

## **ORDINANCE 71-123**

### **Alpine Township Public Gatherings Ordinance**

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 inconsistent therewith.

The Township of Alpine ordains as follows:

#### **Section I. Preamble.**

The Alpine Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of Alpine Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally using the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

#### **Section II. Definitions**

a. "Outdoor assembly", hereinafter referred to as "assembly", means any event, attended by more than 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 races, 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, as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967; or
3. 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 for admission.

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

### **Section III. License Required.**

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

### **Section IV. Application for License.**

Application for a license to conduct an outdoor assembly shall be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 60 days prior to 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 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 assemble.
- c. The address, legal description and proof of ownership of the sit 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.
- 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.
- f. The prospective licensee shall submit samples of prepared or planned advertising copy which he plans to distribute. Any such copy indicating that the assembly is national or multi-state in interest shall be prima facie evidence that such assembly will be attended by more than 1,000 attendants.

### **Section V. Additional Requirements.**

Each application shall be accomplished 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. 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.
- l. Fencing.
- m. A map or maps of the overall site of the proposed assembly.

#### **Section VI.**

Upon receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, sheriff, the state fire marshal, and to such appropriate public officials 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 board.

#### **Section VII.**

a. Within 30 days of the filing of the application, the board shall either issue, set conditions prerequisite to the issuance of, or deny, a license.

b. The board may require that adequate security or insurance be provided before a license is issued.

c. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 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 VIII.**

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. vehicles

The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

#### **Section IX. License.**

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 X. Minimum Requirements.**

In processing an application the 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. No license shall be issued unless the chief law enforcement officer of the township or sheriff, 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 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 adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the county health officer.

c. Restroom facilities. The licensee shall provide separate enclosed flushing-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 flushing-type facilities are not available, the county health officer 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 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	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the assembly is to continue for more than 12 hours, the license 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 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 county health officer.

f. Liquid waste disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the 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 State# 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 any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer 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. Storage in sufficient quality to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county 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 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 so as to contaminate food, equipment to

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 license 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 from 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 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 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.

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 board.

n. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$100,000/\$300,000 and property damage insurance with a limit of not less than \$100,000 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 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 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.

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. Audio-visual equipment. Sound-producing and visual equipment including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, and light producing 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 the 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 1,000 attendants.

t. Miscellaneous. Prior to the issuance of a license, 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 XI. 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 XII. Violations.**

It shall be unlawful for any person, 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 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 substances as defined in Act 343 Public Acts of 1952.

g. Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit court and, is punishable by imprisonment in the county jail for not more than 90 days or by fine of not more than \$500 or by both such fine and imprisonment.

h. 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 XIII. 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 the ordinance is declared to be severable.

### **Section XIV. Short Title.**

This ordinance shall be known and cited as the Alpine Township Public Gatherings Ordinance.

### **Section XV. Effective. Date.**

This ordinance shall be effective 30 days after date of publication.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted by the Alpine Township Board, Kent County, Michigan at a meeting held on the 2nd day of February, 1971.



**ALPINE TOWNSHIP  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 23-04**

**AN ORDINANCE TO AMEND ORDINANCE NO. 71-123, ENTITLED THE "ALPINE  
TOWNSHIP PUBLIC GATHERINGS ORDINANCE"**

The Township of Alpine Ordains:

Section 1. Amendment of Ordinance No. 71-123. That Alpine Township Ordinance No. 71-23, entitled the "Alpine Township Public Gatherings Ordinance" is hereby amended to read in full as follows:

**Section I. Preamble.**

The Alpine Township Board finds and declares that the interests of the public health, safety and welfare of the citizens of Alpine Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally using and relying upon available public services.

**Section II. Definitions.**

a. "Outdoor assembly" or "assembly," means any event, attended by more than 350 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, races, musical festivals, rock 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 by an entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967 so long as the event is held on property solely and entirely owned by the same entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954.

3. an event held entirely within the confines of a fully 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 attends an outdoor assembly, whether conditioned on the payment of money or not.

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

f. "Board" shall mean the Alpine Township Board of Trustees or its designees.

### **Section III. License Required.**

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

### **Section IV. Application for License.**

Application for a license to conduct an outdoor assembly shall be made in writing on such forms and in such manner as prescribed by the clerk of the Township and shall be made at least 45 days before the date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as set by resolution of the Board from time to time and shall include at least the following:

a. The name, residence and mailing address of the person making 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 or similar entity, a copy of the articles of incorporation or other documentation shall be filed, and the names and addresses shall be provided of all shareholders having a financial interest greater than \$10,000.00.

b. List the names and addresses and phone numbers of any; (1) sponsors, (2) operators, (3) promoters, and (4) property owner(s) participating in proposed assembly if different than the applicant.

c. A statement of the kind, character, and type of proposed assembly.

d. 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 applicant shall submit an affidavit from the owner indicating their consent to the use of the site for the proposed assembly.

e. The date or dates and hours during which the proposed assembly is to be conducted.

f. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and an explanation of the means by which attendance will be measured for reporting purposes.

g. The prospective licensee shall identify whether the assembly will be advertised and if so, the manner in which this will occur.

- h. Such other information, plans, etc. as otherwise provided for in this ordinance.

#### **Section V. Additional Requirements.**

Each application shall be accomplished 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. Illumination facilities.
- g. Communications facilities.
- h. Noise control and abatement.
- i. Facilities for clean up and waste disposal.
- j. Insurance and bonding arrangements.
- k. Fencing.
- l. A map or maps of the overall site of the proposed assembly.

#### **Section VI.**

Upon receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the Township, including the sheriff, the fire chief, and to such other appropriate public officials as necessitated by law. 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 Board.

