



**APPLICATION AND PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES
IN MCCORMICK PARK OR HOWARD DAHLSTROM MEMORIAL PARK**

▶ ORGANIZATION NAME: _____

▶ ORGANIZATION ADDRESS: _____

▶ RESPONSIBLE PARTY NAME: _____

▶ RESPONSIBLE PARTY PHONE: _____

▶ RESPONSIBLE PARTY E-MAIL: _____

▶ The applicant requests a permit for sale and consumption of alcohol in the following City of Williamston park: _____ McCormick Park _____ Howard Dahlstrom Memorial Park
(formerly known as Deer Creek Park)

▶ The applicant requests a permit to sell alcohol for consumption at the indicated City property between the hours of _____ a.m./p.m. and _____ a.m./p.m. on the following date (indicate specific dates, e.g. March 15, or specific days, e.g. the third Tuesday of every month). A maximum of six months from the date the application is received is allowed. **DATE:** _____

▶ Purpose of Reservation: _____

▶ Name of Insurance Company from which necessary public liability policy will be requested or obtained (see item 4 under standard provisions): _____

I agree to all the standard provisions as listed on this application:

▶ _____
Applicant's signature (and title where applicable) Date

City Use Only: Entered in Schedule By: _____ Date: _____

City Clerk: _____ Approved/Denied Date: _____

Police Chief: _____ Approved/Denied Date: _____

DPW: _____ Approved/Denied Date: _____

*City Manager: _____ Approved/Denied Date: _____

*City Council: _____ Approved/Denied Date: _____

***If Requested**

STANDARD PROVISIONS – USE OF CITY BUILDING, STREET, PARKING LOT, SIDEWALK AND PROPERTIES

1. **SPECIFICATIONS** - All activities conducted under this permit must be done in accordance with the plans and statements filed with the application.
2. **FEES AND COSTS** - The permit holder shall be responsible for all fees incurred by the City of Williamston in connection with this permit and shall deposit estimated fees and costs as determined by the City Clerk at the time the permit is issued.
3. **BOND** - The permit holder may be required to provide a cash deposit, letter of credit or bond in a form and amount acceptable to the City of Williamston at the time the permit is issued.
4. **INSURANCE** - The permit holder shall furnish proof of liability and property damage insurance in the amount stated of up to \$500,000.00 in the event of injury to or death of more than one person and for the payment of \$100,000.00 for property damages, naming the City of Williamston as an insured. Such insurance shall cover a period not less than the term of this permit and shall provide that it cannot be cancelled without ten (10) days advance written notice by certified mail with the return receipt required to the City. This must be furnished for:
 - a. Use of City parking lot
 - b. Use of City streets
 - c. Use/blockage of sidewalk for construction purposes
5. **INDEMNIFICATION** - The permit holder shall hold harmless, and indemnify and keep indemnified the City of Williamston, its officers and employees from all claims, suits and judgments to which the City, its officers or employees may be subject to and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the City, whether due to the negligence of permit holder or the joint negligence of the permit holder and the City, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
6. **NOTIFICATION OF START AND COMPLETION OF WORK** - All activities shall be carried on only during the period set forth in the permit applying to said activities.
7. **TIME RESTRICTIONS** - All activities shall be carried on only during the period set forth in the permit applying to said activities.
8. **SAFETY** - The permit holder agrees to conduct all activities allowed under the permit in a safe manner and to keep the area affected by the permit in a safe condition at all times.
9. **RESTORATION AND REPAIR** - The permit holder agrees to restore the property used to the condition prior to the permit holder's use.
10. **LIMITATION OF PERMIT** - The permit does not relieve the permit holder from meeting other applicable laws and regulations of other agencies. The permit holder is responsible for obtaining additional permits or releases which may be required in connection with the activity from other governmental agencies, public utilities, corporations and individuals, including property owners. Permission may be required from the adjoining property owners.
11. **VIOLATION OF PERMIT** - The permit shall become immediately null and void if the permit holder violates the terms of the permit, and the City may require immediate removal of the permit holder's facilities, or the City may remove them without notice at the permit holder's expense.
12. **ASSIGNABILITY** - The permit may not be assigned without the prior approval of the City. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of the permit.
13. **TRAFFIC CONTROL/PEDESTRIAN SAFETY** – The permit holder is responsible for providing traffic control barricades, devices and signage conforming to MIOSHA and MDOT requirements for activities that impact vehicular and pedestrian traffic on streets, parking lots and sidewalk areas.
14. **PUBLIC SAFETY AND CLEAN UP EXPENSES** - The permit holder agrees to pay the City all costs and expenses not ordinarily expected to be incurred, for any clean-up, public safety (including extra Police services) or Department of Public Works expenses incurred by the City occasioned by the issuance of the permit or conduct of the activity for which the permit was applied.

