

BROWN COUNTY ORDINANCE NO. 1993-03
ORDINANCE REGULATING LARGE ASSEMBLIES IN BROWN COUNTY

WHEREAS, it is the purpose and intent of the Brown County Board of Commissioners to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Brown County, in order that the health, safety and welfare of all persons in Brown County, residents and visitors alike, may be protected; and

WHEREAS, it is the further intent of the Brown County Board of Commissioners that all sections and provisions of the Ordinance have an independent existence; and should any section or provision of same be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of this Board that any such section or provision so declared, shall be severable from and shall not affect the validity of the remainder of the Ordinance.

NOW, THEREFORE, the County Board of Brown County ordains that a license permitting a large assembly in Brown County shall be required. The license shall be issued by the office of the County Auditor, upon approval of the Brown County Board of Commissioners. Compliance with the License Requirements, hereinafter enumerated, shall be determined by the Zoning Administrator of Brown County or his designated representative.

The County Board of Brown County further ordains that the following regulations regulating large assemblies in Brown County shall become applicable unless amended or rescinded by the Brown County Board of Commissioners, to-wit:

SECTION 1 LICENSE REQUIRED:

1. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell, or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people, whether on public or private property, unless a License Permitting A Large Assembly in Brown County has been first been approved by the Brown County Board of Commissioners and issued by the County Auditor, application for which must be made to the County Auditor on the prescribed Brown County Form at least 30 days in advance of the assembly. When applying for said license, the sponsor must submit certified copies of other required Minnesota State or Brown County Licenses and/or permits, necessary to support the application. Such a license issued to one person shall permit such person to engage in any lawful activity in connection with the holding of the licensed assembly. Upon receipt of an application the County Auditor shall refer the application to the Zoning Administrator or his designated representative for a determination of compliance with the licensing requirements. The designated representative shall then present his recommendations to the County Board of Commissioners for their approval.
2. As Used in This Ordinance:
 - A. "Person" means any individual, partnership, corporation, firm, company, association, society or group;
 - B. "Assembly" means a company of persons gathered together at any location at any single time for any purpose.
3. A separate license shall be required for each day and each location in which 500 people or more assemble, or can reasonably be anticipated to assemble. For the purpose of defraying inspection expenses, the fee for each license shall be \$100.00 and shall be payable to the Brown County Treasurer. The \$100.00 fee may be waived at the discretion of the County Board of Commissioners.

4. A License shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
5. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
6. This Ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people, the maximum seating capacity of the structure where the assembly is held.
7. This Ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds or to assemblies required to be licensed by other State laws and regulations of the County of Brown.
8. Nothing in the Ordinance shall apply to any territory embraced within the limits of any city, either Home Rule Charter City as defined by M.S. 410.015 or Statutory City, as defined by M.S. 412.016.

SECTION 2. LICENSE REQUIREMENTS:

The following requirements apply unless the Zoning Administrator or his designated representative makes a written determination, attached to the application, that a particular requirement may be waived or reduced. Such waiver or reduction of any requirement shall be based upon individual factors relative to a particular mass gathering. Such factors shall include but are not limited to such matters as its particular nature, length of time, geographical location, topographical factors, time of day and time of year. The Zoning Administrator or his designated representative may reduce or waive any requirement only if he is fully satisfied that such reduction or waiver will not be detrimental to the public nor diminish in any way the safety or well-being of the general public and those attending such mass gathering.

Before any such license may be issued, the applicant shall first:

1. Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly.
2. Submit, together with the application, a separate, detailed plan by the applicant for each requirement set forth herein, detailing how the applicant shall comply with each of these requirements.

Within ten days prior to the start of the assembly, local authorities may inspect to determine whether the requirements of these provisions have been met:

The requirements are as follows:

- A. A fence or barrier (sufficient to prevent ingress/exit except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds which shall have sufficient entrances and exits to allow easy movement into and out of the assembly grounds and provide traffic control onto established public road systems, such plans to be approved by the County Sheriff.

