

Banks Township
Special Event Licensing Ordinance
Ordinance Number ____ of 2020

An Ordinance to require a licensing procedure for special events in Banks Township.

Section 1. Purpose

The purpose of this Ordinance is to allow Special Events through a licensing process to promote the public health, safety, and general welfare of Banks Township residents by ensuring proper planning of special events and protection of adjoining properties.

Section 2. Definitions

Applicant: A person that submits an application for a special event.

Lot: Any parcel of real property in Banks Township that has a Tax Identification Number. For the purposes of this ordinance, a lot includes multiple contiguous parcels owned by the same individual or legal entity.

Person: Any individual, partnership, limited liability company, corporation, or other legal entity.

Special Event: Any temporary use on a parcel(s) of property for purposes other than its already permitted use, which offers products, goods or services, or activities, including entertainment whether or not conducted for fees or profit including the following examples:

- Car shows, antique shows, flea markets;
- Art, music, ethnic, food, theatrical, or other festivals providing lawful entertainment;
- Sporting events and competitions.

A Special Event does not include individual garage sales, social gatherings such as family reunions, receptions, picnics, family-related events that are not open to the public, or any outdoor event sponsored by a secondary or elementary school recognized by the State of Michigan.

Temporary: No longer than three days.

Township: The Township of Banks.

Section 3. Operational Requirements and Standards

Special Events, owners, and operators shall comply with the requirements and standards of this section and any conditions that may be made part of the approval of a Special Events application.

- A. Tents, Buildings, and Structures. All tents, buildings, or structure erected or used for a Special Event shall comply with the following:

- I. Shall not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking, and other site related issues.
 - II. Shall be installed, constructed, used, occupied, and maintained in compliance with the provisions of any applicable federal, state, or local rules or regulations.
 - III. Shall be immediately removed at the conclusion of the Special Event or upon the conclusion of the Special Event Permit, whichever occurs sooner.
 - IV. Any tent over 200 square feet will require the review and approval of the Antrim County Construction Code Department.
- B. Environmental Health. An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and serving, and sanitary method for disposing of solid waste that meets federal, state, and local requirements, including the Health Department of Northwest Michigan, shall be provided.
- C. Emergency Services. Security measures and fire systems shall be provided under the direction of the Antrim County Sheriff and/or the Banks Township Fire and Rescue.
- D. Environmental Protection. The establishment and operation of a Special Event shall conform with federal, state, and local rules and regulations regarding the protection of environmental resources including the Michigan Department of Environment, Great Lakes, and Energy requirements regarding wetlands, stream crossings, and water quality protection.
- E. Lighting. If the Special Event is to occur after daylight hours, sufficient lighting shall be provided and in such manner so as to shield or eliminate direct and nuisance illumination beyond the boundaries of the Special Event property.
- F. Dust, and Garbage. The operator shall provide for adequate dust mitigation, litter, and garbage disposal.
- G. Noise. Music, entertainment, or activities held as part of the special event shall not unreasonably carry beyond the boundaries of the special event lot.
- H. Parking and Traffic. There shall be provided one (1) or more parking areas of sufficient total area and which support safe and orderly circulation for the maximum number of people to attend the Special Event at any single time. All parking shall be located on the event site(s). One (1) parking space is required for every three (3) individuals attending and/or participating in the event. Traffic control measures shall be provided to ensure safe and orderly vehicular and pedestrian circulation including on-site circulation and the flow of vehicular and pedestrian traffic onto public or private road rights-of-ways.

- I. Hours of Operation. Special event activities shall not occur between the hours of 10:00 PM and 8:00 AM unless expressly authorized by the designated approving body.
- J. Number of Events. No more than two (2) Special Events Licenses shall be granted on any individual lot or to one (1) individual applicant in any one rolling calendar year.

Section 4. Application for Special Event License

- A. No person shall hold a special event in Banks Township without first obtaining a license pursuant to this Ordinance.
- B. An applicant shall submit to the Zoning Administrator a completed application on a form furnished by the Township, not less than sixty-five (65) days prior to the scheduled event.
- C. The application shall include all of the following information:
 - I. The full and complete name, current address, parcel number, and telephone number of the applicant.
 - II. The name of the proposed 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 event, including the nature and purpose of the event, activities to take place, and products and/or services to be provided or sold at the event.
 - IV. The date 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 event is proposed to take place, including the street address and parcel number(s).
 - VIII. A description of the procedures to manage parking, the location for parking, and traffic and circulation.
 - IX. A description of the procedures and facilities to manage sanitation.
 - X. A description of the procedures for crowd control and public safety.
 - XI. A description of all food and beverages, whether provided with or without charge and whether the consumption of alcohol is anticipated.

