

Stockbridge Township Outdoor Gathering Ordinance
Ordinance NO 333

AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF 1000 IN NUMBER, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE.

Section 1: Preamble

The Board of Stockbridge Township finds and declares that the interests of the public health, safety and welfare of the citizens of Stockbridge Township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this Township.

Section 2: Definitions

"Outdoor gathering," referred to in this ordinance as an "assembly," or an "outdoor assembly", means any outdoor event, attended by more than 1000 persons during the course of the event, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings, and all staff and personnel serving the event, and regardless of whether the event is advertised as open to the public or organized as a private gathering. An outdoor gathering does not mean:

a. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

b. An event conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c) of the Internal Revenue Code of 1954, being 26 USC 601(c), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967, MCL206.201, on land [1] owned by the exempt entity, and [2] zoned under the terms of the Stockbridge Township Zoning Ordinance for permitted uses which include the event conducted or sponsored, or recognized as a legal prior non-conforming use for such event under said Ordinance; or

c. Any auction held by a licensed auctioneer held for the purpose of selling the land or property of a landowner or the landowner's tenant.

"Outdoor" means outside of any permanent building designed and currently permitted for an interior assembly of persons, under all applicable federal, state and local laws, statutes and ordinances, and does not include any temporary structures, trailers, mobile home, offices or buildings, tents, canopies, or similar shelters or structures.

"Person" means any natural person, partnership, corporation, association or organization.

"Sponsor" means any person, who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

"Attendant" means any person who obtains admission to an outdoor assembly, by the payment of money, by the rendering of services in lieu of the payment of money for admission, or who attends the outdoor assembly without payment or services rendered, and includes all staff

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and personnel serving the event who are present on the site or within reasonably proximity to the site.

"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 Stockbridge Township without a license for each such assembly.

Section 4: Application for License

Applicants for a license to conduct an outdoor assembly must submit a complete application to the Township clerk at least sixty (60) days prior to the date of the proposed assembly. Each application must be accompanied by a non-refundable fee of 100 Dollars, which may be changed from time to time by resolution of the Township Board, and must include at least the following information:

a. The applicant's name, age, residence and mailing address. Where the person making the application is a partnership, limited liability company, corporation or other corporate body, the application must state the names and addresses of all general partners, officers, directors, and managing members of such body. If the applicant is an unincorporated association, all members of the unincorporated association must sign the application. Where the applicant is a partnership, corporation, limited liability company, or other corporate body, the application must be signed by all general partners in the case of a partnership, all authorized officers on behalf of a corporation, all managers of a limited liability company, or other authorized officers for any other corporate body. Where applicable, a certified copy of the partnership agreement, the articles of incorporation, the articles of organization, or other charter, together with a certified copy of the resolution of the general partners, the corporate board of directors, managers, or governing board, authorizing the execution the application, shall accompany the application.

b. A statement of the kind, character, and type of proposed assembly or event.

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, the prospective licensee must submit a copy of a binding written agreement from the landowner authorizing 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 of admitees.

f. A map or maps, of the overall site of the proposed assembly.

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g. A detailed explanation, including drawings and diagrams where applicable, of the prospective Licensee's plans to provide for the following:

- i. Police and fire protection,
- ii. Food and water supply and facilities,
- iii. Health and sanitation facilities,
- iv. Medical facilities and services including emergency vehicles and equipment,
- v. Vehicle access and parking facilities,
- vi. Camping and trailer facilities,
- vii. Lighting facilities,
- viii. Communications facilities,
- ix. Noise control and abatement,
- x. Facilities for clean up and waste disposal,
- xi. Insurance and bonding arrangements.

Section 5: Review

On receipt by the Township Clerk, copies of the application shall be forwarded to the appropriate public officials as the Township Board may identify. Township officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Board within twenty (20) days of receipt.

Section 6: Township Board approval; conditions; insurance

If a complete application has not been received by the Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Township Board, deliberations on the application shall not commence, until the next regularly scheduled of the Board or until a special meeting called for the purpose of deliberating of the said application. Within sixty (60) days after the complete application and all materials required by this Ordinance are filed with the Township, the Township Board shall:

- a. Issue a license,
- b. Issue a license subject to specified conditions, including those necessary to meet the standards of Section 9 of this Ordinance, or

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c. 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 prerequisite to 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 the denial must be stated in the notice.

Section 7: Denial

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 by the license, 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 8: 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 at all entrances to the premises or place of assembly. The licensee cannot transfer the license to any other person or to any other location.

