

**CASCO TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**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 a designated number.

THE TOWNSHIP OF CASCO, COUNTY OF ALLEGAN, STATE OF MICHIGAN,  
ORDAINS:

**Section 1. Preamble**

Casco Township (the "Township") finds that the interests of the public health, safety and welfare of the citizens of the 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**

1. "Attendant" means any person who obtains admission to an assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
2. "Licensee" means any person to whom a license is issued pursuant to this Ordinance.
3. "Outdoor gathering," also referred to in this Ordinance as an "assembly," means any outdoor event attended by or expected to be attended by more than 50 attendants, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings. An assembly does not mean:
  - a. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
  - b. An event conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code, as amended or restated; or
  - c. An event held entirely within a permanently enclosed and covered building.

4. "Person" means any natural person, partnership, corporation, association, organization, or other entity.
5. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an assembly.

### **Section 3. License required**

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

### **Section 4. Application for License**

Applicants for a license to conduct an assembly must submit a complete application to the Township Clerk at least 60 days prior to the date of the proposed assembly. Each application must be accompanied by a nonrefundable fee of \$\_\_\_\_\_ and must include at least the following information:

1. The applicant's name, residence and mailing address. (Where the applicant is not a natural person, this information must be provided for all owners, partners, officers, directors, or members, as the case may be. Where the applicant is not a natural person, a copy of the document creating the entity must be filed.)
2. A statement of the kind, character, and type of proposed assembly.
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 applicant, the applicant must submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly.
4. The date or dates and hours during which the proposed assembly is to be conducted.
5. 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.
6. A map or maps of the overall site of the proposed assembly.
7. A detailed explanation, including drawings and diagrams where applicable, of the applicant's plans to provide for the following, or of the reasons why the applicant need not provide for any of the following (any regulations, ordinances, statutes or other laws pertaining to these matters are incorporated into this Ordinance by reference):
  - 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. Security services; and
- l. Insurance and bonding arrangements.

**Section 5. Review**

Upon receipt by the Township Clerk, copies of the application may be forwarded to public safety and other public officials as the Township Board deems appropriate. Those officials may be asked to review and report on the application to the Township Board.

**Section 6. Township Board approval; conditions; insurance**

1. Within 30 days after the application is filed, the Township Board must:
  - a. Issue a license based upon a consideration of the requirements of this Ordinance;
  - b. Issue a license based upon a consideration of the requirements of this Ordinance, but subject to specified conditions; or
  - c. Deny a license based upon a consideration of the requirements of this Ordinance.
2. The Township Board may require that adequate security or insurance be provided before a license is issued. 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 days after the Township Board's decision. In the case of denial, the reasons for the denial must be stated in the notice.

**Section 7. Denial**

A license may be denied if:

1. 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
2. The applicant has made a false, misleading or fraudulent statement in the application or in any supporting document.

**Section 8. 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 9. Revocation**

The Township Board may 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 of this Ordinance or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated by reference.

**Section 10. Violations**

1. It shall be unlawful for a person, including a licensee or a licensee's employee or agent, to:
  - a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license under this Ordinance;
  - b. Conduct or operate an assembly in such a manner as to create a public or private nuisance, even after obtaining a license under this Ordinance;
  - c. Permit any person on the premises of the assembly to engage in unlawful conduct while on the premises, including without limit disorderly conduct or violations of laws or ordinances pertaining to controlled substances or alcohol.
2. Any of the above enumerated violations is a misdemeanor. Further, each violation is a separate offense, a nuisance per se immediately enjoined in the circuit court, and punishable by imprisonment for not more than 90 days or by a fine of not more than \$500.00, or by both such fine and imprisonment.

3. It is further provided that any of the above violations is a sufficient basis for revocation of any license issued for an assembly and for a circuit court to immediately enjoin the assembly.

**Section 11. Severability**

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

**Section 12. Administrative Liability**

No officer, agent, or employee of the Township, or member of the Township Board, shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

**Section 13. Repeal**

All ordinances or their parts which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are repealed to the extent of such conflict, except that terms defined in this Ordinance for purposes of interpretation, administration and enforcement of this Ordinance only will in no manner repeal, modify or otherwise change the definition of any such terms as used in other Township ordinances.

**Section 14. Effective Date**

This Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan, at a regular meeting held on \_\_\_\_\_, 2009, and it is ordered to take effect 30 days after publication in the \_\_\_\_\_, a newspaper with general circulation in the Township.

  
\_\_\_\_\_  
Allan W. Overhiser, Supervisor

\_\_\_\_\_  
Julie M. Cowie, Clerk

CERTIFICATE

I, Julie M. Cowie, the Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Outdoor Gathering Ordinance was adopted at a regular meeting of the Casco Township Board of Trustees held on \_\_\_\_\_, 2009. The following members of the Township Board were present at that meeting: \_\_\_\_\_ and the following members of the Township Board were absent: \_\_\_\_\_. The Ordinance was adopted by the Township Board with members of the Township Board \_\_\_\_\_ voting in favor and members of the Township Board \_\_\_\_\_ voting in opposition. The full text or a summary of the Ordinance was published in the \_\_\_\_\_ on \_\_\_\_\_, 2009. A certified copy of the Ordinance was sent to the Allegan County Clerk, by first-class mail with postage pre-paid on \_\_\_\_\_, 2009.

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Julie M. Cowie, Clerk