

Charter Township of Shelby

Standards for Issuance of Special Use Permits in Parks

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

All special uses shall be reviewed by the Park Director or his designee prior to Parks and Recreation Committee submission. Special uses are defined as activities which are not directly related to the day-to-day operations of Shelby Township, but which may occur on park land.

The Park Director, or designee, may place additional requirements on any event. These requirements may include specific staffing levels for Police, Fire, Paramedic, Parks, Recreation and Maintenance Department 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 Shelby Township by the applicant when the application is filed. The administrative cost is \$25.00.

If the application is for the use of any Shelby Township property or if any Township 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 Shelby Township Parks and Recreation Committee 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 Township staff members that normal work activity cannot be accomplished.
- 3) The conduct of the special use is not reasonably likely to cause injury to persons or to 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 reasonably accommodate the number of vehicles 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.

Township Services Provided For Special Use

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

- A. Township Operated Events:** The Township may operate certain special events directly. The full cost of these events will be funded by the Township.
- B. Co-Sponsored Events:** The Township may co-sponsor certain events with other organizations when Parks and Recreation Committee determines that the event is of general interest to the public and advances the Township's public image.
- C. Non-Profit Events:** The Township 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 Township for any Township costs. To qualify as a non-profit, the

organization must be a nonprofit as recognized by the State of Michigan or have 501C3 status. Organizations which have applied for non-profit status may be considered in this category.

- D. For-Profit Uses:** The Township may allow other special uses operated by for-profit sponsors, which are beneficial to the Township 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 Township for any costs.

- E. Civic, Cultural, Educational or Family Celebrations:** Use by groups whose function is civic, cultural, educational or a family celebration (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 Township for any Township costs.

Note: All organizations, groups or individual applicants must be Shelby Township based with 50% of the sponsoring organization residents or business residents.

Fees For Special Uses

Fees shall be charged for Township 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 Township 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 Township of Shelby for use at the event.
- d. Equipment charges shall be the current equipment rental rates charged by the Township.
- e. An administrative fee of 10% shall be added to the total billing. This administrative fee shall cover the Township'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 Township shall be itemized as follows:

Police, Fire and PRM Department Employee Regular/Overtime	\$ _____
Police, Fire and PRM Department Employee Regular/Overtime	\$ _____
Equipment Charges	\$ _____
Purchased Materials	\$ _____
Rented Materials	\$ _____
Rental fee (if applicable)	\$ _____
Special Requests	\$ _____
Sub Total	\$ _____
Plus 10% Administrative Fee	\$ _____
NET TOTAL BILLING	\$ _____

A cash deposit, performance bond or other security acceptable to the Township will be required in an amount equal to the amount estimated by the Township to be billed for Township 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 rental fee for use of public areas such as parks or public grounds, in addition to the Township event fees provided herein. The rent shall be set at \$100.00 or 50% of the cost for Township services whichever is greater.

Liability Insurance Requirements

In order to comply with the Township's insurance liability carrier, the Township 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 Park Director as provided below. An event sponsor shall be required to provide a valid certificate of insurance naming the Charter Township of Shelby as an additional insured prior to the event. The Parks and Recreation Committee 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 Township of Shelby to not routinely require insurance coverage for uses classified as Class I – Low Hazard and the Park Director may waive insurance requirements for Class II – Moderate Hazard events depending on evaluation of risk.

The Park Director will review each special use application received and assess the potential liability risk of the Township 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 Park Director, some events may require that additional Township staff or representatives of the Township 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 Township during the event. The requirements will be indicated in the notice of approval and additional requirements may be made by the Township 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 Township. Specific requirements may be indicated in the Township's written confirmation of approval.

Vendor and Concession

The Charter Township of Shelby has granted exclusive privilege of sale of food, drinks, etc. at all Shelby Township parks and facilities. Therefore, no food vendors may be brought to them without prior approval.

Any event that is serving food must have all food vendors approved by the Macomb County Health Department. All food vendors must supply a valid certificate of insurance naming the Charter Township of Shelby 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 Macomb County Health Department. Vendors are also required to obtain a Township Vendor's Permit. Food vendors are responsible for any and all fees related to obtaining a food license and Vendor's Permit.

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 Township shall determine the order of preference. Once a special use permit has been granted, it shall be the policy of the Park Director 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-Shelby Township 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 year's application may include the following year's requested dates. Approval of the current year's application will include reservation of the next year's proposed dates. However, it will not constitute approval of next year's event, which must have its own timely application submitted for Township approval. Non-Shelby Township based groups may not reserve annual events for the next year.

Written Confirmation of Township Approval

Upon approval of the special use application, a written confirmation as to the action of the Park Director 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 Township of Shelby Special Use Application must be completed for all special uses that take place in parks that are controlled by the Township.

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.

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 Ordinances.

Tents

No tents may be erected without special permission.

Athletic Field Use

Only athletic events may be held on athletic fields.

**Charter Township of Shelby
General Rules and Regulations**

INDEMNIFICATION AGREEMENT

The _____ agree(s) to defend, indemnify and hold harmless the Charter Township of Shelby, 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 Township of Shelby or by third parties, or by the agents, servants, employees or factors of any of them.

Signature _____

Date _____

Witness _____

Date _____

Charter Township of Shelby Special Use Application

Directions: Complete this application in accordance with the Township of Shelby's Special Use Policy and return it to the Parks, Recreation and Maintenance 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** Township 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 Township of Shelby 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 Macomb County Health Department and each food and/or other vendor must provide the Township with a certificate of insurance which names the Township of Shelby as an additional named insured party on the vendors insurance policy.
- e. The approval of this special use may include additional requirements and/or limitations based on the Township's review of this application, in accordance with the Township'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 Township and will promptly pay any billing for Township services which may be rendered.
- g. I have read and understand all Charter Township of Shelby 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 Township's Special Use Policy, the terms of the Written Confirmation of Approval and all other Township 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.