

BLENDON TOWNSHIP
OTTAWA COUNTY, MICHIGAN
ORDINANCE # _____
OUTDOOR EVENTS ORDINANCE

ADOPTED: _____

EFFECTIVE: _____

AN ORDINANCE TO LICENSE AND REGULATE, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, OUTDOOR EVENTS OF PERSONS WITHIN BLENDON TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

Preamble

The Blendon Township Board finds and declares that the interest of the public health, safety, and welfare of the citizens of the Township require the regulation and licensing of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this Township.

BLENDON TOWNSHIP ORDAINS:

Section 1. Definitions

1. **“Outdoor Event”** or **“event”** applies to festivals, concerts, public shows, displays, demonstrations, entertainment, amusement, or other exhibition at which more than 200 people (including staff, employees, and volunteers) are reasonably expected to attend, but excluding the following:
 - a) An event which is conducted or sponsored by a governmental unit or agency on publicly-owned land or property, or
 - b) An event which is conducted on school or church property as an accessory use to the permitted principal use conducted on the property.
 - c) Birthday parties, graduation open houses, weddings and the like held infrequently as an accessory use to a principal residential use at the participant’s residence within the Township.
 - d) Farms with sales and entertainment facilities and farm markets that host events on the property pursuant to the provisions of the Blendon Township Zoning Ordinance, if such uses were approved by the Township prior to effective date of this ordinance.

- e) Uses or activities that are accessory in nature to a principal use of a banquet hall, private club or golf course/country club.
 - f) Any event entirely within the confines of a permanently enclosed and covered structure, if such structure and use is lawful under the Township's zoning ordinance, building codes, and other ordinances.
2. **"Person"** means any natural person, partnership, corporation, association, or organization.
 3. **"Sponsor"** means any person who organizes, promotes, conducts, or causes to be conducted, an outdoor event.
 4. **"Licensee"** means any person to whom a license is issued pursuant to this Ordinance.

Section 2. License Required

1. A person shall not sponsor, operate, maintain, conduct, or promote an outdoor event in the Township, or permit such event to occur on property owned or controlled by that person, unless a license, as hereinafter prescribed, has been obtained for any such assembly. In the discretion of the Township, one license may be issued for up to the maximum number of events permitted for a property within a year, subject to revocation for violation of this Ordinance or the reasons set forth justifying denial or revocation of a license.

Section 3. Application for License

1. Application for a license to conduct an outdoor event must be made in writing on such forms and in such manner as prescribed by the Township and shall be made at least 60 days prior to the date of the proposed assembly. The Township shall not be required to act on any application made less than 60 days prior to the date of the proposed assembly. Each application shall be accompanied by a fee in an amount determined by the Township Board and shall be accompanied by a letter containing the following information:
 - a) The name, cell phone number, email address, and mailing address of the applicant. Where the person making the application is a partnership, corporation, or other association, this information shall be provided for all partners, officers, directors, or members.
 - b) The address and legal description of the premises upon which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit evidence of his right to use the premises for the proposed assembly.
 - c) A statement describing the type and nature of the proposed assembly.
 - d) The date or date(s) and times(s) during which the proposed assembly is to be conducted.

- e) The anticipated maximum number of persons in attendance (including employees, staff, and volunteers) at the proposed event(s).
 - f) The insurance and bonding arrangement for the event with accompanying documentation of the same.
 - g) The number and type of security persons proposed for the event.
 - h) A statement describing food and water supply and facilities.
 - i) A statement describing health and sanitation facilities.
 - j) A statement describing medical facilities and services, if any.
 - k) A statement describing noise control and abatement measures.
 - l) A statement describing facilities for cleanup and waste disposal.
2. All applications for outdoor event permits must also be accompanied by copies of a sketch plan of the subject property, containing, at a minimum, the following information:
- a) A north arrow and scale
 - b) All property lines with their dimensions
 - c) Location and dimensions of all existing and proposed temporary structures on and within 100 feet of the subject property.
 - d) Required setback from all property lines and from all adjacent residential parcels shall be shown on the site plan.
 - e) The location for on-site and/or off-site parking, including details on the segregation of parking and ingress/egress drives from event areas. If off-site parking is proposed, dedicated and segregated pedestrian access to the event site must be depicted on the site plan.
 - f) The location and number of all toilet facilities to be established on the subject property.
 - g) The location of all existing and proposed exterior lighting to be established on the subject property, including details of the proposed lighting fixtures.
 - h) The name of the party preparing the site plan.
3. The Zoning Administrator shall have authority to require additional information if it reasonably determines that, given the nature of the proposed event, the subject property and/or the surrounding properties, such information is necessary to determine whether the requested event satisfies the standards of this ordinance for the granting of the requested permit.

