

ARTICLE 30 SPECIAL EVENTS

3001 PURPOSE

The purpose of this Article is to establish procedures and consistent regulations for Special Events (as defined below) and related temporary structures, while ensuring that such uses and structures are actually temporary in nature; to minimize adverse impacts upon surrounding uses and land caused by Special Events; to retain a high quality environment; and to ensure proper planning for Special Events.

3002 DEFINITIONS

Applicant: A Person who submits an application for a Special Event.

Lot: Any parcel of real property in Whitehall Township that has a tax identification number.

Permit: Permission granted by the Township to conduct a Special Event.

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

Special Event: Any temporary (as defined below) use of one or more Lots for purposes other than its Permitted and/or approved Special Uses, which offers products, goods and/or services, and/or activities, including entertainment, whether or not conducted for profit, including but not limited to the following:

- Car shows, antique shows, flea markets;
- Art, music, ethnic, food, theatrical, or other festivals providing lawful entertainment;
- Sporting Events and/or competitions; and
- Other Special Events that do not specifically fall under the above specified Events, but which are of a similar use.

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 seven (7) consecutive days.

Township: The Township of Whitehall.

3003 OPERATIONAL REQUIREMENTS AND STANDARDS

The owner(s) of one or more Lots, upon which Special Events are approved to be conducted, and the owners and operators of the Special Events, shall comply with the requirements and standards of this Section, and any conditions that may be made part of a Permit to conduct a Special Event.

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

1. Shall not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking, and other site-related issues.
2. Shall be installed, constructed, used, occupied, and maintained in compliance with the provisions of any applicable federal, state, or local statutes, ordinances, rules or regulations.
3. Shall be immediately removed at the conclusion of the Special Event or upon the conclusion of the Special Event Permit, whichever occurs sooner, unless buildings and/or structures shall have been constructed and approved under this Article as permitted and/or Special Uses, and the applicable construction codes.
4. Any tent over 200 square feet shall require the review and approval of the White Lake Building Authority and White Lake Fire Authority.
5. All other temporary buildings/structures shall require the review and approval of the White Lake Building Authority and White Lake Fire Authority.

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 Muskegon County Health Department, shall be provided.

C. Emergency Services. Security measures and fire systems shall be provided under the direction of the Muskegon County Sheriff and/or the White Lake Fire Authority. Either entity may have additional requirements to be met for any such Special Event.

D. Environmental Protection. The establishment and operation of a Special Event shall conform to all applicable federal, state, and local rules and regulations regarding the protection of environmental resources, including the Michigan Department of Environment, Great Lakes, and Energy (or its successor) requirements regarding wetlands, stream crossings, water quality protection and/or other resources.

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, and 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 venue. Provided further, all provisions of the Township's noise ordinance shall be adhered to.

H. First Aid. A first aid station shall be provided and equipped with basic first aid needs and staff.

I. 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 Special 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.

J. 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 Permit.

K. Number of Events. No more than two (2) Special Event Permits shall be granted on any individual Lot and/or to any Applicant in any one calendar year.

3004 APPLICATION FOR SPECIAL EVENT PERMIT

A. No Person shall hold a Special Event in Whitehall Township without first obtaining a Special Event Permit pursuant to this Article.

B. An Applicant shall submit to the Zoning Administrator a completed application on a form furnished by the Township, not less than seventy (70) days prior to the scheduled Special Event.

C. The application shall include all of the following information:

1. The full and complete name, current address, tax parcel number(s) of the Lot(s) upon which the Special Event is to be held, email, and telephone number of the Applicant, and, if different, the name, current address, email, and telephone number of the owner(s) of the Lot(s) upon which the Special Event will be located.

2. The name of the proposed Event and the name under which the Event will be operated, if other than the name of the Applicant.
3. A written statement clearly 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.
4. The date and hours of the Special Event.
5. The anticipated number of workers and Event presenters.
6. The anticipated number of attendees.
7. A description of the procedures to manage parking, the location for parking, and traffic circulation.
8. A description of the procedures and facilities to manage sanitation.
9. A description of the procedures for crowd control and public safety.
10. A description of all food and beverages, whether provided with or without charge and whether the consumption of alcohol is anticipated.
11. 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 identify 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.
12. Acknowledgment and permission of the Lot owner if the Applicant is not the Lot owner.
13. Written evidence of the status of all approvals and/or reviews by Muskegon County Sheriff, White Lake Fire Authority, White Lake Ambulance Authority, Muskegon County Health Department, Michigan Department of Transportation, Muskegon County Road Commission, White Lake Building Authority, Michigan Department of Environment, Great Lakes, and Energy and any other necessary or appropriate agency. Provided that the Applicant may submit the Application for review and tentative Township approval, subject to obtaining such other reviews and approvals, which shall be obtained and provided to the Township prior to issuance of a Permit.
14. A written statement from the Applicant's proposed insurance provider indicating that the Applicant intends to provide liability insurance for the Special Event upon issuance of the Permit, as provided below in Section 3005.

