

PART 25: ORDINANCE 1

OUTDOOR GATHERING 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 one-hundred fifty (150) in number, to provide penalties for violations thereof and to repeal all Ordinances and parts of Ordinances inconsistent therewith.

THE TOWNSHIP OF LENOX ORDAINS:**SECTION 1: General**

The Township Board of the Township of Lenox, finds and declares that the interests of the public health, safety and welfare of the citizens of Lenox Township 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 Township.

SECTION 2: Definitions

- A. "*Outdoor Assembly*," hereinafter referred to as "assembly" means any event attended by more than one-hundred fifty (150) attendants, that takes place on a single day or over a single week, 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) A single-day private party on residential property hosted by the person who resides on that property, which is not for profit and to which no admission fee is being charged consisting of a family gathering, a family reunion, a graduation party, or any form of holiday party or a party commemorating a religious holiday.
 - (3) An event held entirely within the confines of a permanently enclosed and covered structure.
 4. Any event, consisting of an annual, seasonal business, whether conducted by a for-profit corporation or a non-profit corporation that takes place annually for more than the period of one single week and for which an admission and/or rental fee is charged, such as, but not limited to, Halloween businesses, wedding businesses, or any other form of a seasonal business. Rather, such seasonal businesses are regulated by the Lenox Township Zoning Ordinance, as amended.

SECTION 3: A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in this Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

SECTION 4: License Requirements.

A. *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 proposed assembly. Each application shall be accompanied by a non-refundable fee of One Hundred and 00/100 (\$100.00) Dollars and shall include at least the following:

- (1) The name, age, residence and mailing address of the person making the applications. (Where the person making the application, this information shall be provided for all 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 means and addresses shall be provided of all shareholders having financial interest greater than Five Hundred and 00/100 (\$500.00) Dollars.
- (2) A statement of the kind, character and type of proposed assembly.
- (3) 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 prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- (4) The date or dates and hours during which the proposed assembly is to be conducted.
- (5) 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.
- (6) In addition to paying the one-hundred (\$100.00) dollar application fee set forth above, the applicant shall pay one hundred (\$100.00) dollars for the cost of the first Fire Department inspections and one-hundred dollars for the cost of the first Building Department inspections. Any premises requiring more than one re-inspection shall require the applicant to pay a re-inspection fee of fifty (\$50.00) dollars for every additional re-inspection.

- B. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of prospective licensee's plans to provide for the following:
- (1) Police and fire protection.
 - (2) Food and water supply and facilities.
 - (3) Health and sanitation facilities.
 - (4) Medical facilities and services including emergency vehicles and equipment.
 - (5) Vehicle access and parking facilities.
 - (6) Camping and trailer facilities.
 - (7) Illumination facilities.
 - (8) Communications facilities.
 - (9) Noise control and abatements.
 - (10) Facilities for clean up and waste disposal.
 - (11) Insurance and bonding arrangements.

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

- C. On receipt by the Clerk, copies of the application shall be forwarded to the Chief law enforcement and health officers for the Township, the Lenox Township Fire Chief, and to such other appropriate public officials as the Clerk deems necessary. 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 Township Board.
- D. Within thirty (30) days of the filing of the application, the Township Board shall issue, set conditions pre-requisite to the issuance of or deny a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied 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 reason therefore shall be stated in the notice.

- E. A license may be denied if:
- (1) The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant thereto or with any other applicable provision of State or local law; or
 - (2) The applicant has knowingly made a false, misleading or fraudulent statement on the application or in any support document.
- F. 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 will be posted in a conspicuous place upon the premises of the assembly and shall not be transferred to any other person or location.
- G. In processing an application the Township Board shall at a minimum require the following:
- (1) *Security Personnel*: The license 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 Township Board, in cooperation with the Law Enforcement Authority is satisfied that such necessary and sufficient for the duration of the assembly.
 - (2) *Water Facilities*: The License shall provide potable water sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of such 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 source and delivered and stored in a manner approved by the Township Board.
 - (3) *Restroom Facilities*: The licensee shall provide separate enclosed flush-type water toilets 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 ordinances. If such flush-type facilities are not available, the Township Board may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.

