



**New City of New Buffalo  
224 W. Buffalo Street  
New Buffalo MI 49117  
SPECIAL COUNCIL MEETING AGENDA  
August 31, 2021 6:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda
  - a. Special Event Applications – Harvest and Wine Festival, New Buffalo Halloween Parade
6. Public Comment
7. Closed Session
8. New Business
  - a. Land and Water Conservation Fund Resolution
  - b. Zoning Ordinance Update and Review Bids
  - c. Zoning Ordinance Amendment - Planning Commission
  - d. Resolution 2020-11 Amendment
9. Discussions
  - a. Website Links
10. Council Comments
11. Adjournment

# Special Event Application Form



224 W. Buffalo St.  
New Buffalo, MI 49117  
Phone: 269-469-1500  
Fax: 269-469-7917

**Important:** Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, along with a \$100.00 non-refundable application fee, with any necessary attachments, to the City Hall, at the address shown at the left.

Special Events must be approved by the City Council, which meets on the Third Tuesday each month. We recommend submitting your application at least two months before your event, to allow time for review and satisfy all requirements before approval.

## Applicant Information

Name of Special Event: Harvest and Wine Festival

Sponsoring Organization (if applicable): New Buffalo Business Association

Mailing/billing Address: [REDACTED]

City/State/ZIP Code: New Buffalo, MI 49117

TIN: [REDACTED]

Contact Person(s): Audrey Tuszynski

Business Phone: [REDACTED] Cell Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address(es): [REDACTED]

## Event Information

*\*A separate event schedule and/or description may be attached in response to questions 1 through 5.*

*\*\*For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.*

1. What is the requested day(s), date(s), and time(s) of the Special Event: \_\_\_\_\_  
October 9, Noon - 9PM

2. Is there a requested alternative date(s)? [YES] [NO]

- If yes, please provide the alternative date(s): \_\_\_\_\_

3. Please describe the event(s): A neighborhood festival that highlights the local wineries and amenities of New Buffalo and the surrounding area.

4. What is the requested location(s) of the event(s): Whittaker from Mechanic to Buffalo Sts. & Merchant from Whittaker to Thompson.

5. Provide estimate number of people attending this event: 5,000

Please complete the following checklist regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

6. Is this event expected to be a reoccurring event in a future calendar year? Yes  No   
Normal Annual Date? October 9
7. Have you included a map indicating the location of your event and **schedule**?\* Yes  No
8. Will this event include the use of signs? Yes  No   
• Directional Detour Yes  No   
• Other \_\_\_\_\_ Yes  No
9. Is the applicant seeking special parking arrangements, such as reserved parking?\* Yes  No
10. Is the applicant requiring utility connections, such as electric or water services? Yes  No
11. Does the applicant require other public services? Yes  No   
• Barricades Date Installed: 10/8 5:00 PM Date Removed: 10/10 8:00 AM Yes  No   
• Fencing Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No   
• Street Sweeping and/or Mowing Yes  No   
• Rubbish Containers Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No   
• Recycling Containers Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No   
• Police Yes  No   
• Other: \_\_\_\_\_ Yes  No   
• Map included indicating locations of these services/facilities?\* Yes  No
12. Does the applicant have any security or safety concerns/requirements? Yes  No
13. Are you requesting assistance from the Police Department? \*\*Yes  No
14. Are you requesting assistance from the Fire Department? \*\*Yes  No
15. Are you requesting assistance from the Park/Streets? \*\*Yes  No
16. Is the applicant requesting assistance from an outside agency or contractor  
For providing services and/or facilities? Yes  No
17. Will the event include loud or unusual sounds? Yes  No   
• Musicians Yes  No   
• Singers Yes  No   
• Amplified Announcers Yes  No   
• Carnival Rides Yes  No   
• Motor Vehicle Noises Yes  No   
• Generators Yes  No   
• Other \_\_\_\_\_ Yes  No
18. Will the event include food/vendors?\* Yes  No
19. Will the event require sanitation services?\* Yes  No
20. Will the event require transportation services?\* Yes  No
21. Will the event include unusual lighting beyond what is normal at that location? Yes  No
22. Are alcoholic beverages proposed to be served as part of the event? Yes  No   
• Have all necessary liquor licenses been obtained or applied for? Yes  No
23. Does the applicant have any other requests that are not listed in this form? Yes  No
24. The applicant is required to provide general liability insurance coverage with respect to the event as follows:

\* *Indicates attachments required*

\*\* *Fees for Police and Fire man power and services will be determined by Police Chief and Fire Chief.*

\*\*\* *DPW-City of New Buffalo will provide 2 City Street Dept. employees to assist applicant up to 1/2 hour (one-hour total) at no cost to applicant. If services are required beyond one hour, the applicant shall pay \$65.00 per hour, on an available basis.*

Insurance Requirements

1. Low Hazard: A minimum of \$500,000 per occurrence and aggregate limit of liability for personal injury, bodily injury and property damage.
2. Medium Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$1,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage.
3. High Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$2,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage.
4. Special Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$3,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage. The City Manager/City Clerk may require higher limits.
5. Liquor Liability: A minimum of \$3,000,000 per occurrence aggregate limit of liability.

Have you attached a Certificate of Insurance and endorsement listing the City of New Buffalo as an additional named insured?

Yes \_\_\_ No X

6. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
7. **An Event Map and Schedule of event** – If your event will use streets, sidewalks, or parks will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), security, signage, exits, port-o-johns, remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request. (Please see page 7 to complete the map(s) and schedule information in greater detail.)
8. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
9. **Is the applicant requesting special parking arrangements – such as limiting parking areas to certain groups of users?** No special event request will be inclusive of any guaranteed reserved parking. Applicants may submit a detailed request defining the reason and specific need for the designated parking request. The only vehicles permitted inside of the venue will be utilized for the containment and preservation of perishable goods.
10. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Park Superintendent to review what utilities are available in requested

area, and provide a description or map showing the utilities requested. The City will call Miss Dig to identify utility lines 2 weeks before event.

11. **Does the applicant have any other requests for public services?** If yes, you must coordinate with the Park Superintendent to determine if assistance from Public Services is appropriate and available. The applicant may be charged for these services.
12. **Does the applicant have any security or safety needs?** If yes, you must contact the Chief of Police to determine what assistance from the Police Department is appropriate and available, and then provide a description of services or security plan the Police Department has for approval. The applicant shall be charged for these services.
13. **Is the applicant requesting assistance from the Police Department?** If yes, you must contact the Police Chief to determine what assistance from the Police Department is appropriate and available, and provide a description of the services the Police Department has indicated it could provide. The applicant shall be charged for these services.\*\*
14. **Is the applicant requesting assistance from the Fire Department in addressing these concerns?** If yes, you must contact the Fire Chief to determine what assistance from the Fire Department is appropriate and available, and provide a description of the services the Fire Department has indicated it could provide. The applicant may be charged for these services. \*\*
15. **Is the applicant requesting assistance from the Park/Streets Department in addressing these concerns?** If yes, you must contact the Department of Public Works Director to determine what assistance from the Streets/Parks Department is appropriate and available, and provide a description of the services the Streets/Parks Department has indicated it could provide. The applicant shall be charged for these services.\*\*\*
16. **Is the applicant requesting assistance from an outside agency or contractor for providing services and/or facilities?** If yes, you must please attach information indicating all of these contractors on this application. It is your responsibility to make sure each agency or contractor has a minimum of 1,000,000 liabilities polices and has named you or your organization as a rider of a special event.
17. **Will the event include loud or unusual sounds, such as musicians, singers, amplified announcers, carnival rides, motor vehicle noises, generators beyond those regularly present in the location, etc.?** If yes, you must please attach information indicating all of these on this application along with a detailed schedule and hours of event date(s).
18. **Will the event include Food Vendors?** If yes, please include a list of food vendors with any and all pertinent information. In addition, the following are also required:
  - a. **Special Waste:** All grease, charcoal, etc., must be disposed of properly – not left in the street/park or poured down a sewer. The producer or city employee will review the space, if a vendor is not present, the City reserves the right to determine the cleanliness of the space and charge for clean-up.
  - b. **Fire Extinguisher:** Every vending space used for cooking must have an approved fire extinguisher. These extinguishers must be carbon dioxide or multipurpose dry chemical, a minimum of twenty pounds.

