

VILLAGE OF SUTTONS BAY  
MASS GATHERING ORDINANCE

ORDINANCE NO. 5 of 2017

AN ORDINANCE TO PROVIDE A LICENSING PROCEDURE FOR MASS GATHERINGS TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL.

THE VILLAGE OF SUTTONS BAY ORDAINS:

**Section 1. Definitions.**

The following terms, as used in this Ordinance, are hereby defined to mean:

- a. "Licensee" shall mean any person to whom a license is issued pursuant to this Ordinance.
- b. "Mass gathering" shall mean an organized outdoor event of three hundred (300) people or more held at a single location on either public or private land within the Village; provided, however, a mass gathering shall not include an event held by a school recognized by the State of Michigan and held on school owned property, or an event sponsored by the Village.
- c. "Person" shall mean any natural person, partnership, corporation, limited liability company, association, organization, or other legal entity.
- d. "Sponsor" shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a mass gathering.
- e. "Sketch Plan" shall mean a composite drawing on a Village map that identifies the specific locations of each required amenity and layout of the specific site which includes all requirements of an application.
- f. "Village" shall mean the Village of Suttons Bay.

**Section 2. License Requirements.**

2.1 Necessity of License

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering in the Village without first obtaining a license from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event of any size in conjunction with or on the same date and at the same location as a mass gathering without first being included in the application of and being included on the

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approved license for the mass gathering.

## 2.2 Application for License

No less than sixty (60) days before the proposed mass gathering, except as provided for in Section 2.9, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering license to the Village Manager on such forms and in such manner as the Village prescribes. On receipt by the Village Manager, copies of the application shall be forwarded to local law enforcement, the fire department, and to other appropriate public officials as the Village Manager determines. Such officers and officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Village Manager.

The application shall contain at least:

- (1) The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s).
- (2) The date(s) and hours of the proposed mass gathering.
- (3) A description of the kind, character and type of mass gathering proposed.
- (4) The address or location of the site at which the proposed mass gathering will be held, including a written statement from the property owner consenting to the use of the property for the proposed mass gathering.
- (5) An estimate of the maximum number of people expected to attend the proposed mass gathering.
- (6) A written statement, including drawings and diagrams where applicable, that indicates how the sponsor(s) plans to provide for the following:
  - (a) Police and fire protection.
  - (b) Medical facilities and services, including emergency vehicles and equipment.
  - (c) Food and water supply facilities.
  - (d) Health and sanitation facilities.
  - (e) Vehicle access and parking facilities for event workers, vendors and attendees.
  - (f) Pedestrian access facilities to, from and within the site of the mass gathering.

- (g) Traffic (vehicle and pedestrian) Control Plan.
- (h) Cleanup and waste disposal.
- (i) Noise control.
- (j) Insurance and bonding arrangements.

(7) A sketch plan shall be included with the application which shows at a minimum, areas of staging, parking, sanitation facilities, emergency corridors and first-aid stations, ingress and egress locations, pedestrian crossing areas, traffic control areas, waste disposal, food and water facilities and resources.

(8) The applicant shall attach a letter from all required entities that they have received a copy of the application and accept the general layout as presented according to the entity's requirements.

### 2.3 Application Fee

Each application for a mass gathering license shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village's Schedule of Fees.

### 2.4 Action on Application

After receiving an application for a mass gathering license and the appropriate fee, the, Village Manager or their appointee, shall review and consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed mass gathering, including the suitability of the site for the proposed mass gathering, the length of the proposed mass gathering, the number of people anticipated to attend, whether there is a conflict with other uses of the site, the increased demands on the Village police, fire department and emergency medical resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage and vehicle parking, access and pedestrian routes to and within the site.

### 2.5 Requirement for Applicant's Reimbursement to the Village

#### (1) Cost Determination

During the Village Manager's review, a determination of the estimated cost to the Village in terms of service or personnel shall be calculated and the applicant shall be responsible for reimbursement to the Village for the estimated cost. Since most events are customarily held on weekends, over-time rates shall be used in the calculation for all events held on weekends.

