

AGENDA

**SPARTA TOWNSHIP
PLANNING COMMISSION**
Tuesday, May 13, 2025
7 P.M.

Sparta Township Hall
160 East Division Street
Sparta, MI 49345

This meeting can be viewed live or recorded at
<https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>

- I. Call to Order
- II. Pledge of Allegiance
- III. Additions or Corrections to Agenda
- IV. Minutes of April 8, 2025, Regular Meeting
- V. Public Comment (for items on the agenda)
- VI. Business Items
 - A. Public Hearing: Zoning Ordinance Amendment Dwellings and Accessory Building Regulations
 - B. Review of Planning Commission Bylaws
 - C. Review of Bed & Breakfast as a Special Land Use in C-1
 - D. Discussion on Short Term Rentals
 - E. Review of Outdoor Gathering Regulations
- VII. Public Comment (for items on or not on the agenda)
- VIII. Staff and Commissioner Comments
- IX. Adjournment

Pending: Legal Review of Master Plan

MINUTES OF THE SPARTA TOWNSHIP PLANNING COMMISSION
Regular Meeting of Tuesday, May 13, 2025, 7 PM
Sparta Township Hall, 160 E. Division St., Sparta MI

This meeting could be viewed live or recorded at <https://www.youtube.com/channel/UCu9bOagfR6m02k7rdmX3TLA>

- Present: Chairperson Terry Hartman (9/25), Vice Chairperson Tim Driscoll (9/25),
Secretary Linda Anderson (9/25), Township Board Trustee Barb Johnson (12/28),
Commissioners Don Doyle (9/27), and Dale Flanery (9/27)
- Also Present: Sparta Township Supervisor Dale Bergman, Zoning Administrator/Planner Kevin
Yeomans of Fresh Coast Planning, Sparta Township Board Trustee Rob Steffens,
and Recording Secretary Toni Potes
- Absent: Commissioner Ken Humphreys (9/27)

I. / II. Call to Order / Pledge of Allegiance: Chairperson Hartman called the meeting to order
at 7:00 PM, followed by the Pledge of Allegiance.

III. Additions or Corrections to Agenda: Motion by Doyle, second by Anderson, to approve
the Agenda as written. Motion carried unanimously.

IV. Minutes of April 8, 2025, Regular Meeting: Motion by Johnson, second by Flanery, to
approve the Minutes. Motion carried unanimously.

V. Public Comment (for items on the Agenda): None.

VI. Business Items

A. Review of Requirements for all Dwellings and Accessory Building Regulations:
Zoning Administrator/Planner Yeomans reviewed the proposed changes made since the
last meeting and discussed a definition of a through-lot situation, i.e. the driveway being
considered the front yard, and accessory building provisions.

Mike Badgerow, of 4126 Church Hill Road, commented on corner and rear-lot placement.

Bill Brown, of 4557 10 Mile Road, asked about the size of building allowed per lot size.

Motion by Johnson, second by Anderson, to schedule the matter for public hearing with
the addition in the document of a through-lot definition. Motion carried unanimously.

B. Review of Planning Commission Bylaws: Zoning Administrator/Planner Yeomans will
draft language for the document regarding public comment.

C. Review of Planning Commission Worklist: The Commissioners reviewed, prioritized
and removed items from the 2023 Work List. To be addressed as top priorities are

Outdoor Gatherings Amendment, Bed & Breakfast in C1 as Special Land Use, Short-Term Rentals, and Sliding Scale Provisions.

VII. Public Comment:

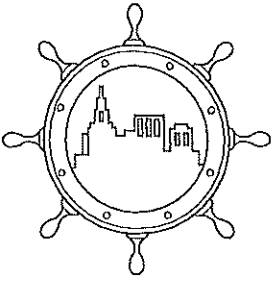
Brian Cook, of 128 W. Northland Drive, Newaygo, questioned on behalf of his client the timeline of adoption of a barndominium ordinance. Public hearing may be moved on next month, Board review in July, and possibly effective in July 2025.

Bill Brown suggested that footage/acreage be considered for parking for outdoor venues. Short-term rentals should respect the neighbors and the land, and they would be convenient and helpful. He complemented the Planning Commission on progressing well. Zoning Administrator/Planner Yeomans clarified that outdoor gatherings and venues are two different items.

VIII. Staff and Commissioner Comments: No action taken.

IX. Adjournment: Motion by Driscoll, second by Johnson, to adjourn at 7:44 PM. Motion carried unanimously. The next regular meeting of the Sparta Township Planning Commission will be Tuesday, June 10, 2025, at 7 PM.

Respectfully submitted,
—Toni Potes
Recording Secretary



Fresh Coast Planning

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Alexis Gulker
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MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: 5/29/2025
Re: Amendment to Dwelling and Accessory Building Regulations

At your May 13, 2025, meeting, the Planning Commission reviewed a draft zoning ordinance amendment that would change the regulations for dwellings and accessory buildings. As proposed the amendment will have the following general impacts:

1. Dwellings will no longer be required to be built on top of a basement or crawl space.
2. Accessory buildings can be attached or detached, there will be no differentiation based on whether the accessory building is a garage, pole barn, or shed.
3. Property owners will be provided with more flexibility in how they build their garages and pole barns. For example, instead of being limited to a 1,200 square foot garage, a property owner could build a larger garage as long as it complies with the regulations for the size property they own.
4. Property owners will be provided with more combined square footage for Accessory Buildings.

Updates to Proposed Language

Based on the directions of the Planning Commission at your May 13, 2025 meeting the following updates have been made.

- A. Definitions for Interior Lot and Through Lot will be added to the Zoning Ordinance.
- B. Language will be added to Section 154.258 – Lots to clarify how required yards are established on Through Lots.
- C. Language has been added to Section 154.252 – Accessory Buildings and Uses to clarify required setbacks for accessory buildings on Through Lots

Next Steps

After the conclusion of the Public Hearing for the proposed amendment. The Planning Commission will need to determine whether any additional changes need to be made or if the amendment is ready to be recommended to the Township Board for approval.

Draft Motion

If the Planning Commission determines that no further changes are needed, the following motion may be used to recommend approval to the Township Board

Move to recommend adoption of the Dwelling and Accessory Building Requirements Amendment to the Township Board, as written.

Please let us know if you have any questions.

KLY
Planner

CC: Dale Bergman, Township Supervisor

SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN

(Dwelling and Accessory Building Requirements Amendment)

(Ordinance No. _____)

At a _____ meeting of the Township Board for Sparta Township held at the Township offices on _____, 2025, beginning at ____ p.m., this Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

**AN ORDINANCE AMENDMENT TO AMEND THE
SPARTA TOWNSHIP ZONING ORDINANCE, AS
AMENDED, REGARDING DWELLING
REQUIREMENTS, ACCESSORY BUILDING
REQUIREMENTS, AND SIMILAR MATTERS.**

THE TOWNSHIP OF SPARTA (the "TOWNSHIP") ORDAINS:

Article 1 – Definitions – Words and Terms Defined

Section 154.006 of the Zoning Ordinance of the Township of Sparta is hereby amended to revise the following terms and their related definitions:

ACCESSORY BUILDING. A building, portion of a building, or structure located on the same lot with the principal or main building and which is subordinate to the principal or main building. Accessory Buildings include, but are not limited to, garages (attached or detached), pole barns, sheds, gazebos, and chicken coops.

DWELLING or APARTMENT. A building or a portion thereof designated or used exclusively as a residence or sleeping place for one or more persons, including one-family, two-family, and multiple dwellings, apartment hotels

with cooking facilities, boarding and lodging houses and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers or truck campers. Every DWELLING shall have a minimum width of at least twenty-two (22) feet for its entire length and a minimum of a double pitched roof of not less than two and one-half feet of rise for each twelve (12) feet of run, and shall have a roof overhang of not less than six inches on all sides.

Article 2 – Definitions – Words and Terms Defined

Section 154.006 of the Zoning Ordinance of the Township of Sparta is hereby amended by the addition of the terms and their associated definitions, which shall read in their entirety as follows:

LOT, INTERIOR. A lot other than a corner lot which, with the exception of a “through lot,” has only one lot line fronting on a public or private street.

LOT, THROUGH. An interior lot having frontage on two or more streets.

Article 3 – Lots

Section 154.258 of the Zoning Ordinance of the Township of Sparta is hereby amended to read in its entirety:

(A) All Hlots shall have a buildable area. The net buildable area of a Hlot shall be a contiguous piece of land excluding land subject to flooding six months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land. In no case shall the net buildable area of a lot be less than 15,000 square feet unless otherwise specified herein.

(B) No lot shall be created that does not meet the minimum lot size and dimensional regulations of this chapter.

(C) On a eCorner H~~Lot~~, each H~~Lot~~ H~~Line~~ that abuts a street shall be deemed to be a fFront H~~Lot~~ H~~Line~~, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his or her application for a permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.

~~(C)~~(D) On a Through Lot, the Lot Line that abuts the street for which the Lot is addressed shall be considered the front lot line, and the required yard shall be considered a front yard. The lot line opposite the front lot line shall be considered a rear lot line, and the required yard shall be considered a rear yard. The remaining yards shall be considered side yards.

~~(D)~~(E) Cul-de-sac Lots

(1) A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required road frontage on the cul-de-sac. The one-half required road frontage shall be determined prior to reducing the required frontage permitted by division (D)(3) below. Thus, if the required road frontage is 150 feet, the lot must have more than 75 feet of road frontage on the cul-de-sac portion in order to qualify for the reduction in total road frontage as specified in division (D)(3) below.

(2) The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.

(3) A lot on a cul-de-sac shall have road frontage on a cul-de-sac that is not less than 60% of the minimum lot width required for the zoning district in which it is located.

Article 42 – Accessory Buildings and Uses

Section 154.252 of the Zoning Ordinance of the Township of Sparta is hereby amended to read in its entirety:

Section 154.252 Accessory Buildings and Uses

(A) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.

(B) Setbacks

(1) No accessory building or accessory use shall be erected or conducted within five (5) feet of any other building.

(2) No detached accessory building or accessory use shall be erected or conducted in any front yard unless such accessory building or accessory use is setback at least three hundred (300) feet away from the public road or private street upon which the lot involved is located.

