

TRAVERSE CITY DOWNTOWN DEVELOPMENT AUTHORITY

ROTARY SQUARE USE POLICY

I. Policy Purpose.

The purpose of this policy is to establish a set of rules to regulate events and activities held at Rotary Square that contribute to the health and well-being of the public as well as the character and sense-of-place of downtown Traverse City.

II. Definitions.

The following words and phrases shall have the corresponding definitions:

- A. “Administratively complete” means an application that includes an application form that has been filled out with all relevant and required details, along with all accompanying documentation and information that is required under this policy for an Event of the type sought after in the application.
- B. “DDA” means the City of Traverse City Downtown Development Authority.
- C. “Event” means the use of Rotary Square for a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved.
- D. “Executive Director” means the person acting in the role of the Executive Director of the City of Traverse City Downtown Development Authority.
- E. “Incidental Commercial Activity” means a commercial activity such as the sale of food at a free concert or an entry fee to enter a contest as part of a free festival, such that the commercial activity is not the entire purpose of the Event but is rather a non-essential complement to the Event.
- F. “Rotary Square” or the “Square” means the real property owned by the City of Traverse City Downtown Development Authority” on the southeast corner of the intersection of Union Street and State Street in downtown Traverse City.

III. Permit Required.

No Event shall be held or announced as an upcoming Event to be held at Rotary Square unless and until a permit has been issued pursuant to this Policy.

IV. Exempt Activities.

General public use of Rotary Square for recreation is exempt if it does not involve the reserving or setting aside of any portion of Rotary Square and does not include organized games, fixed signs, sound broadcasting equipment, tents, bleachers, or similar items. Brief use for movie or television production and other photographic activities is exempt unless in the opinion of the Executive Director the activity will disrupt normal use. City-sponsored Events are exempt. Permission for an exempt activity is automatically revoked if the user violates any law, ordinance, this Policy, or any other rule or regulation adopted pursuant to the City of Traverse City Code of Ordinances.

V. Permit Applications.

Permit applications must be completed by the individual or sponsoring organization who will be the permit holder. Permit applications and their submission to the DDA shall comply with the following requirements:

- A. Time. Applications for an Event shall be filed at least fourteen (14) days before the Event is proposed to begin.
- B. Fee. If a permit application is approved, a fee of \$250 per day that the Square will be in use is due before a permit will be issued. This fee may be waived in the discretion of the Executive Director.
- C. Signature. The application shall be signed under oath or affirmation in the presence of a notary public by the individual adult person who will attend and be in charge of the Event and activity.
- D. Permit Holder. The application shall specify the name, address, and telephone number of the Permit Holder who shall be the sponsoring organization or individual.
- E. Insurance, Permits, and/or Licensure - Unless waived by the Executive Director, all permit holders shall provide the following insurance and related documentation:
 1. Insurance. Permit holders must obtain and be prepared to demonstrate coverage under an insurance policy meeting the following requirements:
 - i. Comprehensive general liability insurance of \$1,000,000 per occurrence. The DDA may require additional insurance to be obtained prior to the event for special activities, upon review of the application once submitted.
 - ii. The insurance policy shall include a separate endorsement page which names the DDA and the City of Traverse City as additional insured parties covered by the policy.

- iii. The insurance policy shall be in effect for the total length of time any equipment is placed on the property or the total time of the event, whichever is longer.
 - iv. The applicant and permit holder shall execute a hold harmless and indemnification provision agreeing to hold the DDA and its officials, employees and volunteers harmless and to indemnify same in the event a claim is made resulting solely or partially from the permitted event or activity.
 - v. Suitable proof of insurance shall be submitted to the Downtown Development Authority no later than 10 days before the event and before a permit will be issued.
 - vi. The City Clerk reserves authority over insurance requirements and may in their discretion prescribe additional insurance requirements as they deem necessary under the circumstances.
2. Health Permit. Permit holders must submit a copy of a Grand Traverse County Health Department Permit for each vendor serving food, as applicable, no later than 10 days prior to the event.
3. Liquor License and Additional Insurance. Permit holders must submit a copy of the liquor license of each vendor serving alcohol, if applicable, no later than 10 days prior to the event, and shall further comply with the following:
- i. If the permit holder intends to sell alcohol as part of their event, the permit holder must obtain, maintain, and provide proof of liquor liability insurance in the amount of \$1 million per occurrence along with an endorsement that names the City of Traverse City and the City of Traverse City Downtown Development Authority as additional insured parties.
 - ii. If the permit holder does not hold a liquor license, they must obtain and provide proof of a Non-Profit Special License from the Michigan Liquor Control Commission.
 - iii. If the permit holder intends to serve alcohol with no financial consideration in connection with the provision of alcohol at the event, the permit holder must obtain and provide proof of host liquor liability insurance in the amount of \$1 million per occurrence along with an endorsement that names the City of Traverse City and the City of Traverse City Downtown Development Authority as additional insured parties shall be provided.
 - iv. With the exception of beer and wine, the serving of liquor is subject to approval by the City Commission.

