

Chapter 20

OUTDOOR ASSEMBLIES*

* **Charter References:** Power of city to regulate in respect to public peace, health, safety and general welfare, § 2.1; power of city to regulate amusements, § 2.1(b)(1).

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ARTICLE I.

IN GENERAL

Sec. 20-1. Legislative findings.

The city council finds and declares that the interests of the public health, safety and welfare of the citizens of the city 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 public services regularly provided in this city.

(Code 1972, § 20.321; Ord. No. 83, § 1, eff. 3-15-1972)

Sec. 20-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attendant means any person who obtains admission to an outdoor assembly by the payment of money or other consideration.

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

Outdoor assembly and *assembly* mean and include any event, attended by more than 2,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not include:

- (1) An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;
- (2) An event which is 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 No. 281 of 1967 (MCL 206.201 et seq.); or
- (3) An event held entirely within the confines of a permanently enclosed and covered structure.

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

(Code 1972, § 20.322; Ord. No. 83, § 2, eff. 3-15-1972)

Sec. 20-3. Prohibited conduct at the assembly; penalty and injunctive relief.

- (a) It shall be unlawful for a person licensed to hold an outdoor assembly to knowingly:
 - (1) Conduct or operate an assembly in such a manner as to create a public or private nuisance;
 - (2) Conduct or permit, within the assembly, any obscene display or exhibition;
 - (3) Permit any person on the premises to cause a disturbance in, around, or near the assembly by obscene or disorderly conduct;
 - (4) Permit any person to unlawfully consume, sell, or possess, alcoholic liquor while on the premises; or
 - (5) Permit any person to unlawfully use, sell, or possess any controlled substances as defined in article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(b) Each of the violations enumerated in subsection (a) of this section constitutes a separate offense and is a nuisance per se immediately enjoined in a court of competent jurisdiction.

(Code 1972, § 20.323; Ord. No. 83, § 3, eff. 3-15-1972)

Secs. 20-4--20-24. Reserved.

ARTICLE II.

LICENSES

Sec. 20-25. Required.

No person shall sponsor, operate, maintain or conduct an outdoor assembly in the city until he has first obtained a license for each such assembly.

(Code 1972, § 20.331; Ord. No. 83, § 1, eff. 3-15-1972)

Sec. 20-26. Advertising or promoting assembly prior to issuance of license prohibited.

It shall be unlawful for any person to advertise, promote or sell tickets to an outdoor assembly without first obtaining a license to conduct the assembly.

(Code 1972, § 20.332; Ord. No. 83, § 2, eff. 3-15-1972)

Sec. 20-27. Application; contents; fee.

An 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 city clerk and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as currently established or as hereafter adopted by resolution of the city council from time to time and shall include at least the following:

- (1) The name, age, residence and mailing address of the person making the application. If 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;
- (2) A statement of the kind, character, and type of proposed outdoor assembly;
- (3) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted together with an affidavit from the owner indicating his consent to the use of the site for the proposed assembly;
- (4) The dates and hours during which the proposed assembly is to be conducted; and
- (5) An estimate of the maximum number of attendants expected at the assembly for each day it 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 accounting purposes.

(Code 1972, § 20.333; Ord. No. 83, § 3, eff. 3-15-1972)

Sec. 20-28. Copies of application to be forwarded to certain state and local officials; recommendations.

Upon receipt by the city clerk of the application required by this article, copies on the application shall be forwarded to the police chief and county health officer, the state fire marshal, and to such other appropriate public official as the city clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the council.

(Code 1972, § 20.334; Ord. No. 83, § 4, eff. 3-15-1972)

Sec. 20-29. Accompanying documents and diagrams to application.

Each application for a license required by this article 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 services 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; and

(12) A map or maps of the overall site of the proposed assembly.

(Code 1972, § 20.335; Ord. No. 83, § 5, eff. 3-15-1972)

Sec. 20-30. Prerequisites to issuance.

In processing an application for a license required by this article, the city shall, at a minimum, require the following:

- (1) *Security personnel.* The licensee shall employ such security personnel as are sufficient to provide for the adequate security 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 license shall be issued unless the police chief in cooperation with the director of state police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- (2) *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. The 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 part 127 of Public Act No. 368 of 1978 (MCL 333.12701 et seq.), 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.