15. A certificate that the Applicant and the Lot owner(s) will indemnify the Township against and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Special Event, including all costs and attorney fees. Further, the Applicant shall agree to reimburse the Township for any costs for services provided by the Township or its designated agents to monitor the Special Event and/or mitigate any health, safety and welfare issues caused by the Special Event, including emergency services, traffic and/or crowd control, removal of structures and signs, litter and equipment and any associated attorney fees and court costs resulting from this mitigation. Nothing in this Article shall be construed to affect in any way the Township governmental immunity as provided by law.

D. Application Review. The Zoning Administrator shall submit the application to be reviewed at a regular or special Township Planning Commission meeting. Following such hearing, said Planning Commission shall recommend either the grant (with or without conditions) or denial of a Permit for such Special Event, and shall state its reasons for its recommendation in the matter. Such decision shall be communicated to the Township Board, which shall entertain such Special Event request and review the recommendation at its next regular or special meeting. The Township Board shall either grant or deny such request and state the reasons for its decision. All conditions, limitations, and requirements upon which any such Permit is granted shall be specified by the Township Board in its decision and shall be filed with the Zoning Administrator for the Township. Any conditions, limitations or requirements upon which approval of a Permit is granted shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of the Zoning Ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and be designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, and otherwise comply with applicable sections of this Article.

E. Standards for Review:

1. The Special Event application satisfies all of the elements necessary for approval.
2. 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 the parcel which the Special Event will be held.
3. 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:

1. Following the submission of an application for a Special Event to the Township, and at least fifteen (15) days prior to the meeting of the Township Planning Commission where the application will be reviewed, the Township shall send by first class mail a written notice of the hearing to all owners 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 Planning Commission 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 office.

2. The Planning Commission may adjourn its review of the Application, from time to time, and no other notice need be provided, except as required by the Michigan Open Meetings Act.

3005 OTHER PERMIT REQUIREMENTS

A. Fee. A nonrefundable fee per Special Event Application, pursuant to a fee schedule to be adopted by the Township Board from time to time, shall be paid to the Township to offset the cost of administering the Permit Application process, including mail notification in advance of the public hearing for the Permit, publication of the public hearing, and for any Township oversight of the Special Event. In the event that the Township incurs costs and expenses related to the Permit Application review process, and/or related to monitoring the Special Event and/or enforcing the terms of the Permit, then such additional costs and expenses shall be paid by the Applicant and/or the owner(s) of the Lot(s) upon which the Special Event is located.

B. Insurance.

1. 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 Whitehall Township as an additional insured, upon receipt of a Special Event Permit.

2. As a condition of receiving a Permit under this Article, the Applicant shall purchase and maintain the general liability insurance specified in 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 Applicant.

3. The Applicant shall, within fourteen (14) days of being notified by the Township that the Township is incurring additional insurance costs for the purpose of indemnifying the Township for any damages it may suffer or any liability it may incur in connection with the Special Event, remit to the Township the designated cost of said insurance. Failure to do so shall be cause for denial of the Special Event Permit, or revocation of same.

C. Additional Conditions. The Township Board may attach additional reasonable conditions with the approval of a Special Event under this Article. Any such condition(s) shall be imposed to ensure continuing compliance with the requirements of this Article.

D. Bond. The Township Board may require the Applicant to post a cash bond or certified check, in connection with, and as a condition of, the granting of the Permit, with the Township Treasurer at least 72 hours in advance of the Special Event. This bond is to be returned to the Applicant within ninety (90) days after the end of the Special Event, if there are no claims by the Township against the bond and conditions have been met. This may include, but is not limited to, costs associated with dust control, repair of roads, removal of tents, buildings and/or structures, litter/garbage removal and costs of additional public safety services required for the public health and safety by the holding of the Special Event. If any of the Special Event Permit conditions are violated, or payment for public safety services is not made within seven (7) days of the Special Event, the bond will be forfeited. If any of the requirements of this Article are violated, the bond will be forfeited to the extent necessary to repay the Township for its said expenses.

