

THE CHARTER TOWNSHIP OF GARFIELD
ORDINANCE NO. 58

Outdoor Gathering Ordinance

An ordinance to license, regulate and control, in the interest of public health, safety and welfare, outdoor gatherings of persons in excess of 300 in number.

THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

Section 1: Preamble

The Board of the Charter Township of Garfield finds and declares that the interests of the public health, safety and welfare of the citizens of Garfield Township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

Section 2: Definitions

"Outdoor gathering," referred to in this ordinance as "assembly" or "outdoor assembly", means any outdoor event attended or intended to be attended by more than 300 attendants, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings, but does not mean:

- a. A wedding conducted on private property;
- b. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
- c. An event held entirely within a permanently enclosed and covered structure.

"Person" means any natural person, partnership, corporation, association or organization.

"Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

"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.

"Licensee" means any person to whom a license is issued pursuant to this ordinance.

"Township review committee" shall mean a three person committee comprised of the Garfield Township Zoning Administrator, the Garfield Township Director of Planning and the Garfield Township Planning Commission Chair, or their designees.

Section 3: License required

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Garfield Township without a license for each such assembly.

Section 4: Application for License

Applicants for a license to conduct an outdoor assembly must submit a complete application to the township zoning administrator at least 30 days prior to the date of the proposed assembly. In special instances, where the applicant can reasonably demonstrate that compliance with the 30 day notice was impractical or impossible due to the nature of the assembly, the township review committee may accept and consider an application with less notice. No license shall be granted, however, unless and until all Township offices and agencies, required to be sent a copy of the application under Section 5, have reported to the Township. Failure to file on time or demonstrate such special instances shall result in a denial of the license application.

Each application shall be accompanied by a nonrefundable fee, established by resolution of the township board to help defray the administrative costs of processing the application, and shall include at least the following information:

1. The name, telephone number, residence and mailing address of the person requesting the permit. (Where the person making the application is a partnership, corporation or other association, this information must be provided for all partners, officers and directors, or members. A copy of the organization's Articles of Incorporation, Partnership Agreement, Charter, or other organizing documentation shall be attached to the application.
2. The name, telephone number, residence and mailing address of the person who will act as Chairman of the special event and be responsible for the conduct thereof.
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, the prospective licensee must submit an affidavit, or other documentation acceptable to the township, from the owner indicating consent to the use of the site for the proposed outdoor assembly.
4. A statement of the type, character, and detailed description of the proposed outdoor assembly.
5. The date or dates the event is to be conducted and the hours the proposed event will commence and terminate each day.
6. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting purposes.
7. A map or maps of the overall site of the proposed assembly.
8. The specific assembly and dispersal locations, and the specific route plans to be used, if applicable.
9. 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. Lighting facilities,
 - h. Communications facilities,
 - i. Noise control and abatement,
 - j. Facilities for clean up and waste disposal,

- k. Insurance and bonding arrangements.
- 10. Such other information as the township review committee may deem reasonably necessary.

Section 5: Review agencies and departments

Upon receipt of the application, the Zoning Administrator shall submit the application to the following Township offices and agencies, and each office/agency shall be requested to review and investigate the application, and to report to the Township within 20 days.

1. Grand Traverse County Sheriff's Department
2. Grand Traverse County Metro Fire Department
3. Grand Traverse County Health Department
4. Garfield Township and/or Grand Traverse County Building Department, if any temporary facilities are to be constructed or special electrical supplies are required
5. Any other township or county agency which is to provide a service in connection with the outdoor gathering

Additional review fees may be charged by any or all of the review agencies and departments. Such additional fees shall be paid directly to the appropriate agency.

Section 6: Decision

Within 30 days after the application is filed, the township review committee shall:

- a. Issue a license,
- b. Issue a license subject to specified conditions,
- c. Deny a license, or
- d. Refer the application to the Township Board for review and determination.

In deciding upon an application, the township review committee, or Township Board as applicable, shall consider the following:

- a. The impact of the outdoor gathering on the traffic, security, health, safety and welfare of the public and the plans of the applicant to address such impacts;
- b. A determination that the plans for addressing such impacts are appropriate and reasonable and an evaluation of the measures proposed by the applicant to satisfy those requirements;
- c. The demonstrated ability of the applicant to comply with requirements necessary to address the identified impacts and the past history of the applicant in complying with such requirements;
- d. The location and duration of the outdoor gathering and the townships ability to accommodate the event with the necessary resources; and
- e. Other previously approved outdoor gatherings that could cause scheduling conflicts during the same period and cause an over extension of the townships or other public resources: and
- f. Whether each Township office and/or agency under Section 5 has Issued a favorable report.

