

**OUTDOOR EVENT ORDINANCE  
LOWELL CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**GENERAL LAW  
ORDINANCE NO. 02-2022**

At a regular meeting of the Township Board for Lowell Charter Township held at the Township Offices on March 21, 2022, at 7:00 p.m., Township Board Member Anderson made a motion, seconded by Township Board Member Vanderziel to adopt this Ordinance:

**AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF LOWELL CHARTER TOWNSHIP, KENT COUNTY, MICHIGAN, BY THE REGULATION OF OUTDOOR EVENTS IN THE TOWNSHIP WHICH ARE OPEN TO THE PUBLIC; BY REQUIRING A PERMIT FOR SUCH OUTDOOR EVENTS; TO PRESCRIBE SANCTIONS FOR THE HOLDING OR OPERATING OF AN OUTDOOR EVENT WITHOUT A PERMIT OR IN VIOLATION OF THE PROVISIONS OF THE ORDINANCE; AND TO SPECIFICALLY REPEAL LOWELL TOWNSHIP ORDINANCE III, THE LOWELL TOWNSHIP OUTDOOR ASSEMBLY ORDINANCE AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**THE CHARTER TOWNSHIP OF LOWELL  
ORDAINS:**

**SECTION 1 TITLE**

This Ordinance shall be known and may be cited as the “Lowell Charter Township Outdoor Event Ordinance.”

**SECTION 2 PURPOSE**

The purpose of this Ordinance is to secure the public health, safety and general welfare of the residents and property owners of Lowell Charter Township by the regulation of certain outdoor events in the Township which are open to the public, by requiring a review and permit process, and to control the outdoor gathering of large numbers of persons in excess of those normally drawing on the health, sanitation, fire, police, emergency rescue, transportation, utility and other public services regularly provided in Lowell Charter Township.

**SECTION 3 DEFINITIONS**

The following words and terms shall have the following meanings for purposes of this Ordinance:

- A. Outdoor event or events: Any temporary outdoor gathering, including a festival, concert, political rally, public demonstration, public show, display, athletic activity or competition, any form of entertainment, amusement or exhibition or similar gatherings which are open to the public with or without a fee or donation required for entry or attendance.
- B. Person: Any natural person, corporation, firm, limited liability company, trust, association, business, partnership, or any other entity.
- C. Sponsor: Any person who organizes, promotes, conducts, or causes to be conducted an outdoor event.
- D. Attendant or attendee: Any person who participates in an outdoor event.

**SECTION 4 PERMIT REQUIRED**

A person shall not sponsor, operate, maintain, conduct, or promote an outdoor event in Lowell Charter Township without a permit for such event having been issued by the Township Zoning Administrator pursuant to this Ordinance. However, the Zoning Administrator may refer any decision regarding a permit for an outdoor event to the Township Board for review and approval.

**SECTION 5 EXCEPTIONS & OPERATION STANDARDS.**

- A. The following events are exempt from this Ordinance, but such exempt events shall still comply with Subsection 5B hereof.
  - 1. An event which is conducted, sponsored, or allowed by a governmental agency on land owned by or under the jurisdiction of the government agency.
  - 2. An event which is conducted by a public or private school organization on land owned or under the control of that organization.
  - 3. An event which is conducted by a church, mosque, synagogue or similar house of worship on the same parcel containing the house of worship.
  - 4. Private birthday parties, family reunions, graduation open houses, weddings, wedding receptions, private parties and similar events which are not open to the public and are held as an accessory use to a lawful principal use on the same property.
  - 5. An event which is conducted by a commercial or industrial business on land owned or under the control of such business where the event is related to the actual business operating on the property such as promoting a product or service provided by the business.
- B. Standards of Operation. The events listed in Section 5A shall be subject to the following regulations:
  - 1. The event shall fully comply with the Lowell Charter Township Noise Ordinance and Zoning Ordinance.