ORDINANCE NO. 343

ORDINANCE AMENDING SECTION 38-3
OF THE WILLIAMSTON CODE OF ORDINANCES

The City of Williamston Ordains:

Section 1. Section 38-3 of the City of Williamston Code of Ordinances, which generally prohibits the sale and consumption of alcoholic beverages in City parks, and which provides exceptions, is hereby amended to read as follows:

Sec. 38-3. Alcoholic beverages.

(a) The part of this section allowing the sale and consumption of alcoholic beverages at the Deer Creek Park **and McCormick Park** is designed to promote city-approved community functions and cultural events which are generally open to the public and which are beneficial to the downtown urban environment. The exception made in this section is in the special interest of the revitalization of central urban areas by attracting persons and activities to the downtown area.

(b) It shall be unlawful for any person to consume or to possess in an open container alcoholic beverages in the public streets or parks, provided, however, that beer or wine may be consumed on the premises of the Deer Creek Park **and McCormick Park** if such beer or wine is obtained from a person authorized to sell beer or wine pursuant to subsections (c), (d) and (e) of this section.

(c) Beer or wine may be sold, on any day except Sunday, for consumption in the Deer Creek Park **and McCormick Park** if a special license for such sale is obtained from the state liquor control commission and if the city council approves the license application prior to the issuance of the license. Approval by the city council for the sale of beer or wine in the Deer Creek Park **and McCormick Park** shall be obtained only if the license is to be utilized in conjunction with a city-approved cultural, ethnic, or community activity open to the public.

(d) The city clerk shall provide a form on which the applicant shall provide the following information:

- (1) The name and address of the applicant;
- (2) The name of the organization he represents;
- (3) The type of event;
- (4) The date of the application;
- (5) The date and time of the event planned;
- (6) The purpose of the event;
- (7) The name of the insurance company from which the necessary public liability policy will be requested or obtained.

(e) Approval by the city council for the sale of beer or wine in the Deer Creek Park **and McCormick Park** shall be obtained only if the following conditions have been met by the applicant:

(1) Filing with the city clerk a completed application form.

(2) Filing with the city clerk proof of a public liability and property damage insurance policy insuring such applicant and the city as an additional insured against any liability imposed on such applicant and/or the city arising out of the sale of beer or wine. Such policy shall provide for the payment of up to \$500,000.00 in the event of injury to or death of more than one person and for the payment of up to \$100,000.00 for property damage. Such policy shall bear an endorsement to the effect that the insurance company shall notify the city clerk at least ten days prior to the expiration of such policy; and

(3) Payment to the city clerk of an application fee in the amount established by resolution.

(f) It shall be unlawful for any person or authorized agent to sell beer or wine in the Deer Creek Park **or McCormick Park** without having first obtained the approval of the city council in accordance with this section and obtaining a special liquor license from the state liquor control commission.

(g) It shall be unlawful for any person or authorized agent to sell beer or wine in the Deer Creek Park **or McCormick Park** in any container other than paper, plastic or styrofoam.

Section 2. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 4. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This Ordinance shall be effective fifteen (15) days from and after its adoption by the City of Williamston City Council and after its publication.

First Reading: 02-25-13
Second Reading: 03-11-13
Published: 03-17-13
Effective: 04-01-13

James DeForest, Mayor

Holly Thompson, City Clerk

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