



CITY OF TRAVERSE CITY

PARK AND PUBLIC LAND USE POLICY

I. PURPOSE

The purpose and intent of this Policy are as follows:

- (a) The purpose of this Policy is to manage and regulate Events (High Impact Events and Low Impact Events) including those sometimes known as festivals, on City parks and other city property, excluding streets.
- (b) It is intended to regulate them as to time, place, and manner and not as to content.
- (c) It is recognized and appreciated that Events and festivals have become an important addition to the culture and vitality of Traverse City, and that they make a valuable contribution to the economic and social well-being of the City.
- (d) It is recognized and appreciated that the City's parks and open spaces are used by residents and visitors for recreational enjoyment in their natural state.
- (e) It is acknowledged that the City is charged with the responsibility to manage its assets, including City parks, responsibly and equitably so that they may be enjoyed for all of the purposes above described and further that overuse of City parks may result in damage which prevents any use of the parks.
- (f) This Policy is intended to strike a balance between use of City parks and other city property for organized Events and recreational enjoyment in order to protect all City parks for their individual primary purposes and in particular, the Open Space for its primary and historic purpose of passive recreation and open space, i.e., free of structures and obstructions.
- (g) It is intended to keep bay front parks available for views of Grand Traverse Bay both from that space and across that space for the rest of the City.
- (h) It is recognized that the summer daylight hours are the most desirable time of the year to protect this Open Space use.
- (i) It is recognized that the National Cherry Festival has an important place in the history and society of Traverse City and that the Cherry Festival's interruption of the Open Space primary use has long been recognized as a benefit to and an integral party of this City's culture, making that interruption justified.

- (j) It is recognized that the Traverse City Film Festival has an important place in Traverse City and that the Film Festival's interruption of the Open Space primary use is de minimus as it primarily occurs during the evening hours and outside of the most desirable time to protect the Open Space use.
- (k) It is important to recognize that even sites that have accommodated High Impact Events are for general public recreational use first, thus the regular use of a park must be respected.
- (l) Most City parks accommodate a variety of uses including both active and passive recreational opportunities that may occur on a casual and/or organized level.
- (m) The majority of parks have not been designed to accommodate large-scale Events, as many lack the necessary amenities, such as, washrooms, parking, and/or access to water or power to support High Impact Events.
- (n) In addition, most parks have differing features and requirements; thus, what is appropriate in one park may not be appropriate in another.
- (o) An objective of this Policy is to match events to an appropriate park site. This is accomplished by delegating to the City Manager the authority to establish Individual Park Guidelines and determine which parks are eligible for High Impact Events and which parks are eligible for other categories of Events.
- (p) It sets forth the conditions within which sponsors and users of City parks may use the City of Traverse City's parks and seeks to protect the citizens of Traverse City's use and investment in its City parks.
- (q) It regulates the frequency of Events in parks and establishes priority for holding Events.

II. DEFINITIONS

The following words and phrases shall have the corresponding definitions:

- (a) "City Clerk" means the person acting as City Clerk of the City of Traverse City or his or her designee.
- (b) "City Manager" means the person acting as City Manager of the City of Traverse City or his or her designee.
- (c) "Parks" means those City-owned and officially dedicated parks as shown on the attached map or public land owned by the City of Traverse City, excluding streets.
- (d) "Parks and Recreation Division" shall mean the City of Traverse City Parks and Recreation Division, under the direction of the Parks and Recreation Superintendent.

