

**TOWNSHIP OF BOSTON**

**COUNTY OF IONIA, MICHIGAN**

**ORDINANCE NO. 05-01, AS AMENDED**

**AN ORDINANCE TO REGULATE OUTDOOR ASSEMBLY;  
REQUIRING APPLICATION FOR LICENSES THEREFOR;  
STANDARDS FOR ISSUANCE OF LICENSES; APPROVAL OF  
GOVERNMENT AGENCIES; AND PENALTIES FOR THE VIOLATION  
THEREOF**

**THE TOWNSHIP OF BOSTON ORDAINS:**

**Section 1. *DEFINITIONS.***

(a) “Outdoor Assembly” (hereinafter referred to as “assembly”) shall mean any event, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to music festivals, rock festivals, peace festivals or similar gatherings, but excluding the following:

(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 entirely by any entity or entities qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. Section 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 1946; or

(3) An event which will not exceed five hundred (500) attendants at any one time.

(4) 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 2. LICENSE REQUIRED.** No person shall sponsor, operate, maintain, conduct or promote an outdoor assembly within Boston Township without having first obtained a license therefor.

**Section 3. 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 Township and shall be made at least sixty (60) days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of Two Hundred Fifty Dollars (\$250.00), 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.)

(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 shall submit an affidavit from the owner indicating the owner's consent to the use of the site for the proposed assembly.

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

(e) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted together with samples of the tickets or other evidence of admission which will be used.

**Section 4. INFORMATION REQUIRED.** 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 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.

**Section 5. OFFICIALS' APPROVAL.** On receipt by the Clerk, copies of the application shall be forwarded to the County Sheriff, County Health Department, and such other public officials as may be necessary taking into consideration the nature of the outdoor assembly, as determined by the Clerk. Such officers and officials shall review and investigate the application and shall within fifteen (15) days of receipt thereof report their findings and recommendations to the Clerk. If no recommendation or finding is submitted by any such official within the time limit, the Township Board may consider the license application as having been approved by such official without any conditions thereon.

**Section 6. ISSUANCE OF LICENSE.** Within forty-five (45) days of the filing of said application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a license. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice of such action shall be mailed to the applicant within five (5) days after the action is taken and in the case of a denial of the application, such notice shall set forth the reasons therefor.

**Section 7. DENIAL.** A license may be denied for any of the following reasons:

(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 proposed assembly use will have a substantial adverse effect upon adjoining or nearby lands.

(d) The expected impact of the proposed assembly use on adjacent or nearby lands, road capacity, volume of traffic or traffic safety or circulation cannot be adequately accommodated.

(e) The proposed assembly use will create an expected need for law enforcement services, fire or other public safety and emergency services that is not within the capacity of available public or private services.

(f) The proposed use would have a substantially adverse impact on the natural environment.

**Section 8. DETAILS OF 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 9. FACILITIES REQUIRED.** In processing an application, the Township Board shall, at a minimum, require the following:

(a) Security and Emergency 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. At all times during the assembly or event there shall be a minimum of one private professional security person for each 300 persons in attendance at the assembly. Each such security person shall be fully bonded against potential liability claims and matters arising out of the conduct and responsibility of such person.

An ambulance shall be on site at all times, staffed by at least one person who has basic EMT training.

No license shall be issued unless the Ionia County Sheriff is satisfied that such necessary and sufficient security and emergency 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 the Michigan Public Health Code, 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 Ionia County Health Department.

(c) Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in the State Plumbing Act, and the rules and regulations adopted pursuant thereto; if such flush-type facilities are not available, the County Health Department may permit the use of other facilities which are in compliance with the Michigan Public Health Code, the rules and regulations adopted pursuant thereto, and which are in accordance with any other applicable provisions of the law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with the State Plumbing Act, and the rules and regulations adopted pursuant thereto. All lavatories shall be provided with hot and cold water and soap and paper towels or hand-drying blowers. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<b>Facilities</b>	<b>Male</b>	<b>Female</b>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

(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 the Michigan Food Law of 2000, the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provisions of the law. Alcoholic beverages shall not be permitted on the premises during an outdoor assembly.

(e) Medical Facilities. If the assembly is not readily and quickly accessible to 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 Department.

(f) Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with the rules and regulations pertaining thereto established by the County Health Department. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, 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 County Health Department with a true copy of an executed agreement in effect with such 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, in such quantities and with capacity as to provide disposal for the maximum number of attendants. Prior to issuance of any license, the licensee shall provide the County Health Department with a true copy of an executed agreement in 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.

There shall be adequate trash receptacles placed at various locations throughout the premises used for the outdoor assembly. Following each outdoor assembly event, all litter and refuse shall be promptly picked up and taken away.

(h) Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with the Michigan Public Health Code, and with any other applicable provisions of the law.

