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Kay Wrucke, Martin County Recorder

By Nancy Kumbel Deputy

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Martin County Ordinance No. 2005-10

MARTIN COUNTY MASS GATHERING ORDINANCE
MARTIN COUNTY, MN

GENERAL REGULATIONS

PURPOSE:

This Ordinance is adopted for the intent and purposes to provide minimum standards and regulations for the permitting of Mass Gathering Assemblies and to protecting the public health, safety, comfort, convenience and general welfare of the citizens of Martin County.

LICENSE:

SECTION 1. REQUIRED.

- (a) **Generally.** 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 1,000 or more people, not including event staff, whether on public or private property, unless a license permitting a large assembly in the county has first been approved by the Martin County Board of Commissioners and issued by the County Coordinator, application for which must be made to the County Coordinator on the prescribed county form at least 60 days in advance of the assembly. When applying for such license, the sponsor must submit certified copies of other required state or 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 Coordinator shall refer the application to the Martin County Zoning Official (Zoning Official) or the Zoning Official's designated representative for a determination of compliance with the licensing requirements. The designated representative shall then present his/her recommendations to the Martin County Board of Commissioners for their approval.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Assembly means a company of persons gathered together at any location at any single time for any purpose.

Person means any individual, partnership, corporation, firm, company, association, society or group.

(c) Fees. A separate license shall be required for each day and each location in which 1,000 people or more assemble or can reasonably be anticipated to assemble. For the purpose of defraying inspection expenses, the minimum fee for each license shall be \$100.00 and shall be payable to the Martin County Treasurer's Office. Additional fees may be charged by the Martin County Planning and Zoning Department based upon their estimation of actual costs for employee time, law enforcement and emergency services, and overhead costs. The fees may be waived at the discretion of the Martin County Board of Commissioners.

(d) Maximum number of assembled persons. A licensee shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to or permit to assemble at the licensed location more than the maximum permissible number of people.

(e) Sound restrictions. The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(f) Applicability of article provisions. This article shall not apply to any regularly established event, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed the maximum seating capacity of the structure where the assembly is held, or to organizations which may regularly operate public events on their private property pursuant to a conditional use permit or determined to be an existing legal nonconforming use prior to the passage of this article for assemblies of less than 1,000 people. Organizations regularly operating outdoor public events must secure a license pursuant to this article for assemblies which exceed 1,000 people. This article shall not apply to the county fair held on regularly established fairgrounds. Nothing in the article shall apply to any territory embraced within the limits of any city, either home rule charter city as defined by Minn. Stats. § 410.015 or statutory city as defined by Minn. Stats. § 412.016.

SECTION 2 APPLICANT REQUIREMENTS:

(a) **Generally.** The following requirements apply unless the Martin County Board of Commissioners, after considering recommendations from the Zoning Official or the Zoning Official's 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 Martin County Board of Commissioners will reduce or waive any requirement only if they are 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.

(b) **Preliminary requirements for issuance.** Before any 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 in this section, 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 this section have been met.

(c) **Enumeration of requirements.** The requirements are as follows:

(1) **Fencing.** A fence or barrier (sufficient to prevent ingress/exit except at established gates) completely enclosing the proposed assembly grounds 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 shall 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.

(2) **Drinking water.** 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.

(3) Toilets. 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. Plans for providing toilet and lavatory facilities shall detail the source, number and location, type and means of disposing of waste deposited. If alcoholic beverages are served, additional toilets are required.

(4) Waste disposal. 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 pounds of solid waste per person, each 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.

(5) Medical care. The Martin County Sheriff (Sheriff) or the Sheriff's designee is the medical authority and will include recommendations for the provision of emergency medical services in coordinating the public safety requirements for large assemblies. They may consult with medical providers to obtain a professional assessment of the anticipated medical service needs required for an event based on the specific event factors enumerated in this section. The following guidelines shall be considered as minimum standards for planning purposes. The county may deviate from these standards based upon the professional medical assessment, either increasing or decreasing the requirements:

TABLE INSET:

1,000 to 1,500 people	One full-time, on-site person trained as a first responder/EMT according to NHTSA curriculum.
1,500 to 3,000 people	One full-time, on-site state registered paramedic.
3,000 to 5,000 people	One fully staffed advanced life support ambulance (ALS) on-site, licensed by the state EMS regulatory board.
5,000 or more people	One fully staffed ALS ambulance on-site and a first aid station staffed according to the medical authority of designee.

enclosed, covered structure shall be provided where medical treatment may be rendered when the assembly is for more than 5,000 people. Plans for providing medical services shall include the location and type of any on-site facilities, names, and addresses, of the emergency medical services provider.

