

**TOWNSHIP OF HARTLAND
ORDINANCE NO. 69**

SPECIAL EVENT PERMIT

An ordinance to establish procedures and requirements for conducting special events in the Township in order to properly provide for traffic, parking and crowd control, for street, park, and property maintenance, for the protection of the public health, safety and welfare; to provide penalties for violation of this ordinance; and to repeal the Township of Hartland Temporary Accessory Endeavor Ordinance No.21.

THE TOWNSHIP OF HARTLAND ORDAINS:

SECTION 1. Title. This Ordinance shall be known and may be cited as the Special Event Permit Ordinance.

SECTION 2. DEFINITIONS.

“Commercial Center” means two or more retail businesses or service uses located on one or more lots or parcels with common parking facilities or access from a common drive.

“Community Special Event” means any Special Event conducted by or on behalf of a Community Organization and not for profit.

“Community Organization” means a non-profit charitable, historical, educational, public or civic organization within the Township of Hartland.

“Farm Stand” means the outdoor sale of agricultural goods produced on the premises where the farm stand is located.

“Farmer’s Market” means a civic sponsored outdoor sale event comprised of multiple vendors displaying and selling predominately agricultural products.

“Garage or Yard Sales” means the sale of used household or personal articles held on the seller’s own premises. Garage or Yard Sales shall also include Estate and similar sales.

“Operator” shall mean any person, firm, partnership, corporation or other entity that operates or maintains a Special Event.

“Outdoor Seasonal Sales” means the outdoor temporary sale of seasonal goods not produced on the premises including, but not limited to, Christmas trees, live plants, pumpkins and fireworks.

“Owner” means the current owner, land contract vendor or other person, firm, partnership, corporation or other entity having ownership or possessory right of the property in question.

"Person" means any person, firm, partnership, corporation or any other entity.

"Portable On-Site Storage Container" means a storage unit on residentially zoned property that is manufactured or used for temporary storage of goods.

"Private Special Event" means any Special Event conducted for profit.

"Sidewalk Sale" means the sale or display to the public of any goods or services on the sidewalk or area in front of or adjacent to a retail business conducting such sale.

"Special Event" means any event, whether conducted on public or private property, that will or is intended to generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to Sidewalk Sales, Temporary Sales, Outdoor Seasonal Sales, going out of business sales, parades, fundraising walks or runs, block parties, festivals, celebrations, concerts, shows, recreational activities, exhibitions, carnivals, circuses and fairs or any similar events or activities.

"Special Event Permit" means a permit issued by the Zoning Administrator to conduct a Special Event.

"Temporary Sale" means the temporary sale of any goods or services to the public within an existing inactive commercial building. Temporary Sale does not include Farm Stands or sales within an active commercial business.

"Zoning Administrator" means the official of Hartland Township or authorized representative charged with the responsibility of administering this Ordinance.

SECTION 3 SPECIAL EVENT PERMIT REQUIRED.

A. General Provisions.

1. It is unlawful for any Owner or Operator to hold or conduct any Special Event in the Township unless the Zoning Administrator has first issued a Special Event Permit in compliance with this Ordinance.
2. The Special Event shall comply with all applicable zoning regulations for the district in which it is to be located, including requirements pertaining to lot size, height, visibility, setbacks, and off-street parking. Deviations from the zoning regulations for the Special Event may be permitted when the Zoning Administrator determines that public health, safety and welfare will not be adversely affected and the spirit and intent of the applicable zoning regulations have been met.
3. The Township Board or Zoning Administrator may require the Owner and/or Operator to post a cash bond with the Township in an amount that will guarantee the restoration of any public property or private roads at the conclusion of the event. This may include, but is not limited to, costs associated with dust control, repair of landscaping material, removal of tents, buildings or structures, sign removal, and litter and garbage disposal.

