

**ASSEMBLY ORDINANCE
TOWNSHIP OF HOWELL, MICHIGAN
Ord. No. 6 eff. Jan 26, 1976**

Section 1 INTENT

The Board of the Township of Howell finds and declares that the interest of the public health, safety, and welfare require the regulation, licensing and control of the uses of land for assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility, and other public services provided in the Township.

(Ord. No. 6 eff. Jan. 26, 1976)

Section 2 DEFINITIONS.

- A. **“Outdoor Assembly”** also referred to as **Assembly** means any event attended by more than 1,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement, or other peace festival or similar gatherings, but does not mean:
1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property, or
 2. Any event entirely within the confines of a permanently enclosed and covered structure.
 3. An event which is authorized under the provisions of a valid conditional use permit or a valid special use permit, provided that such a special use permit or conditional use permit meets as far as practical the standards set forth in the article.
- B. **“Persons”** means any natural person, partnership, corporation, association, organization, or any combination thereof.
- 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.

(Ord. No. 5 eff. Jan. 26, 1976)

Section 3 LICENSE REQUIRED.

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

(Ord. No. 6 eff. Jan 26, 1976)

Section 4 APPLICATION FOR LICENSE; FEE; CONTENTS OF APPLICATION.

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 Township and shall be made (90) days or more prior to the date of the proposed assembly. Each applicant shall pay to the Township an application fee of One Hundred Fifty Dollars (\$150.00) and said fee shall be paid at the time of filing the application. The application shall contain the following information:

- A. The name, age, residence and mailing address of the persons 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 detailed statement of the kind, character and type of proposed assembly included a list of speakers and /or entertainers and the type of performance to be presented.
- 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 a license and/or affidavit from the owner indicating his 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 detailed explanation of the evidence of admission which shall be used and of the sequential numbering or other method which will be used for accounting purposes.

- F. Each application shall be accompanied by a detailed explanation of the licensee=s plans to provide for the following:
1. Police and fire protection.
 2. Food and water supply and facilities.
 3. Health and sanitation facilities.
 4. Medical and service including emergency vehicles and equipment.
 5. Vehicle access and parking facilities and the recommended routes to the site.
 6. Camping and trailer facilities.
 7. Illumination.
 8. Noise control and abatement.
 9. Solid waste disposal and clean-up.
 10. Insurance and bonding arrangements.

(Ord. No. 6 eff. Jan. 26, 1976)

Section 5 SITE PLAN.

Each applicant shall submit, along with the initial application, ten (10) copies of a detailed Site Plan which shall include the following data and information:

- A. **Site Identification.** The location and boundaries of the site shall be fully described in terms of distance, direction, and area and shall be correlated with the legal description of the property.
- B. **Map Or Plan.** The map or plan of the site shall be made to scale not larger than 1:240 (20 feet to the inch) and not smaller than 1:2400 (200 feet to the inch). The map shall be of sufficient accuracy to permit accurate readings of dimensions of buildings and structures, and similar features and accurate calculations of area. The map or plan will show the scale and orientation used in its construction, and its point of departure corner of the public land survey.

- C. **Natural Terrain Features.** The map or plan shall show topography at a contour interval no greater than two (2) feet, and shall show wooded areas, streams, and lakes. It shall also show any terrain feature of significance to the area of the plan.
- D. **Man-made Features.** The map or plan shall show existing man-made features including buildings, structure, utility installations, roads, bridges, dikes, drains, fixtures and other similar man-made features of significance to the site.
- E. **Existing Zoning and Use.** The map or plan shall show the zoning and the land use of the site and of all adjacent properties and their owners.
- F. **Proposed Site.** The map or plan shall show all buildings, structures, erections, and installations contemplated as part of the assembly site. It shall show all streets, sidewalks, and other features of vehicle pedestrian circulation. It shall show all fences, gates, walls, site barriers, and landscaping which shall be required. It shall show any topographic alterations and changes in the natural terrain. It shall show placement of police, security, fire, medical and health personnel and facilities, and location of telephones.
- G. Such Site Plan shall be prepared by a register professional Planner, Engineer, Land Surveyor, Architect, or Landscape Architect.

(Ord. No. 6 eff. Jan 26, 1976, revised Oct. 9, 2000)

Section 6 REQUEST FOR RECOMMENDATIONS.

On receipt, by the Clerk, of application and accompanying data, copies of the application and data, along with a request for recommendations, shall be forwarded to the local office of the Michigan State Police, the office of the Livingston County Sheriff, the office of the Livingston County Health Department, the local office of the Detroit Edison Company, the fire departments for the City of Howell, the Livingston County Ambulance Department, the office of administrator of the McPherson Community Hospital and to any other municipal governmental agencies as may be affected by the assembly.

(Ord. No. 6 eff. Jan 26, 1976)

Section 7 LICENSE; ISSUANCE OR DENIAL; NOTICE.

Within forty-five (45) days of the filling of the application, the Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The 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 shall be the reason therefor shall be stated in the notice.

(Ord. No. 6 eff. Jan, 1976)

Section 8 BASIS FOR DENIAL.