**\*\*Fees for Police and Fire man power and services will be determined by Police Chief and Fire Chief.**

**\*\*\*DPW-City of New Buffalo will provide 2 City Street Dept. employees to assist applicant up to ½ hour (one-hour total) at no cost to applicant. If services are required beyond one hour, the applicant shall pay \$65.00 per hour, on an available basis.**

- c. You must fill out and mail in the TFE License Application to the Berrien County Health Dept. 2106 S M-139 Benton Harbor, MI 49022 (P: 269.927.5623 / F: 269.927.2960). License must be posted at booth when in operation.
- d. All water and/or electrical requirements need to be discussed and planned for prior to the event. Only approved electrical hook-ups are allowed, generators, use of city 110/220 outlets, etc. At no time is a vendor or producer allowed to rig an electrical hook-up without a licensed electrician.

**19. Will the event require Sanitation Services?** If yes, the producer must indicate the location of waste bins inside and dumpster outside of the event on the site map and include the vendor name and contact information.

**20. Will the event require transportation services?** If yes, the drop off/pick up locations, vehicles used and vendor name and contact information must be indicated on the site map.

**21. Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?** If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, electrical needs, and whether the lighting is constant or intermittent during those times.

**22. Will alcoholic beverages be served as part of the event?** If yes, you must complete the LCC temp liquor license application then receive approval from the Police Department of your intention to serve alcoholic beverages. This approval will be based on site map, security provided, hours, and status of applicant and along with board approval (non-profit, church, military only). Approval of the special event by the City does not constitute final approval to serve alcoholic beverages; any necessary approval of a liquor license is a separate process through the State MI Liquor Commission.

**MI Liquor Control Commission:** [www.michigan.gov/lara/0,4601,7-154-10570---,00.html](http://www.michigan.gov/lara/0,4601,7-154-10570---,00.html)  
You must have necessary paperwork completed and approved by Police Dept for a liquor license by 30 (thirty) days out from your event date(s). Please provide timeframe of expected receipt of license.

**23. Please attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form which the City should be aware to make a fully informed decision with regard to approval of the proposed event.

**24. The applicant is required to provide general liability insurance coverage with respect to the event as outlined previously on Page 3. A Certificate of Insurance, with the City listed as an additional named insured and endorsement, must be filed at City Hall at least one calendar month before the event.**

The City of New Buffalo **PROHIBITS** any and all painting of any city property, unless written authorization is given by the City. The City of New Buffalo **PROHIBITS** tent stakes to be driven into asphalt surfaces, use of weights is preferred unless written authorization is given by the City of New Buffalo. Events of those persons violating this policy will be canceled and no future event will be allowed.

In the event that a Special Events Permit is issued, Applicant shall supply to the City Clerk at the time it receives the Special Events Permit, the name, address and telephone number of the individual who is in charge of and/or responsible for the Applicant's activities which are subject to the Special Events Permit. Applicant shall be responsible for communicating all permit requirements and directions of the City to all vendors, concessionaires, workers, volunteers, attendees, invitees, and all others on City property pursuant to the permit. Applicant also covenants and agrees to fully cooperate with the City's officers and employees concerning or relating to any activity or use of City property conducted under the Special Events Permit. Permit will need to be posted on each event date(s) at the promoters/management station.

Applicant covenants and agrees to indemnify, protect, defend and save the City, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the City, its officers or employees by reason of Applicant's use or occupancy of or its operations on the premises or by reason of any other person on the premises by its invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death, to any person, the indemnity, defense and hold harmless requirements shall include and extend to the person and property of Applicant, its employees and all persons on the premises at its invitation or consent. All property kept, stored or maintained in and on the premises, shall be so kept, stored or maintained at the risk of Applicant only.

Applicant covenants and agrees to strictly comply with all terms, conditions, covenants and agreements set forth in any Special Events Permit, which may be issued for the event covered by this application. All approvals are binding between the City and Applicant, no changes will be made or allowed after approval process is complete unless City is notified and approved changes in writing.

For any activity, event, carnival, or fair connecting to or modifying an existing electrical source or service, Applicant covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. Application for the electrical permit shall be obtained two weeks prior to the event and a copy provided to the City office. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service. A licensed electrician in MI must provide all electrical needs or set up.

Applicant, on behalf of the organization, agrees to reimburse the City of New Buffalo for its "out-of-pocket" expenses related to the event. Expenses may include but are not limited to wages of City employees, including police, street and park employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of New Buffalo invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days of billing.

Applications may be rejected if, in the sole judgment of the City, granting the application would not be in the best interest of the public health, safety, or welfare, through causing parking congestion, excessive disruption of traffic, blocking access to other properties, or reducing access for emergency vehicles; or if the public health, safety or welfare was negatively affected by previous similar special events or special events sponsored by the applicant; or if the applicant has previously failed to complete his or her responsibilities as sponsor of a special event.

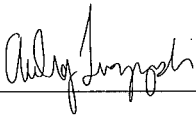
To the fullest extent permitted by law the undersigned agrees to defend, pay on behalf of, indemnify and hold harmless the City of New Buffalo, its elected and appointed officials, employees, agents and volunteers and others working on behalf of the City of New Buffalo against any and all claims, demands, suits or loss, including all costs connected therewith and for any damages which may be asserted, claimed or recovered against or from the City of New Buffalo, by reason of personal injury,

including bodily injury or death and/or property damage, including loss of use of thereof, which arises out of, or is in any way connected or associated with this contract.

The undersigned states he/she has full authority to execute this application on behalf of the Applicant and acknowledges receipt of a copy of the City's Special Events Policy and Procedures.

**Applicant Signature**

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of New Buffalo, and that the event takes place in accordance with the application as approved by the New Buffalo City Council, including any conditions placed thereon. The applicant agrees and is responsible to communicate and enforce the information in this application to all vendors, contactors, outside agencies, or other parties working under applicant's authority. By signing this application, applicant acknowledges and agrees that the application fee is non-refundable, even in the event the application is denied.

