

**IOSCO TOWNSHIP  
LIVINGSTON COUNTY, MICHIGAN  
ORDINANCE NO. 5**

**ADOPTED: SEPTEMBER 20<sup>th</sup>, 2018  
EFFECTIVE: ONE (1) DAY FOLLOWING  
PUBLICATION AFTER ADOPTION  
AMENDED JUNE 20<sup>th</sup>, 2019  
Amended version effective July 7<sup>th</sup>, 2019**

*An Ordinance to authorize and regulate special events as defined herein.*

**THE TOWNSHIP OF IOSCO,  
LIVINGSTON COUNTY, MICHIGAN  
ORDAINS:**

**SECTION 1: TITLE**

This ordinance shall be known and cited as the Iosco Township Special Events Ordinance.

**SECTION 2: PURPOSE and INTENT**

The purpose of this Ordinance is to protect the public health, safety and general welfare of Iosco Township residents by establishing regulations relating to the operation, control and management of Special Events as defined herein, including to ensure adequate provisions for traffic circulation, parking, services and facilities including potable water and sewage disposal, and nuisance abatement; to provide penalties for violations of said Ordinance; and to repeal all ordinances or parts of ordinances inconsistent therewith. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

**SECTION 3: DEFINITIONS**

**A. Definitions:** For the purpose of this Ordinance, the following terms and phrases shall have the following meanings.

1. "Applicant" shall mean an Owner and/or Operator that submits an application for a Special Event Permit.
2. "Operator" shall mean any person, firm, partnership, corporation or other entity that operates or maintains a Special Event.
3. "Owner" means the current owner or other person having ownership or possessory right of the property subject to a Special Event or Special Event application.
4. "Person" means any person, firm, partnership, corporation or any other entity.
5. "Planning Commission" means the Iosco Township Planning Commission.
6. "Township Board" means the Iosco Township Board of Trustees.
7. "Ordinance Administrator" means the official of Iosco Township or authorized representative charged with enforcing this Ordinance.
8. "Special Event" means any event that will or can be reasonably expected to generate, invite or attract one (1) or more persons in public attendance, participation and/or spectator-ship for a particular and limited purpose and time, including but not limited to parties, festivals, concerts, shows, exhibitions, mud-bogging, carnivals, circuses, fundraising walks and runs, fairs, or any similar events or activities, irrespective of whether such events or activities are for or intended for profit, charity or for any other purpose and irrespective of whether the Special Event is to occur on public or privately-owned property.
9. "Special Event Permit" means a permit issued by the Ordinance Administrator pursuant to this Ordinance, following approval of a Special Event application by the designated approving body, authorizing the Special Event(s) specified by the permit including any conditions of approval established by the designated approving body.

#### **SECTION 4: SPECIAL EVENT PERMIT REQUIRED and DESIGNATED APPROVING BODY**

**A. Permit Required:** It is unlawful for any Owner or Operator to hold or conduct any Special Event unless an application is submitted for such Special Event according to the application requirements of this Ordinance, such application is approved according to the provisions of this Ordinance, and the Ordinance Administrator has issued a Special Event Permit as directed by the designated approving body.

1. Temporary Permit. A Special Event Permit issued pursuant to this Ordinance shall be temporary and shall not grant any permanent rights to conduct, continue or repeat a Special Event.

**B. Designated Approving Body:** The designated approving body of a Special Event application shall be the Planning Commission except that in the case where alcoholic beverages are to be distributed or otherwise available for consumption at the Special Event, the designated approving body shall be the Township Board.

#### **SECTION 5: EXEMPTIONS**

**A. Exemptions:** The following shall not be construed as a Special Event and are exempt from the provisions of this Ordinance:

1. Township, county and state sponsored events.
2. Funeral processions and gatherings.
3. Garage sales, yard sales, estate sales, and private property auctions excluding the auctioning of items transferred to the property for the principal purpose of sale including what are commonly referred to as "consignment auctions."
4. Private gatherings such as weddings, graduation parties and similar events occurring entirely on a residentially used property 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. Activities conducted within a building designed for assembly use, such as churches, banquet facilities, halls, fraternal organizations, libraries, schools and recreational facilities.
6. The outdoor temporary sale of seasonal goods including, but not limited to, Christmas trees, fire wood, and fireworks.
7. Civic sponsored outdoor sale events comprised of multiple vendors displaying and selling predominately agricultural products and commonly referred to as a "farmers market."
8. Other activities of a similar character to those identified in this Section.

**B. Compliance with Zoning Ordinance:** Nothing in subsection (A) shall be construed as authorizing a use or activity that is otherwise unlawful according to the Iosco Township Zoning Ordinance.

#### **SECTION 6: PERMIT APPLICATION, REVIEW and ACTION**

**A. Application Submittal:** 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 Ordinance Administrator, together with any required supplemental information and an application fee as provided by resolution of the Township Board, at least ninety (90) days prior to the event. The application form shall be signed by the Owner of the property on which the Special Event is to occur in addition to the Operator of the Special Event if different than the Owner. The application form and supplemental information shall provide the following required information:

1. Owner and Operator Information. The name, residence address, business address and phone number of the Owner of the property where the Special Event will be held together with the same information for the Operator of the Special Event if different than the Owner.
2. Sponsor Information. The name, residence address, 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 address, and business addresses of the President/Chairman or other individual who is responsible for the Special Event.
3. Zoning. The zoning district classification of the Special Event property and surrounding properties.
4. Dates. Proposed date(s) of the Special Event, including starting and ending times for each date and any additional time required for set-up, tear-down and cleanup.
5. Insurance Policies. Copies of insurance policies naming the Township as an additional insured for one million dollars (\$1,000,000) and indicating that the policy applies to the Special Event. Nothing in this

Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

6. Indemnification Agreement. A signed agreement included with the application to defend, indemnify, and hold harmless Iosco Township from any claim, demand, suit, loss including death, cost of expense or any damage which may be asserted, arising from or as a result of the Special Event. Covered damages shall include, at a minimum, damage to property, personal or bodily injury including death, and all costs and attorney fees. Such indemnification shall apply regardless of whether such alleged claim, demand, damage, loss, or cost or expense is caused in whole or in part by the negligence of Iosco Township or by third parties or by the agents, servants, employees or factors of any of them.
7. Special Event Description. Description of the Special Event including, but not necessarily limited to:
  - a. Proposed tents, structures and other modifications to the site and the size and location of each.
  - b. Proposed parking areas, access points to and from the property, and traffic control measures to minimize safety hazards and congestion.
  - c. Proposed measures and locations for portable restrooms, solid waste storage and disposal, and litter control.
  - d. The nature of any entertainment to be provided and the location of such entertainment areas, and any sound amplification devices including a list of all sound producing and amplification equipment with an indication as to amplification capacity, number of units to be used, location and placement of such units, and their method of operation.
  - e. The location of emergency services and facilities that may be part of the Special Event operations.
  - f. Graphic depiction of the proposed Special Event property that delineates proposed locations of Special Event features including tents, structures, entertainment areas including stages, parking areas, ingress and egress points, portable restrooms, and solid waste storage locations.

**B. Application Distribution.** The Administration Officer shall distribute the application to the designated approving body and shall forward a copy of the application to one (1) or more of the following available review entities that the Ordinance Administrator, or the designated approving body, determines beneficial due to the particular character or complexity of the proposal or concern over the potential impacts of the proposal. Such entities shall be requested to provide comments within fourteen (14) days of submittal to such entities.

1. Township departments and staff.
2. County Road Commission.
3. County Sheriffs Department.
4. Local fire chief and emergency medical services providers.
5. Township consultants such as engineers, planners and legal counsel.

**C. Application Review.** Within forty-five (45) days of the filing of an application, the designated approving body shall take action on the application. The application shall be denied, approved, or approved with conditions. An application that is in compliance with the subsection (D) standards of review shall be approved or approved with conditions.

1. Tabling. Action on the application may be tabled, and extend the maximum prescribed review period, to afford the applicant the opportunity to provide additional required information and/or to comply with conditions that may be established as a prerequisite to the approval or conditional approval of the application.
2. Notification to Applicant. The applicant shall be notified in writing, by first class mail, of the action on the application. Notice to the applicant shall specify the basis for any denial of the application, which may include the copy of the meeting minutes at which action was taken.