- (4) 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.
- (5) The number and type of facilities required shall be determined, on the basis of the number of attendants in the following manner:

	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Spouts or Faucets		1:50

Where the assembly is to continue for more than twelve (12) hours, the license shall provide shower facilities on the basis of 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, defects and shall at all times be in operable condition as determined by the Township Board.

- (6) *Food Service:* If food service is made available on the premises, it shall be covered 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.
- (7) *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 Township Board.

- (8) *Liquid Waste Disposal:* The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township Board. 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 any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a true copy of an executed agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
- (9) *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 Township Board 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.
- (10) *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.
- (11) *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.
- (12) *Access and Traffic Control:* The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes are required for access by ambulance, fire equipment, helicopter and other emergency vehicles.

- (13) *Parking:* The licensee shall provide a parking area sufficient to accommodate all motor vehicles but in no case shall be provide less than one (1) automobile space for every four (4) attendants.
- (14) *Camping and Trailer Parking:* A licensee who permits attendants to remain on the premises between the hours 2:00 a.m. and 6:00 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. While Act 171 does not become effective until January 1, 1971, for purpose of this Ordinance, its provisions shall be effective and applicable upon the adoption of said Ordinance.
- (15) *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 Township Board.
- (16) *Insurance:* Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than One Hundred Thousand & 00/100 (\$100,000.00) dollars, Three Hundred Thousand & 00/100 (\$300,000.00) dollars and property damage insurance with limit of not less than Twenty-Five Thousand and 00/100 (\$25,000.00) dollars from a company or companies approved by the Commissioner of Insurance of the State of Michigan, 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 ten (10) days before the expiration of cancellation of said insurance.
- (17) *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 Fifty Thousand and 00/100 (\$50,000.00) dollars in a form to be approved by the Township Attorney conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law and which shall indemnify the Township, its agents, officers, and employees, and the Township Board against any and all loss, injury or damage whatever arising out of or in any way costs attribute to cleaning up and/or removing debris, trash and/or waste resultant from the assembly.

- (18) *Fire Protection:* The licensee shall, at his own expense, take adequate steps as determined by the Fire Chief, to insure fire protection.
- (19) *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 as to provide ready and safe ingress and egress.
- (20) *Communications:* The licensee shall provide public telephone equipment to general use on the basis of at least one (1) unit for each one thousand (1,000) attendants.
- (21) *Miscellaneous:* Prior to the issuance of a license, the Township Board may impose any other conditions reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.
- (22) Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or as to be a nuisance or disturbance to the peace and tranquility of the citizens of Lenox Township.

SECTION 5: Revocation Of License.

The Township 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, ordinance statutes or other laws incorporated herein by reference.

SECTION 6: Violations.

- A. It shall be unlawful for a license, his employee or agent, to knowingly:
 - (1) Advertise, promote or sell tickets to conduct or operate an assembly without first obtaining a license as herein provided.
 - (2) Conduct or operate an assembly in such a manner as to create a public or private nuisance.
 - (3) Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.

- (4) Permit any person on the premises to cause or create a disturbance in, around or near the assembly by obscene or disorderly conduct.
 - (5) Permit any person to unlawfully consume, sell or possess intoxicating liquor while on the premises.
 - (6) Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, or any other substances as defined in Act 343, Public Acts of 1952.
- B. 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 fine of not more than One Hundred and 00/100 (\$100.00) Dollars, or by both such fine and imprisonment.
- C. 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 7: 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. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 8: Effective Date

- A. This Ordinance shall be effective from and after its adoption publication in accordance with applicable law. Adopted this 1st Day of March, AD., 2010, at a Regular Meeting of the Township Board.