Applicant signature:   
Date **08/24/21**  
Applicant printed Name: **Audrey Tuszynski** Date: **8/24/21**



**MAPS/LOCATION – mark event items on map(s)**

Check items below that apply to your event. **All items checked below must be indicated on the MAP(S).** Please note, **map(s) must be submitted with the Special Events & Festivals Application.**

City property or city park use. **Show locations of fencing, barriers, or barricades. Include streets and/or Sidewalks to be closed or barricaded on map(s).** To ensure requested items, such as cones or barricades, are reserved and available for the day of the event, please complete the **CONES AND BARRICADE REQUEST FORM** and submit it with the Special Events & Festival Application. Requested items are available Monday through Friday during office hours between 8:00 a.m. and 4:00 p.m. should you require an alternate time a **\$50 After Hour Charge** will be assessed. Please note, if the Cones and Barricade Request Form is not submitted, the City of New Buffalo cannot guarantee the requested items will be available for the event, **first come – first served, limited quantity available.**

Barricade Request: Mark locations on maps. Barricades that are damaged or not returned to the Street Department will be charged \$85.00 per barricade.

Cone Request: Mark locations on maps. Cones that are damaged or not returned to the Street Department will be charged \$35.00 per cone.

Explain closure Full street closure of Whittake from Mechanic to Buffalo and Merchant St from Whittaker to Thompson.

Entertainment, dance, tent or stage. Mark locations on maps.

Event Command Post. Mark location on maps.

Dumpsters and/or trash containers. Mark location on maps. Vendor name and contact info

Portable toilet facilities. Mark locations on maps.

The City requires the use of portable toilet facilities for events expecting over 100 attendants. There must be a **minimum of 3 per 1,000 with 1** of the 3 being handicapped accessible. Vendor name and contact info must be included.

Parade. Mark beginning area, the route\* (with arrows) and finish area on maps

Relay event. Indicate “hand-off” points and areas of participant equipment impact.

Fireworks/pyrotechnics site. Mark location on maps. Vendor name and contact info

Vendors/General Merchandise concession areas. Mark areas on maps. Name of contact person for vendor(s)  
Promoter must have a list of all vendors, food, general contacts available at all times on site of event

Note: Number/permit will be given for all vendor inquiries. It is required that the Sponsoring Organization issue a paper permit to be displayed by vendor to let city and event staff know they are an approved vendor.

Event Schedule – Site Map(s)

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

**City of New Buffalo Review**

Department	Reviewed – Recommend Approval	Reviewed – Recommend Denial	Reviewed – See Comments
City Manager	DW		Approved w/ contingencies: of liquor license Insurance CDC recommendations Vendor parking offsite Pay for 2 Police officers @ \$45 per hour (Per Officer) Pay for 2 Street employees @ \$35 per hour (Per Employee) Additional police services will be required if the event has a liquor license.
City Clerk	AF		
Park Superintendent	KD		
Street Superintendent	JB		
Police Chief	RK		
Fire Chief	CH		
Other			

Comments

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**Post – Approval Follow-up**

Event Application completed in full [YES] [NO]

Application Fee received by City [YES] [NO] Amount \$ \_\_\_\_\_

Park fees received [YES] [NO] Amount \$ \_\_\_\_\_

Fees waived [YES] [NO] Reason: \_\_\_\_\_

Liquor License Applied for and approved by City of New Buffalo Police Department [YES] [NO]

Insurance Policy of Promoter Received with Application [YES] [NO]

If no, date by which Insurance Policy must be received (one calendar month before the event) \_\_\_\_\_

Date Insurance Policy Received \_\_\_\_\_ By \_\_\_\_\_

Additional Insurance endorsement provided, or policy language included [YES] [NO]

**New Buffalo City Council Approval/Denial**

City Council Action: [APPROVED] [DENIED]

Date of City Council Action: \_\_\_\_\_

Festival Category: [1] [2] [3] [4] determined correctly [APPROVED] [DENIED]

City Manager Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If denied by City Council, reason for denial: \_\_\_\_\_

\_\_\_\_\_

Conditions or changes from application: \_\_\_\_\_

\_\_\_\_\_

**Copy to:**

**City Manager** \_\_\_\_\_

**City Clerk** \_\_\_\_\_

**Street Superintendent** \_\_\_\_\_

**Park Superintendent** \_\_\_\_\_

**Police Chief** \_\_\_\_\_

**Fire Chief** \_\_\_\_\_

**Other** \_\_\_\_\_

# J.B Harvest & Wine Festival

Date: October 9, 2021  
Location: New Buffalo, MI  
Draft Date: Aug 23, 2021  
Subject to change without notice

