

TOWNSHIP OF ESCANABA

COUNTY OF DELTA, MICHIGAN

At our regular meeting of the Escanaba Township Board of Delta County, Michigan, held at the Township Hall within the Township, on the 13th day of August, 2012 at 7:30 p.m.

PRESENT: Members: Supervisor Kevin Dubord, Clerk Patricia Beauchamp, Treasurer Linda Trombley-Robitaille, Trustee Alfred Gareau, and Trustee Thomas Rymkos.

ABSENT: NONE

It was moved by Township Board Member Alfred Gareau and supported by Township Board Member Linda Trombley-Robitaille that the following Ordinance be adopted:

ORDINANCE NO. 2012-8-13

**AN ORDINANCE TO REGULATE CERTAIN PERMANENT
AND TEMPORARY EVENTS AND ACTIVITIES THAT HAVE
NEGATIVE IMPACTS; TO PROVIDE PENALTIES FOR THE VIOLATION OF
THIS ORDINANCE AND RELATED MATTERS.**

THE TOWNSHIP OF ESCANABA ("Township") ORDAINS:

1. Intent, Purpose and Short Title.
 - 1.1. Intent and Purpose. The Escanaba township Board recognizes that there are certain events, uses and activities which can have significant negative impacts upon the community (including, but not limited to, noise, dust, overcrowding.

safety, and negative impacts upon area property values), as well as adjoining and nearby properties and residences. Such events, uses, and activities include ice racing, fish tournaments, large gatherings, and other special events. The Township Board finds that it is in the best interests of the Township and its property owners and residents to regulate such uses. The Township Board also finds that this Ordinance will promote the public health, peace, safety and welfare of Township residents, property owners, and visitors to the Township.

- 1.2. Short Title. This Ordinance shall be known and may be cited and referred to as the "Special Activities and Events Ordinance," and shall be referred to hereinafter as the "Ordinance."

2. Scope and Application.

- 2.1. Minimum Standards. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.
- 2.2. Interpretation. This Ordinance is intended to supplement other laws and ordinances. If this Ordinance imposes more stringent requirements than other laws or Township ordinances, the provisions of this Ordinance shall govern, except as otherwise expressly herein provided.

3. Definitions.

3.1. For the purposes of this Ordinance, the following definitions and meanings shall apply:

- (a) "Ice racing" shall mean the use, operation or driving of snowmobiles, motorcycles, off road vehicles (ORVs), automobiles, trucks, tractors, all-terrain vehicles (ATVs), four-wheelers, UTVs and/or similar vehicles on a frozen lake, river, stream or other body of water, or on ice artificially created or utilized on land, for purposes of organized or promoted racing, competition, profit, an organized event and/or fund raising.
- (b) "Fishing Tournament" shall mean an organized event, program or activity on a lake, river or stream, that involves fishing for competition, profit, a prize or prizes or compensation.
- (c) "Large gathering" shall mean a carnival, festival, commercial gathering or similar event at which 250 or more people are present, but excluding gatherings of people for an event or function accessory to a lawful church, club, business or commercial enterprise where both the event and the church, club, business or commercial enterprise comply with the Escanaba Township Zoning Ordinance and occur on the same lot or parcel.

4. Township Approval Required.

4.1. Events and Activities Covered. No person shall commence, sponsor, engage in, conduct, participate in or otherwise operate any of the following activities or

events unless the activity or event has been approved beforehand by the Escanaba Township Board (and a license has been issued for the event or activity) pursuant to this Ordinance and Section 5 hereof.

- (a) Ice racing.
- (b) Fishing tournament.
- (c) Large gathering.

5. Licensing and Approval Requirements.

5.1. None of the events, uses or activities listed in Subsections 3.1 or 4.1 of this Ordinance shall occur, be promoted, be commenced or be recommenced unless first approved by the Township Board hereunder, and the Township Board has issued an approved written license for such event, use or activity.

5.2. The following shall be applicable to any Township Board approval and license issued pursuant to this Ordinance:

- (a) Any approval or license shall be valid for three (3) years, unless earlier revoked by the Township Board pursuant to Subsection 5.3 hereof or the Township Board sets a shorter time limit for the event, use or activity involved at the time of approval.
- (b) The Township Board may impose reasonable license application fees from time to time by resolution adopted by the Township Board.

- (c) A hearing shall be held by the Township Board prior to the granting or denial of any license. Notice of any such license hearing shall appear in the newspaper at least fifteen (15) days prior to the hearing. Notice of the license hearing shall also be sent by regular mail at least fifteen (15) days prior to the hearing to whichever person or entity is listed on the current property tax records as the owner of each property within 300 feet of the lot or parcel upon which the proposed event, use or activity will take place.

