

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

MASS GATHERING ORDINANCE NO. 119 AS AMENDED

A) Village of Empire Mass Gathering Ordinance No. 119, is deleted and replaced by:

AN ORDINANCE TO PROVIDE A PERMITTING PROCEDURE FOR MASS GATHERINGS TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL. THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions

The following terms, as used in this Ordinance, are hereby defined to mean:

1. **Permittee** shall mean any person to whom an approval is issued pursuant to this Ordinance.
2. **Person** shall mean any natural person, partnership, corporation, Limited Liability Company, association, organization or other legal entity.
3. **Mass Gathering** shall mean an organized outdoor event of three-hundred fifty (350) 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 sponsored by the Village itself, and/or garage/yard sales held at private property, churches, or civic organizations occurring entirely upon the grounds of said private property church or organization.
4. **Sketch Plan** shall mean a composite drawing on a Village Map that identifies the specific locations of each required amenity and layout of the specific site which includes all requirements of an application.
5. **Sponsor** shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted, a mass gathering.
6. **Village** shall mean the Village of Empire.

Section 2. Permit Requirements.

2.1 Necessary of Permit and Notification.

A permittee shall not sponsor, maintain, conduct, promote or permit a mass gathering event in the Village without first obtaining a permit from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, promote or permit an organized outdoor even of any size in conjunction with or on the same date and at the same location as a mass gathering without first being included in the application of and being included on the approved permit for the mass gathering.

2.2 Application for Permit.

No less than ninety (90) days before the proposed mass gathering, except as provided for in Section 2.6, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering permit to the Village's Enforcement Officer on such forms and in such manner as the Village prescribes.

For the application to be considered by the Village of Empire, the application shall be determined by the Village Enforcement Officer to be administratively complete and shall contain:

1. The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
2. The date(s), hours, location, and duration of a mass gathering, and the proposed use(s) of any Village-owned property, if any;
3. A description of the kind, character and type of mass gathering proposed;
4. A written statement from the property owner consenting to the use of the property for the proposed mass gathering;
5. An estimate of the maximum number of people expected to attend the proposed mass gathering;
6. A detailed written statement that indicates how the sponsor(s) will provide for the following:
 - a. Police and fire protection;
 - b. Medical facilities and services, including emergency vehicles and equipment;
 - c. Food and water supply facilities;
 - d. Sanitation facilities;
 - e. Vehicle access and parking facilities;
 - f. Cleanup and waste disposal;
 - g. Noise control; and
 - h. Insurance and bonding arrangements.
7. A sketch plan shall be included with the application which shows at a minimum, areas of staging, parking (i.e., public and private), sanitation facilities, emergency corridors and first-aid stations, ingress and egress locations, traffic control, pedestrian crossing areas, waste disposal, food service (if any), and water facilities and resources.
8. The applicant shall attach a letter from all required entities that they have received a copy of the application and that the applicant/application complies with their requirements.
9. The names and mobile phone numbers(s) of the on-site event coordinator representing the applicant/application organization.
10. Plan for traffic control, if deemed necessary by the Village Enforcement Officer, including the number, location(s) and traffic control goal(s) for on-site traffic control volunteers provided by the applicant.

11. A mass gathering event that is planned to also occur within additional adjoining jurisdictions, e.g., Empire Township, the applicant shall provide proof of notification of the planned event to those jurisdictions.

2.3 Application Fee.

Each application for a mass gathering permit shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village Fee Schedule.

2.4 Action on Application.

After receiving an application for a mass gathering permit, the Village Enforcement Officer or his/her appointee, shall review the information contained in the application, and if necessary, investigate and determine the impact of the proposed mass gathering, using the following criteria:

1. Suitability of the site for the proposed mass gathering,
2. Length of the mass gathering, the number of people anticipated to attend,
3. Conflict with other uses of the site,
4. Information received from the County Sheriff, County Emergency Medical Resources and Township Fire Department relating to increased demands,
5. Plans to provide adequate food, water facilities and sanitation facilities,
6. Disposal of solid waste and garbage,
7. Impact on traffic patterns, vehicle parking to and within the site, and applicant's ability to provide controls, and
8. Impact on pedestrian routes to and within the site and the applicant's ability to provide controls.

Prior to granting the permit, the Village Enforcement Officer may at their discretion, seek guidance from the Village Council with regard to the terms and conditions necessary for the issuance of a permit.

If the proposed mass gathering proposes to use Village-owned property, the Village Council must review and approve the proposed use(s) of Village-owned property at the next regular Village Council meeting and before the Village Enforcement Officer can make a final decision on any administratively complete application.

Within thirty (30) days after receiving an application for a mass gathering permit, the Village Enforcement Officer shall either:

1. Approve or conditionally approve the application and issue the mass gathering permit;
2. Deny the mass gathering permit for failure to comply with this Ordinance; or
3. Deny for lack of the provision of a complete application by the Applicant.