A license may be denied if:

- a. The applicant fails to satisfy the standards for review in this ordinance, including but not limited to the standards in his Section 6, fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed by the license, or with any other applicable provision of 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.

Notice shall be mailed to the applicant within five days following the township review committee's or township board's decision. The reasons for any denial of a license application shall be stated in the written notice to the applicant.

Section 7: Conditions

The township review committee or township board may include certain time, place and manner restrictions as a condition to granting a license as are reasonable and necessary for the protection of the public health, safety and welfare. The applicant shall also agree to indemnify, save harmless and defend the township, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the outdoor gathering.

Section 8: Payment of costs

The township board may adopt a policy which sets forth whether or not the special event must pay for township services and to what extent such township services must be paid by the person or entity responsible for the special event. Such policy shall have the full force and effect of this ordinance, and any violation of the policy shall be deemed to be a violation of this ordinance.

Section 9: License; posting on premises

A license must 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 by the township. A license must be posted in a conspicuous place on the premises of the assembly and cannot be transferred to any other person or location.

Section 10: Minimum requirements

All licenses will, at a minimum, require the following:

Security Personnel—The licensee is responsible for employing 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. In the event of disagreement between the licensee and the township on the amount of security personnel required, the determination of the Grand Traverse County Sheriff's Department shall prevail.

Water Supply—The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.

Restroom Facilities—The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and 6 a.m., the licensee shall provide shower facilities. The number and type of facilities required shall be determined by the Grand Traverse County Health Department. 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 Grand Traverse County Health Department.

Food Service—If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law.

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, including cooling tents or facilities, on the premises of the assembly.

Liquid Waste Disposal—The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the Grand Traverse County Health Department, of the Public Health Code, Part 127: Water Supply and Sewer Systems, MCL 333.12701, *et seq.*; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, *et seq.*; applicable rules and regulations, and any other applicable provision of state or local law.

If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law. The licensee shall provide the township zoning administrator and Grand Traverse County Health Department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to a Grand Traverse County approved disposal facility to prevent a nuisance or threat to the public health.

Solid Waste Disposal—The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.11501, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law.

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 township zoning administrator and Grand Traverse County Health Department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to a Grand Traverse County approved disposal facility to prevent a nuisance or threat 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 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.

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. Prior to the issuance of a license, the Grand Traverse County Road Commission must approve the licensee's plan for access and traffic control.

Parking—The licensee shall provide a parking area sufficient to accommodate all motor vehicles, as determined by the township review committee.

Lighting—The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township code enforcement officer.

Bonding—Before the issuance of a license, the township review committee or township board may require that the licensee obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount determined to be appropriate based upon the size, scale and features of the proposed outdoor gathering 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, 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.

Fire Protection—The licensee shall, at its own expense, take adequate steps as determined by the Grand Traverse County Metro Fire Department to ensure fire protection.

Insurance—Before the issuance of a license, the licensee shall obtain public liability insurance and property damage insurance with a limit of not less than amounts determined by a resolution of the Township Board 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 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 10 days before the expiration or cancellation of said insurance.

Section 11: Revocation

False, misleading or fraudulent statements of material fact relied upon by the township in the issuance of a license shall be grounds for any license to be revoked. The township may also revoke a license whenever the licensee, or the licensee's 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

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 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.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances as defined by state law.

Any of the above enumerated violations shall be deemed to be a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs which may include all expenses, direct and indirect, to which the Charter Township of Garfield has been put in connection with the municipal infraction. In no case, however, shall costs of less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) be ordered. A violator of this ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation. The provision of this ordinance may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

Unless otherwise provided elsewhere within this Ordinance for specific violations, Civil Fines for municipal civil infractions shall be assessed in accordance with the following schedule.

	<u>Fine</u>
1 st violation within 3-year period*	\$50.00
2 nd violation within 3-year period*	\$125.00
3 rd violation within 3-year period*	\$250.00
4 th or subsequent violation within 3-year period*	\$400.00
*determined on the basis of the date of violation(s)	

It is further provided that 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 assembly.

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: Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

Section 15: Effective Date

This ordinance shall take effect immediately upon publication.

The following voted:

YEAS: Jeane Blood, Kit Wilson, Molly Agostinelli, Denise Schmuckal, Bob Featherstone, Chuck Korn, Kay Schumacher

NAYS: None

ABSTAIN: None

ABSENT: None

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 27 day of August, 2009 that of (7) Seven members of the Township Board were in attendance and (7) Seven voted for the adoption of the Ordinance.



Kay Schumacher, Clerk

The Charter Township of Garfield
3848 Veterans Drive
Traverse City, Michigan 49684
INTRODUCED: July 23, 2009
ADOPTED: August 27, 2009