



## CITY COUNCIL AGENDA ITEM

Date: March 13, 2014

To: Brian Kischnik, City Manager

From: William Nelson, Fire Chief  
David Roberts, Assistant Fire Chief/Fire Marshal  
Timothy Richnak, Public Works Director  
Mark F. Miller, Director of Economic & Community Development  
Kurt Bovensiepe, Superintendent of Parks, Streets and Drains  
Elaine Bo, Recreation Director

Subject: Troy City Code Chapter 26 – Parks – General Regulations

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Troy City Code Chapter 26, titled Parks – General Regulations, Section 26.08, titled Fireworks, currently prohibits anyone from bringing into the park and discharging any type of fireworks, rocket, or explosives without a special permit granted by the City Manager or the Fire Chief.

The Michigan Fireworks Safety Act of 2011, as amended, prohibits the use of consumer fireworks without the property owner's or organization's permission to use those fireworks on the premises. The Act, however, does not address low impact fireworks in these locations, and does not regulate novelty fireworks in general. The Act does allow a local unit of government to regulate consumer fireworks on any day except the day preceding, the day of, or the day after a national holiday.

Each year the Parks Division, Recreation Department, and the Fire Department are requested to grant permission for low impact fireworks usage in a City park as part of the annual Dewali religious celebration. The proposed changes to Chapter 26 Section 26.08 would allow for this type of activity, yet allow the Fire Department to require a permit for consumer and display fireworks as permitted by the Act.

Currently, Chapter 26 Section 26.11 allows the consumption of beer only with a special permit from the Police Chief in a City park. To meet the demands of patrons, city administration is proposing to amend this section to allow the consumption of all alcoholic beverages in a park. The proposed change also transfers responsibility of approving an alcohol permit to the Recreation Director when combined with a shelter permit and provides better language for enforcement. The consumption is limited to the confines of the park shelter. Through the permitting process, city administration is proposing to limit the types of alcohol to beer and wine only with specific identification criteria.

Enclosed for reference are the proposed ordinance changes to both sections of Chapter 26 and a proposed Shelter and Alcohol Permit Application, which details the administrative rules for the consumption of alcohol in a park. City administration proposes to provide a resolution for these amendments on the April 7, 2014 Regular City Council Meeting.

City Attorney's Review as to Form and Legality

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Lori Grigg Bluhm, City Attorney

CITY OF TROY  
Proposed Ordinance Amendment to:  
CHAPTER 26 - CITY OF TROY ORDINANCE

Section 26.08 proposed amendment:

~~26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, or throw them into any park area from land or highway. The exception to this prohibition is when a special permit is granted by the City Manager and Fire Chief, which should include restrictions as to time and location.~~

26.08. Fireworks. No person shall discharge, ignite, use, possess, activate or throw consumer fireworks or display fireworks in a public park, unless the Troy Fire Chief or his/her designee issues a permit to the person in advance and in accordance with the fire department's permit policy and the person is in compliance with the permit conditions. Fireworks are defined in the Michigan Fireworks Safety Act, 2011 Public Act No. 256 (MCL 28.451), as amended.

Section 26.11 proposed amendment:

~~26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. No permit shall be issued for consumption of alcoholic beverages that have a higher alcoholic content than beer.~~

No person shall possess or consume alcoholic beverages in a public park at any time unless the Recreation Director or his/her designee has issued a written park shelter reservation permit that specifically allows for the consumption of alcohol in the park on the designated date, location and time, and the person is in compliance with the terms of the issued permit. If such a permit is issued, the possession or consumption of alcohol is limited to the park shelter and its immediate vicinity, and does not extend to the ball diamonds, soccer fields, children's play areas, restrooms, parking lots, or other areas of the park.



3179 Livernois, Troy, MI 48083  
248.524.3484

**DRAFT**

<b>Office Use Only</b>	
Reservation # _____	HH# _____
Beer/Boxed Wine: <input type="checkbox"/>	yes <input type="checkbox"/> no
Special Permit or Request: _____	
_____	
Est. # in Park _____	Mail _____ Pick-up _____

PARK SHELTER / BEER PERMIT APPLICATION

**Transfer allowed, ten (10) days or more, prior to reservation date. Only one (1) transfer per reservation.**

Name of Individual/Company/Group: \_\_\_\_\_

Address: \_\_\_\_\_  
Street
City
Zip

Email Address \_\_\_\_\_

Date of Function: \_\_\_\_\_ Shelter: \_\_\_\_\_ Number of Users (estimated): \_\_\_\_\_

Event Time/Fee:		<u>Resident</u>	<u>Non-Resident</u>
Early Block (8 am – 2 pm)		\$50.00 _____	\$ 75.00 _____
Late Block (4 pm – 10 pm)		\$50.00 _____	\$ 75.00 _____
All Day (8 am – 10 pm)		\$80.00 _____	\$125.00 _____
Civic Center Shelter *		\$50.00 _____	\$ 75.00 _____

\* Restrooms for Civic Center shelter are located in Community Center and available during business hours only.

