

TITLE: OUTDOOR ASSEMBLY ORDINANCE

An Ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of One Thousand (1,000) in number, to provide penalties for violations thereof, and to repeal all ordinances or parts of ordinances inconsistent therewith:

THE TOWNSHIP OF BARODA ORDAINS:

Section 1. Preamble. The Township Board of Baroda Township finds and declares that the interest of the public health, safety and welfare of the citizens of the Township of Baroda require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon 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 more than One Thousand (1,000) attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

(1) An event which is conducted or sponsored by governmental unit or agency on publicly owned land or property; or

(2) An event which is conducted or sponsored by an entity qualifying for tax exempt status under Section 501 (c) (3), of the Internal Revenue Code of 1954, being 26 U.S.C. Sec. 501 (c) (3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206, 201 of the Compiled Laws of 1948; or

(3) An event held entirely within the confines of a permanently enclosed and covered structure.

(4) Any event which, at the discreditation of the Township Board, would not be detrimental to the public health, safety and welfare of the Township of Baroda.

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.

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

Section 3. A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Township of Baroda unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

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 of Baroda and shall be made at least sixty (60) days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of One Hundred Dollars (\$100.00) and shall 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 Incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than Five Hundred Dollars (\$500.00).

B. A statement of the kind, character and type of proposed assembly.

C. The address, legal description and proof of ownership of the site at which the proposed 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 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 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.

Section 5. Each application shall be accompanied by 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. Health and sanitation facilities.
- D. Medical facilities and services, including emergency vehicles and equipment.
- E. Vehicle access and parking facilities.
- F. Camping and trailer facilities.
- G. Illumination facilities.
- H. Communication facilities.
- I. Noise control and abatement.
- J. Facilities for clean up and waste disposal.
- K. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

Section 6. On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the County of Berrien, the State Fire Marshall, and to such other appropriate public officials as the Clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof shall report their findings and recommendations to the Township Board.

Section 7. Within thirty (30) days of filing of the application, the Township Board shall issue, set conditions pre-requisite of the issuance of, or deny, a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as pre-requisite to the issuance of a license, or where a license is denied, within five (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. A license may be denied if:

A. 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,

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

Section 9. A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissable, 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.

Section 10. In processing an application the Township Board shall, at a minimum, require the following.

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 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 County of Berrien, in cooperation with the Director of State police, is satisfied that such necessary and sufficient 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, then a source constructed, located and

approved in accordance with Act 294, Public Acts of 1965, 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 Berrien 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, Berrien County Health Officers may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, 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 hot and cold water and soap and paper towels. The number and type of facilities required shall be determined on the basis of the number of attendants, in the following manner;

Facilities: Toilets, Male 1:300, Female 1:200.

Urinals: Male 1:100.

Lavatories: Male 1:200, Female 1:200.

Drinking Fountains, 1:500.

Taps or Faucets, 1:500.

Where the assembly is to continue for more than twelve (12) hours, the licensee shall provide shower facilities, on the basis of number of attendants, in the following manner:

Facilities: Shower heads, Male 1:100, Female 1:100.

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 Berrien County Health Officer.

D. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated 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 other applicable State or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

E. Medical Facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the Health Officers.

F. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Berrien County Health Officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with 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 the issuance of any license, the licensee shall provide Berrien County Health Officers with a true copy of an executed agreement in force and effect with a licensed 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.

G. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accomodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Baroda township and Berrien County Health Officers with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

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 of feeding the vermin.

H. Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches 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.

I. Public Swimming Pools. The licensee shall provide or make available public swimming pools 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 provision of State or local law.

J. 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 the premises. Access to the premises shall be from a highway or road which is part of the Coun-

ty 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. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

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

L. 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 Act 171, Public acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

M. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township Building Inspector.

N. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000. and property damage insurance with limit of not less than \$100,000. 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 Baroda Township in writing at least ten (10) days before the expiration or cancellation of said insurance.

O. 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., in the form to be approved by the Baroda 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 of Baroda, its agents, officers, and employees and the Baroda Township 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.

P. Fire Protection. The licensee shall, at his own expense, take adequate steps as determined by the State Fire Marshal, to insure fire protection.

Q. Noises. Sound Producing Equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, 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 the Township of Baroda.

R. 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 egress and ingress.

S. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each One Thousand (1,000) attendants.

T. Miscellaneous. Prior to the issuance of a license, the Township 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 of Baroda.

Section 11. 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 and requirements set forth herein or with any and all provisions, regulations, ordinance, 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 narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations in 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 ninety (90) days or by a fine of not more than One Hundred Dollars (\$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 and for the immediate enjoining in the Circuit Court of the assembly.

Section 13. 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 of 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 14. Effective Date. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This Ordinance shall be effective from and after July 1, 1971.

Enacted by the Township of Baroda on this 25th day of May, 1971.

Baroda Township
Emil H. Nitz, Clerk