

Township of Leoni
Special Event Ordinance No. 2020-1

An ordinance to establish procedures and requirements for conducting special events in the Township in order to protect the natural resources and public health, safety and general welfare of Leoni Township residents by establishing regulation relating to the operation, control and management of special events, to provide for traffic, parking, security and nuisance abatement and to provide penalties for violation of said ordinance. The Leoni Township Board of Trustees may, at any time amend these rules and regulations, as needed, in the future.

The Township of Leoni, County of Jackson and State of Michigan ordains:

Section I: Title

This ordinance shall be known and cited as the Leoni Township Special Event Ordinance

Section II: Definitions

“Operator” shall mean any person, firm, partnership, corporation or other entity that operates or maintains a Special Event.

“Outdoor Seasonal Sales” means the outdoor temporary sale of seasonal goods not produced on the premises including, but not limited to, Christmas trees, fireworks, etc.

“Owner” means the current owner or other person, firm partnership, corporation or other entity having ownership or possessor rights of the property in question

“Person” means any person, firm, partnership, corporation or any other entity.

“Special Event” means any event or gathering, whether conducted on public or private property that may generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to for profit parties, festivals, concerts, shows, exhibitions, mud-bogging, carnivals, circuses, fundraisers, fundraising walks or runs, fairs, or any similar events or activities.

“Special Event Permit” means a permit issued by the Zoning Administrator, upon approval of the Township Board, to conduct a Special Event.

“Zoning Administrator” means the official of Leoni Township or authorized representative charged by the Township with the responsibility of administering this Ordinance.

Section III Special Event Permit Required

General Provisions

1. It is unlawful for any Owner or Operator to hold or conduct any Special Event in the Township unless the Zoning Administrator has first issued a Special Event Permit in compliance with this Ordinance.

2. The Special Event shall comply with all applicable zoning regulations for the district in which it is to be located, including requirements pertaining to lot size, height, setbacks and off-street parking. Deviations from the zoning regulations for the Special Event may be permitted when the Zoning Administrator determines that public health, safety and welfare will not be adversely affected and spirit and intent of the applicable zoning regulations have been met.

3. The Township Board or Zoning Administrator may require the Owner and/or Operator to post a cash bond or certified check, in connection with, and as a condition of, the granting of the permit, with the Township Treasurer at least 72 Hours in advance of the Special Event. This bond is to be returned to the licensee within 21 days after the end of the event, if there are no claims by the Township against the bond and conditions have been met and property restored to conditions as before the event to the satisfaction of the Zoning Administrator, the Township Supervisor or his designee. This may include, but is not limited to, costs associated with dust control, repair of landscaping material, removal of tents, buildings or structures, sign removal and litter/garbage removal and costs of additional public safety services required for the public health and safety by the holding of the special event. If any of the Special Event Permit conditions are violated, or payment for public safety services is not made within 7 days of the special event, the bond will be forfeited. If any of the requirements of this Ordinance are violated the bond will be forfeited.

4. All tents, buildings or structure(s) erected for Special Event shall:

a. not have a negative impact on the surrounding properties related to visibility, accessibility, traffic flow or parking.

b. be installed, constructed, used, occupied and maintained in compliance with provisions of any applicable federal, state or local rules or regulation, and

c. be immediately removed at the expiration of the Special Event Permit or the conclusion of the Special Event, whichever occurs sooner.

5. Owner and Operator shall comply with all conditions specified in the Special Event Permit and shall, for any Special Event as applicable, provide the following:

a. Environmental Health - An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and service and sanitary method for disposing of solid waste shall be provided that meets federal, state and local requirements, including recommendations of the Jackson County Department of Public Health, or the direction of the Township Board.

b. Lighting - If the Special Event is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Special Event area so as to cause a nuisance or safety hazard.

c. Parking - A parking area sufficient to provide off-street parking space for the maximum number of people allowed at any single time to attend the Special Event shall be provided as outlined in the Township Zoning Ordinance.

d. Traffic - Traffic control measures shall be provided to ensure the safe and efficient vehicular and pedestrian circulation including on-site movements and the flow of vehicular and pedestrian traffic onto public or private right-of-way. Ingress/egress shall be approved/permitted with the Township and any responsible county or state agency, as applicable.