- (d) No license shall be approved by the Township Board unless the Township Board finds that all of the following standards will be met:
 - (i) The proposed use, event or activity will not have significant negative impacts upon the property values and uses of adjoining and nearby properties.
 - (ii) The proposed use, event or activity will not present a safety hazard or constitute a nuisance.
 - (iii) The granting of a license will be consistent with the intent and purposes of this Ordinance.
 - (iv) The proposed use, event or activity will not be unreasonably loud or produce excessive smoke or vibration.
 - (v) The proposed use, event or activity will be consistent with the character of the surrounding area.

- (vi) The proposed use, event or activity will fully comply with the Escanaba Township Zoning Ordinance.
 - (vii) The proposed use will be reasonable.
- (e) Reasonable conditions may be attached by the Township Board to the granting of a license issued hereunder, which conditions may include, but are not limited to, the following:
- (i) Hours and days of activity or operation.
 - (ii) The imposition of liability insurance coverage requirements.
 - (iii) A limitation on the duration of the event, use or activity (i.e., one time only or one time per year, two times per year, etc.).
 - (iv) A requirement that the appropriate bond, letter of credit or other monetary security be posted with the Township to ensure compliance with all conditions and requirements.
 - (v) Crowd control and safety measures.

5.3. Revocation. A license issued under this Ordinance may be revoked by the Township Board at any time for any violation of the Ordinance or license, or violation of any other Township ordinance or state or federal law or regulation.

- (a) The Township Board shall hold a public hearing prior to revoking any license hereunder.

(b) Notice of any such license revocation hearing shall appear in the newspaper at least once fifteen (15) days prior to the hearing.

(c) A notice of the license revocation hearing shall also be sent by regular mail to whichever person or entity is listed on the current property tax record as the owner of any lot or parcel located within 300 feet of the lot or parcel for which the license was granted.

5.4. Upon the expiration or revocation of any license hereunder, the event, activity or use authorized by the license shall cease immediately and shall not continue thereafter.

5.5. Any violation of any requirement or condition contained in the license shall constitute a violation of this Ordinance.

6. Prior Events, Uses or Activities.

6.1. No Vested Rights. There are no lawful nonconforming use, vested or "grandparent" rights under this Ordinance. Accordingly, to the extent that any events, uses or activities listed in Subsection 3.1 hereof commenced, occurred or were in existence prior to the effective date of this Ordinance, they are nevertheless fully subject to this Ordinance. No such event, use or activity or use can recommence, occur or continue after the effective date of this Ordinance unless approval is expressly granted by the Township Board (including the issuance of a license by the Township Board) for the event, activity or use pursuant to Section 5 hereof.

7. Penalties and Enforcement.

7.1. Penalty. A violation of this Ordinance (or of any license condition or requirement) constitutes a criminal misdemeanor. Upon conviction, any person found to be in violation of this Ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or up to ninety-three (93) days in jail or both such fine and jail sentence at the discretion of the Court involved. Each day that a violation occurs shall constitute a separate offense. Aiding and abetting a violation of this Ordinance shall also constitute a violation of this Ordinance.

7.2. Injunction. Any violation of this Ordinance is hereby declared to be a nuisance *per se*. The remedies are deemed to be cumulative, not exclusive or elective. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Subsection 7.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

7.3. Enforcement and Administration. This Ordinance shall be enforced and administered by the Township Ordinance Enforcement Officer or such other Township official as may be designated from time to time by resolution by the Township Board.

8. Severability.

In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not

affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance and they shall remain valid and in full force and effect.

9. Effective Date.

The provisions of this Ordinance shall take effect upon the expiration of thirty (30) days From the date of publication of the Ordinance or a summary of its provisions in accordance with law.

The vote in favor of adopting this Ordinance was as follows:

YEAS: Township Board Members: Clerk Patricia Beauchamp, Treasurer Linda Trombley-Robitaille
Trustee Alfred Gareau.

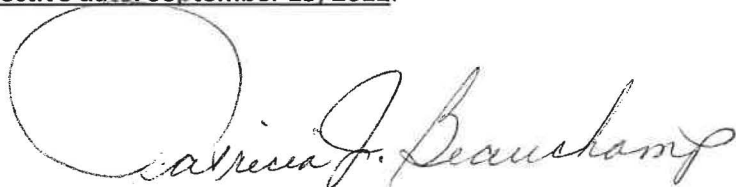
NAYS: Township Board Members: Trustee Thomas Rymkos

ABSTAIN/ABSENT: Township Board Members: NONE

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board of the Township of Escanaba at a regular meeting held on Monday, August 13, 2012, pursuant to the required statutory Procedures. **Effective date: September 13, 2012.**



Patricia J. Beauchamp
Escanaba Township Clerk