

Comins Township Ordinance No. 2

An Ordinance to license and regulate public amusement and entertainment businesses.

The Township of Comins ordains:

Section 1 - License Required:

No person, firm or corporation shall engage in the business within the Township of Comins of offering a public amusement, entertainment, exhibition, assembly or performance without first obtaining a license therefore from the Township of Comins.

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 therefore first shall have been shown to such owner or possessor.

Section 3 - Conditions Precedent:

No license shall be granted or delivered until the applicant therefore 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 sixty (60) days prior to the proposed commencement of such business, under oath, which application shall disclose such pertinent information about applicant, his proposed business location, facilities, maximum capacity to be admitted, business history, and responsibility, as the clerk may require and shall be accompanied by the following:

I. Evidence that applicant has obtained public lia-

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 ten (10) days before the expiration or cancellation of said policy or policies.

II. A corporate surety bond in the amount of ten thousand dollars (\$10,000) in a form to be approved by the Township attorney conditioned upon applicant's faithful compliance with all of the terms and provision of this licensing ordinance, and all applicable provisions of other Township ordinances, County ordinances and State Statutes.

III. A license fee of twenty-five dollars (\$25) for a business the approved capacity of which does not exceed two hundred (200) persons and an additional license fee of twenty-five dollars (\$25) for each additional one thousand (1,000) persons or fraction thereof to be admitted to licensee's place of business per day of operation.

IV. If the 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 Oscoda County Sheriff, Michigan State Police District Sanitarian, Department Natural Resources, US Forestry Department and such other public officials as he may deem appropriate.

c. The application, supporting data and reports of

State statutes and shall approve or deny the license accordingly. If the license is denied the basis 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 Comins 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 four hundred ninety-nine (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 (2) officers for the first five hundred (500) persons and one (1) additional officer for each additional two hundred (200) persons.

Section 5 - Requirements for Operations:

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

a. This 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 violation of any Township ordinance, County ordinance or State statutes by any

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 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 any good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to

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 (7) 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 twenty (20) days by Sheriff Department, Cscoda County 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 one hundred dollars (\$100), or by imprisonment for not more than ninety (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 enjoicable by appropriate legal action.

Section 11 - Severability:

It is the legislative intent of the Township Board of the Township of Comins 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 not-

Section 12 - Effective Date:

This Ordinance shall take effect from and after June 20th, 1970.

State of Michigan

County of Oscoda

I the undersigned Clerk of the Township of Comins, County of Oscoda, State of Michigan, hereby certify that the foregoing Ordinance was passed and adopted by the Township Board of said Township at a Special meeting duly called and held May 19, 1970 attended by a quorum of said Board the vote there at being, Yeas five (5), Nays zero (0).

Dated this 19th day of May, 1970.

Ervin Statesman