

**CLEON TOWNSHIP, MANISTEE COUNTY, MICHIGAN  
OUTDOOR MASS GATHERING ORDINANCE**

WHEREAS, the Cleon Township Board deems it advisable to regulate outdoor Mass Gatherings for the protection of the Township's health, safety and welfare,

Be it resolved that these regulations shall control such activities in coordination with the Township Zoning Ordinances.

**SECTION 1. DEFINITIONS.**

As used in this ordinance:

A. "Board" means the Board of the Township of Cleon, Manistee County, Michigan.

B. "Outdoor mass gathering" means an actual or reasonably anticipated assembly of 1,000 or more attendees not counting organizers, agents and workers which continues or can reasonably be expected to continue for more than 24 consecutive hours within any 12 month period within the areas of Cleon Township which is held primarily in open spaces and not any permanent structure.

C. "Organizer" includes any person who holds, stages or sponsors an outdoor mass gathering, or the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place.

D. "Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established place for assemblies.

E. "Temporary structure" includes tents, trailers, stages, chemical toilet facilities and other structures customarily erected or cited for temporary use.

**SECTION 2. PERMIT REQUIRED**

A. No organizer shall hold or conduct an outdoor mass gathering or allow an outdoor mass gathering to be held on real property the organizer owns, leases or possesses unless a permit to hold such outdoor mass gathering has been issued by the Board.

B. A permit issued under this ordinance does not entitle the Organizer to make any permanent physical alteration to or on the real property which is the site of the outdoor mass gathering. Said physical alterations are to be controlled by the Township Zoning Ordinance.

### **SECTION 3. APPLICATIONS**

The Board may adopt, by order or resolution, an application form which must be used by the organizers. The form shall require organizers to sign and certify the accuracy and truthfulness of the statements made in the application. Until an application form is adopted, organizers may prepare their own applications forms, but the forms shall include a signed certification of the accuracy and truthfulness of the statements made in the application. Further, said application shall include a proposed site plan for the Township and other authorities to review. Applications shall be submitted as soon as practical to the Township Clerk, but not less than 180 days prior to the mass gathering.

Applications shall include a memorandum of contract between the landowner(s) and organizer, setting forth the identity of the contracting parties, the area of land authorized by the contract, and the date(s) of use of the contract. Further, the application shall include either (i) any and all contracts with or (ii) the written approvals of contacting emergency medical respondents, fire protection, police, security and a traffic plan with appropriate State Police approval.

Further, all applications for a Permit shall contain a statement that the organizer shall indemnify, defend and hold harmless the Township and its agents and officials in regard to the event and all claims associated therewith regardless of the claims source. All permits granted under this Ordinance shall contain this requirement.

### **SECTION 4. FEE**

Before accepting an application for the outdoor mass gathering permit, the Board shall collect an application fee. The fee shall be set, and may be changed, by order or resolution of the Board. In setting or changing the fee, the Board may consider the costs incurred by the Fire Chief, County Health Officer, County Sheriff (if applicable), and other agencies and officials, in reviewing the application, inspecting the assembly site and ensuring the safety of persons and property at, and in the vicinity of, the outdoor mass gathering. The fee shall cover all out of pocket cost of Cleon Township.

### **SECTION 5. PERMIT PROCESS FOR OUTDOOR MASS GATHERING**

Upon receipt of an application and permit fee for a permit to hold an outdoor mass gathering, the Board shall give notice of the application to the Michigan State Police, Manistee County Sheriff (if applicable), the Chief of the fire district in which the

outdoor mass gathering is to be held and the District #10 Health Official. The Board may, in addition, request comment on the application from any other agency or official who may be affected by the application. In addition, the Board shall publish, post notice and hold a public hearing on the application for applications in excess of 1,000 people for public comment. After considering the evidence and testimony submitted, the Board may grant a permit with or without additional conditions (including capacity) for an outdoor mass gathering if the organizer can:

- A. Demonstrate compliance with or the ability to comply with the administrative rules of the application County/State regulatory agencies; Michigan State Police and the Fire Chief of the District in which the mass gathering is to be held.
- B. Demonstrate that the proposed outdoor mass gathering will not make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering, (except for permanent physical alterations that have been or will be approved pursuant to the township's zoning permit process), or materially alter the capability to use the real property upon which the outdoor mass gathering is to be held in the future for uses designated under the real property's comprehensive plan and zoning designation.
- C. Demonstrate compliance with or the ability to comply with the requirements of the Michigan Liquor Commission, if alcohol will be served and, if applicable, the Manistte County Sheriffs Department.
- D. Demonstrate that the proposed outdoor mass gathering will not unreasonably disturb persons or property in the vicinity of the gathering for reasons such as, but not limited to, excessive noise, dust, drunkenness or trespassing. In all cases, outdoor amplified sound shall cease by 11:00pm, unless otherwise approved by the Board, so as not to create a nuisance for neighbors.
- E. Demonstrate that the proposed outdoor mass gathering complies with and is permitted and approved by the DEQ or other entity, having jurisdiction over camping.
- F. Notwithstanding any other provisions of law, the organizer shall make provision according to anticipated crowds with respect to health and safety at the outdoor mass gathering which provide for:
  1. Adequate free potable water supply, drainage and sewerage facilities;

2. Adequate toilet facilities;
3. Adequate refuse storage and disposal facilities;
4. Adequate food and sanitary food service, if supplied;
5. Adequate emergency medical facilities and communication systems;
6. Adequate fire protection; and
7. Adequate security personnel and traffic control.

G. Issuance of a permit by the Board pursuant to this section shall not authorize an outdoor mass gathering unless the organizer also secures the written approval of the Manistee County Sheriffs Department and the written approval of the chief of the fire district in which the gathering is to be held, or other local fire protection agency with jurisdiction over the site.

H. Submit a site plan for review by the Planning Commission. Said site plan shall be accompanied by a statement concerning planned capacity.

## **SECTION 6. INSURANCE**

A. The Board determines that outdoor mass gatherings inherently create a potential for injury to persons or property. Therefore, organizers are required to obtain an insurance policy in an amount not less than \$1 million for permits up to 10,000 people and \$5 million for permits over 10,000 people and up to 50,000 people with no aggregate. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The Township, its officers, agents and employees, the Fire Chief, Manistee Sheriffs Department and the Michigan State Police shall be named as additional insures under the policy.

B. In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the outdoor mass gathering or to remove any temporary structures used at the outdoor mass gathering within a reasonable time after its termination. The township shall inform the organizer and landowner of said condition and /or violation and set a reasonable time to cure. If said condition or

violation continues thereafter, same shall constitute a civil infraction subject to a \$500 fine for each day said condition continues.

#### **SECTION 7. ADMINISTRATOR**

The Board may, by order of resolution, appoint a person or hire additional experts to assist them in administering this Ordinance and applications filed pursuant to same and the cost of same shall be borne by the applicant. Said Administrator and experts shall have complete access to all facets of the event before, during and after the event to monitor compliance. The Administrator shall be given the authority to at their discretion cease all operations of the Mass Gathering. Provided further that the designation of an Administrator, experts and their respective costs shall be specified in the permit granted.

#### **SECTION 8. FIRE CHIEF**

Upon receipt of an application for an outdoor mass gathering permit, the Fire Chief shall consider, before approving or denying the permit, the requirements of Emergency Medical Facilities and Fire Protection, the Fire Chief may consider the public health, safety and welfare in this determination, but the rationale for the determination shall be stated in the Fire Chief's approval or denial of the application.