## EVENT SITE PLAN

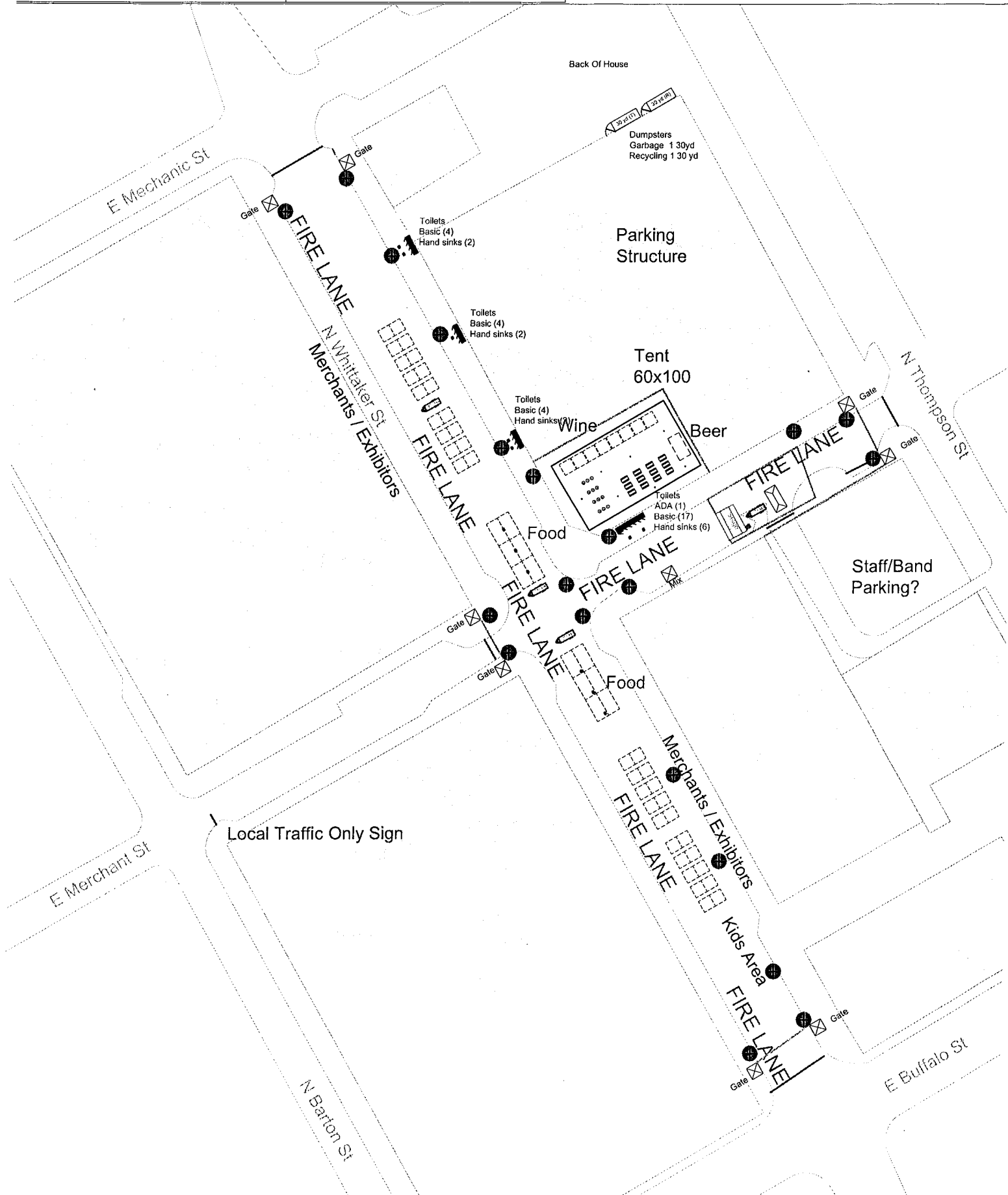
Complete Overview

### Notes:

- = GARBAGE CAN
- = Chain Link Fence
- = Type III Barricade



Criterion  
© 2021 Criterion Productions





# 2021 New Buffalo Harvest Wine Fest Production Schedule



## Friday, October 8, 2021

	<u>Company/Supervisor</u>	<u>Location</u>	<u>Operation</u>
5:00 PM	City?		Traffic Control
8:00 AM	Criterion		On Site Receiving
	Tent Company		Set-up of large tent
			Receiving of furniture and equipment

## Saturday, October 9, 2021

	<u>Company/Supervisor</u>	<u>Location</u>	<u>Operation</u>
<b>12:01 AM</b>	<b>CLOSE STREETS</b>		
1:00 AM	Tent company		Start in-street tent Set Up
2:00 AM	Toilet company		
3:00 AM	Staging company		Stage set-up
4:00 AM	Generator company		Fence Set Up Begins
5:00 AM	Fencing company		Generator set-up begins
	Dumpster company		Dumpster drop
7:00 AM	Water Truck?		ballast for tents? Can we use hydrant?
	Food vendor load-in		
8:00 AM	Alcohol distributor		Drop Equipment & product
	Vendor setup begins		
9:00 AM	Audio company		Audio Set up begins
	Maintenance crew		Drop & set-up equipment
10:00 AM	Ice company		Drop & fill boxes
	ATM supplier		ATMs placed
11:00 AM	<b>SECURITY MEETING</b>		
11:30 AM	<b>ALL Vehicles clear event site</b>		
Noon	<b>DOORS</b>		
TBD	<b>First Band</b>		
8:30 PM	<b>LAST CALL</b>		
9:00 PM	<b>EVENT CLOSES</b>		
	Evening Clean Up begins		
	Vehicles Allowed on site at Discretion of Security		

## Saturday, October 9, 2021

### LOAD-OUT

	<u>Company/Supervisor</u>	<u>Location</u>	<u>Operation</u>
10:30 PM	Generator company		Strike begins
11:00 PM	Fence Company		Fence strike begins
	Staging company		Stage strike
11:30 PM	Beer Company		Equipment strike

## Sunday, October 10, 2021

12:01 AM	Toilet company		Toilet strike
12:01 AM	Furniture company		Furniture/ Barricade Recovery
3:30 AM	Tent company		Clear of Site
	Maintenance crew		Clear of Site
	Event Staff		Clear of Site
7:00 AM	Dumpster provider		Dumpster recovery
8:00 AM	Type III provider?		Type III recovery
TBD	Security		Clear of Site after all items retrieved

RECEIVED

AUG 25 2021

CITY OF NEW BUFFALO



224 W. Buffalo St.  
New Buffalo, MI 49117  
Phone: 269-469-1500  
Fax: 269-469-7917

# Special Event Application Form

**Important:** Please fill out each item as completely as possible, to allow your application to be processed as quickly as possible, without unnecessary delays. Please return the completed, signed application, along with a \$100.00 non-refundable application fee, with any necessary attachments, to the City Hall, at the address shown at the left.

Special Events must be approved by the City Council, which meets on the Third Tuesday each month. We recommend submitting your application at least two months before your event, to allow time for review and satisfy all requirements before approval.

## Applicant Information

Name of Special Event: New Buffalo Halloween Parade

Sponsoring Organization (if applicable): \_\_\_\_\_

Mailing/billing Address: \_\_\_\_\_

City/State/ZIP Code: New Buffalo, MI 49117

TIN: \_\_\_\_\_

Contact Person(s): Tricia Mayer Bowden

Business Phone: SAME Cell Phone \_\_\_\_\_

E-mail Address(es): \_\_\_\_\_

## Event Information

*\*A separate event schedule and/or description may be attached in response to questions 1 through 5.*

*\*\*For any question, if there is not room to include a complete response, please include the response on a separate attachment and note "see attached". When providing information in an attachment, please refer to the appropriate question number(s) to help the City staff review the application.*

1. What is the requested day(s), date(s), and time(s) of the Special Event: Sunday, Oct. 31<sup>st</sup> 2021 / 4pm to 6pm EST

2. Is there a requested alternative date(s)? [YES]  [NO]   
• If yes, please provide the alternative date(s): \_\_\_\_\_

3. Please describe the event(s): The event will be a house to house Trick or Treat.

4. What is the requested location(s) of the event(s): City of New Buffalo

5. Provide estimate number of people attending this event:

700 to 1000

Please complete the following checklist regarding your event and special needs: More detailed instructions are included on the following pages. Please use additional sheets where appropriate for more detailed responses.

- 6. Is this event expected to be a reoccurring event in a future calendar year? Yes  No   
Normal Annual Date? Sunday Before Oct 31st
- 7. Have you included a map indicating the location of your event and schedule? Yes  No
- 8. Will this event include the use of signs? Yes  No 
  - Directional \_\_\_\_\_ Yes  No
  - Other \_\_\_\_\_ Yes  No
- 9. Is the applicant seeking special parking arrangements, such as reserved parking? Yes  No
- 10. Is the applicant requiring utility connections, such as electric or water services? Yes  No
- 11. Does the applicant require other public services? Yes  No 
  - Barricades Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No
  - Fencing Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No
  - Street Sweeping and/or Mowing Yes  No
  - Rubbish Containers Date Installed: 10/30 Date Removed: 10/31 Yes  No
  - Recycling Containers Date Installed: \_\_\_\_\_ Date Removed: \_\_\_\_\_ Yes  No
  - Police Yes  No
  - Other: \_\_\_\_\_ Yes  No
  - Map included indicating locations of these services/facilities?\* Yes  No
- 12. Does the applicant have any security or safety concerns/requirements? Yes  No
- 13. Are you requesting assistance from the Police Department? \*\*Yes  No
- 14. Are you requesting assistance from the Fire Department? \*\*Yes  No
- 15. Are you requesting assistance from the Park/Streets? \*\*Yes  No
- 16. Is the applicant requesting assistance from an outside agency or contractor for providing services and/or facilities? Yes  No
- 17. Will the event include loud or unusual sounds? Yes  No 
  - Musicians Yes  No
  - Singers Yes  No
  - Amplified Announcers Yes  No
  - Carnival Rides Yes  No
  - Motor Vehicle Noises Yes  No
  - Generators Yes  No
  - Other \_\_\_\_\_ Yes  No
- 18. Will the event include food/vendors? Yes  No
- 19. Will the event require sanitation services? Yes  No
- 20. Will the event require transportation services? Yes  No
- 21. Will the event include unusual lighting beyond what is normal at that location? Yes  No
- 22. Are alcoholic beverages proposed to be served as part of the event? Yes  No 
  - Have all necessary liquor licenses been obtained or applied for? Yes  No
- 23. Does the applicant have any other requests that are not listed in this form? Yes  No
- 24. The applicant is required to provide general liability insurance coverage with respect to the event as follows:

\* Indicates attachments required

\*\*Fees for Police and Fire man power and services will be determined by Police Chief and Fire Chief.  
\*\*\*DPW-City of New Buffalo will provide 2 City Street Dept. employees to assist applicant up to 1/2 hour (one-hour total) at no cost to applicant. If services are required beyond one hour, the applicant shall pay \$65.00 per hour, on an available basis.

