

Clinton Township Ordinance #19 of 2013

LARGE GATHERINGS

The Township of Clinton Hereby Ordains:
An ordinance under the provision of Public Act 246 of 1945 as amended, to regulate Large Gatherings for the benefit of the residents of the Township of Clinton.

Large gatherings in excess of one hundred fifty (150) persons present special concerns for the health, safety and general welfare of the public. The following permitted and conditional gatherings apply to all zoning districts except as indicated. All other applicable ordinances still apply.

A. PERMITTED GATHERINGS

1. Auctions not exceeding one day.
2. Private celebrations for birthdays, weddings, wedding anniversaries, graduations, retirements, and showers not exceeding one day.
3. Family reunions not exceeding one day.
4. Events sponsored, promoted and/or conducted under the auspices of the State of Michigan or any political subdivision thereof, including a school district.
5. Any event described as a Conditional Gathering is conducted wholly within a permanent enclosed building or buildings.

B. CONDITIONAL GATHERINGS

1. All Permitted Gatherings exceeding one day in duration.
2. Circuses and Carnivals.
3. Theatrical Exhibitions.
4. Displays.
5. Public Shows.
6. Music Festivals.
7. Public parties whether advertised or unadvertised, free or with paid admission.
8. Other similar gatherings or assemblies reasonably expected to attract one hundred fifty (150) persons or more.

C. PERMIT APPLICATION PROCEDURES.

1. Application for a permit to conduct an outdoor gathering or assembly shall be made in writing on forms provided by the Clinton Township Clerk at least sixty (60) days prior to the date of the proposed gathering or assembly. Each application shall be accompanied by a fee established by the Clinton Township Board and shall include the following information.
 - a. The name, age, residence and mailing address of the person making the application. (Where 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.)
 - b. A statement of the kind, character, and type of proposed gathering or assembly.
 - c. The address, legal description and proof of ownership of the site at which the proposed gathering or assembly is to be conducted. Where ownership is not vested in the prospective applicant, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed gathering or conducted.
 - d. The date or dates and hours during which the proposed gathering or assembly is to be conducted.
 - e. An estimate of the maximum number of attendants expected at the gathering or 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.
 - f. A detailed explanation, including drawings and diagrams where applicable of the plan 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. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

- g. Upon receipt of an application, the Clerk shall forward copies of the application to the Clinton Police, Lenawee County Sheriff, Lenawee County Health Department, the Clinton Township Building Inspector, and other appropriate public officials as the Clerk deems necessary. The Clerk shall also forward copies of the application to the Clinton Township Board. Such officers and officials have the opportunity to review and investigate matters relevant to the application and within twenty (20) days of receipt thereof, may report their findings and recommendations to the Clinton Township Board if they so choose.

D. APPROVAL OF PERMIT.

1. Within 45 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a permit. The Township Board may require that adequate security or insurance be provided before a permit is issued. Where conditions are imposed as prerequisite to the issuance of a permit or where a permit is denied, within 5 days of such action, notice thereof shall be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.
2. A permit 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 pursuant hereto, 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. A permit shall specify the name and address of the applicant, the kind and location of the gathering or assembly, the maximum number of attendants 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 gathering or assembly, and shall not be transferred to any other person or location. The permit shall be valid only for the dates

issued on the permit.

3. In processing an application, the Clinton Township Board shall at a minimum, require the following:

- a. Security Personnel: The applicant shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the gathering or assembly and for the preservation of order and protection of property in and around the site of the gathering or assembly. No permit shall be issued unless the chief law enforcement officer for the Township of Clinton in cooperation with the Lenawee County Sheriff's Department is satisfied that such necessary and sufficient security personnel will be provided by the applicant for the duration of the gathering or assembly.
- b. Water Facilities: The applicant shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such 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 Act 294, Public Acts of 1965, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source delivered and stored in a manner approved by the Lenawee County Health Department.
- c. Restroom Facilities. The Applicant shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the Lenawee County Health Department may permit the use of other Facilities which are in compliance with Act 273, Public Acts of 1939, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.
- d. The Applicant shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.
- e. The number of type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:50	1:50

Water Outlets 1:50 1:50

- f. Where the gathering or assembly is to continue for more than 12 hours, the license shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

- g. 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 Lenawee County Health Department.

4. 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 Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the gathering or assembly is distant from food service establishments open to the public, the applicant shall make such food services available on the premises as will adequately feed the attendants.

5. Medical Facilities. If the gathering or assembly is not readily and quickly accessible to adequate existing medical facilities, the applicant shall be required to provide such facilities on the premises of the gathering or assembly. The kind, location, staff strength, medical or other supplies and equipment of such facilities shall be as prescribed by the Lenawee County Health Department.

6. Liquid Waste Disposal. The applicant shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Lenawee County Health Department. If such 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. 525, 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 Act 243, Public Acts of 1951, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any permit, the applicant shall provide the Lenawee County Health Department 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.

