

COUNTY OF MORRISON
AN ORDINANCE REGULATING ASSEMBLAGES OF LARGE NUMBERS OF PEOPLE AT SHOWS
OR EXHIBITIONS OF ANY NATURE

The County Board of Morrison County hereby ordains:

Section 1. Purpose:

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

Section 2. Provision of State Law Adopted:

Pursuant to the authority vested in it by Minn. Stat. § 375.40, the Morrison County Board of Commissioners desires to license and regulate the assemblage of large numbers of people at shows or exhibitions of any nature not held within the incorporated limits of a city within Morrison County.

Section 3. Definitions:

Subdivision 1. "Person" is any individual human being, partnership, corporation, firm, company, association, society or group.

Subdivision 2. "Assembly" is any gathering of 500 or more individuals for a specific period of time at any specified location at any time for the specified purpose. Examples include, but are not limited to, music, racing, political, promotional, or social entertainment or other similar types of activities.

Subdivision 3. "Board" means the Morrison County Board of Commissioners.

Subdivision 4. "Calendar year" means January 1st through December 31st.

Section 4. License Requirement

Subdivision 1. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or anticipated assembly of 500 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.

Subdivision 2. 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.

Subdivision 3. A separate license shall be required for each assembly for each purpose and specified timeframe at which 500 or more persons assemble or are anticipated to assemble. However, in the event that a person plans to have more than one assembly during a calendar year, and the proposed assemblies are identical in size and purpose, then a person need only submit one license application for all events scheduled in a calendar year. The County Board may then grant a separate license for each event scheduled within a calendar year, based upon the single application.

Subdivision 4. A license shall permit the assembly of only the maximum number of persons stated in the license. The County Board may impose restrictions on the maximum number of persons which will be assembled if such restrictions are deemed necessary to protect the health, safety, and welfare of those persons who will be in attendance, the residents of the community in which the assembly will be held, and other residents of Morrison County. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of persons stated in the license.

Subdivision 5. No performance or other activity in connection with the licensed show or exhibition shall occur between the hours of 1 a.m. to 9 a.m.

Subdivision 6. This ordinance does not apply to:

- A. Any regularly established, permanent structure for worship, or any stadium, arena, auditorium or coliseum, dance hall, or other similar permanently constructed facility for assembly;
- B. Any shows or exhibitions held within the incorporated limits of a city;
- C. Any family celebratory gathering or wedding taking place entirely upon the premises

of a family member.

D. Any shows or exhibitions held in connection with an agricultural association fair.

Section 5. License Application

Subdivision 1. The application for license must be submitted to the County Auditor on a form provided by the Auditor at least sixty (60) days before the event is scheduled to occur.

Subdivision 2. The application for license shall be accompanied by a nonrefundable fee in an amount set in the Fee Schedule, unless said applicant is duly organized as a nonprofit organization pursuant to Minn. Stat. Ch. 317 or as a religious organization pursuant to Minn. Stat. Ch. 315 in which case the fee is waived.

Subdivision 3. Upon receipt of an application for license, the County Auditor shall forward a copy to the Clerk of the Town Board of the township in which the assembly is scheduled to occur.

Subdivision 4. The application for license shall contain the following:

- 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 all recorded owners of such property. A notarized signature by the sponsor of the event or, if it be a corporation or association, by an individual authorized to act on its behalf. In the event the Assembly is to occur on property belonging to other than the Applicant, the application shall be signed by the Applicant, as well as include a notarized signature of the landlord. Alternatively, the Applicant may produce a written lease, whose term encompasses the date(s) of the Assembly, signed by the landlord granting the applicant use of the Licensed Premises and which does not covenant against the use of the Licensed Premises for an Assembly. In the case of an unincorporated association, society, or group, the application shall be signed by all officers, or, if there are no officers, by all members.
- B. The nature or purpose of the assembly;
- C. The total number of days, the exact dates and hours during which the assembly is to be held;
- D. The maximum number of tickets to be sold, per day, if any;
- E. A written 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 will be assembled or admitted to the location.
 2. A fence or barrier completely enclosing the proposed location of sufficient height and strength to prevent people gaining access to the assembly grounds, and having sufficient entrances and exits to allow easy movement into and out of the assembly grounds.
 3. Sanitary potable water sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least 1 gallon per person per day.
 4. Separate enclosed toilets and hand washing stations, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, as recommended by the Morrison County Public Health Department.
 5. Special event food and beverage stands licensed by Morrison County Public Health and operated in compliance with the Minnesota Food Code or Mobile Food Units sufficiently licensed and operated as determined by Morrison County Public Health.
 6. If the assembly is to provide a camping area this area shall require a Special Event Camping license through Morrison County Public Health and shall be operated in accordance with the special event camping policy.
 7. 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 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.

