

ORDINANCE NO. \_\_\_\_  
VILLAGE OF ROTHBURY  
COUNTY OF OCEANA  
STATE OF MICHIGAN

AN ORDINANCE TO AMEND THE MASS GATHERING ORDINANCES OF THE  
VILLAGE OF ROTHBURY CODE OF ORDINANCES.

THE VILLAGE OF ROTHBURY ORDAINS:

**That Section 1(B) be amended by replacing the current section with the following:**

(B) “Outdoor mass gathering” means an actual or reasonably anticipated assembly of 5,000 or more attendees not counting organizers, agents and workers which continues or can reasonably be expected to continue for more than 24 consecutive hours within any 12 month period within the areas of Village of Rothbury which is held primarily in open spaces.

**That Section 2 be amended by replacing the current section with the following:**

Section 2. Permit Required

- A. No organizer shall hold or conduct an outdoor mass gathering or allow an outdoor mass gathering to be held on real property the organizer owns, leases, or possesses unless a permit to hold such outdoor mass gathering has been issued by the Village Board.
- B. A permit is subject to the Village Board’s approval, or the approval of an individual determined by the Village Board, of the site plan for every mass gathering event. A site plan must be submitted to the Village 60 days before every mass gathering event. Additionally, the Village, in its sole discretion, may require that the applicant appear before the Village Board, in person, 60 days prior to the mass gathering and 60 days after the mass gathering to answer any questions or hear any concerns the Village may have.
- C. A permit issued under this ordinance shall not be deemed to authorize or include a permit issued under the Village Zoning Ordinance. Any permanent improvement to the property, upon which an outdoor mass gathering is to occur, which falls under the jurisdiction of the Village Zoning Ordinance, shall require a separate zoning permit.
- D. A permit issued under this ordinance may be issued for up to ten consecutive years. Provided, however, that the applicant is required to provide the Village all information related to their mass gathering event within the time frames required by this ordinance as the mass gathering application, as amended from time to time. No

permit shall be issued for any mass gathering that is to take place later than 10 years after the date the application is submitted.

- E. If at any point the applicant fails to abide by this or any other Village ordinance, as amended from time to time, or the requirements contained within the application, as amended from time to time, the Village shall have the right to immediately revoke the permit.

**That Section 3 be amended by replacing the current section with the following:**

### Section 3. Application

The Board may adopt, by order or resolution, an application form which must be used by the organizers. The form shall require organizers to sign and certify the accuracy and truthfulness of the statements made in the application. Until an application form is adopted, organizers may prepare their own application forms, but the forms shall include a signed certification of the accuracy and truthfulness of the statements made in the application. Further, said application shall include a maximum attendance cap and a proposed site plan. A “final” site plan shall be submitted not less than 60 days prior to the event. Applications shall be submitted as soon as practical to the Village Clerk, but not less than 180 days prior to the date of the mass gathering. Applications may be submitted to the Village Board on an annual basis for a ten-year period.

Applications shall include, are but not limited to, a memorandum of contract between the landowner(s) and organizer, setting forth the identity of the contracting parties, the area of the land authorized by the contract and the date(s) of use of the contract. Further, the application shall include either (i) any and all contracts with or (ii) the written approvals of the Organizer’s Plans by, the applicable Fire Chief or his/her designated agent, the Michigan State Police, and the District 10 Health Official or be supplemented with the same as they become available.

Further, all applications for a Permit shall contain a statement that the organizer shall indemnify, defend and hold harmless the Village and its agents and officials in regard to the event and all claims associated therewith regardless of the claims source. All permits granted under this Ordinance shall contain this requirement. The Village Board may require a meeting between the Village Board and the organizer after the submission of an application and prior to granting a permit.

**That Section 5(D) be amended by replacing the current section with the following:**

- D. Demonstrate that the proposed outdoor mass gathering will not disturb persons or property in the vicinity of the gathering for reasons such as, but not limited to, excessive noise, dust, drunkenness or trespassing. In all cases, outdoor amplified sound shall cease by 2:00 a.m., unless a later time is approved by the Village Board.

