

ORDINANCE NO. 21

GRAND RAPIDS TOWNSHIP OUTDOOR ASSEMBLY ORDINANCE

AN ORDINANCE TO LICENSE AND REGULATE, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS WITHIN GRAND RAPIDS TOWNSHIP IN EXCESS OF 100 IN NUMBER AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF

GRAND RAPIDS TOWNSHIP ORDAINS:

Section 1. Preamble.

The Township Board of Grand Rapids Township finds and declares that the interest of the public health, safety and welfare of the citizens of the Township require the regulation and licensing 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) Attendee means any person who is admitted to an outdoor assembly whether admission is granted in consideration of the payment of money rendering of services or freely.

(b) Effective Date the effective date of a license shall be 12:00 noon of the day preceding the day attendants are first allowed upon the premises.

(c) Licensee means any person to whom a license is issued pursuant to this Ordinance.

(d) Outdoor Assembly or Assembly means any event attended by more than 100 attendants, all or any part of which includes a theatrical exhibition, public show, display entertainment, amusement or other exhibition, but does not include any event held entirely within the confines of a permanently enclosed structure or a parade.

(e) Person means any natural person, partnership corporation, association or organization.

(f) A Sponsor means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

Section 3. Prohibition.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Grand Rapids Township unless he shall have first made application for and obtained a license for each such assembly.

Section 4. License Application. Application for a license to conduct an outdoor assembly must be made in writing and submitted to the Clerk of the Township at least 45 days prior the proposed effective date. The application shall include at least the following information:

(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.)

(b) A statement of the character and type of proposed assembly.

(c) The address and legal description of the premises upon which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit evidence of his right to use the premises for the proposed assembly.

(d) The date or dates and hours during which the proposed assembly is to be conducted.

(e) A statement of the maximum number of people who will be in attendance 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 method used to determine the number of attendants.

(f) Proof that the minimum requirements called for by Section 8 of this Ordinance have been complied with or a statement that proof of compliance with those requirements will be filed with the Clerk not later than ten (10) days prior to the proposed effective date.

Section 5. Within 30 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, the license. Where conditions are imposed as prerequisites to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof shall be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice.

Section 6. A license may be denied, suspended or revoked 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 7. A license shall 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 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 8. Minimum Health and Safety Requirements. No assembly shall be conducted unless the following provisions have been complied with:

(a) Fencing. The premises shall be completely enclosed by a fence of sufficient height and strength to preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located to provide ready and safe ingress and egress.

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

(c) 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 law or local ordinance.

(d) Medical Facilities. If the assembly is intended to last more than 14 hours and the maximum number of attendants exceeds 2,000, the licensee shall provide adequate emergency medical facilities on the premises of the assembly.

(e) Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township. 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 the licensee shall provide the Township 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.

(f) Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in covered containers provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement shall 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.

(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 the premises. Access to the premises shall be from a highway or road which is 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 upon the premises and kept open for access by ambulances, fire equipment, and other emergency vehicles.

(h) Camping and Trailer Parking. If attendants are permitted to remain on the premises between the hours of 2 a.m. and 6 a.m. camping and trailer parking facilities shall be provided on the premises in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of state law and local ordinances.

(i) Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$100,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure the licensee against 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.

(j) Bathing Facilities. Where the assembly is to continue for more than 36 hours, the licensee shall provide shower facilities, sufficient to provide one shower head for each 100 male attendants and one shower head for each 100 female attendants.

Section 9. Whenever the duration and size of the proposed assembly shall be such as to reasonably require them, the Board may impose the following conditions and restrictions as prerequisites to the issuance of a license:

(a) Security Personnel. Provisions for such security personnel as are necessary to provide for adequate 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.

(b) Water Facilities. Provisions for portable water, sufficient in quantity and pressure to assure that adequate amounts are available under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from 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 delivered and stored in a manner approved by the Township health officer.

(c) Restroom and Lavatory Facilities. Provisions for separate enclosed restroom facilities constructed in accordance with Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto or if such facilities are not available, other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto and adequate lavatory 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 law or local ordinance. All lavatories shall be provided with soap and paper towels.

(d) Miscellaneous. Prior to the issuance of a license, the Township may impose any other conditions, reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.

Section 10. Violations. It shall be unlawful for a licensee, his employees, or agents, to:

(a) 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 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 is a separate offense, is a nuisance per se immediately enjoined in the circuit court, 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 and for immediately enjoining further conduct of the assembly.

Section 11. Nothing contained in this Ordinance shall be construed to repeal any other ordinance of the Township, and all other ordinances, including the Grand Rapids Township Zoning Ordinance, shall continue to apply to the conduct of outdoor assemblies.

Section 12. 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 13. Effective Date. This Ordinance shall be effective August 24, 1973.

