



Special/Study Session Meeting
6:00 p.m., Tuesday, February 21, 2017
Conference Room
23600 Liberty Street
Farmington, MI 48335

STUDY SESSION AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. Second Reading of the Ordinance Relating to Special Events and Mobile Food Vending, Consideration to Approve Ordinance and Establish Mobile Food Vending Fees**
- 5. Other Business**
- 6. Council Comment**
- 7. Closed Session – Land Acquisition**
- 8. Adjournment**

Farmington City Council Staff Report	Council Meeting Date: February 21, 2017	Item Number 4	
Submitted by: David Murphy			
Description Consideration to approve Ordinance No. _____ relating to special events and mobile food vending, second reading, and to approve related Resolution Establishing Mobile Food Vending Fees.			
Requested Action Move to adopt Ordinance No. _____ relating to special events and mobile food vending and related Resolution Establishing Mobile Food Vending Fees.			
<p>Background This is the second reading of the ordinance that was introduced and originally considered by the City Council for first reading on July 18, 2016. The Council asked the City Administration to research and consider the license application fee amount. City Manager Murphy and Economic and Community Development Director Christiansen are recommending \$150 per event, to cover the cost of the City for processing the special event application.</p> <p>There are a few minor changes to the ordinance as well, addressing the inquiry as to how many days and “a single event” can last. The attached draft suggests that each event can last no more than three days. The application and permit shall specify the number of days per event. In addition, no event may last more than 12 hours at a time. A day is defined as essentially 9:00 a.m. to midnight.</p> <p>As indicated at the Council meeting at which the ordinance was introduced, the City Administration expects to monitor the activities under the new ordinance and may after a period of time suggest additional amendments to the Council in the future and depending on whether it is accomplishing the City’s goals in a manner</p>			
Agenda Review			
Department Head	Finance/Treasurer	City Attorney	City Manager

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-____-2017

**AN ORDINANCE TO AMEND THE CITY OF FARMINGTON
CITY CODE OF ORDINANCES, CHAPTER 4, "AMUSEMENTS
AND ENTERTAINMENTS," ARTICLE VI, "SPECIAL EVENTS,"
IN ORDER TO _____.**

THE CITY OF FARMINGTON ORDAINS:

PART I. That Chapter 4, "Amusements and Entertainments," Article VI, "Special Events," of the City of Farmington Code of Ordinances is hereby amended to read as follows in its entirety:

ARTICLE VI. - SPECIAL EVENTS

Sec. 4-190. - Definitions.

- (a) Mobile food stand means a stand that may, upon approval of a special event permit and conformance with the regulations established by this Article, temporarily park and engage in the service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the stand.
- (b) Mobile food trailer means a vehicle that may, upon approval of a special event permit and conformance with the regulations established by this Article, temporarily park and engage in the service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the trailer.
- (c) Mobile food vehicle means a motorized vehicle that may, upon approval of a special event permit and conformance with the regulations established by this article, temporarily park and engage in the service, sale, or distribution of ready-to-eat food for individual portion service to the general public directly from the vehicle.
- (d) Mobile food vehicle vendor means the registered owner of a mobile food vehicle or the owner's agent or employee.
- (e) Mobile food vending special events shall mean events where the primary purpose of the activities is to provide food through the use of a mobile food stand, trailer, or vehicle. Such events may occur in connection with the use of private property or on public property.
- (f) Parade means any march, demonstration, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks or other public

grounds within the city with an intent of attracting public attention that interferes with the normal flow or regulation of traffic upon the streets, parks or other public grounds.

- (bg) Person means any person, firm, partnership, association, corporation, company or organization of any kind.
- (eh) Sidewalk is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
- (di) Special event means any ~~meeting, festival or~~ gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic on public rights-of-way or private property generally open to the public or occupies any area in a place open to the general public, and shall include outdoor festivals, block parties, races or runs, walk-a-thons/marathons, mobile food vending, and other events or activities of a similar nature, that do not have or seek a permanent site or business location, and are temporary and of such a nature as to be acceptable to the general public with regard to morals, health, safety features, and the conduct of the special event participants.
- (ej) Special event permit means a permit as required by this article.
- (fk) Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

Sec. 4-191 - Permit required.

No person shall engage in or conduct any parade or special event unless a permit is issued by the city.

Sec. 4-192. - Exceptions.

