

LINCOLN TOWNSHIP
NEWAYGO COUNTY
OUTDOOR ASSEMBLING ORDINANCE
ORDIANCE NO. 2001-02

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor assemblings of persons in excess of one hundred (100) in number.

Section 1: Preamble

The Lincoln Township Board of Trustees finds and declares that the interests of the public health, safety and welfare of the citizens of Lincoln 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 services regularly provided in this Township.

Section 2: Definitions

- A. **“Outdoor Assembly”**, means any event, attended by more than 100 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to snowmobile events, musical festivals, rock festivals, or similar assemblings, 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. An event which 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 USC 501 (c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967, being Section 206.201 of the Compiled Laws of 1948; or
 3. An event held entirely within the confines of a permanently enclosed and covered structure; or
 4. Any approved activity by the Township in accordance with the requirements of the Lincoln Township Zoning Ordinance, Ordinance No. 98-04, as amended.
- B. **“Person”** includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- 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 service in lieu of the payment of money for admission.

- E. **“Licensee”** means any person to whom a license is issued pursuant to this ordinance.
- F. **“Township”** means Lincoln Township, Newaygo County or its successor governmental entity.

Section 3: Outdoor Assembly Prohibitions

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

Section 4: Application for Outdoor Assembly 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 Township Clerk. Application shall be made at least sixty (60) days prior to the date of the proposed outdoor assembly, unless a shorter time period is approved by the Township Supervisor.

Section 5: Application – Required Elements

An application for an outdoor assembly shall include at a minimum, the following:

- A. A non-refundable fee as set forth from time to time by the Township Board.
- B. 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.
- C. A statement of the kind, purpose, character, and type of proposed outdoor assembly.
- D. The address, legal description and proof of ownership of the site at which the proposed outdoor assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee shall submit an affidavit from the owner indicating their consent to the use of the site for the proposed outdoor assembly.
- E. The date or dates and hours during which the proposed outdoor assembly is to be conducted.
- F. An estimate of the maximum number of attendants expected at the outdoor assembly for each day 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 attendance accounting purposes.

G. 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:

1. Police and fire protection.
2. Food and water supply and facilities.
3. Health and sanitation facilities.
4. Medical facilities and service 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 abatement.
10. Facilities for clean up and waste disposal.
11. Insurance and bonding arrangements.
12. Natural Environment Protection.

H. In addition, the application shall be accompanied by ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1"=100'). The following items shall be shown on the plan:

1. Small-scale sketch of properties, streets and use of land within one half (1/2) mile of area, including zoning of surrounding property.
2. Existing adjacent streets and proposed streets.
3. Lot lines and approximate dimensions.
4. Parking lots/areas and access points.
5. Proposed buffer strips or screening.
6. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
7. Location of any signs.
8. Existing and proposed buildings, structures,
9. Proposed activity and outdoor assembly areas.
10. All buildings and driveways within one hundred (100) feet of all property lines.

Section 6: Application Review

A. On receipt by the Township, copies of the application may be forwarded to the Township Fire Chief, County Sheriff's Office, Township Planner, Township Engineer, and to such other appropriate public officials, as the Township deems necessary. Such officers and individuals shall review and investigate matters relevant to the application and within twenty (20) days to receipt thereof shall report their findings and recommendations to the Township Board.