Section 4. Officials' Approval

Upon receipt by the Zoning Administrator, copies of the application shall be forwarded to the chief law enforcement officers, fire chief, township planner, and to such other appropriate public officials deemed necessary, taking into consideration the nature of the outdoor event. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the Zoning Administrator. If no recommendation or finding is submitted by any such official within the time limit, the application for a license shall be considered as having been approved by such official without any conditions thereon.

Section 5. Issuance of License

The zoning administrator shall, within a reasonable time, approve, approve with conditions, or deny the application for a license. Where conditions are imposed on the issuance of a license, or where a license is denied, notice of such conditions or the reasons for denial shall be provided in writing to the applicant.

Section 6. Denial

The license application may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of State or local law; or
2. If the applicant has conducted previous event(s) that failed to comply with any or all requirements of this Ordinance, the Zoning Ordinance, or with any or all conditions imposed, or with any other applicable provision of State or local law; or
3. If the Township has reason to believe that the applicant's proposed event will fail to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of State or local law; or
4. If the applicant knowingly makes a false, misleading, or fraudulent statement in the application or in any other data submitted.

Section 7. Details of License.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

Section 8. General Provisions.

An outdoor gathering shall comply with the following general provisions:

1. **Security Personnel.** The applicant shall provide for security personnel as are necessary to provide for adequate protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. The application shall be reviewed and approved by the Ottawa County Sheriff's Department regarding the adequacy of the type, number, and provision of security personnel for the proposed event.
2. **Water Facilities.** The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved pursuant to applicable federal, state, or local laws and regulations.
3. **Restroom and Lavatory Facilities.** The applicant shall provide for enclosed restroom facilities constructed in accordance with applicable federal, state, and local laws and regulations. All lavatories shall be provided with soap and paper towels.
4. **Food Service.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the requirements of the Ottawa County Health Department and any other applicable federal, state, and local agency.
5. **Medical Services.** The licensee shall provide for adequate medical facilities and emergency medical services on the premises of the assembly. The kind, location, staff strength, medical, and other supplies and equipment of such facilities shall be as prescribed by the Ottawa County Health Department or other applicable local agency.
6. **Sewage Disposal.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto. The applicant shall utilize a licensed pumper or hauler to ensure proper, effective, and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
7. **Refuse Disposal.** The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in covered containers provided in sufficient quantity to accommodate the number of attendees. Prior to issuance of any license, the licensee shall provide the Township with a true copy of written confirmation from a licensed refuse collector that assures proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
8. **Access and Traffic Control.** The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. The event shall not materially interfere with traffic circulation, required off-street parking, or pedestrian safety. Access to the premises shall be from a road that is part of the county system. Traffic

lanes and other space shall be provided upon the premises and kept open for access by ambulances, fire equipment, and other emergency vehicles. Prior to the issuance of a license, the Township fire chief or his/her designee shall inspect the access drives and circulation patterns on the property to ensure that all areas are reasonably accessible to emergency services personnel

9. **Parking.** The licensee shall provide adequate on and/or off-site parking for persons in attendance at the event. At a minimum, the licensee shall provide not less than one (1) parking space for every four (4) persons (including staff, employees, and volunteers) expected to be in attendance at the event. Peak anticipated attendance shall be used to calculate the required parking for the event. On-site parking shall also be clearly marked and cordoned off to prevent pedestrian/vehicular conflicts. If off-site parking is approved for the event, clear pedestrian access, segregated from traffic, shall be provided. In no case shall parking be permitted on a public or private road, nor shall parking be situated such that patrons are required to cross a road to attend an event.
10. **Responsible Contact.** The licensee shall designate a person(s) who may be contacted during the event to address violations of this Ordinance, conditions of approval, or other nuisance or dangerous conditions. Such person shall have full authority from the licensee to address the problem or shut down the event, as may be directed by the Township.
11. **Illumination.** If deemed necessary, the licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. All lighting for the event shall be directed away and shielded from any adjacent roads or residential areas. The licensee's lighting plan shall be approved by the Township Zoning Administrator.
12. **Noise.** In no case shall any event authorized under the terms of this Ordinance cause or result in any serious adverse effect on adjacent or nearby lands by reason of excessive sound. In determining whether a proposed temporary event will satisfy this standard, consideration should be given to the volume and character of noise generated from other lawful activities conducted in the vicinity of the subject property. Any event shall operate in compliance with the Blendon Township Noise Ordinance.
13. **Fire Protection.** The licensee shall provide on-site fire protection in the form of one (1) class 2A hand fire extinguisher, or its equivalent for every 500 persons estimated to attend the assembly, or as otherwise specified by the Township fire chief.
14. **Insurance.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000/3,000,000 and property damage insurance from a company or companies approved by the Commissioner of Insurance of the State of Michigan. The licensee shall provide the Zoning Administrator with proof of insurance providing the coverage as set forth herein and naming the Township and County of Ottawa as an additional insured party.