The Township Board may deny issuance of a license if:

- A. 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
- B. The applicant knowingly makes a false, misleading or fraudulent statement in the application or in any other data submitted.

(Ord. 6 eff. Jan.26, 1976)

Section 9 CERTIFICATE OF LICENSE.

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.

(Ord. No. 6 eff. Jan. 26, 1976)

Section 10 REQUIREMENTS FOR ISSUANCE OF LICENSE.

The applicant shall, prior to the issuance of a certificate of license, satisfy the Township Board that the following minimum requirements have been met.

- 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 for its duration in the ratio of 1 for every 250 persons attendance.
- 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.** 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 Officer 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. The number and type of facilities required shall be determined, on the basis of the maximum number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:150
Urinals	1:250	
Lavatories	1:300	1:300

Where the assembly is for more than 12 hours, the licensee shall provide shower facilities, on the basis of estimated number of attendants, in the ratio of one shower head for every 200 attendants, and the owner or licensee shall give evidence of a contract with licensed firm if portable units are to be used.

- 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 and local law.
- E. **Medical Facilities.** Licensees shall provide an emergency medical facility on site, clearly marked and defined. Staff shall include one (1) licensed doctor on site for the duration of the assembly, two (2) if the maximum number of attendants exceeds 6,000. In addition one (1) registered nurse shall be provided for every 2,500 persons. Medical supplies and equipment on hand in such a facility shall be as prescribed by the attending physician. Licensee shall have available for the duration of the assembly, on site, an ambulance or rescue vehicle properly stocked and equipped, with a two (2) man crew.

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. In any case, liquid waste disposal shall be in accordance with the minimum standards set forth in United States Public Health Service Publication No. 546, 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 Acts 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 Township 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 or 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, in such number as will serve a ratio of 10 cubic yards for every 2,500 people in attendance. Prior to issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, 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 to the premises. Poisonous materials, such as insecticides or rodenticides, 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.** Licensee shall provide at least two (2) separate points for ingress and egress from the assembly site and to insure orderly flow of traffic shall station one (1) person at each site to direct flow. Access to and from the site shall be from a highway or road which is part of the County or State Highway System. Licensee shall provide a 25-foot ingress and egress traffic safety lane, designated and marked as such, for the exclusive use of emergency, police, and fire vehicles. Such lane shall be kept open at all times.

- K. **Parking.** Licensee shall provide a parking area to accommodate all motor vehicles, but no less than one (1) space for every three (3) persons in attendance. Each parking space shall have an area of at least 180 square feet and dimensions of at least 9 by 20 feet.
- 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 p.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.
- M. **Illumination.** Licensee shall provide to the Township Board a light plan indicating the number, illumination capacity, location and placement for the lighting system. Lighting shall be provided to the entire site area including parking area to insure the safety, comfort, and maximum visibility to participants.
- N. **Insurance.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$100,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for 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. 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 or cancellation of said insurance.
- O. **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 \$100,000 or its equivalent as determined by the Township Board, conditioned upon the licensee's faithful compliance with all of the terms and provisions of the 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.
- P. **Fire Protection.** The licensee shall provide on site fire protection in the form of one (1) class 2A hand fire extinguisher, or its equivalent for every 500 persons estimated to attend the assembly.

- Q. **Sound Producing and Amplifying Equipment.** Licensee shall provide to the Township, a list of all sound producing and amplification equipment with indication as to amplification capacity, number of units to be used and location and placement and method of operation. Said devices shall be operated so as not to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- R. **Fencing.** The licensee shall provide and, if necessary, erect a fence enclosing the assembly site including parking areas and said fence shall be of a minimum height of four feet, with four gates for ingress and egress having a minimum width of seven feet and in the event that estimated attendance exceeds 6,000 people, additional gates at a ration of one gate for every additional 1,500 people.
- S. **Communication.** Licensee to provide at least one (1) phone (public) for every 1,000 persons and at least two (2) such for the exclusive use by police, security, fire and emergency.

(Ord. No. 6. Eff. Jan. 26, 1976)

Section 11 REVOCATION.

The Board may revoke a license whenever the licensee, his employees or agent fails, neglects, or refuses to comply with any and all provisions and regulations or requirements set forth herein or with any and all provisions, ordinances, regulations, statutes, or other laws incorporated herein by reference.

(Ord. No. 6 eff. Jan. 26,1976)

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 and 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, and display exhibition, show, play, entertaining, or amusement that is obscene according to local community standards.
- 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 on the premises to consume, sell, or possess intoxicating liquor while of the premises.

- F. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined by the Controlled Substance Act of 1971.

It is further provided that should any of the above violation be found, the license shall be revoked.

(Ord. No. 6 eff. Jan. 26, 1976)

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 by the court to be inoperable and to this end this Ordinance is declared to be severable.

(Ord. No. 6 eff. Jan. 26, 1976)

Section 14 EFFECTIVE DATE.

This Ordinance shall take effect on the 26th day of January, 1976, and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

(Ord. No. 6 eff. Jan. 26, 1976)

Adopted: December 22, 1975