- (e) “Parks and Recreation Commission” shall mean the City of Traverse City Parks and Recreation Commission, which is established under Chapter 277 of the City’s ordinances, appointed by the City Commission for the City of Traverse City and serves in an advisory capacity.
- (f) “Event” means a planned activity to use a park and other city property, excluding streets. This includes those activities which have an attraction to the public, such as games or amplified sound. Events are categorized as High Impact Events or Low Impact Events.
- (g) “Park Use Permit” or “Permit” means a permit granted by the City to regulate park properties and other city property, excluding streets, used for Events.
- (h) “Open Space” means the park located north of Grandview Parkway, from Parking Lot VB on the West to the Marina and Marina Seasonal Parking Lot on the East.
- (i) “City Sponsored Event” means an event where the City of Traverse City completes and submits the Permit Application.
- (j) “High Impact Event” means an event generally considered to be open to the public regardless of whether a fee for admission is charged with one or more of the following elements: use of City personnel requested or required; commercial or for-profit financial benefit; includes significant infrastructure such as set up of large tents, stages, amusements, concessions etc.; sale of alcohol.
- (k) “Low Impact Event” means an event two days or less in duration, excluding set up and tear down with no commercial or for-profit financial benefit, which does not include use of city personnel, sale of alcohol or significant infrastructure in the park.

III. PERMIT REQUIRED

An Event shall not be held or announced as going to be held at a park and/or other city property, excluding streets, until and unless a Park and Public Land Use Permit has been issued pursuant to this Policy.

IV. NATIONAL CHERRY FESTIVAL

Because of its unique place in the history and culture of Traverse City, the National Cherry Festival is allowed annually for up to eight (8) consecutive days, excluding set-up and tear-down, which will be addressed in the Letter of Understanding, and is exempt from other provisions of this Policy. The National Cherry Festival will only be allowed if there is a Letter of Understanding with the City addressing the entire operation of the National Cherry Festival at the Open Space, other City sites and parks. The National Cherry Festival shall have first priority on park usage even if its application is received after another application for the use of the same park.

V. TRAVERSE CITY FILM FESTIVAL

Because of its demonstrated benefit to the City of Traverse City and its de minimus impact on the primary purpose of the Open Space, the Traverse City Film Festival is allowed annually for up to eight (8) consecutive days, excluding set-up and tear-down, which will be addressed in the Letter of Understanding, and is exempt from other provisions of this Policy provided that the Traverse City Film Festival's use of the Open Space continues to have a de minimus impact on the primary purpose of the Open Space as determined by the City Manager. The Traverse City Film Festival will only be allowed if there is a Letter of Understanding with the City addressing the entire operation of the Traverse City Film Festival at the Open Space, other City sites and parks. The Traverse City Film Festival shall have first priority on park usage even if its application is received after another application for the use of the same park, except for the application of the National Cherry Festival.

VI. HIGH IMPACT EVENTS

High Impact Events are subject to the following:

- (a) A High Impact Event may have a duration of up to three (3) consecutive days, excluding set-up and tear-down, which will be addressed in the Permit Application. Additional days may be requested in the Permit Application for a total of eight (8) consecutive days, excluding set-up and tear-down. The proposed permit holder for any High Impact Event with a duration of more than three (3) consecutive days (excluding set-up and tear-down) shall contract with the City for cost reimbursement and other obligations to the City; such contracts must be approved by the City Commission. High Impact Events shall be allowed three (3) days for set-up and tear-down combined. Any event that requires more than three (3) days for set up and tear down, shall receive approval from the City Commission. The permit holder shall be charged for each day they are utilizing the park, including for set up and tear down. The City Clerk shall provide a copy of the application and a synopsis for all first-time High Impact Events to the Parks and Recreation Commission; the Parks and Recreation Commission shall review the application and provide any recommendations or comments for consideration of review of the application to the City Clerk; for applications that require City Commission approval, the Parks and Recreation Commission recommendations/comments shall be provided to the City Commission.
- (b) A High Impact Event shall only be held on a City park if it is a park that the City Manager has determined to be eligible for High Impact Events based on its size, surroundings and history.
- (c) Except for the Open Space, eligible parks may have only one High Impact Event with a duration of more than three (3) consecutive days per year.
- (d) The Open Space may have one High Impact Event with a duration of more than three (3) consecutive days between Memorial Day weekend and Labor Day weekend in addition to the National Cherry Festival and the Traverse City Film Festival.