15. **Applicable Laws.** The event shall be conducted in compliance with all applicable requirements of federal law, state law, county regulations, and Township Ordinances, including, but not limited to requirements of the DEQ, DNR, Ottawa County Road Commission, Ottawa County Water Resources Commissioner, and the Ottawa County Health Department. The applicant shall obtain all required approvals from the applicable federal, state, county and Township agencies and shall provide proof of same to the Township for review as part of the permit application.
16. **Miscellaneous.** Prior to the issuance of a license, the Township may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.

Section 9. Performance Standards

Events are subject to the following conditions:

1. An event may occur up to three (3) times during a calendar year (January 1 through December 31), but may not occur more frequently than every 45 days.
2. The event (including tear down activities) shall occur for no more than five (5) consecutive business days.
3. The event shall only take place during the hours between 9 am and 9 pm. All noise generated by the event including tear down activities shall cease by 10 pm. The Township shall have the authority to impose a more restrictive time limit on the event if it determines that, given the nature of the proposed event and the subject property's relationship to and/or the surrounding properties, such a time limit is necessary to satisfy the standards of this Ordinance for the granting of the requested permit.
4. Setbacks for all temporary structures and displays shall meet all Zoning Ordinance requirements.
5. The event and any of its associated activities (including parking) shall maintain a minimum setback of 100 feet from any public right-of-way or property line and a minimum setback of least 200 feet from any property line bordering a residential use. The Township may permit reduced minimum setbacks if adjoining properties are screened from view by vegetation, berm, wall, or fence.
6. On-site overnight camping shall not be permitted in conjunction with events.
7. One temporary sign not to exceed 32 square feet is permitted at the entrance to a temporary event. Such sign shall not be placed in a public road right-of-way and shall not be illuminated. The sign may be erected for a maximum of 21 days prior to the event and must be removed within five (5) days after the event.

Section 10. Revocation

The Township may revoke a license whenever the licensee, his employees, or agent fails, neglects, or refuses to comply with any and all provisions and regulations or requirements set forth herein or with any and all provisions, ordinances, regulations, statutes, or other laws incorporated herein by reference.

Section 11. Violations and Penalties

1. Violations. It shall be unlawful for a licensee, his employee or agent to knowingly:
 - a) Advertise, promote, or sell tickets to conduct or operate and assembly without first obtaining a license as herein provided.
 - b) Conduct or operate an assembly contrary to this Ordinance, any applicable conditions of approval, or in such a manner as to create a public or private nuisance.
 - c) Conduct or permit, within the assembly, and display exhibition, show, play, entertaining, or amusement that is obscene according to local community standards.
 - d) Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct.
 - e) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined by the Controlled Substance Act of 1971.

It is further provided that should any of the above violation be found, the license shall be revoked.

2. Penalties. A violation of any provision of this ordinance shall be a civil infraction. Any person who disobeys, omits, neglects, or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Board, Building Inspector, Fire Chief, Zoning Administrator, or any authorized deputy sheriff issued in pursuance of this ordinance shall be in violation of this ordinance.
 - a) A violation of this ordinance is a municipal civil infraction, for which the fine shall be from \$500 up to \$5,000 for the first or other subsequent offense.
 - b) The fines shall be levied in the discretion of the Court, and shall be in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing the ordinance. Each day that a violation occurs shall constitute a separate offense.
 - c) Lien to Enforce Fines, Cost and Penalties: The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance shall be paid to the Township immediately upon entry of the court order.

- d) Injunctive Relief: The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.
- e) Equitable Relief: The Township shall also be entitled to equitable relief to abate the violation and to such other relief as may be available to the Township pursuant to chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.
- f) Each day on which any violation of this Ordinance occurs shall constitute a separate offense.
- g) The supervisor, zoning administrator, ordinance enforcement officer, and all police officers and deputy sheriffs, are authorized to issue civil infraction citations for violations of this Ordinance. For any violation not personally witnessed by the issuing officer, the citation shall be approved by the Township Attorney as provided by law.

Section 12. Severability

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion by the court to be inoperable and to this end this Ordinance is declared to be severable.

Section 13. Effective Date

This Ordinance shall be effective 30 days after publication after adoption.