

Charter Township of Orion

Ordinance No. 29

Outdoor Assemblies

Adopted September 8, 1970

AMENDED

February 19, 1980 (29-1)

September 7, 1982 (29-2)

August 15, 1994 (29-3)

October 1, 2007 (29-4)

Planning Review Fees repealed August 23, 1976 by Ordinance No. 41

AN ORDINANCE TO LICENSE, REGULATE, AND CONTROL OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF FIFTY (50) PEOPLE IN NUMBER, TO PROVIDE MINIMUM STANDARDS FOR THE FACILITIES PROVIDED, TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH. *(amended 09.07.82)*

Section 1 - Preamble

The Township Board of Orion Township, Oakland County, Michigan, finds and declares that the interests of the public health, safety and welfare of the citizens of Orion Township 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 this Township.

Section 2 - Definitions

- A. **"Outdoor Assembly"**, hereinafter referred to as "assembly" means any event, attended by more than fifty (50) *(amended 02.19.80)* 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. Outdoor assembly does not mean *(amended 09.07.82)*:
1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. A reunion for a family for which a fee to attend or to participate is not charged *(amended 09.07.82)*; or
 3. An event held entirely within the confines of a permanently enclosed and covered structure.
- 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 Orion Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

Section 4 - Application for License

- A. 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 date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of One Hundred Dollars (\$100) and shall include at least the following:
1. 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).)
 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 shall submit an affidavit from the owner indicating his 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 other method which will be used for accounting purposes.
- B. The Township Board shall waive the One Hundred Dollars (\$100) fee for an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. 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, as amended, being Section 206.201 of the Compiled Laws of 1979. *(amended 09.07.82)*

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 cleanup 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, 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 twenty (20) days of receipt thereof, shall report their findings and recommendations to the Township Board.

Section 7

Within thirty (30) days of the 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 reasons therefor shall be stated in the notice.

Section 8

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 hereto, or with any other applicable provision of state or local law; or
2. 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 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 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 Oakland County Sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly. *(amended 09.07.82)*
- 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 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 and delivered and stored in a manner approved by the County health officer.
- C. **Restroom Facilities:** *(amended 09.07.82)* 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, the County health office 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 or hot air hand dryers.

The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

Where assembly is to continue for more than twelve (12) continuous 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, leaks and defects and shall at all times be in operable condition as determined by the 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 County Health Officer.
- F. **Liquid Waste Disposal:** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the 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 Act of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the County Health Officer 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 accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the County Health Officer 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 or feeding of 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 of 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 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 Oakland County Sheriff and the Road Commission for Oakland County or the Director of the Department of State Highways must approve the licensee's plan for access and traffic control. *(amended 09.07.82)*
- 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 2:00 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. *(amended 09.07.82)*
- 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 Orion Township Board upon recommendation of the Building Official. *(amended 09.07.82)*
- N. **Insurance :** *(amended 10.01.07)* Before the issuance of a license, the licensee shall obtain and provide to the Charter Township of Orion, proof of insurance coverage naming the Township and any property owners abutting the affected street(s), road(s)

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or public rights-of-way as named or additional insureds in amounts of coverage to be determined from time to time by the Township Board and insuring the Township and the abutting property owners against any and all liability for damage to property and insuring the Township against any and all liability for personal injury or death as a result of the activity, event or use, as result of participation in or attendance at the activity, event or use.

Licensee shall also provide certification acceptable to the Township that the Licensee will indemnify the Township for and hold it harmless from and defend it against any and all claims, lawsuits or other liability arising from or as a result of the activity, event or use.

- O. **Fire Protection:** The licensee shall, at his own expense, take adequate steps as determined by the Orion Township Fire Chief, to ensure fire protection. *(amended 09.07.82)*
- P. **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 tranquillity of the citizens of Orion Township.
- Q. **Fencing:** The licensee may be required to 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 ingress and egress. *(amended 09.07.82)*
- R. **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.
- S. **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.

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, Ordinances, statutes, or other laws incorporated herein by reference.

Section 12 - Violations & Penalties *(amended 08.15.94)*

A. Specific Violations.

It shall be unlawful for a licensee, his or 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 in, 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 other substances prohibited by law.

B. Municipal Civil Infraction/Payment of Fine.

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by Ordinance or as determined by the district court, district court judge, or district court magistrate.

C. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township of Orion has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fine and costs.

D. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

E. Default on Payment of Fines and Costs.

A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

F. Failure to Comply with Judgment or Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

G. Failure to Appear in Court.

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

H. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.

6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection H, 5.
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subdivisions H, 6, a and b.

7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection H, 6.

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 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 14 - Effective Date

This Ordinance shall become effective upon publication, as provided by law.

Section 15 - Citation of State Law *(amended 09.07.82)*

All citations of or references to any and all State Laws in this Ordinance are intended to and do refer to the specific law as adopted and as amended.

Section 16 - Repeal *(amended 09.07.82)*

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.