

# CITY OF ESCANABA POLICY AND PROCEDURES

**ORIGINATOR:** Escanaba City Council

**ADOPTION DATE:** May 20, 2010  
**REVISED DATE:** February 20, 2014

**SUBJECT:** Alcohol in Public Places – Special Events  
Policy No. 060101-01

**REFERENCES:** City Ordinance 507 and 1102, MCL436.1500  
Chapter 18 of the Code of Ordinance

**PURPOSE:** The policy consists of a range of requirements designed to reduce alcohol related problems and to increase the enjoyment of those who attend a community event. By reducing the potential for alcohol related problems, the City of Escanaba concurrently reduces the risk of liability actions. This policy is established to ensure that all reasonable measures are taken to safeguard the well-being of all users of City-owned property and the well-being of private property owners located near the event.

## I. SCOPE

This policy applies to all sales, possession and consumption of alcoholic beverages in Ludington Park or other public places at a designated time or times in connection with a special event, series of events or observance, which event or observance has been authorized by the City Council in accordance with the provisions of Ordinance 507 and 1102, and all applicable local, state and federal laws. Failure to follow any procedure could result in the forfeiture of the permit, court imposed fines or loss of deposit.

## II. GLOSSARY OF TERMS

**Alcohol** means any product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol.

**Beer** means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of an infusion of barley, malt and hops or any similar product in drinkable water.

**B.Y.O.B.** means “bring your own bottle.”

**City-Issued Permit/Approval** means a permit or approval issued by the Escanaba City Council authorizing the applicant to use a City location for an event.

**City Location** means Ludington Park or other public places which are approved by the Escanaba City Council to be used as an event location.

**Event Monitors** means paid and/or volunteer workers including bartenders, security, ticket sellers and servers at an event who hold positions of responsibility in the operation of the event and who help insure that the requirements of the Alcohol in Public Places are carried out.

**May** means the requirement is permissive.

**Must** means the requirement is mandatory.

**Shall** means the requirement is mandatory.

**Should** means the requirement is suggestive.

**Sponsor** means the non-profit seeking a permit to sell alcoholic beverages at an approved special event.

**TAM Training** means sanctioned training provided by the Michigan Licensed Beverage Association in conjunction with the Michigan Liquor Control Commission.

**Will** means the requirement is mandatory.

### **III. GENERAL CONDITIONS, RESPONSIBILITIES AND CONTROLS**

- 1. Qualifying Organizations.** A permit shall be issued only to non-profit organizations and is good for one day.
- 2. Pre-Application Meeting.** At least 45 days prior to any event, the sponsor shall meet personally with a City Representative(s) to discuss how the sponsor will ensure that the policy shall be complied with at such event.
- 3. Application.** The sponsor seeking to sell alcoholic beverages at a special event must be identified in the City provided application and be signed by the President or Secretary of the organization. At least one responsible sponsor of the event named in the application must be present at the event at all times. Additionally, the sponsor must complete and submit to the City Clerk a permit application at least thirty (30) days prior to the event and pay the permit fee and security deposit as adopted by City Council. The completed application package must include a completed application form together with a detailed site plan, a list of bartenders and event monitors trained in the TAM Program, a \$50 application fee and a \$1,000 security deposit. All City costs shall be the financial responsibility of the applicant. If the event deposit money is used by the City, the City shall provide an itemized invoice of costs to the applicant and will provide a refund of any excess security deposit.