3006 VIOLATIONS, REVOCATION AND/OR SUSPENSION OF PERMIT

A. Misdemeanor. Any Person who violates any provision of this Article or any condition imposed under this Article and/or the terms of any Permit issues by the Township for a Special Event, shall be guilty of a misdemeanor, as referenced in the Township's Zoning Ordinance.

B. Enforcement Official. The Township Supervisor and/or the Zoning Enforcement Officer are hereby designated as the authorized Township officials to issue misdemeanor citations directing alleged violators of this Article to appear in court. The enforcement officials may utilize the services of the Muskegon County Sheriff Department to enforce the provisions of the Ordinance and the terms and conditions of the Permit.

C. Nuisance Per Se. A violation of this Article 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 Article through the use of criminal sanctions, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance *per se* or any other violation of this Article.

E. Revocation/Suspension. All Special Event Permits issued pursuant to this Article shall be temporary and no Person shall have any vested rights to conduct or continue a Special Event. Special Event Permits may be suspended or revoked by the Zoning Enforcement Officer or Township Supervisor and/or their designee as follows:

1. The Special Event Permit, or any portion thereof, was issued in error.
2. The Application for the Special Event Permit is incorrect, inaccurate, misleading or false in any manner.
3. The terms or conditions of the Special Event Permit have not been met.
4. The Zoning Enforcement Officer or Township Supervisor and/or their designees, may immediately revoke or suspend the Special Event Permit under any of the following conditions:
 - a. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe.
 - b. Any violation of federal, state or local law in connection with or related to the Special Event.
 - c. Any other just cause regarding safety, health or welfare.
 - d. Failure of the Applicant to meet any of its obligations to the Township.

If any Special Event Permit is suspended by the Zoning Enforcement Officer or Township Supervisor and/or their designee(s), the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Zoning Enforcement Officer or Township Supervisor and/or their designee(s), before being authorized by the appropriate Township official to continue with the Special Event.

If a Special Event Permit is revoked by the Zoning Enforcement Officer or Township Supervisor and/or their designee, the Person holding the Special Event shall, unless otherwise instructed in writing by the appropriate Township official, immediately discontinue the Special Event and remove all Special Event materials from the site as directed by the Person who revoked the Permit.

If any Special Event Permit has been revoked and the Special Event is not immediately discontinued, the Zoning Enforcement Officer or Township Supervisor and/or their designee may enter upon the Special Event site and order the discontinuation of the Special Event and remove any structure or obstruction. The cost and expense of such

removal or discontinuation shall be assessed against the Person holding the Special Event Permit or against the Lot(s) upon which the Special Event was conducted. The assessment shall include all costs and expenses incurred by the Township, including collecting costs and all professional and expert fees. Such assessment may be collected in any manner Permitted by law, including placing the assessment on the tax rolls of the Township.

If the Special Event Permit is revoked, no other Special Event Permit may be issued for a period of thirty six (36) months to the same Person and the same Lot where the Special Event violation occurred. For the purposes of this paragraph, "the same Person" shall include any corporate entity whereby the Person is the manager or the holder of 5% or more of equity.

3007 SEVERABILITY

If any provision of this Section shall be declared unconstitutional or otherwise invalid, by a court of competent jurisdiction, said declaration shall not affect the remainder of the Section. The Township Board hereby declares that it would have passed this Article 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.

3008 ACCESS TO THE SPECIAL EVENT

Any official designated by the Township to monitor the Special Event, including the Supervisor and/or the Zoning Enforcement Official, as well as any other representative of any other governmental entity having jurisdiction over or an interest in the operation of the Special Event, shall be granted access to the Special Event. This includes representatives of the White Lake Fire Authority, Muskegon County Health Department, Muskegon County Sheriff Department, and Michigan Department of Environment, Great Lakes, and Energy (or its successor).

3009 EFFECTIVE DATE

This Article shall become effective thirty (30) days following its publication in a newspaper of general circulation within the Township. Article No. 30 of 2022 was adopted on 9-26, 2022, by the Whitehall Township Board as follows:

Motion by: Sarah Sylvester
Seconded by: Madge Kraai
Yeas: Madge, Arnold, Sarah, Chuck
Nays: 0
Absent: Dennis