PART 25: ORDINANCE 2

SOLICITING AND VENDING ORDINANCE

AN ORDINANCE REQUIRING THE LICENSING OF PERSONS ENGAGED IN SOLICITING AND VENDING IN THE TOWNSHIP OF LENOX; PROVIDING A PROCEDURE FOR THE SUSPENSION, REVIEW OR REVOCATION OF SUCH LICENSE; REGULATING THE CONDUCT OF SOLICITORS AND VENDORS; PROVIDING A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND REPEALING ANY AND ALL RESOLUTIONS AND/OR ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF LENOX ORDAINS:**SECTION 1: Purpose.**

The purpose of this Ordinance is to protect the public safety and welfare of property and persons residing within Lenox Township from fraud, deceit, misrepresentation, trespass, invasion of privacy and/or interference with the quiet use and enjoyment of residences and/or property resulting from or which may result from the activities of solicitors and/or vendors.

SECTION 2: Enabling Authority/Adoption Of State Law By Reference

It is the intention of Lenox Township to adopt by reference the following State laws: Charitable organizations and solicitors, MCLA 400.271 et. seq.; Transient merchants, MCLA 445.371 et, seq.; Home solicitation sales, MCLA 445.111 et. seq.; Exception for a veteran's license, MCLA 35.441.

SECTION 3: Definitions.

As used in this ordinance:

- A. *"Township Board"* shall mean the Lenox Township Board of Trustees;
- B. *"Township Clerk"* shall mean the duly elected (or appointed) and qualified Clerk of the Township of Lenox, or employees of the Clerk's staff appointed by the Clerk to administer this ordinance;
- C. *"Soliciting"* shall mean and include anyone or more of the following activities:
 - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, food stuffs or services of any kind, character or description whatsoever, for any kind of consideration; or

- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and any other type of publication; or
- (4) Seeking to obtain gifts or contribution of money, clothing or other valuable items for the support or benefit of any charitable or non-profit association, organization, corporation or project;
- (5) Notwithstanding anything to the contrary contained herein, the term "soliciting" shall not mean or include seeking to obtain orders for the manufacturing or wholesale purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatsoever from the owners and/or operators of any commercial and/or industrial establishment situated within the Township of Lenox.

D. "*Solicitor*" shall mean and include any person who engages in soliciting as heretofore defined;

E. "*Vending*" shall mean and include anyone or more of the following activities:

- (1) Selling or attempting to sell any goods, wares, merchandise, foodstuffs or services of any kind, character or description whatsoever from any park or standing vehicle of any kind, character or description whatsoever; or
- (2) Selling or attempting to sell any goods, wares, merchandise, foodstuffs or services of any kind, character or description whatsoever, from any temporarily erected stand, booth or display structure of any kind, character or description whatsoever.

Notwithstanding anything to the contrary contained herein, the term "vending" shall not mean and include anyone that is selling produce on the farm property where the produce was grown in accordance with the Right to Farm Act

F. "*Vendor*" shall mean and include any person who engages in vending as heretofore defined;

G. "*Residence*" shall mean and include every separate living unit occupied for residential purposes by one of more persons, contained within any type of building or structure;

H. "*Commercial Property*" shall mean any land and/or structure of any type utilized for commercial purposes including, but not limited to, the sale of products or the furnishing of services;

- I. *“Industrial Property”* shall mean any land and/or structure of any type utilized for industrial purposes including, but not limited, to the production, fabrication or assembly of any product which property is zoned for that purpose;

SECTION 4: License Required / Prohibition.

It shall be unlawful from and after the effective date of this Ordinance for any person, firm or corporation to engage in soliciting or vending anywhere in the Township of Lenox without having first secured a license thereof issued by the Lenox Township Clerk. All licenses shall be valid for a period of one (1) year from the date of issuance. A license fee in a sum sufficient to defray the costs of processing an application for issuance of license and administering the provisions of this ordinance shall be determined by resolution of the Lenox Township Board.

SECTION 5: Application for License.

An application for issuance of a solicitor's or vendor's license shall be made on forms approved by the Township Board, which forms shall be available in the office of the Township Clerk. All statements of an applicant for a soliciting or vending license upon the application or in connection therewith shall be made under oath. In the case of an applicant desiring to conduct soliciting activities on commercial and/or industrial property, said applicant shall furnish the Township Clerk with a written statement by the owner or person in charge of that property consenting to such activity, in addition to satisfactorily meeting all other requirements for licensing set forth in the license application. In addition to all of the requirements for licensing set forth in this ordinance, any applicant desiring issuance of a vendor's license shall furnish the Township Clerk with a lease, license or other document evidencing approval of the applicant's use of property for vending purposes by the owner thereof. No license shall be issued to any person who has been convicted of a felony under the laws of the State of Michigan or any other state, or the Federal Government, within five (5) years of the date of the application. Further, no license shall be issued to any person who has been convicted of a violation of any of the provisions of this Ordinance, or whose license issued hereunder has been previously suspended or revoked. All licensees shall be furnished with an identification card signed by the Township Clerk

SECTION 6: License Suspension.

- A. Any license may be suspended by either a Macomb County Sheriff's Deputy or an ordinance enforcement officer for a period of not more than twenty-one (21) days whenever:
- (1) Any provision of this ordinance is being violated; or
 - (2) Any condition of the license is not being observed; or

- (3) It is determined to be necessary to preserve the public health, safety or welfare of the residents of Lenox Township; provided, however, that the ordinance enforcement officer and/or Sheriff's Deputy shall forthwith report his act of suspension and the reasons thereof to the Township Clerk. The Township Clerk shall notify the licensee that the Township Board will review the action of the ordinance enforcement office and/or Macomb County Sheriff's Deputy at its next regular meeting to determine whether the license shall be reinstated, suspended for a further period of time, or permanently revoked.

SECTION 7: Prohibition Against Soliciting; Notice.

Every person, firm or corporation within the Township of Lenox desiring to prohibit solicitation on the premises owned and/or occupied by said person, firm or corporation shall conspicuously post a sign on said premises reading "No Solicitors" or containing such other language which clearly stated the desire of said person, firm or corporation to prohibit solicitation on said premises;

SECTION 8: Uninvited Soliciting.

From and after the effective date of this ordinance, it shall be unlawful for any solicitor to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of said residence or said commercial or industrial property, for the purposes of securing an audience with the occupant or occupants thereof and engage in soliciting as herein defined, in defiance of a notice conspicuously posted on said residents or commercial or industrial property in accordance with the provisions of Section 7 hereof.

SECTION 9: Duty Of Solicitors.

It shall be the duty of every solicitor upon going onto any premises in the Township of Lenox to first determine whether soliciting is prohibited thereof by posted notice as heretofore provided. In the event soliciting is prohibited by such notice then, and in such event, the solicitor, whether licensed or not, shall immediately and peacefully depart from the premises. Any solicitor who has gained entrance to any residents, or commercial or industrial property, whether invited or not, shall immediately and peacefully depart therefrom when requested to do so by the occupant or occupants as the case may be.

SECTION 10: Hours Allowed.

From and after the effective date of this ordinance, it shall be unlawful for any person, firm or corporation to engage in soliciting, whether licensed or not, from 7:00 PM to 9:00 AM of any weekday, or at any time on a Sunday or a State or National holiday.

SECTION 11: Vending Activities.

It shall be unlawful from and after the effective date of this Ordinance for any person, firm or corporation to engage in vending within the public right-of-way of any State, County or private road. Further, it shall be unlawful for any person, firm or corporation to conduct vending activities within one hundred (100) feet of any road intersection. Lastly, every person, firm or corporation engaged in vending shall provide off-street parking for all customers.

SECTION 12: Variances.

Upon application clearly demonstrating hardship, the Township Board may vary or waive any or all provisions of this Ordinance. For purposes of this Ordinance, "hardship" shall mean that a strict application of this ordinance will result in physical or financial burdens which will prevent the applicant from engaging and soliciting or vending as originally contemplated by the applicant.

SECTION 13: Enforcement.

This Ordinance shall be enforced by the ordinance enforcement officer of the Township of Lenox or by the Macomb County Sheriff's Department, whichever the case may be.

SECTION 14: Violation / Penalty.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a penalty of up to ninety (90) days in the Macomb County Jail and a fine of up to \$500, or both, together with the cost of prosecution.

SECTION 15: Conflicting Provisions Repealed.

All other ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 16: Effective Date.

This Ordinance shall become effective thirty (30) days after the publication date following passage of the adoption of the Ordinance.