

OUTDOOR ASSEMBLIES
TOWNSHIP OF COVERT, MICHIGAN

ORDINANCE NO. 123

ADOPTED: November 12, 2024

EFFECTIVE: December 23, 2024

The Township of Covert hereby 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 150 persons in attendance, excessively drawing upon the health, sanitation, fire, police, transportation, utility, and other public services regularly provided in the Township.

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.

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 is present at an outdoor assembly. This includes individuals who gain admission by payment, by providing services in lieu of payment, or through non-commercial invitations (such as private events).
- D. **APPLICANT** means any person to whom a license is issued pursuant to this Ordinance.
- E. **ASSEMBLY** means any gathering of more than 150 persons, whether for commercial, public, or private purposes. This includes both public and private events such as festivals, fairs, concerts, or private celebrations. Private gatherings, which are defined as non-commercial events not open to the public, are exempt from specific regulatory requirements, such as those related to food services.

Sec. 3. PERMITTING.

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 to be established by resolution of the Township Board.

The application for a license to conduct an outdoor assembly must be made in writing at least 30 days prior to date of proposed assembly on such forms and in such manner as prescribed by the

Township Board.

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 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 attendees 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.

Sec. 4. ISSUANCE OF LICENSE.

On receipt by the Supervisor or designee, copies of the Application shall be forwarded to the Chief Law Enforcement and Health Officers for the Township and County, the, and Township Fire Chief. Such officers 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 Supervisor.

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.

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

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

shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

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.

- 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 of a public assembly, it shall be delivered only through licensed concessions as per state and local laws. However, private gatherings, which are not open to the general public and are hosted for personal purposes, are exempt from these food service licensing requirements. If food is made available on the premises, it shall be delivered only through concessions licensed to operate in accordance with 1978 PA 368, and the rules and regulations adopted pursuant thereto and in accordance with any applicable state or local law, and Covert Township Ordinance 107, Mobile Food Trucks and Trailer Fire Safety Requirements.
- E. **ACCESS AND TRAFFIC CONTROL, PARKING, CAMPING & TRAILER PARKING.** Access, traffic control, parking shall be provided to ensure 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 Chief of Police, Director of the Department of State Highway and County Road Commission 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.

- F. **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 and shall stop at 11 PM.

Sec. 8. 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, the requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Sec. 9. VIOLATIONS.

Any person, partnership, limited liability company, corporation or association who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person, partnership, limited liability company, corporation, or association responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense.....	\$500.00
Second Offense	
Within two (2) years of the first offense	\$750.00
Third or Subsequent Offense	
Within two (2) years of the date of the first offense	\$1,000.00

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

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.

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.

Sec. 11. REPEAL.

All Ordinances and parts of ordinances in conflict herewith and specifically Ordinance #5 are hereby

repealed. Any proceeding pending, including prosecutions for violations under any previous ordinance provision being repealed hereby, shall not be affected by the ordinance, and may be continued pursuant to said previous ordinance provisions.

Sec. 12. PUBLICATION AND EFFECTIVE DATE.

The Township Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the Township of Covert. This Ordinance shall take effect thirty (30) days after publication of a summary hereof, following adoption.

YEAS: 5

ABSTAIN: 0

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an ordinance adopted at a regular meeting of the Covert Township Board held on November 12, 2024; that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open Meetings Act; that a quorum of the Board was present and voted in favor of the ordinance; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act.

Wednesday Pritchard

Wednesday Pritchard, Clerk
Township of Covert
Van Buren County, Michigan