4. All tents, buildings or structures erected or used for a Special Event shall (i) not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues, (ii) be installed, constructed, used, occupied and maintained in compliance with the provisions of any applicable federal, state or local, rules or regulations, and (iii) be immediately removed at the conclusion of the Special Event or upon the conclusion of the Special Event Permit, whichever occurs sooner.
5. Owners and Operators shall comply with all conditions specified in the Special Event Permit and shall, for any Special Event as applicable, provide the following:
 - a) Environmental Health. An adequate and safe supply of potable water, restroom facilities, food and beverage storage, handling and serving, and sanitary method for disposing of solid waste that meets federal, state and local requirements, including the Livingston County Department of Public Health.
 - b) Lighting. If the Special Event is to occur after daylight hours, sufficient lighting shall be provided; however, such lighting shall not shine or reflect beyond the boundaries of the Special Event area.
 - c) Parking. A parking area sufficient to provide parking space for the maximum number of people allowed at any single time to attend the Special Event shall be provided.
 - d) Traffic. Traffic control measures shall be provided to ensure safe and efficient vehicular and pedestrian circulation including on-site movements and the flow of vehicular and pedestrian traffic onto public or private rights-of-way.
 - e) Emergency Services. Adequate security measures and fire systems shall be provided at the direction of the Livingston County Sheriff and/or the Hartland Deerfield Fire Authority Chief, including adequate facilities for communication with emergency service providers.
 - f) Noise, Dust and Garbage. Noise from the Special Event shall not unreasonably carry beyond the boundaries of the Special Event area and the Owner and/or Operator shall comply with applicable Township ordinances, including the Hartland Township Nuisances Ordinance, No. 49. Adequate dust mitigation, litter and garbage disposal shall be provided.
 - g) Signage. If signage for the Special Event is used, it shall comply with Section 9.04 of the Hartland Township Zoning Ordinance, unless otherwise specifically cited in this Ordinance. For Community Special Events, banners over the right-of-way may be permitted with prior approval by the Zoning Administrator, the Livingston County Road Commission and any other governmental agency with jurisdiction.

6. None of the provisions contained in this Ordinance are intended to override or displace subdivision or association rules, deed restrictions or other private covenants or agreements that are more restrictive or that might prohibit or restrict the use of property.
- B. Exemptions. The following Special Events shall be exempt from obtaining a Special Event Permit:
1. Township sponsored Special Events.
 2. Funeral Processions.
 3. Garage, Yard and Estate Sales, except as provided by Section 3.C.8, Garage, Yard and Estate Sales of this Ordinance.
 4. Private gatherings such as weddings, graduation parties and similar events occurring entirely upon the private property of a residence or common area of a multi-family residential development provided the event is not open to the general public and not for pecuniary gain or profit.
 5. Special Events conducted within a building designed for assembly use, such as churches, halls and fraternal organizations, libraries, schools, and recreational facilities.
 6. Any other similar Special Events, i.e., Heritage Days, Memorial Day Parade, Cemetery Luminary Walk, provided the Zoning Administrator first determines that the Special Event does not negatively affect Township services and all required right-of-way permits have been secured.
- C. Special Provisions. In addition to meeting all of the other provisions of this Ordinance, the following Special Events shall meet the following additional requirements:
1. Private and Community Special Events:
 - a) Shall be limited to no more than a seventy-two (72) hour period or three (3) consecutive days.
 - b) Required parking shall not be reduced more than twenty-five (25) percent, unless the Zoning Administrator determines it to be a reciprocal use.
 - c) Shall comply with any restrictions or conditions imposed by the Township Board and/or Zoning Administrator deemed necessary for the health, safety and welfare of the public.
 - d) Signage shall comply with the Hartland Township Zoning Ordinance, Article 9.0 for Community Special Events. For Private Special Events, signage shall be located on the private property where the special event is taking place.

- e) The Special Event permit issued by the Township, must be posted or available upon request.

2. Farmer's Markets:

- a) Shall only be located on public or quasi-public property, which shall include Township property, public schools, community recreation facilities, fraternal organizations and churches or on property that is zoned CA, Conservation Agriculture District or RUR, Rural Residential District.
- b) The Owner or Operator shall provide event dates, times and location by the first week of April of each year.
- c) Proof of insurance for the event shall be required prior to issuance of the Special Event Permit.
- d) Goods for sale shall be limited to agricultural products except a maximum of five (5) times per year when "flea market" items may be displayed and sold. Vehicle and large equipment sales are prohibited.
- e) Signage shall comply with the Hartland Township Zoning Ordinance, Article 9.0 for Community Special Events.
- f) The Special Event permit issued by the Township must be posted or available upon request.

3. Farm stands.

- a) Operations are limited to the growing season of May through October.
- b) No more than one (1) Special Event Permit shall be issued for any given location within a single calendar year without prior approval by the Township Board.
- c) Farm stands are permitted on private property outside of the public right-of-way in the CA, Conservation Agriculture District and RUR, Rural Residential District.
- d) Signage shall comply with the Hartland Township Zoning Ordinance, Article 9.0 for Roadside Stands.
- e) The Special Event permit issued by the Township, must be posted on or above the merchandise sales area so that it is clearly visible.

