

AN ORDINANCE TO LICENSE AND REGULATE CIRCUSES, CARNIVALS AND MUSICAL CONCERTS IN THE TOWNSHIP OF EXETER, REQUIRING LICENSES THEREFOR, REQUIRING INSURANCE THEREFOR, PROVIDING FOR A BOND THEREFOR, FIXING LICENSE FEES, PROVIDING FOR SANITARY CONDITIONS THEREFOR, CONTROLLING NOISE POLLUTION, RESTRICTING USE OF ALCOHOLIC BEVERAGES ON PREMISES USED BY LICENSEE, AND PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.

The Township of Exeter Ordains:

§1 - Title. This Ordinance shall be known and cited as the "Township of Exeter Circus, Carnival and Musical Concert Ordinance."

§2 - Scope. This Ordinance shall not be deemed to supersede any other existing ordinance or state law regulating the same type of activity. This Ordinance shall provide the minimum requirements for conducting any circus, carnival and/or musical concert. If this Ordinance conflicts with any other Township of Exeter ordinance or state statute, the more restrictive ordinance or statute shall apply.

§3 - Purpose. The purpose of this Ordinance shall be to promote the health, safety and welfare of the citizens of the Township of Exeter.

§4 - Definitions.

a. Person. Person shall mean and include natural persons, firms, partnerships, corporations and any and all other associations of natural persons, incorporated or unincorporated, whether acting by themselves or by servant, agent

or employee.

b. Circus. Circus shall mean any public entertainment consisting typically of a variety of performances, acrobats, clowns or trained animals.

c. Carnival. Carnival shall mean any traveling amusement show, having as its main attraction rides, side shows or games of chance.

d. Musical Concert. Musical concert shall mean any performance in which one or more persons sing and/or play or perform on any musical instrument or instruments.

§5 - License Requirement. No person shall conduct, exhibit, maintain or operate within the limits of the Township of Exeter any circus, carnival or musical concert for which pay is demanded, received or collected, directly or indirectly, whether for admission fees or otherwise, unless a license has first been obtained for such activity from the Township of Exeter.

§6 - Application For License. Application for license shall be made in writing to the Township Clerk and filed not less than 30 days prior to the proposed opening day of such activity. The Township Clerk shall then submit the application to the Township Board at its next regularly scheduled meeting for approval or disapproval. Such application shall give the full name of the applicant or applicants, the business and residence addresses of such persons and their present interest in the issuance of the license applied for. If the applicant is a corporation, the names, business addresses and residence addresses of the present officers and directors of the corporation shall be stated in the application. Such application shall also state the place or places where the circus, carnival or musical concert is to be conducted and the number and character of the exhibits to be there

established, maintained or operated. If a license is issued, it shall be unlawful for any person to carry on the circus, carnival or musical concert at any place other than that specified in the application.

§7 - Insurance. Before any license shall be issued, there shall first be filed with the Township Clerk a certificate of insurance stating that the proposed licensee has provided liability insurance protection in an amount not less than \$50,000 per person for personal injury to any one person and not less than \$300,000 for personal injury related to any single accident and not less than \$100,000 for property damage. Such insurance shall include the Township of Exeter as a named insured and shall be approved by the Township attorney.

§8 - Fee And Bond. Before any license shall be issued, there shall first be collected by the Township Clerk a fee in the amount of \$100 from the applicant, together with a fee of \$50 for each day a license is intended to be operative. In addition to the fees provided for herein, the licensee shall deposit and file with the Clerk a bond not less than \$100,000, cash or surety, protecting against potential damage to public or private property.

§9 - Dirt, Paper, Litter And Debris. No dirt, paper, litter or other debris shall be permitted to remain upon any public or private property used by licensee, his agent or employees, for longer than 48 hours subsequent to the termination of the licensed activity.

§10 - Sanitary Facilities. Prior to the issuance of any license required herein, the applicant shall

submit written proof that he has contracted to have available at the site of any circus, carnival or musical concert at least one toilet facility for each 25 persons to be in attendance at the activity.

§11 - Expiration Of License. All licenses issued under this Ordinance shall, unless a different date is provided for in the license, expire on the 30th day from and after the date of issuance. No such license that is granted by the Township Clerk shall be assignable or transferable and the same shall at all times be conspicuously displayed on the premises on which the licensed activity is to take place. No person, except the licensee, shall do business or be permitted to do business under the provisions of a single license, either directly or indirectly.

§12 - Revocation Of License. Licenses issued under the provisions of this Ordinance shall be revocable by the Township Clerk at any time for a violation of any statute of the State of Michigan or any ordinance of the Township of Exeter.

§13 - Closing Time. Activities licensed under the provisions of this Ordinance shall be closed to the public from midnight until nine o'clock (forenoon).

§14 - Maintaining Order. Quiet and good order shall be maintained upon the premises on which a licensed activity takes place as well as on adjacent property. The licensee shall contract for the attendance of one police officer or one licensed private security guard for every 50 persons to be in attendance at the activity. Sufficient evidence or assurances of such an agreement shall be presented to the Township Clerk

prior to the issuance of any licenses.

§15 - Issuance. <sup>OF LICENSE</sup> The Township Clerk shall issue a license to an applicant who has complied with all of the provisions of this Ordinance.

§16 - Gambling. No person shall be permitted to play any game in which a bet or wager is laid, and no person shall be permitted to lay any wager or bet on the outcome or result of any game played upon the premises.

§17 - Alcoholic Beverages And Controlled Substances.

No alcoholic beverages or controlled substances, as defined by the statutes of the State of Michigan, shall be sold or consumed on the premises licensed under the provisions of this Ordinance. No person under the influence of alcohol and/or any controlled substance shall be permitted to frequent, be in, allowed to enter in or remain on the premises where a licensed activity is being held.

§18 - Severability. If any Court of competent jurisdiction shall declare any provision of this Ordinance to be invalid, such declaration shall in no way affect any other provision of this Ordinance, either as a whole or in part.

§19 - Penalty. Any person who, himself or by his clerk, servant, agent, manager or employee, violates or fails to comply with the provisions of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$100 and costs of prosecution, or to imprisonment for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court.

§20 - This Ordinance shall take effect on March 1st, 1976, and shall be published in the Monroe Evening News according to law.

This Ordinance No. 17 was made and passed by the Exeter Township Board at a regular meeting of said Board on January 20, 1976, at the Exeter Township Hall with 5 members of said Board being present and 5 voting in favor thereof and 0 voting against.

Margaret M. Bruck  
Exeter Township Clerk

Attested.

Frederick Kurtycz  
Exeter Township Supervisor

I, Margaret M. Bruck, Clerk of the Township of Exeter, do hereby certify that the above Ordinance was approved and adopted by the Exeter Township Board at a regular meeting thereof held on the 20th day of January, 1976.

Margaret M. Bruck  
Exeter Township Clerk