- (e) High Impact Events may coincide with another Event if all Events mutually agree to share the same park in writing and provide a copy of their written agreement with the Permit Application. The written agreement shall become part of any permit issued.
- (f) There shall be a suitable period of time between scheduled Events at a park.
- (g) No more than two High Impact Events shall be held per park per month. If a High Impact use spans two months, it shall be counted against the month where the greatest number of days are used (including setup, tear down, and actual event dates); if a tie, then it shall be counted against the month in which the first day of park use occurs (including setup).
- (h) For Clinch Park and the Open Space, with the exception of the National Cherry Festival and Traverse City Film Festival, there may be one High Impact Event in June, none in July, and one in August.
- (i) There shall be no High Impact Events in city parks on Memorial Day and Labor Day and the preceding Friday, Saturday and Sunday; and there shall be no High Impact Events in city parks on Independence Day, the day before and the day after Independence Day.
- (j) No High Impact Event in the Open Space may use more than two quadrants as defined by the map on file with the City Clerk and attached hereto.

VII. LOW IMPACT EVENTS

- (a) Examples of Low Impact Events include but are not limited to weddings, family reunions and walks/running races which do not include commercial activity, picnics, school functions.
- (b) A Low Impact Event may be held on a City park only if it is a park that the City Manager has determined to be eligible for such an Event based on its size, surroundings and history and there shall be a suitable period of time between scheduled Events at a park.
- (c) Low Impact Events may coincide with another Event if all Events mutually agree to share the same park in writing and provide a copy of their written agreement with the Permit Application. The written agreement shall become part of any permit issued.

VIII. EXEMPT ACTIVITIES

General public use for recreation is exempt if it does not involve the reserving or setting aside of any park or part of a park and does not include organized games, fixed signs, sound broadcasting equipment, tents, bleachers or similar items. Brief use for movie or television production and other photographic activities is exempt unless in the opinion of the City Manager the activity

will disrupt normal use. City-sponsored Events and instructional recreation programs endorsed by the City are exempt. Permission for an exempt activity is automatically revoked if the user violates any law, ordinance or park rule or regulation adopted pursuant to the Traverse City Code of Ordinances.

IX. PERMIT APPLICATIONS

Permit applications must be completed by the Applicant and the person or sponsoring organization who will be the Permit Holder and submitted to the City parks and Recreation Division. The Parks and Recreation Division shall forward fees collected to the Treasurer's Department. The Parks and Recreation Division shall administer all Low Impact Events. Applications regarding all other Events shall be forwarded by the Parks and Recreation Division to the City Clerk's Office immediately upon receipt for processing. Such applications and the submittal of the applications shall comply with the following:

- (a) Time. Applications shall be filed ninety (90) days before an Event that is a High Impact Event. If an Application is filed more than one year before the Event, it shall be renewed in writing on the dates directed by the City Manager or it may be deemed untimely and withdrawn. If an Application is not submitted in compliance with the 90 day deadline, the application process may not be completed in time for the event to be held. The City may deny a permit automatically if the Application is not timely submitted.
- (b) Signature. The application shall be signed under oath or affirmation by the adult person who will attend and be in charge of the Event and activity or who can bind the organization requesting the permit.
- (c) Permit Holder. The application shall specify the name, address, and telephone number, cell phone number, e-mail address of the Permit Holder who shall be the sponsoring organization or individual and other information deemed relevant or necessary.
- (d) Fee. All applications, except for fee-exempt Low Impact applications, shall be accompanied by a non-refundable park usage application-processing fee. The City Commission by resolution and after recommendation of the City Manager shall establish application fees. The application fee shall be paid at the time of making the application. Applications submitted without the required fee shall automatically be deemed incomplete. Payment for any services to be provided by the City over normal service may be charged to the Applicant or Permit Holder. The application and permit fee shall be set by the City Commission by resolution. Certain High Impact Event applicants, when required, shall submit a security deposit in an amount determined by the City Clerk. The City Clerk may require such a deposit to be made in the form of a bond or certified check.
- (e) Insurance. Unless waived by the City Clerk or City Commission, all Permit Holders shall provide insurance as follows:

- (1) Comprehensive general liability insurance - \$1,000,000 per occurrence and such additional insurance and coverages as may be required by the City Clerk for special activities.
 - (2) The policy shall name the City of Traverse City as an additional insured in the policy coverage and shall include an endorsement to the policy naming the City of Traverse City as additional insured. Any amendment to or cancellation of such insurance shall require no less than thirty (30) days written notice provided to the City Clerk of such cancellation and/or amendment.
 - (3) The duration of the insurance shall encompass the total length of time any equipment is placed on City property or the duration of the event, whichever is longer.
 - (4) Suitable proof of insurance shall be submitted to the City Clerk prior to the Event taking place. In addition, the Applicant and Permit Holder shall execute a hold harmless and indemnification provision agreeing to hold the City and its officials, employees and volunteers harmless and to indemnify the City in the event of a claim resulting solely or partially from the Event or activity applied for.
- (f) Description of Event. The Event shall be described with such detail as required on the forms supplied. The description shall include a detailed site plan.
- (g) Noise Containment Plan. A plan for noise and vibration containment shall accompany the application.
- (h) Filing Date. An application shall not be deemed to be filed until the City Clerk, or for low impact events, the Parks and Recreation Division staff, states in writing that it is complete. The date of such writing shall be the date of filing of that application. Once an application has been deemed complete. High Impact Events shall be processed in accordance with the City Clerk's procedure; Low Impact Events shall be processed by the Parks and Recreation Division in accordance with that Division's procedure.

X. PRIORITY OF APPLICATIONS

Applications for Events shall be considered and decided on a first come-first serve basis as of the date they are filed and deemed complete. An application shall be decided promptly after it has been properly and completely filed. Permit Holders with granted reservation requests shall have the scheduling priorities and rights as provided in this Policy.

XI. RESERVATION REQUESTS

If an Applicant wishes to hold an Event annually, after it is held for the first time the Permit Holder

may request that the dates be reserved at a particular park for subsequent years. Reservation requests may be granted if a prior Permit has not been violated, the Permit Holder has fulfilled all obligations to the City and the Event has not created any unreimbursed expense or burden to the City. A non-refundable reservation fee established by the City Commission may be charged. If dates are reserved, an application from that Permit Holder will be given preference over all other applications for those dates and park. If the Reservation holder has not been issued a Permit or entered into a contract with the City for the Event at least 120 days before the Event is scheduled to occur, the Reservation shall be void. Reservation requests for more than three (3) years in advance will not be accepted. Reservation requests may be revoked by the City Manager based on the health, safety and welfare of the City, such as construction or development activities at that park, the elimination or reduction of City employees or resources needed to service the Event, or any reason stated in this Policy for not granting the initial request or permit application.

XII. REVIEW OF PERMIT APPLICATIONS

(a) Permit applications for High Impact Events shall be approved or denied by the City Clerk or his or her designee after a staff review of the permit application in accordance with the procedure adopted by the City Clerk. Permit applications for Low Impact Events shall be approved or denied by the Parks and Recreation Division. The reviewing department/division may add conditions to any permit issued. Whenever there is ambiguity as to the application of this policy, city staff shall apply it in the most restrictive fashion.

(b) Appeal. Any person denied a Permit pursuant to the provisions of this Policy may appeal to the City Manager in writing, stating the reasons why the Permit should be granted. The City Manager shall respond to the appeal in writing within 10 days of receiving it. The City Manager may grant or deny the Permit. An Applicant may appeal the decision of the City Manager to the City Commission in writing, stating the reasons why the Permit should be granted. The City Commission may grant or deny the Permit after a public hearing at the next available City Commission meeting, and such decision shall be final. The City Commission may elect on its own motion to review any determination of the City Manager, City Clerk or Parks and Recreation Division in granting or denying a Permit.