**That Section 13 be amended by replacing the current section with the following:**

Section 13. Village of Rothbury Infrastructure Fund

To defray the burden such events put on the Village infrastructure, a surcharge per ticket shall be collected and paid over to the Village general fund for each ticket sold and shall be due 60 days after the conclusion of the event. The amount of the surcharge shall be set by the Village Board.

The surcharge amount to be paid to the Village general fund must be accompanied by supporting documents to confirm the amount of tickets sold and the amount of overall attendance. The Village Board reserves the right to conduct an independent audit of the amount of tickets sold and overall attendance. If the independent audit reveals that the Village Board is entitled to a larger amount than what the organizer submitted to the Village Board, the Village shall be entitled to the difference between the amount that was submitted by the organizer and the amount revealed by the independent audit plus the cost of the independent audit and may unilaterally terminate any future mass gatherings previously applied for by the applicant and approved by the Village.

**That Section 17 be amended by replacing the current section with the following:**

Section 17. Penalty

In this section the term “violation” shall mean doing any act or allowing an employee, agent, or attendee to do any act that is prohibited or made or declared unlawful, an offense, or a violation of state or federal law, Village of Rothbury Ordinances, or the Mass Gathering application or permit.

If a violation occurs, the Village shall have the unilateral ability to issue a civil infraction ticket, revoke any Mass Gathering Permit and impose a fine of up to \$1,000, at the Village’s sole discretion. If the violation involves music or noise that is not otherwise permitted by the Mass Gathering Ordinance and/or Mass Gathering Application and Permit, the Village shall have the unilateral ability to issue a civil infraction ticket, revoke any Mass Gathering Permit and impose a fine of up to \$5,000 per day, at the Village’s sole discretion.

Any violation, including a violation described above, shall give the Village the unilateral ability to immediately terminate the applicant’s permit, at the sole discretion of the Village.

**These Ordinances are to become effective ten (10) days after adoption.**

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Carol Witzke, Village Clerk

Adopted: \_\_\_\_\_ 2019

Published: \_\_\_\_\_ 2019

Effective: \_\_\_\_\_ 2019

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Rothbury, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Rothbury, at a regular meeting of the Village Board on the \_\_\_\_ day of \_\_\_\_\_, 2019, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: \_\_\_\_\_, 2019

\_\_\_\_\_  
Carol Witzke  
Village Clerk

Publish:        Notice of Adoption to be published once within ten (10) days of final adoption.

**VILLAGE OF ROTHBURY  
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on \_\_\_\_\_, 2019, the Village Board of the Village of Rothbury amended the Mass Gathering Ordinance of the Village of Rothbury Code, summarized as follows:

That Section 1 be amended to increase the threshold of what constitutes a “Mass Gathering” from 1,000 people to 5,000 people.

That Section 2 be amended to provide that all permits are subject to the approval of the site plan by the Village Board, or an individual determined by the Village Board, and that site plans must be submitted to the Village Board at least 60 days prior to each mass gathering event.

That Section 3 be amended to allow the Village Board to require a meeting with the event organizer prior to the issuance of a permit, and to allow the organizer to submit an application for up to ten-years on an annual basis.

That Section 5 be amended to set the time limitation for excessive noise at 2:00 a.m., and require special approval from the Village Board to extend the time limitation.

That Section 13 be amended to require the payment of the surcharge on ticket sales to be made to the Village general fund within 60 days after conclusion of event, and to require supporting document to confirm the amount of ticket sales, subject to an independent audit by the Village.

That Section 17 be amended to define what a violation is and the possible penalty associated with the violation.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Village Clerk in the Village Hall, 7804 S. Michigan, Rothbury, MI, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: \_\_\_\_\_, 2019

VILLAGE OF ROTHBURY

By \_\_\_\_\_  
Carol Witzke  
Village Clerk

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PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE