

LEE TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 2032

ADOPTED: Monday, April 11, 2022

EFFECTIVE: June 9, 2022

An Ordinance to authorize and regulate SPECIAL EVENTS as defined herein.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE

This ordinance shall be known and cited as the Lee Township Special Events Ordinance.

SECTION 2: PURPOSE and INTENT

The purpose of this Ordinance is to protect the public health, safety and general welfare of Lee Township residents by establishing regulations relating to the operation, control and management of Special Events as defined herein, including to ensure adequate provisions for traffic circulation, parking, services and facilities including potable water and sewage disposal, and nuisance abatement; to provide penalties for violations of said Ordinance; and to repeal all ordinances or parts of ordinances inconsistent therewith. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

SECTION 3: DEFINITIONS

Definitions: For the purpose of this Ordinance, the following terms and phrases shall have the following meanings.

1. "Applicant" shall mean an Owner and/or Operator that submits an application for a Special Event Permit.
2. "Operator" shall mean any person, firm, partnership, corporation or other entity that operates or maintains a Special Event.
3. "Owner" means the current owner or other person having ownership or possessory right of the property subject to a Special Event or Special Event application.
4. "Person" means any person, firm, partnership, corporation or any other entity.
5. "Township Board" means the Lee Township Board of Trustees.
7. "Ordinance Administrator" means the official of Lee Township or authorized representative charged with enforcing this Ordinance.
8. "Special Event" means any event or occasion occurring outside of a building designed for such purpose on a non-permanent basis, such as a celebration, festival, exhibition, or activity that will or can be reasonably be expected to generate, invite or attract one hundred (100) or more persons in public attendance via participation and/or spectatorship for a particular and limited purpose and time, irrespective of whether such events or activities are for or intended for profit, charity or for any other purpose and irrespective of whether the Special Event is to occur on public or privately-owned property.

9. "Special Event Permit" means a temporary permit issued by the Township Supervisor pursuant to this Ordinance, following approval of a Special Event application by the Lee Township Board, authorizing the Special Event(s) specified by the permit including any conditions of approval.

10. "Camping" shall mean staying overnight on the special event premises, whether out-of-doors or in a temporary shelter such as tents, recreational vehicles, motor vehicles, or campers. No camping is allowed as part of a Special Event unless the applicant has first obtained a campground permit from the State of Michigan.

#### SECTION 4: EXEMPTIONS

Exemptions: The following shall not be construed as a Special Event and are exempt from the provisions of this Ordinance:

1. Township, county, and state sponsored events.
2. Funeral processions, memorial gatherings, and church picnics on church grounds.
3. Estate sales and private property auctions.
4. Private gatherings such as weddings, graduation parties and similar events occurring entirely on a residentially used property or common area of a multi-family residential development, provided the event is not open to the general public, is not for financial gain or profit, and will not exceed 100 persons.
5. Activities conducted within a building designed for assembly use, such as churches, banquet facilities, halls, fraternal organizations, schools and recreational facilities.

#### SECTION 5: PERMIT APPLICATION, REVIEW and ACTION

A. Application Submittal: 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 Supervisor, together with any required supplemental information and an application fee as provided by resolution of the Township Board, at least ninety (90) days prior to the event. The application form shall be signed by the Owner of the property on which the Special Event is to occur in addition to the Operator of the Special Event if different than the Owner. The application form and supplemental information shall provide the following required information:

1. Owner and Operator Information. The name, residence address, business address and phone number of the Owner of the property where the Special Event will be held together with the same information for the Operator of the Special Event if different than the Owner.
2. Sponsor Information. The name, residence address, business address and phone number of each Person sponsoring the Special Event. If an organization is sponsoring the Special Event, the application shall contain the name, residence address, and business addresses of the President/Chairman or other individual who is responsible for the Special Event.
3. Date. Proposed date of the Special Event, including starting and ending time, date and any additional time required for set-up, tear-down and cleanup.
4. Insurance Policies. Copies of insurance policies naming Lee Township as an additional insured for one million dollars (\$1,000,000) and indicating that the policy applies to the Special Event. Nothing in this



Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

5. Indemnification Agreement. A signed agreement included with the application to defend, indemnify, and hold harmless Lee Township from any claim, demand, suit, loss including death, cost of expense or any damage which may be asserted, arising from or as a result of the Special Event. Covered damages shall include, at a minimum, damage to property, personal or bodily injury including death, and all costs and attorney fees. Such indemnification shall apply regardless of whether such alleged claim, demand, damage, loss, or cost or expense is caused in whole or in part by the negligence of Lee Township or by third parties or by the agents, servants, employees or factors of any of them.

B. Special Event Description. Description of the Special Event including, but not necessarily limited to:

1. Proposed tents, structures and other modifications to the site and the size and location of each.
2. Proposed parking areas, access points to and from the property, and traffic control measures to minimize safety hazards and congestion.
3. Proposed measures and locations for portable restrooms, solid waste storage and disposal, and litter control in compliance with the general standards for the same established by the Allegan County Health Department.
4. The nature of any entertainment to be provided and the location of such entertainment areas, and any sound amplification devices including a list of all sound producing and amplification equipment with an indication as to amplification capacity, number of units to be used, location and placement of such units, and their method of operation.
5. The location of emergency services and facilities that may be part of the Special Event operations.
6. Graphic depiction of the proposed Special Event property that delineates proposed locations of Special Event features including tents, structures, entertainment areas including stages, parking areas, ingress and egress points, portable restrooms, and solid waste storage locations.

C. Application Distribution. The Township Supervisor shall distribute the application to the appropriate approving bodies. Such entities (which could include but not limited to the county road commission, sheriff's department, Lee Township Fire Chief, Township legal counsel) shall be requested to provide comments within fourteen (14) days of submittal to such entities.

D. Application Review. Within forty-five (45) days of the filing of an application, the Township Board shall take action on the application. The application shall be denied, approved, or approved with conditions.

1. Tabling. Action on the application may be tabled, and extend the maximum prescribed review period, to afford the applicant the opportunity to provide additional required information and/or to comply with conditions that may be established as a prerequisite to the approval or conditional approval of the application.

2. Notification to Applicant. The applicant shall be notified via email or in writing if preferred, by first class mail of the action on the application. Notice to the applicant shall specify the basis for any denial of the application, which may include the copy of the meeting minutes at which action was taken.

E. Standards of Approval: An application for a Special Event shall be approved if it meets the following:

1. The application is satisfactorily complete according to Section 5.
2. The property on which the Special Event is to be conducted is not subject to delinquent property taxes.
3. The Owner or Operator has not applied for and has not been issued more than four (4) Special Event Permits for the same or similar type of event during any calendar year.

#### SECTION 6: OPERATIONAL REQUIREMENTS AND STANDARDS

A. General Compliance: Special Events, Owners and Operators shall comply with the requirements and standards of this Section and any conditions that may be made part of an approval of a Special Events application.

1. Ordinance Compliance: Special Events shall comply with all applicable township ordinance regulations.
2. Tents, Buildings and Structures: All tents, buildings and structures erected or used for a Special Event shall comply with the following:
  - a. Shall be of such sizes and locations so as not to have a substantial negative impact on surrounding properties due to such matters as visibility, accessibility, traffic flow, parking and other site issues.
  - b. Shall be installed, constructed, used, occupied and maintained in compliance with the provisions of federal, state and local rules and regulations.
  - c. Shall be removed at the conclusion of the Special Event or upon the expiration of the Special Event Permit, whichever occurs first, or as otherwise specified on the permit.

#### B. Environmental Protection.

1. Operations shall meet federal, state and local environmental health requirements, including those of the Allegan County Department of Public Health, pertaining to adequate and safe supply of potable water; restroom facilities; food and beverage storage, handling and servicing; disposal of solid waste; and all other operations having bearing on environmental health.
2. The establishment and operation of a Special Event shall conform to federal, state and local rules and regulations regarding the protection of environmental resources including the soil erosion and sedimentation requirements of the Allegan County Drain Commissioner and the Michigan Department of Environmental Quality requirements regarding wetlands, stream crossings and water quality protection.
3. 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. Temporary installation of electric, including generators and/or extension cords shall be approved by the building department and must be in compliance with standards for such temporary uses.
4. 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. 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-way.



5. Emergency Services. Adequate emergency services shall be provided as may be directed so by the Allegan County Sheriff and the Lee Township Fire Chief, including adequate facilities for communication with emergency service providers. Emergency services ingress and egress areas shall remain open at all times and shall be designated as such by signs or personnel.

6. Sound Producing and Amplifying Equipment. Sound producing and amplification equipment shall be operated so as to minimize nuisance conditions upon nearby properties. Sound levels shall comply with the regulations of the Lee Township Noise Ordinance. No sounds emanating from a Special Event shall be a nuisance or disturbance to the peace and tranquility of the citizens of the Township. Amplified sound shall not occur between the hours of 10:00 p.m. and 8:00 a.m.

7. Public Health, Safety and Welfare. The application demonstrates that within the context of the subject property and surrounding area, all operational aspects of the proposal are practical and clearly capable of being implemented as presented, and support the protection of public health, safety and welfare, including parking, circulation, location of gathering areas and temporary and permanent structures, lighting and noise levels.

#### SECTION 7: REVOCATION and SUSPENSION

A. Authority and Basis: The Ordinance Administrator may revoke, cancel, suspend or modify a Special Events Permit if he/she determines that one (1) or more of the following conditions is true:

1. Error. The Special Event Permit or any portion thereof was issued in error.
2. Inaccurate. The Special Event Permit application and/or supporting information is incorrect, inaccurate or false in any manner, including in the case where the applicant knowingly or unknowingly made a false, misleading, or fraudulent statement in the application materials.
3. Noncompliance with Permit. There exists noncompliance with the terms or conditions of the Special Event Permit.
4. Public Welfare. The Special Event substantially threatens the public health, safety or welfare.
5. Other Laws. There exists a violation of federal, state or local law in connection with or related to the Special Event.

B. Suspension: If the Ordinance Administrator suspends a Special Event Permit, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Administrator before continuing with the preparation for and/or conducting of the Special Event.

C. Grounds for Future Denial: Revocation and/or suspension of a Special Events Permit may be grounds for the denial of any and all future applications for similar events where the Owner and/or Operator are the same applicants.

#### SECTION 8: DISPLAY of PERMIT

It shall be the responsibility of the Owner to prominently display the Special Event Permit, and any Persons engaged in the sale of food, food products and/or beverages regulated by federal, state or local law shall prominently display required food and/or beverage permits. Such prominent display shall be within ten (10) feet of the road right-of-way adjacent to the primary entry point to the Special Event and shall be protected from weather conditions.

#### SECTION 9: FEES

An application fee shall be established by resolution of the Township Board. No deliberations shall be initiated on an application until such application fee has been paid. The Township Board may require the payment of an additional professional review fee when it is determined that professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the Special Event. No final action shall be taken on an application prior to the payment of all fees associated with the application.

#### SECTION 10: VIOLATIONS, PENALTIES and REMEDIES

A. Violations are a Nuisance Per Se: Any Special Event that is commenced or conducted, or any modifications to property that are initiated in preparation for a Special Event, in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se. Any Owner or Operator who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, or Ordinance Administrator issued pursuant to this Ordinance, shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se and may be abated by Order of any court of competent jurisdiction.

