

TOWNSHIP OF FLORENCE
COUNTY OF ST. JOSEPH, STATE OF MICHIGAN
FLORENCE TOWNSHIP ORDINANCE NO. 118
OUTDOOR FESTIVALS AND CONTESTS ORDINANCE

Adopted: July 19, 2010

Effective: August 27, 2010

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Florence Township, St. Joseph County, Michigan, by the regulation of outdoor gatherings, festivals and contests within the Township; by requiring a permit for such gatherings, festivals and contests; to prescribe sanctions for the holding or operating of an outdoor gathering, festival or contest without a permit or in violation of the provisions of the ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

FLORENCE TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN
ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known and cited as the Florence Township Outdoor Festivals and Contests Ordinance.

SECTION 2

DEFINITIONS

- A. The term “exhibition(s)”, “contest(s)” and/or “festival(s)” as used herein shall refer to horseback riding exhibitions and contests, cattle roping exhibitions and contests, outdoor festivals, concerts, art and craft shows, patriotic, historic and cultural festivals and similar temporary outdoor events at which more than 40 persons (including staff and employees) are expected to attend. The term “event” as used herein shall refer to exhibitions, contests

and festivals. Any time the term "event" is used, the provision applies to exhibitions, contests, and festivals.

- B. "Event does not pertain to temporary outdoor festivals conducted on school, church or public property as an accessory to the principal use and this Ordinance shall not be deemed to prohibit or require a permit for a temporary outdoor festival or similar temporary outdoor event conducted on school, church or public property as an accessory use to the principal permitted use conducted on the property.
- C. "Event" does not pertain to birthday parties, graduation open houses, weddings and the like held infrequently as an accessory use to a primary residential use, and this Ordinance shall not be deemed to prohibit or require a permit for a birthday party, graduation open house, wedding or other outdoor gathering held infrequently at a residence within the Township.
- D. "Event" shall not refer to uses accessory to banquet halls and this section shall not be deemed to prohibit or require a permit for a temporary outdoor event conducted on banquet hall property.

SECTION 3

EVENTS PERMITTED

- A. Events shall be permitted on any Florence Township parcel at least five (5) acres in size subject to the following conditions:
 - 1. The event (including scheduled practices for the same) shall occur for no more than three (3) consecutive days.
 - 2. There be no limitation on the number of events that may occur on the same parcel within a calendar year.
 - a. Once a permit has been issued for a particular parcel in accordance with section 4, below, the permit holder shall provide a proposed calendar of events to the Florence Township Board on or before April 15 of each year.
 - 3. The minimum parcel size for the holding of an event is five (5) acres.
 - 4. The event shall not take place during the hours of 12:00 a.m. and 7:00 a.m. The Township Board shall have the authority to impose a greater, but not lesser, time limit on the event if the Board determines, in its sole reasonable discretion, that, given the nature of the proposed event, the subject property and/or the surrounding properties, such a time limit is necessary to satisfy the standards of

this Ordinance for the granting of the requested special exception use approval.

5. The event shall not materially interfere with traffic circulation, required off-street parking, or pedestrian safety. If an event is to occur on a parcel with road frontage on any designated state or federal highway, parking shall occur only on the parcel and no parking shall be permitted along the street.
6. Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and/or off-site. At a minimum, the applicant shall provide not less than one (1) parking space for every four (4) persons (including staff and employees) anticipated to be in attendance at the event.
7. On-site parking shall be cordoned off to prevent pedestrian/vehicular conflicts.
8. Setbacks for all temporary structures and displays shall meet all Zoning Ordinance requirements.
9. The event shall have a minimum setback of 25 feet from any property line bordering a residential use.
10. Toilet facilities, refuse containers, and security personnel shall be provided in adequate number to reasonably accommodate the amount of people anticipated at the event. Refuse containers shall be located so as to be readily accessible to persons in attendance at the event.
11. All lighting for the event shall be directed away and shielded from adjacent residential areas.
12. The event shall not generate noise of such a volume or character as to unreasonably disturb the occupants in the vicinity of the subject property. In determining whether a proposed temporary event will satisfy this standard, consideration should be given to the volume and character of noise generated from other lawful activities conducted in the vicinity of the subject property.
13. The event shall be conducted in compliance with all applicable requirements of state law and Township Ordinances.
14. At the completion of each event, the property shall be restored to its condition that it was prior to the event. Any items such as toilets refuse containers, any displays, props or other items used for the event must be removed, or placed inside an enclosed structure.,