**D. Standards of Approval:** An application for a Special Event shall be approved if it meets the following:

1. Section 6. The application is satisfactorily complete according to Section 6.
2. Section 7. The application is in compliance with the standards and requirements of Section 7.
3. Property Taxes. The property on which the Special Event is to be conducted is not subject to delinquent property taxes.
4. Frequency Restrictions.
  - a. The Owner or Operator has not applied for and has not been issued more than two (2) Special Event Permits for the same or similar type of event during any calendar year.

- b. The property or portion of the property on which the Special Event is to be conducted shall not be subject to more than two (2) Special Event Permits during the calendar year.

## **SECTION 7: OPERATIONAL REQUIREMENTS AND STANDARDS**

**A. General Compliance:** Special Events, Owners and Operators shall comply with the requirements and standards of this Section and any conditions that may be made part of an approval of a Special Events application.

1. **Zoning Compliance:** Special Events shall comply with all applicable zoning regulations for the zoning district in which it is to be located according to the Iosco Township Zoning Ordinance, including requirements pertaining to lot size, building height, setbacks, off-street parking and signage. Deviations from the Zoning Ordinance may be permitted by the approving body upon determining that the public health, safety and welfare will not be adversely affected and the spirit and intent of the applicable zoning regulations are met.
2. **Tents, Buildings and Structures:** All tents, buildings and structures erected or used for a Special Event shall comply with the following:
  - a. Shall be of such sizes and locations so as not to have a substantial negative impact on surrounding properties due to such matters as visibility, accessibility, traffic flow, parking and other site issues.
  - b. Shall be installed, constructed, used, occupied and maintained in compliance with the provisions of federal, state and local rules and regulations.
  - c. Shall be removed at the conclusion of the Special Event or upon the expiration of the Special Event Permit, whichever occurs first, or as otherwise specified on the permit.
3. **Environmental Protection.**
  - a. Operations shall meet federal, state and local environmental health requirements, including those of the Livingston County Department of Public Health, pertaining to adequate and safe supply of potable water; restroom facilities; food and beverage storage, handling and servicing; disposal of solid waste; and all other operations having bearing on environmental health.
  - b. The establishment and operation of a Special Event shall conform to federal, state and local rules and regulations regarding the protection of environmental resources including the soil erosion and sedimentation requirements of the Livingston County Drain Commissioner and the Michigan Department of Environmental Quality requirements regarding wetlands, stream crossings and water quality protection.
4. **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.
5. **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. 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 right-of-ways.
6. **Emergency Services.** Adequate emergency services shall be provided as may be directed so by the Livingston County Sheriff and the Fowlerville Area Fire Authority Chief, including adequate facilities for communication with emergency service providers.
7. **Sound Producing and Amplifying Equipment.** Sound producing and amplification equipment shall be operated so as to minimize nuisance conditions upon nearby properties. Sound levels shall comply with the regulations of the Iosco Township Zoning Ordinance except where the approving body permits higher sound levels for specified periods of time during the Special Event. No sounds emanating from a Special Event shall be a nuisance or disturbance to the peace and tranquility of the citizens of the Township. Amplified sound shall not occur between the hours of 10:00 p.m. and 8:00 a.m. unless expressly authorized by the designated approving body.
8. **Public Health, Safety and Welfare.** The application demonstrates that within the context of the subject property and surrounding area, all operational aspects of the proposal are practical and clearly capable of being implemented as presented, and support the protection of public health, safety and welfare, including parking, circulation, location of gathering areas and temporary and permanent structures, lighting and noise levels.

9. Performance Bond: The approving body may require the Owner and/or Operator to post a performance bond with the Township in a form acceptable to the Township Treasurer and in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage collection and disposal. A bond may also be required to cover the 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.

## **SECTION 8: REVOCATION and SUSPENSION**

**A. Authority and Basis:** The Ordinance Administrator may revoke, cancel, suspend or modify a Special Events Permit where the Ordinance Administrator determines that one (1) or more of the following conditions is true:

1. Error. The Special Event Permit or any portion thereof was issued in error.
2. Inaccurate. The Special Event Permit application and/or supporting information is incorrect, inaccurate or false in any manner, including in the case where the applicant knowingly or unknowingly made a false, misleading, or fraudulent statement in the application materials.
3. Noncompliance with Permit. There exists noncompliance with the terms or conditions of the Special Event Permit.
4. Public Welfare. The Special Event substantially threatens the public health, safety or welfare.
5. Other Laws. There exists a violation of federal, state or local law in connection with or related to the Special Event.

