

## **Chapter 302 – Outdoor Gathering Ordinance**

### **Section 302.1 - Intent**

The Township of Lenox finds and declares that the interests of the public health, safety, and welfare of the citizens of Lenox Township require the regulation, licensing, and control of assemblages of large numbers of people more than those normally drawing upon the health, sanitation, fire-police transportation, utility, and other public services regularly provided in this Township.

### **Section 302.2 – Definitions**

**Outdoor Assembly,**" hereinafter referred to as "assembly" means any event attended by more than one-hundred fifty (150) attendants, that takes place on a single day or over a single week, but does not mean:

- A. An event that is conducted or sponsored by a governmental unit or agency on publicly owned land or property.
- B. A single-day private party on residential property hosted by the person who resides on that property, which is not for profit and to which no admission fee is being charged consisting of a family gathering, a family reunion, a graduation party, or any form of a holiday party or a party commemorating a religious holiday.
- C. An event held entirely within the confines of a permanently enclosed and covered structure.
- D. Any event, consisting of an annual, seasonal business, whether conducted by a for-profit corporation, or a non-profit corporation that takes place annually for more than the period of one single week and for which admission and/or rental fee is charged, such as but not limited to Halloween businesses, wedding businesses, or any other form of a seasonal business. Rather, such seasonal businesses are regulated by the Lenox Township Zoning Ordinance, as amended.

### **Section 302.3 - Application**

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

## Section 302.4 - License Requirements

- A. 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 sixty (60) days prior to the date of proposed assembly. Each application shall include the following:
1. The name, age, residence, and mailing address of the person making the applications. (Where the person making the application, this information shall be provided for all partnerships, corporations, or other associations, this information shall be provided for all partners, officers, directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided of all shareholders having financial interest greater than five hundred dollars (\$500.00).
  2. A statement of the kind, character, and type of proposed assembly.
  3. 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/she shall submit an affidavit from the owner indicating his/her consent to the use of the site for the proposed assembly.
  4. The date or dates and hours during which the proposed assembly is to be conducted.
  5. 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 another method which will be used for accounting purposes.
  6. In addition to paying the one hundred dollars (\$100.00) application fee set forth above, the applicant shall pay one hundred dollars (\$100.00) for the cost of the first Fire Department inspection and one hundred dollars (\$100.00) for the cost of the first Building Department inspection. Any premises requiring more than one re-inspection shall require the applicant to pay a re-inspection fee of fifty dollars (\$50.00) for every additional re-inspection.
- B. Each application shall be accompanied by a detailed explanation, including drawings, and diagrams where applicable, of the prospective licensee's plans, providing for the following:
1. Police and fire protection.
  2. Food and water supply and facilities.

3. Health and sanitation facilities.
4. Medical facilities and services including emergency vehicles and equipment.
5. Vehicle access and parking facilities.
6. Camping and trailer facilities.
7. Illumination facilities.
8. Communications facilities.
9. Noise control and abatements.
10. Facilities for cleanup and waste disposal.
11. Insurance and bonding arrangements.

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

- A. Within thirty (30) days of the filing of the application, the Township Board shall issue, set conditions pre-requisite to the issuance of or deny a license. The Township Board may require that adequate security or insurance be provided before a license is issued.
- B. Where conditions are imposed as a prerequisite 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 reason, therefore, shall be stated in the notice.
- C. A license may be denied if:
  1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant thereto or with any other applicable provisions of state or local law; or
  2. The applicant has knowingly made a false, misleading, or fraudulent statement on the application or in any supporting document.
- D. 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 will be posted in a conspicuous

place upon the premises of the assembly and shall not be transferred to any other person or location.

F. In processing an application, the Township Board shall at a minimum require the following:

1. **Security Personnel** – The licensee shall employ at his/her 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 Township Board, in cooperation with the Law Enforcement Authority is satisfied that such is necessary and sufficient for the duration of the assembly.
2. **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 such 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 source and delivered and stored in a manner approved by the Township Board.
3. **Restroom Facilities** – The licensee shall provide separate enclosed flush-type water toilets 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 ordinances. If such flush-type facilities are not available, the Township Board may permit the use of other facilities which follow Act 273, Public Acts of 1939, and rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.
4. 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.
5. The number and type of facilities required shall be determined, on the basis of the number of attendants in the following manner:

	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200

Drinking Fountains	1:500
Spouts or Faucets	1:50

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

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, and defects and shall always be in the operable condition as determined by the Township Board.

6. **Food Service** – If food service is made available on the premises, it shall be covered 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. Applicants using food trucks to provide food services, must follow Chapter 804 titled “Food Truck Ordinance.”
7. **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 prescribed by the Township Board.
8. **Liquid Waste Disposal** – The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township Board. 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 are dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and prior to issuance of any license. The licensee shall provide the Township Board with a true copy of an executed agreement in force and effect a true copy of an executed 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.
9. **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 accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township Board 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.

10. **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.
11. **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.
12. **Access and Traffic Control** – The licensee shall provide for ingress to and egress from the premises to ensure the orderly flow of traffic onto and off 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 are required for access by ambulance, fire equipment, helicopter, and other emergency vehicles.
13. **Parking** – The licensee shall provide a parking area sufficient to accommodate all motor vehicles but in no case shall be provided less than one (1) automobile space for every four (4) attendants.
14. **Camping and Trailer Parking** – A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 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.
15. **Illumination** – The licensee shall provide electrical illumination 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 Board.
16. **Insurance** – Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than one hundred thousand (\$100,000.00) dollars, three hundred thousand dollars (\$300,000.00), and property damage insurance with a limit of not less than twenty-five thousand dollars (\$25,000.00) from a company or companies approved by the Commissioner of Insurance of the State of Michigan, 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 ten (10) days before the expiration of cancellation of said insurance.

17. **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 fifty thousand (\$50,000.00) dollars 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 Township Board against any and all loss, injury or damage whatever arising out of or in any way costs attribute to cleaning up and/or removing debris, trash and/or waste resultant from the assembly.
18. **Fire Protection** – The licensee shall, at his/her own expense, take adequate steps as determined by the Fire Chief, to ensure fire protection.
19. **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 as to provide ready and safe ingress and egress.
20. **Communications** – The licensee shall provide public telephone equipment for general use on the basis of at least one (1) unit for each one thousand (1,000) attendants.
21. **Miscellaneous** – Prior to the issuance of a license, the Township Board may impose any other conditions reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.
22. 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 to be unreasonably loud or raucous, or as to be a nuisance or disturbance to the peace and tranquility of the citizens of Lenox Township.

### **Section 302.5 – Revocation of License**

The Township Board may revoke a license whenever the licensee, his/her 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 302.6 – Violations**

- A. It shall be unlawful for a licensee, his/her employee, or agent, to knowingly:

1. Advertise, promote, or sell tickets to conduct or operate an assembly without first obtaining a license as herein provided.
  2. Conduct, or operate an assembly in such a manner as to create a public or private nuisance.
  3. Conduct, or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.
  4. Permit any person on the premises to cause or create a disturbance, around, or near the assembly by obscene or disorderly conduct.
  5. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
  6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, or any other substances as defined in Act 343, Public Acts of 1952.
- B. Any of the above-enumerated violations is considered a separate offense and is punishable by not more than ninety (90) days in the county jail, and/or by a fine of not more than one hundred dollars (\$100.00), or by both such fine and imprisonment.