Insurance Requirements

1. Low Hazard: A minimum of \$500,000 per occurrence and aggregate limit of liability for personal injury, bodily injury and property damage.
2. Medium Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$1,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage.
3. High Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$2,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage.
4. Special Hazard: General Liability with broad form general liability endorsement or equivalent. Limits of liability shall not be less than \$3,000,000 per occurrence and aggregate combined single limit for personal injury, bodily injury and property damage. The City Manager/City Clerk may require higher limits.
5. Liquor Liability: A minimum of \$3,000,000 per occurrence aggregate limit of liability.



Have you attached a Certificate of Insurance and endorsement listing the City of New Buffalo as an additional named insured?

Yes \_\_\_ No \_\_\_

6. **Is this event expected to occur again in a future calendar year?** You may ask to reserve a date for a future calendar year with this application. To reserve an event date for a future calendar year, please provide the normal annual event date. *Note:* Granting such a reservation does not constitute final approval of the event, but will reserve the same area as granted for the current year, until three months before the reserved date.
7. **An Event Map and Schedule of event** – If your event will use streets, sidewalks, or parks will use multiple locations, please attach one or more maps showing the locations requested. Please show any streets or parking lots that you are asking be blocked off or reserved for specific purposes, locations of specific events or objects (carnival rides, bleachers, medical care, exhibits, special parking, pick-up/drop-off areas, etc.), security, signage, exits, port-o-johns, remote parking lots, the actual route of a parade or race, and similar information appropriate to clarify the exact request. (Please see page 7 to complete the map(s) and schedule information in greater detail.)
8. **Will this event include the use of signs?** If yes, please attach information on the size, content, and location of any requested signs; signs may be shown on the event map or on a separate map, if appropriate. Small directional signs that do not obstruct pedestrian or vehicular traffic may be placed in the event area, during the event, without being included in this application.
9. **Is the applicant requesting special parking arrangements – such as limiting parking areas to certain groups of users?** No special event request will be inclusive of any guaranteed reserved parking. Applicants may submit a detailed request defining the reason and specific need for the designated parking request. The only vehicles permitted inside of the venue will be utilized for the containment and preservation of perishable goods.
10. **Is the applicant requiring utility connections, such as electric service or water?** If yes, you must coordinate with the Park Superintendent to review what utilities are available in requested



area, and provide a description or map showing the utilities requested. The City will call Miss Dig to identify utility lines 2 weeks before event.

11. **Does the applicant have any other requests for public services?** If yes, you must coordinate with the Park Superintendent to determine if assistance from Public Services is appropriate and available. The applicant may be charged for these services.
12. **Does the applicant have any security or safety needs?** If yes, you must contact the Chief of Police to determine what assistance from the Police Department is appropriate and available, and then provide a description of services or security plan the Police Department has for approval. The applicant shall be charged for these services.
13. **Is the applicant requesting assistance from the Police Department?** If yes, you must contact the Police Chief to determine what assistance from the Police Department is appropriate and available, and provide a description of the services the Police Department has indicated it could provide. The applicant shall be charged for these services.\*\*
14. **Is the applicant requesting assistance from the Fire Department in addressing these concerns?** If yes, you must contact the Fire Chief to determine what assistance from the Fire Department is appropriate and available, and provide a description of the services the Fire Department has indicated it could provide. The applicant may be charged for these services. \*\*
15. **Is the applicant requesting assistance from the Park/Streets Department in addressing these concerns?** If yes, you must contact the Department of Public Works Director to determine what assistance from the Streets/Parks Department is appropriate and available, and provide a description of the services the Streets/Parks Department has indicated it could provide. The applicant shall be charged for these services.\*\*\*
16. **Is the applicant requesting assistance from an outside agency or contractor for providing services and/or facilities?** If yes, you must please attach information indicating all of these contractors on this application. It is your responsibility to make sure each agency or contractor has a minimum of 1,000,000 liabilities polices and has named you or your organization as a rider of a special event.
17. **Will the event include loud or unusual sounds, such as musicians, singers, amplified announcers, carnival rides, motor vehicle noises, generators beyond those regularly present in the location, etc.?** If yes, you must please attach information indicating all of these on this application along with a detailed schedule and hours of event date(s).
18. **Will the event include Food Vendors?** If yes, please include a list of food vendors with any and all pertinent information. In addition, the following are also required:
  - a. **Special Waste:** All grease, charcoal, etc., must be disposed of properly – not left in the street/park or poured down a sewer. The producer or city employee will review the space, if a vendor is not present, the City reserves the right to determine the cleanliness of the space and charge for clean-up.
  - b. **Fire Extinguisher:** Every vending space used for cooking must have an approved fire extinguisher. These extinguishers must be carbon dioxide or multipurpose dry chemical, a minimum of twenty pounds.

**\*\*Fees for Police and Fire man power and services will be determined by Police Chief and Fire Chief.**

**\*\*\*DPW-City of New Buffalo will provide 2 City Street Dept. employees to assist applicant up to ½ hour (one-hour total) at no cost to applicant. If services are required beyond one hour, the applicant shall pay \$65.00 per hour, on an available basis.**

- c. You must fill out and mail in the TFE License Application to the Berrien County Health Dept. 2106 S M-139 Benton Harbor, MI 49022 (P: 269.927.5623 / F: 269.927.2960). License must be posted at booth when in operation.
- d. All water and/or electrical requirements need to be discussed and planned for prior to the event. Only approved electrical hook-ups are allowed, generators, use of city 110/220 outlets, etc. At no time is a vendor or producer allowed to rig an electrical hook-up without a licensed electrician.

19. **Will the event require Sanitation Services?** If yes, the producer must indicate the location of waste bins inside and dumpster outside of the event on the site map and include the vendor name and contact information.
20. **Will the event require transportation services?** If yes, the drop off/pick up locations, vehicles used and vendor name and contact information must be indicated on the site map.
21. **Will the event include unusual lighting beyond that regularly present in the location that could have an impact upon occupants of neighboring properties?** If yes, you must please attach information indicating all of the types of lighting, the location, the beginning and end times, electrical needs, and whether the lighting is constant or intermittent during those times.
22. **Will alcoholic beverages be served as part of the event?** If yes, you must complete the LCC temp liquor license application then receive approval from the Police Department of your intention to serve alcoholic beverages. This approval will be based on site map, security provided, hours, and status of applicant and along with board approval (non-profit, church, military only). Approval of the special event by the City does not constitute final approval to serve alcoholic beverages; any necessary approval of a liquor license is a separate process through the State MI Liquor Commission.  
**MI Liquor Control Commission:** [www.michigan.gov/lara/0,4601,7-154-10570---,00.html](http://www.michigan.gov/lara/0,4601,7-154-10570---,00.html)  
You must have necessary paperwork completed and approved by Police Dept for a liquor license by 30 (thirty) days out from your event date(s). Please provide timeframe of expected receipt of license.
23. Please **attach a separate sheet detailing** any aspects of the event that are not specifically addressed in this form which the City should be aware to make a fully informed decision with regard to approval of the proposed event.
24. The applicant is required to provide general liability insurance coverage with respect to the event as outlined previously on Page 3. A Certificate of Insurance, with the City listed as an additional named insured and endorsement, must be filed at City Hall at least one calendar month before the event.

