. A certificate of insurance must be provided which names the City of Troy as an additional named insured party on the sponsor's insurance policy.
- b. Sponsors will be required to sign Indemnification Agreement forms.
- c. Participants may be required to sign a waiver of liability.
- d. All food vendors must be approved by the Oakland County Health Department and each food and/or other vendor must provide the City with a certificate of insurance which names the City of Troy as an additional named insured party on the vendors insurance policy. No food vendors are allowed at Flynn Park, Firefighters Park, Boulan Park, the Troy Family Aquatic Center or the Community Center.
- e. The approval of this special use may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's special use policy. The event will be operated in conformance with the written confirmation of approval.
- f. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City and will promptly pay any billing for City services which may be rendered.
- g. I have read and understand all City of Troy Park rules and regulations.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this special use, affirm the above understandings and agree that my sponsoring organization will comply with the City's Special Use Policy, the terms of the Written Confirmation of Approval and all other City requirements, ordinances and other laws which apply to this special event.

Date

Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least sixty (60) days prior to the first day of the event.