Section 9: Minimum requirements

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

- a. ***Security Personnel*** - The licensee is responsible for employing 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 Ingham County Sheriff or the Michigan State Police is satisfied that such necessary and sufficient security personnel are qualified and retained 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, in accordance with Ingham County Environmental Health Department rules and regulations.
- c. ***Restroom Facilities*** - The licensee 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 prospective attendants, and all

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required permits shall be obtained in accordance with the Ingham County Environmental Health Department rules and regulations.

d. ***Shower Facilities*** - Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and 6 a.m., the licensee shall provide shower facilities, on the basis of the number of prospective attendants, and obtain all necessary permits in accordance with the Ingham County Environmental Health Department rules and regulations.

e. ***Food Service and beverage service.*** - If food service or beverage service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289:1 101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law, and in accordance with the rules and regulations of the Ingham County Environmental Health Department. No alcoholic beverages shall be provided or permitted on the site unless a permit is obtained from the Michigan Liquor Control Commission.

f. ***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, including cooling tents or facilities, on the premises of the assembly.

g. ***Liquid Waste Disposal*** - The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the Ingham County Environmental 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. If liquid waste retention and disposal requires septage waste servicers, 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. The licensee shall provide the Township clerk with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

h. ***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, including the rules and regulations of the Ingham County Environmental Health Department. Storage shall be in approved; covered; fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township clerk 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. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises.

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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 water 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.

i. **Public Bathing Beaches** - Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas, 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.

j. **Public Swimming Pools** - Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCLs 333.12521-MCL 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

k. **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. Prior to the issuance of a license, the Ingham County Sheriff or the Michigan State Police must approve the licensee's plan for access and traffic control.

l. **Parking** - The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four (4) attendants, and located entirely off of all public rights of way. Licensee shall provide traffic controls necessary to direct traffic onto the premises parking areas so that the public rights of way remain free. No vehicles shall be parked upon the public rights of way.

m. **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 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.

n. **Lighting** - The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township ordinance enforcement officer, under the standards of the Stockbridge Township Zoning Ordinance.

o. **Insurance** - Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than ONE MILLION and no/100 (\$1,000,000.00) DOLLARS, or such other figure as shall be established from time to time by resolution of the Township Board, and property damage insurance with a limit of not less than ONE MILLION and no/100 (\$1,000,000.00) DOLLARS, or such other amount determined from time to time by resolution of the Township Board, from a company or companies approved by the Commissioner of

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Insurance of the State of Michigan, which insurance shall insure liability for death or injury to person 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 Stockbridge Township in writing at least 10 days before the expiration or cancellation of said insurance.

p. **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 such amount determined by the Township Board and 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 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.

q. **Fire Protection** - The licensee shall, at its own expense, take adequate steps as determined by the SAESA to ensure fire protection.

r. **Noise Control** - Noise Control must comply with the Stockbridge Township Noise Ordinance (Ord. #7 eff. August 6, 1984)

s. **Boundaries** – Boundary lines need to be clearly marked during the event.

t. **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 10: Revocation, Reinstatement, and Corrections.

The township ordinance officer is authorized to revoke or suspend a license, in whole or in part, whenever the licensee, or the licensee's employee or agent fails neglects or refuses to fully comply with any and all provisions and requirements set forth herein, with the conditions of an issued license, or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference. The licensee, the licensee's employee or agent on is on-site shall be notified of such revocation or suspension in writing. Upon such revocation or suspension, all further activities and usage set forth in the notice of revocation, shall cease upon the site, other than for the purpose of correcting the violation. Upon correction the ordinance enforcement officer may reinstate the licensee upon such conditions that are necessary to achieve compliance with the issued license. The ordinance enforcement officer may also issue a stop work order to halt all construction activities and usage pending correction of the violation. Failure to terminate or suspend the use, activity or event for which the license was revoked or suspended, other than actions for the purpose of correcting the violation, is declared to be a nuisance *per se* and a violation of this Ordinance.

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Section 11: 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 controlled substances as defined by state or federal law.

g. 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 ninety-three (93) days, by a fine of not more than five hundred and no/100 (\$500.00) dollars, or by both such fine and imprisonment.

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 take effect thirty (30) days after publication.

TOWNSHIP OF STOCKBRIDGE

Mary Wilson, Clerk Date

attested to by:

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Paul Risner, Supervisor Date

CERTIFICATION

STATE of MICHIGAN COUNTY of INGHAM

I, Mary Wilson, the duly elected, qualified and acting Clerk of the Township of Stockbridge, Ingham County, and State of Michigan do hereby certify as follows:

1. The foregoing is a true and complete copy of Ordinance number, adopted by the Stockbridge Township Board at a regular meeting on March 19, 2012.

2. The foregoing ordinance was moved for adoption by Lauckner, seconded by Wetherell, and adopted by the following vote: Yes: 4 No: 0;

3. The Township Board members voted as follows:

Yeas:

Wetherell, Risner, Lauckner & Wilson

Nays:

Zero

Absent: Sommer

4. That said ordinance and the record of publication was duly recorded in the Non-Zoning Ordinance Book of the Township of Stockbridge and is available for public use and inspection at the office of the Stockbridge Township Office.

5. The foregoing ordinance was published 3/24/2012, in The Sun Time, a newspaper of general circulation in the Township of Stockbridge.

Mary Wilson Stockbridge Township Clerk