4. **Site Plan.** At time of application, the event sponsor must submit for review and approval a site plan detailing the dimensions of the proposed event structure and enclosed area, entry/exit point, distances to schools, community playgrounds and daycare centers. Outdoor rubbish container locations, stages, sound systems and other related features must also be shown on the site plan drawing.
5. **Location.** The event use location must be specified in the application. A permit will not be issued if the event is located within a five hundred (500) foot radius of a school, church or daycare center without the applicant first obtaining written approval from the authorized representative of the school, church or daycare center. No event location within five hundred (500) feet of a community playground will be permitted.
6. **Insurance.** The City of Escanaba will not provide liability insurance or liquor liability insurance for events taking place in public places. The sponsor is responsible for providing a general liability insurance policy in the minimum amount of One Million Dollars (\$1,000,000) and a liquor liability insurance policy in the minimum amount of One Million Dollars (\$1,000,000). Proof of satisfactory insurance containing a liability clause protecting the City of Escanaba must be submitted before the permit is issued.
7. **Profits.** All profits derived from the sale of alcoholic beverages must go to the designated charitable organization itself and not to any individual.
8. **Operation of Event/Control Measures.**
  - a. **Area.** The sale of alcohol must be in an enclosed area and fenced off as required by local ordinance with a minimum of one (1) row of fencing or a natural barrier approved by the Department of Public Safety. The total allowable area for the sale and consumption of alcohol will be limited to no more than ten thousand (10,000) square feet. Occupancy of the area will be determined by the latest edition of the International Fire Code.
  - b. **Entrances.** For all enclosed areas that sell alcoholic beverages, one (1) monitored entrance and exit will be allowed. The sponsor must provide at least one (1) entrance monitor who shall control the entrance to the event. Additionally, one (1) monitored emergency exit must be provided. Any person acting as an event monitor, bartender, or seller of tickets for alcohol must be at least eighteen (18) years of age.
  - c. **Communications.** A cell phone or landline telephone to contact emergency personnel shall be located at the main entrance of the enclosed area. The sponsor shall advise all bartenders and monitors of the telephone location.

- d. Event Monitor Training.** The sponsor must provide at least one (1) bartender, one (1) security officer and one (1) event monitor trained in TAM for all events. The bartender, security officer and monitor must oversee all other servers and bartenders during the operation of the event. The sponsor will provide to all servers and monitors the contact names and phone numbers of emergency response personnel.
- e. Consumption Restrictions.** The individual representative(s) of the sponsor, together with all servers, ticket sellers, door and event monitors, will not consume alcohol before and during the event, or be under the influence of alcohol consumed before the event.
- f. Drink.** Non-alcoholic beverages must be available, either at no charge or at a cost less than half the price of the lowest-priced alcoholic beverage. Practices which encourage increased consumption of alcohol are not permitted. Specifically, oversized drinks, double shots, pitchers of beer, drinking contests and volume discounts are not allowed. No B.Y.O.B's or carry-outs of alcoholic beverages are permitted.
- g. Cup Size.** Cup size is restricted up to sixteen (16) ounces for alcoholic beverages. Cups used for alcoholic beverages must be different in color from cups used for non-alcoholic beverages.
- h. Minors.** No one under the age of eighteen (18) is permitted in the area where alcohol is being served or consumed, unless accompanied by a parent or guardian
- i. Serving to and Beyond the Point of Intoxication.** The sponsor and their representatives will not sell tickets to or serve alcoholic beverages to anyone who appears to be intoxicated nor shall they serve to the point of intoxication.
- j. Special Sales and Discounts.** No special sales or discounts will be permitted for volume ticket purchases.
- k. Drink Purchase Limitation.** A maximum of two (2) drinks will be served to an individual at any one time.
- l. Unused Tickets.** Patrons wishing to turn in unused drink tickets may do so and will be fully refunded by the sponsor at any time during the event. This practice will minimize the need for patrons to practice accelerated consumption of alcoholic beverages.
- m. Hours of Operation.** The sale of alcoholic beverages shall not begin before 12:00 p.m. and cease no later than 10:00 p.m. The sponsor shall ensure that no announcement of "last call" is made and that the bar simply closes at the required time.

- n. **Promotion of Responsible Drinking.** The sponsor is encouraged to place notices about responsible drinking at each table and use promotional materials such as napkins with messages about responsible drinking.
- o. **Advertising.** The sponsor must include messages about responsible consumption of alcohol with all advertisements. Event names which convey the message that drinking is the principal activity or the purpose of the event must not be used.

#### IV. **ENFORCEMENT - FAILURE TO COMPLY**

Failure to comply with the terms of this policy will result in the following:

1. The City of Escanaba shall advise the sponsor in writing of the violation and shall indicate that, depending on the infraction, the following may occur:
  - a. Forfeiture of all or part of the security deposit; or,
  - b. Issuance of civil infraction citations for violations of local, state or federal laws.
2. The City of Escanaba Department of Public Safety shall monitor the activity for violations. If a violation is found, depending on the severity of the violation and at the discretion of the investigating officer, the use permit may be immediately terminated for public safety, by the City of Escanaba Department of Public Safety.