#### **Section VII.**

a. Within 30 days of the filing of the application, the Board shall either issue the license (with or without conditions) or deny the same.

b. The Board may require that adequate security or insurance be provided before a license is issued.

c. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 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 VIII.**

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;
- b. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
- c. The applicant has been found by a competent tribunal to be in violation of an outdoor gathering license within the previous 12 months; or
- d. The applicant or any person or entity listed under Section IV(b) that is in arrears for any fines or taxes owed to the Township unless under lawful appeal.
- e. The application or associated plans fails to meet the provisions of this ordinance.

#### **Section IX. License.**

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 conditions imposed pursuant to this ordinance. The license shall be posted in a conspicuous place upon the premises of the assembly, and may not be transferred to any other person or location.

#### **Section X. Minimum Requirements.**

In processing an application the Township shall, at a minimum, require the following:

- a. Security personnel. The licensee shall employ at their 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 chief law enforcement officer of the Township is reasonably 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 State law, and the rules and regulations adopted pursuant thereto.
- c. Restroom facilities. The licensee shall provide separate enclosed flushing-type water closets in accordance with any applicable state or local law. If such flushing-type facilities are not available, the Township, upon the recommendation of the county health officer, may permit the use of other facilities which are in compliance with other applicable state or local law.

d. Food service. If food service is made available on the premises, it shall be delivered only through employees or contractors licensed and operated in accordance with any applicable state or local law.

e. Medical facilities. If the assembly is not readily 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 county health officer.

f. Liquid waste disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by law. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and, 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 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. Storage in sufficient quality to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county 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 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 so as to contaminate food, equipment to 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 from 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 shall be provided, designated and kept open for access by ambulance, fire equipment, or other emergency vehicles as reasonably necessary. Prior to the issuance of a license, the Kent County Road Commission and or Michigan Department of Transportation, as applicable, must approve the licensee's plan for access and traffic control.

i. 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..

j.       Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Board.

k.       Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000/\$5,000,000 and property damage insurance with a limit of not less than \$1,000,000 with a company or companies approved by 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 Township, in writing at least 10 days before the expiration or cancellation of said insurance.

l.       Bonding. Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a performance bond in the amount of not less than \$1,000,000 to be approved by the 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 Township, its agents, officers, and employees against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly.

m.       Fire protection. The licensee shall, at their own expense, take adequate steps as determined by the Township Fire Chief to address fire protection needs and services for the assembly.

n.       Audio-visual equipment. Sound-producing and visual equipment including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, and light producing 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 the township or to otherwise violate Township ordinances.

o.       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.

p.       Zoning. The licensee shall comply with all applicable zoning requirements.

## **Section XI. Revocation.**

The Board may revoke a license whenever the licensee, or their 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. Except in the event of a public safety emergency, revocation shall be preceded by notice of the grounds for the same and the licensee shall be afforded an opportunity to be heard.

## **Section XII. Violations.**

It shall be unlawful for any person, their 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 substances.

Any of the above enumerated violations is a misdemeanor punishable by imprisonment for not more than 90 days, by fine of not more than \$500, or by both such fine and imprisonment. Without limiting the foregoing, any violation shall also be deemed a nuisance per se and subject to injunctive and equitable relief in the manner and to the extent provided in law and equity.

It is further provided that any of the above enumerated violations is a sufficient basis for revocation of the license.

## **Section XIII. 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 or tribunal of competent jurisdiction, 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 the ordinance is declared to be severable.

## **Section XIV. Short Title.**

This ordinance shall be known and cited as the Alpine Township Public Gatherings Ordinance.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.


Section 3. Effective Date. This Ordinance shall take effect 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

YES: Scheidel, Cordes, Symko, Madura, Alt, Schweitzer, Wahlfield

NO: None

ABSENT: None

**ORDINANCE NO. 23-04 DECLARED ADOPTED.**

  
\_\_\_\_\_  
Greg Madura, Supervisor

  
\_\_\_\_\_  
Emily Symko, Clerk

I, Emily Symko, the Clerk of Alpine Township, affirm that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Alpine Township at a special meeting held on August 1, 2023.

  
\_\_\_\_\_  
Emily Symko, Clerk



**ALPINE TOWNSHIP  
KENT COUNTY, MICHIGAN**

**ORDINANCE NO. 24-02**

**AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO. 71-123, ENTITLED THE  
"ALPINE TOWNSHIP PUBLIC GATHERINGS ORDINANCE"**

The Township of Alpine Ordains:

**Section 1. Amendment of Section II of Ordinance No. 71-123.**

That Alpine Township Ordinance No. 71-23, entitled the "Alpine Township Public Gatherings Ordinance" is hereby amended to read as follows:

**Section II. Definitions.**

a. "Outdoor assembly" or "assembly," means any event, attended by more than 500 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to, races, musical festivals, rock 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 by an entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967 so long as the event is held on property solely and entirely owned by the same entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954.

3. an event held entirely within the confines of a fully enclosed and covered structure.

**Section 2. 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 or tribunal of competent jurisdiction, 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 the ordinance is declared to be severable.

**Section 3. Effective Date.**

This Ordinance shall take effect 30 days after publication of a summary of the provisions thereof in a local newspaper of general circulation within the Township.

YES: 7

NO: 0

ABSENT:

ORDINANCE NO. 24-02 DECLARED ADOPTED.

  
\_\_\_\_\_  
Greg Madura, Supervisor

  
\_\_\_\_\_  
Christy Mitchell, Clerk

I, Christy Mitchell, the Clerk of Alpine Township, affirm that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Alpine Township at a regular meeting held on January 15, 2024.

  
\_\_\_\_\_  
Christy Mitchell, Clerk