

# **Goodhue County Assembly Controls Ordinance**



# **GOODHUE COUNTY ASSEMBLY CONTROLS ORDINANCE**

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**AMENDED:** November 20, 2018

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# ASSEMBLY CONTROLS ORDINANCE

## **SECTION 1. TITLE**

This Ordinance shall be known as the Goodhue County Assembly Controls Ordinance, and will be referred to herein as “this Ordinance”.

## **SECTION 2. PURPOSE**

It is the purpose of the Goodhue County Board of Commissioners to protect the health, safety and general welfare of the people of Goodhue County. This Ordinance regulates 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 Goodhue County.

## **SECTION 3. JURISDICTION**

This Ordinance shall be in effect in all areas of Goodhue County lying outside the limits of the incorporated municipalities.

## **SECTION 4. INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of each statute, other ordinance, or regulation shall be controlling.

## **SECTION 5. SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

## **SECTION 6. WORD USAGE**

For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- Subd. 1 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual.
- Subd. 2 The word "shall" is mandatory, and not discretionary, the word "may" is permissive.
- Subd. 3 “Assembly” means a group of persons gathered together at any location, at any single time, for outdoor events such as concerts, benefits, political rallies, etc.
- Subd. 4 The phrase “County Board” shall mean the Goodhue County Board of Commissioners.

## **SECTION 7. LICENSE REQUIRED**

No person shall permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, 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 to hold the assembly has first been issued by the County Board. 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.

- Subd. 1 A separate license shall be required for each Assembly and each location in which 500 or more people assemble or can reasonably be anticipated to assemble.
- Subd. 2 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 licensed location more than the maximum permissible number of people.
- Subd. 3 This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, County Parks or trails, or other similar permanently established place of assembly.
- Subd. 4 This ordinance shall not apply to fairs or other Assemblies held at the Goodhue County fairgrounds or “Breakfast at the Farm” events.
- Subd. 5 This ordinance may be required as part of other licenses, permits, ordinances, or regulation of Goodhue County.
- Subd. 6 If liquor is sold or distributed as part of the Assembly, the applicant must also obtain, or provide proof of, the appropriate liquor licenses or permits (including Caterer’s Permits) from the State of Minnesota and from Goodhue County.
- Subd. 7 This ordinance shall not apply to a family celebratory gatherings taking place entirely upon the premises of a family member.
- Subd. 8 Each license granted to an applicant under this Ordinance shall not be non-transferable.

## **SECTION 8. PROCEDURE**

- Subd. 1 Upon receipt of a completed application for a license to hold an actual or anticipated assembly of 500 or more persons, the County Board shall schedule a public hearing at a time and in a location to be prescribed. The public hearing may be continued from time to time and additional hearings may be held.
- Subd. 2 The County Board shall base its decision, including any conditions, on consideration of the elements contained in the information provided with the application, information gathered from the public hearing, and any additional information provided by the public or staff.

## **SECTION 9. APPLICATION**

- Subd. 1 As part of the application, the applicant shall provide information to address:
- A. The nature or purpose of the Assembly;
  - B. The dates and times in which the Assembly will occur;
  - C. The maximum number of tickets to be issued;
  - D. The maximum number of persons, including staff, which will be on the site during the Assembly dates and times.
- Subd. 2 As part of a completed application, the applicant shall submit a site map and provide plans for:
- A. enclosing the location of the assembly with a barrier of sufficient height and strength to prevent people in excess of the maximum permissible from gaining access to the grounds;
  - B. sound control of the Assembly not to exceed limits outlined in the Performance Standards of this ordinance;

- C. potable water supplies and locations of access;
- D. the number and location of sanitary facilities on the site; facilities shall meet all state and local specifications sufficient for the maximum number of people to be assembled at the rate of at least one toilet for every 150 persons;
- E. the management and disposal of solid waste generated on site;
- F. medical services on site for the duration of the Assembly;
- G. appropriate illumination of the location of the Assembly and the parking locations if the Assembly is to continue during hours of darkness;
- H. parking area size and location of lots, points of highway access, and interior roads including routes between highway access and parking lots;
- I. traffic control measures and surrounding routes adjacent to the site to be used to enter and exit the Assembly. Traffic control measures shall be based upon the Manual on Uniform Traffic Control Devices;
- J. onsite security services;
- K. fire protection services;
- L. food concessioners, including their license and permit numbers, who will be allowed to operate on the grounds for the Assembly;

## **SECTION 10. PERFORMANCE STANDARDS**

The performance standards established by this ordinance are designed to ensure that assemblies are conducted in a safe, sanitary manner.

- Subd. 1 The Assembly activity, excluding preparation or dismantling of the event, shall be limited to 10am through midnight on the dates of the event.
- Subd. 2 Signs for the Assembly shall be subject to the restrictions in the Goodhue County Zoning Ordinance regulating Temporary signs.
- Subd. 3 No on-street parking, or parking in a road right of way, is allowed.
- Subd. 4 Minimum parking shall be one (1) parking space for each four (4) people.
- Subd. 5 Overnight camping shall require a Conditional Use Permit according to the Goodhue County Zoning Ordinance.
- Subd. 6 Sound control of the Assembly shall not exceed the Noise Standards, Noise Area Classification 1, as defined in Minnesota Rules 7030.0040 and Minnesota Rules 7030.0050, at the property boundary of the location of the Assembly.
- Subd. 7 The activities must comply with all pertinent State and Federal registrations, permits, licensing, and regulations.
- Subd. 8 Prior to the Assembly event, the applicant shall provide a cash or irrevocable Letter of Credit in an amount to be determined by the County Board. The applicant shall indemnify and hold harmless Goodhue County or its agents, officers, servants, and employees from any liability or causes of action which

might arise by reason of granting this license, and from any cost incurred in cleaning up, removal, and disposal of any solid waste or other material produced or left by the Assembly.

- Subd. 9 The applicant shall file with the County Auditor, a Certificate of Insurance demonstrating/identifying that the applicant has obtained a policy of insurance in amount not less than one million dollars (\$1,000,000) for bodily injury or death of one person, and not less than one million dollars (\$1,000,000) for bodily injury or death of two or more persons in any one incident, and not less than one million dollars (\$1,000,000) for damage to property, insuring the applicant against liability for injury, death or property damage arising out of the Assembly.
- Subd. 10 For local authority or law enforcement contact purposes, a designated onsite Administrative Control Center shall be staffed by the applicant or its employees during the entire Assembly event. Contact information for Administrative Control staff, including names and telephone numbers, must be provided to the County one week prior to the Assembly.

#### **SECTION 11. ISSUANCE**

If a license is approved by the County Board, the license shall only be valid for the specified dates and any conditions as set forth in the license.

#### **SECTION 12. REVOCATION**

The license may be revoked by the County Board if any of the conditions required for the issuing of, or contained in the license are not in compliance, or if any condition previously met ceases to be in compliance.

Costs related to the enforcement or revocation of an issued license shall be assessed to the property on which the Assembly took place.

#### **SECTION 13. VIOLATIONS AND PENALTIES**

- Subd. 1 The provisions of this Ordinance may be enforced by injunction in any court of competent jurisdiction.
- Subd. 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.
- Subd. 3 In the event an applicant is found to have violated any term or condition upon which the applicant was granted a permit, the County may call the Letter of Credit. No portion of the Letter of Credit shall be released to the applicant until all provisions of the permit have been resolved to the satisfaction of the County.
- Subd. 4 Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, punished by a fine and, or by imprisonment in the County jail as prescribed by law.

#### **SECTION 14. EFFECTIVE DATE**

The effective date of this Ordinance shall be upon County Board approval and publication.