

THE TOWNSHIP OF COHOCTAH,
LIVINGSTON COUNTY, MICHIGAN, ORDAINS:
COHOCTAH TOWNSHIP OUTDOOR ASSEMBLY ORDINANCE
ORDINANCE NO. 1

Sec. 1. Purpose.

The purpose of this Ordinance is to ensure the health, safety, and welfare of the event participants and general public during a planned outdoor event or gathering of large numbers of people and to ensure that the proper regulation, licensing, and control of the outdoor events occur. The Ordinance is also intended to provide for the proper health, sanitation, fire, police, transportation, utility and public services for such gatherings.

Sec. 2. Definitions.

The following terms are defined in this Ordinance.

1. "Outdoor Assembly" or "Assembly" means any gathering of 750 people or more at any one given time. The definition of "Outdoor Assembly" shall not include:

- A. An event which is conducted or sponsored by a governmental unit or agency; or
- B. An event held entirely within the confines of a permanently enclosed and covered structure.

2. "Persons" means any person who organizes, promotes, conducts, causes or allows to be conducted an Outdoor Assembly.

3. "Sponsor" means any person who organizes, promotes, conducts, causes or allows to be conducted an Outdoor Assembly.

4. "Permitee" means any Person to whom a Permit is issued pursuant to this Ordinance.

5. "Township" shall mean Cohoctah Township.

Sec. 3. Permit.

A. Permit 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 Permit for each such outdoor assembly.

B. Application. Application for a Permit to conduct an Outdoor Assembly must be made in writing by a Sponsor on such form and in such manner as prescribed by the Township and the complete application with all supporting information must be submitted to the Township at least 180 days prior to the date of the proposed Assembly. Each application shall be accompanied by a fee determined by resolution of the Township Board and shall include at least the following:

1. The name, age, residence and mailing address of all Sponsors. If different, the name, age, residence and mailing address of the property owner of the site at which the Outdoor Assembly will be conducted.

2. Where any Sponsor is a partnership, corporation, limited liability company or other association, a copy of the articles of incorporation, articles of organization, or partnership certificate. The Sponsor shall also file a list of all partners, officers, directors, members or shareholders.

3. The name of the Person designated by the Applicant/Sponsor who will be at the proposed Assembly and in charge of the Assembly. This Person shall be authorized by the Sponsor to receive notice of revocation of the Permit if applicable.

4. A statement of the kind, character and type of proposed Assembly.

5. The address, legal description and proof of ownership of the site at which the proposed Assembly is to be conducted. If the Sponsor does not have ownership of the site for the Assembly, the Sponsor shall submit an affidavit from the owner indicating his or her consent to the use of the site for the proposed Assembly. The affidavit shall also contain a statement by the owner agreeing to comply with, and be bound by, all terms of the permit and this Ordinance.

6. The date or dates during which the proposed Assembly is to be conducted.

7. An estimate of the maximum number of attendees expected at the Assembly for each day it is conducted.

8. A detailed explanation of how the Sponsor will provide evidence of admission and determine how many attendees will be at the Assembly.

9. Attachments to Application. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of how the prospective Permittee will meet all the Standards of Review provided in Section E below. The drawings and/or diagrams shall also show how the applicant will provide the following:

- a. Police and fire protection;
- b. Food and water supply 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. Facilities for clean up and waste disposal; and
- j. Insurance and bonding arrangements.

C. Application Review by Agencies. On receipt by the Township Clerk, copies of the complete application shall be forwarded to the chief law enforcement and health officers for Livingston County, the Fire Chief of the Howell Area Fire Authority 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 shall report their findings and recommendations to the Cohoctah Township Board.

D. Township Board Consideration. The Township Board will review the application in a two-step process that will involve a preliminary and final review. The preliminary review will be conducted within 65 days of the filing of the completed application and will involve the consideration of the application, and any other information received by the Township, to determine if all information necessary for a decision under Section E below has been provided and to allow for a meeting between the Township Board and the applicant to discuss the application and the information submitted. If there is additional information that is desired the applicant will be informed of such requirements.

Following the preliminary review, the Township Board shall schedule and hold a final review meeting on the application that shall be no more than 65 days after the date of the preliminary review meeting. At the final review meeting, the

Cohoctah Township Board shall grant, grant with conditions or deny a Permit. All requirements contained in Section E below shall be considered conditions of the Permit, if a Permit is granted. The Board may attach any other reasonable conditions, including but not limited to, a limit on the hours of operation of the Assembly and the maximum number of attendees of the Assembly.