4. Sidewalk Sales

- a) Retail Business or Service Buildings Not in a Commercial Center

- 1) Sidewalk Sales shall only be conducted by the Owner or Operator and shall be limited to merchandise that is a regular part of the inventory of the business in front of which the Sidewalk Sale occurs.
- 2) Automobile and other vehicle related sales are strictly prohibited.
- 3) Sidewalk Sales shall be limited to no more than seven (7) consecutive days and no more than fourteen (14) days in any one rolling calendar year.
- 4) No more than two (2) Sidewalk Sales shall be permitted in any one rolling calendar year.
- 5) Sidewalk Sales shall be limited to the hours between 7 a.m. and 10 p.m.
- 6) Merchandise displays, racks and tables shall abut the building façade and at least five (5) feet of sidewalk clear zone shall be provided for pedestrian traffic. All merchandise and display racks and tables shall be removed and stored in the building or enclosed garden center area at the close of business or by 10 p.m., whichever occurs sooner.
- 7) The Special Event permit issued by the Township, must be posted on or above the merchandise sales area so that it is clearly visible.
- 8) Signage shall comply with the size and setback requirements contained in the Hartland Township Zoning Ordinance, Article 9.0 for "Community Special Event Signs." Signage may be installed a maximum of forty-eight (48) hours prior to the Sidewalk Sale and shall be removed within twenty-four (24) hours after each Sidewalk Sale. The installation of signs is limited to the private property upon which the retail or service business is located.

b) Retail Business or Service Buildings in Commercial Centers

- 1) Retail businesses located in a Commercial Center shall only be permitted to conduct Sidewalk Sales as a coordinated event. Individual retail businesses in a Commercial Center are not permitted to hold separate Sidewalk Sales.
- 2) Sidewalk Sales shall only be conducted by the Owner or Operator and shall be limited to merchandise that is a regular part of the inventory of the business in front of which the Sidewalk Sale occurs.
- 3) Automobile and other vehicle related sales are strictly prohibited.

- 4) Sidewalk Sales shall be limited to no more than seven (7) consecutive days and no more than twenty-one (21) days in any one rolling calendar year.
- 5) No more than three (3) Sidewalk Sales shall be permitted in any one rolling calendar year.
- 6) A separate Special Event Permit shall be required for each Sidewalk Sale and shall be submitted by the Commercial Center's Owner, Operator or designated agent.
- 7) Merchandise displays, racks and tables shall abut the building façade and at least five (5) feet of sidewalk clear zone shall be provided for pedestrian traffic. All merchandise and display racks and tables shall be removed and stored in the building or enclosed garden center area at the close of business or by 10 p.m., whichever occurs sooner.
- 8) Sidewalk sales shall be limited to the hours of 7 a.m. and 10 p.m.
- 9) Signage shall comply with the size and setback requirements contained in the Hartland Township Zoning Ordinance, Article 9.0 for "Community Special Event Signs." Signage may be installed a maximum of forty-eight (48) hours prior to the Sidewalk Sale and shall be removed within twenty-four (24) hours after each Sidewalk Sale. The installation of signs is limited to the private property upon which the commercial center is located.

5. Outdoor Seasonal Sales.

- a) Outdoor Seasonal Sales of Christmas trees, pumpkins, live plants, fireworks and other similar Outdoor Seasonal Sales located on private property shall be limited to two (2) Special Event Permits in any one rolling calendar year. Each Outdoor Seasonal Sale shall be limited to no more than forty-five (45) consecutive days with a minimum of sixty (60) days between each Outdoor Seasonal Sale Special Event Permit.
- b) All Outdoor Seasonal Sale Special Events occurring adjacent to an existing commercial building shall have all merchandise displays, racks and tables abutting the building façade and at least five (5) feet of sidewalk clear zone shall be provided for pedestrian traffic. No sales are permitted from public or private roads or vehicular rights-of-way. The Township reserves the right to limit the sales area.
- c) Signage shall comply with the Hartland Township Zoning Ordinance, Article 9.0 for Roadside Stands and is limited to one (1) sign identifying the Outdoor Seasonal Sales Special Event installed on the private property where the event is taking place.

- d) The Special Event permit issued by the Township, shall be posted on or above the merchandise sales area so that it is clearly visible.

6. Temporary Sales.

- a) Temporary Sales shall be limited to two (2) Special Event Permits in any one rolling calendar year. Each Temporary Sale Special Event shall be limited to no more than forty-five (45) consecutive days.
- b) Temporary Sales shall not include the outdoor sale of any goods or services.
- c) One (1) temporary sign may be permitted for the duration of the Temporary Sale Special Event Permit. The temporary sign shall be no larger than thirty-two (32) square feet in surface area and shall be securely fastened to the building. Wind-blown devices, such as pennants, spinners and streamers are prohibited.
- d) Window signs are permitted in accordance with the Hartland Township Zoning Ordinance, Article 9.0 Window Signs.
- e) The Special Event permit issued by the Township, must be posted on or above the merchandise sales area so that it is clearly visible.