2. The event shall not result in or cause a hazard or nuisance to the adjacent or nearby users or uses of property.
3. The event shall not create unsafe vehicle or pedestrian traffic conditions or unreasonably interfere with the use of a public street or sidewalk.

## **SECTION 6 APPLICATION**

- A. All applications for an outdoor event as defined and regulated herein shall be made to the Zoning Administrator at least 14 days prior to the date of the proposed event. Each application shall be accompanied by a fee as set by the Township Board from time to time.
- B. In addition to the application fee, the applicant may deposit with the Township an amount of money as determined by the Township fee schedule to be held in escrow in accordance with the escrow policy of the Township to pay for any costs incurred by the Township in reviewing and acting upon the application.
- C. Application Requirements. Each application shall include all of the following information unless specifically waived by the Zoning Administrator as not being relevant to the particular permit application being requested:
  1. The name, email address and contact information of the applicant.
  2. The name, email address and contact information and signature of the property owner.
  3. Address and size of the parcel and the permanent parcel number of the property proposed for the event.
  4. The type and nature of the proposed outdoor event(s) and whether alcohol will be served or allowed to be brought into the event.
  5. The maximum number of persons estimated to attend the event including employees and volunteers.
  6. The date(s) and time(s) during which the event is proposed to be held.
  7. Evidence of insurance coverage for the event.
  8. Description of security measures.
  9. A statement describing food and water provisions and facilities and methods for distribution. A temporary food license must be obtained from the Kent County Health Department if the event is selling or giving away food. A copy of this temporary license shall be submitted with the Township event application.
  10. A description of any tents to be erected, lighting and electrical apparatus including generators proposed to be used, number of porta johns and other sanitation facilities which are to be provided. Permits for these items are required to be obtained from the Township Building Department. A copy of these permits shall be submitted with the Township event application.

11. A statement describing medical facilities and services including emergency services to be provided.
12. Fire prevention and firefighting procedures or arrangements.
13. A description of the type of noise to be generated such as music, loudspeakers, motors, and other equipment which might generate noise heard off site.
14. Description of waste disposal and site cleanup arrangements and procedures.
15. Description of parking facilities, including number of spaces provided.
16. Describe the need for personnel to direct traffic and how this will be done.
17. Methods to prevent trespass onto adjacent property.

D. Site Plan Requirements. All applications for outdoor event permits must be accompanied by three copies of a scalable and accurately drawn site plan of the subject property illustrating at a minimum, the following information, unless specifically waived by the Zoning Administrator as not being relevant to the particular permit application being requested.

1. A north arrow and scale.
2. All property lines with dimensions.
3. All natural features on the property such as wooded and wetland areas, lakes, ponds, rivers, streams, and creeks. An aerial photograph may be used to show these features, but they must also be illustrated on the site plan.
4. The distance to the nearest occupied dwelling unit on adjacent parcels as measured from the property line of the parcel containing the event and also illustrate all dwelling units within 300 feet. This may be shown on an aerial photograph.
5. Location of on-site activities and facilities including entrance and exit locations, fences, equipment, tents, stages, porta johns, food distribution areas, gathering areas, lights, trash containers and other areas and functions of the proposed event.
6. Layout of on-site and/or off-site parking lots to be used for the event showing dimensions of parking spaces and access aisles and driveway locations and dimensions. If off-site parking is proposed, illustrate how pedestrians will safely access the event site.
7. The name of the party preparing the site plan and date of plan preparation.

E. The Zoning Administrator shall have authority to require additional information if it is determined that, given the nature of the proposed event and the surrounding properties, such information is necessary to determine whether the requested outdoor event satisfies all of the standards and requirements of this Ordinance for the granting of the requested permit.

