

**HARTFORD TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 42

OUTDOOR EVENT AND ASSEMBLY ORDINANCE

ADOPTED: AUGUST 11, 2016

EFFECTIVE: SEPTEMBER 17, 2016

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Hartford Township, Van Buren County, Michigan, by the regulation of outdoor events and assemblies in the Township; by requiring a permit for such outdoor events; to prescribe sanctions for the holding or operating of an outdoor event without a permit or in violation of the provisions of the ordinance; and to repeal all ordinance or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF HARTFORD
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

SECTION 1
TITLE

This Ordinance shall be known and cited as the Hartford Township Outdoor Event and Assembly Ordinance.

SECTION 2
PURPOSE

The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of Hartford Township by the regulation of outdoor assemblies and events in the Township, by requiring a review and permit process, and to control the outdoor gathering of large numbers of persons in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility and other public services regularly provided in Hartford Township.

SECTION 3
DEFINITIONS

- A. The term “assembly” and/or “event”, as used in this ordinance, shall herein refer to any temporary outdoor event, including a festival, concert, public show, display, entertainment, amusement or exhibition or similar gatherings at which 75 or more

persons (including staff, employees and/or volunteers) are expected to attend. Any time the term “assembly” is used, the provision applies to festivals, concerts, public shows, displays, entertainment, amusements or exhibitions or other temporary outdoor events.

- B. “Event” does not pertain to birthday parties, graduation open houses, weddings and the like held infrequently as an accessory use to a principal residential use and this Ordinance shall not be deemed to prohibit or require a permit for a birthday party, graduation open house, wedding or other similar outdoor gathering held infrequently at a residence within the Township.
- C. “Event” shall not refer to an activity that is held entirely within a permanently enclosed and covered structure.

SECTION 4 **PERMIT REQUIRED**

A person shall not sponsor, operate, maintain, conduct or promote an outdoor event in Hartford Township without a permit for such assembly being issued by the Township Board.

SECTION 5 **EVENTS PERMITTED**

- A. Events shall be permitted on any Hartford Township parcel at least ten (10) acres in size subject to the following conditions:
 - 1. The event (including setup and tear down activities) shall occur for no more than 12 consecutive hours.
 - 2. An event may occur up to five (5) times during a calendar year (January 1 through December 31), but may not occur more frequently than every 45 days.
 - 3. The minimum parcel size for the holding of an event is ten (10) acres.
 - 4. The event shall not take place during the hours between 11:00 p.m. and 7:00 a.m. The Township Board shall have the authority to impose a greater, but not lesser, time limit on the event if the Board determines, in its sole reasonable discretion, that, given the nature of the proposed event, the subject property 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.
 - 5. The event shall not materially interfere with traffic circulation, required off-street parking, or pedestrian safety. If an event is to occur on a parcel with road frontage on a designated state or federal highway, parking shall occur only on the parcel and no parking shall be permitted along the street or in the street right-of-way.

6. Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and/or off-site. At a minimum, the applicant 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.
7. On-site parking shall 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.
8. Setbacks for all temporary structures and displays shall meet all Zoning Ordinance requirements.
9. The event and any of its associated activities (including parking) shall maintain a minimum setback of 100 feet from any property line and a minimum setback of least 300 feet from any property line bordering a residential use.
10. Adequate security will be provided by the applicant, for the preservation of order and for the protection of the property in and around the event site. The application shall be reviewed and approved by the Van Buren County Sheriff's Department and/or the State Police, regarding the adequacy of the type, number and provision of security personnel for the proposed event.
11. Toilet facilities, refuse containers, and security personnel shall be provided in adequate number to reasonably accommodate the amount of people anticipated at the event. Refuse containers shall be located so as to be readily accessible to persons in attendance at the event. The numbers of toilet facilities, washing facilities and refuse containers shall be determined by the County Health Department and shall be dependent upon the number of proposed guests and the type of event.
12. All lighting for the event shall be directed away and shielded from any adjacent residential areas.
13. The event shall not generate noise of such a volume or character as to unreasonably disturb the occupants in the vicinity of the subject property. 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.
14. The event shall be conducted in compliance with all applicable requirements of federal law, state law, country regulations and Township Ordinances, including, but not limited to requirements of the DEQ, DNR, MDOT, Van Buren County Road Commission, Van Buren County Soil

Erosion, and the Cass-Van Buren District 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 Board for review as part of the permit application.

