

ORDINANCE NO. 43A

OUTDOOR ASSEMBLY

AN ORDINANCE TO AMEND ORDINANCE #43 TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS, TO PROVIDE PENALTIES FOR VIOLATION THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

The Township Board of the Township of Davison Ordains:

SECTION 1 – Preamble; Necessity

The Township Board of the Township of Davison finds and declares that the interests of the public health, safety and welfare of the citizens of the Township of Davison require the regulation, licensing and control of assemblages of 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 this Township.

SECTION 2 – Definitions

- a. **"OUTDOOR GATHERING"**: hereinafter referred to as "assembly" means any outdoor event, attended by more than 50 attendants, including a festival, concert, public show, display, entertainment, amusement 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 held entirely within the confines of a permanently enclosed structure; or
 3. Gatherings incidental to residential use or
 4. **Uses incidental to State approved schools (i.e.football,soccer,baseball)**
- 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. **"LICENSEE"** means any person to whom a license is issued pursuant to this Ordinance.

SECTION 3 – License Required

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Township of without a license for each such assembly.

SECTION 4 -- Application For License

Applicants for a license to conduct an outdoor assembly submit a complete application to the township building department at least 30 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$50 and must include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of corporation shall be filed, along with the names and addresses of all shareholders having financial interest greater than \$500.00)
- b. A statement of the kind, character, and type of proposed outdoor assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed outdoor 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 use of the site for the proposed outdoor assembly.
- d. The date or dates and hours during which the proposed outdoor assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the outdoor 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. A map or maps of the overall site of the proposed assembly.
- g. 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. Medical facilities and services including emergency vehicles and equipment.
 - d. Health and sanitation facilities.
 - e. Vehicle access and parking facilities.

- f. Lighting facilities.
- g. Communications facilities.
- h. Noise control and abatement.
- i. Facilities for clean up and waste disposal.
- j. Insurance and bonding arrangements.

SECTION 5 – Review of Application

On receipt by the Building Department, copies shall be forwarded to the Chief of Police for the Township of Davison, and to such other appropriate public officials. Such officers and officials shall review and investigate matters relevant to the application within 10 days of receipt and shall approve, deny or refer the application to the township board for review.

SECTION 6 – Issuance Of License

The Building Department may require that adequate security, or insurance be provided before a license is issued. Where conditions are imposed as prerequisite of the issuance of a license, or where a license is denied, notice must be mailed to the applicant by certified mail within five (5) days after the board's decision. In the case of denial, the reasons for denial must be stated in the notice.

SECTION 7 – License; Posting on Premises

A license must 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 by the township. A license must be posted in a conspicuous place upon the premises of the assembly, and cannot be transferred to any other person or location.

SECTION 8 – Minimum Requirements

All licenses will, at a minimum, require the following:

- a. **SECURITY PERSONNEL.** The licensee is responsible for employing, at his 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 police chief for the Township of Davison is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- b. **WATER SUPPLY.** The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.
- c. **RESTROOM FACILITIES.** The license shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined on the basis of the number of attendants.

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 public health department.

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- d. **LIQUID WASTE DISPOSAL.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations established by the county public health department, of the Public Health Code, Part 127: Water Supply and Sewer Systems, MCL 333.12701, et seq.; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, et seq.; applicable rules and regulations, and any other applicable provision of state or local law.
- e. **SOLID WASTE DISPOSAL.** The licensee shall provide for solid waste storage on, and removal from the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.11501, et seq., applicable rules and regulations, and any other applicable provision of state or local law.

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.

- f. **ACCESS AND TRAFFIC CONTROL.** The licensee shall provide for ingress to an egress from the premises as to ensure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the police chief must approve the licensee's plan for access and traffic control.
- g. **PARKING.** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.
- h. **LIGHTING.** The licensee shall provide lighting of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township ordinance enforcement officer.
- i. **INSURANCE.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$500,000 and property damage insurance with a limit of not less than \$100,000 liability 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 amounts for the duration of the license. The Township of Davison shall be an additional named insured.
- j. **FIRE PROTECTION.** The licensee shall, at its own expense, take adequate steps as determined by the Fire Chief, to ensure fire protection.
- k. **NOISE CONTROL.** Sound producing equipment including but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons between the hours of 10 p.m. and 7 a.m.

SECTION 9 – License Revocation

The Building Department 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 10 – Violations/Penalties

It shall be unlawful for a licensee, his employee, or agent, or 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 narcotic drugs, or other controlled substances as defined by state law.

Any of the above enumerated violations 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 \$500.00, 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 and for the immediate enjoining in the circuit court of the assembly.

SECTION 11 -- 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 this Ordinance is declared to be severable.

SECTION 12 – Repealer; Effective Date

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

This Ordinance shall be effective thirty (30) days after publication.

Supervisor

Clerk

CLERK'S CERTIFICATION

I, Karen Miller, the duly elected, qualified and acting clerk of the township of Davison, Genesee County, do certify that the above Ordinance was adopted at a regular meeting of the Township Board held in the Government Center, 1280 N. Irish Road, Davison, Michigan on the ____ day of _____, 2010 by a majority of the members of the board presenting and voting.

Karen Miller, Clerk