

**EXCERPT
LEELANAU COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING – TUESDAY, NOVEMBER 10, 1981**

...

The meeting was called to Order at 9:30 a.m. by Chairman Mork.

Roll Call:	District #1 – George Fredrickson	PRESENT
	#2 – Otto Mork	PRESENT
	#3 – James A. Meyer	PRESENT
	#4 – Stanley A. Walters	PRESENT
	#5 – Robert H. Walker	PRESENT

...

Crowd Control Ordinance:

Emergency Services Director Bill Chatfield brought the Commissioners up-to-date as to why the Ordinance was put together. Elmwood Township had originally suggested it be adopted by the County rather than by individual townships. This proposed ordinance has been reviewed by all parties, including the Prosecuting Attorney. It was presented at Township Supervisors' meeting and a letter of endorsement from them obtained. Ordinance in three parts: the Ordinance itself, the application for permit and the permit itself, if granted. Non-profit organizations will be exempt fro the Ordinance.

**Motion made by Commissioner Fredrickson, support by Commissioner Walker that this Ordinance be adopted. District #1 – Yes; #3 – Yes; #4 – Yes; #5 – Yes; #2 – Yes.
ALL AYES. MOTION CARRIED.**

**ORDINANCE No. 81-4
COUNTY OF LEELANAU**

* * *

AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF 150 IN NUMBER, TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THEREWITH.

THE COUNTY OF LEELANAU ORDAINS:

Section 1.

PREAMBLE. The Leelanau County Board of Commissioners finds and declares that the interests of the public health, safety and welfare of the citizens of Leelanau County 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 County, *on County property*.

Section 2.

DEFINITIONS.

- A. "Outdoor Assembly", hereinafter referred to as "assembly", means any event attended by more than 150 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, peace festivals, rock festivals, or similar gatherings, but does not include:
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. § 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 Laws of 1948; or
 3. An event held entirely within the confines of a permanently enclosed and covered structure.
- B. "Person" means any natural person, partnership, corporation, association or organization.
- C. "Sponsor" means any person who organizes, promotes, conducts or causes to be conducted an outdoor assembly.
- D. "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- E. "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~~ *on property owned* by the County of Leelanau unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such 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 manner as prescribed by the Clerk of the County and shall be made at least sixty (60) days prior to the date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of One Hundred and no/100 (\$100.00) Dollars 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 his consent to the use of the site for the proposed assembly. The location 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 4a.

APPLICATION FOR LICENSE BY APPLICANT WHO PROPOSES TO CONDUCT MORE THAN ONE OUTDOOR ASSEMBLY IN ONE CALENDAR YEAR. Notwithstanding Sections 4, 5 and 10 of this Ordinance, where a prospective applicant for a license to conduct an outdoor assembly proposes to conduct more than one outdoor assembly during a calendar year, such applicant may:

- A. Submit one annual application to the County Clerk at least sixty (60) days prior to the date of the first proposed assembly of the calendar year. The annual application shall contain all information required of the prospective applicant by Sections 4, 5 and 10 of this Ordinance and shall be made in writing on such forms and in such manner as prescribed by the County Clerk.
- B. After approval of the annual application by the Leelanau County Board of Commissioners, the prospective applicant must submit a supplemental application at least ten (10) days prior to the date of the proposed assembly. The supplemental application shall contain any information required by Sections 4, 5 and 10 of this Ordinance which would differ from information contained in the annual application.
- C. Within forty-five (45) days of the filing of the supplemental application, the Leelanau County Board of Commissioners may:
 - 1. Set specific conditions that must be met before the issuance of the license;
 - 2. They may issue the license; or
 - 3. They may deny the issuance of the license.

When specific conditions are imposed as a prerequisite to the issuance of a license or when a license is denied, notice thereof shall be mailed to the applicant by certified mail within three (3) days of such action. In the case of denial, the reasons shall be stated in the notice.

The County Clerk shall notify the Leelanau County Sheriff Department, Commission on Public Safety, the County Health Department, the appropriate fire and rescue authorities, the Michigan State Police, and the Emergency Services Coordinator of any denial or cancellation.

Section 5.

Each application shall 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 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 arrangement.

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 and the Emergency Services Coordinator. 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 Leelanau County Board of Commissioners.

Section 7.

Within thirty (30) days of the filing of the application, the Leelanau County Board of Commissioners shall issue, set conditions prerequisite to the issuance of, or deny, a license. The Board of Commissioners 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 shall be stated in the notice.

The County Clerk shall notify the chief law enforcement and health officers of the County and the Emergency Services Coordinator of any Board action.

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 shall not be transferred to any other person or location.

Section 10.

In processing an application the Leelanau County Board of Commissioners 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.

No license shall be issued unless the Leelanau County Sheriff Department, in cooperation with the Director of the Michigan State Police, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for two (2) hours prior to the planned audience arrival, during and after the assembly, as determined by the law enforcement officers.

- 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 Act 294, Public Acts of 1965, and the rules and regulations and amendments adopted pursuant thereto, and in accordance with any other applicable State or local law, or from a source delivered and stored in a manner approved by the Tri-County Health Department.

