

**ORDINANCE NO. 230-A**

**AN ORDINANCE REGULATING LARGE OUTDOOR ASSEMBLIES IN THE TOWNSHIP OF EMPIRE**

**Preamble**

**WHEREAS**, the inhabitants of the Township of Empire are deeply concerned about the large crowds which have attended outdoor pageants, amusement shows, theatrical performances, including music festivals and exhibitions, in various parts of the United States and the results thereof, and

**WHEREAS**, said events have caused serious health, safety, and medical problems, obstruction and damage to roads and highways, violations of liquor and drug laws, destruction to both public and private property, and excessive noise in the vicinity of said events, and

**WHEREAS**, the Township of Empire is a sparsely populated rural community which has no full-time employees and which is incapable of providing any of the municipal services that re required to provide for the needs of or to control any substantial gathering of people within the Township;

**NOW, THEREFORE**, the Town Board of the Township of Empire, County of Dakota, State of Minnesota, ordains as follows:

**SECTION 1. INTENT**

1.1 It is the purpose of the Town Board of the Township of Empire 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 the County of Dakota or in excess of those normally requiring supervision or control, in order that the health, safety, and welfare of all persons in the Township of Empire, residents and visitors alike, may be protected.

1.2 It is the intent of the Town Board that all sections and provisions of this ordinance have an independent existence; and, should any section or provision be declared invalid or unconstitutional by a Court of competent jurisdiction, it is the intent of the Town Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

**SECTION 2. LICENSE REQUIRED**

2.1 No person shall permit, maintain, attend, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to an assembly, where a substantial portion of the entertainers or persons attending will be or are reasonably expected to be out of doors, whether on public or private property, and at which more than 500 persons

are in attendance or are reasonably expected to be in attendance, or at which between 100 and 500 persons are in attendance or are reasonably expected to be in attendance for a period which continues or can reasonably be expected to continue for eight or more consecutive hours, unless a license to hold the assembly has first been issued by the Town Board, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

2.2 As used in the ordinance:

2.201 “Person” means any individual natural human being, partnership, corporation, firm, company, association, society, or group.

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

2.3 A separate license shall be required for each day and each location at which 500 people assemble or can reasonably be anticipated to assemble or at which between 100 and 500 people assemble or can reasonably be expected to assemble for a period which continues or can reasonably be expected to continue for eight or more consecutive hours. The fee for each license shall be \$100.00. A consultant review escrow of \$5000.00 shall also be required.

2.4 A license shall permit the assembly of only the maximum number of people stated in the license. The license shall not sell tickets to nor permit to assemble at the license location more than the maximum permissible number of people.

2.5 The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundary of the location of the assembly.

2.6 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 500 people the maximum capacity of the structure where the assembly is held.

2.7 This ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other laws and/or regulations of the Township of Empire, the County of Dakota, or the State of Minnesota.

### SECTION 3. CONDITIONS FOR ISSUING LICENSE

Before a license may be issued, the applicant shall first:

3.1 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 for the nature of the assembly, and provided that where the assembly is to continue overnight, the

maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the Township of Empire or the County of Dakota, or regulation of the Minnesota State Department of Health.

3.2 At the time the application is submitted, the sponsor will provide a plan, including the provisions herein, for operation of the assembly. Ten days prior to the start of the assembly, local authorities will inspect to determine whether the requirements of the following provisions have been met:

3.201 A fence or barrier 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; this requirement may be waived if the Town Board finds that a fence will not be necessary for crowd control.

3.202 Portable 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 and where the assembly is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day, or portion of a day;

3.203 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;

3.204 A sanitary method of disposing of solid wastes, 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 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 the above mentioned tasks;

3.205 Physicians and nurses licensed to practice in Minnesota sufficient to provide medical care for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 1,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants, for each 1,000 people;

3.206 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 5 foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

3.207 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 person;

3.208 Telephones connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 500 persons;

3.209 If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in Minnesota statutes, and the regulations and ordinances of the Township of Empire or the County of Dakota sufficient to provide camping accommodations for the maximum number of people to be assemble; all persons sleeping during night hours shall so sleep only in a tent, camper, trailer, mobile home, building, or similarly enclosed structure.

3.210 Security, traffic, and narcotics control plan which will meet the requirements of local authorities and the Minnesota Department of Public Safety; regularly employed off duty Minnesota law enforcement officers or protective agents licensed in Minnesota, sufficient to provide adequate security for the maximum number of people to be assembled; at least one security guard for every 500 people will be provided.

3.211 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 Town Board as it determines is necessary; and sufficient emergency personnel to efficiently operate the required equipment that will be provided by the sponsor;

3.212 All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

3.213 Administrative control center with telephones where the local authorities can contact the sponsors and law enforcement personnel inside the assembly area;

3.214 A bond, filed with the clerk of the Township of Empire, either in cash or underwritten by a surety company licensed to do business in Minnesota at the rate of \$100.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless this political subdivision or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this license, payment of employees, or services rendered by the granting authorities, and from any costs incurred in cleaning up any waste material produced or left by the assembly.

