

Golden Township Outdoor Gathering Ordinance

Ordinance No. Forty Six

An ordinance to license, regulate and control, in the interest of the public health safety and welfare, outdoor gatherings of persons in excess of 500 in number.

The Township of Golden ordains:

Section 1

Preamble. The Board of the Township of Golden finds and declares that the interests of the public health, safety and welfare of the citizens of Township 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 Assembly", hereinafter referred to as "assembly" means any event, attended by or expected to be 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 concerts, musical festivals, peace festivals, athletic events, races 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 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 or by the rendering of services in lieu of the payment of money for admission. For purposes of counting Attendants under this Ordinance, each human at the Outdoor Assembly shall count as one Attendant.

E. "Licensee" Means any person to whom a license is issued pursuant to this ordinance.

Section 3

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

Section 4

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 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 non-refundable fee on the Outdoor Gathering Ordinance Fee Schedule adopted and attached herewith. In the event it shall become necessary to hold a special meeting

of the Township Board to act upon the application within the times limits set forth in Sections 6 and 7 below, an additional nonrefundable fee of \$300.00 shall be paid at the time of the filing of the application unless the applicant shall waive, in writing, the time limits therein stated and shall consent to the Township acting upon the application at its next regular meeting. The application shall include at least the following:

- A. The name, residence, address (and, if different, mailing address) of the applicant. Where the applicant is a partnership, corporation, or other association this information shall be provided for the three principal officers of the applicant.
- B. A statement of the kind, character, and type of proposed assembly.
- C. The address, legal description and statement of ownership of the site at which the proposed assembly is to be conducted. Where site ownership is not vested in the applicant, the applicant shall submit an affidavit from the owner granting 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 along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section 5

Each application shall be accompanied by a map or maps of the overall site of the proposed assembly and a detailed explanation, including drawings and diagrams where applicable, of the applicant's plans to provide for the following:

- A. Security (see Section 10.a below).
- B. Water facilities (see Section 10.b below).
- C. Health and sanitation facilities (see Sections 10.c below and 10.f below).
- D. Vehicle access facilities (see Section 10.g below).
- E. Vehicle parking facilities (see Section 10.h below).
- F. Noise control and abatement facilities (see Section 10.m below).
- G. Site cleanup and waste disposal facilities (see Sections 10.e and 10.f below).
- H. Insurance requirements (see Section 10.k below).
- I. Bond requirements (see Section 10.l below).
- J. If food or beverages are made available on the premises, food and beverage preparation and distribution facilities (see Section 10.d below).
- K. If attendants are permitted to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m., camping and trailer facilities (see Section 10.i below).
- L. If attendants are permitted to remain on the premises after sunset, illumination facilities (see Section 10.j below).

Section 6

Distribution. On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement officer and all members of the Township Board. The chief law enforcement officer shall review and investigate matters relevant to the application and within 15 days of receipt thereof report his findings and recommendations to the Township Board.

Section 7

Within 30 days of the filing of the application the Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Board may require that adequate security or insurance be provided before a license is issued. 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 therefor shall be stated in the notice.

Section 8

License denial. A license may be denied if:

- A. The applicant fails to comply or, if, in its reasonable discretion, the Township Board accepts the applicant's promise to comply and the applicant fails to agree 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. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 9

License. The licensee shall specify the name and address of the applicant (licensee), the kind and location of the assembly, the maximum number of attendants permissible, the dates and hours of the license, and whether or not food and/or beverages may be distributed, overnight camping is permitted and/or illumination is required. The license shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred. All licenses shall expire at 12 p.m. on December 31 of each calendar year hereafter.

Section 10

Requirements. When submitting the application, the applicant shall exhibit evidence of meeting the following requirements on all dates for which application shall have been made:

- A. Security Personnel. The licensee shall employ at its 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, than from a source constructed, located and approved in accordance with Act 368, Public Acts of 1978, 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 flush-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 Flush-type facilities are

not available, the County health officer may permit the use of other facilities which are in compliance with Act 368, Public Acts of 1978, 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 running water and soap and paper towels. The number and type of facilities required shall be determined, on the basis of the number or attendants, in the following manner.

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Shower Heads*	1:100	1:100

*Required if applicant permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m.

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 and Beverage Service. If food and/or beverage service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments, and in accordance with any other applicable state or local law, and the applicant shall furnish with the application a copy of the application for said food and/or beverage license.

E. 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, of the 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.

If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law, Act 243, Public Acts of 1951, 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 County health officer with a true copy of an executed agreement in force and effect with a license 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. 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. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Solid waste shall be disposed of at approved disposal sites.

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. Prior to issuance of any license, the licensee shall provide the *county public health department* with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health.

G. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to insure 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 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.

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

I. 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 for camping and trailer parking and facilities in accordance with the Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law including but not limited to the Township of Golden's Zoning Ordinance as most recently adopted, Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health, and applicant shall furnish with the application a copy of the application for said camping and trailer park.

J. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants.

K. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance than those on the Outdoor Gathering Ordinance Insurance Schedule adopted and attached herewith 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 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 corporate surety bond in the amount set forth on the Outdoor Gathering Ordinance Bonding Schedule adopted and attached herewith 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 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 Township for any costs attributable to cleaning up and/or removing debris, trash, or any other waste resulting from the assembly, or for damage to public property.

M. Sound Producing Equipment. Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, and at all times 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 Golden Township.

N. *Public Bathing Beaches*—Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.* and the Natural Resources and Environmental Protection Act, Part 801, MCL 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

O. Review Meeting – Any assembly may be reviewed within three business days of the completion of each assembly at the Zoning Administrators discretion. This review shall include one member of the Golden Township Board, Zoning Administrator, Promoter or agent of the promoter, and a Sheriff Department Representative. This shall be a public meeting. This review is to discuss and correct any problems associated with the conduct of the assembly.

P. Miscellaneous—Prior to issuance of a license, the 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.

Section 11

Revocation. The Board may revoke a license whenever the licensee, its 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 12

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 controlled substance as defined in Act 368, Public Acts of 1978 as amended.
- g. Permit nudity or any form of lewd or lascivious behavior.

Section 13

Penalties. Any person violating or failing or refusing to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall pay a fine of not more than \$500.00 or shall be imprisoned in the county jail for a period of not exceeding 90 days or both such fine and imprisonment; and in addition thereto a violation of this ordinance is a nuisance per se and as such constitutes a public nuisance enjoinable in the Circuit Court for the County of Oceana. The Township shall be awarded costs, including a reasonable attorney fee, in an action to enforce the provisions of this Ordinance.

Section 14.

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 15.

Repeal. The "Outdoor Gathering ordinance" (Ordinance No. 8) of the Township of Golden effective August, 1983 and Amendment to Outdoor Gathering Ordinance (Ordinance 12) are hereby repealed except as to licenses presently outstanding and effective thereunder.

Effective Date.

This Ordinance shall be effective 30 days after publication thereof.

*Passed and approved by the Golden Township Board on March 15, 2011
and published in Oceana Herald - Journal in its March 24 issue of 2011.*

Fee and Insurance Schedule

Application fee:

\$350.00 for the initial date. \$50.00 for each additional date.

Insurance:

Public Liability and Property Damage; \$500,000 for 5000 or less attendees, \$1,000,000 for 5001 to 10,000 attendees, and \$2,000,000 1,001 and over.

Bond:

Performance Bond of \$25,000

Special Meeting:

\$300.00