

**WEST TRAVERSE TOWNSHIP  
EMMET COUNTY, MICHIGAN  
OUTDOOR GATHERING ORDINANCE  
Ordinance #2022-01**

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of 1,000 in number, to provide penalties for violations thereof, and to repeal all ordinances or parts of ordinances inconsistent therewith.

THE TOWNSHIP OF WEST TRAVERSE, EMMET COUNTY, MICHIGAN ORDAINS

**Section 1: Preamble**

The Board of West Traverse Township finds and declares that the interests of the public health, safety and welfare of the citizens of West Traverse Township 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 township.

**Section 2: Definitions**

"Outdoor gathering", referred to as "assembly," means any outdoor event, attended by more than 1000 attendants, within a 24-hour period, including a festival, concert, public show, display, entertainment, amusement, exhibition, or similar gatherings, but does not mean:

- An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
- An event held entirely within a permanently enclosed and covered structure.

"Person" means any natural person, partnership, corporation, company, association, organization, or other entity.

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

"Attendant" means any person who obtains admission to or otherwise attends an outdoor assembly.

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

**Section 3: License Required**

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in West Traverse Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

**Section 4: Application for License**

Applicants for a license to conduct an outdoor assembly must submit a complete application to the township clerk at least 60 days prior to the date of the proposed

assembly. Each application shall be accompanied by a nonrefundable fee based upon a resolution of fees to be adopted from time to time by the Township Board.

At a minimum, each application shall contain 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 or entity, this information shall be provided for all partners, officers and directors, or members. Where the person is a closely held corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders.
- B. A statement of the kind, character, and type of proposed assembly.
- C. 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 prospective licensee, the prospective licensee must submit an affidavit from the owner indicating the owner's consent to the use of the site for the proposed assembly.
- D. The date or dates and hours during which the proposed assembly is to be conducted.
- E. 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 that will be used and of the sequential numbering or other method that will be used for accounting purposes.
- F. A map or maps of the overall site of the proposed assembly.

**Section 5: Plan for Provision of Services:**

Each application shall also be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective 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. Licensed camping facilities.
- G. Lighting facilities, if applicable.
- H. Communications facilities.
- I. Noise control and abatement.
- J. Facilities for clean up and waste disposal.
- K. Insurance and bonding arrangements.

### **Section 6: Review and Recommendation**

On receipt by the clerk, copies of the application shall be forwarded to the township zoning administrator and to such other appropriate public officials as the clerk deems necessary or advisable. Such 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 board.

### **Section 7: Action on Application**

Within 30 days after the complete application is filed, the board shall:

- A. Issue a license,
- B. Issue a license subject to specified conditions, or
- C. Deny a license.

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, within five days of such action, notice thereof must be mailed to the applicant. In the case of denial, the reasons for the denial shall be stated in the notice.

### **Section 8: Denial of License**

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 made a false, misleading or fraudulent statement in the application or in any supporting document.

### **Section 9: License Provisions**

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 shall not be transferred to any other person or location.

### **Section 10: Minimum Requirements**

All licenses will, at a minimum, require the following:

- A. Security Personnel-The licensee shall employ at its 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 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 sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

- B. 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. 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 all applicable provisions of state and local law.
- C. Restroom Facilities-The licensee shall provide separate enclosed flush-type water closets in accordance with any applicable state and local laws. If such flush-type facilities are not available, the Township Board may permit the use of other facilities which are in compliance with all other applicable provisions of state and local law.
- D. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with all applicable provisions of state and local law.
- E. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities

Toilets - Male: 1:200, Female: 1:100  
Urinals - Male: 1:100  
Lavatories - Male: 1:200, Female: 1:200  
Drinking Fountains - 1:500  
Taps or Faucets - 1:500

Where assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

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 public health department having jurisdiction over Emmet County.

- F. Food Service-If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*, as amended; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments, as amended; and any other applicable provision of state or local law. If the assembly is distant from food

service establishments open to the public, the licensee must make such food services available on the premises as will adequately feed the attendants.