#### **SECTION 4. APPLICATION**

4.1 Application for a license to hold an actual or anticipated outdoor assembly as required by this ordinance shall be made in writing to the Town Board at least 30 days in advance of such assembly.

4.2 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.

4.3 The application shall contain and disclose:

4.301 The name, age, residence and mailing address of all persons required to sign the application by Section 4.2 and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, dates, residence and mailing address of each person holding 10 percent or more of the stock of said corporation;

4.302 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;

4.303 Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath of affirmation by the record owners of all such property that the applicant has permission to use such property for and assembly.

4.304 The nature of purpose of the assembly;

4.305 The total number of days and/or hours during which the assembly is to last;

4.306 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, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning regulations of the Township of Empire or county of Dakota if the assembly is to continue overnight;

4.307 The maximum number of tickets to be issued;

4.308 The plans of the applicant to limit the maximum number of people permitted to assemble;

4.309 The plans for fencing the location of the assembly and the gates contained in such fence;

4.310 The plans for supplying potable water including the source, amount available, and location of outlets;

4.311 The plans for providing toilet and lavatory facilities including the source, number and location, type, and means of disposing of waste deposited;

4.312 The plans for holding, collection and disposing of solid waste material;

4.313 The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;

4.314 The plans, if any, to illuminate the location of the assembly including the source and amount of power and location of lights;

4.315 The plans for parking vehicles including size and location of lots, points of highway access, and interior roads including routs between highway access and parking lots;

4.316 The plans for telephone service including the source, number, and location of telephones;

4.317 The plans for camping facilities, if any, including facilities available and their location;

4.318 The plans for security including the number of guards, their deployment, and their names, addresses, credentials, and hours of availability;

4.319 The plans for fire protection as may be required by Section 3.211 herein;

4.320 The plans for sound control and sound amplification if any, including number, location, and power of amplifiers and speakers;

4.321 The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concession vendors and their license or permit numbers; and

4.322 The plans for area traffic control for access to and egress from and exit onto public roads and highways.

4.4 The application shall include the bond required in section 3.214 and the license fee.

## **SECTION 5. ISSUANCE**

The application for a license shall be processed within 60 days of receipt and shall be issued if all conditions are complied with.

## **SECTION 6. REVOCATION**

The license may be revoked by the Town Board at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, if any condition previously met ceases to be complied with, or if any other provision of this ordinance is violated.

## **SECTION 7. OPERATION**

- 7.1 The licensee or his agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times.
- 7.2 No animals, except household pets, shall be permitted in any of the grounds or facilities, and dogs, cats or other animals or pets shall not be permitted to run loose.
- 7.3 No fires of any kind shall be permitted on the premises or facilities except in grills or at locations designated for that purpose.
- 7.4 No person shall create any disturbance, engage in brawling or fighting, disturb any meeting or persons using the premises, engage in offensive, obscene, or abusive language or conduct himself in a boisterous or noisy manner tending reasonably to arouse alarm, anger, or resentment in others.
- 7.5 No person shall engage in conduct which does or reasonably may be expected to cause or result in injury or destruction to public or private property, whether real or personal.
- 7.6 No person shall engage in any conduct which violates a state, county, or local law or ordinance.

## **SECTION 8. ENFORCEMENT**

- 8.1 The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
- 8.2 The holding of an assembly in violation of any provision or condition contained in this Ordinance shall be deemed a public nuisance and may be abated as such.
- 8.3 Any person who violates Section 2.1 or who violates any condition upon which he is granted a license will forfeit an appropriate amount from the bond required in Section 3.214. No portion of the bond will be released to the sponsors until all provisions of the license agreement have been met.

- 8.4 Any violation of this ordinance within the Township of Empire shall be a misdemeanor and shall be punished provided by law. Each separate day of violation shall be considered a separate offense.
- 8.5 Any person who violates Section 2.1 or who violates any condition upon which he 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.

## **SECTION 9. VARIANCE AND EXEMPTIONS**

The Town Board may, by unanimous resolution, 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 requirement 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.

- 9.1 The situations justifying said variances are as follows: If 500 or more persons attend or are reasonably expected to attend the assembly, and if the assembly continues or is reasonably expected to continue for a very short time, not to exceed 8 hours, the Town Board in its discretion may waive any provision herein contained, except that in no case may the bond requirements of Sections 3.214 and 4.4 be waived.
- 9.2 Public functions, public school functions, non-profit athletic and recreational association functions, or other assemblies specifically authorized by other ordinances and approvals are exempt from the requirements of this Ordinance.

## **SECTION 10. EFFECTIVE DATE**

This ordinance repeals Ordinance No. 230 and shall be in full force and effect from and after its passage and publication according to law. Adopted this 23<sup>rd</sup> day of July, 2013.

ATTEST:

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Terry L. Holmes, Chair

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Kathleen B. Krippner, Clerk-Treasurer

Published in the Farmington Independent on August 1, 2013.