(i) Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with the Michigan Public Health Code, and any other applicable provisions of the law.

(j) Access and Traffic Control Plan. The licensee shall submit a written plan to the Clerk together with the application for a license which shall show and provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises and shall designate space to be provided and kept open for emergency vehicles. The plan shall be submitted by the Clerk to the County Sheriff's Department for approval.

(k) Private Access Streets. In the event more than five outdoor assemblies are to be conducted in any given year on a specific premises, all private access streets to be used as a means of ingress and egress by the assembly attendants shall be paved. Paving and street construction shall be completed in accordance with the specifications of the Township private road ordinance.

(l) Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall less than one automobile space for every four (4) attendants be provided. No parking shall be permitted on or along public streets or private streets. All private streets which are a part of or are within the premises at which an outdoor assembly is to be conducted shall be posted, on both sides, with "no parking" signs.

(m) Camping and Trailer Parking. A licensee shall not permit attendants to remain on the premises between the hours of 10:00 p.m. and 9:00 a.m. Camping and trailer parking shall not be permitted in connection with an outdoor assembly.

(n) 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 Building Inspector. All outdoor lights shall be shielded so that the intensity of the light emitted from the fixture at any angle above a cut-off angle of 80 degrees from a vertical line extending down from the fixture shall be less than 10% of the peak candle power of the fixture. Outdoor lights and fixtures shall be installed and placed to ensure that light does not spill onto adjacent properties or roadways and does not produce a glare. No light fixture shall exceed a height of 23 feet above the average grade level of the area within a surrounding 50-foot radius and no outdoor light fixture shall have a light source that exceeds 400 watts.

(o) Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$500,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to 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 Township shall be named as an additional insured on the policy. The licensee shall provide the Clerk with a copy of the policy of insurance providing the coverage as set forth herein. 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 ten (10) days before the expiration or cancellation of said insurance.

(p) Guarantee of Performance. At least five days before commencement of each outdoor event, the licensee shall deposit with the Township a cash deposit, or execute a performance bond or a letter of credit, in form and content satisfactory to the Township, in the amount of \$10,000. The return of the cash deposit or the release of the performance bond or letter of credit shall be conditioned upon applicant's timely and faithful compliance with all of the requirements of this Ordinance and with all applicable provisions or this Ordinance and other applicable laws, ordinances and regulations. If it is necessary for the Township to expend money as a result of providing emergency services or due to nonperformance, partial performance or untimely performance by the applicant, the Township may use all or part of the cash deposit or may enforce the performance bond or letter of credit, to the extent of funds needed for such purposes. After full and timely compliance by the applicant, or after any appropriate corrective action on the part of the Township, the balance of the cash deposit or any balance of the amount secured by a performance bond or letter of credit shall be returned or released.

(q) Fire Protection. The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to ensure fire protection. Information regarding those steps taken shall be submitted with the application for license required in this Ordinance.

(r) Noise Control.

(1) Sound producing equipment shall not be operated on the premises so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance of the peace and tranquility of the citizens of the Township. The applicant shall control the noise of all loud speakers and amplification used in connection with events and the outdoor assembly such that the volume of the noise emanating from the loud speakers or amplification equipment shall be generally at a level that would not be expected to carry beyond the boundaries of the premises upon which the assembly is being held. It is understood that prevailing winds and other factors may at times cause the loud speakers or amplifiers to be heard beyond the property boundaries, but it is the obligation of the licensee to take all reasonable measures to assure that loud speaker or amplifier noise shall be controlled on a consistent basis, given the fact that neighboring properties may be used for residential purposes.

(2) If the Township has a reasonable basis to believe that noise is emanating beyond the boundaries of the premises upon which the outdoor assembly is being conducted, the Township may require that the applicant undertake recognized noise-volume measurement procedures. These noise-volume measurements shall include decibel readings to be taken at the boundaries of the property, at such locations as the Township Board may determine to be appropriate. All noise-volume measurements must be taken by the applicant with an accurate decibel meter, or similar device commonly used to determine noise volume. The applicant shall submit the results of its measurements to the Township Board to assist the Township Board in determining the appropriate noise level regulations or to establish maximum noise level limits. Such

regulations and noise level limits may be incorporated into the license conditions for such outdoor assemblies.

(3) If the Township requests, the licensee shall deposit into an escrow account an amount specified by the Township, for the purpose of reimbursing to the Township all of its expenses associated with measuring the noise volume and establishing a further noise-volume regulation. The Township shall determine the required amount of such deposit by estimating in advance the anticipated expenses; if the actual expenses exceed the estimate, the applicant shall promptly pay the balance to the Township, and if the actual expenses prove to be less than the estimate, then the Township shall promptly refund the difference to the applicant.

