

Township of Putnam, MI

Monday, June 15, 2015

Chapter 106. ASSEMBLIES, OUTDOOR

[HISTORY: Adopted by the Township Board of the Township of Putnam 2-21-2007 by Ord. No. 38 (Ch. 11 of the 2004 Township Code). Amendments noted where applicable.]

GENERAL REFERENCES

Municipal civil infractions — See Ch. 55.

Noise — See Ch. 224.

§ 106-1. Purpose.

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

§ 106-2. Definitions.

The following terms are defined in this chapter:

OUTDOOR ASSEMBLY or ASSEMBLY

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 on publicly owned land or property; or
- B. An event held entirely within the confines of a permanently enclosed and covered structure.

PERMITTEE

Any person to whom a permit is issued pursuant to this chapter.

PERSONS

Any natural person, partnership, corporation, firm, company, association, society, group or organization.

SPONSOR

Any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

TOWNSHIP

Putnam Township.

§ 106-3. 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 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 Township and shall be made at least 90 days prior to the date of the proposed assembly. Each application shall be accompanied by a nonrefundable 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 assembly will be conducted.
 - (2) Where any sponsor is a partnership, corporation or other association, a copy of the articles of incorporation or partnership certificate. The sponsor shall also file a list of all partners, officers, directors, members or shareholders (shareholders who have a financial interest greater than \$500).
 - (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.
 - (6) The date or dates and hours during which the proposed assembly is to be conducted.
 - (7) An estimate of the maximum number of attendants 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.
[Amended 3-17-2010 by Ord. No. 38-2]
 - (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 for review provided in Subsection **E** below.
- C. Application review by agencies. On receipt by the Township Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for Livingston County, the Fire Chief of the Township 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, within 20 days of receipt thereof, shall report their findings and recommendations to the Putnam Township Board. If the Township does not receive a report of the findings and recommendations from the chief health and law enforcement officers of Livingston County or other public officials within 20 days after the application is received by such officers or officials, they will have waived their right to review and make recommendations regarding the application.
[Amended 3-17-2010 by Ord. No. 38-2]

- D. Township Board consideration. Within 60 days of the filing of the application, the Putnam Township Board shall grant, grant with conditions or deny a permit. All requirements contained in Subsection **E** below shall be considered conditions of the permit. 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. However, if no response from the Chief Law Enforcement Officer for Livingston County or his or her designee is received within 20 days after the application is received by the Chief Law Enforcement Officer, the Chief Law Enforcement Officer will have waived his or her right to review and make recommendation regarding the security personnel.
 - (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.
[Amended 3-17-2010 by Ord. No. 38-2]
 - (a) 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 two toilets for the first 750 people in attendance and one toilet for every 1,000 people in attendance over 750 people. The Township, in its sole discretion, may increase the above minimum.
 - (b) Of the number of toilets required by the Township, at least one toilet shall be handicapped accessible; however, the Township, in its sole discretion, may increase the above minimum of handicapped accessible toilets.
 - (c) All toilet facilities shall be equipped with sufficient toilet paper, soap, water, and towels or dryers for 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. If no response from the Chief Health Officer for Livingston County or his or her designee is received within 20 days after the application is received by the Chief Health Officer, the Chief Health Officer will have waived his or her right to review and make recommendation regarding the operable conditions of the facilities.
 - (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 the rules and regulations adopted pursuant thereto and in accordance with any other applicable local law.
 - (6)

Medical facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the permittee shall be requested 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. If no response from the Chief Health Officer for Livingston County or his or her designee is received within 20 days after the application is received by the Chief Health Officer, the Chief Health Officer will have waived his or her right to review and make recommendation regarding the medical facilities.

- (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, flytight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. 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 nuisances. 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 and other 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. However, if no response from the Chief Law Enforcement Officer for Livingston County or his or her designee is received within 20 days after the application is received by the Chief Law Enforcement Officer, the Chief Law Enforcement Officer will have waived his or her right to review and make recommendation regarding the 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 be provide less than one automobile space for every four attendants, 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.

- (12) Camping and trailer parking. A permittee 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 the applicable state and local laws and the rules and regulations adopted pursuant thereto.
- (13) Illumination.
- (a) The permittee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants.
- (b) The Township shall approve the lighting plan after consultation from the Chief Law Enforcement Officer of Livingston County or his or her designee. However, if no response from the Chief Law Enforcement Officer for Livingston County or his or her designee is received within 20 days after the application is received by the Chief Law Enforcement Officer, the Chief Law Enforcement Officer will have waived his or her right to review and make recommendation regarding the lighting plan.
- (14) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance with limits of not less than \$1,000,000 per occurrence 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 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 30 days before the expiration or cancellation of said insurance. The Township must be named as an additional insured on this policy.
- [Amended 3-17-2010 by Ord. No. 38-2]^[1]
- [1]: *Editor's Note: This ordinance also repealed former Section 3E(15), Bonding, which immediately followed this subsection.*
- (15) Fire protection. The permittee shall, at his own expense, take adequate steps to ensure fire protection or make fire protection plans with the Putnam Township Fire Department Fire Chief, Deputy Fire Chief or designee.
- [Amended 3-17-2010 by Ord. No. 38-2]
- (16) Sound-producing equipment. Sound-producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments, and other recording 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 and shall be in accordance with the noise limits of Putnam Township, including but not limited to any noise limits established by any Township ordinance.^[2]
- [2]: *Editor's Note: See Ch. 224, Noise.*
- (17) 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 attendants 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 Fire Chief shall be consulted regarding access for emergency vehicles.
- (18) Duration. No outdoor assembly shall take place or continue between the hours of 12:00 a.m. and 6:00 a.m.
- (19)

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 attendants, or of citizens of the Township.

- F. Notification. Within five 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 therefor shall be stated in the notice.
- G. Denial. A permit may be denied if:
 - (1) The applicant fails to provide all information required by this chapter;
 - (2) The applicant did not demonstrate that the assembly would meet the requirements of this chapter;
 - (3) The applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting document.
- H. Permit. A permit shall specify the name and address of the permittee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this chapter. 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.

§ 106-4. Revocation of permit.

The Board 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.

§ 106-5. Prohibited activities.

It shall be unlawful for a permittee, his employee, or agent to knowingly:

- A. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a permit 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 exhibition, show, play, entertainment, or amusement or other activity that is defined as obscene under Michigan law, 1984 PA 343, MCLA § 752.362.
- D. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene, as defined by Michigan law, 1984 PA 343, MCLA § 752.362 or disorderly conduct.
- E. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises unless the venue has a permit to do so in the State of Michigan.
- F. Knowingly 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.
- G. To violate any provisions of this chapter or any provision of federal, state or local law.

§ 106-6. Violations and penalties.

- A. A person violating this chapter is responsible for a municipal civil infraction as set forth in Chapter **55**. In addition, any violation of this chapter shall be considered a nuisance per se and shall be immediately enjoined in circuit court.
- B. Any person or entity guilty of violating this chapter 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.

§ 106-7. Construal of provisions; severability; prior violations.

Nothing in this chapter shall be interpreted to conflict with present or future state statutes on the same subject matter; conflicting provisions of this chapter shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this chapter shall be construed, if possible, to be consistent with and in addition to relevant state regulations and statutes. If any part of this chapter 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 finding shall not affect the validity of the remaining portions thereof, and the remainder of the ordinance shall remain in force. Rights and duties that have matured penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this chapter are not affected or abated by this chapter.