- F. Description of the Event. The proposed Event shall be described with such detail as required by the Executive Director and on the forms supplied by the DDA.
- G. Filing Date. An application shall not be deemed to have been filed until the Executive Director states in writing that the application is administratively complete. The date of such writing shall be the official filing date of that application.

VI. Priority of Applications.

- A. Administratively complete applications for events shall be considered and decided on a “first come, first served” basis as of the date they are filed.
- B. Each application shall be evaluated in accordance with the Application Review process set forth below, and a decision on an application shall be made promptly after the application has been properly filed and determined to be administratively complete.
- C. Permit holders with granted reservation requests shall have the scheduling priorities and rights as provided in this policy.

VII. Review of Permit Applications.

- A. Executive Director Review.
 - 1. A permit application may be granted by the DDA Executive Director if the Event complies with all of the following:
 - i. The Event is limited to not more than a 24-hour period, with a defined starting and ending time;
 - ii. Admission to the Event is not restricted; and
 - iii. No fee is charged to the public to attend the Event.
 - 2. The DDA Executive Director may delegate all or a part of their authority under this policy to a DDA staff member.
- B. Standard Review. The DDA shall consider the following when evaluating a permit application for potential approval:
 - 1. The extent to which the event/activity may be restricted or exclusive, in whole or in part, or will be open to the general public without charge. Some exceptions apply (*See* Section V. General Conditions, L. Sales Exemptions);
 - 2. Whether the primary or sole purpose of the event is not the sale of goods or services, or fundraising;

3. Whether the activity will unreasonably disturb normal activity on surrounding private land;
4. Whether the activity will unreasonably interfere with or detract from the public's health, safety, or welfare, or the public's enjoyment of the Square or nearby public spaces.
5. Whether the activity causes or facilitates or is likely to cause or facilitate a violation(s) of any law, ordinance, rule or regulation;
6. Whether the space has been reserved for other use on the date and time requested in the application; and
7. Whether the activity is likely to cause damage to the structures, land, foliage, natural resources or other natural or man-made components in or surrounding Rotary Square.
8. Whether the event complies with all other provisions of this policy.

VIII. General Conditions.

The following general conditions apply to all Events; additional special conditions may be imposed in the permit, depending on the nature of the proposed Event:

A. Equipment and Signs.

1. No other property, equipment or signs not included in the application are to be used by participants in Rotary Square and adjacent property.
2. Signs and equipment may not be staked into the ground.
3. Property, signs, and equipment may not block the city's right of way.
4. No signs shall be erected in violation of any city ordinance.
5. Unless otherwise authorized by the DDA Executive Director, all property, equipment and signs shall be removed from property immediately upon the scheduled end time of the Event.

B. Set Up and Removal.

1. Event set up and removal shall occur promptly and within the designated timeframe as set forth in the permit.
2. Permit holder must restore the site to original condition.