15. If food is contemplated to be provided at an event, an applicant must demonstrate compliance with the food service and safety requirements of the Cass-Van Buren District Health Department. A letter from the Health Department may serve as proof of compliance with food service requirements if the same so states.
16. On-site overnight camping shall not be permitted in conjunction with events.
17. All applications for Outdoor Events shall be made to the Township Board no less than sixty (60) days prior to the first proposed event. Each application shall be accompanied by a fee, which fee shall be determined by the Township Board from time to time. The application fee may be held in escrow to cover the Township's costs in reviewing and acting upon the application.
18. Each application shall be accompanied by a letter containing the following information:
 - a. The name and address of the applicant.
 - b. The name and address of the property owner. If the property owner is not the applicant, the applicant shall submit with the application an affidavit from the property owner verifying the owner's consent to the use of the property for the proposed outdoor event.
 - c. A statement describing the type and nature of the proposed outdoor event(s).
 - d. The anticipated maximum number of persons in attendance (including employees, staff and volunteers) at the proposed event(s).
 - e. The date(s) and time(s) during which the event is proposed to be held. When approval is requested to be conducted on a recurring basis, the Township Board may waive all or part of this informational requirement for succeeding occasions to the extent that the Board deems such information unnecessary to assure that the event satisfies the standards provided within this Ordinance.
 - 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.
19. All applications for event permits must be accompanied by copies of a site 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.
20. The Township Board 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 6
GRANTING OF PERMIT

- A. The Township Board shall seek comments on the application from the Van Buren County Sheriff and/or the State Police; the applicable fire department serving the portion of the Township in which the event is proposed, applicable federal, state and/or county agencies and from other appropriate public officials as the Township Board may identify.
- B. The Township Board shall have the authority to approve the holding of an event and may grant a permit for the holding thereof if it determines that the provisions of this Ordinance have been complied with. The Township Board may impose reasonable conditions on the grant of any such permit.
- C. Before the Township Board may issue a permit, the applicant shall obtain public liability insurance with a limit of not less than \$1,000,000 and property damage insurance with a limit of not less than \$500,000 from a company approved to do business in Michigan. The proof of insurance shall name the Township as an additional insured and shall include an endorsement to that effect. Such insurance must be maintained for the entire permit duration, should the permit approve more than one event.
- D. Before the Township Board may issue a permit, the applicant shall obtain a corporate security bond or other surety in a form acceptable to the Township attorney, from a company authorized to do business in Michigan, in the amount determined to be acceptable to the Board, which shall indemnify the Township, its agents, officer, employees and the Board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the event or the Township's (or its agent, officer, employee or Board) provision of services to the same and which shall indemnify the owners of the property adjoining the event site for any costs attributable to cleaning up and/or removing debris, trash or otherwise restoring their property from damage resulting from the event.
- E. A permit for an Outdoor Event shall be posted in a conspicuous place on the property during the duration of the event.
- F. A permit for an Outdoor Event cannot be transferred to another person or to another location.

SECTION 7
REVOCATION

The Township Board may revoke a permit whenever the permit holder or an employee or agent of the permit holder, fails, neglects or refuses to comply with any and/or all of the provisions, requirements and conditions set forth in the permit, this Ordinance or with any and/or all of the provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

SECTION 8
VIOLATIONS AND ENFORCEMENT

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any permit issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- C. The following circumstances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

1. The holding of an event at which more than seventy-five (75) persons (including staff, employees and volunteers) attend without first having obtained a permit from the Township Board.
2. The holding of an event without first having obtained a permit from the Township Board.
3. The holding of an event for which a permit has been obtained outside of the parameters by which said permit was obtained.
4. Serving food or permitting camping at an event without a permit or license from the County Health Department and/or any state agency charged with the issuance thereof.
5. Failure to obtain any required permit, as required by law, including, but not limited to, building permits, electrical or other required permits.

- D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	- - -

---	2nd offense	\$ 325.00	---
---	3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

SECTION 9 **SEVERABILITY**

The several provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION 10 **CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict herewith and specifically Hartford Township Ordinance No. 3 “Outdoor Assembly Ordinance” are hereby repealed.

SECTION 11 **EFFECTIVE DATE**

This ordinance shall become effective 30 days after publication after adoption.

Julie Sweet
Hartford Township Clerk

Certification

I hereby certify that the foregoing is a true and complete copy of the OUTDOOR EVENT AND ASSEMBLY ORDINANCE adopted by the Hartford Township Board at a meeting held on the 11th day of August, 2016, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act No. 167 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: September 6, 2016

Julie L. Sweet, Township Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the Herald Palladium, Benton Harbor, Michigan, on the 17th day of August, 2016.

Julie L. Sweet, Township Clerk