XIII. STANDARDS

The standards for granting approval of a Permit application are the following:

- (a) The activity is consistent, or can be by imposing conditions agreed to by the applicant be made consistent, with City guidelines that apply to the park where the Event will take place. Individual Park Guidelines shall be adopted by the City Manager.
- (b) The activity will not unreasonably interfere with or detract from the general public's enjoyment of the park or nearby public land.
- (c) The activity will not unreasonably disturb normal activity on surrounding private land.

- (d) The activity will not unreasonably interfere with or detract from the promotion of the public health, welfare, safety and recreation.
- (e) The activity does not cause a violation of any law, ordinance, rule, or regulation.
- (f) The facilities desired have not been reserved for other use on the date and hour requested in the application.
- (g) The activity will not cause damage to water, beaches, trees, benches, landscaping or other natural or man-made components of the park.
- (h) The activity does not entail extraordinary or burdensome expense of operation by the City.
- (i) The activity does not materially impact the characteristics or functions of environmentally sensitive resources or properties.
- (j) The activity will not be exclusive, in whole or in part, but will be open to the general public without charge. Sporting contests such as volleyball may charge a participant fee.
- (k) The activity shall not occur so soon before or after another Event that it creates a burden on the park facility, City staff or resources, or so soon that it unreasonably impedes the primary general public use of the park.
- (l) The Event complies with all other provisions of this Policy.

XIV. GENERAL CONDITIONS

The following general conditions apply to all Events. Additional special conditions may be imposed in the Permit. All terms and representations specified in the permit application are automatically special conditions to the Permit unless changed or superseded by the general conditions or an additional condition.

- (a) Equipment and Signs. No other property, equipment or signs are to be used by participants in the park, public land, and adjacent property or water except as listed in the permit. No signs shall be erected in violation of any City ordinance. Placement of such equipment shall be coordinated with the City Manager. Unless authorized by the City Manager, all property, equipment and signs shall be removed from the park on any day during which the Event, setup, or removal is not being conducted.
- (b) Cleanup. The Applicant and Permit Holder shall promptly and completely cleanup and restore the site immediately following the Event or activity.

- (c) Set Up and Removal. Set up and removal shall occur promptly and the time allowed therefor shall be restricted in the Permit.
- (d) City Cost. Damage to public properties or the City's cost incurred in cleanup and repair shall be the responsibility of the Applicant and the Permit Holder. Payment of any such assessment shall be due within thirty (30) days. The City Manager may require a bond, letter of credit, or cash deposit as security for cleanup and restoration.
- (e) Tents. If tents are used, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the City Fire Code and erected to meet wind load requirements of the State Construction Code.
- (f) Advertising. Any advertising or public announcements of the Event that occurs before all necessary approvals from the City have been obtained, is not permitted. No signs are allowed in the City rights-of-way.
- (g) Time of Events. The Permit shall specify the days and hours of the event. Unless otherwise indicated in the Permit, all Events are limited to the hours of 10:00 am and 10:00 pm daily. The City Manager may approve a time extension for good reason.
- (h) Time of Amplified Sound. Unless otherwise allowed in the Permit, amplified music or sound shall be limited to no more than a total of six hours including normal breaks taken between the beginning and end of individual music performances between 10:00 am and 10:00 pm.
- (i) Noise. The Application shall include a current, active plan for the containment of noise and vibration attributed to the Event. Special conditions may be placed on any amplified sound to preserve the rights and enjoyment of those adjacent or near the Event. The City noise ordinance applies to all Events. This shall include but not be limited to amplified music and speech, construction, and sounds emanating from groups or crowds connected with the Event. No person shall cause, suffer, allow, or permit the operation of any amplified sound reproduction device in such a manner that it crosses a real property line of the park and raises the total sound levels by the permissible sound level limits set forth below when measured within a building.

