

CHAPTER 844
Outdoor Assemblies

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CROSS REFERENCES

- Tents to be made of fire resistant material - see
M.C.L.A. Sec. 29.76
- Outdoor theaters - see M.C.L.A. Sec. 29.93
- Peace disturbances - see GEN. OFF. Ch. 670
- Obstructing streets and sidewalks - see GEN. OFF.
678.02
- Parking for places of assemblage - see P. & Z.
1290.03

1 844.0 FINDINGS OF COUNCIL.

Council hereby finds and declares that the interests of the health, safety and welfare of the residents of the City 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 City.
(Ord. 132. Passed 10-20-70.)

2 844.0 DEFINITIONS.

As used in this chapter:

- (a) "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.

- (b) "Licensee" means any person to whom a license is issued pursuant to this chapter.
 - (c) "Outdoor assembly" or "assembly" means any event attended by more than 5,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, music festivals, rock festivals, peace festivals or similar gatherings. "Outdoor assembly" does not include:
 - (1) An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;
 - (2) An event which is conducted or sponsored by an entity qualifying for tax exempt status under 26 U.S.C.A. Secs. 1 et seq., 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 M.C.L.A. 206.201, as amended;
 - (3) An event held entirely within the confines of a permanently enclosed and covered structure.
 - (d) "Sponsor" means any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.
(Ord. 132. Passed 10-20-70.)
- accompanied by a nonrefundable fee of one hundred dollars (\$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, directors or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed and the names and addresses of all shareholders having a financial interest greater than five hundred dollars (\$500.00) shall be provided.

3 844.0 LICENSE REQUIRED.

No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly in the City without first obtaining a license therefor.
(Ord. 132. Passed 10-20-70.)

4 844.0 LICENSE APPLICATION; FEE.

An application for a license to conduct an outdoor assembly shall be made, in writing, on such forms and in such manner as prescribed by the City Clerk, at least sixty days prior to the date of the proposed assembly. Each application shall be

- (b) A statement of the kind, character and type of the 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 or she shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed assembly.
 - (d) The dates and hours during which the proposed assembly is to be conducted; and
 - (e) An estimate of the maximum number of attendants expected at the assembly for each day it is to be 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.
- (Ord. 132. Passed 10-20-70.)

Police, the Health Officer, the State Fire Marshal and such other appropriate public officials as the City Clerk deems necessary. Such officials shall review and investigate matters relevant to the application, and within twenty days of receipt thereof, shall report their findings and recommendations to Council.

(Ord. 132. Passed 10-20-70.)

5 844.0 REQUIRED INFORMATION.

Each application for a license required by this chapter shall be accompanied by a detailed explanation, including a drawing 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 clean up and waste disposal; and
- (k) Insurance and bonding arrangements.

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

(Ord. 132. Passed 10-20-70.)

6 844.0 INVESTIGATIONS.

Upon receipt by the City Clerk, copies of an application for a license required by this chapter shall be forwarded to the Chief of

7 844.0 CONDITIONS FOR ISSUANCE OR DENIAL OF LICENSE.

(a) Within thirty days of the filing of an application for a license required by this chapter, Council shall issue, set conditions prerequisite to the issuance of or deny the license. Council 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 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.

(b) A license may be denied if:

- (1) The applicant fails to comply with this chapter, with conditions imposed pursuant hereto or with any other applicable provision of State or local law.
- (2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
(Ord. 132. Passed 10-20-70.)

8 844.0 CONTENTS OF LICENSE; POSTING; TRANSFERABILITY.

A license required by this chapter 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 chapter. The license shall be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.

(Ord. 132. Passed 10-20-70.)

9 844.0 MINIMUM REQUIREMENTS.

In processing an application for a license required by this chapter, Council shall require, at a minimum, the following:

- (a) Security Personnel. The licensee shall employ, at his or 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 Chief of Police, in cooperation with the Director of State Police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

(b) Water. The licensee shall provide potable water, sufficient in quantity and pressure to ensure 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 Section 12701 et seq. of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.12701 et seq., as amended, and the rules and regulations adopted pursuant thereto, in compliance with Section 12771 of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.12771, as amended, 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 Health Officer.

