

**Township of Big Creek  
Oscoda County, Michigan**

**Special Event Ordinance No 2020-24**

An ordinance to protect the public health, safety and general welfare of Big Creek Township residents by establishing regulations relating to the operation, control and management of special events, to provide for traffic, parking, security and nuisance abatement; to provide penalties for violation of said ordinance. The Big Creek Township Board of Trustees may, at any time, amend these rules and regulations, as needed, in the future.

**The Township of Big Creek, County of Oscoda, and State of Michigan Ordains:**

**SECTION 1: Title**

This Ordinance shall be known and cited as the Big Creek Township Special Events Ordinance.

**SECTION 2: Definitions**

“Major Special Event” Any event that

1. plans on more than 250 people in attendance, or
2. Any event that is planning on selling alcohol, or
3. Any event that sets up significant infrastructure including stages or amusements; or
4. any event will be more than 3 days in duration including set up and take down.

“Minor Special Event” Those events planning on fewer than 250 attendees, will not be serving alcohol and will be less than 3 days in duration.

“Operator” Shall mean any person, firm, partnership, corporation or other entity that operates or maintains a Special Event.

“Owner” means the current owner or other person, firm, partnership, corporation or other entity having ownership or possessory right of the property in question.

“Person” means any person, firm, partnership, corporation or other entity.

“Quiet Time” means the time between 11:00p.m. and 7:00a.m. During this time there should be no audible noise emanating from the event location.

“Special Event” means any event, whether conducted on public or private property, that may generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to for profit parties, festivals, concerts, shows, exhibitions, mud bogging, carnivals, circuses, fundraising walks or runs, fairs, contests or any similar events or activities.

“Special Event Permit” means a permit issued by the Big Creek Township Clerk to conduct a special event.

“Designee” A person who has been designated to fulfill the responsibilities required.

### **SECTION 3: Special Event Permit Required**

#### General Provisions

1. It is unlawful for any Owner or Operator to hold or conduct any special event in the township unless the Big Creek Township Clerk has first issued a Special Event Permit in compliance with this ordinance.
2. The township board or township clerk may require the owner and/or Operator to post a cash bond with the township 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 disposal.
3. All tents, buildings or structures erected or used for a Special Event shall:
  - a. Not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues.
  - b. Be installed, constructed, used occupied and maintained in compliance with the provisions of any applicable federal, state or local rules regulations, and
  - c. Be immediately removed at the conclusion of the Special Event Permit, whichever occurs sooner.
4. Owners and Operators shall comply with all conditions specified in the Special Event Permit and shall, for any Special Event as applicable, provide the following:
  - a. Environmental Health. An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and servicing and sanitary method for disposing of solid waste that meets federal, state and local requirements, including the District Health Department #2.
  - b. Lighting. If the Special Event is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Special Event area.
  - c. Parking. A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Special event shall be provided.
  - d. Traffic. Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian circulation including on site movements and the flow of vehicular and pedestrian traffic onto public or private right of way. Ingress/egress shall be approved/ permitted by the Oscoda County Road Commission.
  - e. Emergency Services. Adequate security measures and fire systems shall be provided at the direction of the Oscoda County Emergency Management Director, including adequate facilities for communication with emergency service providers.
  - f. Signage. Signage shall be in displayed in such a way as to comply with all traffic safety regulations, including MDOT setbacks, and shall not pose any hazard to health or safety, nor constitute a nuisance.
5. In furtherance of the intent of this ordinance, an Owner or Operator may apply for a second Special Event Permit after having conducted a previous event if;

- a. All previous events that occurred during the same calendar year by the Owner or Operator were in compliance with this ordinance
- b. There were no violations of a previously issued permit and,
- c. Upon a finding by the township board that the application otherwise meets the requirements of this ordinance.

Exemptions.

The following Special Events shall be exempt from obtaining a Special Event Permit:

1. Township, County, State and Federal government sponsored Special Events.
2. Funeral Processions.
3. Garage, Yard and Estate Sales.
4. Private gatherings such as weddings, graduation parties and similar events that are held on private property that is the residence of, or within the common area of a multi-family residential development of an immediate family member; provided, however, that the event is not open to the general public and not for pecuniary gain or profit.
5. Special Events conducted within a building designed and approved for assembly use, such as churches, halls and fraternal organizations, libraries and schools.

Administrative Review and Authorization.

Notwithstanding the authority granted to the Big Creek Township Clerk pursuant to this section, the Clerk may/shall refer any new applications for a new Special Event Permit to the Big Creek Township Board of Trustees for review and approval. Provided the Owner and Operator meet the requirements of this Ordinance, the Clerk shall have the authority to grant a Special Event Permit on behalf of the township.

Township Board Review and Authorization

The Big Creek Township Board of Trustees shall have the exclusive authority to grant all Special Event Permits for any Special Events that require a special event liquor license issued by the State of Michigan. Prior to the issuance of a permit, the board may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants, citizens of the township or of the general public.

**SECTION 4: Application for Special Event**

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 township clerk, together with an application fee as approved by resolution of the Big Creek Township Board, which shall include the following;

1. The name, residence, business address and phone number of the owner of the property where the Special Event will be held together with the name, residence business and phone number of the Operator of the Special Event.

2. The name, residence, business address and phone number of each person sponsoring the Special Event, the application shall contain the name, residence, business addresses of the President/Chairman or individual who is responsible for the Special Event.
3. To pay the appropriate fee as determined by the Big Creek Township Board.
4. Description of the Special Event and proposed locations.
5. Date(s) of the Special Event, including starting and ending times and any additional time required for set-up and clean-up.
6. Scaled site plan showing layout of event, buildings, parking, ingress and egress along with any other information applicable to the event.
7. An evacuation plan in case of a natural disaster, civil unrest or fire during the event.
8. Safety and Security Plan including (1) how safety and security will be maintained, (2) What type of security measures will be utilized, (3) What type of security team will be used and (4) how many persons will be on the security team.
9. Copies of approval letters from the District 2 Health Department, Building Department, Sherriff Department, Emergency Medical Services and local Fire Department.
10. Copies of insurance policies naming the township as an additional insured for one million dollars and the insurance policy shall indicate that it is coverage for the event. Nothing in this ordinance shall be construed to affect in any way the township's governmental immunity as provided by law.
11. Certification that the applicant will indemnify the township for and hold 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. Furthermore, the applicant will agree to reimburse the township for any costs for services provided by the township or its designated agents to mitigate any health, safety, welfare issues caused by the Special Event, including emergency services, traffic and/or crowd control, removal of structures, litter and equipment and any associated attorney fees and court costs resulting from this mitigation. Nothing in this ordinance shall be construed to affect in any way the township's governmental immunity as provided by law.
12. Such other information the Big Creek Township Clerk or designee deems necessary in order to carry out his/her duties under this Ordinance.

#### **SECTION 5: Noise**

Any person requesting a Special Event Permit shall be required to strictly adhere to the Big Creek Township "Quiet Time Policy" (No person standing 50 feet from the Special Event location shall be able to hear any noise from 11:00p.m. through 7:00a.m.) and any and all Oscoda County or State of Michigan laws regarding noise.

#### **SECTION 6: Display of Permit and Identification**

Any person engaged in a Special Event shall prominently display the Special Event Permit as required by this Ordinance. In addition, any person engaged in the sale of food or food products regulated by federal, state or local law shall be required to display such food permit.

## **SECTION 7: Fees**

An application fee shall be established by resolution of the Board of Trustees. Before final approval, any costs incurred by the township shall be paid for by the applicant. Any person directed by and acting on behalf of the township shall be exempt from the fee.

## **SECTION 8: Revocation or Suspension of Permit**

All Special Event Permits issued pursuant to this ordinance shall be temporary and no person shall have any permanent rights to conduct or continue a Special Event. Special Events Permits may be suspended or revoked by the Big Creek Township Supervisor or designee as follows

1. The Special Event Permit or any portion thereof was issued in error.
2. The Special Event Permit application and/or information was incorrect, inaccurate or false in any manner.
3. The terms or conditions of the Special Event Permit have not been met.
4. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe.
5. Any violation of federal, state or local law in connection with or related to the Special Event.

If any Special Event Permit is suspended by the Big Creek Township Supervisor or their designee, The person holding the Special Event Permit shall address the violation(s) to the satisfaction of the township official before continuing the event.

## **SECTION 9: Appeals**

All decisions of the Big Creek Township Supervisor or their designee with respect to the issuance, denial, revocation or suspension of any permit under this ordinance shall be final. Notwithstanding, any person aggrieved by a decision of the township official under this ordinance may be appealed to the Big Creek Township Board of trustees within fifteen (15) days of the date the decision is issued by the official.

## **SECTION 10: Violations and Penalties**

1. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 or more than \$1,000 for subsequent offenses, in the discretion of the Court. For purposes of this section, "subsequent offenses" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other

appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

**SECTION 11: Severability**

The provisions, sections, sentences and phrases of this ordinance are declared to be severable and if any portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction such finding shall in no way affect or invalidate the remainder of the ordinance.

**SECTION 12: Effective Date**

The ordinance shall take effect following publication as allowed by law.

Published on January 29, 2020

Rhonda Mundt, Big Creek Township Clerk

01/16/2019  
Date

Motion by: Mitchell

Support by: Stone

Yeas: 4 Nays: 0 Absent: 1