**B. Suspension:** If the Ordinance Administrator suspends a Special Event Permit, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Administrator before continuing with the preparation for and/or conducting of the Special Event.

**C. Grounds for Future Denial:** Revocation and/or suspension of a Special Events Permit may be grounds for the denial of any and all future applications for similar events where the Owner and/or Operator are the same applicants.

## **SECTION 9: DISPLAY of PERMIT**

It shall be the responsibility of the Owner to prominently display the Special Event Permit, and any Persons engaged in the sale of food, food products and/or beverages regulated by federal, state or local law shall prominently display required food and/or beverage permits. Such prominent display shall be within ten (10) feet of the road right-of-way adjacent to the primary entry point to the Special Event, and shall be protected from weather conditions.

## **SECTION 10: PROHIBITED ACTS**

**A. Prohibited Acts:** In addition to noncompliance with the procedures and requirements of this Ordinance, it shall be prohibited for an Owner or Operator, including employees or agents thereof, to undertake or knowingly permit the following acts:

1. Tickets: Advertise, promote or sell tickets to a Special Event prior to receiving a permit for such Special Event.
2. Nuisance: Conduct or operate a Special Event in such a manner as to create a public or private nuisance.
3. Conduct: Cause or create a disturbance in, around or near the Special Event by obscene or disorderly conduct.
4. Controlled Substances: Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, or other substances as defined in the Controlled Substances Act of 1971, as amended.

## **SECTION 11: FEES**

An application fee shall be established by resolution of the Township Board. No deliberations shall be initiated on an application until such application fee has been paid. The Township Board may require the payment of an additional professional review fee when it is determined that professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the Special Event. The applicant is entitled to a refund of any unused professional review fee and if actual professional review

costs exceed the amount of the fee, the applicant shall pay the balance due prior to final action on such application. No final action shall be taken on an application prior to the payment of all fees associated with the application.

## **SECTION 12: VIOLATIONS, PENALTIES and REMEDIES**

**A. Violations are a Nuisance Per Se:** Any Special Event that is commenced or conducted, or any modifications to property that are initiated in preparation for a Special Event, in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se. Any Owner or Operator who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, or Ordinance Administrator issued pursuant to this Ordinance, shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se and may be abated by Order of any court of competent jurisdiction.

**B. Penalties:** The Township Board may initiate an action for injunctive relief in Circuit Court or any such other relief as may be provided by law for a violation of any provision of this ordinance.

**C. Civil Infractions:** Any Owner or Operator who shall violate any provision of this Ordinance or shall fail to comply with any of its requirements, including failure to obtain a Special Event Permit prior to commencement of preparation, construction, erection, or alteration of a premises for a Special Event, or any conditions made part of a Special Event Permit, shall be guilty of a civil infraction. Any person who shall violate such Ordinance provisions shall be issued a citation for a municipal civil infraction in accordance with Public Act 12 of 1994, as amended.

## **SECTION 13: SEVERABILITY**

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

## **SECTION 14: EFFECTIVE DATE.**

This ordinance is hereby declared adopted by the Township Board of the Township of Iosco at the meeting thereof held on the 20th day of September, 2018, and ordered to be given publication in accordance with the statutes made and provided. This ordinance shall take effect and shall be in force the day after publication of this ordinance.

### **CERTIFICATION**

I, Daniel A. Delmerico, Iosco Township Clerk, hereby certify that the above ordinance was passed by the Iosco Township Board of Trustees on the 20th day of September, 2018, and that the names of the members voting thereon and how each member voted was as follows:

I certify that the Amendments were passed by Iosco Twp. Board on June 20<sup>th</sup>, 2019: D.A.D.

Yeas: Miller, Delmerico, Bonnville, Parker, VanHouten,

Amendment Yes, Parker, Miller, Bonnville, Delmerico.

Nays: None

Absent: None ; Amendment Absent: VanHouten

Daniel A. Delmerico, Iosco Township Clerk      Date: 20 September, 2018

Daniel A. Delmerico, Iosco Township Clerk, Published: July 7<sup>th</sup>, 2019, Effective: July 7<sup>th</sup>, 2019