**AMPLIFIED SOUND REPRODUCTION DEVICE
MAXIMUM PERMISSIBLE SOUND LEVEL LIMITS**

Indoors across a real property line
dB(C) ABOVE
INTERIOR AMBIENT SOUND LEVEL

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

- (j) Excavation. No digging, staking or any other ground disturbing activity shall be performed except as authorized in the permit and upon prior notification to the City Manager. Trenching, excavating, or other disturbance of the ground surface will require the applicant to notify MISS DIG to appropriately mark all areas where obstructions exist prior to disturbing the surface area.
- (k) Trash and Toilets. Portable toilet and trash receptacles shall be provided, as necessary, for all Events based on the anticipated size of the Event. These shall be provided at the expense of the Permit Holder. The number, type and location of all receptacles and toilets shall be listed on the Permit. At least one portable toilet must be ADA compliant/handicap accessible. The Permit Holder is responsible for the clean up of the area and removal of trash from the site.
- (l) Recycling. It shall be the policy of the City of Traverse City to encourage recycling whenever possible. The mandatory provision of an area(s) utilizing source separation containers for primary recycling materials shall be provided at all High Impact Events. A list of primary recycling materials shall be determined by the City Manager. The number and location of such area(s) shall be shown on the Permit.
- (m) Commercial Activity. Only incidental commercial activity is allowed for Low Impact Events. All such incidental commercial activity shall be under the control of the Permit Holder and shall not be operated independently by third parties unless the third party operated commercial activity is allowed in the Permit.
- (n) Vehicles. No trucks or other motor vehicles are allowed at the park except in designated parking lots or except those conveying specialized equipment for the Event and allowed in the Permit.
- (o) Lights. No strobe lights or flashing lights are allowed. All lighting shall be directed at the Event and to the extent practical away from areas where the activity is not occurring. Portable or vehicle mounted generators are not allowed unless shielded from view and hearing by appropriate means approved by the City Manager.
- (p) Site Plan. Applicants shall provide a detailed site plan depicting facility locations, if any, to be used or installed during the Event.

(q) References. In the event an applicant does not have history with the city in conducting an event, the city may require three (3) professional references be provided and verified by the City Clerk; additionally, in such instance, the applicant shall deposit with the City the City's anticipated out-of-pocket expenses prior to the permit being issued. If three (3) professional references are not available, an event planning committee consisting of at least three (3) city residents shall be established by the applicant; and the contact information for the event planning committee shall be provided on the application.

XV. REVOCATION OF USE

In addition to the penalties provided by Ordinance, a Permit may be revoked in writing at any time by the City Manager if it is determined that the holding of the Event authorized by the permit is no longer in the best interest of the public health, safety and welfare, or there has been a misrepresentation in the application or any material misstatement by the Applicant, or there has been a failure to follow this Policy, or other City ordinance, State law, or any condition attached to a Permit. The Applicant or Permit Holder whose Permit is revoked by the City Manager may appeal to the City Commission in writing within three (3) days. All activities under the permit will be suspended pending such appeal. Anyone acting pursuant to a permit that has been revoked or suspended shall be deemed to be trespassing, may be removed by City Police, and may, at the discretion of the City Manager, be charged with criminal trespass. In the event that a Permit has been revoked pursuant to the provisions of this section, the Applicant or Permit Holder shall be not be granted a Permit under this policy for two years following the date of revocation.

I hereby certify that the above Policy was adopted by the City Commission on March 16, 1998, and was amended in its entirety, at a regular meeting of the City Commission on March 17, 2008, and December 17, 2012, at a regular meeting of the City Commission and amended at the December 16, 2013, regular meeting of the City Commission and February 3, 2014, Regular Meeting of the City Commission, at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.



Benjamin C. Marentette, City Clerk