This article shall not apply to the following:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (c) A governmental agency acting within the scope of its functions; and
- (d) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such public assembly, provided that the organizer thereof gives written notice to the city at least twenty-four (24) hours prior to such parade or public assembly.

Sec. 4-193. - Application.

- (a) A person seeking a special event permit shall file an application with the city manager on forms provided by the city and the application shall be signed by the applicant under oath.
- (b) An application for a permit shall be filed with the city manager at least thirty (30) days before the parade or special event is proposed to commence; provided, however, that this requirement may be modified by the city manager if the permit does not require city council action in order to be issued by the city.
- (c) The application for a permit shall set forth information determined by the city council to be necessary for the protection of the public health, safety and well-being and contained in the special events policy to be adopted by resolution of council. It may be amended from time to time.

Sec. 4-194. - Fees.

- (a) 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 amount for such permit shall be as established by city council ~~in its special events policy to be adopted~~ by resolution of council. ~~It may be amended~~ from time to time.
- (b) If the application is for the use of any city property or if any city services shall be required for the parade or special event, the applicant shall pay, prior to the issuance of a permit, the charges for rent and services in accordance with a schedule of rent and service approved by the city council by resolution ~~as part of the special event policy. It may be amended~~ from time to time.

Sec. 4-195. - Standards for issuance.

The ~~city council or~~ city manager or city council, as applicable, 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 is determined that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location.
- (2) The conduct of the parade or special event will not require the diversion of so great a number of city public safety officers to properly police the line of movement and the areas contiguous thereto as to prevent normal public safety protection of the city.
- (3) The concentration of persons, animals, and vehicles at public assembly points of the parade or special event will not unduly interfere with property, fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas.
- (4) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property.

- (5) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.
- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas.
- (7) There are sufficient parking places near the site of the parade or special event to accommodate the number of vehicles reasonably expected.
- (8) No special event permit application for the same time and/or location has already been granted, or has been received and will be granted. ~~Where and~~ the occurrence of two (2) or more special events would have an adverse effect upon the public health, safety, or welfare.
- (9) The conduct of the parade or special event shall comply with ~~the any~~ special event ~~policy policies~~ adopted by council.
- (10) The permittee shall establish to the satisfaction of the Director of Public Safety that such necessary and sufficient security personnel will be provided by permittee for the duration of the event.
- (11) No permit shall be granted where the applicant fails to comply with all requirements of this chapter or any other provision of state or local law, or where the applicant has knowingly made a false, misleading, or fraudulent statement in the application or supporting documents.

Sec. 4-196. - Exercise of approval authority.

Approval authority for special events shall be as set forth in the City's Park Reservation, Facility Use, and Special Event Policy; provided, however, that as to mobile food vending events that are not part of a larger special event application that includes additional activities, the city manager shall be authorized to review and approve such events. The city manager shall issue permits for special events which are proposed to be located upon one (1) site for no greater duration than seventy two (72) hours. All other special events or parades shall require approval of city council.

Sec. 4-197. – Prohibited acts.

It shall be unlawful for any person to:

- (a) Advertise, promote, or sell tickets to, conduct or operate an outdoor assembly without first obtaining a permit as required by this chapter;
- (b) Conduct or operate an outdoor assembly in such a manner as to create a public or private nuisance;

- (c) Conduct or permit, within an outdoor assembly, any obscene display, exhibition, show, play, entertainment, or amusement as prohibited by Act No. 343 of the Public Acts of Michigan of 1984 (MCL 752.361 *et seq.*), as amended;
- (d) Permit any person on the premises to cause or create a disturbance in, around, or near an outdoor assembly by disorderly conduct;
- (e) Permit any person to unlawfully consume, sell, or possess alcoholic liquor while on the premises of an outdoor assembly;
- (f) Permit any person to unlawfully use, sell, or possess any controlled substances on the premises of an outdoor assembly.

Sec. 4-198. – Mobile food vending special events.