7. Solid Waste Disposal. The applicant 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 attendants. Prior to issuance of any permit, the applicant shall provide the Lenawee County Health Department 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.

The applicant 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.

8. **Public Bathing Beaches.** The applicant shall provide to make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
9. **Access and Traffic Control.** The applicant 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. 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 and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. The Township will consult with and consider comments from the Michigan State Police and/or Michigan Department of Transportation concerning applicant's plan for access and traffic control.

10. **Parking.** The applicant 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 (4) attendants.
11. **Camping and Trailer Parking.** An applicant who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
12. **Illumination.** The applicant shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The applicant lighting plan shall be approved by the building inspector.
13. **Insurance.** Before the issuance of a permit, the applicant shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$100,000 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 gathering 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 Clinton Township in writing at least 10 days before the expiration or cancellation of said insurance.
14. **Bonding.** The Township may require the applicant to obtain a bond, from a bonding company authorized to do business in Michigan, in a form and amount to be approved by the Clinton Township Board and conditioned upon the applicant's faithful compliance with all the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township of Clinton, its agents, officers, and employees, and the Township 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.
15. **Fire and Emergency Protection.** The applicant shall, at his or her own expense, take adequate steps as determined by the Clinton Fire Department and any other fire and/or emergency service agency to which

the permit application has been submitted for review by the Township Board, to insure adequate fire protection and access for emergency services.

16. Communications. The applicant shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

17. Miscellaneous. Prior to the issuance of a permit, the Township 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 of Clinton.

E. REVOCATION OF PERMIT

The Township Board may revoke a permit whenever the applicant, his 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.

F. VIOLATIONS

It shall be unlawful for an applicant, his employee, or agent, to knowingly:

1. Advertise, promote or sell tickets to, conduct, or operate a gathering or assembly without first obtaining a permit as herein provided.
2. Conduct or operate a gathering or assembly in such a manner as to create a public or private nuisance.
3. Conduct or permit, within the gathering or assembly, any obscene display, exhibition, show, play, entertainment or amusement.
4. Permit any person on the premises to cause or create a disturbance in, around, or near the gathering or assembly by obscene or disorderly conduct.
5. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substance as defined in Act 343, Public Acts of 1952, as amended.

G. EXCESSIVE NOISE

Noise, music or other sound that is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street or traffic noises at the lot lines. Sirens and related apparatus used solely for public purposes are exempt from this requirement.

H. EXCESSIVE ILLUMINATION

No direct or reflected glare shall be permitted that is visible from the property or from any public street, road or highway. All lighting sources shall be arranged to reflect light away from adjoining premises and streets, roads and highways. Also, no sources of illumination may obstruct the view of traffic or be positioned or configured in such a manner that it would be confused with any authorized emergency signal or traffic sign, signal or device.

I. VALIDITY

1. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any part of this Ordinance that can be given effect without such invalid part or parts.

J. ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00), and the cost of prosecution, or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment, in the discretion of the Court, together with the cost of said prosecution.

K. PUBLIC NUISANCE PER SE

Any violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any Court of competent jurisdiction.

L. EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

M. ABATEMENT BY INJUNCTION

That in the alternative to any other remedies provided herein, the Township of Clinton may make a petition or complaint in the Circuit Court for the County of Lenawee to abate and enjoin the acts prohibited by this Ordinance.

N. RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION IV

AMENDMENT OF THE CLINTON TOWNSHIP LARGE GATHERINGS ORDINANCE

Section J of the Clinton Township Large Gatherings Ordinance (Ordinance No. 19 of 2013) is hereby amended to read in its entirety as follows:

J. MUNICIPAL CIVIL INFRACTIONS VIOLATIONS AND PENALTIES

1. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$2,500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.
2. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
3. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
4. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
5. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
6. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION V

AMENDMENT TO THE CLINTON TOWNSHIP PRIVATE ROAD ORDINANCE

Section 16 of the Clinton Township Private Road (Ordinance No. 23 of 2014), is hereby inserted as follows:

Section 16. Municipal Civil Infractions Violations and Penalties

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$2,500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.
- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- F. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION VI

SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All Ordinances and parts of ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations under any previous ordinance provision being repealed hereby, shall not be affected by this Ordinances and may be continued pursuant to said previous ordinance provisions.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

This ordinance was offered for adoption by the Township Board Member Zimmerman and was seconded by Township Board Member Greenleaf, the vote being as follows:

YEAS: 5
NAYS: 0
ABSENT: 0

Ordinance declared adopted on 4-13-, 2015.

Phillip Reiser
Township Supervisor for the
Township of Clinton

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Cheryl Matzinger, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Township of Clinton, Lenawee County, Michigan on 4-13, 2015 and that it was published in the Clinton Local on _____, 2015.

Cheryl Matzinger
Cheryl Matzinger
Township Clerk for the
Township of Clinton