

**PARMA TOWNSHIP
JACKSON COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 2018-15**

At a ^{Special} regular meeting of the Township Board of Parma Township, Jackson County, Michigan, held at the Parma Township Hall on Dec 27, 2018, at 12:00 p.m., Township Board Member Chamberlain moved to adopt the following ordinance, which motion was seconded by Township Board Member Deemyer:

An Ordinance to amend the Parma Township Zoning Ordinance, as amended, to clarify the requirements for Large Gatherings.

PARMA ~~TOWNSHIP~~ TOWNSHIP, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16:
Zoning Ordinance Article VIII, Section 8.16, is amended to read as follows:

Section 8.16 LARGE GATHERINGS. Large Gatherings include events such as circuses, carnivals, theatrical exhibitions, public shows, festivals, concerts, weddings, and other similar forms of entertainment, amusement, or exhibitions, outdoor gatherings, or assemblies which attracts in excess of fifty (50) persons, as well as any gathering or assembly that would require a rally permit or a temporary campground license. Large Gatherings do not include regular church functions conducted on church property, regular school functions held on school grounds, or governmental functions. Large Gatherings shall require a permit, applied for and obtained as hereinafter described, for each such gathering or assembly.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.1:
Zoning Ordinance, Article VII, Section 8.16.1 is amended to read as follows:

8.16.1 Application for Permit

- A. Application for a permit to conduct a Large Gathering shall be made in writing on forms provided by the Parma Township Clerk at least sixty (60) days prior to the date of the proposed gathering or assembly. Each application shall include the following information:
1. The name, age, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the article of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.
 2. A statement of the kind, character, and type of the proposed Large Gathering.
 3. The address, legal description and proof of ownership of the site which the proposed Large Gathering is to be conducted. Where ownership is not vested in the prospective applicant, he or she shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed Large Gathering.

4. The date or dates and hours during which the proposed Large Gathering is to be conducted. If substantially similar events are scheduled to take place at the same location on multiple dates within 60 days of a prior event, the Township Board may, at its sole discretion, allow a single application to be used to obtain a permit for more than one event in a single calendar year.
5. An estimate of the maximum number of attendants expected at the Large Gathering for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.
6. A detailed explanation, including drawings and diagrams where applicable, of the plan to provide for the following:
 - a. Police and fire protection, as well as security to be provided while the event is operational.
 - b. Food and water supply and facilities.
 - c. Whether alcoholic beverages will be provided and served, and, if so, whether proper licenses have been obtained regarding the same
 - d. Health and sanitation facilities, including the type, location of, and frequency of trash or garbage disposal.
 - e. Medical facilities and services, including emergency vehicles and equipment.
 - f. Potential traffic concerns, including a description of the volume and frequency of increased traffic, and, if alcoholic beverages are to be served at the event, how the prospective applicant will prevent drunk driving.
 - g. Vehicle access and parking facilities.
 - h. Camping and trailer facilities.
 - i. Duration of the Large Gathering
 - j. Security to be provided while a Large Gathering is occurring, including plans that ensure events shall end on a timely and consistent basis;
 - k. Illumination facilities.
 - l. Communications facilities.
 - m. Noise control and abatement.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed Large Gathering.

- B. Upon receipt of an application for a Large Gathering, the Clerk shall forward copies of the application to the Parma Township Police, Jackson County Health Department, the Parma

Township Building Inspector, and other appropriate public officials as the Clerk deems necessary. The Clerk shall also forward copies of the application to the Parma Township Board. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof, shall report their findings and recommendations in writing to the Parma Township Board.

SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(5): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(5) is amended to read as follows:

5. Medical Facilities. If a Large Gathering is not readily and quickly accessible to adequate existing medical facilities, the applicant may be required to provide such facilities on the premises of the gathering or assembly. The kind, location, staff strength, medical, and other supplies and equipment of such facilities shall be as prescribed by the Jackson County Health Department.

SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(10): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(10) is amended to read as follows:

10. Parking. All parking must be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved. There shall be sufficient on-site parking provided to accommodate all vehicles related to the events with no on-street parking or parking on a neighboring parcel without the written permission of the owner and occupant of that parcel, but in no case shall the applicant provide less than one automobile space for every four (4) attendants. All parking areas shall be clearly marked and shall be adequate to satisfy the volume of anticipated or actual use. Dust and drainage from the parking area shall not create a nuisance or hazard to adjoining property or uses. Parking shall not be within any recorded conservation easement.

SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(12): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(12) is amended to read as follows:

12. Illumination. The applicant shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The applicant's lighting plan shall be approved by the building inspector, and must include specific measures to prevent light from interfering with the use or enjoyment of neighboring properties.

SECTION 6. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(13): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(13) is amended to read as follows:

13. Insurance. Before the issuance of a permit, the applicant shall obtain public liability insurance with limits of not less than \$500,000.00 and property damage insurance with a limit of not less than \$250,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the Gathering or conduct incident thereto. Such insurance shall remain in full force and

effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement requiring the insurance company to notify the Clerk of Parma Township in writing at least 10 days before the expiration or cancellation of such insurance. The insurance required by this section shall name Parma Township as an additional insured. A certificate of insurance shall not be adequate to satisfy the requirements of this Subsection; a copy of the policy or policies meeting the requirements of this Subsection shall be required.

SECTION 7. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(15): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(15) is amended to read as follows:

15. Fire Protection. The applicant shall, at his or her own expense, take adequate steps to insure fire protection, as determined by the state fire marshal. Applicant must demonstrate, via specific written plans approved by the Township, that all structures related to a Large Gathering are structurally safe and adequately protected against the risk of fire. The maximum occupancy of all such structures shall be included in any application for a Large Gathering.

SECTION 8. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(16): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(16) is amended to read as follows:

16. Fencing. The applicant shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which shall have sufficient gates properly located so as to provide ready and safe ingress and egress. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.

SECTION 9. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(18): Zoning Ordinance, Article VII, Section 8.16.2, Subsection (C)(18) is amended to read as follows:

18. Setbacks. All Large Gatherings shall be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved.

SECTION 10. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(19): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(19), which shall read as follows:

19. Indemnification. Applicant shall provide a notarized written statement, satisfactory to the Township, indemnifying and holding the Township and its personnel harmless for any loss, damage, personal injury, or other liability associated with a Large Gathering. This statement shall include a provision agreeing to pay any attorney's fees the Township incurs in defending itself in a suit related to a Large Gathering occurring on the relevant property or the activities occurring as part of such events, including if such a suit is filed challenging the approval of a permit authorized by the Section.

SECTION 11. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(20): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(20), which shall read as follows:

20. Alcohol Service. If alcohol is made available on the premises, it shall be delivered on through individuals/entities properly licensed to dispense alcohol pursuant to Act 58 of 1998, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable federal, state or local law.

SECTION 12. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.16.2, SUBSECTION (C)(21): Zoning Ordinance, Article VII, Section 8.16.2, is amended to add the new Subsection (C)(21), which shall read as follows:

21. Miscellaneous. Prior to the issuance of a permit, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township of Parma.

SECTION 13. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 14. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 15. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and ~~publication prior to final adoption~~, the above Ordinance was offered for final adoption by Chamberlain and was supported by Deemyer at a regular meeting of the Parma Township Board, held at the Parma Township Hall on the ~~27~~ day of Dec, 2018, at 12:00 p.m., the vote being: 27

YEAS: Chamberlain, Deemyer, Spangler, Motney, Engelter

NAYS: none

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain

Wendy Chamberlain, Township Supervisor