- XII. A site plan, drawn to scale, showing the placement, number, and location of the proposed parking facilities, signage, sanitary facilities, cooking facilities, lighting, and all structures to be used and/or erected and how each will be used. The site plan shall also convey the location of any noise-generating facilities as well as the placement of noise-mitigation features to ensure that noise does not unnecessarily carry off property.
 - XIII. Acknowledgment and permission of the lot owner if the applicant is not the lot owner.
 - XIV. Written evidence of the status of all approvals and/or reviews by Antrim County Sheriff, Banks Township Fire and Rescue, Health Department of Northwest Michigan, Michigan Department of Transportation, Antrim County Road Commission, Antrim County Construction Codes, and any other necessary agency.
 - XV. A written statement from the applicant's proposed insurance provider indicating that the applicant intends to provide sufficient liability insurance for the Special Event upon attainment of the license.
- D. Application Review: Once the Zoning Administrator determines the application to be complete, the Zoning Administrator shall submit the application to be reviewed at a regular or special Township Board meeting. The Township Board shall approve the application and may attach reasonable conditions with the approval of an event under this Ordinance.
- E. Standards for Review:
- I. The Special Event Application satisfies all of the elements necessary for approval.
 - II. 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 which the special event will be held.
 - III. 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.
- F. Public Notification:
- I. Following the submission of an application for a special event to the Township Board and at least fifteen (15) days prior to the meeting of the Township Board where the application will be discussed, the Township shall send by first class mail a written notice of the hearing to all owners and occupants of real property within 300 feet of the property on which the special event is to take place. The notice shall contain the following information:
 - a. The location of the proposed event and its course, if applicable.

- b. The date(s) and time(s) of the proposed event.
 - c. The date, time, and location of the public hearing held by the Township Board where the application will be discussed.
 - d. A statement that the site plan and application for the proposed event is available for public inspection at the Township offices.
- II. Upon granting of the permit and at least fifteen (15) days but not more than thirty (30) days prior to the event, the Township shall send by first class mail a written notice of the approved event to all owners and occupants of real property within 300 feet of the property on which the special event is to take place. The notice shall contain the following information:
- a. The location of the proposed event and its course, if applicable.
 - b. An estimate of the maximum number of people expected to attend the event.
 - c. The date(s) and times(s) of the proposed event.
 - d. A statement that the site plan and application for the proposed event is available for public inspection at the Township offices.

Section 5. License Requirements

- A. Fee. A fee per Special Event License shall be made to the Township to offset the cost of administering the license, including mail notification in advance of the public hearing for the license and for the event.
- B. Insurance.
 - I. The Applicant shall submit a letter from an insurance provider describing the Applicant's intent to purchase and maintain general liability insurance of no less than \$1,000,000.00 (one million dollars) naming Banks Township as an additional insured, upon receipt of a Special Events license.
 - II. As a condition of receiving a license under this ordinance, the Applicant shall purchase and maintain the general liability insurance specified in item II of this section, and shall provide a copy of the insurance policy as well as the name, telephone number, and email address of the insurance company agent who issued the insurance policy to the Township.

- C. Additional Conditions. The Township Board may attach reasonable conditions with the approval of an event under this Ordinance. Any such condition(s) shall be imposed to ensure continuing compliance with the requirements of this Ordinance.

Section 6. Violations

- A. Municipal Civil Infractions. Any person who violates any provision of this Ordinance or any condition imposed under this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- B. Enforcement Official. The Township Supervisor and the Zoning Administrator are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- C. Nuisance Per Se. A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to public health, safety, and welfare.
- D. Civil Remedies. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 8. Effective Date.

This Ordinance shall become effective thirty (30) days following its publication in a newspaper of general circulation within the Township.

Ordinance No. ___ of 2020 was adopted on _____, 2020, by the Banks Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Donna L. Heeres, Clerk

Thomas Mann, Supervisor

I certify that this is a true copy of Ordinance No. of 2020 that was adopted at a regular meeting of the Banks Township Board on _____, 2020 and published in the on _____, 2020.

Dated: _____ Donna L. Heeres, Clerk _____