## **SECTION 7 EVENT REQUIREMENTS**

All outdoor events shall comply with all of the following requirements:

- A. Events are allowed only in the AG-1, AG-2, R-1, General Commercial and Light Industrial zoning districts pursuant to the Lowell Charter Township Zoning Ordinance.
- B. There shall be a minimum of 45 days between events on the same parcel.
- C. The duration of each event for which a permit is issued shall be no more than one day. This time period shall not include the days to set up the event and take down the event and vacate the site. However, where a proposed event is by its nature normally of a multi-day duration, the Zoning Administrator shall have the authority to grant a multi-day permit based on good cause shown by the applicant.
- D. An event may be open to the public no sooner than 8:00 AM. All event activities and associated support services shall cease by 10:00 PM. All attendees, organizers, employees, volunteers and others associated with the event shall vacate the premises by midnight and all lights shall be turned off except that security lights only may remain on and security personnel may remain on sight if items associated with the event remain on site.
- E. Overnight camping associated with the event is prohibited on the property.
- F. The event shall not materially interfere with traffic circulation on adjacent and nearby public streets or create unsafe parking or pedestrian conditions. If an event is to occur on a parcel with road frontage on a designated state or federal highway, parking shall occur only on the parcel and no parking shall be permitted along the street or in the street right-of-way or easement.
- G. 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 parking space for every four persons (including staff, employees and volunteers) expected to be in attendance at the event. Peak anticipated attendance shall be used to calculate the required parking for the event.
- H. On-site parking entrances shall be clearly signed and parking spaces and aisles marked to facilitate parking and safe vehicle movement and avoid pedestrian /vehicular conflicts. If off-site parking is approved for the event, safe pedestrian access to the event site shall be provided.
- I. The event and any of its associated activities (including parking) shall maintain a minimum setback of 100 feet from any property line abutting a parcel containing a residential use.
- J. Adequate security will be provided by the applicant, for the preservation of order and for the protection of the property in and around the event site. The application may be reviewed by the Kent County Sheriff's Department and/or the State Police, regarding the adequacy of the type, number, and provision of security personnel for the proposed event.
- K. Toilet facilities and refuse containers shall be provided in adequate number to reasonably accommodate the amount of people anticipated at the event. Refuse containers shall be located to be readily accessible to persons in attendance at the event.

- L. All lighting for the event shall be directed away and shielded from any adjacent residential areas.
- M. The event shall comply with Lowell Charter Township Anti-Noise, Public Nuisance Ordinance, Zoning Ordinance and all other applicable Township ordinances and codes.
- N. A permit shall be obtained from the Township Building Department for all electrical apparatus, tents, porta johns, and other items under the jurisdiction of the Building Department.
- O. The event shall be conducted in compliance with all applicable requirements of federal law, state law, country regulations and Township Ordinances, including, but not limited to requirements of the Township Michigan Department of Environment, Great Lakes and Energy (EGLE), the Department of Natural Resources (DNR), the Michigan Department of Transportation (MDOT), the Kent County Road Commission, Kent County Sheriff and the Kent County Health Department. The applicant shall obtain all required approvals from the applicable federal, state, county and Township agencies and shall provide proof of same to the Zoning Administrator for review as part of the permit application.
- P. If food is to be provided at an event, an applicant must demonstrate compliance with the food service and safety requirements of the Kent County District Health Department.

**SECTION 8 PERMIT REVIEW AND APPROVAL**

- A. Upon receipt of the complete application, the Township Zoning Administrator shall review the application materials for compliance with the requirements of this Ordinance taking into consideration comments on the application from the applicable county, state, and federal, agencies and from other appropriate public officials.
- B. The Zoning Administrator shall have the authority to approve the holding of an event and may grant a permit for the holding thereof if the Zoning Administrator determines that the provisions of this Ordinance have been complied with and all of the standards in Subsection 8C will be met. Reasonable conditions may be imposed by the Zoning Administrator on the approval of any such permit.
- C. The Zoning Administrator shall not approve an outdoor event permit unless the Zoning Administrator finds that all of the following standards will be met:
  1. The proposed special event would be reasonable.
  2. The proposed special event will not adversely affect the property or the residence of any property within 500 feet of the parcel or lot where the outdoor event will be located.
  3. The proposed event will be safe and orderly.
  4. The proposed outdoor event will meet all provisions of this Ordinance and also all other Township ordinances and codes, as well as every federal state law, code and regulation.
  5. The proposed outdoor event will be consistent with the character, topography and terrain of the surrounding area.

