

**TOWNSHIP OF ALMIRA
SPECIAL EVENT ORDINANCE
Ordinance No. 4-19 #1**

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF ALMIRA TOWNSHIP RESIDENTS BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL AND MANAGEMENT OF SPECIAL EVENTS, TO PROVIDE FOR TRAFFIC, PARKING, SECURITY AND NUISANCE ABATEMENT; TO PROVIDE PENALTIES FOR VIOLATION OF SAID ORDINANCE. THE ALMIRA TOWNSHIP BOARD OF TRUSTEES MAY, AT TIME TO TIME, AMEND THESE RULES AND REGULATIONS, AS NEEDED, IN THE FUTURE.

THE TOWNSHIP OF ALMIRA ORDAINS:

SECTION I: Title

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

SECTION II: Definitions

“Farmers/flea Market” means a civic sponsored outdoor sale event comprised of multiple vendors displaying and selling predominantly agricultural products.

“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 possessory right of the property in question.

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

“Special Event” means any event, with anticipated participation rate of 300 or more people, whether conducted on public or private property, that will or is intended to 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, mudbogging, carnivals, circuses, fundraising walks or runs, fairs, or any similar events or activities.

“Special Event Permit” means a permit issued by the Zoning Administrator to conduct a Special Event.

“Zoning Administrator” means the official of Almira Township or authorized representative charged 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 Special Events may be permitted when the Zoning Administrator determines that public health, safety, and welfare will not be adversely affected, and the 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 with the Township in an amount that will guarantee the restoration of any public property to a like condition as it existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage disposal.
4. All tents, buildings or structures erected or used for a Special Event shall
 - a. Not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues;
 - b. Be installed, constructed, used occupied and maintained in compliance with the provisions of any applicable federal, state, or local rules or regulations; and
 - c. Be immediately removed at the conclusion of the Special Event or upon the conclusion of the Special Event Permit, whichever occurs sooner.
5. Owners and Operators 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 servicing and sanitary method for disposing of solid waste that meets federal, state, and local requirements including the Benzie County Department of Public Health.
 - 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.
 - c. Parking. A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Special Event shall be provided.
 - d. Traffic. Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian traffic onto public or private right-of-way.
 - e. Emergency Services. Adequate security measures and fire systems shall be provided at the direction of the Benzie County Sheriff and/or the Almira Township Fire and EMS Department, including adequate facilities for communication with emergency service providers.
 - f. Signage. If signage for the Special Event is used, it shall comply with Article IV Section 4.18 Signs of the Almira Township Zoning Ordinance.
 - g. Environment. All activities shall conform to the soil erosion and sedimentation requirements of the Benzie County Drain Commission and the Michigan Department of Environmental Quality requirements for wetlands, stream crossings, and water quality protection.

6. In furtherance of the intent of this Ordinance, no owner or operator may apply for, or obtain, more than two (2) Special Event Permits for the same or similar type of event in any given calendar year.

Exemptions. The following Special Events shall be exempt from obtaining a Special Event Permit:

1. Township, County & State sponsored Special Events;
2. Funeral Processions;
3. Garage, Yard and Estate Sales;
4. Private gatherings such as weddings, graduation parties and similar events occurring entirely upon the private property of a residence or common area of a multi-family residential development provided the event is not open to the general public and not for pecuniary gain or profit;
5. Special Events conducted within a building designed for assembly use, such as churches, halls and fraternal organizations, libraries, schools, and recreational facilities.

Administrative Review and Authorization

Notwithstanding the authority granted to the Zoning Administrator pursuant to this Section, the Zoning Administrator may refer any application for a Special Event Permit to the Almira Township Board of Trustees for review and approval. Provided the Owner and Operator meet the requirements of this Ordinance, the Zoning Administrator shall have the authority to grant a Special Event Permit on behalf of the Township.

Township Board of Review and Authorization

The Almira Township Board of Trustees shall have the exclusive authority to grant Special Event Permits for Special Events that require a special event liquor license issued by the State of Michigan. Prior to issuance of a Permit, the Board may impose any other conditions reasonably calculated to protect the health, safety, welfare, and property of attendants, citizens, citizens of the township, or of the general public.

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, together with an application fee as provided by resolution of the Township Board, which shall include the following:

1. The name, residence, business address, and phone number of the Owner of the property where the Special Event will be held together with the name, residence, business address, and phone number of the Operator of the Special Event; or the Operator if a charity walk or run, triathlon, or parade.
2. The name, residence, business address, and phone number of each Person sponsoring the Special Event. If an organization is sponsoring the Special Event, the application shall contain the name, residence, business addresses of the President/Chairman or individual who is responsible for the Special Event.

3. Description of the Special Event and proposed location(s), or routes if a Charity Walk or Run, Triathlon, or parade.
4. A sample flier that will be provided by the Sponsoring Organization to all businesses and residents along the route one week prior to the Special Event.
5. Date(s) of the Special Event, including starting and ending times and any additional time required for set-up and clean-up.
6. Copies of insurance policies naming the Township as additional insured for one million dollars and the insurance policy shall indicate that it is coverage for the event. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.
7. Certification 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, 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.
8. Such other information the Zoning Administrator deems reasonably necessary in order to carry out his/her duties under this Ordinance.

SECTION V: Standards for Approval

Each application for a Special Event shall meet the following standards for approval:

1. The application is complete, and the application fee is paid in full;
2. The applicant has provided written evidence that he or she owns or leases the lot upon which the Special Event will be held, or that the applicant has permission to hold the Special Event upon the land which the Special Event will be held;
3. The location of the special event does not negatively impact the public health, safety, and welfare, including but not limited to traffic flow, parking, lighting, hours, signage, and noise; and
4. The Special Event application satisfies all of the elements necessary for approval.

SECTION VI: 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 regulated by federal, state, or local law shall be required to display such food permit.

For any Special Event involving a charity walk or run, triathlon, or parade, there must be flier notice provided to all businesses and residents along the route at least one week prior to the event.

SECTION VII: FEES

An application fee shall be established by resolution of the Board of Trustees. Before final approval, any costs incurred by the Township shall be paid for by the applicant. Any Person directed by and acting on behalf of the Township shall be exempt from fee.

Any and all incident and clean-up costs from the Special Event shall be paid by the applicant unless such activity is a commonly provided service by the Township (traffic control, street sweeping, crowd control, nuisance abatement, etc.) or a specific waiver of fees is granted by the Township. Any additional resources used or required will be charged to the applicant pursuant to the fee schedule as adopted and amended from time to time.

SECTION VIII: Revocation or Suspension of Permit

All Special Event Permits issued pursuant to this Ordinance shall be temporary and no Person shall have any permanent rights to conduct or continue a Special Event. Special Event Permits may be suspended or revoked by the Zoning Administrator as follows:

1. The Special Event Permit or any portion thereof was issued in error;
2. The Special Event Permit application and/or information was incorrect, inaccurate, or false in any manner;
3. The terms or conditions of the Special Event Permit have not been met;
4. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe;
5. Any violation of federal, state, or local law in connection with or related to the Special Event.

If any Special Event Permit is suspended by the Zoning Administrator, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Zoning Administrator before continuing with the Special Event.

SECTION IX: 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. Notwithstanding, any Person aggrieved by a decision of the Zoning Administrator under this Ordinance may be appealed to the Board of Trustees within fifteen (15) days of the date the decision is issued by the Zoning Administrator.

SECTION X: Severability

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

SECTION XI: Penalty

Violation of any provision of this Ordinance shall result in a \$500.00 fine issued as a misdemeanor.

SECTION XII: Effective Date

This Ordinance shall take effect following publication as permitted by law.