8. 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 at ground level, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

9. 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 Minnesota law enforcement officers having jurisdiction in Morrison County and/or any additional security officers sufficient to provide adequate security for the maximum number of people assembled, as recommended by the Morrison County Sheriff. If security is provided by the Morrison County Sheriff's Office, cost of Security will be billed by the Sheriff's Office at a non-contracted security rate.

10. Fire protection sufficient to meet all applicable state and local laws and regulations which shall include, but not be limited to, extinguishing devices, fire lanes and escapes, and sufficient emergency personnel to efficiently operate the required equipment.

11. At least one telephone connected to an outside line which shall be available for emergency use at all times, and staffed continually to receive incoming calls.

12. The applicant shall ensure the availability of at least two state-certified first responders in an enclosed, appropriately heated or air-conditioned facility on the Licensed Premises wherein medical treatment may be rendered, containing one Automatic External Defibrillator.

13. A parking area inside 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 per day. Adequate handicapped designated parking spaces shall be provided in accordance with applicable Minnesota Rules governing the provision of such.

14. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. The Morrison County Sheriff has the authority to order a reduction in sound levels, if necessary, based on complaints.

F. A statement that the information and statements are true and correct according to the best information available to the applicant.

Section 6. Issuance of License:

Subdivision 1. Within sixty days of the submission of the application for license, the Board shall grant or deny the assemblage license. The decision to grant or deny the license shall be based upon the application for license and any attachments, oral testimony or other written documentation, if any, presented to the Board by the applicant or other interested persons. Once granted such license is not transferable.

Subdivision 2. The Board may consider requests for variances from any of the requirements of this ordinance when an 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.

Subdivision 3. During the course of the show or exhibition the holder of the license granted herein shall comply with the written plan submitted pursuant to Section 5 (E) as modified by the Board.

Section 7. Additional Conditions of License:

Subdivision 1. All license holders shall obtain a \$10,000 bond payable to Morrison County either in cash or underwritten by a performance surety company licensed to do business in

Minnesota assuring 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. Bonds must be provided to the County Auditor to obtain the license.

Subdivision 2. All license holders shall obtain commercial general liability insurance covering all injuries or damage caused by or as a result of the conduct of the assembly in the sum of \$1,500,000 per occurrence for bodily injury or death or property damage naming Morrison County as an additional insured. Proof of such coverage must be submitted to the County Auditor to obtain the license.

Subdivision 3. The licensee agrees to allow representatives of the Morrison County Sheriff's Office and/or any other County official's 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 will be properly complied with. This right of access shall begin with the submission of the application and continue for 24 hours following the end of the licensed activity.

Subdivision 4. Upon issuance of the license, the County may impose any additional conditions of the license necessary to protect the health, safety, and welfare of those persons who will be in attendance or the residents of the community in which the assembly will be held, or other residents of Morrison County.

Subdivision 5. The licensee and his/her agents shall maintain the assembly premises and facilities in a clean, orderly, and sanitary condition at all times.

Subdivision 6. No person shall engage in any conduct which violates a federal, state, county, or local law, ordinance or regulation.

Subdivision 7. The license shall be posted at all times in a conspicuous place in the area licensed for the assemblage.

Section 8. Revocation:

Subdivision 1. 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; or
- D. Any of the information supplied in the application for license or accompanying documentation is false or misleading.

Subdivision 2. If during the course of the show or exhibition for which a license has been granted hereunder it appears in the judgment of the Morrison County Sheriff that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats or acts of terrorism, threatening the physical health or safety of those in attendance at the assembly, or residents of the community in which the assembly is held, the Sheriff shall be empowered to take whatever action he/she deems appropriate to protect said persons, including temporarily suspending the license granted if he/she deems such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing thereon 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 9. Enforcement and Violations:

Subdivision 1. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

Subdivision 2. 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.

Subdivision 3. Any person, corporation, partnership, or unincorporated association, society or group which violates any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and no/100 Dollars (\$1,000) or by imprisonment for not more than ninety (90) days, or both. 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.

Subdivision 4. 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 10. Severability:

The provision 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 11. Applicability of Other Laws, Ordinances and Regulations:

Subdivision 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 Morrison.

Subdivision 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 12. Effective Date:

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

Section 13. Repealer:

The Morrison County Resolution Regulating Large Assemblies which was enacted May 4, 1971 by the Morrison County Board of Commissioners is hereby repealed.

Adopted this 24 day of March, 2009.


Chairman


Clerk to County Board