~~(3) Accessory building or accessory uses, on an Interior Lot, within an agricultural or residential zoning district shall not be conducted within ten (10) feet of any side and/or rear lot line.~~

~~(3)(4) Accessory building or accessory uses, on a Through Lot, within an agricultural or residential zoning district shall comply with the rear setbacks for a principal building and shall not be conducted within ten (10) feet of any side lot line~~

(4)(5) Accessory building or accessory uses within a commercial or industrial zoning district shall comply with the same side and rear setbacks as the permitted principal building.

(C) Height

(1) Accessory Buildings used in a bone fide agricultural operation are exempt from the maximum sidewall height requirements of this Section but shall not exceed a total height of thirty-five (35) feet, measured from the existing grade to the peak of the roof.

(2) Detached accessory building side wall height, as measured from the existing grade to the bearing point of the roof truss, shall not exceed sixteen (16) feet.

(3) Attached accessory building side wall height, as measured from the existing grade to the bearing point of the roof truss, shall not exceed sixteen (16) feet or the sidewall height of the Principal Building to which it is attached, whichever is greater.

(4) Total accessory building height, measured from the existing grade to the peak of the roof, shall not exceed thirty-five (35) feet.

(5) No accessory building shall be used for, or occupied as, a dwelling.

(D) Maximum Square Footage and Number of Accessory Buildings

(1) Accessory Buildings used in a bone fide agricultural operation are exempt from the maximum square footage and maximum number of accessory building requirements of this Section.

(2) .In addition to the requirements of Section 154.252 (A)-(D), accessory buildings in agricultural and residential Zoning Districts shall comply with the following:

Lot Area (Acreage)	Maximum Number of Accessory Buildings	Maximum Combined Square Footage of All Accessory Buildings
Less than one (1) acre in area.	3	2,800 square feet
One (1) acre or greater, but less than one and one-half (1.5) acres.	3	3,300 square feet
One and one-half (1.5) acres or greater, but less than two (2) acres.	3	3,800 square feet
Two (2) acres or greater, but less than two and one-half (2.5) acres.	3	4,400 square feet
Two and one-half (2.5) acres or greater, but less than three (3) acres.	3	4,800 square feet
Three (3) acres or greater, but less than three and one-half (3.5) acres.	3	5,200 square feet
Three and one-half (3.5) acres or greater, but less than four (4) acres.	3	5,600 square feet
Four (4) acres or greater, but less than four and one-half (4.5) acres.	4	6,000 square feet
Four and one-half (4.5) acres or greater, but less than five (5) acres.	4	6,400 square feet
Five (5) acres or greater, but less than fifteen (15) acres.	4	3.0% of Lot Area
Fifteen (15) acres or greater.	5	3.0% of Lot Area

Article 53 – Conflicting Ordinances.

All other ordinances and parts of ordinances, or amendments thereto, in conflict with the provisions of this ordinance are hereby repealed.

Article 64 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall

not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 711 – The Balance of the Sparta Township Code of Ordinances (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Sparta Township Code of Ordinances, as amended, remains unchanged and in full force and effect.

Article 812 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Sparta Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: _____
Marcy Savage
Sparta Township Clerk

SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN

(Dwelling and Accessory Building Requirements Amendment)

(Ordinance No. _____)

At a _____ meeting of the Township Board for Sparta Township held at the Township offices on _____, 2025, beginning at ____ p.m., this Ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

**AN ORDINANCE AMENDMENT TO AMEND THE
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AMENDED, REGARDING DWELLING
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with cooking facilities, boarding and lodging houses and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers or truck campers. Every DWELLING shall have a minimum width of at least twenty-two (22) feet for its entire length and a minimum of a double pitched roof of not less than two and one-half feet of rise for each twelve (12) feet of run, and shall have a roof overhang of not less than six inches on all sides.

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(B) No lot shall be created that does not meet the minimum lot size and dimensional regulations of this chapter.

(C) On a Corner Lot, each Lot Line that abuts a street shall be deemed to be a Front Lot Line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his or her application for a permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.

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- (5) Accessory building or accessory uses within a commercial or industrial zoning district shall comply with the same side and rear setbacks as the permitted principal building.

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Article 5 – Conflicting Ordinances.

All other ordinances and parts of ordinances, or amendments thereto, in conflict with the provisions of this ordinance are hereby repealed.

Article 6 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall

not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 7 – The Balance of the Sparta Township Code of Ordinances (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Sparta Township Code of Ordinances, as amended, remains unchanged and in full force and effect.

Article 8 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

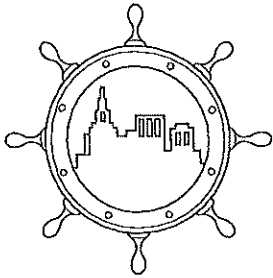
CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Sparta Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: _____
Marcy Savage
Sparta Township Clerk

MEMORANDUM



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
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www.freshcoastplanning.com

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Kevin Yeomans
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Alexis Gulker
616-773-4638
alexis@freshcoastplanning.com

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: June 3, 2025
Re: Review of Planning Commission Bylaws

As discussed at your May 13, 2025, meeting, the Planning Commission last reviewed your bylaws in 2020. Since that time, you've made some adjustments in how you conduct your meetings. Per your direction we've made the following updates:

1. Section 4.H was updated to reflect how you currently conduct meetings. The largest change is in regard to public comment. Per the bylaws the first public comment period will be for items on the agenda, with a second public comment period being added for items on or not on the agenda. This change is being made so that the Planning Commission can make sure the scheduled business items are taken care of before considering items that are not on the agenda.
2. The default time limit for public comment is being changed from five minutes to three minutes. However, provisions allowing for longer public comment periods will remain.

In addition to the above-mentioned items, the following changes have been made:

- A. The time of year when the Commission selects your chairperson, vice-chairperson, and secretary. Currently the bylaws state the first regular meeting of the year. However, the Township Supervisor typically presents his appointees to the Township Board for confirmation in August. By changing the date when you appoint your officers, you better ensure that your officers will be on the Planning Commission for at least a full year and avoid unnecessary disruption to the Planning Commission, should a commissioner not be reappointed.
- B. Section 2I was moved to be Section 2G. This move was made because 2I is similar in nature to Section 2F.
- C. The previous Section 2G was deleted because it is a restatement of what is already included in Section 2F.

No further changes have been made to your proposed bylaws.

Should the Planning Commission wish to approve the amended By-laws the following motion may be used:

I move to adopt the By-laws as presented.

Review of the By-laws has been scheduled for your June 10, 2025, meeting. Please let us know if you have any questions.

KLY
Planner

CC: Dale Bergman, Township Supervisor

SPARTA TOWNSHIP PLANNING COMMISSION BY-LAWS

SECTION 1. NAME AND PURPOSE:

- A. The name of the body is the Sparta Township Planning Commission, hereafter known as the "Commission".
- B. These rules of procedure and By-laws are adopted by the Commission to facilitate the performance of its duties as outlined in Michigan Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 et seq.), hereinafter "the Planning Act."
- C. These By-laws are also adopted to facilitate the duties of the Commission as to the Sparta Township Zoning Ordinance as specified in Michigan Public Act No. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et seq.), hereinafter "the Zoning Act."

SECTION 2. MEMBERSHIP AND OFFICERS:

- A. The Commission shall consist of seven (7) members, hereinafter called "Commissioners." All Commissioners shall be electors residing within the Township of Sparta who are appointed by the Township Supervisor and subject to the approval of a majority of the Township Board elected and serving. No Commissioner shall be an employee of the Township.
- B. Commissioners shall serve a term of three (3) years.
- C. The membership of the Commission shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Township of Sparta, in accordance with the major interests as they exist in the Township as follows:
Natural Resources; Recreation; Education; Public health; Government; Transportation; Industry and Retail; and Commerce.

- D. One member of the Commission shall also be a member of the Sparta Township Board, whose term of office shall coincide with his or her elected term of office on the Township Board. This liaison member of the Commission shall not serve as the chairperson or vice-chairperson of the Commission.
- E. At the first regular meeting ~~of each year~~ after the appointment or re-appointment of Commissioners by the Board of Trustees, the Commission shall elect from its membership a chairperson, vice-chairperson and secretary to serve a term of one (1) year each. All officers shall be eligible for re-appointment for consecutive terms for the same or a different office. The member of the Commission who is also a member of the Township Board shall not serve as the chairperson or vice-chairperson of the Commission.
- F. The chairperson shall preside at all meetings, appoint subcommittees (with Commission confirmation) and perform other duties as may be necessary. In the absence of the chairperson, the vice-chairperson shall act as chairperson. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Commission shall elect a successor to the office of vice chairperson for the unexpired term. In the absence of both, the secretary shall act as chairperson.
- F.G. If the chairperson, vice-chairperson, and Secretary are all absent from a meeting of the Commission and are unable to serve as chairperson at that meeting, then the remaining members shall select a member of the Commission to serve as temporary chairperson of that meeting.
- G. ~~The vice chairperson shall act in the capacity of the chairperson in the absence of the chairperson and shall succeed to the office of the chairperson in the event of a vacancy in that office, in which case the Commission shall select a successor to the office of vice chairperson at the earliest possible time.~~
- H. The secretary shall execute and certify documents in the name of the Commission, perform the duties listed below and perform such other duties as the Commission may determine.
1. Minutes. The secretary shall be responsible for overseeing a permanent record of the minutes of each meeting and having them recorded in suitable permanent records retained by the

Township Clerk. The minutes shall contain a synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance and any other matters required by law.

2. Correspondence. The secretary shall be responsible for issuing formal written correspondence with other groups or persons as directed by the Commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Commission.
3. Attendance. The secretary shall be responsible for maintaining an attendance record for the Commission.
4. Notices. The secretary shall issue such notices as may be required by the Commission or state law.
5. Recording Secretary. A recording secretary (who is not a member of the Commission) may assume some or all duties of the secretary.

~~If the chairperson and vice chairperson are both absent from a meeting of the Commission and are unable to serve as chairperson at that meeting, then the remaining members shall select a member of the Commission to serve as temporary chairperson of that meeting.~~

SECTION 3. MEETINGS:

- A. The Commission shall meet once each month at 7:00 pm at 160 East Division Street, Sparta, Michigan 49345 or at such other time and/or location as the Commission shall specify.
- B. Special meetings may be called by the Chairperson or by at least three (3) members of the Commission. Notice shall also be posted in appropriate locations.
- C. All meetings are subject to Public Act No. 267 of 1967, as amended, being the Michigan Open Meetings Act. The dates and times of such meetings shall be posted by the Township according to that Act. All meetings, minutes, resolutions, records, documents, correspondence and other materials of

the Commission shall also be subject to public inspection in accordance with Public Act No. 442 of 1976, as amended, being the Freedom of Information Act, except as may otherwise be provided by law.

- D. If a member is unable to attend a meeting insofar as is practicable, he or she shall contact the chairperson or other Commission officer before the meeting. If it is determined that a quorum may not be available, the chairperson or other Commission officer shall contact the other Commissioners to cancel or adjourn the meeting. The chairperson or other officer shall then post such notice of the meeting cancellation or adjournment at the Township Hall.
- E. For the purpose of permitting adequate time for the Commission to conduct its review of all business contained on the agenda, the public comment pertaining to agenda items shall be generally limited to the following:
1. Public comments at a public hearing shall be taken during the period that the Chairperson opens and then closes for the public hearing. This hearing generally occurs after the applicant has had the opportunity to address the Commission. Additional public comments may be taken by the Commission after closure of the public hearing, but only upon recognition by the Chairperson.
 2. Typically, the chairperson will allow ~~five~~ three minutes of public comment per person ~~for each agenda item~~. However, the chairperson may allow one spokesperson (whether that is an attorney, engineer, planner or otherwise) to speak for a group of people and the chairperson can then allow more than ~~five~~ three minutes for such public comment by that representative.
 3. Citizen groups are encouraged to designate one or more representatives to speak on their behalf.
 4. Speakers should provide their names, address and any groups or businesses they represent.
 5. The full Commission (by majority vote of those present) can override a decision by the chairperson involving public comments.

- F. A quorum shall be constituted by at least four (4) members of the Commission.
- G. Township staff, with the prior approval of the chairperson, may cancel or adjourn a meeting of the Commission beforehand due to inclement weather, the anticipated lack of a quorum, the lack of matters on the agenda, an emergency or for similar reasons. Notice of a cancelled meeting shall be posted at the Township offices. An adjourned meeting will be noticed in the manner and to the extent required by law.

SECTION 4. VOTING:

- A. Each Commissioner, including the chairperson, shall have one (1) vote. A voice vote shall be taken unless a roll call is requested by a Commissioner or is required by law.
- B. Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded. The chairperson may make and second motions.
- C. A majority of the quorum present at a meeting is required to pass a motion or adopt a resolution.
- D. All members of the Commission (including the chairperson) shall vote on all matters, but the chairperson shall vote last. Any member may be excused from voting but only if that person has a conflict of interest as set forth in Section 7 herein.
- E. A tie vote shall cause the defeat of any motion for final action. Votes recommending proposals to the Township Board resulting in a tie vote will cause a "No Recommendation" to be forwarded to the Township Board, unless the motion is later passed by the Commission in the interim.
- F. At least five (5) affirmative votes are required to adopt or amend the Master Plan.
- G. No official action shall be taken without a quorum.
- H. A written agenda for all regular meetings shall be prepared before a meeting as follows. The order of business shall generally be:
 - 1. ~~Roll Call~~ Call to Order
 - 2. Pledge of Allegiance

~~3. Agenda Additions/Deletions~~ Additions or Corrections to the Agenda

~~4. Approval of Minutes~~

~~4.5. Public Comments and Communications Concerning Items Not on the Agenda~~

~~Approval of Minutes~~

~~5.6. Public Hearings~~

~~6.7. Unfinished Business~~

~~7.8. New Business~~

9. Public Comments and Communications Concerning Items On or Not On the Agenda

~~8.10. Reports~~

~~9.11. Comments from Commissioners~~

~~10.12. Adjournment~~

SECTION 5. STAFF SUPPORT:

- A. The Township Clerk shall be responsible for coordinating the agendas, public hearings and other meetings of the Commission and for providing staff for subcommittees.
- B. The Zoning Administrator or Township Planner shall solicit and coordinate the zoning application review process and forward pertinent information to the Commission to aid in its decision making process.
- C. The Township Planner shall be responsible for carrying out the directives of the Commission. The Township Planner shall also advise and assist the Commission in the establishment of general planning policy and shall represent that policy to the public.
- D. Staff support shall be provided to compile required records, maintain files and indices, and perform clerical work for the Commission. At the direction of the Commission, staff shall provide factual information and recommendations to the Commission on development proposals and other pertinent issues. Recommendations shall not be binding on the Commission.

SECTION 6. SUBCOMMITTEES:

- A. The Commission may create subcommittees composed of at least three (3), but less than a quorum, members of the Commission.
- B. The Commission may establish and appoint ad hoc subcommittees for special purposes of issues as deemed necessary.
- C. The Commission or chairperson may establish and appoint citizen subcommittees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen subcommittee at any given time. The purpose of the citizen subcommittee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Township.

SECTION 7. CONFLICTS OF INTEREST:

- A. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall, at a minimum include, but is not limited to, the following:
 - 1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she has an ownership interest or may be financially impacted.
 - 4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - 5. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant or has a direct interest in the outcome.

6. Issuing, deliberating on, voting on, or reviewing a case concerning property owned or controlled by his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 7. Any situation where the Commissioner has a conflict of interest under Michigan law or Township ordinance. These By-laws also incorporate the conflict of interest rules and requirements contained in subsection I(e) of the Sparta Township Planning Commission Ordinance (being Ordinance No. 11-01).
- B. Commissioners deemed to have a conflict of interest are disqualified from participating and voting on the matter at issue. Failure to disclose a conflict of interest constitutes malfeasance in office.
 - C. The Commission member declaring a conflict of interest must state the nature of the conflict and whether they believe they can impartially consider the request before the Commission. They should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict.

In cases where it is not entirely clear that there is a conflict of interest, the member with a potential conflict of interest may ask the other Commission members to decide if the member with a potential conflict of interest should abstain. If this is requested, the remaining Commission members shall vote on the abstention, and the results of the vote shall determine the participation of the member declaring the conflict.
 - D. The member declaring a conflict may, but need not, leave the room in which the discussion takes place, but should excuse himself or herself from the Commission table until the matter is decided by the Commission.
- A Commissioner shall have the right to address any matter before the Commission as a private citizen. In doing so, the Commissioner must excuse himself or herself from the Commission table and address the Commission from the floor.

However, this may be seen as placing undue pressure on fellow Commissioners in their consideration of the project or matter. Such action on the part of a conflicted Commissioner should be carefully considered in order to avoid the appearance of a conflict of interest.

SECTION 8. POWERS AND DUTIES:

- A. The Commission shall have the powers and duties as are set forth in Michigan Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et seq; and Michigan Public Act No. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et seq). In addition, the Commission's duties shall include the following:
1. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
 2. Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.
 3. Prepare and adopt By-laws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
 4. Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development.
 5. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
 6. Prepare special studies and plans, as deemed necessary by the Commission or Township Board, and for which appropriations of funds have been approved by the Township Board, as needed.
 7. Attend training sessions, conferences, or meetings as needed and as recommended by Township staff, the Township Board, Township Supervisor or the chairperson of the

Commission to properly fulfill the duties of a Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.

8. Members shall avoid to the best of their abilities ex parte contact (i.e. contact outside of a formal Commission public meeting) with a representative of an applicant before the Commission (or the neighbors). Should such contact occur, the member shall disclose it publicly to the Commission at the next Commission meeting.

SECTION 9. INTERPRETATIONS AND CONFLICTS

Should any provision of these By-laws conflict with either the Planning Act, the Zoning Act, the Sparta Township Zoning Ordinance or the Sparta Township Planning Commission Ordinance (being Ordinance No. 11-01), the conflicting provision of these By-laws shall yield to those statutes or ordinances and the relevant provision of those statutes or ordinances shall govern.

SECTION 10. AMENDMENTS:

These By-laws shall supersede and replace any prior By-laws adopted by the Commission. The Commission may amend these By-laws with a concurring vote of not less than two-thirds of the members present at any meeting, provided that all Commissioners received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which amendments are to be considered, subject to the provisions of Section 2 hereof.

The foregoing By-laws for the Sparta Township Planning Commission were adopted at a regular meeting of the Sparta Township Planning Commission held on September 22, 2020, the motion being:

Motion by _____, supported by _____, to adopt these
By-laws

The vote to adopt these By-laws was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

Motion carried _____ to _____.

CERTIFICATION

I hereby certify the foregoing to be a true copy of the By-laws of the Sparta Township Planning Commission adopted by the Planning Commission on the _____ day of _____, 2025, at the Sparta Township Hall.

Secretary
Sparta Township Planning Commission

SPARTA TOWNSHIP PLANNING COMMISSION BY-LAWS

SECTION 1. NAME AND PURPOSE:

- A. The name of the body is the Sparta Township Planning Commission, hereafter known as the "Commission".
- B. These rules of procedure and By-laws are adopted by the Commission to facilitate the performance of its duties as outlined in Michigan Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 et seq.), hereinafter "the Planning Act."
- C. These By-laws are also adopted to facilitate the duties of the Commission as to the Sparta Township Zoning Ordinance as specified in Michigan Public Act No. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et seq.), hereinafter "the Zoning Act."

SECTION 2. MEMBERSHIP AND OFFICERS:

- A. The Commission shall consist of seven (7) members, hereinafter called "Commissioners." All Commissioners shall be electors residing within the Township of Sparta who are appointed by the Township Supervisor and subject to the approval of a majority of the Township Board elected and serving. No Commissioner shall be an employee of the Township.
- B. Commissioners shall serve a term of three (3) years.
- C. The membership of the Commission shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Township of Sparta, in accordance with the major interests as they exist in the Township as follows: Natural Resources; Recreation; Education; Public health; Government; Transportation; Industry and Retail; and Commerce.

- D. One member of the Commission shall also be a member of the Sparta Township Board, whose term of office shall coincide with his or her elected term of office on the Township Board. This liaison member of the Commission shall not serve as the chairperson or vice-chairperson of the Commission.
- E. At the first regular meeting after the appointment or re-appointment of Commissioners by the Board of Trustees, the Commission shall elect from its membership a chairperson, vice-chairperson and secretary to serve a term of one (1) year each. All officers shall be eligible for re-appointment for consecutive terms for the same or a different office. The member of the Commission who is also a member of the Township Board shall not serve as the chairperson or vice-chairperson of the Commission.
- F. The chairperson shall preside at all meetings, appoint subcommittees (with Commission confirmation) and perform other duties as may be necessary. In the absence of the chairperson, the vice-chairperson shall act as chairperson. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Commission shall elect a successor to the office of vice chairperson for the unexpired term. In the absence of both, the secretary shall act as chairperson.
- G. If the chairperson, vice-chairperson, and Secretary are all absent from a meeting of the Commission and are unable to serve as chairperson at that meeting, then the remaining members shall select a member of the Commission to serve as temporary chairperson of that meeting.
- H. The secretary shall execute and certify documents in the name of the Commission, perform the duties listed below and perform such other duties as the Commission may determine.
 - 1. Minutes. The secretary shall be responsible for overseeing a permanent record of the minutes of each meeting and having them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and record of attendance and any other matters required by law.

2. Correspondence. The secretary shall be responsible for issuing formal written correspondence with other groups or persons as directed by the Commission. All communications, petitions, reports or other written materials received by the secretary shall be brought to the attention of the Commission.
3. Attendance. The secretary shall be responsible for maintaining an attendance record for the Commission.
4. Notices. The secretary shall issue such notices as may be required by the Commission or state law.
5. Recording Secretary. A recording secretary (who is not a member of the Commission) may assume some or all duties of the secretary.

SECTION 3. MEETINGS:

- A. The Commission shall meet once each month at 7:00 pm at 160 East Division Street, Sparta, Michigan 49345 or at such other time and/or location as the Commission shall specify.
- B. Special meetings may be called by the Chairperson or by at least three (3) members of the Commission. Notice shall also be posted in appropriate locations.
- C. All meetings are subject to Public Act No. 267 of 1967, as amended, being the Michigan Open Meetings Act. The dates and times of such meetings shall be posted by the Township according to that Act. All meetings, minutes, resolutions, records, documents, correspondence and other materials of the Commission shall also be subject to public inspection in accordance with Public Act No. 442 of 1976, as amended, being the Freedom of Information Act, except as may otherwise be provided by law.
- D. If a member is unable to attend a meeting insofar as is practicable, he or she shall contact the chairperson or other Commission officer before the meeting. If it is determined that a quorum may not be available, the chairperson or other Commission officer shall contact the other Commissioners

to cancel or adjourn the meeting. The chairperson or other officer shall then post such notice of the meeting cancellation or adjournment at the Township Hall.

- E. For the purpose of permitting adequate time for the Commission to conduct its review of all business contained on the agenda, the public comment pertaining to agenda items shall be generally limited to the following:
1. Public comments at a public hearing shall be taken during the period that the Chairperson opens and then closes for the public hearing. This hearing generally occurs after the applicant has had the opportunity to address the Commission. Additional public comments may be taken by the Commission after closure of the public hearing, but only upon recognition by the Chairperson.
 2. Typically, the chairperson will allow three minutes of public comment per person. However, the chairperson may allow one spokesperson (whether that is an attorney, engineer, planner or otherwise) to speak for a group of people and the chairperson can then allow more than three minutes for such public comment by that representative.
 3. Citizen groups are encouraged to designate one or more representatives to speak on their behalf.
 4. Speakers should provide their names, address and any groups or businesses they represent.
 5. The full Commission (by majority vote of those present) can override a decision by the chairperson involving public comments.
- F. A quorum shall be constituted by at least four (4) members of the Commission.
- G. Township staff, with the prior approval of the chairperson, may cancel or adjourn a meeting of the Commission beforehand due to inclement weather, the anticipated lack of a quorum, the lack of matters on the agenda, an emergency or for similar reasons. Notice of a cancelled meeting shall be posted at the Township offices. An adjourned meeting will be noticed in the manner and to the extent required by law.

SECTION 4. VOTING:

- A. Each Commissioner, including the chairperson, shall have one (1) vote. A voice vote shall be taken unless a roll call is requested by a Commissioner or is required by law.
- B. Motions shall be restated by the chairperson before a vote is taken. The name of the maker and supporters of the motions shall be recorded. The chairperson may make and second motions.
- C. A majority of the quorum present at a meeting is required to pass a motion or adopt a resolution.
- D. All members of the Commission (including the chairperson) shall vote on all matters, but the chairperson shall vote last. Any member may be excused from voting but only if that person has a conflict of interest as set forth in Section 7 herein.
- E. A tie vote shall cause the defeat of any motion for final action. Votes recommending proposals to the Township Board resulting in a tie vote will cause a "No Recommendation" to be forwarded to the Township Board, unless the motion is later passed by the Commission in the interim.
- F. At least five (5) affirmative votes are required to adopt or amend the Master Plan.
- G. No official action shall be taken without a quorum.
- H. A written agenda for all regular meetings shall be prepared before a meeting as follows. The order of business shall generally be:
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Additions or Corrections to the Agenda
 - 4. Approval of Minutes
 - 5. Public Comments and Communications Concerning Items on the Agenda
 - 6. Public Hearings
 - 7. Unfinished Business
 - 8. New Business
 - 9. Public Comments and Communications Concerning Items On or Not On the Agenda

10. Reports
11. Comments from Commissioners
12. Adjournment

SECTION 5. STAFF SUPPORT:

- A. The Township Clerk shall be responsible for coordinating the agendas, public hearings and other meetings of the Commission and for providing staff for subcommittees.
- B. The Zoning Administrator or Township Planner shall solicit and coordinate the zoning application review process and forward pertinent information to the Commission to aid in its decision making process.
- C. The Township Planner shall be responsible for carrying out the directives of the Commission. The Township Planner shall also advise and assist the Commission in the establishment of general planning policy and shall represent that policy to the public.
- D. Staff support shall be provided to compile required records, maintain files and indices, and perform clerical work for the Commission. At the direction of the Commission, staff shall provide factual information and recommendations to the Commission on development proposals and other pertinent issues. Recommendations shall not be binding on the Commission.

SECTION 6. SUBCOMMITTEES:

- A. The Commission may create subcommittees composed of at least three (3), but less than a quorum, members of the Commission.
- B. The Commission may establish and appoint ad hoc subcommittees for special purposes of issues as deemed necessary.
- C. The Commission or chairperson may establish and appoint citizen subcommittees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serve on a citizen subcommittee at any given time. The purpose of the citizen subcommittee is to have

more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the Township.

SECTION 7. CONFLICTS OF INTEREST:

- A. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall, at a minimum include, but is not limited to, the following:
1. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 2. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 3. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she has an ownership interest or may be financially impacted.
 4. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 5. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is an applicant or agent for an applicant or has a direct interest in the outcome.
 6. Issuing, deliberating on, voting on, or reviewing a case concerning property owned or controlled by his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 7. Any situation where the Commissioner has a conflict of interest under Michigan law or Township ordinance. These By-laws also incorporate the conflict of interest rules and requirements contained in subsection l(e) of the Sparta Township Planning Commission Ordinance (being Ordinance No. 11-01).

- B. Commissioners deemed to have a conflict or interest are disqualified from participating and voting on the matter at issue. Failure to disclose a conflict of interest constitutes malfeasance in office.
- C. The Commission member declaring a conflict of interest must state the nature of the conflict and whether they believe they can impartially consider the request before the Commission. They should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict.

In cases where it is not entirely clear that there is a conflict of interest, the member with a potential conflict of interest may ask the other Commission members to decide if the member with a potential conflict of interest should abstain. If this is requested, the remaining Commission members shall vote on the abstention, and the results of the vote shall determine the participation of the member declaring the conflict.

- D. The member declaring a conflict may, but need not, leave the room in which the discussion takes place, but should excuse himself or herself from the Commission table until the matter is decided by the Commission.

A Commissioner shall have the right to address any matter before the Commission as a private citizen. In doing so, the Commissioner must excuse himself or herself from the Commission table and address the Commission from the floor.

However, this may be seen as placing undue pressure on fellow Commissioners in their consideration of the project or matter. Such action on the part of a conflicted Commissioner should be carefully considered in order to avoid the appearance of a conflict of interest.

SECTION 8. POWERS AND DUTIES:

- A. The Commission shall have the powers and duties as are set forth in Michigan Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et seq; and Michigan

Public Act No. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 et seq). In addition, the Commission's duties shall include the following:

1. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
2. Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.
3. Prepare and adopt By-laws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
4. Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development.
5. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
6. Prepare special studies and plans, as deemed necessary by the Commission or Township Board, and for which appropriations of funds have been approved by the Township Board, as needed.
7. Attend training sessions, conferences, or meetings as needed and as recommended by Township staff, the Township Board, Township Supervisor or the chairperson of the Commission to properly fulfill the duties of a Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
8. Members shall avoid to the best of their abilities ex parte contact (i.e. contact outside of a formal Commission public meeting) with a representative of an applicant before the Commission (or the neighbors). Should such contact occur, the member shall disclose it publicly to the Commission at the next Commission meeting.

SECTION 9. INTERPRETATIONS AND CONFLICTS

Should any provision of these By-laws conflict with either the Planning Act, the Zoning Act, the Sparta Township Zoning Ordinance or the Sparta Township Planning Commission Ordinance (being Ordinance No. 11-01), the conflicting provision of these By-laws shall yield to those statutes or ordinances and the relevant provision of those statutes or ordinances shall govern.

SECTION 10. AMENDMENTS:

These By-laws shall supersede and replace any prior By-laws adopted by the Commission. The Commission may amend these By-laws with a concurring vote of not less than two-thirds of the members present at any meeting, provided that all Commissioners received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which amendments are to be considered, subject to the provisions of Section 2 hereof.

The foregoing By-laws for the Sparta Township Planning Commission were adopted at a regular meeting of the Sparta Township Planning Commission held on September 22, 2020, the motion being:

Motion by _____, supported by _____, to adopt these
By-laws

The vote to adopt these By-laws was as follows:

YEAS: _____

NAYS: _____

ABSENT: _____

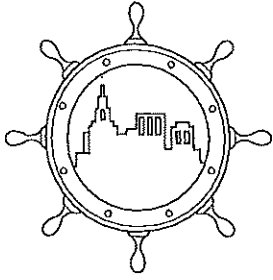
Motion carried _____ to _____.

CERTIFICATION

I hereby certify the foregoing to be a true copy of the By-laws of the Sparta Township Planning Commission adopted by the Planning Commission on the _____ day of _____, 2025, at the Sparta Township Hall.

Secretary

Sparta Township Planning Commission



Fresh Coast Planning

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Kevin Yeomans
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Alexis Gulker
616-773-4638
alexis@freshcoastplanning.com

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: June 3, 2025
Re: Bed and Breakfast as a Special Land Use in C-1

It is our understanding that as part of the Township's review of Briar Barn's proposed use at 693 10 Mile Road. The Township adopted a Zoning Ordinance Text Amendment that allowed Bed and Breakfast as a special land use in the C-1 General Commercial Zoning District. However, this amendment was not captured when the Zoning Ordinance was codified and readopted.

The result is that though the intent of the Township was to allow Bed and Breakfast establishments as a special land use in the C1 Zoning District, they are currently not allowed in the C1 Zoning District at all.

As part of your review, we have prepared a draft zoning ordinance text amendment for your review.

Items for Consideration

1. Hotels and motels are currently allowed in the C1 Zoning District
2. Sparta Township currently has two commercial zoning districts, C-1 and C-2. C-1 is generally for indoor commercial uses and C-2 is generally for outdoor commercial uses.
3. As stated in Section 154.022 – Purposes and Objectives of Districts of the Sparta Township Zoning Ordinance, the intent of the C-1, General Commercial Zoning District is as follows:

The C-1 Zoning District is intended for general convenience type retail businesses and personal service uses, that are deemed desirable and appropriate to the surrounding residential areas of the township. Beyond this character of commercial development, new or additional uses that would create safety and health hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic or late hours of operation, are hereby prohibited. By the inclusion of this zoning district, it is also the intent of the township to prevent against the fringe development of convenience businesses and the random scatteration of similar uses elsewhere in the unincorporated portions of the community.

Given that the hotels and motels are currently allowed in the C-1 Zoning District, Bed and Breakfast are an indoor commercial use, personal service uses are intended for the C-1 District, and the previous adoption of a similar amendment by Sparta Township, allowing Bed and Breakfast as a special land use may be appropriate.

If the Planning Commission desires to proceed with the proposed amendment, a public hearing must be held.

KLY
Planner

CC: Dale Bergman, Township Supervisor

SPARTA TOWNSHIP
KENT COUNTY, MICHIGAN

(Bed & Breakfast in the C-1 Zoning District)

(Ordinance No. _____)

At a _____ meeting of the Township Board for Sparta Township held at the Township offices on _____, 2024, beginning at ____ p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____:

**AN ORDINANCE AMENDMENT TO AMEND THE
SPARTA TOWNSHIP ZONING ORDINANCE, AS
AMENDED, REGARDING BED AND BREAKFAST
IN THE C-1 ZONING DISTRICT AND SIMILAR
MATTERS.**

THE TOWNSHIP OF SPARTA (the "TOWNSHIP") ORDAINS:

Article 1 – Appendix A, Table of Use Regulations. Appendix A of the Sparta Township Zoning Ordinance shall be amended to add the following language:

Appendix A: C-1 General Commercial Zoning District

Column 3 (Special Uses): 11. Bed and Breakfast Establishments per Section 154.270

Article 2 – Bed and Breakfast Establishments. Section 154.270 of the Sparta Township Zoning Ordinance shall be amended to read in its entirety as follows:

SECTION 154.270 BED AND BREAKFAST ESTABLISHMENTS.

A bed and breakfast establishment may be approved by the Planning Commission as a special use in the Ag-1, ~~and Ag-2,~~ and C-1 Zoning Districts upon compliance with the following requirements.

(A) through (L) No change.

Article 3 – Conflicting Ordinances.

All other ordinances and parts of ordinances, or amendments thereto, in conflict with the provisions of this ordinance are hereby repealed.

Article 4 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 5 – The Balance of the Sparta Township Code of Ordinances (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Sparta Township Code of Ordinances, as amended, remains unchanged and in full force and effect.

Article 6 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: _____

NAYS: _____

ABSTAIN/ABSENT: _____

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Sparta Township at the time, date, and place specified above pursuant to the required statutory procedures.

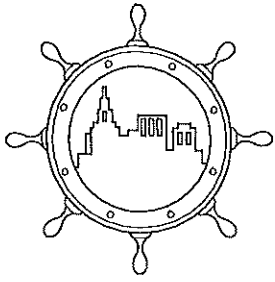
Respectfully submitted,

By: _____

Marcy Savage
Sparta Township Clerk

MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: June 3, 2025
Re: First Discussion Regarding Short Term Rentals in the Township



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As the Planning Commission prepares to determine if and where to allow short-term rentals ("STR") in the Township we seek to get your general input regarding what your concerns and hopes are for short term rentals. In an attempt to aid in your discussions, we have provided the following points for your review:

1. What don't you want to see happen in regard to short-term rentals?
2. As previously discussed, short-term rentals may be able to help support Agri-tourism within Sparta Township, are there any other hopes or goals the Planning Commission hopes to reach if STRs are allowed?
3. What Zoning Districts do you believe short term rentals will be appropriate in?
 - a. Under current zoning ordinance definitions, a short-term rental is considered a motel or hotel and is only allowed as a special land use in the C-1 Zoning District where community sanitary sewer is available, or as a use by right in the C-2 Zoning District where community sanitary sewer is available.
 - b. Should they be allowed in the same or similar zoning districts as Bed and Breakfast?
 - c. In our time with the Township, we've had two short-term rentals that operated in violation of the Zoning Ordinance, one in C-2, one in RR.
4. Would supplementary regulations similar to Bed and Breakfast be appropriate?
5. Are there any places that Commissioners have visited and stayed in a short-term rental?
 - a. Good experiences?
 - b. Bad experiences?
6. Would you like to conduct a survey or another type of community outreach as part of your deliberations?
7. Any other items the Commission wishes to discuss?

Also, attached are two short articles from 2015 by Michigan State University Extension about short-term rentals. Please note that the articles are nearly ten years old. They do however contain some items that the Planning Commission may want to keep in mind as we go through the process of preparing short-term rental regulations for Sparta Township.

Deliberation regarding short-term rentals is scheduled for your June 10, 2025, meeting. Please let us know if you have any questions.

KLY
Planner

CC: Dale Bergman, Township Supervisor

Considering regulation of short-term rentals in light of the sharing economy: Part 1

Brad Neumann<neuman36@msu.edu>, [Michigan State University Extension](#) - December 22, 2015

Short-term rentals are sometimes perceived as nuisances in neighborhoods, but the emergence of the sharing economy suggests communities may want to offer something for everyone in terms of lodging experiences for visitors of all kinds.

A short-term rental is generally defined as a commercial use of a residential property for a period of less than 30 days. Short-term rentals are an important land use activity to address in communities that have a significant tourism economy. In Michigan, short-term rentals are typically thought of as vacation properties rented either during the endless beach days of summer or the snow-filled ski and snowmobiling winter days characteristic of northern latitudes. However, this conventional thinking is sometimes associated with neighborhood opposition to short-term rentals resulting from unruly tenants, late night parties, and parking problems.

Given the growth in the sharing economy in recent years, only thinking of short-term rentals as 'vacation rentals' is not a complete assessment of the topic. Increasingly, travelers of all kinds are looking for different lodging experiences other than the conventional hotel or motel. These days, short-term rentals are also used by business travelers, patients and family members staying for medical treatments, and the casual passerby.

Communities that want to offer something for everyone in terms of lodging experiences for visitors of all kinds will want to allow short-term rentals to some extent in the community. Beyond the lake properties or those with trail access nearby, housing in traditional neighborhoods close to downtown are also attractive locations for visitors to stay. Short-term rentals near downtowns and traditional centers may offer a lodging option that is missing, as some hotel chains have located in more suburban locations on the outskirts.

With the sharing economy in mind, a community will need to decide if regulations related to short-term rentals will address renting individual rooms in owner-occupied homes through services such as Airbnb, FlipKey, and HomeAway, in addition to bed and breakfasts and renting entire homes or condominium apartments (e.g. 'vacation rentals').

Part two of this article explores the regulatory options for communities and offers some considerations related to definitions, process of approval, and review standards for short-term rentals.

Michigan State University Extension helps communities learn how to improve their social and economic appeal to create and retain jobs. Community leaders are given the tools they need to have a positive effect on their cities, villages, townships, counties and the whole state.

This article was published by **Michigan State University Extension**. For more information, visit <https://extension.msu.edu>. To have a digest of information delivered straight to your email inbox, visit <https://extension.msu.edu/newsletters>. To contact an expert in your area, visit <https://extension.msu.edu/experts>, or call 888-MSUE4MI (888-678-3464).

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The 4-H Name and Emblem have special protections from Congress, protected by code 18 USC 707.

We comply with the Federal Trade Commission 1998 Children's Online Privacy Protection Act (COPPA) (<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>).

Considering regulation of short-term rentals in light of the sharing economy: Part 2

Brad Neumann<neuman36@msu.edu>, [Michigan State University Extension](#) - December 22, 2015

Short-term rentals are sometimes perceived as nuisances in neighborhoods, but the emergence of the sharing economy suggests communities may want to offer something for everyone in terms of lodging experiences for visitors of all kinds.

Part one of this article introduced the idea of offering something for everyone when regulating short-term rentals in light of the sharing economy. This article highlights regulatory options for communities and offers some considerations related to definitions, process of approval, and review standards for short-term rentals.

In Michigan, cities, villages, and townships have the authority to adopt regulations related to rentals either through the zoning ordinance or a separate police power ordinance. Counties with zoning have the ability to include such regulations in their zoning ordinance. Under a zoning ordinance however, property owners who had legally rented their homes prior to a zoning amendment would be grandfathered and would be allowed to continue their rentals as they did before the ordinance amendment (see Understanding nonconformity: Are you 'grandfathered' in?). Instead, rental regulations as a general police power ordinance are not required to allow the continuation of legal non-conforming uses. It is important to keep in mind that Michigan counties do not have police power authority and cannot adopt stand-alone ordinances on topics like short-term.

One of the tricks to regulating short-term rentals is to define them as a commercial use, so that they are treated similar to other lodging enterprises and different from residential uses. This approach reflects the Constitutional protection of equal treatment in which similarly situated individuals must be treated similarly. (The distinction of short-term rental being commercial is reinforced by court rulings on the issue, and communities which have not carefully made that distinction have not fared as well in courts.) Then, a community would list short-term rentals as a special land use in the appropriate zoning districts based on public engagement on the topic as to where the special use is generally acceptable. The community would then hear individual requests for a special land use permit for a particular property in those zoning districts where it is listed as a special land use.

Another step for a community is to identify the standards that will apply when reviewing applications from property owners for the short-term rental of their property. Such standards should include discretionary and non-discretionary standards. A discretionary standard is something like “The use will be harmonious with the surrounding neighborhood.” This is a type of standard that a planning commission would need to discuss in an open meeting with opportunity for public comment. A non-discretionary standard on the other hand is something that is more black or white, for instance, “two off-street parking spaces shall be provided on site for each short-term rental unit.” This standard is either met in the pending application or it is not.

Considering the sharing economy, communities may find it beneficial to consider all types of short-term rentals, beyond just the conventional ‘vacation rental’ home and develop a single set of standards that apply to all of them. Such a set of standards could possibly include licensing, allowable length of stay, number of rooms that can be rented, separation requirements for some rental types, parking, guest register, display of fire escape routes and owner contact information, and so on.

Communities should keep in mind that a zoning ordinance that completely excludes an otherwise legal or legitimate land use is suspect. If a municipality’s ordinance is silent on the issue of short-term rentals, it typically means short-term rentals are not permitted anywhere. Zoning ordinances that are written in a permissive format state the permitted use within the district and necessarily imply the exclusion of any other use not listed. Communities that do not allow short-term rentals or do not address the topic should ask ‘what’s the legitimate government purpose of prohibiting short-term rentals?’ Prohibiting short-term rentals may be a legally risky approach, even if motivations for doing so are thoroughly documented in the ordinance and master plan. It is important to note that any amendment to a community’s zoning ordinance should be reviewed before adoption by the community’s corporate attorney who is experienced in municipal and land use law.

[Michigan State University Extension](#) helps communities learn how to improve their social and economic appeal to create and retain jobs. Community leaders are given the tools they need to have a positive effect on their cities, villages, townships, counties and the whole state.

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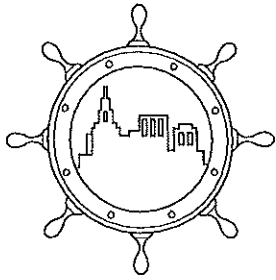
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MEMORANDUM

To: Sparta Township Planning Commission
From: Kevin Yeomans
Date: June 4, 2025
Re: Outdoor Gatherings Ordinance Review



Fresh Coast Planning

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The Outdoor Gatherings Ordinance (the "Ordinance") was originally adopted in 1978. The last amendment to the Ordinance appears to have been made in 1999. Currently an outdoor gathering permit is required for any event attended by more than 500 people. If an event has less than 500 attendees no outdoor gathering permit is required.

It's our understanding that these regulations were adopted to ensure that large events such as the Sparta Rodeo and Town and Country Days. Given the changing nature of the community, the growing popularity of event barns, and the Township's goal to promote Agri-tourism, which could result in smaller but more regularly occurring events, we want to make sure that the current Outdoor Gatherings regulations still meet the intent for which they were passed.

To aid in the Planning Commission's review of Sparta Township's Outdoor Gathering Regulations, we have also included copies of Alpine Township's and Plainfield Township's Outdoor Gatherings regulations.

As the Planning Commission determines whether to propose changes to the Outdoor Gatherings Ordinance, the following items should be considered:

- What is the goal and intent of regulating outdoor gatherings?
- Is the current attendee limit (500) appropriate? Should it be more? Less?
- Are there any other items you believe should be regulated?
 - Outdoor Concerts/Outdoor Music? Time Limits, Noise Level
 - Lighting? Brightness, Time Limits.
- Should there be an annual permit available to venues that are likely to host multiple outdoor gatherings within a year? Allowing them be regulated similar to how a food truck is permitted?
- Other items as identified by the Planning Commission.

With the current attendee limit it may be hard for the Township to regulate and enforce the Ordinance. However, we are not recommending that the Township should lower attendee limit. Our only intent is to bring this to your attention and ensure that the regulations you have in place are having the impact you intend. After reviewing the Outdoor Gatherings Ordinance, you can determine that no changes are necessary.

If you have any questions, please let us know.

KLY
Planner

CC: Dale Bergamn

CHAPTER 96: OUTDOOR GATHERINGS

Section

- 96.01 Declaration
- 96.02 Definitions
- 96.03 License required
- 96.04 Application; accompanying material; review
- 96.05 Denial of license
- 96.06 License to be posted; information thereon
- 96.07 Minimum conditions to be met by licensee
- 96.08 Revocation
- 96.09 Violations

- 96.99 Penalty

§ 96.01 DECLARATION.

The Township Board finds and declares that the interest of the public health, safety and welfare of the citizens of the township require the regulation, licensing and control of assemblages or large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the township.

(Prior Code, § 15.001) (Ord. 140, effective 9-7-1978; Ord. passed - -)

§ 96.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTENDANT. Any person who obtains admission to an outdoor assembly.

LICENSEE. Any person to whom a license is issued pursuant to this chapter.

OUTDOOR ASSEMBLY. Hereinafter referred to as **ASSEMBLY**, means any event, attended by more than 500 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to parades, musical festivals, rock festivals, peace festivals, other festivals, athletic events, car shows, or similar gatherings, but does not mean:

- (1) An event which is conducted or sponsored by a governmental unit or agency on publicly-owned land or property; or
- (2) Any event held entirely within the confines of a permanently enclosed and covered structure; or
- (3) Any event held entirely within property owned by and which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1989, as amended.

PERSON. Any natural person, partnership, corporation, association or organization.

SPONSOR. Any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.

(Prior Code, § 15.002) (Ord. 140, effective 9-7-1978; Ord. passed - -)

§ 96.03 LICENSE REQUIRED.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township unless he or she shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

(Prior Code, § 15.003) (Ord. 140, effective 9-7-1978; Ord. passed - -) Penalty, see § 96.99

§ 96.04 APPLICATION; ACCOMPANYING MATERIAL; REVIEW.

(A) Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the Clerk of the township and shall be made at least 30 days prior to the date of the proposed assembly. Each application shall be accompanied by a non-refundable fee in accordance with the township fee schedule and shall include at least the following:

- (1) 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. 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 in an amount as determined by the township from time to time.)

(2) A statement of the kind, character and type of proposed assembly;

(3) The address, legal description and proof of ownership of the site or sites at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he or she shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed assembly;

(4) The date or dates and hours during which the proposed assembly is to be conducted; and

(5) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used for accounting purposes.

(Prior Code, § 15.004)

(B) (1) Each application shall be accompanied by a detailed explanation, including drawings and diagrams, where applicable, of the prospective licensee's plans to provide for the following:

(a) Police and fire protection;

(b) Food and water supply and facilities;

(c) Health and sanitation facilities;

(d) Medical facilities and services, including emergency vehicles and equipment;

(e) Vehicle access and parking facilities;

(f) Camping and trailer facilities;

(g) Illumination facilities;

(h) Noise control and abatement;

(i) Facilities for clean up and waste disposal; and

(j) Insurance and bonding arrangements.

(2) In addition, the application shall be accompanied by a map or maps of the overall site or sites of the proposed assembly.

(Prior Code, § 15.005)

(C) On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, the state's Fire Chief, 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 ten days of receipt thereof shall report their findings and recommendations to the Township Board.

(Prior Code, § 15.006)

(D) Within 15 days of the filing of the application, the Township Board shall issue, set conditions, prerequisite to the issuance of a license, or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefor shall be stated in the notice.

(Prior Code, § 15.007) (Ord. 140, effective 9-7-1978; Ord. 174, effective 3-20-1987; Ord. passed - -)

§ 96.05 DENIAL OF LICENSE.

A license may be denied if:

(A) The applicant fails to comply with any or all requirements of this chapter, 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.

(Prior Code, § 15.008) (Ord. 140, effective 9-7-1978; Ord. passed - -)

§ 96.06 LICENSE TO BE POSTED; INFORMATION THEREON.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this chapter. 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.

(Prior Code, § 15.009) (Ord. 140, effective 9-7-1978; Ord. passed - -)

§ 96.07 MINIMUM CONDITIONS TO BE MET BY LICENSEE.

In processing an application, the Township Board shall, at a minimum, require the following.

(A) *Security personnel.* The licensee shall employ, at his or her own expense, such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the township, in cooperation with the County Sheriff, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(B) *Water facilities.* The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and, if not available, then from a source constructed, located and approved in accordance with state law, and the rules and regulations adopted pursuant thereto, in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the county's Health Department.

(C) *Restroom facilities.*

(1) The licensee shall provide separate enclosed flush-type water closets as defined by state law, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county's Health Department may permit the use of other facilities which are in compliance with state law, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

(2) The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with state law and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable ordinance or statute. All lavatories shall be provided with water, soap and paper towels.

(3) The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<i>Facilities</i>	
Drinking fountains	1:500
Toilets	1:300

(D) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff, strength, medical and other supplies and equipment of such facilities shall be as prescribed by the township's Fire Chief.

(E) *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations pertaining thereto established by the county's Health Department. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled *Manual of Septic Tank Service*. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with state law, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the township's Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create, nor cause a nuisance or menace to the public health.

(F) *Solid waste disposal.*

(1) The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township's Health Officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health unless another method approved by the county's Health Department is shown.

(2) The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

(G) *Public bathing beaches.* The licensee shall provide or make available or accessible public bathing beaches only in accordance with state law, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

(H) *Public swimming pools.* The licensee shall provide or make available public swimming pools only in accordance with state law, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of

state or local law.

(I) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the state. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the county's Sheriff Department and the township's Fire Chief must approve the licensee's plan for access and traffic control. There must be at least two accesses to a public road or one access route approved by the township's Fire Chief.

(J) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he or she provide less than one automobile space for every four attendants, and no parking shall be allowed on any public road or right-of-way.

(K) *Camping and trailer parking.* A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with the state traffic code, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

(L) *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety of all attendants. The licensee's lighting plan shall be approved by the township's Electrical Engineer.

(M) *Insurance.* The licensee shall obtain public liability and property damage insurance in amounts specified by the Township Board from a company or companies approved by the state's Commissioner of Insurance, which insurance shall insure liability for 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 license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least ten days before the expiration or cancellation of said insurance.

(N) *Bonding.* Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount specified by the Township Board in a form to be approved by the Township Attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this chapter and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers, and employees and the Town 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 owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash or other waste resultant from the assembly, and any person or property damage done by attendants of the outdoor assembly.

(O) *Fire protection.* The licensee shall, at his or her own expense, take adequate steps as determined by the state's Fire Marshal, to ensure fire protection.

(P) *Sound producing equipment.* Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township and in no case shall the decibel level exceed 60 decibels between the hours of 9:00 a.m. and 11:00 p.m., and 50 decibels between the hours of 11:00 p.m. and 9:00 a.m. at the nearest public road.

(Q) *Access gates.* There will be sufficient gates properly located so as to provide ready and safe ingress and egress.

(R) *Miscellaneous.* Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

(Prior Code, § 15.010) (Ord. 140, effective 9-7-1978, Ord. passed - -) Penalty, see § 96.99

§ 96.08 REVOCATION.

The Township Board may revoke a license whenever the licensee or his or her employees or agents fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.

(Prior Code, § 15.011) (Ord. 140, effective 9-7-1978, Ord. passed - -)

§ 96.09 VIOLATIONS.

It shall be unlawful for a licensee or his or her employee or agent to knowingly:

(A) Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license 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) Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises; and/or

(F) Permit or allow any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances, as defined by state law.

(Prior Code, § 15.012) (Ord. 140, effective 9-7-1978, Ord. passed - -) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Any person, corporation, firm or, other entity who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine in accordance with the Township Fee Schedule, plus costs and other sanctions, for each violation, as authorized by § 10.99 of this code of ordinances, and other applicable laws. Repeat offenses under this chapter shall be subject to increased fines in the amounts as provided by § 10.99 of this code of ordinances.

(B) It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the enjoining in the Circuit Court of the assembly.

(Prior Code, § 15.012) (Ord. 140, effective 9-7-1978; Ord. 99-8, passed 11-11-1999, Ord. passed - -)

ORDINANCE 71-123

Alpine Township Public Gatherings Ordinance

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 1,000 in number, to provide penalties for violations thereof and to repeal all ordinances inconsistent therewith.

The Township of Alpine ordains as follows:

Section I. Preamble.

The Alpine Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of Alpine Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally using the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

Section II. Definitions

a. "Outdoor assembly", hereinafter referred to as "assembly", means any event, attended by more than 1,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to races, musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

2. an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1954, as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967; or

3. event held entirely within the confines of a permanently enclosed and covered structure.

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

c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

d. "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money for admission.

e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section III. License Required.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Alpine Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

Section IV. Application for License.

Application for a license to conduct an outdoor assembly shall be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 60 days prior to date of the proposed assembly, Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making 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 proposed assemble.
- c. The address, legal description and proof of ownership of the sit at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit 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 attendants expected at the assembly 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.
- f. The prospective licensee shall submit samples of prepared or planned advertising copy which he plans to distribute. Any such copy indicating that the assembly is national or multi-state in interest shall be prima facie evidence that such assembly will be attended by more than 1,000 attendants.

Section V. Additional Requirements.

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

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. 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.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.
- l. Fencing.
- m. A map or maps of the overall site of the proposed assembly.

Section VI.

Upon receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, sheriff, the state fire marshal, and to such appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the board.

Section VII.

a. Within 30 days of the filing of the application, the board shall either issue, set conditions prerequisite to the issuance of, or deny, a license.

b. The board may require that adequate security or insurance be provided before a license is issued.

c. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial, the reasons therefore shall be stated in the notice.

Section VIII.

A license may be denied if:

a. The applicant 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. vehicles

The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section IX. License.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license 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 X. Minimum Requirements.

In processing an application the board shall, at a minimum, require the following:

a. Security personnel. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer of the township or sheriff, in cooperation with the director of state police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

b. Water facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the county health officer.

c. Restroom facilities. The licensee shall provide separate enclosed flushing-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flushing-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

FACILITIES	MALE / FEMALE	
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the assembly is to continue for more than 12 hours, the license shall provide shower facilities, on the basis of the number of attendants, in the following manner:

FACILITIES	MALE /FEMALE
Shower Heads	1:100 1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county health officer.

d. Food service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

e. Medical facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the county health officer.

f. Liquid waste disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the county health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United State# Public Health Service Publication No. 526, entitled "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

g. Solid waste disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers. Storage in sufficient quality to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment to

otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

h. Public bathing beaches. The license shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

i. Public swimming pools. The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

j. Access and traffic control. The licensee shall provide for ingress to and from the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the director of the department of state police and the director of the department of state highways must approve the licensee's plan for access and traffic control.

k. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.

l. Camping and trailer parking. A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a. m. shall provide camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

m. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the board.

n. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$100,000 company or companies approved by the commissioner of insurance of the State of Michigan, which insurance shall insure liability for 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 license. 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 10 days before the expiration or cancellation of said insurance.

o. Bonding. Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000 to be approved by the township attorney, conditioned upon the licensee'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, and 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 owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

p. Fire protection. The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal to insure fire protection.

q. Audio-visual equipment. Sound-producing and visual equipment including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, and light producing devices shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.

r. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

s. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

t. Miscellaneous. Prior to the issuance of a license, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section XI. Revocation.

The board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section XII. Violations.

It shall be unlawful for any person, his employee, or agent, to knowingly:

a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license 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. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.

f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343 Public Acts of 1952.

g. Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit court and, is punishable by imprisonment in the county jail for not more than 90 days or by fine of not more than \$500 or by both such fine and imprisonment.

h. It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section XIII. Severability.

If any portion of this ordinance or the 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 inoperable, and to this end the ordinance is declared to be severable.

Section XIV. Short Title.

This ordinance shall be known and cited as the Alpine Township Public Gatherings Ordinance.

Section XV. Effective. Date.

This ordinance shall be effective 30 days after date of publication.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted by the Alpine Township Board, Kent County, Michigan at a meeting held on the 2nd day of February, 1971.

**ALPINE TOWNSHIP
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 23-04

**AN ORDINANCE TO AMEND ORDINANCE NO. 71-123, ENTITLED THE "ALPINE
TOWNSHIP PUBLIC GATHERINGS ORDINANCE"**

The Township of Alpine Ordains:

Section 1. Amendment of Ordinance No. 71-123, That Alpine Township Ordinance No. 71-23, entitled the "Alpine Township Public Gatherings Ordinance" is hereby amended to read in full as follows:

Section I. Preamble.

The Alpine Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of Alpine Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally using and relying upon available public services.

Section II. Definitions.

a. "Outdoor assembly" or "assembly," means any event, attended by more than 350 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, races, musical festivals, rock festivals, or similar gatherings, but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

2. an event which is conducted by an entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967 so long as the event is held on property solely and entirely owned by the same entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954.

3. an event held entirely within the confines of a fully enclosed and covered structure.

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

c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

d. "Attendant" means any person who attends an outdoor assembly, whether conditioned on the payment of money or not.

e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

f. "Board" shall mean the Alpine Township Board of Trustees or its designees.

Section III. License Required.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Alpine Township unless they have first made application for, and obtained as hereinafter prescribed, a license for each such assembly.

Section IV. Application for License.

Application for a license to conduct an outdoor assembly shall be made in writing on such forms and in such manner as prescribed by the clerk of the Township and shall be made at least 45 days before the date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as set by resolution of the Board from time to time and shall include at least the following:

a. The name, residence and mailing address of the person making 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 or similar entity, a copy of the articles of incorporation or other documentation shall be filed, and the names and addresses shall be provided of all shareholders having a financial interest greater than \$10,000.00.

b. List the names and addresses and phone numbers of any; (1) sponsors, (2) operators, (3) promoters, and (4) property owner(s) participating in proposed assembly if different than the applicant.

c. A statement of the kind, character, and type of proposed assembly.

d. 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 licensee, the applicant shall submit an affidavit from the owner indicating their consent to the use of the site for the proposed assembly.

e. The date or dates and hours during which the proposed assembly is to be conducted.

f. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and an explanation of the means by which attendance will be measured for reporting purposes.

g. The prospective licensee shall identify whether the assembly will be advertised and if so, the manner in which this will occur.

- h. Such other information, plans, etc. as otherwise provided for in this ordinance.

Section V. Additional Requirements.

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

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Illumination facilities.
- g. Communications facilities.
- h. Noise control and abatement.
- i. Facilities for clean up and waste disposal.
- j. Insurance and bonding arrangements.
- k. Fencing.
- l. A map or maps of the overall site of the proposed assembly.

Section VI.

Upon receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the Township, including the sheriff, the fire chief, and to such other appropriate public officials as necessitated by law. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the Board.

Section VII.

- a. Within 30 days of the filing of the application, the Board shall either issue the license (with or without conditions) or deny the same.

- b. The Board may require that adequate security or insurance be provided before a license is issued.

- c. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial, the reasons therefore shall be stated in the notice.

Section VIII.

A license may be denied if:

- a. The applicant 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;
- b. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
- c. The applicant has been found by a competent tribunal to be in violation of an outdoor gathering license within the previous 12 months; or
- d. The applicant or any person or entity listed under Section IV(b) that is in arrears for any fines or taxes owed to the Township unless under lawful appeal.
- e. The application or associated plans fails to meet the provisions of this ordinance.

Section IX. License.

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

Section X. Minimum Requirements.

In processing an application the Township shall, at a minimum, require the following:

- a. Security personnel. The licensee shall employ at their own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer of the Township is reasonably satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- b. Water facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with State law, and the rules and regulations adopted pursuant thereto.
- c. Restroom facilities. The licensee shall provide separate enclosed flushing-type water closets in accordance with any applicable state or local law. If such flushing-type facilities are not available, the Township, upon the recommendation of the county health officer, may permit the use of other facilities which are in compliance with other applicable state or local law.

d. Food service. If food service is made available on the premises, it shall be delivered only through employees or contractors licensed and operated in accordance with any applicable state or local law.

e. Medical facilities. If the assembly is not readily accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the county health officer.

f. Liquid waste disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by law. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

g. Solid waste disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers. Storage in sufficient quality to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment to otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

h. Access and traffic control. The licensee shall provide for ingress to and from the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, or other emergency vehicles as reasonably necessary. Prior to the issuance of a license, the Kent County Road Commission and or Michigan Department of Transportation, as applicable, must approve the licensee's plan for access and traffic control.

i. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants..

j. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Board.

k. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000/\$5,000,000 and property damage insurance with a limit of not less than \$1,000,000 with a company or companies approved by the State of Michigan, which insurance shall insure liability for 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 license. 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 10 days before the expiration or cancellation of said insurance.

l. Bonding. Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a performance bond in the amount of not less than \$1,000,000 to be approved by the Township, conditioned upon the licensee'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, and employees against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly.

m. Fire protection. The licensee shall, at their own expense, take adequate steps as determined by the Township Fire Chief to address fire protection needs and services for the assembly.

n. Audio-visual equipment. Sound-producing and visual equipment including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, and light producing devices shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township or to otherwise violate Township ordinances.

o. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

p. Zoning. The licensee shall comply with all applicable zoning requirements.

Section XI. Revocation.

The Board may revoke a license whenever the licensee, or their employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated

herein by reference. Except in the event of a public safety emergency, revocation shall be preceded by notice of the grounds for the same and the licensee shall be afforded an opportunity to be heard.

Section XII. Violations.

It shall be unlawful for any person, their employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license 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. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances.

Any of the above enumerated violations is a misdemeanor punishable by imprisonment for not more than 90 days, by fine of not more than \$500, or by both such fine and imprisonment. Without limiting the foregoing, any violation shall also be deemed a nuisance per se and subject to injunctive and equitable relief in the manner and to the extent provided in law and equity.

It is further provided that any of the above enumerated violations is a sufficient basis for revocation of the license.

Section XIII. Severability.

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court or tribunal of competent jurisdiction, 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 inoperable, and to this end the ordinance is declared to be severable.

Section XIV. Short Title.

This ordinance shall be known and cited as the Alpine Township Public Gatherings Ordinance.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

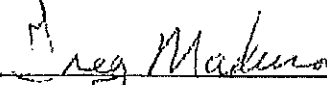
Section 3. Effective Date. This Ordinance shall take effect 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

YES: Scheidel, Cordes, Symko, Madura, Alt, Schweitzer, Wahlfield

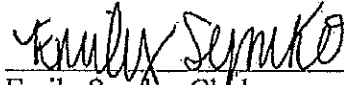
NO: None

ABSENT: None

ORDINANCE NO. 23-04 DECLARED ADOPTED.




Greg Madura, Supervisor



Emily Symko, Clerk

I, Emily Symko, the Clerk of Alpine Township, affirm that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Alpine Township at a special meeting held on August 1, 2023.



Emily Symko, Clerk

Chapter 24 - OUTDOOR GATHERINGS

Footnotes:

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Editor's note— Ord. No. 847, § 1, adopted October 1, 2012, amended the Code by repealing former ch. 24, §§ 24-1—24-3, 24-31—24-39, and adding a new ch. 24. Former ch. 24 pertained to similar subject matter, and derived from the Comp. Ords. of 1988, § 14.001—14.012.

Sec. 24-1. - Preamble.

The township finds and declares that the interests of the public health, safety and welfare of the citizens of the township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the public safety, transportation and other public services regularly provided in this township.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attendee means any person who obtains admission to an outdoor assembly whether admission is granted in consideration of payment of money, rendering services, or freely.

Licensee means any person to whom a license is issued pursuant to this chapter.

Outdoor assembly, or assembly means any event attended by more than 500 attendees at a given time, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, but does not mean:

- (1) An event which is conducted or sponsored by governmental unit or agency or political subdivision of the state;
- (2) A parade or march, provided any and all applicable approvals have been obtained from the county road commission and the township;
- (3) Any event held entirely within the confines of a permanently enclosed and covered structure;
- (4) A school-sponsored event; or
- (5) Any assembly that has received specific approval from the township as an approved use within a planned unit development and is specifically regulated under the planned unit development.

Sponsor means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-3. - Violations.

- (a) It shall be unlawful for a licensee, his employee, or agent, to knowingly:
- (1) Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
 - (2) Conduct or operate an assembly contrary to any requirement contained herein or any condition attached to the issuance of the license.
 - (3) Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- (b) Each of the above enumerated violations is a separate offense, punishable by a municipal civil infraction, and is a nuisance per se immediately enjoined in the circuit court.
- (c) It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in any court having proper jurisdiction.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-4. - License required.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-5. - Application for license.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the township. The application shall be filed sufficiently in advance of the proposed assembly to allow adequate time for the review process described herein and, at the applicant's option, sufficiently in advance of the proposed assembly to allow for any possible appeal of an adverse decision by the community development director to the township board. Any application received less than 28 days before the proposed assembly may be rejected. Each application shall be accompanied by a nonrefundable fee as currently established or as hereafter adopted by resolution of the township board from time to time, and shall include at least the following:

- (1)

The name, age, residence, telephone number and mailing address of the person making the application. Where the person making the application is a partnership, corporation, limited liability company, or other association, this information shall be provided for all partners, LLC members, officers and directors.

- (2) A statement of the kind, character, and type of proposed assembly.
- (3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership of the site, including any site used for off premises parking, is not vested in the prospective licensee, the prospective licensee shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- (4) The date(s) and hours during which the proposed assembly is to be conducted.
- (5) An estimate of the maximum number of attendees expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the subsequential numbering or other method which will be used for accounting purposes.
- (6) A map or maps of the overall site of the proposed assembly.
- (7) A detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans for providing for the following:
 - a. Police and fire protection and provisions for deployment of emergency services;
 - b. Vehicle access, parking facilities, pedestrian access routes together with supervised crossing of roads with speed limits of 35 mph or greater, and any proposed shuttle service; and
 - c. Noise control and mitigation.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-6. - Review of application.

The application, together with the application fee, shall be filed with the community development department. The community development director shall, in turn, forward copies of the application to the township fire chief, the sheriff's department, the road commission and/or state department of transportation and the township superintendent for their review and recommendations. Such officials/agencies shall review and investigate matters relevant to the application and report their findings and recommendations to the community development director within 14 days so as to allow the community development director the ability to timely process the application. The purpose of the review process shall be to ensure that adequate provisions exist for fire and safety protection, parking and traffic control measures, and to ensure that the assembly will not produce such noise as to become a nuisance. When application is made by the same applicant for an outdoor assembly similar to one previously approved at

the same site within 15 months from the date of application, the community department director may, in his or her discretion, act on the application without submitting the application to the various officials/agencies described in this section.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-7. - Issuance of license.

Within 28 days of the filing of the application, the community development director shall issue, issue with conditions, or deny a license. When a license is denied, or approved with conditions, within five days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice. The applicant may appeal any ruling to the township board by filing an appeal with the township clerk within seven days of the mailing of the ruling by the community development director. The appeal shall set forth the reason(s) the applicant believes the ruling should be modified or reversed. The township board shall conduct a hearing at the next regular board meeting that is scheduled no less than seven days from the date of receipt of the appeal. The township board, may affirm, reverse, or modify the ruling of the community development department.

Within 28 days of the filing of an application for an outdoor event exceeding an expected attendance of 2,000 attendees at a given time, the community development director shall refer, with his recommendation, the application to the township board, which shall issue, issue with conditions, or deny a license within 30 days of its initial consideration of the application. When a license is denied, or approved with conditions, within five days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-8. - Denial of license.

A license may be denied if:

- (1) The applicant fails to comply with any or all requirements of this chapter, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or
- (2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-9. - License information; posting, transfer.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendees permissible, the duration of the license and any other conditions imposed pursuant to this chapter. The license shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-10. - Minimum requirements.

All licenses shall, at a minimum require the following:

- (1) *Security personnel.* The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendees at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the sheriff or his designee is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- (2) *Parking.* The license shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendees.
- (3) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off the premises and any parking facilities accessed by shuttle service. If all or a portion of the parking is a distance from the location of the actual gathering, the licensee shall provide for adequate shuttle service and a pedestrian access plan with supervised pedestrian crossings of roads with speed limits of 35 mph or greater. Prior to the issuance of a license, the road commission, state department of transportation, or sheriff shall approve or approve with modifications the licensee's plan for access and traffic control.
- (4) *Fire protection.* The licensee shall, at its own expense, take adequate steps as determined by the fire chief or his designee to ensure fire protection and an emergency services deployment plan.
- (5) *Noise control.* The licensee shall ensure that the noise related to the assembly including, but not limited to, performances shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the township.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-11. - Additional conditions imposed by the township.

To ensure that the assembly is conducted in a manner consistent with the intent of this chapter, the township may impose reasonable conditions and restrictions on any license including, but not limited to, conditions and restrictions related to duration of the event, access management, noise control that are reasonably calculated to protect the health, safety, welfare and property of attendees or of citizens of the township. The conditions and restrictions imposed may include, but are not limited to, any conditions and restrictions recommended or imposed by the reviewing agencies.

(Ord. No. 847, § 1, 10-1-2012)

Sec. 24-12. - Revocation.

The township board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth in this chapter or with any other applicable state or local law.

(Ord. No. 847, § 1, 10-1-2012)