e. Emergency Services - Adequate security measures and fire systems shall be provided at the direction of the Township Public Safety Department and/or the appropriate local or County Authority, including adequate facilities for communication with emergency service providers. Proof of a sufficient amount of police officers and/or uniformed guards and/or fire protection as determined by the Township Board and/or Township Public Safety Department must be provided to the Zoning Administrator at least 72 hours in advance of the event.

f. Buildings - Buildings and/or staging occupied by the public or participants shall meet the requirements of the State of Michigan Construction Code.

g. Signage - If signage for the Special Event is used, it shall comply with the appropriate Township Zoning Ordinance.

h. Environment - All activities shall conform to the soil erosion and sedimentation requirement of the Jackson County Drain Commission and the Michigan Department of Environmental Quality requirements for wetlands, stream crossing and water quality protection.

i. Dust and Garbage - Dust from the Special Event shall not unreasonably carry beyond the boundaries of the Special Event area and the Person, Owner and/or Operator shall comply with applicable Township ordinances. Adequate dust mitigation, litter and garbage disposal shall be provided.

j. First Aid - A first aid station shall be provided and equipped with basic first aid needs.

6. No more than the number of people, paid or unpaid, that is determined by the Township Board to be consistent with the health, safety and welfare of the attendees will be allowed to attend the event at any time. All participants or spectators must be contained on the site of the event. The site of the event shall not contain tents or structures for people to temporarily or permanently reside except that only those staffing the event or providing services to the event may sleep on-site in a tent, a vehicle or a structure.

7. To promote the health, safety and welfare of the attendees and the people of the Township, the Township Board may impose other conditions in the connection with the granting of the permit.

8. None of the provisions contained in this Ordinance are intended to override or displace subdivision or association rules, deed restrictions, court orders or other private covenants or agreements that are more restrictive or that might prohibit or restrict the use of property.

Exemptions

The following Special Events or Outdoor Gatherings shall be exempt from obtaining a Special Event Permit:

1. Township, County & State sponsored Special Events.
2. Funerals or Funeral Processions.
3. Not to exceed 8 hours in one day: Garage, Yard and Estate Sales, Auctions.
4. Private gatherings such as weddings, graduation parties and similar events that are held on private property.
5. Special Events conducted within a building designed and approved for assembly use, such as churches, halls and fraternal organizations, libraries, schools and recreational facilities.
6. School events where the students are participants.

Section IV: Application for Special Event Permit

Any Person desiring to obtain a Special Event Permit as required by this Ordinance shall file a written application on a form provided by the Zoning Administrator at least 70 days prior to the event, together with an application fee as may be amended by the Township Board from time to time, but not less than \$100 which shall also include:

1. Site plan showing layout of event, buildings, parking, ingress/egress along with any other information applicable to the event.
2. Copies of appropriate approval letters from the Jackson County Health Department, Building Department, Public Safety Department, Fire Authority, DNR or EGLE and Jackson County Department of Transportation.
3. Copies of liability insurance policies naming the Township as additional insured for \$1,000,000 per occurrence and \$5,000,000 in the aggregate or a combined single limit of \$5,000,000 unless the Township Board shall approve other lesser limits as part of the approval of the special event permit. The insurance policy shall indicate that it is coverage for the named event. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.
4. Certificate that the applicant will indemnify the Township for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Special Event, including all costs and attorney fees. Furthermore, the applicant will agree to

reimburse the Township for any costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the Special Event, including emergency services, traffic and/or crowd control, removal of structures and signs, litter and equipment and any associated attorney fees and court costs resulting from this mitigation. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

5. Such other information the Zoning Administrator deems reasonably necessary in order to carry out his/her duties under this Ordinance.

Section V: Display of permit and identification

Any person engaged in a Special Event shall prominently display the Special Event Permit as required by this Ordinance. In addition, any Person engaged in the sale of food or food products or liquor or alcohol for consumption regulated by the federal, state or local law shall be required to display such food permit and/or liquor license.