B. Penalties: Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500 and costs of prosecution or by imprisonment in the County jail for a term not to exceed 90 days, or by both fine and imprisonment in the discretion of the court. Each day that a violation of this Ordinance exists shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance. Provisions of this Ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

#### SECTION 11: SEVERABILITY

Sections of this Ordinance and amendments thereto shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid by court decree. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

#### SECTION 12: EFFECTIVE DATE.

This ordinance is hereby declared adopted by the Township Board of the Township of Lee at the meeting thereof held on 4-11-2022 and ordered to be given publication in accordance with the statutes made and provided. This ordinance shall take effect and shall be in force the day after publication of this ordinance.

#### CERTIFICATION

I, Heather Friel, Township Clerk, hereby certify that the above ordinance was passed by the Lee Township Board of Trustees on 4-11-2022



**TOWNSHIP OF LEE****CERTIFICATE OF ADOPTION**

I, **HEATHER FRIEL**, Township Clerk of Lee Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Lee Township Board held on April 11, 2022, the Board adopted Ordinance No. 2032 to become effective June 9, 2022; upon motion from OWEN and with support by GALDIKAS, the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes:            Scott Owen  
                    Heather Friel  
                    Lisa Galdikas  
                    Ann Hatfield

Absent:          Jessie Lowery

I do further certify that following the adoption of the Ordinance on April 11, 2022, a summary of the Ordinance, with notice of its adoption and where a true copy can be inspected or obtained, was published in the Kalamazoo Gazette (M-Live) on Sunday, May 8, 2022, and within seven days thereafter entered into the official Ordinance Book of the Township.

Dated: 5-13, 2022

**LEE TOWNSHIP**

Heather Friel  
Heather Friel, Clerk

Attest:

Scott Owen  
Scott Owen, Supervisor

# Lee Township

Allegan County, Michigan

877 56<sup>th</sup> St, PO Box 427, Pullman, MI 49450 269-236-6485

## SPECIAL EVENT PERMIT APPLICATION

*Submission of Application must be made at least 90 days in advance of event.*

**Important Notice to Applicants:** This application must be completed in full and submitted to the Township Supervisor along with the **\$100.00 Permit Fee (check made out to Lee Twp)**. If an electrical inspection is needed, an additional electrical permit/fee will be required. If additional space is needed, number and attach additional sheets. Approval of this application is required before a Special Event Permit can be issued pursuant to the Lee Township Special Event Ordinance. The initiation of the construction or erection of a Special Event, including a building or structure to be part of such Special Event, prior to the issuance of a Special Event Permit, is a violation of the Lee Township Special Event Ordinance. The applicant is advised to thoroughly review the Lee Township Special Event Ordinance prior to completing this application.

### Part One: Applicant/Landowner/Sponsor/Property Information

1) **Applicant:** \_\_\_\_\_  
Name Street Address City/State/Zip Telephone

2) **Landowner:** \_\_\_\_\_  
(if different than applicant) Name Street Address City/State/Zip Telephone

3) **Event Sponsor:** \_\_\_\_\_  
(if different than applicant) Name Street Address City/State/Zip Telephone

4) **Contacts Information:** Contact information during the event including set-up and tear-down/clean-up:

\_\_\_\_\_  
Name Street Address City/State/Zip "24-7" Telephone #

5) **Applicant's Interest in Property:** ☐ Owner ☐ Lessee ☐ Buy Option ☐ Event Sponsor

6) **Event Property Address:** \_\_\_\_\_

7) **Property Acreage:** \_\_\_\_\_

8) **Property Tax #:** \_\_\_\_\_

9) **Existing Use of Property:** \_\_\_\_\_

10) **Legal Description** (attach sheet if necessary) \_\_\_\_\_

11) **Names, addresses, phone #s** of all other persons or entities having legal or equitable interest in the land not otherwise listed in (1) or (2):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### For TOWNSHIP USE Only

<b>Application Number:</b>	<input type="checkbox"/> Approve <input type="checkbox"/> Approve with Conditions <input type="checkbox"/> Deny
<b>Date Received:</b>	
<b>Fee Paid (Check #)</b> <b>Date Received</b>	
Conditions Noted:	
<b>Copy of Application Sent To For Review:</b>	
<b>Other Notes:</b>	



