

LAWFUL ASSEMBLY ORDINANCE
NO. 2004-03

WHEREAS, the assembly within unincorporated areas of Cass County of large number of people for extended periods of time creates special problems in maintaining order, the enforcement of law, and the protection of public health, safety and welfare, and

WHEREAS, these problems place extraordinary burdens upon the health, fire, police, transportation, and utility services provided in the ordinary and usual course of events, and

WHEREAS, It is accordingly necessary that provisions made for the regulation, control and planning of such assemblies,

NOW, THEREFORE, the County Board of Cass County, Minnesota, ordains:

1. No person, firms or corporation shall conduct, maintain, operate, promote, organize, manage, or advertise, nor sell or give tickets of admission to, a show, exhibition or assembly of any nature (hereinafter called assembly) for which it is planned or may reasonable be expected that 300 or more persons attending the assembly may remain, or may be permitted to remain, upon the site, lot, field, lake, or tract of land (hereinafter called premises) upon which the exhibition, show, or assembly is conducted for more than eight consecutive hours including events permitted by the Sheriff pursuant to Minnesota Statute 86B.121, unless specifically excepted by this ordinance

2. The applicant for license shall make application in writing, verified under oath by the applicant or, if a corporation is applicant, by its president and secretary, filed with the County Auditor not less than thirty (30) days prior to the proposed beginning date of the assembly and shall set forth:
 - (a) The full name, age, residence, and mailing address of the applicant, or names and addresses of the partners if applicant is a partnership, or the names and addresses of the officers and all persons owning more than ten percent (10%) of the stock of the corporation if the applicant is a corporation.
 - (b) A legal description of the premises upon which it is proposed to conduct the assembly, with the names and addresses of all persons owning an interest in the premises, stating the nature of the interest.
 - (c) The nature and purpose of the assembly, the proposed beginning date and the period during which the assembly will be conducted, and a detailed statement of the manner in which it will be conducted.
 - (d) The maximum number of persons which the applicant will permit to assemble on the premises at any time during the assembly, which number shall be stated as a condition of any license which may be issued.
 - (e) The plans of the applicant to limit and control admission to the premises to the maximum number of persons stated in the license and for controlling and parking vehicles of persons assembling on the premises.

(f) Description of existing facilities, and plans for proposed construction and alteration of, sewage, garbage and waste disposal systems, toilets, urinals, sinks, wash basins, drains; the source of water supply and plans for water distribution on the premises and methods of fire protection to be used during such assembly.

(g) The proposed method of lighting the structures and premises during the assembly.

(h) The number, location, and power of amplifiers and speakers, and the plans for sound control during the assembly, if applicable. No event shall utilize amplified sound between the hours of 1:00 AM and 8:00 AM. No event shall utilize fireworks between the hours of 12:01 AM and 8:00 AM.

(i) Plans for maintenance of security and order on the premises, including the proposed number, deployment, and hours of availability of security guards upon the premises prior to, during, and immediately after the close of the assembly.

(j) Plans for the preparation and distribution of food and refreshments upon the premises.

(k) Plans for telephone facilities to the premises reasonably available to persons assembling and the law enforcement agents and county officers and employees.

(l) Plans for medical services, including buildings therefore, the names and hours of availability of physicians and nurses, and provisions for ambulance and other emergency services.

3. The application shall be accompanied by license fee in the amount of \$500.00, together with bond in the penal sum of \$25,000.00 with sureties to be approved by the County of Cass conditioned that the licensee:

(a) carries out all of the plans and keeps and performs all of the conditions of the application and license,

(b) maintain order on the premises,

(c) leave the premises in neat and respectable condition,

(d) pay, when due, to the person or persons entitled thereto, all debts and obligations incurred in promoting, advertising, and conducting and operating the assembly, and

(e) indemnify and hold harmless the County of Cass, its officers, agents, and employees, from any liability or causes of action arising in any way from the conduct of the assembly, evidenced by a certificate of insurance in the minimum amounts of municipal tort limits and a named additional insured.