(6) Lighting. 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.

(7) Parking. A parking area 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.

(8) Emergency communications. 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 are such as to require more than the minimum service, they shall readily require additional service. Plans for such communications service shall include the source, number and location of the communications available.

(9) Security. Provisions for security, traffic and narcotics control are required sufficient to meet the requirements of local authorities and any requirements of the State Department of Public Safety. Regularly employed, off-duty, state-licensed law enforcement officers or protective agents licensed in the state 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 regular police or the Sheriff's department as follows:

From 1,000 people to 2,000 people: four officers. Over 2,000 people: Additional officer for each 500 people over 2,000. Plans for security shall detail the number of officers to be provided, their credentials and hours of availability. The Sheriff may recommend deviation from these standards based on a professional assessment of security needs due to the specific event factors enumerated in this section.

(10) Fire protection. 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. The applicant shall provide written notice to the applicable fire department and the state fire marshal of the license application at least five days before the date the application is considered by the Martin County Board of Commissioners. 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.

(11) Noise restrictions. All reasonably necessary precautions shall be taken to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. Operation after 9:00 p.m. shall be conducted in a manner so as to not unreasonably disturb the sleep of neighboring residents. 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.

(12) License availability. Provision shall be made that the licensee or a representative of the licensee 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 licensee or licensee representative during the time of the assembly and a period of at least two hours before and two hours after the assembly.

(13) Food. If food is to be sold or distributed during the assembly, provision shall be required to ensure that the methods of and the facilities for the storage, refrigeration, cooking, service and trash disposal of food are adequate and in compliance with any rules and regulations of the State Department of Health and local health authorities. Plans for food concessions shall set forth the names and addresses of all concessionaires, together with their license or permit numbers; location of food concessions on the grounds; and method for storage, refrigeration, cooking, service and trash disposal.

(14) Camping. 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.

(15) Advertising. The licensee shall not place advertising within the right-of-way of any public roadway. All advertising signage, including directional signage, must be removed within 24 hours of the end of the assembly.

(16) Alcoholic beverages. The licensee must obtain applicable licenses if serving alcoholic beverages. Only 3.2 percent malt liquor, wine or equivalents may be served; no intoxicating liquor.

(17) Liability insurance. A liability insurance policy from an insurance company licensed to do business in the state, providing liability coverage in the minimum amount of \$1,000,000.00, in the name of the sponsor or owner of the premises for any injuries or damages suffered by anyone as a consequence of the negligence of the sponsor, its agents, employees, concessionaires or other parties involved in the mass gathering, arising out of the operation of the mass gathering. Such policy shall contain a clause indemnifying and holding harmless the county 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.

(18) Bond. A bond filed with the County Coordinator, either in cash or underwritten by a surety company licensed to do business in the state, in the minimum amount of \$10,000.00 which shall indemnify and hold harmless the county 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, and from any costs incurred in cleaning up any waste material produced or left by the assembly. The Martin County Board of Commissioners may require an increase in the amount of the bond, if by the nature or the size of the event an increased risk to the county is presented.

(19) Americans with Disabilities Act. Event organizers shall comply with those provisions of the Americans with Disabilities Act that pertain to parking and provision of drinking water and sanitary facilities.

SECTION 3. APPLICATION:

(a) Application for a license permitting a large assembly in the county for an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the Martin County Board of Commissioners through the office of the County Coordinator at least 60 days in advance of such assembly.

(b) 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.

(c) The application shall contain:

- (1) 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 owners of all such property.
- (2) Written permission from the owners and tenants that the applicant has permission to use such property for an assembly of 1,000 or more persons for the purposes to which the assembly is being gathered.
- (3) The nature or purpose of the assembly.
- (4) The total number of days and/or hours during which the assembly is to last.
- (5) The maximum number of persons, not including event staff, 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.
- (6) The maximum number of tickets to be issued, sold or distributed.
- (7) The plans of the applicant as required by Section 2.