7. Portable On-Site Storage Containers.

- a) A Special Event Permit shall not be required for a Portable On-Site Storage Container, provided it is not located on the property for more than seven (7) consecutive days in any one rolling calendar year.
- b) A Special Event Permit is required if there is more than one (1) Portable On-Site Storage Container located on the property or if a Portable On-Site Storage Container is located on the property for more than seven (7) days in any one rolling calendar year.
- c) A Special Event Permit for a Portable On-Site Storage Container may be issued for up to one-hundred and eighty (180) days in any one rolling calendar year for major residential construction or renovation as determined by the Zoning Administrator.
- d) Portable On-Site Storage Containers requiring a Special Event Permit shall be located in the principal driveway servicing the property or in the side or rear yard. Containers located in the side and rear yard shall be setback from the property line in accordance with the Hartland Township Zoning Ordinance, Article 32.0, Schedule of Regulations.

8. Garage, Yard and Estate Sales.
 - a) No Special Event Permit shall be required for Garage and Yard Sales unless the number of Garage or Yard Sales exceeds five (5) in any one rolling calendar year.
 - b) Irrespective of whether a Special Event Permit is required, Garage or Yard Sale hours shall be limited to the hours of 7 a.m. to 7 p.m. and no Garage or Yard Sale shall exceed three (3) consecutive days.
 - c) Garage or Yard Sale signage shall comply with the Hartland Township Zoning Ordinance, Article 9.0 for Garage and Estate Sales.

- D. Administrative Review and Authorization. Notwithstanding the authority granted to the Zoning Administrator pursuant to this Section D, the Zoning Administrator may refer any application for a Special Event Permit to the Hartland Township Board for review and approval. Except for those Special Events under Section 3.E., Township Board Review and Authorization and provided the Owner and Operator meet the requirements of this Ordinance, the Zoning Administrator shall have the authority to grant a Special Event Permit on behalf of the Township for the following Special Events:
 1. Private and Community Special Events.
 2. Farm Stands.
 3. Sidewalk Sales.
 4. Outdoor Seasonal Sales.
 5. Temporary Sales.
 6. Farmer's Market.
 7. Portable On-Site Storage Containers.
 8. Temporary construction trailers or pre-manufactured construction or sales offices in connection with the development or sale of property, provided:
 - a) The use is limited to construction offices or sales offices for a new development. The location, duration and access to the offices is submitted to the Planning Department prior to the Township's pre-construction meeting. A separate Special Event Permit shall be required for each trailer or pre-manufactured office.
 - b) The use of a temporary sales office and/or model homes used as part of an overall development project and approved as part of the site plan review process shall be removed within 30 days of the issuance of a temporary certificate of occupancy of a principal unit.

- c) The use of a mobile home, trailer coach or other approved living quarters as a residence on a temporary basis on a site during the period of construction, major repair, or remodeling of a single family dwelling in accordance with the Hartland Township Zoning Ordinance, Section 3.07, Temporary Structures Used for Dwelling Purposes.

- E. Township Board Review and Authorization. The Hartland Township Board shall have the exclusive authority to grant Special Event Permits for the following:
 - 1. Special Events using public property for any of the following:
 - a) Entertainment
 - b) Dancing
 - c) Concerts
 - d) Dramatic productions
 - e) Amusement, festivals or carnivals
 - f) Sale of goods or services
 - g) Parades, walks, bicycle rides, or runs that will not comply with the normal or usual traffic regulation or controls or are likely to impede, obstruct, impair or interfere with the free flow of traffic.

 - 2. Special Events that require a special event liquor license issued by the State of Michigan.

SECTION 4. APPLICATION FOR SPECIAL EVENT PERMIT

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 Planning Department, together with an application fee as provided by resolution of the Township Board, that shall include the following:

- A. The name, residence and business address and phone number of the Owner of the property where the Special Event will be held together with the name, residence and business address and phone number of the Operator of the Special Event.

- B. The name, residence and business address and phone number of each Person sponsoring the Special Event. If an organization is sponsoring the Special Event, the application shall also contain the name, residence and business addresses of the President or Chairman or individual who is responsible for the Special Event.

- C. Description of the Special Event and proposed location(s).

