

EMPIRE TOWNSHIP
SPECIAL TEMPORARY EVENT ORDINANCE

ORDINANCE NO. 01-2020

**AN ORDINANCE TO PROVIDE FOR THE LICENSURE OF SPECIAL
TEMPORARY EVENTS IN EMPIRE TOWNSHIP; TO ESTABLISH THE
LICENSING PROCEDURES THEREFOR; TO PROVIDE REGULATIONS FOR THE
CONDUCT OF SPECIAL TEMPORARY EVENTS; TO PROVIDE STANDARDS FOR
THE ISSUANCE OF SPECIAL TEMPORARY EVENT LICENSES; AND TO
PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE**

THE TOWNSHIP OF EMPIRE HEREBY ORDAINS:

Section 1. Intent.

Empire Township recognizes the need for regulating certain events which appeal to and/or attract large numbers of persons. Such events are permitted special land uses in certain zoning districts in the Township. Though such uses are permitted under the zoning ordinance, there is, nevertheless, the possibility that such events can result in significant noise, parking problems and other nuisances, such as excessive alcohol consumption, and disorderly conduct. In order to reduce the likelihood of such conduct which interferes with the general health, safety, and welfare, of the community, it is the intent and purposes of this ordinance to establish rules and regulations for the safe conduct of such events where permitted and to avoid creating a public nuisance. This intent is to regulate those events which occur on public or private property and to which members of the general public are welcome or invited. The purpose of this ordinance is not to regulate gatherings of persons at family events for which no fee is charged and which take place on the private property of the person(s) hosting such event; nor is it the purpose to regulate the use of township owned property under the jurisdiction and supervision of the Township Board.

Section 2. Definitions.

- a. Applicant means a person that submits an application to conduct, promote or stage a special temporary event. In the case of a special temporary event to be held on property owned by someone other than the person or entity promoting or staging the event, the application shall be joined in by both the property owner and the promoter/conductor of the event and the application shall be signed by both the property owner and the promoter/conductor.
- b. Lot means any parcel of real property in Empire Township outside of the Village of Empire that has a Tax Identification Number.
- c. Person means any individual, partnership, limited liability company, or corporation.

- d. Special Temporary Event means any temporary use of a lot or property, other than a lot or property owned by Empire Township, for purposes other than its already permitted use which offers products, goods or services, including entertainment services; whether or not conducted for fees or profit and include the following examples:
 - i. Car shows, antique shows, flea markets;
 - ii. Art, music, ethnic food, theatrical, or other festivals providing lawful entertainment;
 - iii. Sporting events and competitions.

A special temporary event does not include auctions, estate sales, yard sales, or garage sales being held by a family on their property to dispose of family-owned goods or assets appurtenant to the lot; which event does not exceed three days length and no more than twice in each calendar year.
- e. Temporary means no longer than three days.
- f. Event License Administrator means that person designated by the Township Board to administer and enforce the terms of this ordinance. The Board may appoint the township Zoning Administrator to also serve as the Event License Administrator.
- g. Zoning Administrator means the duly appointed zoning administrator for Empire Township. The Zoning Administrator, at the pleasure of the Township Board, may also be appointed to serve as the Event License Administrator.

Section 3. License Required.

No person shall hold a special temporary event in Empire Township without first obtaining a license pursuant to this Ordinance.

Section 4. Application for Special Event License.

- a. Before submitting an application for a special temporary event license, the applicant is encouraged to contact the Zoning Administrator to determine if the planned event is permitted in the zoning district in which the applicant proposes to conduct such event. In addition, before submitting such application, the applicant is encouraged to contact the Event License Administrator to discuss the proposed event and the requirements of this ordinance.

An applicant shall also submit to the Event Licensing Administrator a completed application, on a form furnished by the Township, not less than 45 days prior to the proposed event. The applicant is strongly encouraged to meet with the Event

License Administrator prior to submitting an application to better identify what the requirements for the particular special temporary event are.

- b. The application shall include all of the following information:
- i. The full and complete name, current address and telephone number of the applicant, including the owner of the land on which the special temporary event is to be held.
 - ii. The name of the proposed special temporary event and the name under which the event will be operated if other than the name of the applicant.
 - iii. A written statement describing the proposed special temporary event, including the nature and purpose of the activity.
 - iv. The days and hours of the special event.
 - v. The anticipated number of workers and event presenters.
 - vi. The anticipated number of attendees.
 - vii. The lot or lots upon which the special temporary event is proposed to take place, including the street address.
 - viii. A description of the products and/or services to be provided or sold at the special event.
 - ix. A description of the procedures to manage parking, traffic and circulation, and, particularly, the location for off street parking.
 - x. A description of the procedures and facilities to manage sanitation.
 - xi. A description of the procedures for crowd control and public safety.
 - xii. A description of all food and beverages whether provided with or without charge and whether consumption of alcohol is anticipated, along with a plan for enforcing the age requirement for those being served alcoholic beverages and also written evidence that the dispensing of alcohol is in compliance with the rules and regulations of the Michigan Liquor Control Commission (MLCC) where a license for same is required.
 - xiii. A sketch, drawn to scale, showing the placement, number and location of the proposed parking, signage, sanitary facilities, cooking facilities, lighting and all structures to be used and/or erected and how each will be used.