- (a) The provisions of this Section 4-198 apply to mobile food stands, mobile food trailers, and mobile food vehicles. This Section does not apply to vehicles that dispense food and move from place to place and are only stationary for a brief period of time not to exceed ten (10) minutes, such as ice cream trucks.
- (b) A special event permit shall be required to operate a mobile food vehicle, mobile food trailer, or mobile food stand. The application for a permit shall include the information required in Section 4-193. In addition, the applicant shall provide (1) proof of insurance in the amount of \$1,000,000 naming the City as an additional insured; and (2) an additional application fee in an amount to be set by resolution of the City Council from time to time. If mobile food vending is proposed as part of an activity that also requires a special event permit, no additional or separate mobile food vending permit shall be required.
- (c) No owner or occupant of property within the City may secure more than three (3) mobile food vending special event permits within a calendar year with respect to events located on private property.
- (d) No mobile food vendor may secure more than three (3) special event permits per calendar year for a mobile food vending special event, subject to the following:
 - (1) The application shall specify the number of days the event is proposed to last, and the permit shall establish the number of days the event is permitted to last.
 - (2) For purposes of this Section, a "day" shall be a period of time from 9:00 a.m. to 11:59 p.m. of the day for which the permit is issued.
 - (3) No event shall last more than three (3) consecutive days.
 - (4) No event shall exceed twelve (12) consecutive hours.
- (e) Mobile food vending activities as a special event, or as part of a special event, shall be subject to the following additional requirements:

- (1) The customer service area for mobile food vehicles, trailers, or stands shall be on the side of the truck that faces a curb, lawn, or sidewalk if allowed on a street or right-of-way. No food service shall be provided on the driving land side of the vehicle, trailer, or stand when parked on a street or right-of-way. No food shall be prepared, sold, or displayed outside of mobile food vehicles, trailers, or stands when located on a city street or right-of-way.
- (2) No mobile food stand may be larger than ten feet by ten feet nor more than 75 square feet in size. A five-foot clearance must be maintained on all sides of the stand within the maximum space allotted.
- (3) Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles, trailers, or stands shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- (4) No mobile food vehicle, trailer, or stand shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles, trailers, or stands shall meet the city noise ordinance, including generators. No music, high-decibel sounds, horns, or amplified announcements are allowed.
- (5) Signage is only allowed when placed on mobile food vehicles, trailers, or stands. No separate freestanding signs are permitted on city streets, rights-of-way, or city-owned property except as expressly allowed in the permit.
- (6) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles, trailers, or stands or related signage when the vehicle, trailer, or stand is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.
- (7) Mobile food vehicles, trailers, or stands when parked on public streets shall be parked in conformance with all applicable parking restrictions, and shall not hinder the lawful parking or operation of other vehicles.
- (8) A mobile food vehicle, trailer, or stand shall not be left unattended and unsecured at any time. Any mobile food vehicle, trailer, or stand found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- (9) A vendor shall not operate on private property within first obtaining written consent to operate from the affected private property owner. The property owner or occupant shall be responsible for securing the special event permit.
- (10) No mobile food vehicle, trailer, or stand shall use external signage, bollards, seating or other equipment not contained within the vehicle when parked on city

streets or right-of-ways. When extended, awnings for mobile food vehicles, trailers, or stands shall have a minimum clearance of seven feet between the ground level and the lowest point of the awning or support structure.

(11) Any power required for the mobile food vehicle, trailer, or stand located on a public way shall be self-contained and a mobile food vehicle, trailer, or stand shall not use utilities drawn from the public right-of-way. Mobile food vehicles, trailers, or stands on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any city street, alley sidewalk, or right-of-way.

(12) Mobile food vehicles, trailers, or stands shall not be parked within 150 feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business unless the applicant for the special event permit is also an existing brick and mortar business that serves food or alcohol.

(13) No event shall extend beyond 10:00 p.m. unless authorized by the City Manager.

Sec. 4-199. – Revocation.

(a) The city manager or city council may revoke a permit issued pursuant to this article whenever the permittee, his employee, or agent fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth in this chapter or with any and all provisions, regulations, ordinances, statutes, or other law incorporated by reference in this chapter.

(b) A permit shall automatically be revoked if disorderly conduct occurs at an outdoor assembly or if an assemblage exceeds twenty-five (25) percent of the estimated attendance, as indicated on the application for a permit. In such instances the premises may be closed by the police department and the assembly disbursed.

Part II Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III Savings

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV Effective Date: Publication.

This amendatory ordinance shall be effective 10 days after adoption by the City Council and after publication as provided by the Charter of the City of Farmington.

Ayes:
Nayes:
Abstentions:
Absent:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2017, the original of which is on file in my office.

SUSAN K. HALBERSTADT, City Clerk
City of Farmington

Adopted:
Published:
Effective:

