

Ordinance No. 5

OUTDOOR ASSEMBLIES TOWNSHIP OF COVERT, MICHIGAN Effective May 10, 1971

The Township of Covert thereby ordains that the interest of the public health, safety and welfare of the citizens of the Township require the regulation, licensing and control of large numbers of people in outdoor assemblies of more than 300 persons in attendance, excessively drawing upon the health, sanitation, fire, police, transportation, utility, and other public services regularly provided in the Township. (ord. No. 5 eff. May 10, 1971; amend. eff. Sept. 15, 1980)

Sec. 1. EXCEPTIONS TO ORDINANCE.

The following events are specifically excluded from this Ordinance.

- A. An event which is conducted or sponsored by a governmental unit or agency upon public property.
- B. Any event held entirely within the confines of a permanent or enclosed and covered structure. (ord. No. 5 eff. May 10, 1971)

Sec. 2. DEFINITIONS.

- A. **PERSON** means any natural person, partnership, corporation, association or organization.
- B. **SPONSOR** means any person who organizes, promotes, conducts or caused to be conducted, an outdoor assembly.
- C. **ATTENDANT** means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of payment of money for admission.
- D. **LICENSEE** means any person to whom a license is issued pursuant to this Ordinance. (ord. No. 5 eff. May 10, 1971)

Sec. 3. LICENSING.

A person shall not sponsor, operate, maintain or conduct or promote an outdoor assembly in these Townships, unless he shall have first made application for and obtained as hereinafter prescribed, a license for each such assembly, along with a nonrefundable fee of \$100.00

The application for license to conduct an outdoor assembly must be made in writing at least 60 days prior to date of proposed assembly on such forms and in such manner as prescribed by the Clerk of the Townships.

The application shall include at least the following information:

- A. Name, age, residence, and mailing address of the person making the application, (or in the case of a partnership, corporation, or other association, information shall be included as to partners, officers, directors, and/or members of the association. Where the person is a corporation a copy of the Articles of Incorporation shall be filed and

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the names and address of all shareholders having a financial interest greater than \$500.00 shall be provided.)

- B. A statement of the kind, character, and type of proposed assembly.
- C. The address, legal description, and proof of ownership of the site on which the proposed assembly is to be conducted. (Where ownership is not vested in the prospective licensee, he shall submit an affidavit for the owner indicating his consent to the use of the site for the proposed assembly).
- D. The date or dates and hours of the proposed assembly is to be conducted.
- E. An estimate of the maximum number of attendance expected at the assembly for each date it is conducted.
- F. A detailed showing, explanation and demonstration that the proposed licensee can and will meet each and every requirement set forth under Section VII, entitled, "Regulations & Control After Issuance of License" of this Ordinance. (ord. No. 5 eff. May 10, 1971)

Sec. 4. ISSUANCE OF LICENSE.

On receipt by the Clerk, copies of the Application shall be forwarded to the Chief Law Enforcement and Health Officers for the Township and County, the State Fire Marshall, and to such other appropriate officials as the Clerk deems necessary. Such officer and officials shall review and investigate matters relevant to the application and within twenty days of receipt therefore shall report their findings and recommendations to the Township Board.

Within thirty days of the filing of the Application, the Township Board shall issue set conditions prerequisite to the issuance of, or deny a license.

The Township Board may require that adequate security or insurance be proved before license is issued.

Where conditions are imposed as a 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 therefore shall be stated in the notice. (ord. No. 5 eff. May 10, 1971)

Sec. 5. BASIS OF LICENSE DENIAL.

A license may be denied if 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 if the applicant has knowingly made a false, misleading, or fraudulent statement in the application, or in any supporting document. (ord. No. 5 eff. May 10, 1971)

Sec. 6. LICENSE.

A license shall specify the name and address of the licensee, the kind and location of assembly and the duration of the license, and any other conditions imposed pursuant to this Ordinance. It

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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. 5 eff. May 10, 1971)

Sec. 7. REGULATIONS & CONTROL AFTER ISSUANCE OF LICENSE.

- 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 protection of the maximum number of attendants at the assembly and for the preservation of order, protection of property in and around the assembly.
- B. **WATER & WASTE FACILITIES.** The licensee shall provide potable water as approved by a County Health Officer of sufficient quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner: Toilets and lavatories at a ratio of 1 to every 200 attendants; drinking fountains, one to every 500 attendants; taps or faucets 1 to every 500 attendants. Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities on the basis of the number of attendants on the basis of the ratio of 1 to 100.

All facilities shall be installed, connected, and maintained free from obstruction, leaks, and defects, and shall at all times be in operable condition as determined by the County Health Officer.

(**PUBLIC BATHING BEACHES** shall be provided or made available or accessible 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. Public swimming pools shall be made available 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 provisions of state or local law).

- C. **LIQUID AND SOLID WASTE DISPOSAL.** The licensee shall provide proper liquid and solid waste disposal so as to neither create nor cause a nuisance or menace to the public health as determined by the County Health Department.
- D. **FOOD SERVICES.** If food is made available on the premises, it shall be delivered only through concessions licensed to operate 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 applicable state or local law.
- E. **MEDICAL FACILITIES.** Each assembly must have medical services available in a suitable building. The nature and extent of such service will be determined by the County Health Department.
- F. **ACCESS AND TRAFFIC CONTROL, PARKING, CAMPING & TRAILER PARKING.** Access, traffic control, parking shall be provided to insure proper ingress, egress, orderly flow of traffic and orderly parking of vehicles brought to the assembly. Traffic lanes and other spaces 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,

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Director of the Department of State Highway must approve the plans for access and traffic control. As to parking the licensee shall provide a parking area sufficient to accommodate all motor vehicles but in no case shall it provide less than one automobile space for every four attendants. The licensee shall provide electrical illumination of all occupied areas sufficient to assure the safety and comfort of all attendants.

- G. **SOUND PRODUCING EQUIPMENT**, including, but not limited to public address systems, radios, phonographs, musical instruments, and other sound producing devices shall not be operated on the premises of the assembly so as to be unreasonable loud or raucous or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- H. **INSURANCE**. Before the issuance of a license the licensee shall obtain liability insurance with bodily injury limits of not less than \$300,000.00 and property damage limits of not less than \$50,000.00 from a 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 amount 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.
- I. **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 \$100,000.00 in a form to be approved by the Township Board, 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.
- J. **FIRE PROTECTION**. The licensee shall at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.
- K. **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.
- L. **MISCELLANEOUS**. Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonable calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township. (ord. No. 5 eff. May 10, 1971)

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Sec. 8. **REVOCAATION.**

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, the requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference. (ord. No. 5 eff. May 10, 1971)

Sec. 9. **VIOLATIONS.**

It shall be unlawful for a licensee, 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, or as may be amended.

Any of the above enumerated violation is a separate offense, is a nuisance per se immediately enjoined in the circuit courts, and is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both, such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license for the immediate enjoining in the circuit court of the assembly. (ord. No. 5 eff. May 10, 1971)

Sec. 10. **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 portion of applications of this Ordinance, which can be given effect without the invalid portion or application, and to this end, this Ordinance is declared to be severable. (ord. No. 5 eff. May 10, 1971)

Sec. 11. **REPEAL.**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. (ord. No. 5 eff. May 10, 1971)

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Sec. 12. **EFFECTIVE DATE.**

Adopted by the Township of Covert on April 3, 1971.

Effective May 10, 1971