

ORDINANCE NO. 357

VILLAGE OF SPRING LAKE MASS GATHERING ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES ADOPTED BY THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, STATE OF MICHIGAN, BY ADOPTING CHAPTER 257 OF THE CODE OF ORDINANCES TO PROVIDE A PERMITTING PROCEDURE FOR MASS GATHERINGS TO ENSURE THE PUBLIC HEALTH¹ SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE VILLAGE OF SPRING LAKE, COUNTY OF OTTAWA AND STATE OF MICHIGAN ORDAINS:

Section 1. Chapter 257. The Code of Ordinances adopted by the Village of Spring Lake, Ottawa County, State of Michigan, is hereby amended by the adoption of Chapter 257 which shall state in its entirety as follows:

**ARTICLE 1
GENERAL PROVISIONS**

§ 257-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

PERMITTEE - Any person to whom a permit is issued pursuant to this chapter.

MASS GATHERING - An organized event of one hundred (100) 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 held by a church of a recognized denomination and held on church owned property, or an event sponsored by the Village.

PERSON - Any natural person, partnership, corporation, limited liability company, association, organization, or other legal entity.

SPONSOR - Any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a mass gathering.

EVENT COORDINATOR- The Village Manager or a designee

SKETCH PLAN - A composite drawing on a Village map that identifies the specific location of each required amenity and layout of the specific site which includes all requirements of an application.

VILLAGE - The Village of Spring Lake.

ARTICLE II PERMIT

§ 257-2. Necessity of Permit

A person shall not sponsor, maintain, conduct, or promote a mass gathering in the Village without first obtaining a Permit from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, or promote 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 on the application and being included on the approved permit for the mass gathering

§ 257-3. Application for Permit

No less than sixty (60) days before a proposed mass gathering, except as provided for in Section 257-10, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering permit to 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 and Permittee at a required Application Review meeting to be held no less than thirty (30) days before the proposed mass gathering. Applications submitted less than sixty (60) days before the proposed mass gathering, except as provided for in Section 257-10, risk not being approved.

The application shall contain at least the following:

- A. The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s).
- B. The date(s) and hours of the proposed mass gathering.
- C. A description of the kind, character and type of mass gathering proposed.

- D. 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.
- E. An estimate of the maximum number of people expected to attend the proposed mass gathering.
- F. A written statement, including drawings and diagrams where applicable, that indicates how the sponsor(s) plans to provide for the following to the best of their ability - there will be a required meeting with the Village Manager, officers and officials where these drawings and diagrams will be discussed and confirmed at the Application Review meeting:
 - 1. Police and fire protection if applicable
 - 2. Medical facilities and services, including emergency vehicles and equipment
 - 3. Food and water supply facilities
 - 4. Health and sanitation facilities
 - 5. Vehicle access and parking facilities for event workers, vendors and attendees
 - 6. Pedestrian access to facilities to, from and within the site of the mass gathering
 - 7. Traffic (vehicle and pedestrian) Control Plan
 - 8. Cleanup and waste disposal
 - 9. Noise control
 - 10. Insurance and bonding arrangements
- G. 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.

§ 257-4. Application Fees

Each application for a mass gathering permit shall be accompanied by a non-refundable fee as well as a refundable security deposit fee. These amounts shall be established by

the Village Council pursuant to the Schedule of Fees Resolution, which may be amended from time to time.

§ 257-5. Action on Application

After receiving an application for a mass gathering permit and the appropriate fees, the Village Manager or their designee, 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, the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage, vehicle parking, as well as access and pedestrian routes to and within the site.

§ 257-6. Requirement for Applicant's Reimbursement to the Village

A. 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 to deposit the estimated cost to the Village. Said sums will be held in escrow pending conclusion of the event. 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).

B. Payment 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. Once the cost has been determined, the applicant shall be responsible for depositing the sum with the Village. The funds shall be held in escrow by the Village pending conclusion of the event. Once all actual costs have been determined, the escrowed funds will be used to pay the obligation. The applicant shall be required to immediately pay any fees not covered by those funds held in escrow. Any balance in the escrowed funds, over the actual costs, shall be returned to the applicant. The amount charged to the applicant shall be based on all costs associated to the specific employee including but not to, regular or overtime pay, fringe benefit reimbursement and insurances.

C. Payment requirement for Village Equipment, Supplies, or Services

The applicant shall be required to compensate the Village for equipment, vehicles, or supplies and services such as refuse disposal 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. Once all actual costs have been determined, the escrowed funds will be used to pay the obligation. The applicant shall be required to immediately pay any fees not covered by those funds held in escrow. Any balance in the escrowed funds, over the actual costs, shall be returned to the applicant.

D. Payment to the Village

All payments required by this Chapter, shall be paid in full 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 denial of future applications.

§ 257-7. Minimum Requirements

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

- A. *Certificate of Insurance* - No permits will be issued without a current Insurance Certificate, that names the Village as a co-insured party, turned into the Village no less than three (3) days prior to the event.
- B. *Liquor License* - should any alcoholic beverage be served, the Permittee is responsible for obtaining a liquor license. A copy of the license must be provided to the Village no less than three (3) days prior to the event.
- C. *Security Personnel* - The Permittee 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 preservation of order and protection of property in and around the site of the assembly. No permit shall be issued unless the County Sheriff is reasonably satisfied that such necessary and sufficient security personnel will be provided by the Permittee for the duration of the assembly.
- D. *Water Supply* - The Permittee shall provide sufficient potable water for drinking and cooking, washing and other water-using facilities for peak demand conditions.
- E. *Restroom Facilities* - The Permittee 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 a 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

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.