Plans shall set forth the manner of fencing the location of the assembly and the type and place of gates contained in such fence.

- B. Potable water, meeting all Federal and State requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person, per day. Where the assembly is to continue for more than 12 hours, the minimum needs for water for bathing purposes shall be determined by the designated representative.

The plans for supplying potable water shall include the source, amount available, and location of outlets.

- C. Separate enclosed toilets for males and females, meeting all State and local specifications, Conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, in accordance with the Minnesota State Board of Health Regulations and Standards;

Plans for providing toilet and lavatory facilities shall detail the source, number and location, type and means of disposing of waste deposited.

- D. A sanitary method of disposing of solid waste, in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person, per day, together with a plan for holding and collecting all such waste at least once each day of the assembly, and sufficient trash containers and personnel to perform tasks;

Plans shall detail the number and types of facilities for holding, collecting and disposing of solid waste material.

- E. Provisions shall be made for providing medical care by physicians and nurses licensed to practice in Minnesota as follows:

Up to 1,000 people – one doctor on call, one ambulance on call.

Over 1,000 people, but less than 3,000 people – one nurse, physically present and one doctor in contact with and on call by said nurse, one ambulance on call. In addition thereto, qualified paramedics may be used to assist at a mass gathering under the direct supervision of the nurse.

Over 3,000 people – one nurse, one doctor and one ambulance physically present and, in addition thereto, one doctor, one nurse and one ambulance on call. In addition thereto, qualified paramedics may be used, in lieu of either one nurse or in lieu of one doctor, but not in lieu of both, to assist at a mass gathering under the direct supervision of either the doctor or the nurse, so long as substantial compliance with the ordinance is maintained.

An enclosed, covered structure shall be provided where medical treatment may be rendered. Where the assembly is for more than 3,000 people, the structure shall contain separately enclosed treatment rooms for each physician.

Plans to provide medical facilities shall include the location and type of construction of the structure, names, addresses and hours of availability of the physicians, nurses and ambulance attendants who are to provide the services.

- F. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

Plans for illumination shall detail the location of the lighting, including the source and amount of power.

- G. A parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.

Plans for parking vehicles shall include the size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots.

- H. Availability of minimum service for maintaining communication for receiving and transmitting emergency messages which minimum service is considered to be either one telephone line or a mobile telephone unit. If, in the opinion of the designated representative, the nature of the gathering, the size of the gathering or any other factors which might be present for a particular gathering is such as to require more than the minimum service, he shall readily require additional service.

Plans for such communications service shall include the source, number and location of the communications available.

- I. Provisions for security, traffic and narcotics control are required sufficient to meet the requirements of local authorities and any requirements of the Minnesota Department of Public Safety. Regularly employed off – duty Minnesota licensed law enforcement officers or protective agents licensed in Minnesota, or other individuals deemed qualified by the Sheriff, working directly under the supervision of the licensed law enforcement officers, sufficient to provide adequate security for the maximum number of people to be assembled shall be physically present, radio- equipped and in radio contact with a regular police or sheriff’s department, as follows:

Up to 500 people – two officers.

From 500 people to 1,000 people – 4 officers.

Over 1,000 to 2,000 people – 6 officers.

Over 4, 000 people – 8 officers and an additional officer for each 500 people.

Plans for security shall detail the number of officers to be provided, their deployment, their names, addresses, credentials and hours of availability.

- J. Satisfactory fire protection shall be provided by the sponsor which may include, but not be limited to the following: Fire alarms, extinguishing devices, fire lanes, and shall be sufficient to meet all applicable State laws and local regulations which are in effect, or may be set forth by the county and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor, also;

Plans for providing fire protection shall detail the number of fire alarms, extinguishing devices, fire lanes, their location, and the name and address of the person in charge of providing fire protection.