## Part Two: Special Event Information

- 1) Date of Event: \_\_\_\_\_
- 2) Name of Event: \_\_\_\_\_
- 3) Estimated Number of Attendees at Event per Day: \_\_\_\_\_
- 4) Estimated Number of Workers/Staff/Assistants at Event per Day: \_\_\_\_\_
- 5) Date(s) of: Event Set-Up: \_\_\_\_\_ Event Tear-Down/Clean-Up: \_\_\_\_\_
- 6) Start Time of Event for Guests: \_\_\_\_\_
- 7) End Time of Event for Guests: \_\_\_\_\_
- 8) Is Outdoor Music or Entertainment to be Provided? ☐ Yes ☐ No
- 9) If YES, specify start time: \_\_\_\_\_ End time: \_\_\_\_\_
- 10) Alcoholic Beverages Will Be: ☐ Prohibited ☐ Provided ☐ Permitted to be Brought into the Event  
(Check all that apply)
- 11) The Event Will Be Principally Conducted: ☐ Indoors ☐ Outdoors ☐ Both indoors and outdoors

## Part Three: Supporting Documents

The following materials shall be submitted along with this completed application form.

- A. **Proof of Property Ownership:** Include proof of ownership of the property by applicant/landowner/sponsor such as a warranty deed, land contract or other evidence of interest in the property.
- B. **Plot Plan:** Include graphic depiction of special event property and event operations including proposed locations of tents; structures; entertainment areas including stages; parking areas; ingress and egress points; portable restrooms; solid waste storage locations; and similarly planned features of the special event.
- C. **Detailed Description:** Include a detailed description of the proposed special event including proposed tents, structures and other modifications to the site; proposed parking areas, access points to and from the property, and traffic control measures to minimize safety hazards and congestion; proposed measures and locations for portable restrooms, solid waste storage and disposal, and litter control; the nature of any entertainment to be provided and the location of such entertainment areas, and any sound amplification devices including a list of all sound producing and amplification equipment with an indication as to amplification capacity, number of units to be used, location and placement of such units, and their method of operation; the location of emergency services and facilities that may be part of the operations; measures to ensure outdoor lighting (if applicable) will not result in nuisance illumination beyond the boundaries of the special event property; and other event features as may be applicable.
- D. **Insurance Policy:** Include copy of insurance policies naming the Township as an additional insured for one million dollars (\$1,000,000) and indicating that the policy applies to the Special Event.
- E. **Indemnification Agreement:** A signed agreement to defend, indemnify, and hold harmless Lee Township from any claim, demand, suit, loss, cost, or damage. Lee Township shall provide the required Agreement for execution by the applicant/landowner.

## Part Four: Affidavit

I (we) agree the statements made above are true and if found not to be true, any permit that may be issued may be voided. I (we) agree to comply with the Special Event Ordinance and any conditions that may be made part of an approved application. I (we) agree to permit officials of Lee Township, the County and the State to enter the property subject to this permit application for purposes of inspection.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Signature(s)

Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Owner's(s) Signature(s)  
(if different than applicant)

Date

**Lee Township**  
Allegan County, Michigan

**Special Event Permit Application**  
**INDEMNIFICATION AGREEMENT**

I/we \_\_\_\_\_ agree(s) to defend, indemnify, and hold harmless the  
(landowner/applicant/sponsor)

Township of Lee, Allegan County, Michigan, from any claim, demand, suit, loss, cost of expense or any damage which may be asserted, claimed or recovered against or from

\_\_\_\_\_,  
(landowner/applicant/sponsor)

by reason of any damage to property, personal injury, or bodily injury, including death, sustained by an person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the Special Event, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the Township of Lee or by third parties or by the agents, servants, employees or factors of any of them.

Special Event Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Landowner Name: \_\_\_\_\_

(if different than applicant)

Landowner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Sponsor Name: \_\_\_\_\_

(if different than applicant)

Sponsor Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_