Section VI: Fees

1. An application fee provided for in this Ordinance, as may be amended by the Township Board from time to time, but not less than \$100, shall accompany any permit request. In addition, before final approval, any expected costs incurred by the Township shall be paid for by the applicant in the form of a Cashier's or Certified Check. Any Person directed by and acting on behalf of the Township shall be exempt from fee.
2. The applicant shall, within 14 days of being noticed by the Township that the Township is incurring additional insurance costs for the purpose of indemnifying the Township for any damages it may suffer or any liability it may incur in connection with the Special Event, shall remit to the Township the designated cost of said insurance. Failure to do so shall be cause for denial of the Special Event Permit or revocation of same.

Section VII: Revocation or Suspension of Permit

All Special Event Permits issued pursuant to this Ordinance shall be temporary and no Person shall have any vested right(s) to conduct or continue a Special Event. Special Event Permits may be suspended or revoked by the Zoning Administrator or Township Supervisor and/or they/their designee, including the Director of Public Safety or a command officer of the Public Safety Department as follows:

1. The Special Event Permit or any portion thereof was issued in error.
2. The Special Event Permit application and/or information is incorrect, inaccurate, misleading or false in any manner.
3. The terms or conditions of the Special Event Permit have not been met.

4. The Zoning Administrator, Township Supervisor and/or they/their designee, including the Director of Public Safety or a command officer of the Public Safety Department may immediately revoke or suspend the Special Event Permit under any of the following conditions:

- a. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe.
- b. Any violation of federal, state or local law in connection with or related to the Special Event.
- c. Any other just cause regarding safety, health or welfare.
- d. Failure of the applicant to meet any of its obligations to the Township.

If any Special Event Permit is suspended by the Zoning Administrator or Township Supervisor and/or they/their designee, including the Director of Public Safety or a command officer of the Public Safety Department, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Zoning Administrator, the Township Supervisor and/or they/their designee, including the Director of Public Safety or a command officer of the Public Safety Department before being authorized by the appropriate Township official to continue with the Special Event.

If a Special Event permit is revoked by the Zoning Administrator, the Township Supervisor or his designee, the Person holding the Special Event Permit shall, unless otherwise instructed in writing by the appropriate Township official, immediately discontinue the Special Event and remove all Special Event materials from the site as directed by person who revoked the permit.

If any Special Event Permit has been revoked and the Special Event is not immediately discontinued, the Zoning Administrator, the Township Supervisor or his designee may enter upon the Special Event site and order the discontinuation of the Special Event and remove any structure or obstruction. The cost and expense of such removal or discontinuation shall be assessed against the Person holding the Special Event Permit or against the property upon which the Special event was conducted. The assessment shall include all cost and expenses incurred by the Township, including collecting costs and all professional and expert fees. Such assessment may be collected in any manner permitted by law, including placing the assessment on the tax rolls of the Township.

If any Special Event Permit is revoked, no other Special Event Permit may be issued for a period of 36 months to the same Person where the violation occurred. For the purposes of this paragraph "the same person" shall include any corporate entity whereby the person is a manager or the holder of 5% or more of equity.

Section VIII: Appeals

All decisions of the Zoning Administrator with respect to the issuance, denial, revocation or suspension of any permit under this Ordinance shall be final subject to the right of appeal stated in this Section. Notwithstanding, any Person aggrieved by a decision of the Zoning Administrator under this Ordinance may appeal to the Township Board within fifteen (15) days of the date the decision is issued by the Zoning Administrator. Upon receipt of an appeal, the Township Board shall consider the issue at its next regular meeting or at a special meeting called for that purpose, whichever is sooner.

Section IX Penalties

Any Owner, processor, occupier or any Person having charge or management of this event who violates any of the terms of this Ordinance or the terms specified in the Special Event Permit shall be liable for a misdemeanor and, upon conviction thereof, be fined not more that \$500 or jailed for not more that 90 days, or both.

Section X Severability

The provisions, sections, sentences and phrases of the Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a count of competent jurisdiction such finding shall in no way affect or invalidate the remainder of this Ordinance.

Section XI Repeal

By adopting this Ordinance, the Township expressly repeals the Outdoor Event Ordinance No 22 and all ordinances or part of the ordinances in conflict with this Ordinance.

Section XII Effective Date

The Ordinance shall take effect on the 31st day following publication as required by law.