Permits are subject to all policies, rules and regulations on the back of this form. Please read carefully before completing. The undersigned hereby verifies that they:

- 1) Have the authority to sign this application for the above named organization, group or company.
- 2) Have read the rules and regulations on the back of this form and agrees to abide by all rules stated therein.
- 3) Will perform the necessary clean up of the park following its use.

The undersigned further understands that failure to comply with all agreements herein stated or falsification of any information called for in this application will be grounds for denial of this or any future permits.

Signature of applicant: \_\_\_\_\_

Please print/type name of contact person: \_\_\_\_\_

Address: \_\_\_\_\_ City/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**Beer/Wine permit: This box must be completed and approved to have beer or boxed wine at your event. Boxed wine only. No glass containers of any kind.**

Groups with beer/wine permits must have a visible means of identifying eligible members of their group. This identification must be visible on each member at all times (driver's licenses or other pocketed identification is NOT acceptable).  
Types of **ACCEPTABLE** identification include nametags, hand stamps.

This group will use:     name tags     hand stamp     other (specify): \_\_\_\_\_

We will abide by all rules and regulations regarding beer/wine permits. Signature: \_\_\_\_\_

Approved: Recreation Department: \_\_\_\_\_ Date \_\_\_\_\_  
Troy Police Department copied \_\_\_\_\_

**PARK SHELTER AND BEER PERMIT RESERVATION POLICY**

<b>SHELTER LOCATION PEOPLE***</b>	<b>SHELTER SIZE</b>	<b>SHELTER TABLES</b>	<b>SEATING</b>	<b>MAX # OF</b>
Boulan Park #1 (north)	29' x 40'	15-18 tables	120-180	250
Boulan Park #2 (south)	38' x 48'	15-18 tables	120-180	250
Brinston Park	20' x 34'	10-15 tables	80-150	100
Civic Center *	24' x 39'	10-15 tables	80-150	150
Firefighters Park (hexagon)	35' x 35'	15-18 tables	120-180	250
Jaycee Park	29' x 40'	15-18 tables	120-180	250
Milverton Park **	20' x 34'	8-10 tables	64-100	80
Raintree Park	29' x 40'	15-18 tables	120-180	250

Park shelters are open air with one large barbecue grill (charcoal is responsibility of permitted group), a drinking fountain, one 20-amp circuit, and separate restroom facilities. Picnic tables seat eight to ten adults. Boulan Park shelters are identified by number.

\* **Restrooms for Civic Center shelter are located in the Troy Community Center and are available only during regular business hours.**

\*\* **Parking is limited to 20 spots at Milverton Park.**

\*\*\* **There is not seating for the maximum amount of people allowed in the shelter. If additional seating is required you will need to rent or bring additional tables and chairs.**

**Procedures for reserving park shelters and obtaining beer permits:**

1. Obtain park shelter permits at the Recreation office in the Troy Community Center, 3179 Livernois Road, Monday-Friday from 8:00 am – 8:00 pm and Saturday 8:30 am to 12:30 pm.
2. A reservation fee as indicated on front of this permit application must accompany each application.
3. In order to have beer/boxed wine at your event, the beer/boxed wine permit portion of the permit must be completed AND approved. See below for **Rules Governing Beer/Boxed Wine Permits**.

**Rules Governing Park Shelter Usage:**

1. Reservation must be made in person at the Recreation office during regular office hours.
2. Person taking out shelter permit must be Troy resident to qualify for resident rates.
3. Park hours are 8:00 am to 10:00 pm.
4. Reservations will be accepted from May 1<sup>st</sup> through September 30<sup>th</sup>.
5. All vehicles must be confined to parking lots. No parking permitted on grass.
6. Permits must be retained at all times by user group and presented to City staff upon request.
7. This shelter permit is good only for date shown (There are no rain dates.)
8. **No refunds are granted for shelter permit fees.**
9. Transfers will be allowed 10 days prior to shelter date, pending availability of another shelter. Only one transfer per group will be allowed.
10. The group is responsible for leaving the shelter area clean and orderly.
11. Inflatable games, moonwalks, bounce houses, tents, sound systems, speakers or DJ's are allowed with written approval by permit from the Recreation Department **ONLY**.
12. No rides, petting zoos, inflatable games, moon walks, dunk tanks, generators, concessions, hot or cold air balloons, amplified live music or bands are permitted.

**Rules Governing Beer/Boxed Wine Permits (Issued in conjunction with park shelters only):**

1. **Boxed wine only. Beer in kegs or cans only.** Served in plastic cups.
2. **No bottles or glass containers.**
3. Identification and control must be proved to ensure:
  - a) exclusive use by members only;
  - b) that minors are not served.
4. All debris must be cleaned up and placed in trash receptacles.
5. Beer/wine permits are issued in conjunction with park shelter permits **ONLY**.
6. Beer/wine must be consumed at the reserved shelter **ONLY**. No beer/wine is permitted at ball diamonds, soccer fields, children's play areas, parking lots, or other areas of the park.