

TOWNSHIP OF CHOCOLAY

ORDINANCE NO. 21

AN ORDINANCE TO LICENSE AND REGULATE PUBLIC AMUSEMENT AND ENTERTAINMENT BUSINESSES.

The Township of Chocolay Ordains:

SECTION I--LICENSE REQUIRED

No person, firm, corporation or association, except public or private schools, churches and service organizations, permanently located in the Township of Chocolay and persons, firms, corporations or associations otherwise licensed by the State of Michigan or the County of Marquette shall engage in the business within the Township of Chocolay of offering a public amusement, entertainment, exhibition or performance other than those involving the showing or performing of horses, cattle, hogs, dogs, cats, or other domestic animals without first obtaining a license therefor from the Township of Chocolay.

SECTION 2--OWNER TO SEE LICENSE

No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such a purpose unless a Township license therefor first shall have been shown to such owner or possessor.

SECTION 3--CONDITIONS PRECEDENT

No license shall be granted or delivered until the applicant therefor has complied with all of the required conditions precedent to its issuance.

SECTION 4--PROCEDURE FOR ISSUANCE

(a) Applicant shall submit an application not less than 60 days prior to the proposed commencement of such business under oath, on a form to be provided by the Chocolay Township Clerk, which application shall disclose such pertinent information about applicant, his proposed business location, facilities, maximum capacity to be admitted, business histor, and responsibility, as the clerk amy require and shall be accompanied by the following:

- I. Evidence that applicant has obtained public liability insurance with limits of not less that \$100,000/\$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan which insurance shall insure applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect in the specified amounts during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk, in writing at least 10 days before the expiration or cancellation of said policy or policies.
- II. A corporate surety bond in the amount of \$10,000 in a form to be approved by the Township Attorney, conditioned upon applicant's faithful compliance with all of the terms and provisions of this licensing ordinance, and all applicable provisions of other Township ordinances, County ordinances and State statutes.
- III. A license fee of \$25,000 for a business the approved capacity of which does not exceed 200 persons and an additional license fee of \$2,500 for each additional 1,000 persons or fraction thereof to be admitted to licensee's place of business per day of operation.
- IIII. If applicant is not a resident of, or a corporation licensed to conduct business by the State of Michigan, he shall designate an agent located in the State of Michigan for acceptance of service of process.

(b) The Clerk may refer the application to the Township Zoning

LEGAL ADVERTISEMENT

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IV. If applicant is not a resident of, or a corporation licensed to conduct business by the State of Michigan, he shall designate an agent located in the State of Michigan for acceptance of service of process.

(b) The Clerk may refer the application to the Township Zoning Administrator, the Township Marshal, the Marquette County Health Department, the State Fire Marshal and such other public officials as he may deem appropriate.

(c) The application, supporting data, and reports of governmental officials shall then be presented to the Township Board of the Township of Chocolay. In passing on the application, the Township Board shall determine whether or not the proposed business meets the requirements of this Ordinance, other applicable Township ordinances, other applicable County ordinances and applicable State statutes and shall approve or deny the license accordingly. If the license is denied the basis or bases for denial shall be specified in the resolution of denial.

(d) Advertising of applicant's proposed business prior to the issuance of a license by the Township of Chocolay shall constitute a violation of this Ordinance by applicant and shall constitute a basis for the denial of such license.

(e) Based upon the maximum number of persons to be admitted to licensee's place of business per day as disclosed in application, if such number exceeds 499 persons and if the Township Board in its discretion determines that the public safety and welfare make it desirable that police personnel be assigned to the vicinity of licensee's place of business, licensee shall be obligated

to reimburse the Township for the actual expense in providing such police service to the extent of two officers for the first 500 persons and one additional officer for each additional 200 persons.

SECTION 5—REQUIREMENTS FOR OPERATION

After issuance of the license, licensee shall meet the following requirements:

(a) The insurance and bond required above shall continue in full force and effect until expiration or termination of the license.

(b) Licensee shall permit Township, County and State officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this Ordinance and other applicable Township, County and State ordinances and statutes.

(c) Licensee shall not knowingly permit violations of any Township ordinance, County ordinance or State statute by any of his patrons.

(d) Licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.

(e) Licensee shall not admit to his premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall he knowingly permit the possession, sale or consumption of intoxicating beverages, narcotics or hallucinogenic drugs on his business premises.

(f) Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to effectively prevent his patrons from directly trespassing on neighboring premises.

(g) Licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor or dust.

(h) Licensee shall limit his business activities to the hours specified in his license.

(i) Licensee shall post a copy of this Ordinance and a copy of his license in his place of business in a location where they can be read easily by his patrons.

SECTION 6—TERMINATION

Each license granted under the provisions of this Ordinance shall expire at the end of the term specified in the application, but if not so established, shall expire on the next succeeding March 31.

SECTION 7—NON-TRANSFERABILITY

A license issued under this Ordinance shall not be transferable to any other firm or person.

SECTION 8—SUSPENSION AND REVOCATION

A license required by this Ordinance may be suspended or the renewal thereof refused by the Township for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the Township for good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this Ordinance under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which had it existed or been known to the Township at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the Township Board upon not less than seven days written notice to licensee at the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation. A license issued under this ordinance may be suspended for not more than 20 days by a Constable of the Township of Chocolay for good cause.

SECTION 9—PENALTY

Any licensee, employee or agent convicted of a violation of any provision of this Ordinance shall be punished by a fine of not to exceed \$100.00, or by imprisonment for not more than 90 days or any combination of both fine and imprisonment. Each act of violation and each day upon which such violation occurs shall constitute a separate offense.

SECTION 10—NUISANCE

Any violation of any provision of this Ordinance is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

SECTION 11—SEVERABILITY

It is the legislative intent of the Township Board of the Township of Chocolay that each and every provision of this Ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of said Township, and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such Ordinance shall stand notwithstanding the invalidity of any provision thereof.

SECTION 12—EFFECTIVE DATE

This Ordinance shall take effect from and after August 12, 1970.

CLIFFORD JOHNSON,
Clerk

A. J. MENHENNICK,
Supervisor

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Administrator, the Township Marshall, the Marquette County Health Department, the State Fire Marshal and such other public officials as he may deem appropriate.

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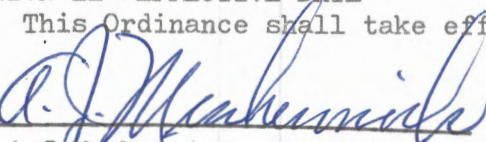
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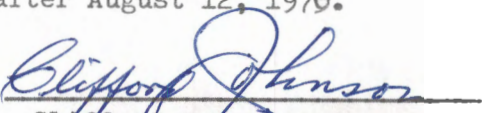
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