

**Newberg Township  
Cass County, MI**

**Ordinance# 21-1**

**ADOPTED: 3-8-2021**

**EFFECTIVE: 4-8-2021**

**AMENDED: 9-12-2022**

**Mass Gathering Ordinance**

An Ordinance to require the regulation, permitting and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, communication {i.e. cellular coverage}, utility and other public services regularly provided in the Township.

**Preamble:**

The Board of Newberg Township finds and declares that the interest of the public health, safety, and welfare of the citizens of the Township requires the regulation and permitting of assemblages of large numbers of people to insure the orderly conducting of such events and to minimize the impacts such events have on nearby property owners and Township residents.

The Township of Newberg Ordains:

**Section 1**

**Title.**

Sec. 1.1. This Ordinance shall be known as the Newberg Township Mass Gathering Ordinance.

**Purpose.**

Sec1.2. The purpose of this Ordinance is to require the regulation, permitting, and control of assemblages of large numbers of people in excess of those normally

drawing upon the health, sanitation, fire, police, transportation, communications, utility and other public services regularly provided in the Township.

**Authority.**

Sec. 1.3. This Ordinance is enacted pursuant to the authority of Act 246 of Public Acts of 1945, as amended, which authorizes the Township Board to adopt ordinances, to ensure the public health, safety, and general welfare.

**Section 2**

**Definitions.**

A. Attendee. An "attendee" means any person who is admitted to or present at a mass gathering event whether admission is granted in consideration of the payment of money, services rendered, or without charge.

B. Effective Date. The "effective date" of a permit issued pursuant to this Ordinance shall be 8:00 am of the day preceding the day attendees are first allowed upon the premises.

C. Permit Holder A "Permit Holder" means any person(s) to whom a permit is issued pursuant to this Ordinance.

D. Mass Gathering or Mass Gathering Event means any outdoor event in Newberg Township attended by 500 or more attendees at any given time during the permitted hours. This definition shall not include the regular conducting of business in the Township by a business that currently exists. Mass Gatherings as defined by this Ordinance are not land uses, and do not vest any rights other than those set forth herein.

E. Person means any natural person, partnership, corporation, association or organization.

F. Sponsor means any person who organizes, promotes, conducts, or causes to be conducted a mass gathering event. Sponsors shall be included in the number of attendees at a mass gathering if a sponsor is present at or during a mass gathering.

G. Vendor includes any person present at a mass gathering for purposes of selling or distributing any goods or services, or as support staff for anyone selling or distributing goods or services. A Vendor shall be included in counting the total number of attendees at a mass gathering.

### **Section 3**

#### **Permit required for assembly.**

A person shall not sponsor, operate, maintain, conduct or promote a mass gathering in the Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a permit for each such assembly.

### **Section 4**

#### **Regulations.**

Mass Gathering events as defined herein shall be permitted upon the obtaining of a permit therefore in accordance with Section 6 of this ordinance and under the following regulatory requirements:

- A. The event shall occur for no more than three (3) consecutive days, being 72 hours, subject to section C, Hours of Operation. Special exceptions may be made with prior Township Board consideration and approval.
- B. Hours of Operation. The event shall not take place between the hours of 11:00 p.m. and 7:00 a.m., and all attendees shall leave the premises during those hours, subject to Section O of these requirements.
- C. The event shall not materially interfere with traffic circulation, required off-street parking, load areas, or pedestrian safety, and if located within a parking area, shall be cordoned off to prevent pedestrian/vehicular conflicts.
- D. The permit holder shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendees from gaining access and which all have sufficient gates properly located so as to provide ready and safe ingress and egress. A temporary fence approved by the Township's Ordinance enforcement officer or building Inspector shall satisfy this provision.

- E. Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and /or off-site. For public safety purposes, off-site parking shall not require attendees to walk across a public roadway to get to the location of a mass gathering. At a minimum, the permit holder shall provide not less than one (1) parking space for every two (2) persons (including employees, vendors, and support staff) anticipated to be in attendance at the event. Parking spaces shall be in compliance with state and federal regulations, and shall be subject to approval by the Township Building Inspector.
- F. The event shall have a minimum setback of 100 feet from any property line and any adjacent properties.
- G. It is the responsibility of the permit holder to staff the event with adequately trained security personnel in sufficient numbers (a minimum of 1 security personnel per 50 attendees) to reasonably accommodate the number of people anticipated at the event at the applicant's expense. No permit shall be issued unless the chief enforcement officer for the Township, in cooperation with the County Sheriff, is satisfied that such necessary and sufficient personnel will be provided by the permit holder for the duration of the gathering.
- H. Toilet facilities and refuse containers shall be provided in adequate number to reasonably accommodate the number of attendees anticipated at the event at the applicant's expense. Refuse containers shall be located to be readily accessible to persons in attendance at the event. The number and type of restroom facilities required shall be determined based on state and local health code, and the County Health Department.
- I. All lighting of the event shall be directed away from and shielded from adjacent residential areas.
- J. The event shall not generate noise of such a volume or character such that it violates the Township's Noise Ordinance.
- K. The event shall be conducted in compliance with all applicable requirements of state law and all township ordinances.
- L. Before the issuance of a permit, the permit holder shall obtain public liability insurance with limits of not less than \$2,000,000.00 and property damage insurance

with a limit of not less than \$1,000,000.00 from a company or companies approved by the Commissioner of Insurance for the State of Michigan, which insurance shall insure liability or death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least ten (10) days before the expiration or cancellation of said insurance.

- M. Before the issuance of a permit, the permit holder shall obtain from a corporate bonding company authorized to do business in Michigan, a corporate surety bond or performance bond in the amount of \$100,000 to a firm to be approved by the Township Board, conditioned upon the permit holder's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, employees, and the Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the Township for any other waste resulting from the gathering, or for damage to public property.
- O. A permit holder who allows attendees to remain on the premises between the hours 12 p.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law and the Michigan Dept. of Environment, Great Lakes, and Energy, and the Cass County Health Department rules regarding sanitation and safety standards for campgrounds and public health, and applicant shall furnish with the application a copy of the application for said camping and trailer park.
- P. A parcel or parcels can only host a maximum of eight (8) events in a calendar year.

## Section 5

### Application for Permit:

Application for a permit to conduct a mass gathering must be made by completing the Application provided by the Township. This Application must be completed by the LATER of March 1 **OR** not less than 60 days prior to the date of the proposed gathering. This application can be obtained from the Township website. Each initial application for a mass gathering on a particular parcel or parcels shall be accompanied by a nonrefundable fee of \$1,000.00 to cover the Township's administrative expenses. For additional events that are held on the same parcel or parcels in the same calendar year, the Applicant may rely on the same site plan as a previous gathering, while filling out the remaining information for additional events. For additional events that rely on the same site exact plan as a previous gathering in that calendar year, the applicant shall pay a nonrefundable fee of \$300.00 to the Township. An additional gathering that requires a new site plan for on the same parcel or parcels in the same calendar year requires a nonrefundable fee of \$1,000.00. An application under this section shall include at least the following:

- A. The name, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00).
- B. A statement of the kind, character, and type of mass gathering.
- C. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective permit holder, he shall submit a contract from the owner indicating his consent to the use of the site for the proposed assembly.
- D. The date or dates and hours during which the proposed assembly is to be conducted.
- E. An estimate of the maximum number of attendees expected at the gathering for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

## Section 6

**Application requirements.**

Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective permit holder's plans to provide for the following:

- A. Police.
- B. Food and water supply and facilities.
- C. Health and sanitation facilities.
- D. Fire and Emergency Medical facilities and services including emergency vehicles and equipment.
- E. Vehicle access and parking facilities.
- F. Camping and trailer facilities.
- G. Illumination facilities.
- H. Communications facilities.
- I. Noise control and abatement which must adhere to present Township Nighttime Noise Ordinance.
- J. Facilities for cleanup and waste disposal.
- K. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly, with a north (N) directional arrow.

**Section 7**

**Review by public officials.**

On receipt by the Township Clerk, copies of the application shall be forwarded to the enforcement for the Township and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 30 days of receipt thereof shall report their findings and recommendations to the Township Board.

## **Section 8**

### **Township Board requirements for issue or denial of permit.**

Within 30 days of filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a permit. The Township Board may require that adequate security or insurance be provided before a permit is issued. Where conditions are imposed as prerequisite to the issuance of a permit, or where a permit is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reason therefore shall be stated in the notice.

## **Section 9**

### **Basis of denial.**

A Permit may be denied if:

- A. The application fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
- B. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
- C. The Township Board determines that an extenuating circumstance deems Necessary for the public health, safety, and welfare of the community.

## **Section 10**

### **Permit: contents, posting, non transferability.**

A permit shall specify the name and address of the permit holder, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

## **Section 11**

### **Violations.**

It shall be unlawful for a permit holder, his employee, or agent, to knowingly:

- A. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a permit as herein provided.
- B. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- C. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.
- D. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- E. Controlled Substance. Any controlled substance brought onto the premises must be in conformance with state statutes regarding the same. The Township strictly prohibits the use and/or possession of marihuana at mass gatherings. The property owner and/or the individual or corporation hosting the outdoor gathering shall be responsible for the control over and consumption of any controlled substance on the premises. The serving or sale of alcoholic beverages for on-site consumption shall only be permitted in conformance with a temporary or permanent license issued by the Michigan Liquor Control Commission for the particular outdoor gathering being held at the time.

## **Section 12**

### **Grounds for Denial of Future Permit.**

Violation of any of the provisions of this ordinance, other Township ordinances, and/or a violation of a liquor permit issued by the Michigan Liquor Control Commission or state statutes relating to liquor sales and consumption, including the sale or furnishing of liquor to minors, shall constitute grounds for denial of an outdoor gathering permit for the same premises in the future. Future events are dependent on meeting and adhering to the requirements of the initial event as stated.

**Section 13**

**Penalties.**

- A. Any person who violates any of the regulations or provisions of this Ordinance, whether as owner, lessee, permit holder, agent, servant, or employee, shall be liable as principal.
  
- B. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
  
- C. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

|   | Minimum Fine | Maximum Fine |
|---|--------------|--------------|
| 1st offense within 3 year period        | \$150.00     | \$1,000.00   |
| 2nd offense within 3 year period        | \$200.00     | \$1,000.00   |
| 3rd offense <u>within 3 year</u> period | \$300.00     | \$1,000.00   |
| 4th or more offense within 3 yr. period | \$500.00     | \$1,000.00   |

This fee schedule may be amended from time to time by Resolution of the Township Board. Additionally, the violator shall pay all enforcement costs, which shall include all expenses, direct and indirect, to which have accrued to Newberg Township in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$5,000.00 be ordered. Each day that a violation exists shall constitute a separate offense.

## **Section 14**

### **Severability.**

If any portion of this Ordinance or application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be ineffective, and to this end, this Ordinance is declared to be severable.

## **Section 15**

### **Effective date and Repeal.**

This Ordinance shall be effective from and after 30 days from the date of publication. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

## **Section 16**

### **Enforcement.**

This ordinance will be enforced by the Township Ordinance Enforcement Officer and/or the Township Building Inspector, or by any other Township Official that may from time to time be designated by the Newberg Township Supervisor.

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Amanda Norton-Duff, Clerk  
Newberg Township