This estimate shall not include the Village's regularly scheduled activities or personnel schedules that would normally be scheduled on the specific date(s).

(2) Reimbursement requirement for Village Employees

Determination for man-power hours shall be based on the Village's actual cost to have the lowest paid departmental employee(s) in ascending order for the specific task on duty during the event. Reimbursement shall be based on all cost associated to the specific employee including but not limited to, regular or overtime pay, fringe benefit reimbursement and insurances.

(3) Reimbursement requirement for Village Equipment or Supplies

Reimbursement to the Village for equipment, vehicles, or supplies and services such as refuse disposal cost and vehicles shall be based on actual cost of equipment or services, or vehicle cost based on the State of Michigan's Schedule of Equipment Cost, as amended, and as updated by the State of Michigan Department of Treasury at the time of the event.

(4) Reimbursement Payment to the Village

All reimbursement cost to the Village shall be paid in full within not more than 30 days after the final date of the event. The Village shall use any legal means necessary in collection of cost reimbursement. Non-payment of reimbursement cost may jeopardize the event's next scheduled activity and can be grounds for Council denial of future applications.

2.6. Minimum Requirements.

All Licenses will, at a minimum, require the following:

*Security Personnel*—The Licensee is responsible for employing such security personnel as are reasonably necessary and sufficient to provide for the adequate security and protection of the maximum number of attendees at the assembly and/or the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the County Sheriff is reasonably satisfied that such necessary and sufficient security personnel will be provided by the Licensee for the duration of the assembly.

*Water Supply*—The Licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.

*Restroom Facilities*—The Licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of attendees, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the Licensee allows attendees to remain on the premises between the hours of 2 a.m. and 6 a.m., the Licensee shall provide shower facilities, on the basis of the number of attendees, in the following manner:

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the County Public Health Department.

*Food Service*—If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, et seq.; applicable rules and regulations, including R 285.558, et seq., Temporary Food Establishments; and any other applicable provision of state or local law. If the assembly is distant from food service establishments open to the public, the Licensee must make such food services available on the premises as will adequately feed the attendees.

*Medical Facilities*—If the assembly is not readily and quickly accessible to adequate existing medical facilities, the Licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

*Liquid Waste Disposal*—The Licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the County Public Health

Department of the Public Health Code, Part 127; Water Supply and Sewer Systems, MCL 333.12701, et seq.; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, et seq.; applicable rules and regulations, and any other applicable provision of state or local law.

If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, et seq., applicable rules and regulations and any other applicable provision of state or local law. The Licensee shall provide the Village Clerk and County Public Health Department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

*Solid Waste Disposal*—The Licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.11501, et seq., applicable rules and regulations, and any other applicable provision of state or local law.

Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendees. Prior to issuance of any license, the licensee shall provide the Village Clerk and County Public Health Department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health.

*Access and Traffic Control*—The Licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the County Road Commission and County Sheriff must approve the Licensee's plan for access and traffic control.

*Parking*—The Licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendees.

*Camping and Trader Parking*—A Licensee who permits attendees to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Village Zoning Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12502, et seq., and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health.

*Lighting*—The Licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendees. The Licensee's lighting plan shall be

approved by the Village.

*Insurance*—Before the issuance of a license, the Licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies authorized to do business in the State of Michigan, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall name the Village as an additional insured and shall include an endorsement to the effect that the insurance company will notify the Village in writing at least 10 days before the expiration or cancellation of said insurance.

*Bonding*—Before the issuance of a license, the Licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000 in a form to be approved by the Village, conditioned upon the Licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Village, its agents, officers, and employees against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the Village's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

*Fire Protection*—The Licensee shall, at its own expense, take adequate steps as determined by the Fire Chief to ensure fire protection, and the assembly shall be subject to all applicable sections of the Fire Prevention Code, MCL 29.1 et seq., and any applicable rules and regulations promulgated thereunder.

