

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF ALLEN PARK**

**PROPOSED ORDINANCE #02-2015**

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES, DIVISION 9 “FESTIVITIES COMMISSION” BY THE REPEAL AND READOPTION OF SECTIONS 2-510 THROUGH 2-516, TO PROVIDE CLARITY.**

**The City of Allen Park Ordains:**

**SECTION 1. Amendment to Code.**

Chapter 2, Administration  
Article V, Boards, Commissions, Committees and Authorities  
Division 9. Festivities Commission

That Sections 2-510 through 2-516 are hereby repealed and readopted to hereafter read as follows:

**Sec. 2-510. - Created; composition; appointment of members.**

There is hereby created and established a festivities commission, which shall consist of seven members to be appointed by the mayor, subject to the approval and confirmation by a majority vote of the city council. The mayor shall first consider the recommendations for appointments offered by the festivities commission.

**Sec. 2-511. - Term of members; vacancies; compensation of members.**

The appointed members of the festivities commission shall serve for a term of four years. The initial appointments to the commission shall serve terms as follows:

- (1) Two members for a term of four years;
- (2) Two members for a term of three years;
- (3) Two members for a term of two years; and
- (4) One member for one year.

Selection of the initial terms shall be by draw of lots. Thereafter all new appointments shall be for four years. However, all members shall continue in office until their successors shall have been appointed. Vacancies occurring on the commission before the

expiration of any term shall be reported to the mayor and council and shall be filled by appointment as provided herein for the unexpired term. All members shall serve without compensation. Any member may be removed by the commission upon a majority vote of the entire commission for unexcused absence at three successive meetings or for inattention to duties.

**Sec. 2-512. - Advisory personnel.**

(a) The city administrator and the following department heads, or their designated alternate, shall serve in an advisory, nonvoting capacity to the commission:

- (1) Police department;
- (2) Fire department;
- (3) Parks and recreation department;
- (4) Department of public services; and
- (5) City clerk's office.

(b) This shall not limit the commission's authority to seek advice or assistance from other city departments or appointees.

**Sec. 2-513. - Duties.**

It shall be the duty and responsibility of the commission to perform such tasks necessary to organize, advertise and conduct the city street fair, including, but not limited to, the setting of fees and entering into contracts with vendors for display or sales space. Subcommittees may be formed to develop and implement other events and activities including a Memorial Day event and or lighted Christmas parade.

**Sec. 2-514. - Authority to enter into contracts restricted.**

The commission shall not have the authority to enter into any contract to purchase or rent services or equipment over the sum of \$5,000.00.

**Sec. 2-515. - Finances; authority to raise funds; escrow account.**

(a) The commission shall have the authority to raise money through the sale of merchandise, food, donations and the leasing of space to vendors during special events and/or the city street fair.

(b) The funds so raised shall be maintained in an escrow account with the city and shall not be considered to be part of the city's general fund. The city finance director shall assist the commission with regard to managing this fund.

(c) The commission may maintain a petty cash fund with a balance of \$250 to assist the commission in small purchases as needed. Access to the petty cash fund must be approved by 3 members of the commission and records and receipts maintained.

**Sec. 2-516. - Expenditure of funds.**

(a) The commission shall have the authority to commit, spend or pledge only the funds held in the escrow account or raised for the following purposes:

(1) Carry out the purpose of the commission, including the payment of all expenses associated with the city street fair, and approved expenses for the Memorial Day event, lighted Christmas parade and any such other events the commission undertakes;

(2) Provide for public improvements, such as community signs, landscape areas, and recreation projects; and

(3) Such other activities and purposes the city council and the commission may agree to and as subsequently authorized by council resolution.

(b) The city council shall have no authority to spend, pledge or in any way encumber the funds held in the escrow account without the express approval of the festivities commission.

**SECTION 2. Repeal.** All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. Saving Clause.**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase,

or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Publication.**

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

**SECTION 6. Adoption.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **23<sup>rd</sup> day of June, 2015.**

WILLIAM MATAKAS, Mayor  
City of Allen Park

MICHAEL I. MIZZI, City Clerk  
City of Allen Park