#### **SECTION 9. HEALTH OFFICER**

Along with the notice of an application for an outdoor mass gathering permit, the Board shall request the District #10 Health Official to recommend whether to approve or deny the permit considering the requirements of Water Supply, Drainage, Sewerage Facilities, Refuse Storage and Disposal, Food and Sanitary Food Service and, in addition to the Fire Chief, Emergency Medical Facilities and also considering the public health, safety and welfare and rationale for the District #10 Health Official's recommendations.

#### **SECTION 10. LIMITATIONS ON MASS GATHERINGS**

A. No more than one permit per year with a minimum 30 days between events may be issued under this Ordinance for an outdoor mass gathering of more than 10,000 and up to 50,000 people during any 12 month period for the same organizer or property. In addition, no more than 5 permits may be issued under this Ordinance for outdoor mass gathering, up to 10,000 people, in any 12 month period for the same organizer or property provided same are adequately spaced in time to allow for the provision of fire, security and welfare of the Township and mass gathering proposed. The Board, upon request, may waive the limitations to the total number of gatherings for charitable events

provided the Township's health, safety and welfare are not impugned. The Board, upon request, may waive the 30 day limitation on spacing events if it is shown that the Township's health, safety and welfare are not impugned.

B. An actual or reasonably anticipated assembly of 1,000 or more persons which continues or can reasonably be expected to continue for more than 72 hours within any 12 month period within Cleon Township is prohibited, unless approved by the Cleon Township Board.

C. Mass Gatherings with an assembly of more than 50,000 persons at any given time are prohibited.

#### **SECTION 11. OTHER TYPES OF ASSEMBLIES DISTINGUISHED**

A. An actual or reasonably anticipated assembly of less than 1,000 persons is not an outdoor mass gathering and is not a land use for purposes of this Ordinance.

B. An actual or reasonably anticipated assembly of 1,000 or more persons which does not continue and is not reasonably expected to continue for more than 24 consecutive hours is not an outdoor mass gathering for purposes of this Ordinance.

C. Outdoor mass gatherings, as defined by this Ordinance, are not land uses and do not vest any zoning rights other than set forth herein.

#### **SECTION 12. ENFORCEMENT**

This Ordinance shall be enforced as provided herein, in addition, any violators hereof are subject to the penalties provided in the Cleon Township Zoning Ordinance and all other remedies and penalties provided by the Statute, administrative rule and common law.

In addition to and not in lieu of the maintenance of other actions for any violation of this Ordinance, the attorney for the Township may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation hereto. If the Township is successful, the offending party shall be liable for all the township's legal fees in such enforcement.

Unless otherwise stated, any organizer, violating this Ordinance, is punishable, upon conviction, by a civil infraction fine of not more than \$500 per incident in addition to any other available remedies. For violation of the time limit, as set forth in Section

5D for amplified sound, the penalty shall be \$500 each increment of 15 minutes said violation continues.

### SECTION 13. CLEON TOWNSHIP ROAD FUND

To defray the burden such events put on the Township infrastructure, a surcharge per ticket shall be collected and paid over to the Township general fund for each ticket sold for a gathering over 1,000 of expected capacity and shall be due 30 days after the conclusion of the event. The amount of the surcharge shall be set by the Township Board in agreement with the Organizer or landowner or otherwise set when the permit is granted.

### SECTION 14. SEVERABILITY

If any portion of this Ordinance is, for any reason, held invalid by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent portion and such holdings shall not affect the validity of the remaining portion of this Ordinance.

### SECTION 15. EMERGENCY CLAUSE

This Ordinance, being immediately necessary for the preservation of the public peace, health and safety if an emergency is declared to exist, shall take effect immediately upon its passage.

### SECTION 16. REPEALER

This Ordinance supersedes any other Township Ordinance and/or regulation of the Township if same is deemed to be in conflict with the terms and standards herein.

Ayes:

Jeff Stanton Wanda Cady Todd Humphrey Melissa Kalina

Nays:

Gary Porter

ORDINANCE DECLARED ADOPTED;

Dated: 12/14/2014