- B. Public Hearing: At the discretion of the Township Board, a public hearing may be held to consider the application for an outdoor assembly. If the Board elects to conduct a public hearing, following notification shall occur:
1. One (1) notice shall be published in a newspaper, which circulates in the township.
 2. The notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed and to the occupants of all structures within three-hundred (300) feet of the boundary of the property in question.
 3. The notice shall describe the nature of the application for an outdoor assembly request, indicate the property which is the subject of the request, state when and where the request will be considered, and indicate where and when written comments will be received concerning the request.
 4. The notice must be given not less than five (5) or more than fifteen (15) days before the date of the application will be considered by the Township Board.
- C. Within reasonable time following the filing of the application, or the public hearing, if one is conducted, the Township Board shall consider the application for an outdoor assembly issue. The Township Board may elect to approve, deny, or approve with conditions the request for an outdoor assembly.
- D. The Township Board, in its approval of the application for an outdoor assembly may establish additional conditions considered necessary to ensure safe and proper conduct of the outdoor assemblage. Such conditions may include, but are not necessarily limited to requiring additional and adequate security or insurance be provided prior to issuing a license, or any other conditions considered necessary and reasonable.
- E. Notice of the action of the Township Board shall be sent by certified mail to the applicants for the outdoor assembly, including any conditions imposed, or, in the case of a denial, reasons for such denial. The notice must be mailed to the applicant within five (5) days of the action of the Township Board.
- F. No more than one (1) outdoor assembly may be approved for a property within a period of six (6) months.

Section 7: Application – Reasons for Denial

An application for an outdoor assembly license may be denied or revoked by the Township Board for the following reasons:

- A. The applicant fails to comply with any or all requirements of this ordinance, including, but not limited to Section 9 of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law.
- B. The application has knowingly made a false, misleading or fraudulent statements in the application or in any supporting document.

- C. The applicant fails to provide adequate area for the event, including sufficient area for emergency vehicles, medical and restroom facilities and parking, or other activity.
- D. If the applicant plans on utilizing existing off-site parking areas that are not owned by the applicant, then proof needs to be provided showing that the outdoor assembly will not take up any of the required parking spaces for other uses sharing the off-site parking area. If the outdoor assembly will occur at a time when the other uses will not be utilizing the parking spaces, then adequate proof needs to be provided.
- E. If the applicant fails to provide proof of permission from the property owner where the outdoor assembly is proposed, including permission to use paved and unpaved areas.
- F. If the applicant fails to provide proof that the natural environment will not be adversely affected by the actions of the applicant or the outdoor assembly.
- G. If the proposed outdoor assembly is not generally consistent with the Zoning District in which it is proposed.
- H. If the Township Board finds that the proposed event will present an unreasonable risk to the public health, safety, or welfare.

Section 8: License – General Provisions

A license shall specify the name and address of the licensee, the kind and location of the outdoor 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 outdoor assembly, and shall not be transferred to any other person or location.

Section 9: Township Board License Approval Requirements

The Township Board, in processing an application, may, at a minimum, require any of the below mentioned elements.

- A. **Security Personnel:** The licensee shall employ at their 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 outdoor assembly and for the preservation of order and protection of property in and around the site of the outdoor assembly. No license shall be issued unless the County Sheriff's Office is satisfied that necessary and sufficient security personnel will be provided by the licensee for the duration of the outdoor assembly.
- 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

Public Act 294 of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law, or from a source and delivered and stored in a manner approved by the Township.

- C. **Restroom Facilities:** The license shall provide separate enclosed permanent or portable toilets or other facilities that the Township may permit subject to compliance with P.A. 273 of 1939 and P.A. 266 of 1929, and in accordance with any other applicable provisions of state or local law.

- 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 PA 260 of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of state or local law. If the outdoor 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 outdoor 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 outdoor assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the Township.

- F. **Liquid Waste Disposal:** The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations pertaining thereto established by the Health Department. 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 PA 243 of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law and prior to the issuance of any license the licensee shall provide the Township and Health Department 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 wastes 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 Department 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 a nuisance or measure to the public health.