(f) the bond shall provide that any person damaged by the breach of any condition of the bond may maintain an action within ninety (90) days after the event concludes in his own name to recover his damage, after first giving written notice to the County of Cass, or the County of Cass may maintain an action in its own name for the benefit of the persons damaged. In the event that approval of the application shall be denied by the County Board of Commissioners, the fee shall be returned.

(g) if no action has been filed, the bond shall be released ninety (90) days after the event concludes.

4. Within ten days of filing of application, the county shall consider the application:
 - (a) If the application is denied the County shall inform the applicant in writing of the reasons for denying the applications; if the objection can be corrected, the applicant may amend the application and resubmit it for approval.
 - (b) If the application is approved, the applicant shall be given an approval report which shall permit the applicant to proceed according to the plans stated in the application, provided, however, that such approval shall not relieve the applicant from compliance with all applicable statutes, ordinances, and regulations.
 - (c) Plans and statements submitted in an approved application shall be deemed a condition of the approval report and of any license issued pursuant thereto, whether or not stated in the report or license.

5. Not less than ten days prior to the start of the assembly the applicant shall file with the County Auditor.
 - (a) The names and addresses and credentials of all security guards to be employed during the assembly.
 - (b) The names and addresses of all food and service concessionaires who would be permitted to operate on the premises, with the license or permit number of each.
 - (c) A report showing completion of all construction and installation necessary to comply with the application for license, or in the event that such remain incomplete, evidence satisfactory to the County that completion will be had prior to the scheduled commencement of the assembly. Upon receipt of such report and after making such investigation and inspection of the premises as it may deem proper, and finding that all plans and requirement stated in the application have been or will be complied with, the County shall issue a license. The license shall at all times permit law enforcement officers and agents and officers of the County to enter upon the premises upon which the assembly is to be, or is being, conducted.

6. No licensee shall sell tickets to, nor permit to assemble, more than the number of persons stated in the license.

7. The license may be revoked at any time if any of the conditions of the approval report or license are not performed or complied with, or cease to be performed or complied with. The county shall forthwith upon revocation serve upon the licensee has failed to comply; upon satisfactory proof of compliance, the County Board, may, in its discretion, reinstate said license.

8. If the license shall be denied or revoked, the applicant and all persons under the applicant's direction and control shall forthwith cease and desist from all acts for the promotion, advertisement, organization, and operation of the assembly, and shall do all things necessary to advise persons who may intend to assemble of the refusal or revocation of license, and shall do all things necessary to disperse persons who may have assembled upon the premises.

9. In considering applications for license, the county board shall consider the character of the applicant, the nature of the assembly, the place thereof, the length of time during which it is to be conducted, and the adequacy of facilities for the protection of the public peace, health, safety, and welfare to be provided on the premises and in the area of the assembly, and plans to secure compliance with the conditions of the license.
10. This ordinance shall not require a license for assembly at an established and permanent stadium, auditorium, arena or place of worship where the reasonably anticipated assembly does not exceed the maximum seating capacity of the structure by more than 250 persons. The County Board of Commissioners may waive any of the requirements of subdivision 3 of this ordinance for applications from a Town proposing to conduct a community festival.
11. Any person, firm, corporation or association violating or failing to comply with the provisions of this ordinance shall be guilty of a misdemeanor. The County Attorney may institute in the name of the county any appropriate actions or proceedings for the enforcement of this ordinance and the conditions of licenses issued pursuant to it. The promotion, conduct, operation or maintenance of an assembly in violation of this ordinance or any license issued pursuant to it is hereby declared a public nuisance.
12. If any section or part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions hereof.
13. This ordinance shall become effective upon its adoption and publication according to law.

Adopted this ____ day of _____, _____, by the County Board of Commissioners, Cass County, Minnesota.

Chairman of the Board: _____

ATTEST: _____
County Administrator

Effective Date: _____