

**NEW BUFFALO TOWNSHIP  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE REGULATING OUTDOOR ASSEMBLY OF NEW BUFFALO  
TOWNSHIP**

AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF 100 IN NUMBER, TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THE TOWNSHIP OF NEW BUFFALO ORDAINS:

**SECTION 1. PREAMBLE:** The Board of New Buffalo Township finds and declares that the interests of the public health, safety and welfare of the citizens of New Buffalo Township require the regulation, licensing and control of assemblies 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 the township.

**SECTION 2. DEFINITIONS:**

Outdoor Assembly. Hereinafter referred to as “assembly” means any event attended by more than 100 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 a governmental unit or agency on publicly owned land or property; or
2. An event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1954, being 26 U.S.C. of the Michigan Income Tax Act of 1967. Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or
3. An event held entirely within the confines of a permanently enclosed and covered structure; or
4. An event registered with the Township Clerk and approved by the Township Board as a family picnic, class reunion, family type assembly groups.

“Person”, means any natural person, partnership, corporation, association or organization.

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

“Attendant”, means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of a service in lieu of the payment of money for admission.

“Licensee”, means any person to whom a license is issued pursuant to this Ordinance.

**SECTION 3.** A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in New Buffalo Township unless an application for license has been obtained and completed first. An application for license must be completed for each assembly.

**SECTION 4.** Application for license. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such a manner as prescribed by the Clerk of New Buffalo Township and shall be made at least 60 days prior to the date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- 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 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, he shall submit an affidavit from the owner indicating their 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 which will be used and of the sequential numbering or other method which will be used for accounting purposes.

**SECTION 5.** Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee’s plan 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. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

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

**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 Marshall, and to any other appropriate public official 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 Township Board.

**SECTION 7.** Within 30 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Township Board may require that adequate security and/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, with 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefore shall be stated in the notice.

**SECTION 8.** A license may be denied if:

- 1. 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,
- 2. The applicant has knowingly made a false, misleading or fraudulent statement in the application 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 shall not be transferred to any other person or location.

**SECTION 10.** In processing an application the Township Board shall, at a minimum, require the following:

- a. Security Personnel. The licensee 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 assembly and for the preservation of order and protection of property in and around the site of the assembly. The Security Personnel shall include two (2) On-Duty

Michigan State Highway Patrolmen for every one hundred (100) attendants or portion of one hundred (100) attendants. No license shall be issued unless the Chief Law Enforcement Officer for the County of Berrien in cooperation with the Director of State Police 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 portable 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, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law or from any source and delivered and stored in a manner approved by the County of Berrien Health Officer.
- c. Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Act of 1929, 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 County of Berrien Health Officer may permit the use of other facilities which are in compliance with Act 273, Public Act of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266, of the Public Acts of 1929, 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. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

FACILITIES	MALE		FEMALE
TOILETS	1:100		1:200
URINALS	1:100		
LAVATORIES	1:200		1:200
DRINKING FOUNTAINS		1:5000	
TAPS OR FAUCETS		1:500	

Where the 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:

FACILITIES	MALE	FEMALE
SHOWER HEADS	1:100	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 County of Berrien 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 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 County of Berrien Health Officer.
- f. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations pertaining thereto established by the County of Berrien 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 526, entitled, "Manual of Septic Tank Practice". If liquid waste retention and disposal is dependant 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 license, the licensee shall provide the County of Berrien Health Officer with a signed copy of an executed 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 containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the County of Berrien 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 public health. 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 rodent poison, 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. Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- i. Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- j. 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 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 license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.
- k. Parking. The licensee 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.
- l. Camping and Trailer Parking. A licensee 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, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. All camping and trailer parking facilities shall be removed on expiration date of license.
- m. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The Township Supervisor shall approve the licensee's lighting plan.
- n. Insurance. Before the issuance of a license, the licensee shall obtain public liability for death or injury to one or more persons or damage to one or more properties 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 including the construction period, the demolition period and the clean up period. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of New Buffalo Township in writing at least 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 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 the state and local law, and which shall indemnify the

New Buffalo Township, 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. Sound Equipment. Sound producing equipment, including but not limited, public address systems, radios, musical equipment and instruments, and/or 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 New Buffalo Township.
- r. Fencing. The licensee shall erect a fence completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
- s. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 100 attendants.
- t. Miscellaneous. Prior to the issuance of a license, 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 New Buffalo Township.

**SECTION 11.** Revocation. The Township Board may revoke a license whenever the licensee, an employee or agent fails, neglects or refuses to fully comply 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, an 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 consume, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoyable in the circuit courts, and is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment. It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

**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.** Effective Date. This Ordinance shall be effective from and after July 11, 1972. All Ordinances or parts of ordinances inconsistent are hereby repealed.

Passed and adopted at a regular meeting of the New Buffalo Township Board on July, 11, 1972.

A motion that said Ordinance be enacted was made by Treasurer Joann Fleck, and supported by Trustee Robert F. Royce.

Yes: Wilson, Fleck, Royce and Adamec  
No: None  
Svehla (absent)