- F. *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 Permittee must make such food services available on the premises as will adequately feed the attendees.
- G. *Medical Facilities* - If the assembly is not readily and quickly accessible to adequate existing medical facilities, the Permittee shall be required to provide such facilities, including cooling tents or facilities on the premises of the assembly.
- H. *Liquid Waste Disposal* - The Permittee 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; 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 permitted 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 Permittee shall provide the Village Clerk and County Public Health Department with a true copy of an executed agreement with the permitted 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.
- I. *Solid Waste Disposal* - The Permittee 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., and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health. 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 permit, the Permittee shall provide the Village Clerk and County Public Health Department with a true copy of an executed agreement with a permitted refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to public health.

- J. *Access and Traffic Control* - The Permittee 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 issuance of a permit, the County Road Commission and County Sheriff must approve the Permittee's plan for access and traffic control.
- K. *Parking* - The Permittee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendees.
- L. *Camping and Trader Parking* - A Permittee 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.
- M. *Lighting* - The Permittee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendees. The Permittee's lighting plan shall be approved by the Village.
- N. *Insurance* - Before the issuance of a permit the Permittee shall obtain public liability insurance and property damage insurance with limits recommended by the Village's insurance carrier at the time the event is to occur, from a company or companies authorized to do business in the State of Michigan, which insurance shall insure liability for death or injury to a 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 Permit. 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 of cancellation of said insurance.
- O. *Bonding*- Before the issuance of a permit, the Permittee 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 Permittee's faithful compliance with all of the terms and provisions of the permit and agreeing to indemnify the Village, its agents, officer and employee against any and all loss, connected with the

assembly or the Village's (or its agent's) provision of services for the same. The Permittee shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleanup and/or removing debris, trash, or other waste resultant from the assembly.

- P. *Fire Protection* - The Permittee 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 or the Fire Prevention Code, MCL 29.1 et seq., and any applicable rules and regulations promulgated thereunder.
- Q. *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.
- R. *Fencing* - If alcohol is being served as part of the permitted activity, the Permittee shall erect a barrier 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. Fencing shall be erected to control the area so as not to permit persons to carry their alcoholic beverages outside the approved area for consumption.
- S. *Miscellaneous* - Prior to issuance of a permit, 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.

§ 257-8. Village Manager or Event Coordinator Approval

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

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

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 permit may also be denied if (1) the applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed by the permit, or with any other applicable provisions of state or local law, or (2) the applicant knowingly made a false, misleading or fraudulent statement in the

application or in any supporting document. If the Village Manager denies a mass gathering permit, 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.

§ 257-9. Revocation

The Village Manager or their designee may revoke a permit whenever the Permittee, or its 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.

§ 257-10. Waiver

The Village President may waive the requirement in Section 257-3 that application for a permit be filed no less than sixty (60) days before the proposed mass gathering if circumstances make it impossible for the applicant to comply.

§ 257.11. Indemnification

Applicant agrees to indemnify and hold Village and its subsidiaries and affiliates and its or their shareholders, members, partners, directors, officers, employees, and agents harmless from and against any and all claims, causes of action, losses, damages, liabilities, costs, and expenses (including attorney fees and expenses) arising out of or related to the permitted activity.

ARTICLE III APPEALS PROCESS

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

ARTICLE IV OTHER ORGANIZED OUTDOOR EVENTS

A person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event on public property with an anticipated attendance of between 50 and 99 people in the Village without prior approval of the Village Manager and issuance of a permit pursuant to this chapter. The Village Manager shall issue a permit if the applicant complies with subsections (A)-(E) of Section 257-3, 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. Fees, if any, would be established by Council resolution.

ARTICLE V VIOLATIONS

§ 257-12. Municipal Civil Infractions

A person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of this chapter shall be responsible for a municipal civil infraction, subject to chapter one, section 1-2. Increased civil fines may be imposed for "repeated violations," which means a second or subsequent municipal civil infraction violation committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations is set forth in chapter one, section 1-2.

§ 257-13. Enforcement Officials

The enforcement officials are as set forth in chapter 25.

§ 257-14. Nuisance Per Se

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

§ 257.15. Civil Remedies

In addition to enforcing this chapter 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.

ARTICLE VI POST-MORTEM MEETING

Permittee will agree to meet with the Event Coordinator and any additional Village staff within two weeks of the event to review how the event went, what worked and what did not work. Failure of the Permittee to attend the meeting may jeopardize future events.

Section 2. Administrative Liability. No officer, agent, or employee of the Village shall be personally liable for any damages the Village may accrue to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

Section 3. Severability and Captions. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. Pronouns shall be read as masculine, feminine, or neuter as may be appropriate. Captions appearing at the

beginning of any section shall not be deemed as part of this Ordinance and shall have no independent significance.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of its effective date are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall take effect upon publication.

VILLAGE OF SPRING LAKE

Dated: October 21 , 2019

By: _____

Mark Powers
Its: President

By: _____

Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Village Rental Registration Ordinance was adopted at a regular meeting of the Village Council held on October 21, 2019. The following members of the Village Council were present at that meeting: Duer, Hanks, Miller, Petrus, Powers and Van Strate. Village Council member TePastte was absent. The Ordinance was adopted by the Village Council with members of the Council Duer, Hanks, Miller, Petrus, Powers and Van Strate voting in favor, and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in *The Grand Haven Tribune* on October 28, 2019.

Marvin Hinga, Clerk/Treasurer
Village of Spring Lake