3. Permit holder is responsible for any damage to public properties and the cost of any necessary repair thereof. Payment for any such damage shall be due to the DDA within thirty (30) days of the identification of the costs to remedy the damage. The DDA Executive Director may require a bond, letter of credit, or cash deposit as security for cleanup and restoration.
- C. Tents. If tents are proposed for use at an Event, the tent material shall be composed of noncombustible and flame-resistant fabric in accordance with the City Fire Code and erected to meet wind load requirements of the State Construction Code. Tents may not be staked in the ground.
- D. Advertising. Applicants may not advertise, announce, or promote event prior to obtaining permit from DDA.
- E. Noise. All city ordinances pertaining to noise and amplified sound apply to events in Rotary Square. Please contact the City Clerk's office for questions regarding city ordinances.
- F. Trash/Recycling and Toilets.
1. Portable toilets and trash/recycling receptacles are permitted at the permit holder's expense.
 2. The number, type and location of all receptacles and toilets shall be listed on the application and the permit.
 3. At least one portable toilet used at the Event must be ADA compliant/handicap accessible.
 4. The permit holder is responsible for the coordination, removal, and clean-up of toilets and trash/recycling receptable.
 5. It is the policy of the DDA to encourage recycling at Events whenever possible.
- G. Commercial Activity.
1. Incidental Commercial Activity may be allowed, but only for low impact Events.
 2. All such Incidental Commercial Activity shall be under the control of the permit holder and shall not be operated independently by third parties unless the third party operated commercial activity is allowed in the permit.
- H. Vehicles. Motor vehicles are prohibited from Rotary Square except those conveying specialized equipment for the Event and allowed in the permit. The DDA Executive Director may waive this requirement in certain circumstances.

- I. Lights. All lighting shall be directed at the Event and to the extent practical away from areas where the activity is not occurring.
- J. Smoking and Alcohol.
 - 1. Per city ordinance, smoking is prohibited.
 - 2. Alcohol use is prohibited unless appropriate permits and insurance are obtained and provided to DDA. Please contact the City Clerk's office for questions regarding city ordinances.
- K. Displays.
 - 1. Displays and temporary fixtures that meet terms and standards of this policy are permitted if the application is approved.
 - 2. Displays/fixtures may not serve as commercial or for-profit advertisements.
 - 3. Displays/fixtures may not violate any federal or state laws or city ordinances pertaining to public displays.
 - 4. Displays/fixtures may not block the City's right of ways adjacent to the Square.
 - 5. Limitations may be placed on the size and scope of displays/fixtures.
 - 6. If associated with an Event, displays/fixtures may remain in place for the duration of the Event. If not associated with an Event, displays/fixtures may remain in place for a maximum of 24 hours unless waived by DDA Executive Director.
 - 7. The DDA may require additional insurance to be obtained prior to placement of a display/fixture.
 - 8. The DDA is not responsible for any damage to display/fixture on display in Rotary Square.
- L. Sales Exemptions. Vendor retail, concessions, fees for activities (such as a carnival game, etc.), and/or fundraising are permitted as part of Event's Incidental Commercial Activities but may not be the primary or sole purpose of an event.
- M. Electricity and Generators. Only electrical equipment approved in the Event application and permit is permitted. Portable or vehicle-mounted generators must be shielded from view and sound.
- N. Open Flame. Open flames are prohibited unless written authorization from the Fire Marshal is obtained and provided.

IX. Exemptions.

A. Exemptions to this policy include:

1. General public use for recreation not involving the reservation of any section of the Square and does not include organized games, fixed signs, sound broadcasting equipment, tents, or similar items.
2. Brief use of media production or photography equipment, unless deemed disruptive to public use by DDA Executive Director.
3. Events sponsored by the DDA or DTCA.

B. Permission for an exempt activity is automatically revoked if the user violates any law, ordinance or related policy adopted by the DDA and/or DDA Board of Directors.

X. Revocation of Permission to Use the Square.

In addition to the penalties provided by ordinance, a permit may be revoked in writing at any time by the DDA Executive Director if:

- A. It is determined that the holding of the Event authorized by the permit is no longer in the best interest of the public health, safety, and welfare of the City and/or its residents;
- B. There has been a misrepresentation in the application or any material misstatement by the applicant; or
- C. There has been a failure to follow this policy, or other City ordinance, State law, or any condition attached to a permit.

XI. Amendments to this Policy.

This policy may only be amended upon approval of the Traverse City Downtown Development Authority Board of Trustees. Any amendment to a relevant and applicable City ordinance that is deemed to be in conflict with this policy shall be understood to supersede this policy.

I hereby certify that the above policy was adopted by the DDA Board of Trustees on _____, 2025, at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan.

By: _____
Its: _____