The City of New Buffalo **PROHIBITS** any and all painting of any city property, unless written authorization is given by the City. The City of New Buffalo **PROHIBITS** tent stakes to be driven into asphalt surfaces, use of weights is preferred unless written authorization is given by the City of New Buffalo. Events of those persons violating this policy will be canceled and no future event will be allowed.

In the event that a Special Events Permit is issued, Applicant shall supply to the City Clerk at the time it receives the Special Events Permit, the name, address and telephone number of the individual who is in charge of and/or responsible for the Applicant's activities which are subject to the Special Events Permit. Applicant shall be responsible for communicating all permit requirements and directions of the City to all vendors, concessionaires, workers, volunteers, attendees, invitees, and all others on City property pursuant to the permit. Applicant also covenants and agrees to fully cooperate with the City's officers and employees concerning or relating to any activity or use of City property conducted under the Special Events Permit. Permit will need to be posted on each event date(s) at the promoters/management station.

Applicant covenants and agrees to indemnify, protect, defend and save the City, its officers and employees harmless from any claim, action or suit for any loss, liability and damages that may be asserted or levied against the premises or the City, its officers or employees by reason of Applicant's use or occupancy of or its operations on the premises or by reason of any other person on the premises by its invitation or license, including any expenses, costs and attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the premises resulting in any personal injury, including death, to any person, the indemnity, defense and hold harmless requirements shall include and extend to the person and property of Applicant, its employees and all persons on the premises at its invitation or consent. All property kept, stored or maintained in and on the premises, shall be so kept, stored or maintained at the risk of Applicant only.

Applicant covenants and agrees to strictly comply with all terms, conditions, covenants and agreements set forth in any Special Events Permit, which may be issued for the event covered by this application. All approvals are binding between the City and Applicant, no changes will be made or allowed after approval process is complete unless City is notified and approved changes in writing.

For any activity, event, carnival, or fair connecting to or modifying an existing electrical source or service, Applicant covenants and agrees to designate a licensed electrical contractor and secure an electrical permit in compliance under Article 525 of the current National Electric Code. Application for the electrical permit shall be obtained two weeks prior to the event and a copy provided to the City office. Inspections shall be requested by the electrical contractor prior to the opening of the event, or use of the electrical service. A licensed electrician in MI must provide all electrical needs or set up.

Applicant, on behalf of the organization, agrees to reimburse the City of New Buffalo for its "out-of-pocket" expenses related to the event. Expenses may include but are not limited to wages of City employees, including police, street and park employees and trash disposal tipping fees at landfills. City staff is readily accessible to discuss out-of-pocket cost estimates and ways to reduce these costs. All City of New Buffalo invoices sent to organizations for reimbursement of out-of-pocket costs are due within thirty (30) days of billing.

Applications may be rejected if, in the sole judgment of the City, granting the application would not be in the best interest of the public health, safety, or welfare, through causing parking congestion, excessive disruption of traffic, blocking access to other properties, or reducing access for emergency vehicles; or if the public health, safety or welfare was negatively affected by previous similar special events or special events sponsored by the applicant; or if the applicant has previously failed to complete his or her responsibilities as sponsor of a special event.

To the fullest extent permitted by law the undersigned agrees to defend, pay on behalf of, indemnify and hold harmless the City of New Buffalo, its elected and appointed officials, employees, agents and volunteers and others working on behalf of the City of New Buffalo against any and all claims, demands, suits or loss, including all costs connected therewith and for any damages which may be asserted, claimed or recovered against or from the City of New Buffalo, by reason of personal injury,

including bodily injury or death and/or property damage, including loss of use of thereof, which arises out of, or is in any way connected or associated with this contract.

The undersigned states he/she has full authority to execute this application on behalf of the Applicant and acknowledges receipt of a copy of the City's Special Events Policy and Procedures.

**Applicant Signature**

I hereby affirm that the information is true to the best of my knowledge and belief, and agree that the applicant will be responsible for making certain that the event follows the ordinances, rules and regulations of the City of New Buffalo, and that the event takes place in accordance with the application as approved by the New Buffalo City Council, including any conditions placed thereon. The applicant agrees and is responsible to communicate and enforce the information in this application to all vendors, contactors, outside agencies, or other parties working under applicant's authority. By signing this application, applicant acknowledges and agrees that the application fee is non-refundable, even in the event the application is denied.

Applicant signature: Tricia M. Bowden  
Date: 8/25/21  
Applicant printed Name: Tricia M. Bowden Date: 8/25/21

**MAPS/LOCATION – mark event items on map(s)**

Check items below that apply to your event. All items checked below must be indicated on the MAP(S). Please note, map(s) must be submitted with the Special Events & Festivals Application.

City property or city park use. Show locations of fencing, barriers, or barricades. Include streets and/or Sidewalks to be closed or barricaded on map(s). To ensure requested items, such as cones or barricades, are reserved and available for the day of the event, please complete the **CONES AND BARRICADE REQUEST FORM** and submit it with the Special Events & Festival Application. Requested items are available Monday through Friday during office hours between 8:00 a.m. and 4:00 p.m. should you require an alternate time a \$50 **After Hour Charge** will be assessed. Please note, if the Cones and Barricade Request Form is not submitted, the City of New Buffalo cannot guarantee the requested items will be available for the event, **first come – first served, limited quantity available.**

Barricade Request: Mark locations on maps. Barricades that are damaged or not returned to the Street Department will be charged \$85.00 per barricade.

Cone Request: Mark locations on maps. Cones that are damaged or not returned to the Street Department will be charged \$35.00 per cone.

Explain closure \_\_\_\_\_

Entertainment, dance, tent or stage. Mark locations on maps.

Event Command Post. Mark location on maps.

Dumpsters and/or trash containers. Mark location on maps. Vendor name and contact info

Portable toilet facilities. Mark locations on maps.

The City requires the use of portable toilet facilities for events expecting over 100 attendants. There must be a **minimum of 3 per 1,000** with 1 of the 3 being handicapped accessible. Vendor name and contact info must be included.

Parade. Mark beginning area, the route\* (with arrows) and finish area on maps

Relay event. Indicate “hand-off” points and areas of participant equipment impact.

Fireworks/pyrotechnics site. Mark location on maps. Vendor name and contact info

Vendors/General Merchandise concession areas. Mark areas on maps. Name of contact person for vendor(s)  
Promoter must have a list of all vendors, food, general contacts available at all times on site of event

Note: Number/permit will be given for all vendor inquiries. It is required that the Sponsoring Organization issue a paper permit to be displayed by vendor to let city and event staff know they are an approved vendor.

