

**FORSYTH TOWNSHIP, MARQUETTE COUNTY, MICHIGAN**  
**OUTDOOR ASSEMBLY ORDINANCE**  
**Ordinance No. 2-2019**

At a regular meeting of the Township Board of Forsyth Township, Marquette County, Michigan, held at the Gwinn Community Center on April 25, 2019 at 6:30 p.m., Township Board Member Trustee Adams moved to adopt the following Ordinance, which motion was seconded by Township Board Member Supervisor Boogren.

*An Ordinance to secure the public health, safety and general welfare of the residents and property owners of Forsyth Township, Marquette County, Michigan, by the regulation of Outdoor Gatherings, Festivals, Assemblies, and Events within the Township; by requiring a permit for such Gatherings, Festivals, Assemblies, and Events; to prescribe sanctions for the holding or operating of an Outdoor Gathering, Assembly, Festival or Event without a permit or in violation of the provisions of the ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.*

**THE TOWNSHIP OF FORSYTH ORDAINS:**

**SECTION 1: TITLE:** This Ordinance shall be known and cited as the Forsyth Township Outdoor Assembly Ordinance.

**SECTION 2: DEFINITIONS**

- A. "Licensee" means any person to whom a license is issued pursuant to this Ordinance.
- B. "Outdoor Assembly" means any theatrical exhibition, public show, display, entertainment, amusement or other exhibition held principally outdoors, including, but not limited to musical festivals, peace festivals, fairs or similar gatherings; or any event attended by more than 80 persons, any part of which is held outside of any permanent structure permitted for such use, but does not mean:
  - 1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
  - 2. An event held entirely within the confines of a permanently enclosed structure; or
  - 3. Infrequent gatherings subordinate and accessory to residential uses of less than 12 hours, including graduation parties or birthday parties; or
  - 4. Regular school functions held on school grounds; or
  - 5. Regular church functions held on church grounds.
- C. "Person" means any natural person, partnership, corporation, association, organization, or governmental entity.

**SECTION 3: LICENSE REQUIRED:** A person shall not sponsor, operate, maintain, conduct or promote an Outdoor Assembly in Forsyth Township without a license for each such assembly.

**SECTION 4: LICENSE APPLICATION:** Applicants for a license to conduct an Outdoor Assembly must submit a complete application to the Township Clerk at least sixty (60) days prior to the date of the proposed assembly. Each application must be accompanied by a non-refundable fee of Fifty Dollars (\$50.00), which may be changed from time to time by resolution of the Township Board, and must include at least the following information:

- A. The applicant's name, age, residence and mailing address. Where the person making the application is a partnership, limited liability company, corporation or other corporate body, the application must state the names and addresses of all general partners, officers, directors, and managing members of such body. If the applicant is an unincorporated association, all members of the unincorporated association must sign the application. Where the applicant is a partnership, corporation, limited liability company, or other corporate body, the application must be signed by all general partners in the case of a partnership, all authorized officers on behalf of a corporation, all managers of a limited liability company, or other authorized officers for any other corporate body. Where applicable, a certified copy of the partnership agreement, the articles of incorporation, the articles of organization, or other charter, together with a certified copy of the resolution of the general partners, the corporate board of directors, managers, or governing board, authorizing the execution the application, shall accompany the application.
- 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 a copy of a binding written agreement from the landowner authorizing the use of the site for the 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, 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 of attendants.
- F. A map or maps of the overall site of the proposed assembly.
- G. A detailed explanation, including drawings and diagrams where applicable, of the prospective Licensee's plans to provide for the following:
  - i. Police and fire protection;

- ii. Food and water supply facilities;
- iii. Health and sanitation facilities;
- iv. Medical facilities and services including emergency vehicles and equipment;
- v. Vehicle access and parking facilities;
- vi. Camping and trailer facilities;
- vii. Lighting facilities;
- viii. Communications facilities;
- ix. Noise control and abatement;
- x. Facilities for clean-up and waste disposal;
- xi. Insurance and bonding arrangements.

**SECTION 5: REVIEW:** On receipt by the Township Clerk, copies of the application shall be forwarded to the appropriate public officials as the Township Board may identify. Township officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Board within twenty (20) days of receipt.

**SECTION 6: TOWNSHIP BOARD APPROVAL; CONDITIONS; INSURANCE**

- A. If a complete application has not been received by the Township Clerk at least thirty (30) days prior to the next regularly scheduled meeting of the Township Board, deliberations on the application shall not commence, until the next regularly scheduled meeting of the Board or until a special meeting called for the purpose of deliberating of the application. Within forty-five days (45) after the complete application and all materials required by this Ordinance are filed with the Township, the Township Board shall:
  - i. Issue a license;
  - ii. Issue a license subject to specified conditions; or
  - iii. Deny a license.