(c) Restrooms. The licensee shall provide separate enclosed flush-type water closets, as defined in Act 266 of the Public Acts of 1929, as amended, being M.C.L.A. 338.901 et seq., as amended, and the rules and regulations adopted pursuant thereto, in accordance with any other applicable State or local law. If such flush-type facilities are not available, the Health Officer may permit the use of other facilities which are deemed adequate.

The licensee shall provide lavatory and drinking water facilities constructed, installed and maintained in accordance with Act 266 of the Public Acts of 1929, as amended, being M.C.L.A. 338.901 et seq., as amended, 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.

The number and type of facilities required shall be determined, on the basis of the number of attendants,

in the following manner:

Facilities

<u>Male</u>	<u>Female</u>		
Toilets		1:300	1:200
Urinals		1:100	
Lavatories			1:200
Drinking fountains,		1:500	
Taps or faucets,		1:500	

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

Facilities

<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 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 Act 269 of the Public Acts of 1968, as amended, 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 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 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 are dependent upon pumpers and haulers, they shall be licensed in accordance with Act 181 of the Public Acts of 1986, as amended, being M.C.L.A. Secs. 325.312 et seq., as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or local law. Prior to the issuance of any license, the licensee shall provide the Health Officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will ensure 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, flytight and rodentproof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to the issuance of any license, the licensee shall provide the Health Officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will ensure 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 or 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 Sections 12541 et seq. of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.12541 et seq., as amended, 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 Sections 12521 et seq. of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.12521 et seq., as amended, 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 ensure 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 maintained by the State. 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 Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

- (k) Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he or she provide less than one automobile space for every four attendants.
- (l) Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Sections 12516 et seq. of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.12516 et seq., as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of State or local law.

- (m) 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 Mayor.
- (n) Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than three hundred thousand dollars (\$300,000) and property damage insurance of not less than one hundred thousand dollars (\$100,000), from a company approved by the State Commissioner of Insurance, which insurance shall ensure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto. Such 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 will notify the City Clerk, in writing, at least ten days before the expiration or cancellation of the insurance.
- (o) Bonding. Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in the State, a corporate surety bond in the amount of one hundred thousand dollars (\$100,000), in a form to be approved by the City Attorney, conditioned upon the licensee's faithful compliance with this chapter and applicable State or local law. Such bond shall indemnify the City and its agents, officers and Council against all loss, injury or damage arising out of or in any way connected with the assembly, and 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 resulting from the assembly.
- (p) Fire Protection. The licensee shall, at his or her own expense, take adequate steps, as determined by the State Fire Marshal, to ensure fire protection.
- (q) Sound Equipment. 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 tranquility of the residents of the City.
- (r) 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. Such fence shall have sufficient gates properly located so as to provide ready and safe ingress and egress.

- (s) Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- (t) Miscellaneous. Prior to the issuance of a license, Council may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants, or of the residents of the City.
(Ord. 132. Passed 10-20-70.)

be a separate offense and a nuisance per se, immediately enjoined in the Circuit Court.

Any of the violations specified herein shall be a sufficient basis for revocation of the license and for the immediate enjoining in the Circuit Court of the assembly. (Ord. 132. Passed 10-20-70.)

844.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

10 844. REVOCATION OF LICENSES.

Council may revoke a license required by this chapter whenever the licensee or his or her employee or agent fails, neglects or refuses to fully comply with this chapter or with provisions, regulations, ordinances, statutes or other laws incorporated herein by reference.
(Ord. 132. Passed 10-20-70.)

11 844. VIOLATIONS.

No licensee or his or her employee or agent shall 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; or
- (f) Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances as defined in Sections 7101 et seq. of Act 368 of the Public Acts of 1978, as amended, being M.C.L.A. 333.7101 et seq., as amended.

Any of the violations specified herein shall