If the application is denied, 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.

The Village Enforcement Officer may attach any conditions to the issuance of such a permit which, at his or her sole discretion, deems necessary to protect the public health, safety and welfare.

2.4.1 Village Ambassador.

The Village Council may engage and compensate Village Ambassador(s) to ensure on-site, the commencement and completion of permitted mass gathering events in conformance with this ordinance. The Village Enforcement Officer shall provide the permittee with the name and contact information for an event assigned Village Ambassador(s).

If the proposed mass gathering event is planned that would overlap with another mass gathering event within the Village, the permittee of the second mass gathering may be asked to demonstrate how the proposed mass gathering event will be compatible with the first permitted mass gathering event(s). The review of such permit applications will be on a first-come, first-served basis. The Village Enforcement Officer shall determine mass gathering events compatibility for simultaneous events by the criteria outlined in Section 2.2 of this Ordinance.

2.5 Requirement for Applicant's Reimbursement to the Village.

1. Additional Cost Determination

After the event, the Village Enforcement Officer will, in consultation with the Village DPW and Clerk, review and determine if additional costs – in services or personnel – were incurred by the Village due to the event. The permittee shall be responsible for reimbursing the Village for those additional costs. Since most events are held on weekends, overtime rates will apply.

Those additional costs shall not include any Village regularly scheduled activities or personnel schedules that would normally be scheduled on the specific dates(s).

2. Reimbursement Requirement for Village Employees

Determination for Village staff 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. Reimbursement shall be based on all costs associated to the specific employee including, but not limited to, regular or overtime pay, fringe benefit reimbursement and insurances.

3. Reimbursement Requirement for Village Equipment or Supplies

Reimbursement to the Village for equipment, vehicles or supplies and services such as refuse disposal cost 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 Treasury at the time of the event.

4. Reimbursement Payment to the Village

All cost reimbursements due to the Village must be paid in full within thirty (30) days after the final date of the event. The Village shall use any legal means necessary to collect any unpaid cost reimbursements. Non-payment of reimbursement cost may jeopardize any

future events scheduled for the permittee and can be grounds for denial of future applications.

The Village Enforcement Officer may require the applicant to post a two thousand-dollar (\$2,000.00) performance bond or cash security deposit as a condition of granting the permit if, in said officer's sole discretion, such performance bond or cash security deposit is necessary to ensure the Village will be reimbursed for its costs as provided for in this Ordinance.

2.6 Exemption from Other Ordinances.

It is the express intent of the Village that all mass gatherings held within the Village shall be governed by this Ordinance and shall therefore be exempt from the provisions of similar Empire Township or Leelanau County ordinances not specifically adopted by the Village Council. The Village Enforcement Officer may accept or reject any review, decision, determination or recommendation by Leelanau County or its officers for any event held or to be held within the Village limits.

Section 3. Village Enforcement Officer.

Unless and until a different person is assigned the authority and duties of the Village Enforcement Officer under this Ordinance, all of said authority and duties shall be performed by the Village's Zoning Administrator who shall serve as the Village Enforcement Officer during such time.

Section 4. Appeals Process.

An aggrieved applicant may appeal any decision of the Village Enforcement Officer to the Village Council. All such appeals shall be filed and heard prior to the event's occurrence. No appeal of the costs imposed by this Ordinance shall be considered for any event after the event's occurrence. The Village Council's decision shall be final for the purposes of this Ordinance.

Section 5. Violations.

5.1 Municipal Civil Infractions.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions set forth in the Municipal Civil Infractions Ordinance of the Village of Empire as such ordinance may be amended from time to time. Each day this Ordinance is violated, it shall be considered as a separate violation.

5.2 Enforcement Officials.

The officers of the Leelanau County Sheriff's Department and the Village Enforcement Officer provided for in this Ordinance are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violations of this Ordinance to appear in court.

5.3 Nuisance Per Se.

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

5.4 Civil Remedies.

In addition to enforcing this Ordinance 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.

B) Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

C) Effective Date

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.

D) Adoption

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the 10th day of November 2022.

Section 6. Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within thirty (30) days after adoption.



Dan Davis, President, Village of Empire



Derith Smith, Clerk, Village of Empire

Adoption Date: November 10, 2022
Publication Date: November 23, 2022
Effective Date: December 23, 2022

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on November 10, 2022. The following members of the Village of Empire Council were present at the meeting: Bacon, Barr, Chase, Davis, Dye, Palmer, and Rademacher.

The Ordinance was adopted by the Village of Empire Council with 7 members of the Council voting in favor (Bacon, Barr, Chase, Davis, Dye, Palmer, and Rademacher) and 0 voting against.

A copy of the Ordinance or a summary thereof was published in the Traverse City Record Eagle on November 23, 2022.



Derith Smith, Clerk, Village of Empire