

COUNTY OF AITKIN

AN ORDINANCE REGULATING ASSEMBLAGE OF LARGE NUMBERS OF PEOPLE AT SHOWS OR EXHIBITIONS OF ANY NATURE

PREAMBLE

WHEREAS, pursuant to the authority vested in it by Minn. Stat. 375.40 the Aitkin County Board of Commissioners desires to regulate the assemblage of shows or exhibitions of any nature whether such shows or exhibitions are conducted indoors or outdoors; and

WHEREAS, the purpose of this ordinance is to protect the health, safety and welfare of all persons in Aitkin County, residents and visitors alike, who will partake in or be affected by such assemblage;

NOW THEREFORE, the Aitkin County Board of Commissioners hereby ordains:

Section 1. LICENSE REQUIREMENT

1.01 No person shall permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or anticipated assembly of 100 or more persons for an exhibition or show of any nature, whether on public or private property, unless a license to hold such assembly has first been secured in accordance with the provisions of this ordinance.

1.02 A license to hold an assembly issued under the provisions of this ordinance shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

1.03 As used in this ordinance, "person" means any individual human being, partnership, corporation, firm, company, association, society or group; and "assembly" means a company or group of persons gathered together at any location at any time for any purpose.

1.04 A separate license shall be required for each event up to one week duration and each location at which 100 or more persons assemble or can reasonably be anticipated to assemble.

1.05 A license shall permit the assembly of only the maximum number of persons stated in the license. It is understood that the County Board may impose restrictions on the maximum number of persons which will be assembled in the license issued if such restrictions are deemed necessary to protect the health, safety and welfare of those persons who will be in attendance and/or other residents of Aitkin County. The licensee shall not sell tickets to nor permit to assemble at the license location more than the maximum permissible number of persons stated in the license.

1.06 No performance or other activity in connection with the licensed show or exhibition shall occur between the hours of 1 a.m. to 6 a.m.

Section 2. LICENSE APPLICATION AND CONDITIONS FOR ISSUING LICENSE

2.01 License applications may be obtained from and must be submitted to the Aitkin County Auditor at least thirty (30) days before the assembly is scheduled to occur. Applications for assemblages of 100 to 499 persons shall be placed on the County Board's agenda and heard in the normal course of business. Applications for assemblages of 500 persons or more shall require that the Aitkin County Board of Commissioners shall conduct a public hearing and notices thereof shall be given in compliance with Minnesota Statutes, Section 394.26.

2.02 Upon receipt of license application, the Aitkin County Auditor shall forward a copy of the same to the Clerk of the Town Board of the township in which the assembly is scheduled to occur for such Town Board's review.

2.03 Every license application shall be accompanied by a fee pursuant to the following schedule:

100 - 499 persons	\$ 100.00
500 or more persons	\$ 250.00

Every application for such assembly shall be accompanied by a bond, either in cash or underwritten by a surety company licensed to do business in Minnesota, in the following amounts:

100 - 499 persons	\$ 5,000.00
500 or more persons	\$10,000.00

Said bond will be conditioned that there will be no damage to any County highway, street or other public property arising out of or as a result of the licensed assembly and that the licensee will promptly and fully repay or repair any damages so done, and that all provisions of this ordinance and conditions imposed by the County Board in the issuance of such license are fully complied with by the licensee.

2.04 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 by the individual making application and said signature shall be properly certified by a notary public. In the case of a corporation, a partnership, or an unincorporated association, society, or group, the application shall be signed and acknowledged by an authorized officer, partner or member of said corporation, partnership or association, society or group.

2.05 The application shall contain and disclose:

(a) 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 owners of all such property;

(b) The nature or purpose of the assembly:

(c) The total number of days and/or hours during which the assembly is to last:

(d) The maximum number of tickets to be sold, if any;

(e) A plan for conducting the proposed assembly which shall include, at a minimum, the following elements:

1. The determination by the applicant of the maximum number of people which shall be assembled or admitted to the location.

2. A fence or barrier completely enclosing the proposed location 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. This requirement may be waived if the County Board finds that a fence will not be necessary for crowd control.

3. Portable water, meeting all federal, state and local 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.

4. 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.

5. 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 assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for collecting and holding all such waste at least once each day of the assembly's continuance, and sufficient trash containers and personnel to perform such tasks.

6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

7. Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Such controls shall include, but not be limited to, regularly employed off-duty Minnesota law enforcement officers, or other security officers whose qualifications are deemed to be sufficient by the County Board, sufficient to provide adequate security for the maximum number of people to be assembled for the purpose of viewing the show or exhibition.

8. Fire protection sufficient to meet all applicable state and local laws and regulations which are in effect, or may be set forth by the County Board in granting a license under this ordinance. Such fire protection shall include, but not be limited to, extinguishing devices, fire lanes and escapes, and sufficient emergency personnel to efficiently operate the required equipment.

9. Telephones connected to outside lines for public use, at the rate of at least one separate line for each 1000 or fraction thereof people to be assembled, and at least one telephone connected to a separate outside line which shall be available for emergency use at all times.

10. Physicians and nurses licensed to practice in Minnesota, according to the following schedule:

100 to 499 persons	1 licensed practical nurse (LPN) and, 1 properly equipped ambulance
500 to 4999 persons	1 registered nurse (RN) and, 1 properly equipped ambulance
*5000 or more persons	1 physician and, 1 registered nurse (RN) and, 1 properly equipped ambulance

together with an enclosed, covered structure where adequate medical treatment may be rendered, containing separately enclosed treatment rooms for each physician.

*in increments of 5,000 persons or fractions thereof above 5,000 persons requires said personnel for each increment.

11. A parking area inside the assembly ground sufficient to provide parking space from the maximum number of people to be assembled, at the rate of at least one parking space for every four persons.

12. All reasonable necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

13. If the assembly is anticipated to continue for four (4) or more hours, facilities or plans for the provision of food to the maximum number of people to be assembled in compliance with all federal, state and local laws, ordinances, and regulations to ensure sanitary quality.

Section 3. ADDITIONAL LICENSE CONDITIONS

3.01 No License granted pursuant to this ordinance shall become effective until the licensee has submitted to the Aitkin County Auditor certificate of insurance, naming Aitkin County as an additional insured under the policy acquired, indicating that the licensee has obtained comprehensive general liability insurance covering any injury or damage caused by or resulting from the conducting of the assembly licensed under this ordinance, in the minimum amount of Two Hundred Thousand Dollars (\$200,000.00) for injuries to, damages to and/or death of any one person and Six Hundred Thousand Dollars (\$600,000.00) for total injuries and/or damages arising from any one occurrence. The Board has the authority to require higher liability limits.

3.02 As a condition of the granting of a license under this ordinance, the licensee agrees to allow representatives of the Aitkin County Sheriff's Office and /or any other County officials access to the property at which the licensed assembly will occur to determine if the provisions of this ordinance and/or the license conditions are or may be properly complied with. This right of access shall continue for 24 hours following the end of the licensed activity.

3.03 It is understood that the County may impose any additional conditions in the license necessary to protect the health, safety and welfare of those persons who will be in attendance and/or other residents of Aitkin County.

Section 4. REVOCAION

4.01 Any license granted under this ordinance may be revoked by the County Board at any time prior to the assembly for which a license has been granted, if:

- (a) any of the conditions necessary for the issuing of or contained in the license are not complied with; or
- (b) any condition previously met ceases to be complied with; or
- (c) any other provision of this ordinance is violated.

4.02 If during the course of the show or exhibition for which a license has been granted hereunder it appears in the judgment of the Aitkin County Sheriff that there exists an imminent danger of outbreak of, violence, riot or other calamity threatening the physical health or safety of those in attendance at the assembly and/or the residents of the community in which the assembly is held, the Sheriff shall be empowered to take whatever action he deems appropriate to protect said persons, including temporarily suspending the license granted if he deems such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing shall be held before the County Board at the earliest opportunity. In the event the County Board deems such suspension improper, the license shall be reinstated or the license application fee refunded, whichever action the licensee requests.