15. If food is contemplated to be provided at an event, an applicant must demonstrate compliance with the food service and safety requirements of the Branch-Hillsdale-St. Joseph Community Health Agency. A letter from the Health Department may serve as proof of compliance with food service requirements if the same so states.
16. On-site overnight camping shall be permitted in recreational vehicles, motor homes, or other self-contained mobile sleeping units in numbers not to exceed those permitted by the State of Michigan and the Branch-Hillsdale-St. Joseph Community Health Agency. No more than 12 tents shall be permitted at any time. If camping in excess of the numbers permitted by 1978 PA 368, the applicant must provide a valid campground license for the year in question at the time of the making of the application and must yearly provide a campground license on or before April 15, of the current year. If an applicant fails or refuses to obtain or provide a campground license, no more than the number permitted by state statute are permitted to stay overnight on premises where events are held.
17. All applications for Outdoor Gatherings, Festivals or Contests shall be made to the Township Board no less than 6 weeks prior to the first scheduled event. The letter shall contain the following information:
 - a. The name and address of the applicant
 - b. The name and address of the property owner
 - c. The anticipated maximum number of persons in attendance at the proposed event(s).
 - d. The date(s) and time(s) during which the event is proposed to be held. When approval is requested to be conducted on a recurring basis as provided in Section 4 below), the Township Board may waive all or part of this informational requirement for succeeding occasions to the extent that the it deems such information unnecessary to assure that the event satisfies the standards provided within this Ordinance.
 - e. The proposed location and number of parking spaces.
 - f. The insurance and bonding arrangement for the event, if any, with accompanying documentation of the same.
 - g. The number and type of security persons proposed for the event.

18. All applications for event permits must be accompanied by a site plan of the subject property, containing at a minimum the following information:
 - a. A north arrow
 - b. All property lines with their dimensions
 - c. Location and dimensions of all existing and proposed temporary structures on and within 25 feet of the subject property.
 - d. The location and number of all toilet facilities to be established on the subject property.
 - e. The location of all existing and proposed exterior lighting to be established on the subject property.
 - f. The name of the party or parties preparing the site plan.
19. The Township Board shall have authority to require additional information if it reasonably determines that, given the nature of the proposed event, the subject property and/or the surrounding properties, such information is necessary to determine whether the requested event satisfies the standards of this ordinance for the granting of the requested permit.

SECTION 4

GRANTING OF PERMIT AND RECURRING NATURE THEREOF

- A. The Township Board shall have the authority to approve the holding of an event and may grant a permit for the holding thereof if it determines that the provisions of this Ordinance have been complied with.
- B. The Township Board shall have authority to approve the holding of an event on a recurring basis, for such time period as the Township Board shall specify, provided that the Township Board is satisfied that the event will continue to be conducted in compliance with the application.
- C. Permits may be granted on a recurring basis for a period of more than one year in length subject to the permit holder's provision of a campground license (if required by the state and if outdoor camping is anticipated) and a schedule of events, to the Township Board on or before April 15 of each calendar year.

SECTION 5

SEVERABILITY

The provisions of this ordinance are declared to be separate and the holding of any Court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION 6

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any permit issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- C. The following circumstances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:

1. The holding of an event at which more than sixty (60) persons (including staff and employees) attend without first having obtained a permit from the Township Board.
2. The holding of an event without first having obtained a permit from the Township Board.
3. The holding of an event for which a permit has been obtained outside of the parameters by which said permit was obtained.
4. Serving food or permitting camping at an event without a permit or license from the County Health Department and/or any state agency charged with the issuance thereof.

D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

| | | Minimum Fine | Maximum Fine |
|-----|---------------------------|-----------------|-----------------|
| --- | 1st offense | \$ 150.00 | --- |
| --- | 2nd offense | \$ 325.00 | --- |
| --- | 3rd or subsequent offense | \$ 500.00 | --- |

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

SECTION 7

CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8

EFFECTIVE DATE

This ordinance shall become effective 30 days after publication after adoption.

Connie Steffel
Florence Township Clerk
64010 Burgener Road
Constantine, MI 49042