- K. All reasonably necessary precautions shall be taken to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;

Plans for sound control shall detail the manner and method to be used for sound amplification, if any, including number, location and power of amplifiers and speakers.

- L. Provision shall be made that the sponsors shall be in a position to be contacted by the local authorities and law enforcement personnel inside the assembly at any time during the time of the assembly.

Plans shall detail the method by which local authorities and law enforcement personnel may remain in contact with the sponsors during the time of the assembly.

- M. If food is to be sold or distributed during the assembly, provision shall be required to insure that the methods of and facilities for the storage, refrigeration, cooking, service and trash disposal of food are adequate and in compliance with any rules and regulation of the Board of Health or local health authorities.

Plans for food concessions shall set forth the names and addresses of all concessioners, together with their license or permit numbers, location of food concessions on the grounds and method for storage, refrigeration, cooking service and trash disposal.

- N. If camping is to be permitted on the grounds of the mass assembly, provisions shall be made for adequate camping facilities.

Plans for camping facilities, if any, shall include the number and type of facilities available and their location, together with any other pertinent information regarding camping facilities.

- O. A liability insurance policy from an insurance company licensed to do business in Minnesota, providing liability coverage in the minimum amount of \$100,000.00, in the name of the sponsors or owner(s) of the premises from any injuries or damages suffered by anyone as a consequence of the negligence of the sponsor, its agents, employees, concessioners or other parties involved in the mass gathering, arising out of the operation of the mass gathering. Said policy shall contain a clause indemnifying and holding harmless the County of Brown or any of its agents, officials, servants and employees from any liability or causes of action which might arise by reason of the granting of this license.

- P. A bond filed with the County Auditor of Brown County, either in cash or underwritten by a surety company licensed to do business in the State of Minnesota, in the minimum amount of \$10,000.00, which shall indemnify and hold harmless the County of Brown or any of its agents, officials, servants and employees from any liability or causes of action which might arise by reason of the granting of this license, payment of employees for services rendered by the County of Brown, and from any costs incurred in cleaning up any waste material produced or left by the assembly.

SECTION 3 APPLICATION FOR LICENSE:

- 1. Application for a License Permitting A Large Assembly in Brown County for an actual or anticipated assembly of 500 or more persons shall be made in writing to the Brown County Board of Commissioners through the Office of the County Auditor at least 30 days in advance of such assembly.

The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group.

- 3. The application shall contain:

- A. The name and residence address of the sponsors, together with the address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property.

- B. Written permission from the owner(s) and tenants that the applicant has permission to use such property for an assembly of 500 or more persons for the purposes to which the assembly is being gathered.
 - C. The nature or purpose of the assembly.
 - D. The total number of days and/or hours during which the assembly is to last.
 - E. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly.
 - F. The maximum number of tickets to be issued, sold or distributed.
 - G. The plans of the applicant as required by Section 2 herein.
4. The application shall be accompanied by the license fee of \$ 100.00.

SECTION 4 ISSUANCE OF LICENSE:

The application for a license shall be processed promptly by the designated representative. The license shall be issued, subject to Section 4, or denied no later than 10 days prior to the event.

SECTION 5 RELOCATION OF LICENSE:

The license may be revoked by the Brown County Board of Commissioners or by the Zoning Administrator of his designated representative at any time, if license are not complied with or if any conditions previously met ceases to be complied with.

SECTION 6 ENFORCEMENT OF LICENSE REGULATIONS:

- 1. The provisions of this Resolution may be enforced by injunction in any court or competent jurisdiction.
- 2. the holding of an assembly in violation of any provision or condition contained in this Resolution shall be deemed a public nuisance and may be abated as such.

BE IT FURTHER RESOLVED that copies of this Ordinance be furnished by the Office of the County Auditor to all local units of government, county offices and agencies affected in any way by the provisions and requirements set forth herein.

This Ordinance shall become effective on the date of publication