(s) Fencing. The licensee shall erect an opaque fence completely enclosing the site, of sufficient height and strength as will exclude persons in excess of the maximum permissible attendance from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

(t) Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 500 attendants.

(u) Hours of Operation. Outdoor assemblies shall be limited to the hours of 9:00 a.m. through 9:00 p.m., with all shows, entertainment, exhibitions, events or activities to be concluded by 9:00 p.m. All patrons shall leave the premises no later than 10:00 p.m., with only clean-up and closing activities to take place thereafter.

(v) Buffer Zones. All assemblies and all assembly activity, including entertainment, festivals and other events, shall take place within the fenced area prescribed by this Ordinance. Such fence shall be located no less than 75 feet from the property lines of the premises to be used for the outdoor assembly. Berms and buffering shall be employed, as prescribed by the Township Board, in those circumstances where the terrain of the property or other circumstances result in insufficient protection of neighboring properties from noise, lights and views of the outdoor assembly. Additional measures may be prescribed by the Township Board to protect rural views and assure the quiet enjoyment of neighboring properties by their owners.

(w) Ticketing and Re-entry. All outdoor assembly attendants who leave the premises during any commercial outdoor assembly event shall not be readmitted without paying the established amount for a ticket or other charge for entry or attendance at the event. There shall be no hand-stamping of attendants or other arrangement intended to provide authorized reentry of attendants without payment of the full ticket price for original entry to the event.

(x) Limited Size of Crowd. To assure that there will not be an excessively large crowd of persons at any outdoor assembly without commensurate traffic and parking control, no crowd larger than 2,000 persons shall be permitted unless the following requirements are satisfied:

(1) No more than five outdoor assembly events are permitted in any given year at the premises; or



(2) Each of the following are provided as to the premises:

- a. All drives, driveways and parking spaces shall be surfaced with asphalt, bituminous, portland cement binder or other surface tested in such a manner so as to provide a durable and dustless surface. Such surface shall be graded to dispose of all surface water and prevent drainage onto abutting properties.

The Township Board may, to reduce the amount of impervious surface and the corresponding storm water runoff and to improve parking lot aesthetics, approve alternate parking lot surfaces consisting of gravel, crushed stone or other products installed in the ground which will support vehicle traffic but allow grass to grow in the area.

- b. A traffic impact study shall be submitted, at applicant's sole cost, establishing that the property and surrounding thoroughfares are equipped to adequately handle the anticipated traffic.
- c. More than one point of ingress and egress shall be provided and/or, in the Township Board's discretion, the primary route of ingress and egress to the property shall be constructed as a four-lane paved street, constructed according to specifications of the Township Board after review and analysis of the traffic study.
- d. A diagram of the parking areas and traffic flow, which shall be approved by the Township Board. All parking areas and drives shall be clearly marked so as to ensure safe and effective traffic flow.

Parking areas shall be designed to limit the number of points where pedestrians must cross in front of vehicles. Pedestrian walkways must be clearly marked.

- e. A storm water drainage plan which adequately assures that storm water will not flow onto adjacent lands at a rate or volume greater than exists prior to the proposed use.

(y) Compliance with Applicable Codes. All improvements to a site used for outdoor assemblies, including but not limited to spectator stands, electrical systems, lighting systems, plumbing and other matters, shall comply with all applicable provisions of the State Construction Code, the Electrical Code and other applicable Township and State codes.

All bleachers or other spectator stands or seating shall comply with state and local regulations and shall be inspected by the county building inspector and such applicable state agencies as may require inspection prior to the time that attendants are admitted to any outdoor assembly event.

(z) Miscellaneous. Prior to the issuance of a license, the Township Board may impose such other conditions as are reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.

**Section 10. REVOCATION.** The Township Board may revoke a license whenever the licensee or an agent or employee of licensee 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 11. VIOLATIONS.** It shall be unlawful for a licensee or the employee or agent of licensee, 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 consume, sell, or possess, intoxicating liquor while on the premises during an outdoor assembly.

(f) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances, as defined in part 71 of the Michigan Public Health Code.

**Section 12. PENALTIES AND ENFORCEMENT.**

(a) *Municipal Civil Infraction.* A violation of this ordinance or a violation of any permit issued hereunder is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, “subsequent offense” means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall be

considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) *Injunctive Relief.* In addition, a violation of this ordinance or a violation of any permit issued hereunder is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction and imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Township from also seeking injunctive relief against a violator, in order to abate the violation or to seek such other relief 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 of this Ordinance which can be given effect without the invalid portion, provided such remaining portions are not determined by the court to be inoperable, and to this end, this Ordinance is declared to be severable.

TOWNSHIP OF BOSTON

Lori Spoelstra  
Township Clerk

Ordinance No. 05-01, adopted November 23, 2005, and effective December 31, 2005  
Ordinance No. 09-09, adopted September 9, 2009, and effective October 19, 2009