

ORDINANCE NO. 3-700

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND LICENSING OF
CARNIVALS, CIRCUSES, MENAGERIES, AND TRANSIENT EXHIBITIONS

THE CITY OF ISHPEMING ORDAINS:

Section 3-701.

- (1) No circus, carnival, menagerie, wild west show, pony or dog show, or any other transient exhibition, meeting or gathering held in a tent or tent show shall be permitted to operate or perform within the City of Ishpeming unless the owner thereof, or the owner's duly authorized agent, shall first obtain a license therefor from the City Clerk.
- (2) If said applicant intends to conduct any activity licensed or required to be licensed by, or which requires the issuance of any permit from, any board, agency, department or official of the State of Michigan or County of Marquette, the applicant shall present proof of such State or County licensing before any license may be granted under this Ordinance. "State or County licensing", as used in this section, includes the inspection or certification of any equipment, rides or machinery that is required to be licensed by law.

Section 3-702. Each owner shall, prior to the issuance of said license, file an application therefor with the City Clerk giving the following information: name of owner of said show, business address, the nature and type of entertainment or exhibition, and the name of the resident agent duly appointed by said owner, having full power and authority to accept and acknowledge service of process for and on behalf of said owner in respect to any matters or suits in law or chancery that may arise out of the conduct of said show in the City of Ishpeming or for the non-performance of any of the conditions of any required bond. The application shall also include proof of any license required under State law or required by the County of Marquette.

Section 3-703. As a condition of receiving a license hereunder, the owner shall also file with the City Clerk a certificate of insurance written by an insurance company authorized and licensed as an insurer in Michigan, naming the city as an insured, and providing insurance coverage in at least the following minimum amounts for payment of judgments or claims recovered against the owner, or his or its agents and employees for personal injury, death, property damage, and hospital or medical expenses for any loss arising out of the operation, maintenance, setup or take down of the exhibition or show:

A. For a circus or carnival:

Personal injury	\$250,000 per person, \$2,500,000 aggregate per occurrence
Medical expense	\$10,000 per person, without limit as to number of persons injured per occurrence
Property damage	\$100,000 per occurrence

B. For any other type of show or exhibition licensed hereunder:

Personal injury	\$10,000 per person, \$100,000 aggregate per occurrence
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Medical expense	\$5,000 per person; \$50,000 aggregate per occurrence
Property damage	\$50,000 per occurrence

Section 3-704. No license shall be issued to the owner of any show described in Section 3-701 of this Ordinance unless the owner agrees in writing to be bound by the following terms and conditions of said license:

- (1) no tent or structure of any description shall be erected on any ground within the City for such exhibition unless the area is previously grubbed;
- (2) no electric or other heating apparatus or cooking apparatus shall be used in any tent or structure set up for the purpose of seating or standing of patrons;
- (3) all tents used for patrons in any main show, midway or sideshow shall be fireproofed and a certificate furnished showing that such fireproofing was done within six months prior to the date of any application for such license;
- (4) all gasoline or other volatile substances shall be stored in safety containers outside of the area used for the main tent, midway or sideshow tents;
- (5) at all performances, all lighting effects must be by electricity of sufficient wattage and not over-fused, to afford proper illumination of all entrances and exits;
- (6) if folding chairs are used for seats, the arrangement and fastening together of the same shall be subject to the approval of the Fire Marshall or Chief of the Fire Department;
- (7) fire extinguishers of a type and number and location to be approved by the Fire Marshall or Chief of the Fire Department;
- (8) advance arrangement shall be made for the prompt calling of the Fire Department in case of fire;
- (9) No activity or owner licensed under Section 3-701 of this Ordinance shall use, display, allow, or permit any person to set off or discharge fireworks of any kind in any tent or any enclosed structure; provided, however, that use of an open flame is allowable in a tent or structure so long as it is part of an act authorized by the permit holder.

Section 3-705. The rates for licenses issued under this ordinance and for the purpose hereinafter set forth are hereby fixed and established as follows: for the first performance of a circus the sum of one hundred dollars (\$100.00) and for each subsequent performance the sum of fifty dollars (\$50.00); for the first performance of an equestrian exhibition or wild west show the sum of fifty dollars (\$50.00) and for each subsequent performance the sum of twenty-five dollars (\$25.00); for each and every other meeting, show or exhibition, or performance of any kind, the sum of twenty-five dollars (\$25.00) for each performance. The license fee for each show shall be deposited with the City Clerk at the time of the filing of the application and if a license is not issued, such fee shall be refunded to the owner or his duly authorized agent.

Section 3-706. The City Manager is hereby authorized and empowered to revoke any license issued in accordance with the provisions of this ordinance upon his determination that

any provision in this Ordinance has not been complied with, or upon the recommendation of the Chief or the Fire Marshall of the Fire Department for any failure to perform the conditions of or for any violations of the conditions under which said license was issued, or upon the recommendation of the County Health Officer upon any violation or failure to conform to the sanitary requirements of the laws of the State of Michigan.

Section 3-707. Any person who shall violate any of the provisions of this ordinance, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars (\$500.00), plus costs of prosecution, or by imprisonment in the Marquette County Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

Section 3-708. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3-709. This ordinance shall take effect upon publication.

Passed: April 5, 1950
Amended: April 9, 2003
Amended: November 5, 2003