

TOWNSHIP OF WELLS

Tuscola County, Michigan

OUTDOOR ASSEMBLY ORDINANCE AMENDMENT

~~Ordinance No. 100-03~~

Ordinance No. 21-08

THE TOWNSHIP OF WELLS ORDAINS:

SECTION 1: Title

This Ordinance shall be known and cited as the Wells Township Outdoor Assembly Ordinance.

SECTION 2: Preamble

The Board of Wells Township finds and declares that the interests of the public health, safety and welfare of the citizens of Wells 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 3: DEFINITIONS

- A. Licensee-means any person to whom a license is issued pursuant to this Ordinance.
- B. Sponsor-any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly
- C. Outdoor Assembly- referred as "Assembly" in this ordinance means any theatrical exhibition, public show, display, entertainment, amusement or other exhibition held principally outdoors, including, but not limited to musical festivals, peace festivals, fairs or similar gatherings; or any event attended by more than 150 persons per day, any part of which is held outside of any permanent structure permitted for such use, 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 held entirely within the confines of a permanently enclosed and covered structure; or
 - 3. Gatherings incidental to residential use; family reunions, graduation open houses, birthday parties. Residential use shall not include any event at which an admission charge or money donation is requested; or
 - 4. Agriculture related activities conducted on premises zoned for agricultural use; 4-H events, livestock shows, farm auctions or farm machinery demonstrations.
- D. Person-means any natural person, partnership, corporation, association, organization, or governmental entity.
- E. Attendee-any person who obtains admission to an outdoor assembly.

SECTION 4: LICENSE REQUIRED

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

SECTION 5: LICENSE APPLICATION

Applicants for a license to conduct an Assembly must submit a complete application to the Township Clerk at least sixty (60) days prior to the date of the proposed Assembly. Each application must be accompanied by a non-refundable fee set by resolution of the Township Board, which may be changed from time to time, and must include at least the following information:

- A. The name, telephone number, residence and mailing address of the person making the application. Where the person making the application is a partnership, corporation or association, this information shall be provided for all partners, officers and directors.
- B. A statement describing the nature and purpose of the 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, the prospective licensee must submit a copy of a binding written agreement from the landowner authorizing the use of the site for the 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 attendees 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 of attendees.
- F. A map or maps of the overall site of the proposed Assembly.
- G. 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. Security Personnel
 - 3. Food and water supply facilities;
 - 4. Health and sanitation facilities;
 - 5. Medical facilities and services including emergency vehicles and equipment;
 - 6. Vehicle access and parking facilities;
 - 7. Camping and trailer facilities;
 - 8. Lighting facilities;
 - 9. Communications facilities;
 - 10. Noise control and abatement;
 - 11. Facilities for clean-up and waste disposal;
 - 12. Insurance and bonding arrangements.
- H. Such other information as the Township may deem reasonably necessary.

SECTION 6: REVIEW/APPROVAL

- A. On receipt by the Township Clerk, copies of the application shall be forwarded to the appropriate public officials as the Township may identify. The Township shall review and investigate matters relevant to the application and report their findings and recommendations to the Township Board at the next regular scheduled board meeting.
- B. In deciding upon an application, the Township shall consider the following:
 - 1. The impact of the Assembly on the traffic, security, health, safety and welfare of the public and the plans of the applicant to address such impacts.
 - 2. 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.
 - 3. The demonstrated ability of the applicant in complying with such requirements.
 - 4. The location and duration of the Assembly and the Townships ability to accommodate the event with the necessary resources.
 - 5. Other previously approved Assembly's that could cause scheduling conflicts during the same period and cause an over extension of the Township or other public resources.
 - 6. Whether each public official and township official has issued a favorable report.
- C. If a complete application has not been received by the Township Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Township Board, deliberations on the application shall not commence, until the next regularly scheduled meeting of the Board. Within sixty (60) days after the complete application and all materials required by this Ordinance are filed with the Township, the Township Board shall:
 - 1. Issue a license;
 - 2. Issue a license subject to specified conditions; or
 - 3. Deny a license.

If the Township does not take action within sixty (60) days after the complete application and all materials are filed with the Township, the application for a license is denied.

SECTION 7: CONDITIONS

- A. The Township 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.
- B. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice must be mailed to the applicant by certified mail within five (5) days after the Board's decision.
- C. The Licensee 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 Assembly.

SECTION 8: DENIAL

A license may be denied if:

- A. The applicant 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; or
- C. The Ordinance otherwise provides that the license is denied.

SECTION 9: LICENSE POSTING

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 at all entrances to the premises or place of the assembly. The licensee cannot transfer the license to any other person or to any other location.