- D. Date(s) of the Special Event, including starting and ending times and any additional time required for set-up and clean-up.

- E. Copies of insurance policies naming the Township and any property owner abutting the affected street(s), road(s) or public rights-of-way as named or additional insured in amounts of coverage to be determined from time to time by resolution of the Township Board and insuring the Township and abutting property owners against any and all liability for damage to property and insuring the Township against any and all liability for

personal injury or death as a result of the Special Event. The Township Board may, at its discretion waive these insurance requirements. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

- F. Certification that the applicant will indemnify the Township for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the Special Event, including all costs and attorney fees. Furthermore, the applicant will agree to reimburse the Township for any costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the Special Event, including emergency services, traffic and/or crowd control, removal of structures, litter and equipment and any associated attorney fees and court costs resulting from this mitigation. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.
- G. Such other information as the Zoning Administrator deems reasonably necessary in order to carry out his/her duties under this Ordinance

SECTION 5 DISPLAY OF PERMIT AND IDENTIFICATION

A. Special Event Permit

- 1. It shall be unlawful for any Person engaged in a Special Event to fail to have a Special Event Permit prominently displayed as required by this Ordinance or to fail to produce a Special Event Permit upon request by the Zoning Administrator. In addition, any Person engaged in the sale of food or food products regulated by federal, state or local law shall be required to display such food permit in the same manner.
- 2. Permits are non-transferrable.

SECTION 6 EXEMPTION OF FEE

The following shall be exempt from paying the required permit fees provided for in this Ordinance:

- A. Any Person directed by and acting on behalf of the Township;
- B. Any Person acting on behalf of a Community Organization which is not engaged in for-profit selling of goods or services to the public.

SECTION 7 REVOCATION OR SUSPENSION OF PERMIT

All Special Event Permits issued pursuant to this Ordinance shall be temporary and no Person shall have any permanent rights to conduct or continue a Special Event. Special Event Permits may be suspended or revoked by the Zoning Administrator as follows:

- A. The Special Event Permit may be immediately revoked or suspended by the Zoning Administrator under any of the following conditions:

1. The Special Event Permit or any portion thereof was issued in error.
 2. The Special Event Permit application and/or information was incorrect, inaccurate or false in any manner.
 3. The terms or conditions of the Special Event Permit have not been met.
 4. The Special Event is dangerous to people or property, or any structure or obstruction is insecure or unsafe.
 5. Any violation of federal, state or local law in connection with or related to the Special Event.
- B. If any Special Event permit is suspended by the Zoning Administrator, the Person holding the Special Event Permit shall address the violation(s) to the satisfaction of the Zoning Administrator before continuing with the Special Event.
- C. If any Special Event permit is revoked by the Zoning Administrator, the Person holding the Special Event Permit shall immediately discontinue the Special Event and remove all Special Event materials from the site as directed by the Zoning Administrator.
- D. If any Special Event Permit has been revoked and the Special Event is not immediately discontinued, the Zoning Administrator or his/her designee may enter upon the Special Event site and order the discontinuation of the Special Event and remove any structure or obstruction. The cost and expense of such removal or discontinuation shall be assessed against the Person holding the Special Event Permit or against the property upon which the Special Event was conducted. The assessment shall include all costs and expenses incurred by the Township, including collection costs and all professional and expert fees. Such assessment may be collected in any manner permitted by law, including placing the assessment on the tax rolls of the Township.
- E. If any Special Event Permit is revoked by the Zoning Administrator no other Special Event Permit may be issued for a period of eighteen (18) months to the same Person or for the same property where the violation occurred.

SECTION 8 APPEALS

All decisions of the Zoning Administrator with respect to the issuance, denial, revocation or suspension of any permit under this Ordinance shall be final. Notwithstanding, any Person aggrieved by a decision of the Zoning Administrator under this Ordinance may be appealed to the Township Board within fifteen (15) days of the date the decision is issued by the Zoning Administrator.

SECTION 9 PENALTIES

Any Person who violates any of the terms of this Ordinance shall be responsible for a municipal civil infraction subject to a civil fine in accordance with the Township's Municipal Civil Infractions Ordinance, as amended. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

SECTION 10 SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction such finding shall in no way affect or invalidate the remainder of this Ordinance.

SECTION 11 REPEAL

By adopting this Ordinance the Township expressly repeals the Temporary Accessory Endeavor Ordinance No. 29 and all ordinances or part of ordinances in conflict with this Ordinance.

SECTION 12: EFFECTIVE DATE

The Ordinance shall take effect following publication as permitted by law.