(d) The application shall be accompanied by the minimum license fee of \$100.00 for each day and for each event location. As provided for in subsection 1(c), the Martin County Board of Commissioners may, by resolution, assess additional fees to compensate for the extra county services required by the event.

SECTION 4. ISSUANCE:

The application for a license shall be processed promptly by the designated representative. The license shall be issued, subject to Section 5, or denied no later than ten days prior to the event.

SECTION 5. REVOCATION:

The license may be revoked by the Martin County Board of Commissioners or by the Zoning Official or the Zoning Officials designated representative at any time, if any of the conditions necessary for the issuance of or contained in the license are not complied with or if any condition previously met ceases to be complied with.

SECTION 6. ENFORCEMENT AND PENALTIES OF ARTICLE PROVISIONS:

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

- (b) Any person, firm or corporation who shall violate any of the provisions this Ordinance, or who fails, neglects or refuses to comply with any of the provisions of this Ordinance, or who shall make any false statements or knowing omission in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.
- (c) In addition, nothing in this Ordinance shall be construed as limiting the County's, or any other governmental unit's, ability to exercise any right or remedy provided at law or in equity. All such rights and remedies are deemed cumulative and may, in accordance with the law, be exercised and pursued in such a manner and with such frequency as is determined by the governmental entity possessing such right or remedy.

SECTION 7. SEPARABILITY, REPEAL AND ADOPTION:

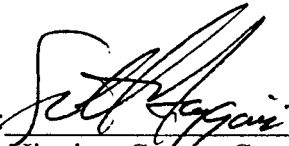
- (a) SEPARABILITY. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:
 - (1) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance and specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.
- (b) REPEAL. It is not intended by this Ordinance to repeal any Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

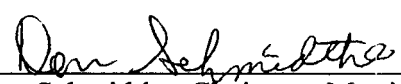
(c) ADOPTION.

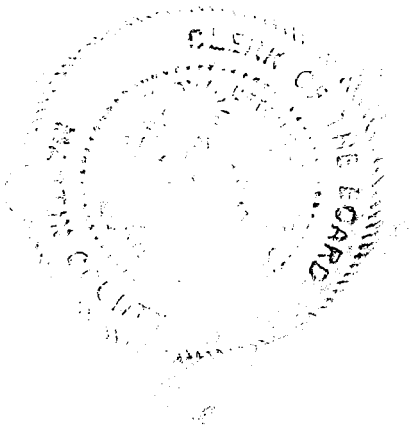
The Martin County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 3rd day of May, 2005, at the Martin County Courthouse. After hearing public testimony and with due deliberation, the Martin County Board of Commissioner voted to approve and adopt this Ordinance.

This Ordinance is deemed effective the 3rd day of May, 2005.

Attest:


Scott Higgins, County Coordinator


Dan Schmidtke, Chairman Martin
County Board of Commissioners



R-#21/'05

ORDINANCE 2005-10

ADOPTION AND THE ENACTMENT OF THE MASS GATHERING
ORDINANCE FOR MARTIN COUNTY, MN

WHEREAS, the Martin County Board of Commissioners desire to establish an Ordinance to set forth the standards and procedures for mass assembly gatherings in Martin County, MN, and

WHEREAS, notice of the public hearing to be held by the Martin County Board of Commissioners on the MASS GATHERING ORDINANCE was published as required by law, and

WHEREAS, the Martin County Board of Commissioners has held a public hearing and took testimony from the public with respect to the MASS GATHERING ORDINANCE for Martin County during the Board of Commissioners regular meeting on May 3, 2005, and

WHEREAS, the Martin County Board of Commissioners have determined that the proposed MASS GATHERING ORDINANCE serves the best interest of the County in the protection, safety, comfort, health, convenience, and general welfare of the citizens of Martin County, MN, and

NOW THEREFORE, upon on a motion by Commissioner Boler, seconded by Commissioner Potter, that the Martin County Board of Commissioners does hereby ordain the following MASS GATHERING ORDINANCE and that this Ordinance shall be in effect after its passage an approval and publication as required by law.

Passed and approved the 3rd day of May 2005.

BOARD OF COMMISSIONERS
MARTIN COUNTY, MN



Dan Schmidtke, Chair

ATTEST:



Scott Higgins, County Coordinator

Roll Call AYES: Commissioners Donnelly, Pierce, Potter, Boler, Schmidtke. NAYS: None. Said resolution was duly passed and adopted this 3rd day of May, 2005.