SECTION 10: MINIMUM REQUIREMENTS

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

- A. **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 attendees 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 Tuscola County Sherriff's department shall prevail.
- B. **Water Supply** - The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions, in accordance with all applicable state and local statutes, rules, and regulations.
- C. **Restroom Facilities** - The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined by the Tuscola 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 Tuscola County Health Department.
- D. **Food Service and Beverage Service.** - If food service or beverage service is made available on the premises, it shall be legally prepared in accordance with Tuscola County Health Department Rules. No alcoholic beverages shall be provided or permitted on the site unless licensed and permitted in compliance with all applicable liquor licensing and regulatory requirements.
- 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, including cooling tents or facilities, on the premises of the assembly.

- F. **Liquid Waste Disposal** - The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by Tuscola County Health Department 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 applicable rules and regulations, and any other applicable provision of state and local law. The licensee shall provide the Township Clerk 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 prevent a nuisance or threat to the public health.
- G. **Solid Waste Disposal** - The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with applicable provision of state or local law, including the rules and regulations of the Tuscola County Health Department. Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. 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 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. **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.
- I. **Parking** - The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four (4) attendants, and located entirely off of all public rights of way. Licensee shall provide traffic controls necessary to direct traffic onto the premises parking areas so that the public rights of way remain free. No vehicles shall be parked upon the public rights of way.
- J. **Lighting** - The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants but not encroach on neighboring properties. The licensee shall submit the lighting plan with the application for a license.
- K. **Insurance** - Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than One Hundred Thousand and no/100 (\$100,000.00) Dollars, or such other figure as shall be established from time to time by resolution of the Township Board, and property damage insurance with a limit of not less than Twenty-Five Thousand and no/100 (\$25,000.00) Dollars, or such other amount determined from time to time by 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.
- L. **Fire Protection** - The licensee is responsible for assuring the availability as appropriate of fire and ambulance personnel for the Assembly. The licensee shall, at its own expense, take adequate steps as determined by the Township's contracted fire departments to ensure fire and ambulance protection for the Assembly.
- M. **Noise** – No person shall cause or create any unreasonable noise that would offend a reasonable person of normal sensitivities or disrupt the reasonable conduct of basic human activities, such as conversing or sleeping in any office, hotel, motel, hospital, or residence.
- N. **Miscellaneous** - Prior to 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 11: REVOCATION, REINSTATEMENT, CORRECTIONS

The Township Board shall designate, by resolution a designee who is authorized to revoke or suspend a license, in whole or in part, 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, with the conditions of an issued license, or with any and all provisions, regulations, ordinances, statutes, or other laws set by State of Michigan and local agencies. The licensee, the licensee's employee or agent on-site shall be notified of such revocation or suspension in writing. Upon such revocation or suspension, all further activities and usage set forth in the notice of revocation, shall cease upon the site, other than for the purpose of correcting the violation. Upon correction, the Township's designee may reinstate the licensee upon such conditions that are necessary to achieve compliance with the issued license. The Township designee may also issue a stop work order to halt all construction activities and usage pending correction of the violation. Failure to terminate or suspend the use, activity or event for which the license was revoked or suspended, other than actions for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.

SECTION 12: VIOLATIONS

It shall be unlawful for a licensee or a licensee's 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 or federal law.

SECTION 13: CIVIL INFRACTION

Any person or other entity who causes or permits to continue any Assembly as prohibited by this Ordinance is responsible for a **municipal** civil infraction as defined by Michigan law and is subject to a civil fine of not ~~more~~ **less** than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a ~~separate violation.~~ **repeat offense and shall be subject to increased fines as provided for in the Wells Township Civil Infraction Ordinance.** The foregoing municipal civil fines shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

SECTION 14: 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 15: REPEAL

Title of Outdoor Assembly Ordinance No. 100-03 is hereby repealed and changed to Outdoor Assembly Ordinance No. 21-08.

SECTION 16: EFFECTIVE DATE

This Ordinance was adopted by the Wells Township Board at a regular meeting held on the 14th day of October 2021 and was published in the Tuscola County Advertiser on the 3rd day of November, 2021. This Ordinance shall take effect thirty (30) days after said date of publication.

Presented at a regular meeting of the Township of Wells held at the township hall on October 14,2021.

Motion by: Karen Varney Second by: Kristin Wright

Upon a roll call vote the following voted:

Karen Varney_Y__ Kristin Wright_Y__ Stefanie Bruce_Y__ Jim Hergenreder_Y__ Albert Pearsall III_Y__

Kristin Wright, Clerk

Karen Varney, Supervisor