E. Standards for Review and Conditions of Approval. In processing an application, the Board shall, at a minimum, require the following as a condition to any Permit that is granted:

1. Security Personnel. The Permittee shall provide at his own expense such security personnel as determined by the Township to be 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 Permit shall be issued unless the chief law enforcement officer for Livingston County, or his or her designee, is satisfied that such necessary and sufficient security personnel will be provided by the Permittee for the duration of the Assembly.

2. Water Facilities. The Permittee shall provide potable water meeting all Federal, State, County and other local requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled, at the rate of at least one gallon per person per day. At its sole discretion, the Township may impose any additional or more stringent requirement for sufficient water facilities.

3. Toilet Facilities. The Permittee shall provide sufficient toilets of the type determined adequate by the Township upon consultation with the Livingston County Health Officer. However, at a minimum, the Permittee shall provide the following restroom facilities:

a. For events with an anticipated duration of eight hours or less, or where the anticipated attendance of each person in the event area will be for eight hours or less: one toilet designated for males and two toilets designated for females for every 250 people in attendance.

b. For events with an anticipated duration greater than eight hours, or where the attendees will be in the event area for a period greater than eight hours: two toilets designated for males and three toilets designated for females for every 250 people in attendance.

c. If the Assembly will involve overnight camping then there shall also be provided showers at the rate of 1 for each 100 male attendees and two showers for each 100 female attendees.

The Township in its sole discretion may increase the above minimum to meet any Federal, State and/or local regulations. These facilities shall be equipped with sufficient toilet paper, soap, water, and towels or dryers for anticipated peak use.

4. Operable Condition. All facilities shall be installed, connected, and maintained free from defects and shall at all times be in operable condition as determined by the Livingston County health officer, or his or her designee.

5. 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 Michigan law, and any rules and regulations adopted pursuant thereto and in accordance with any other applicable local law, ordinance or regulation.

6. Medical Facilities. If the Assembly is not readily and quickly accessible to adequate existing medical facilities, the Permittee 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 chief Livingston County health officer, or his or her designee.

7. Liquid Waste Disposal. The Permittee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Livingston County Health Department and Michigan law and local law. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with the laws and regulations adopted thereto promulgated by the State of Michigan, and in accordance with any other

applicable local law. Prior to issuance of any Permit, the Permittee shall provide the Township and the Livingston County health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement shall assure proper, effective, and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or a menace to the public health.

8. Solid Waste Disposal. The Permittee 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 attendees. Prior to issuance of any Permit, the Permittee shall provide the Township and the chief 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.

9. Protection Against Public Nuisance. The Permittee 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 rodent poisons 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.

10. Access and Traffic Control. The Permittee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off 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 must be a minimum of 24 foot width. Additional 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 Permit, the Chief Law enforcement officer or his or her designee for Livingston County must review the Permittee's plan for access and traffic control.

11. Parking/Shuttle Service. The Permittee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall there be provided less than one automobile space for every four (4) attendees, unless otherwise specifically authorized by the Township. In the event that adequate parking is not available at the event site then the Permittee must make available, off-site parking space and also make available a shuttle service to and from the event site. In computing parking space, an area of 10 feet in width by 20 feet in length shall be the minimum required for each automobile.

12. Camping and Trailer Parking. A Permittee who permits attendees 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 the applicable State and local laws and the rules and regulations adopted pursuant thereto.

13. Illumination. The Permittee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendees. The Township shall approve the lighting plan after consultation from the chief Law Enforcement officer of Livingston County or his or her designee.

14. Insurance. Before the issuance of a Permit, the Permittee shall obtain and provide to the Township proof of public liability insurance with limits of not less than \$3,000,000.00 per occurrence and property damage insurance with a limit of not less than \$100,000.00 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 Permit. 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 10 days before the expiration or cancellation of said insurance. The Township must be named as an additional insured on this policy.

15. Bonding. Before the issuance of a Permit, the Permittee shall file a bond with the Clerk of Cohoctah Township, either in cash or underwritten by a surety company licensed to do business in Michigan, and approved by the Township, in the amount of \$10,000,000, which shall indemnify and hold harmless Cohoctah Township and any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of the

granting of this Permit, the holding of the Assembly, and/or from any damage incurred by trespass, vandalism or otherwise and from any costs incurred in cleaning up waste material produced or left by the Assembly. The Township Attorney shall approve the form of the Bond.