Event Schedule – Site Map(s)

Name: Tricia M. Bowden Telephone: 

Page 8 of 10

*Thank You!  
Same as last  
year.*

**City of New Buffalo Review**

Department	Reviewed – Recommend Approval	Reviewed – Recommend Denial	Reviewed – See Comments
City Manager	DW		
City Clerk	AF		
Park Superintendent	MD		
Street Superintendent	JB		
Police Chief	RK		
Fire Chief	CH		Bernes Co. Health Dept. (Follow Guidelines)
Other			

Comments

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**Post – Approval Follow-up**

Event Application completed in full [YES] [NO]

Application Fee received by City [YES] [NO] Amount \$ \_\_\_\_\_

Park fees received [YES] [NO] Amount \$ \_\_\_\_\_

Fees waived [YES] [NO] Reason: \_\_\_\_\_

Liquor License Applied for and approved by City of New Buffalo Police Department [YES] [NO]

Insurance Policy of Promoter Received with Application [YES] [NO]

If no, date by which Insurance Policy must be received (one calendar month before the event) \_\_\_\_\_

Date Insurance Policy Received \_\_\_\_\_ By \_\_\_\_\_

Additional Insurance endorsement provided, or policy language included [YES] [NO]

**New Buffalo City Council Approval/Denial**

City Council Action: [APPROVED] [DENIED]

Date of City Council Action: \_\_\_\_\_

Festival Category: [1] [2] [3] [4] determined correctly [APPROVED] [DENIED]

City Manager Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If denied by City Council, reason for denial: \_\_\_\_\_

\_\_\_\_\_

Conditions or changes from application: \_\_\_\_\_

\_\_\_\_\_

**Copy to:**

**City Manager** \_\_\_\_\_

**City Clerk** \_\_\_\_\_

**Street Superintendent** \_\_\_\_\_

**Park Superintendent** \_\_\_\_\_

**Police Chief** \_\_\_\_\_

**Fire Chief** \_\_\_\_\_

**Other** \_\_\_\_\_



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** August 31, 2021

**RE:** Michigan Department of Natural Resources (DNR) Land & Water Conservation Fund Program Grant

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**ITEM BEFORE THE COUNCIL:**

Acceptance of the Michigan Department of Natural Resources (DNR) Land & Water Conservation Fund Program Grant

**DISCUSSION:**

At the August 23, 2021 City Council meeting, the grant for Phase I of the Dune Walk Restoration project was accepted from the Michigan DNR Land & Water Conservation Fund Program. It was recommended that the city utilize the resolution provided by the State of Michigan (see attached).

**RECOMMENDATION:**

That the New Buffalo City Council approves the acceptance of the Land & Water Conservation Fund Program grant from the DNR in the amount of \$440,000 and submit the resolution as provided by the State of Michigan.







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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** August 31, 2021

**RE:** Zoning Ordinance Review and Update – Houseal Lavigne

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**ITEM BEFORE THE COUNCIL:**

Acceptance of proposal from Houseal Lavigne for the City of New Buffalo Zoning Ordinance Review and Update

**DISCUSSION:**

The City of New Buffalo’s Zoning Ordinance was adopted August 14, 2001 and amended on September 17, 2013. Since that time the Zoning Ordinance has been amended as the city deemed necessary. Due to the fact that laws and conditions are ever-changing, it is a recommended best practice for a government with zoning authority to review and update its zoning ordinance at least every year or two. This reduces legal risk by staying current with the law.

The city issued a Request for Proposal (RFP) requesting proposals from qualified professional planning firms to review and update the city’s Zoning Ordinance. The city received four (4) proposals that were opened on August 26, 2021, at 10:00 AM. All proposals received were from reputable firms, all capable of completing the review and update. Houseal Lavigne Associates submitted the low bid in the amount of \$49,840.

This expense was not budgeted in the 2021-2022 fiscal year budget; however, funding is available.

**RECOMMENDATION:**

That the New Buffalo City Council approves the acceptance of the proposal from Houseal Lavigne Associates for the review and update of the zoning ordinance in the amount of \$49,840.

# BID TAB SHEET

PROJECT NAME: Zoning Ordinance Update

DATE: August 26, 2021 at 10:00 a.m.

VENDOR NAME:	BID AMOUNT	
Zone Co. LLC	\$ 101,000.00	
Arista Strungys	\$ 99,170.00	
McKenna	\$ 169,260.00	
Houseal Lavigne	\$ 49,840.00	

City Staff Present:  
City Manager, Darwin Watson  
City Clerk, Amy Fidler

Public Present: N/A

USB: Available



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** August 31, 2021

**RE:** Zoning Ordinance Amendment Request – Planning Commission

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**ITEM BEFORE THE COUNCIL:**

Request the Planning Commission to review amendment to Chapter 11 of the City's Zoning Ordinance

**DISCUSSION:**

The City of New Buffalo ("the city") passed an ordinance on April 15, 2019. The purpose behind the ordinance was to implement the infrastructure for the safe operation of short-term rentals. This ordinance also aimed to safeguard balance and respect for the quality of life for the entire community.

Currently, the city has a moratorium on new short-term rentals that is set to expire on September 18, 2021. During the course of the moratorium, the city has made considerable progress in studying various issues relating to short-term rentals; developing a modified set of regulations; implementing a strategy for not only short-term rentals, but city-wide code enforcement; and the commencement of data collection.

The city's ultimate goal is to terminate the city's moratorium. In order to achieve the ultimate termination of the moratorium, several steps and guidelines need to be implemented. Of utmost importance is the work needed from the Planning Commission to amend the city's zoning ordinance.

**RECOMMENDATION:**

That the New Buffalo City Council request the Planning Commission to review and recommend amending Chapter 11 of the City of New Buffalo's Zoning Ordinance.

**CITY OF NEW BUFFALO  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND SECTIONS 2-3, 6-2, 7-2, AND 8-2, AND ADD A NEW SECTION 20-8 TO THE NEW BUFFALO ZONING ORDINANCE TO PROHIBIT NEW SHORT-TERM RENTALS IN THE R-1, R-2, AND R-3 ZONING DISTRICTS**

WHEREAS, in April 2019, the City Council adopted an ordinance requiring the registration and inspection short-term rental units within the City; and

WHEREAS, since enacting the ordinance, City staff has studied the registration statistics and the density of short-term rentals; and

WHEREAS, after extensive study of the proliferation and effects of short-term rental uses, the City Council has determined that if current trends were allowed to continue, short-term rental uses could undermine the character and stability of neighborhoods in certain districts by, among other things:

1. Decreasing the number of long-term residents;
2. Decreasing enrollment in local schools;
3. Decreasing the availability of long-term housing stock, thereby driving up prices and making long-term residency less affordable;
4. Creating significant numbers of vacant homes in the winter months; and
5. Increasing levels of noise, traffic, and on-street parking during the summer tourist season.

WHEREAS, in a series of recent cases, Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the zoning ordinance to curb the proliferation of short-term rental uses in certain zoning districts characterized by single-family residential neighborhoods, and to otherwise mitigate potential adverse effects of new short-term rentals.

The City of New Buffalo ordains:

Section 1. Amendment. Section 2-3 of the New Buffalo Zoning Ordinance is amended to add the following definitions of “Short-Term Rental Activity” and “Short-Term Rental Unit,” which shall appear between the definitions of “Shopping Center” and “Sign,” and to amend the definition of “Dwelling Unit” so that it reads in its entirety as indicated below. Except as expressly modified herein, the remainder of Section 2-3 is reenacted in full:

*Short-Term Rental Activity.* The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health care related clinic, or dwelling units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

*Short-Term Rental Unit.* A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this ordinance and Chapter 11 of the City Code.