- H. **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 water 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.
- I. **Public Bathing Beaches:** The licensee shall provide or make available or accessible public bathing beaches only in accordance with PA 218 of 1967, and the rules regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- J. **Public Swimming Pool:** The licensee shall provide or make available public swimming pools only in accordance with PA 230 of 1996, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- K. **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 the premises. Access to the premises shall be from a road suitable to sustain the traffic volumes and type of traffic generated from the outdoor assembling. Traffic lanes and other spaces 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 Newaygo County Road Commission or when appropriate, the Michigan Department of Transportation, must approve the licensee's plan for access and traffic control.
- L. **Parking:** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall less than one (1) automobile space for every four (4) attendees be provided.
- M. **Camping and Trailer Parking:** A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with PA 171 of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- N. **Illumination:** The licensee shall provide electrical illumination of all occupied areas sufficient to insure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township.
- O. **Insurance:** Before the issuance of a license, the licensee shall obtain public liability insurance and property damage insurance with limits as set forth from time to time by the Township Board. Insurance must be 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 person or damage to property which may result from the conduct of the outdoor 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 Township Clerk in writing at least ten (10) days before the expiration of cancellation of said insurance.

- P. **Bonding:** Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporation surety bond in an amount as set forth by the Township Board 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. The licensee 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 outdoor assembly. In addition, the licensee shall indemnify the owners of property adjoining the outdoor assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the outdoor assembly.
- Q. **Fire Protection** – The licensee shall, at his own expense, take adequate steps as determined by the Township Fire Chief and/or State Fire Marshal, to insure fire protection.
- R. **Fencing:** If determined by the Township to be necessary, 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. The fence shall have sufficient gates properly located so as to provide ready and safe ingress and egress.
- S. **Communications:** If determined by the Township to be necessary, the licensee shall provide telephone equipment for general use on the basis of at least one (1) unit for each one-thousand (1,000) attendants.
- T. **Noise:** The outdoor assembly activities shall not create or continue any loud, unnecessary or unusual noises that would disturb others between the hours of 9:00 p.m. and 7:00 a.m. Such noise include, but are not limited to: musical instruments or electronically amplified sound; construction noises; devices to attract attention; sound trucks; and sound systems in parked or moving motor vehicles that are clearly audible at specified distances. Community events and public addresses; emergency vehicles; necessary excavations or repairs to public infrastructure that would be difficult to perform during the day; and bona fide agricultural uses and activities are exempted from this requirement.
- U. **Miscellaneous:** Prior to the issuance of a license, the 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 10: License 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 11: Violations

- A. It shall be unlawful for a licensee, his employee, or agent, to knowingly:
1. Advertise, promote or sell tickets to conduct or operate an outdoor assembly without first obtaining a license as herein provided.
 2. Conduct or operate an outdoor assembly in such a manner as to create a public or private nuisance.
 3. Conduct or permit, within the outdoor 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 outdoor assembly by obscene or disorderly conduct.
 5. Permit any person to unlawfully consume, sell, or possess, intoxication liquor while on the premises.
 6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in PA 343 of 1952.
- B. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction hereunder shall be not less than fifty dollars (\$50.00), in addition to all other costs, damages, expenses, and remedies provided by law. Increased civil fines may be imposed for subsequent violations by a person of any requirement or provision of this Ordinance. The fine for any offense, which is a first, repeat offense shall be not less than one hundred dollars (\$100.00), plus costs. The fine for any offense, which is a second, repeat offense shall be not less than two hundred dollars (\$200.00), plus costs. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- C. It is further provided any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the outdoor assembly.

Section 12: 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 severable.

Section 13: Effective Date

This ordinance shall be effective 30 days after the ordinance (or summary thereof) is published in the newspaper.

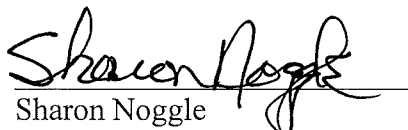
- ❖ This ordinance was offered for adoption by Township Board Member, Thomas Worden, seconded by Sharon Noggle, the vote was as follows:

Yeas: Tom Worden, George Dickinson, Sharon Noggle, Buck Geno, and Dennis Dickinson.

Nays: None

Absent: None

Ordinance declared adopted.


Sharon Noggle
Lincoln Township Clerk