- D. Before a permit is issued, the applicant shall provide proof of liability insurance to the Township in an amount of at least \$1,000,000 which covers the operation and duration of the event.
- E. A copy of the permit for the event shall be kept on the premises during the event.
- F. A permit for an outdoor event cannot be transferred to another person or to another location.
- G. If the Zoning Administrator transfers a permit application decision to the Township Board for its decision, the Township Board shall apply the same standards and requirements as would be applicable to a permit decision made by the Zoning Administrator.
- H. The applicant for an event permit may appeal the decision of the Zoning Administrator to the Township Board which shall have the authority to overturn or modify the decision of the Zoning Administrator.

**SECTION 9 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 this 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.
- B. 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 responsible and liable as a principal.
- C. Any violation of this Ordinance is hereby declared to constitute a public nuisance and a nuisance *per se*, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with this 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 as allowed by law.
- D. 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 without first having obtained a permit from the Zoning Administrator.
  - 2. The holding of an event for which a permit has been obtained outside of the parameters by which said permit was obtained.
  - 3. 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.
  - 4. Failure to obtain any required permit, as required by law, including, but not limited to, building permits, electrical or other required permits.

- E. This Ordinance may be enforced by the Lowell Charter Township Ordinance Enforcement Officer, the Township Supervisor and the Kent County Sheriff Department.

## **SECTION 10 PENALTIES**

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$2,500 for subsequent offenses, and in addition to all of the costs, damages, and expenses, including reasonable attorneys' fees, incurred by the Township by reason of the violation, as provided by law.
- B. The imposition or payment of any municipal civil infraction penalty, fee or fine shall not prevent the Township from seeking injunctive relief or other available relief against a violator as may be permitted by law, nor shall it prevent the Township from taking action against a violator for any subsequent offense. For purposes of this Ordinance, "subsequent offense" means a violation of this Ordinance committed by the same person within 12 months of a previous violation of this Ordinance for which the person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that a violation continues shall constitute a separate offense.
- C. Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance *per se*. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Board, Building Official or Ordinance Enforcement Officer issued in pursuance of this Ordinance, shall be in violation of this Ordinance.
- D. The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance shall be paid to the Township immediately upon entry of the court order.
- E. Should the Township pursue a municipal civil infraction proceeding in the District Court and / or a conventional enforcement lawsuit or declaratory judgment action in the Circuit Court regarding this Ordinance and should the Township prevail in whole or in part in any such court proceedings, then the Defendant shall pay and reimburse the Township for the Township's reasonable attorney fees and costs pursuant to any such court proceeding (including, attorney fees and costs incurred by the Township before and leading up to the District Court or Circuit Court proceedings, the formal hearing or trial court proceedings and through any appeals).



**SECTION 11 REPEAL**

Lowell Charter Township Ordinance No. III, the Lowell Township Outdoor Assembly Ordinance adopted by the Lowell Charter Township Board on April 16, 1973, and amended on August 19, 2002, is hereby repealed in its entirety.

**SECTION 12 SEVERABILITY**

The provisions of this Ordinance are declared to be separate and the holding by a court that any section or provision thereof is invalid not affect or impair the validity of any other section or portion.

**SECTION 13 CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent of any such conflict.

**SECTION 14 EFFECTIVE DATE**

This Ordinance shall become effective upon the expiration of 30 days after its publication or the publication of a summary of its provisions in a local newspaper of general circulation as provided by law.

The vote to adopt this Ordinance was as follows:

AYES: Hale, Burt, Anderson, Blough, Vanderziel

NAYS: None

ABSENT: Benedict, Thompson

ORDINANCE DECLARED ADOPTED.

  
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Monica Burt, Township Clerk

ADOPTED: March 21, 2022

ADOPTION NOTICE: March 30, 2022

EFFECTIVE: April 28, 2022