- G. 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, including cooling tents or facilities, on the premises of the assembly.
- H. Liquid Waste Disposal-The licensee shall provide for liquid waste disposal in accordance with all applicable state and local regulations pertaining thereto. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with all applicable provisions of state and local law. Prior to the issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect with a licensed septage waste servicer for the proper, effective and frequent removal of liquid wastes from the premises to prevent a nuisance or menace to the public health.
- I. 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 containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township with a true copy of an executed agreement in force and effect with a licensed refuse collector, for the proper, effective and frequent removal of solid waste from the premises to prevent a nuisance or menace to the public health. Solid waste containing food water 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.
- J. Pests-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.
- K. Public Bathing Beaches-The licensee shall provide or make available or accessible public bathing beaches only in accordance with any applicable provisions of state and local law.
- L. Public Swimming Pools-The licensee shall provide or make available public swimming pools only in accordance with any applicable provisions of state and local law.
- M. Access and Traffic Control-The licensee 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 on the premises shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the law enforcement and transportation agency having jurisdiction over the road(s) adjacent to the assembly by which the assembly will be accessed and the sheriff first must approve the licensee's plan for access and traffic control.

- N. Parking-The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.
- O. Camping and trailer parking-Camping shall only be allowed at a licensed campground or temporary campground that meets all state laws and regulations applicable to campgrounds and all provisions of the Township zoning ordinance.
- P. Lighting-The licensee shall provide adequate illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. This includes the use of electrical illumination in outdoor areas for any times they are occupied between sunset and sunrise and in indoor areas for any times they are occupied without regard to time of day.
- Q. Insurance-Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$500,000 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 person 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 West Traverse Township in writing at least 10 days before the expiration or cancellation of said insurance.
- R. 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 \$10,000 in a form to be approved by the Township Attorney, 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 township, its agents, officers, and employees and the 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.
- S. Fire Protection-The licensee shall, at his own expense, take adequate steps to ensure fire protection as determined by the fire chief having jurisdiction for fire protection within the township.

- T. Noise Control-Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons between the hours of 10 p.m. and 7 a.m.
- U. Miscellaneous-Prior to issuance of a license, the board may impose any other condition(s) such as fencing, etc., that are reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

### **Section 11: Revocation**

The board may revoke a license whenever the licensee, 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.

### **Section 12: Violations**

It shall be unlawful for a licensee or his, her, or its employee or agent to:

- A. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license 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 obscene display, exhibition, show, play, entertainment or amusement.
- D. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- E. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- F. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances as defined by state law.

### **Section 13: Enforcement and Penalties**

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$500.00, in addition to all other costs, damages, expenses, and

other fees and remedies provided or allowed by law. Each violation that occurs shall be considered a separate violation and each day that a violation occurs or continues shall be considered a separate violation.

- B. The Township Supervisor and any other designee of the Township Board are authorized to enforce this Ordinance and are authorized to issue citations for violations. The ability of the township to issue a citation for a municipal civil infraction shall not in any way limit the Township from seeking enforcement of this Ordinance in any other manner, including, but not limited to, an action to abate any nuisance created by a violation of this Ordinance and to recover any costs, expenses, damages, and fees, including attorney fees, that may be permitted or allowed by law in connection with such abatement and the enforcement of this Ordinance. A violation of this ordinance shall also constitute a *nuisance per se*, subject to being enjoined by a court of this state having jurisdiction over the subject matter.

#### **Section 14: Severability**

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

#### **Section 15: Effective Date and Repealer**

This ordinance shall take effect thirty (30) days after publication in the manner provided by law. Prior Ordinance No. 2001-03 and all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.



**CLERK'S CERTIFICATION**

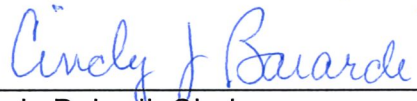
I hereby certify that this Ordinance was adopted by the West Traverse Township Board of Trustees at a regular meeting held on January 11, 2022, and that the vote was as follows:

FOR: 5 Hollingsworth, Green, Mooradian, Baiardi, Bartlett

AGAINST: 0

I further certify that this Ordinance, or a summary thereof, was published in the Harbor Light Newspaper, on January 19, 2022.

I further certify that a copy of this Ordinance was filed with the Emmet County Clerk on January 20, 2022.



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Cindy Baiardi, Clerk  
West Traverse Township