

CHIKAMING TOWNSHIP
ORDINANCE NO. 23
adopted August 25, 1971

OUTDOOR ASSEMBLY ORDINANCE

LEGAL NOTICES

~~NOTICE~~
CHIKAMING AND GALIEN TOWNSHIPS
To the residents and property owners of the Townships Chikaming and Galien, Berrien County, Michigan, and other interested persons: PLEASE TAKE NOTICE that the following Outdoor Assembly Ordinance has been adopted by each of the above named townships on the dates as indicated, to be effective in each of the townships named on September 28, 1971.

OUTDOOR ASSEMBLY ORDINANCE

CHIKAMING TOWNSHIP ORDINANCE #23 -- adopted August 25, 1971, GALIEN TOWNSHIP ORDINANCE adopted August 18, 1971.

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 1000 in number; to provide penalties for violations thereof, and to repeal all ordinances or parts of ordinances inconsistent herewith: THE TOWNSHIPS OF CHIKAMING AND GALIEN ORDAIN:

Section 1. Preamble. The Township Boards of Chikaming and Galien Townships find and declares that the interests of the public health, safety and welfare of the citizens of the Chikaming and Galien townships require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon health, sanitation, fire, police, transportation, utility and other public services regularly provided in these Townships.

Section 2. Definitions.

A. "Outdoor Assembly", hereinafter referred to as "assembly" means any event attended by more than One Thousand (1,000) 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 mean:

1. An event which is conducted or sponsored by governmental or agency on publicly owned land or property; or
2. An event which is conducted or sponsored by an entity qualifying for tax exempt status under Section 501 (c) (3), of the Internal Revenue Code of 1954, being 26 U.S.C. Sec. 501 (c) (3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206. 201 of the Compiled Statutes of 1948; or

An event held entirely within the confines of a permanently enclosed and covered

licensee's plans to provide for the following:

- 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. Illumination facilities.
- H. Communication facilities.
- I. Noise control and abatement.
- J. Facilities for clean up and waste disposal.
- K. Insurance and bonding arrangements.

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

Section 6. On receipt by the Clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the County of Berrien, the State Fire Marshal, and to such other appropriate public officials as the Clerks deem necessary. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof shall report their findings and recommendations to the Township Boards.

Section 7. Within thirty (30) days of filing of the application, the Township Boards shall issue, set conditions prerequisite of the issuance of, or deny, a license. The Township Boards 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, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail and, in the case of denial, the reasons therefor shall be stated in the notice.

Section 8. 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 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.

Section 9. A license 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 ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and

provide shower facilities, on the basis of number of attendants, in the following manner:
Facilities: Shower heads. Male 1:100, Female 1:100.

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 Berrien County Health Officer.

D. 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, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or local law.

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

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 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 Berrien County Health Officers.

F. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Berrien County Health Officer. 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. 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 Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State or local law and, prior to the issuance of any license, the licensee shall provide Berrien County Health Officers 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.

G. Solid Waste Disposal: The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof

tions adopted pursuant and in accordance with other applicable provisions of state or local law. Act 171 does not become effective until January 1, 1972, for purposes of this ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.

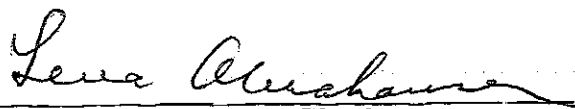
M. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Building Inspector.

N. Insurance. Before the issuance of a license, the licensee 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 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 Clerk of the Townships of Chikaming or Galien in writing at least ten (10) days before the expiration or cancellation of said insurance.


O. Bonding. Before the issuance of a license the licensee shall obtain from a corporate bonding company authorized to do business in Michigan a corporate surety bond in the amount of \$100,000, in the form to be approved by the Township attorney of Chikaming or Galien Township, conditioned upon the licensee's faithful compliance with all of the terms, and provisions of this ordinance and all applicable provisions of State or local law, and which shall indemnify the Townships of Chikaming and Galien, 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.

P. Fire Protection. The licensee shall, at his own expense, take adequate steps as determined by the State Fire Marshal, to insure fire protection.

Q. Noises. Sound Producing Equipment, including, but not limited to, public address sys-


Lena Abrahamsen, Clerk
Chikaming Township

Attest:

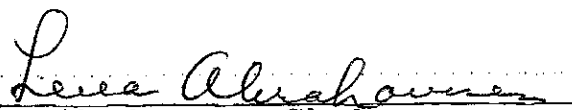

Herbert Seeder, Supervisor
Chikaming Township

I hereby certify that the foregoing is a true and accurate copy of the Outdoor Assembly Ordinance of Chikaming Township adopted by the Chikaming Township Board on the 25th day of August 1971 and that a resolution to adopt the foregoing Ordinance was made by Gibson and supported by Sperry.

The names of the Township Board members and their vote on the adoption of the Ordinance were as follows:

<u>Name</u>	<u>Vote</u>
Sperry	Yes
Seeder	Yes
Harrington	Yes
Gibson	Yes
Abrahamsen	Yes

I further certify that the foregoing Ordinance was published in the St. Joseph Herald Press on the 28th day of August 1971.


Lena Abrahamsen, Clerk
Chikaming Township