*Dwelling Unit.* A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit may be used as a short-term rental unit

when licensed pursuant to Chapter 11 of the City Code and when either: (1) short-term rentals are not prohibited in the zoning district where the property is located; or (2) the short-term rental unit is established as nonconforming and operating in compliance with the regulations in Section 20-8.

Section 2. Amendment. Sections 6-2, 7-2, and 8-2 of the New Buffalo Zoning Ordinance are amended to read as follows:

**Sec. 6-2. Uses permitted by right.**

- A. Land and/or buildings in the R-1 District may be used for the following purposes by right:
1. Single-family detached dwelling units.
  2. Accessory uses pursuant to Section 3-2.
  3. Home occupations pursuant to Section 3-26.
  4. State-licensed residential care family facilities.
  5. State-licensed family day-care centers.
  6. Municipal parks.
- B. Short-term rental units are prohibited in the R-1 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

**Sec. 7-2. Uses permitted by right.**

- A. Land and/or buildings in the R-2 District may be used for the following purposes by right:
1. Single-family detached dwelling units.
  2. Two-family dwelling units.
  3. Accessory uses pursuant to Section 3-2.
  4. Home occupations pursuant to Section 3-26.
  5. State-licensed residential care family facilities.
  6. State-licensed family day-care centers.
  7. Municipal parks.
- B. Short-term rental units are prohibited in the R-2 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

**Sec. 8-2. Uses permitted by right.**

- A. Land and/or buildings in the R-3 District may be used for the following purposes by right:
1. Multiple-family dwelling units, including single-family attached dwelling units, and apartment buildings.
  2. Single-family detached dwelling units.
  3. Accessory buildings and uses associated with the above permitted uses, including:
    - a. Automobile garages.
    - b. Health club facilities intended primarily for residents of the residential complex.
    - c. Recreational facilities intended exclusively for residents of the residential complex such as pools and tennis courts and other similar uses.
    - d. Community center building.

Accessory buildings shall also comply with regulations contained in Section 3-2 of this ordinance. As provided in Section 8-3, carports are permitted in the R-3 District by special use permit only.

4. Home occupations pursuant to Section 3-26.
5. State-licensed residential care family facilities.
6. State-licensed family day-care centers.
7. Municipal parks.
8. Public utility or service buildings, not requiring the outdoor storage of materials.

- B. Short-term rental units are prohibited in the R-3 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Section 3. Addition. Section 20-8 of the New Buffalo Zoning Ordinance is added to read as follows:

**Sec. 20-8. Nonconforming short-term rental units.**

- A. *Nonconforming short-term rental units permitted*. Short-term rental units that existed and were registered under Chapter 11 of the Code of Ordinances as of October   , 2021, the effective date of the amendment creating this section, may be continued as nonconforming uses so long as they conform to the regulations provided herein.

- B. *Regulations*. Notwithstanding any other provision of this ordinance:

1. The ability to operate a nonconforming short-term rental unit is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located.

However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in section 20-5.

The ability to operate a nonconforming short-term rental unit is not impaired by any transfer of ownership or control of the property, unless the right to continue operating a short-term rental unit is later deemed abandoned by the new owner subsection B.3 below. New owners are responsible for obtaining renewal permits in accordance with the processes provided in Chapter 11 of the Code of Ordinances.

3. A short-term rental unit shall be deemed abandoned if: (a) the short-term rental permit for the property expires, terminates, or becomes invalid, and (b) a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.
4. Notwithstanding subsection B.3, the ability to operate a nonconforming short-term rental unit is not impaired by the demolition of the structure in which the use is located, so long as:
  - a. There is a valid short-term rental permit in effect at the time of the demolition, and
  - b. A short-term rental permit is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section 4. Publication and Effective Date. The City Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_ adopted at a regular meeting of the New Buffalo City Council held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
John Humphrey, Mayor

\_\_\_\_\_  
Ann M. Fidler, City Clerk

DRAFT





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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** August 31, 2021

**RE:** Amendment to Resolution 2020-11

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**ITEM BEFORE THE COUNCIL:**

Approve amending Resolution 2020-11

**DISCUSSION:**

The City of New Buffalo ("the city") passed Resolution 2020-11 in May 2020 related to short-term rentals. The ending date for the moratorium was extended by resolution in December 2020.

During the time since December 2020, the city has made considerable progress in studying various issues relating to short-term rentals; developing a modified set of regulations; implementing a strategy for not only short-term rentals, but city-wide code enforcement; and the commencement of data collection. This progress was to also include the Planning Commission and City Council determining the need for improved zoning regulations.

The city's ultimate goal has been to develop the necessary framework for terminating the moratorium in the city. In order to achieve this many steps need to be taken. The most imperative of which is the Planning Commission's work in developing zoning ordinance amendments. The city has issued a Request for Proposal (RFP) and received bids for a consultant to assist with this endeavor. However, this undertaking is important and will take time to complete.

**RECOMMENDATION:**

That the New Buffalo City Council approve amending Resolution 2020-11 to facilitate the review and updating of the city's Zoning Ordinance.

**CITY COUNCIL  
CITY OF NEW BUFFALO  
Berrien County, Michigan**

Council member \_\_\_\_\_, supported by Council member \_\_\_\_\_, moved the adoption of the following resolution:

**RESOLUTION 2021-\_\_\_\_\_**

**A RESOLUTION TO EXTEND THE EXISTING MORATORIUM ON THE  
REGISTRATION OF SHORT-TERM RENTAL UNITS IN THE CITY OF NEW  
BUFFALO THROUGH NOVEMBER 1**

WHEREAS, on May 18, 2020, the City Council adopted a resolution imposing a temporary moratorium on the acceptance of new short-term rental registrations in certain areas of the city in order to allow further study and development of possible ordinance amendments; and

WHEREAS, on June 15, 2020, the City Council amended the moratorium to provide a number of exceptions to protect the investment-backed expectations of property owners who made substantial investments in prospective rental properties prior to the moratorium's effective date; and

WHEREAS, on December 21, 2020, the City Council extended the length of the moratorium so that it is now set to expire on September 18, 2021; and

WHEREAS, since the moratorium has been in effect, the City has made substantial progress in studying the various issues relating to short-term rentals and developing a new package of proposed regulations; and

WHEREAS, the city has already adopted substantial amendments to Chapter 11 of the City Code to better regulate short-term rentals, and is in the process of considering a related amendment to the zoning ordinance, which is set for public hearing at the Planning Commission on September 16, 2021; and

WHEREAS, the City Council wishes to allow sufficient time to complete its consideration of the proposed zoning amendment, and to allow such amendment to take effect before the moratorium expires.

NOW, THEREFORE, the City Council resolves as follows:

- A. The moratorium imposed on May 18, 2020, as amended thereafter, is hereby extended until November 1, 2021.
- B. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Yeas: Council member: \_\_\_\_\_

Nays: Council member: \_\_\_\_\_

Abstain: Council member: \_\_\_\_\_

Absent: Council member: \_\_\_\_\_

**RESOLUTION DECLARED ADOPTED.**

**CERTIFICATION**

As its Clerk, I certify that this is a true and complete copy of a resolution adopted by the New Buffalo City Council in Berrien County, Michigan, at a regularly scheduled meeting held on \_\_\_\_\_, 2021.

Date: \_\_\_\_\_, 2021

\_\_\_\_\_  
Ann M. Fidler, City Clerk