- (3) *Toilet facilities.* The licensee shall provide separate enclosed flush-type water closets as defined in Public Act No. 733 of 2002 (MCL 338.3511 et seq.). If such flush-type facilities are not available, the county health officer may permit the use of other facilities that are in compliance with section 12771 of Public Act No. 368 of 1978 (MCL 333.12771).
- (4) *Lavatory and drinking facilities.* The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Public Act No. 722 of 2002 (MCL 338.3511 et seq.), and the rules and regulations adopted pursuant thereto. All lavatories shall be provided with hot and cold water and soap and paper towels.

(5) *Number and type of facilities.* The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Number of male attendants per facility	Number of female attendants per facility	Number of attendants per facility
Toilets	300	200	
Urinals	100		
Lavatories	200	200	
Drinking fountains			500
Taps and faucets			500

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- (6) *Shower facilities.* Where the assembly is to continue for more than 12 hours, the licensee shall provide one shower facility for every 100 male attendants and one shower facility for every 100 female attendants.
 - (7) *Construction of facilities.* All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition.
 - (8) *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 Public Act No. 92 of 2000 (MCL 289.1101 et seq.).
 - (9) *Medical facilities.* If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide adequate facilities on the premises of the assembly.

- (10) *Liquid waste disposal.* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto as established by the county health officer. If the 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 part 117 of Public Act No. 451 of 1994 (MCL 324.11701 et seq.). Prior to issuance of any license, the licensee shall provide the county health officer 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 nor cause a nuisance or menace to the public health.
- (11) *Solid waste disposal.* The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be approved by the city and be in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the 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.
- (12) *Insect and rodent control.* 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.
- (13) *Public swimming pools and beaches.* The licensee shall provide or make available public swimming pools only in accordance with state and local law.
- (14) *Access and traffic control.* The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic onto and off of 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. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. The director of the department of state police and the director of the state department of transportation must approve the licensee's plan for access and traffic control.
- (15) *Parking.* The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four attendants.
- (16) *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 a.m. shall provide for camping and trailer parking and facilities in accordance with state and local law.
- (17) *Illumination.* The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by

the city manager.

- (18) *Insurance.* Before the issuance of a license, the licensee shall obtain public liability insurance with limits as currently established or as hereafter adopted by resolution of the city council from time to time from a company or companies approved by the state commissioner of insurance, 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 city clerk in writing at least ten days before the expiration or cancellation of the insurance.
- (19) *Bonding.* Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in the state, a corporate surety bond in the amount as currently established or as hereafter adopted by resolution of the city council from time to time, in a form to be approved by the city attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this article and all applicable provisions of state or local law, and which shall indemnify the city 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 owner of property adjoining the assembly site for any costs attributable to cleaning up or removing debris, trash, or other waste resultant from the assembly.
- (20) *Fire protection.* The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.
- (21) *Sound equipment.* Sound producing equipment 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.
- (22) *Fencing.* 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 and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
- (23) *Communications.* The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- (24) *Additional health and safety requirements.* Prior to the issuance of a license, the city council may impose any other condition reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the city.

(Code 1972, § 20.336; Ord. No. 83, § 6, eff. 3-15-1972)

Sec. 20-31. City council to issue, deny, or set conditions prerequisite to issuance of a license.

Within 30 days of the filing of the application for a license required by this article, the city council shall issue, set conditions prerequisite to the issuance of, or deny, a license.

(Code 1972, § 20.337; Ord. No. 83, § 7, eff. 3-15-1972)

Sec. 20-32. Notice of denial or imposition of conditions; mailing; contents.

Where conditions are imposed as a prerequisite to the issuance of a license to hold an outdoor assembly or where a license is denied, notice to that effect must be mailed to the applicant within five days after such action, by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

(Code 1972, § 20.338; Ord. No. 83, § 8, eff. 3-15-1972)

Sec. 20-33. Grounds for denial.

A license required by this article may be denied if:

- (1) The applicant fails to comply with any requirements of this article or with any conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or
- (2) The applicant has knowingly made a false, misleading or fraudulent statement in the application or any supporting document.

(Code 1972, § 20.339; Ord. No. 83, § 9, eff. 3-15-1972)

Sec. 20-34. Content of license; posting; transferability.

Any license issued pursuant to this article 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 article. 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.

(Code 1972, § 20.340; Ord. No. 83, § 10, eff. 3-15-1972)

Sec. 20-35. Revocation.

The city council may revoke a license whenever the licensee fails, neglects or refuses to fully comply with any of the provisions and requirements of this article or with any of the provisions, regulations, statutes, or other laws of the state.

(Code 1972, § 20.341; Ord. No. 83, § 11, eff. 3-15-1972)