- C. Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts 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 Tri-County Health Department, State Health Department, may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable State, county or local health laws.

The number and type of facilities when required shall be determined on the basis of the number of attendants in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:150	1:150
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:100	1:100
Taps or Faucets	1:500	1:500

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

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
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 Tri-County Health Department.

- 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 prescribed by the Tri-County Health Department and County Medical Examiner.
- F. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all regulations and rules pertaining thereto established by the Tri-County Health Department. 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 issuance of any license, the licensee shall provide the Tri-County Health Department 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 containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Tri-County Health Department 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.
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 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 and egress from the premises so as to insure 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 road 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 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 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.
- M. Illumination. The licensee shall provide electrical illumination of all occupied areas, including parking areas sufficient to insure the safety and comfort of all attendants. All lighting shall be inspected by the County Electrical Inspector.
- N. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$500,000.00 and property damage insurance with a limit of not less than \$250,000.00 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 County Clerk in writing at least ten (10) days before the expiration or cancellation of said insurance. The licensee shall furnish proof of insurance to the County Clerk ten (10) days before the assembly.

- 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 \$10,000.00 in a form to be approved by the Leelanau County Prosecuting 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 County, its agents, officers and employees and the Leelanau County Board of Commissioners 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, the chief of the fire department of the township involved, and the County Fire Chiefs Association to insure fire protection.
- Q. Fencing. *If the County requires it*, The licensee shall erect a *temporary* 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.
- R. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendant.
- S. Miscellaneous. Prior to the issuance of a license, the Leelanau County Board of Commissioners may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the County.

Section 11.

REVOCATION. The Leelanau County Board of Commissioners 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, his 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 manner as to create a public or private nuisance.
- C. Conduct or permit, within the assembly, an 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.

- D. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
- E. Permit any person to unlawfully use, sell or possess any narcotics, narcotic drugs, drugs or other substances as defined in the Controlled Substance Act.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the Circuit Courts, and is punishable by imprisonment in the County Jail for not more than ninety (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 an 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 the 9th day of January, 1982.

ss/ Dorothy L. Wunderlich
Dorothy L. Wunderlich
Leelanau County Clerk

LEELANAU COUNTY BOARD OF COMMISSIONERS
ss/ by Otto Mork
Otto Mork, Chairman

(Board of Supervisors, Liber 10, Page 144-151)

APPLICATION FOR A LICENSE TO CONDUCT AN OUTDOOR ASSEMBLY

To: **Leelanau County Board of Commissioners**

The undersigned hereby makes application for the issuance of a license from the Leelanau County Board of Commissioners for the County of Leelanau to conduct an outdoor assembly.

- This applicant is a Michigan Corporation. The registered address of the corporation, the name of the present corporate officers, and directors, and the names of the shareholders thereof who hold a financial interest in the corporation in excess of \$500.00, as well as a copy of the Articles of Incorporation of said corporation is attached hereto and made a part hereof.
- This applicant is a Michigan Co-Partnership, the names ages and resident addresses of all partners is attached hereto and made a part hereof.
- This applicant is a Sole Proprietorship, the name, age, residence and mailing address of applicant being attached hereto and made a part hereof.

Attach additional pages to application, as needed, in order to answer fully the following questions:

1. Type of assembly and purpose: _____

2. Address and/or legal description of parcel proposed to be used: _____

3. Date and hours of assembly: _____
4. Estimated number of attendants: _____
5. Method used in above estimate: _____

Your plans to provide the following: *(Please attach additional pages as needed)*

6. Police and fire protection _____
7. Health and sanitation facilities: _____
8. Medical facilities: _____
9. Vehicle access and vehicle parking: _____
10. Camping and trailer facilities: _____
11. Illumination: _____
12. Communication: _____
13. Noise control and abatement: _____
14. Method for clean up of assembly site following assembly: _____

15. Insurance and bonding arrangements: _____

Submit with this application a map or drawing of the overall site proposed to be used for such assembly.

Submit with application proof of ownership of the site proposed to be used for the assembly. If applicant is not the titleholder of the site proposed to be used, then submit an Affidavit from the titleholder of the proposed site informing the titleholders consent to the use of his site, for the purpose above stated, on the above dates.

Attach a detailed explanation of the evidence of admission which will be used, and the sequential numbering system or other method which will be used for accounting purposes.

LICENSE FEE: \$ _____

Date: _____

Applicant

COUNTY OF LEELANAU OUTDOOR ASSEMBLY LICENSE

The County of Leelanau has issued a license to _____

whose address is _____

to conduct an outdoor _____
(kind of assembly)

on _____, having a maximum number of attendants in
(date)

the amount of _____ persons, during the hours of _____

and _____, the location of the assembly will be on

(Name of road, section number and township)

in the County of Leelanau, State of Michigan.

Michelle L. Crocker
Leelanau County Clerk

Robert L. Hawley, Chairman
Leelanau County Board of Commissioners