Section 5. OPERATION

5.01 The licensee or his agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times.

5.02 No animals or household pets, not normally residing or directly involved in the show or exhibition or the policing thereof, shall be permitted on any of the grounds or facilities, and no animals or pets shall be permitted to run loose.

5.03 No fires of any kind shall be permitted on the premises or facilities except in grills or at locations designated in the plan/license for that purpose.

5.04 No person shall engage in any conduct which violates a federal, state, county, or local law, ordinance, or regulation.

Section 6. EXCEPTIONS

6.01 This ordinance shall not apply to any regularly established, permanent place of worship, stadium, arena, auditorium, resort, conference center, work place, coliseum, or other similar permanently established place of assembly.

6.02 This ordinance shall not apply to any shows or exhibitions held within the incorporated limits of a city.

6.03 The provisions of this ordinance shall not apply to any show or exhibition held in connection with the Aitkin County Fair.

Section 7. ENFORCEMENT

7.01 The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

7.02 The holding of an assembly in violation of any provision or condition contained in this legislation shall be deemed a public nuisance and may be abated as such.

7.03 Any person, corporation, partnership, or unincorporated association, society or group which violates any provision of this ordinance shall be guilty of misdemeanor and shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) or by imprisonment for not more than ninety (90) days, or both. Each separate day of violation shall be considered a separate offense. In the event a violation of this ordinance occurs by action of a corporation, a partnership, or an unincorporated association, society or group, the respective officers, partners, or members of said corporation, partnership, association, society or group shall be subject to prosecution under this section in accordance with the provisions of Minn. Stat. Section 609.05.

7.04 Any person who violates any provision of this ordinance or any condition upon which he/she is granted a license shall be personally responsible for damages to public or private property arising out of or in connection with said violation and shall be subject to any civil relief that may be reasonable and proper. In the event a corporation, a partnership, or an unincorporated association, society or group violates any provision of this ordinance or any condition upon which a license is granted, the officers, partners, or members of said corporation, partnership, association, society or group shall be subject to the penalties set forth in this section.

Section 8. VARIANCE & APPEAL

8.01 The County Board may grant a variance from the requirements of this ordinance in any particular case where the applicant can show that strict compliance with this ordinance would cause exceptional and undue hardship by reason of the special nature of the proposed assembly or by reason of the fact that the circumstances make the requirements of this ordinance unnecessary; provided that such variance may be granted without detriment to the public health, safety, or welfare and without impairing the intent and purpose of these regulations. Economic considerations alone shall not constitute a hardship if reasonable alternatives exist under the terms of this ordinance. The County Board may impose conditions in the granting of variances to insure compliance, protect adjacent properties and the public interest.

8.02 Any person, or any department or unit of local government, or of the State of Minnesota may appeal any decision of the County Board, pursuant to this ordinance, to the District Court having jurisdiction by the same persons, departments, boards or commissions or units of government.

Section 9. SEVERABILITY

The provisions of this ordinance shall be severable and should any Court of competent jurisdiction adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section 10. APPLICABILITY OF OTHER LAWS, ORDINANCES AND REGULATIONS

10.1 The provisions of this ordinance are cumulative to all other laws, ordinances and regulations heretofore passed or which may be passed hereafter by the State of Minnesota and the County of Aitkin.

10.2 Nothing contained in this ordinance shall be construed to waive or otherwise satisfy the obligations or restrictions imposed by State statute or County ordinance or regulation concerning the sale of nonintoxicating malt liquor or intoxicating liquor.

Section 11. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication according to law.

Date of Publication of Notice
of Intent to Enact:

Date(s) of Public Hearing:

Date of Enactment:

Date of Publication:

AITKIN COUNTY BOARD OF
COMMISSIONERS

By Merle Peterson
Merle Peterson, Chairperson

Date of Signature 7/26/94

Attest Alice Dotzler
Alice Dotzler
County Auditor

Date of Signature 7/27/94