*Noise Control*—Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort, or repose of other persons in adjacent areas between the hours of 10 p.m. and 7 a.m.

*Fencing*—The Licensee shall erect a fence completely enclosing the site, of sufficient height and strength to prevent persons in excess of the maximum permissible attendees from gaining access, and that has sufficient gates properly located to provide ready and safe ingress and egress.

*Miscellaneous*—Prior to issuance of a license, the Village may impose any other

condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendees or of citizens of the Village.

#### 2.7. Village Manager Approval

Within thirty (30) days after receiving a completed application for a mass gathering license, the Village Manager shall do one of the following:

- (1) Issue a license
- (2) Issue a license subject to specified conditions, or
- (3) Deny a license.

A denial is proper if the Village Manager finds by a preponderance of the evidence that holding the mass gathering as proposed would be detrimental to the public health, safety and welfare of the Village. A license may also be denied if (1) the applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed by the license, or with any other applicable provision of state or local law, or (2) the applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. If the Village Manager denies a mass gathering license, the Village Clerk shall send written notice of the denial, including the reasons for the denial, to the sponsor(s) by certified mail within five (5) days of the denial decision.

#### 2.8. Revocation

The Village Manager may revoke a license whenever the Licensee, or his employee or agent, fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

#### 2.9 Waiver

The Village President may waive the requirement in Section 2.2 that application for a license be filed no less than sixty (60) days before the proposed mass gathering if circumstances make it impossible for the applicant to comply

### **Section 3. Exemption from County Mass Gathering Ordinance.**

It is the express intent of the Village that all mass gatherings held within the Village shall be governed by this Ordinance and shall therefore be exempt from the provisions of similar Leelanau County ordinances not specifically adopted by the Village Council. The Village Manager may accept or reject any review, decision, determination or recommendation by Leelanau County or its officers for any event held or to be held within the Village limits. The Village Manager will submit at a minimum, a notice to the Leelanau County Emergency Management Coordinator informing him or her of the date(s) and the Event.

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**Section 4. Appeals Process.**

An aggrieved applicant may appeal any decision of the Village Manager or the Village President to the Village Council. All such appeals shall be filed and heard prior to the event's occurrence. No appeal of the costs imposed by this Ordinance shall be considered for any event after the event's occurrence. The Village Council's decision shall be final.

**Section 5. Other Organized Outdoor Events.**

A person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event with an anticipated attendance of between 75 and 299 people in the Village of Suttons Bay without prior approval of the Village Manager and issuance of a license pursuant to this Section 5. The Village Manager shall issue a license if the applicant complies with subsections (1)-(5) of Section 2.2, unless the Village Manager finds by a preponderance of the evidence that holding such a gathering as proposed would be detrimental to the public health, safety and welfare of the Village.

**Section. 6. Violations.**

6.1 Municipal Civil Infractions

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars as well as the costs of prosecution as permitted by law. Each day this Ordinance is violated shall be considered as a separate violation.

6.2 Enforcement Officials

The Leelanau County Sheriff's Department and/or Ordinance Enforcement Officer are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

6.3 Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

6.4 Civil Remedies

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 7. Repeal Mass Gathering Ordinance 13 of 2004.**

Mass Gathering Ordinance 13 of 2004 adopted December 20<sup>th</sup>, 2004 and all its amendments are hereby repealed in their entirety.

**Section 8. Severability.**

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and, to this end, this Ordinance is declared to be severable.

**Section 9. Effective Date.**

This Ordinance shall become effective twenty (20) days after being published in a newspaper of general circulation within the Village.

YEAS: Bahle, Case, Christensen, Hylwa, Lutke and Suppes

NAYS: None

ABSTAIN: None

ABSENT: None

Ordinance No. 5 of 2017 Adopted.

Approved: July 17, 2017

Date Published: August 9, 2017

Effective Date: August 29, 2017

VILLAGE OF SUTTONS BAY

By:   
Steve Lutke, Village President

By:   
Shar Fay, Village Clerk