16. Fire Protection. The Permittee shall, at his own expense, take adequate steps to ensure fire protection or make fire protection plans with the Howell Area Fire Authority.

17. Sound Producing Equipment. Sound producing equipment, including, but not limited to, public address systems, radios, phonographs, musical instruments, and other recording or playback 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 citizens of the Township. The Cohoctah Township Board reserves the right to set a decibel level for the event.

18. Fencing. Unless waived by the Township, the Permittee shall erect a fence or other barrier completely enclosing the site, of sufficient height and strength to preclude persons in excess of the maximum of permissible attendees from gaining access to the Assembly. Any such fence shall have a sufficient number and properly located access points to allow for safe ingress and egress. The Township or other local official having appropriate authority or jurisdiction, shall be consulted regarding access for emergency vehicles.

19. Duration. No Outdoor Assembly shall take place or continue between the hours of 11:00 p.m. and 9:00 a.m.

20. Miscellaneous. Prior to the issuance of a Permit, the Board may impose any other conditions reasonably calculated to protect the health, safety, welfare, and property of attendees, or of citizens of the Township.

F. Notification. Within 5 business days after Township Board consideration, notice of the Township Board's decision must be mailed by the Township Clerk to the Sponsor/Applicant by certified mail and in the case of denial, the reasons therefore shall be stated in the notice.

G. Denial. A Permit may be denied for any of the following reasons:

1. The applicant fails to provide all information required by this Ordinance;
2. The applicant did not demonstrate that the Assembly would meet the requirements of this Ordinance;
3. The applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting document;
4. Any one or more of the agencies listed in Sec. 3.C recommends to the Township Board that a permit not be issued;
5. The Township Board, after review and consideration of the permit application and other information, determines that the Assembly would not be in the best interests of the health, safety, and/or welfare of its residents or attendees of the Assembly.

H. Permit. A Permit, which shall be issued by the Zoning Administrator after approval, shall specify the name and address of the Permittee, the kind and location of the Assembly, the maximum number of attendees permissible, the duration of the Permit 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.

Sec. 4. Revocation of Permit.

The Board, and/or its agent, may revoke a Permit whenever the Permittee, his employee or agent, fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth herein or any requirements or conditions of the Permit, or with any and all provisions, Ordinances, regulations, statutes, or other laws incorporated herein by reference.

Sec. 5. Violations. It shall be unlawful for a Permittee, his employee or agent to:

1. Advertise, promote or sell tickets to, conduct, or operate an Assembly without first obtaining a Permit 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 exhibition, show, play, entertainment, or amusement or other activity that is defined as obscene under Michigan Law, 1984 PA 343, MCL 752.362
4. Permit or allow any person on the premises to cause or create a disturbance in, around, or near the Assembly by obscene conduct, material or activity, as defined by Michigan Law, 1984 PA 343, MCL 752.362, or disorderly conduct.
5. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises unless the venue has a valid permit to do so in the State of Michigan.
6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other substances as defined by the laws of the State of Michigan.
7. To violate any provisions of this Ordinance or any provisions of Federal, State or local law.

Sec. 6. Penalties.

A. A person violating this Ordinance is responsible for a nuisance per se and shall be immediately enjoined in circuit court.

B. Any person or entity guilty of violating this Ordinance shall also be subject to civil proceedings for damages and/or injunctive relief by the Township or by any person or entity injured or damaged by such violation. Commencement of any such proceedings shall not constitute an election of remedies. 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 Livingston County Circuit Court.

Sec. 7. Ordinance Conflict.

Nothing in this Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; conflicting provisions of this Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes. If any part of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Ordinance shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

This Ordinance was adopted by the Cohoctah Township Board on December 13, 2007, and shall have an effective date of thirty days after publication.

The Cohoctah Township Outdoor Assembly Ordinance No. 1 can be purchased, examined, or inspected at the Cohoctah Township Hall, 10518 Antcliff Road, Fowlerville, MI 48836 between the hours of 9:30 a.m. and 5 p.m. on Tuesday and 9:30 a.m. and 2 p.m. on Wednesday, and Thursday.

[Signed] Karen Thurner, Cohoctah Township Clerk