- xiv. Written evidence of the status of all approvals and/or reviews by the Leelanau County Sheriff's Department, The Glen Lake Fire Department, the Benzie-Leelanau Health Department, the Michigan Department of Transportation, the Leelanau County Road Commission, the Leelanau County Building Safety Director, the Leelanau County Emergency Management Director, the MLCC if required, and any other necessary agency reasonably deemed necessary by the Event License Administrator.
- xv. A demonstration that the Applicant has sufficient liability insurance for the special temporary event, including an umbrella policy with limits no less than One Million Dollars, and with Empire Township, its officers and employees listed as additional insured parties.
- xvi. Proof that the Applicant has notified owners of all property within 300 feet of the property upon which the Applicant requests a License of the following: (1) that the Applicant is seeking a License for a special temporary event, (2) the date upon which the special temporary event is to take place, (3) a short description of the special temporary event, and (4) that the complete Application is available at the Empire Township Office.

Section 5. Approval/Denial of Application.

Following review and approval of the application, the Event License Administrator may grant the special temporary event license where he or she determines that all standards have been met, or, where some discretion is required, he or she may make a recommendation to the planning commission that it review the application to determine if the application should be approved and what conditions, if any, should be required as part of such approval.

Notice of the approval, denial or referral to the Planning Commission of the application by the Event License Administrator shall be given to the Planning Commission and the Township Board. Where the approval or denial is made by the Planning Commission, notice of same shall be given to the Township Board.

Section 6. License Fee.

The fee for a special temporary event License shall be based on the event size according to the Empire Township special temporary event fee schedule as may be reviewed and amended from time to time by resolution of the Empire Township Board.

Section 7. Application Review; Standards for Approval.

Once the Event License Administrator determines the application is complete, such application shall be reviewed for compliance with the following standards for approval:

- a. The application is complete and the application fee is paid in full.
- b. The applicant has provided written evidence that he or she owns or leases the lot upon which the special temporary event will be held, or that the applicant has permission to hold the special temporary event upon which the special event will be held.
- c. The location of the special temporary event does not negatively impact the public health, safety and welfare, including but not limited to traffic flow, parking, lighting, hour, signage and noise.
- d. An approved plan to mitigate any noise generated by the event so as to avoid causing a nuisance to neighboring properties and/or the general public.
- e. The special temporary event application satisfies all of the elements necessary for approval.
- f. The hours of operation for any special temporary event shall be limited to the hours between 9 a.m. and 10 p.m. (including any “tear down” or post event cleanup activities) except athletic events that require an earlier start and meet all other requirements of this ordinance.

Section 8. License Form.

Once approved, the Event License Administrator shall complete the License with the name of the Applicant, or joint applicants, a description of the special temporary event, the dates permitted for the special temporary event, and the conditions added to the Application. The application shall be signed by the Event License Administrator, the Zoning Administrator, and the Applicant(s). The Applicant(s) shall post the License in a conspicuous place at the site of the special temporary event. The License shall also state that the approval does not indicate an endorsement or sponsorship of the Special Event by Empire Township.

Section 9. Inspection.

The Applicant shall allow the Event License Administrator or any Empire Township designee access to the property for inspection at any time during set-up for the special temporary event, during the special temporary event, and after completion of the special temporary event.

Section 10. Restrictions.

- a. A license application shall be denied if:
 - i. An applicant has been convicted or found responsible for a violation of any federal, state or local law involving moral turpitude, fraud, theft, violence, or controlled substances.
 - ii. An applicant is in default to Empire Township.
- b. A license application may be denied if:
 - i. An applicant has previously received a special temporary event license under which the Applicant violated any of the restrictions or requirements of that license.
 - ii. An applicant has previously received a special temporary event license which resulted in substantial, material and provable complaints to Empire Township for the activities that resulted from said previous special temporary event license.
- c. No privately-owned lot may be used for more than two special temporary events in one calendar year.

Section 11. Revocation of License.

The Event License Administrator may immediately revoke a special temporary event license if the applicant violates any of this Ordinance's provisions, or for other good cause.

Section 12. Violations and Penalties.

- a. A violation of this Ordinance is a Municipal Civil Infraction subject to Empire Township's Municipal Civil Infraction Ordinance and the Enforcement Officer for such violation can be the Event License Administrator, the Zoning Administrator, the Township Supervisor, or any other person so designated by the Township Board.
- b. A violation of this Ordinance is a nuisance per se and is enforceable as such.

Section 13. Severability.

If any portion of this Ordinance is found invalid by any court such invalidation shall not affect or limit the remaining portions of this Ordinance or its application.

Section 14. Effective Date.

This Ordinance shall become effective 30 days after its publication in a newspaper of general circulation in the Township.

Adoption of the foregoing ordinance was moved by Deegan and supported by Casey Noonan.

Voting for: Price, Casey Noonan, Deegan, Neiswonger, Carl Noonan.

Voting against: None.

The ordinance was declared adopted.

Carl F. Noonan
Empire Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 01-2020 which was duly adopted by the Empire Township Board at a regular meeting held on September 8, 2020.

Christine M. Neiswonger
Empire Township Clerk