If the Township does not take action within forty-five 45 days after the complete application and all materials are filed with the Township, the application for a license is denied.

- B. 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 (5) days after the Board's decision.

**SECTION 7: DENIAL:** 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 by the license, 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; or
- C. The Ordinance otherwise provides that the license is denied.

**SECTION 8: LICENSE POSTING:** 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 at all entrances to the premises or place of the assembly. The licensee cannot transfer the license to any other person or to any other location.

**SECTION 9: MINIMUM REQUIREMENTS:** All licenses will, at a minimum, require the following:

- A. **Security Personnel** - The licensee is responsible for employing 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.
- B. **Water Supply** - The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions, in accordance with all applicable state and local statutes, rules, and regulations.
- C. **Restroom Facilities** - The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of prospective attendants, and all required permits shall be obtained in accordance with all applicable state and local statutes, rules, and regulations.
- D. **Food Service and beverage service.** - If food service or beverage service is made available on the premises, it shall be legally prepared in accordance with Marquette County Health Department Rules. No alcoholic beverages shall be provided or permitted on the site unless licensed and permitted in compliance with all applicable liquor licensing and regulatory requirements.

- 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, including cooling tents or facilities, on the premises of the assembly.
- F. **Liquid Waste Disposal** - The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by Marquette County Health Department and any other applicable provision of state or local law. If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with applicable rules and regulations, and any other applicable provision of state or local law. The licensee shall provide the Township Clerk with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.
- G. **Solid Waste Disposal** - The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with applicable provision of state or local law, including the rules and regulations of the Marquette County Health Department. Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. 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. 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.
- H. **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.
- I. **Parking** - The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four (4) attendants, and located entirely off of all public rights of way. Licensee shall provide traffic controls necessary to direct traffic onto the premises parking areas so that the public rights of way remain free. No vehicles shall be parked upon the public rights of way.
- J. **Lighting** - The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee shall submit the lighting plan with the application for a license.
- K. **Insurance** - Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than One Hundred Thousand and no/100 (\$100,000.00) Dollars, or such other figure as shall be established from time to time by resolution of the Township Board, and property damage insurance with a limit of not less than Twenty-Five Thousand and no/100 (\$25,000.00) Dollars, or such other amount determined from time to time by resolution of the Township Board, 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.

- L. **Fire Protection** - The licensee is responsible for assuring the availability as appropriate of fire and ambulance personnel for the assembly. The licensee shall, at its own expense, take adequate steps as determined by the Township Fire Department to ensure fire and ambulance protection for the assembly.
- M. **Noise** – No person shall cause or create any unreasonable noise that would offend a reasonable person of normal sensitivities or disrupt the reasonable conduct of basic human activities, such as conversing or sleeping in any office, hotel, motel, hospital, or residence.
- N. **Miscellaneous** - Prior to issuance of a license, the 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.

**SECTION 10: REVOCATION, REINSTATEMENT, CORRECTIONS:** The Township Supervisor, or designee, is authorized to revoke or suspend a license, in whole or in part, whenever the licensee, or the licensee's employee or agent fails neglects or refuses to fully comply with any and all provisions and requirements set forth herein, with the conditions of an issued license, or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference. The licensee, the licensee's employee or agent on-site shall be notified of such revocation or suspension in writing. Upon such revocation or suspension, all further activities and usage set forth in the notice of revocation, shall cease upon the site, other than for the purpose of correcting the violation. Upon correction, the Township Supervisor, or designee, may reinstate the licensee upon such conditions that are necessary to achieve compliance with the issued license. The Township Supervisor, or designee, may also issue a stop work order to halt all construction activities and usage pending correction of the violation. Failure to terminate or suspend the use, activity or event for which the license was revoked or suspended, other than actions for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.

**SECTION 11: VIOLATIONS:** It shall be unlawful for a licensee or a licensee's employee or agent, to knowingly:

- 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 or federal law.

**SECTION 12: CIVIL INFRACTION:** Any person or other entity who causes or permits to continue any assembly as prohibited by this Ordinance is responsible for a civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. The foregoing civil fines shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**SECTION 13: 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 14: REPEAL:** All ordinances or parts of ordinances in conflict with this ordinance are also hereby repealed.

**SECTION 15: EFFECTIVE DATE:** This Ordinance shall take effect thirty (30) days following publication of a notice of adoption as required by law following adoption by the Township Board.

YEAS: Treasurer Roberts, Trustee Adams, Supervisor Boogren, Clerk Borrett, Trustee Armatti

NAYS: None

ABSENT/ABSTAIN: None

