

BURR OAK TOWNSHIP
ST. JOSEPH COUNTY, MICHIGAN
OUTDOOR ASSEMBLY ORDINANCE

ORDINANCE NO 2006-1
ADOPTED: March 6, 2006
EFFECTIVE: April 21, 2006

An Ordinance to 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 the Township.

THE TOWNSHIP OF BURR OAK
ST. JOSEPH COUNTY, MICHIGAN
ORDAINS:

Section 1: Title.

This Ordinance shall be known as the Burr Oak Township Outdoor Assembly Ordinance.

Section 2: Purpose and Enabling Authority.

The purpose of this Ordinance is to 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 the Township.

This Ordinance is enacted pursuant to the authority of Act 246 of Public Acts of 1945 as amended, which authorizes the Township Board to adopt ordinances, to secure the public health, safety and general welfare.

Section 3: Definitions.

A. Attendant. An "attendant" means any person who is admitted to an outdoor assembly or similar event whether admission is granted in consideration of payment of money, services rendered, or without charge.

B. Effective Date. The "effective date" of a license issued pursuant to this Ordinance shall be 12:00 noon of the day preceding the day attendants are first allowed upon the premises.

C. Licensee. A "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 500 attendants, including, but not limited to, a theatrical exhibition, public show, display, entertainment, amusement, festival, concert, art and craft show, charitable event or other exhibition, but does not include:

1. Any event held entirely within the confines of a permanently enclosed structure or a parade;
2. An event conducted on church, school or public property as an accessory use to the church, school or public property.

3. An event held as part of a regularly conducted business on real property that is zoned for such an event either as a permitted use or an approved special use, i.e., race track, etc;
4. Outdoor or partially outdoor gatherings connected with a residential use and utilizing residential facilities such as wedding receptions, open houses, family reunions and other familial events. This exception does not include events described in the preceding sentence when those events are only a part of a larger event that is unrelated to the types of events described in this paragraph (4).

E. Person. A “person” means any natural person, partnership, corporation, association or organization.

F. Sponsor. A “sponsor” means any person who organizes, promotes, conducts, or causes to be conducted and outdoor assembly.

Section 4: License required for assembly.

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

Section 5: Regulations.

An outdoor assembly as defined herein shall be permitted upon the obtaining of a license therefore in accordance with this Ordinance and under the following regulatory requirements:

- A. The event shall occur for no more than six (6) consecutive days.
- B. Events regulated hereunder shall occur on the same parcel for no more than six (6) days within any calendar year.
- C. The event shall not take place between the hours of 12:00 a.m. and 7:00 a.m. on Monday through Friday and between the hours of 2:00 a.m. and 7:00 a.m. on Saturday or Sunday. The Township Board shall have the authority to impose a greater, but not lesser, time limit on the event if the Township Board determines that, given the nature of the proposed event, the subject property and/or the surrounding properties, such a time limit is necessary.
- D. The event shall not materially interfere with traffic circulation, required off-street parking, load areas, or pedestrian safety, and if located within a parking area, shall be cordoned off to prevent pedestrian/vehicular conflicts.
- E. Adequate parking and ingress/egress for persons in attendance at the event shall be provided on and/or off-site. At a minimum, the licensee shall provide not less than one (1) parking space for every four (4) persons (including employees and support staff) anticipated to be in attendance at the event. Parking spaces shall be in compliance with Section 18.1 of the Burr Oak Township Zoning Ordinance.
- F. Setbacks for all temporary structures and displays shall meet all requirements of the Burr Oak Township Zoning Ordinance for the zoning district within which the event is proposed to be located.
- G. The event shall have a minimum setback of 100 feet from any property line and any adjacent properties.
- H. Toilet facilities, refuse containers and security personnel shall be provided in adequate number to reasonably accommodate the number of people anticipated at the event at the applicant's expense. Refuse containers shall be located so as to be readily accessible to persons in attendance at the event.

I. All lighting of the event shall be directed away from and shielded from adjacent residential areas.

J. The event shall not generate noise of such a volume or character so as to unreasonably disturb the occupants within the vicinity of the subject property. In determining whether a proposed outdoor assembly will satisfy this standard consideration shall be given to the volume and character of noise generated from other lawful activities conducted within the vicinity of the property on which the event is to occur.

K. The event shall be conducted in compliance with all applicable federal, state and local laws and regulations.

L. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000.00 and property damage insurance with a limit of not less than \$100,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability or 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.

M. 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 all have sufficient gates properly located so as to provide ready and safe ingress and egress. A temporary fence such as a snow fence shall satisfy this provision.

Section 6: Application for License.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such a 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 nonrefundable fee of \$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 \$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 signed by all of the owners indicating his/her/their 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 counting purposes.

Section 7: Application requirements.

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. Communications 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 with a north (N) directional arrow.

Section 8: Review by public officials.

On receipt by the Township Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the Township and the state fire marshal, 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 30 days of receipt thereof shall report their findings and recommendations to the Township Board.

Section 9: Township Board requirements for issue or denial of license.

Within 45 days of filing of the application, the Township Board shall issue, set conditions prerequisite 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. Where conditions are imposed as 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.

Section 10: Basis of denial.

A license may be denied if:

- A. The application 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 federal, 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 11: License; contents, posting, non-transferability.

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 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
 - a. Display
 - b. Exhibition
 - c. Show
 - d. Play
 - e. Entertainment
 - f. 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. Alcoholic Beverages. Any alcoholic beverages brought onto the premises must be in conformance with state statutes regarding the same. The property owner and/or the individual or corporation hosting the outdoor assembly shall be responsible for the control over and consumption of alcoholic liquor on the premises. The serving or sale of alcoholic beverages for on-site consumption shall only be permitted in conformance with a temporary or permanent license issued by the Michigan Liquor Control Commission for the particular outdoor assembly being held at the time.

Section 13: Grounds for Denial of Future Permit.

Violation of any of the provisions of this Ordinance, a liquor permit issued by the Michigan Liquor Control Commission or state statutes relating to liquor sales and consumption, including the sale or furnishing of liquor to minors, shall constitute grounds for denial of an outdoor assembly permit for the same person and /or premises in the future.

Section 14: Penalties.

Any of the above enumerate violations is a separate offense, is a nuisance per se immediately en-joinable in a court of appropriate jurisdiction. Violation of any of the provisions of this Ordinance shall constitute a misdemeanor, punishable by imprisonment in the county jail for no more than 90 days or a fine of not more than \$500.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation the license and for the immediate enjoining of the assembly in a court of appropriate jurisdiction.

Section 15: Severability.

If any portion of this Ordinance or 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 16: Effective Date and Repeal.

This Ordinance shall take effect 30 days after publication as required by law.

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 17: Enforcement.

This Ordinance may be enforced by the Township Zoning Administrator, by the Township Ordinance Enforcement Officer or by any other Township Official or officer that may from time to time, be designated by the Burr Oak Township Board.

The foregoing Ordinance was offered by George Letts and supported by Mary Gould, the vote being as follows:

YEAS: George Letts, Mary Gould, Keith Leverage, Tina Cronkhite
NAYS: None
ABSENT: Kent Lancaster

Ordinance declared adopted.

Tina N. Cronkhite, Township Clerk

I hereby certify that this is a true copy of an ordinance adopted at a regular meeting of the Burr Oak Township board held on March 6, 2006. I further certify that a summary of this ordinance was published in the Sturgis Journal, Sturgis, Michigan, on March 22, 2006, and _____, and a certified copy was filed with the St. Joseph County Clerk's office on _____,2006

