



GOODHUE COUNTY MINNESOTA

TO EFFECTIVELY PROMOTE THE SAFETY, HEALTH, AND WELL-BEING OF OUR RESIDENTS

COMMITTEE OF THE WHOLE AGENDA
COUNTY BOARD ROOM
GOVERNMENT CENTER
RED WING, MN

OCTOBER 16, 2018
8:00 A.M.

1. Assembly Controls Ordinance.

Documents:

[DraftAssemblyControls.pdf](#)

Goodhue County Land Use Management

Goodhue County Government Center | 509 West Fifth Street | Red Wing, Minnesota 55066



Building | Planning | Zoning
Telephone: 651.385.3104
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Environmental Health | Land Surveying | GIS
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TO: Goodhue County Commissioners
FROM: Lisa M. Hanni, LUM Director / County Surveyor / County Recorder
DATE: October 11, 2018
RE: Draft of Assembly Controls Ordinance

Summary:

It has come to staff's attention that the Assembly Controls Ordinance needs to be updated from the current version adopted in 1977.

Attached is a copy of the 1977 Ordinance and a DRAFT of a replacement Ordinance for Assembly Controls.

Before staff brings this forward to a public meeting for comment and adoption, staff wanted to review some of specific items with the County Board.

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, 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.
- 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.

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, that 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. appropriately 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 must 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 preparatory or dismantling of the event, shall be limited to 10am and 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 under Temporary signs.
- Subd. 3 No on-street parking, or parking in a road right of way, is allowed.
- Subd. 4 Minimum parking of one (1) parking space for each four (4) people.
- Subd. 5 Overnight camping is not permitted.
- Subd. 6 Sound control of the Assembly will not exceed the Noise Standards, Noise Area Classification 1, as defined in Minnesota Rules 7030.0040 and Minnesota Rules 7030.0050, at the boundaries 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 The applicant shall file a bond with the county Auditor of Goodhue County at the rate of **XXXXXXX** which 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 any waste material produced or left by the assembly.
- Subd. 9 The applicant shall provide a Liability Insurance policy and have Goodhue County named as an additional insured on the policy. (limits?)

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 event 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 Any person, firm, or corporation 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.

ASSEMBLY CONTROLS ORDINANCE

Amended October 20, 1977

"The County Board of Goodhue County Ordains"

SECTION 1. INTENT

- Subd. 1. It is the purpose of the Goodhue County Board of Commissioners 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 Goodhue County, in order that the health, safety and welfare of all persons in Goodhue County, residents and visitors alike, may be protected.
- Subd. 2. It is the intent of this Board of Commissioners 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 this Board of Commissioners 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

- Subd. 1. No person shall permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people which continues, for 12 or more consecutive hours, but in any case not to extend beyond 10:00 p.m., whether on public or private property, unless a license to hold the assembly has first been issued by the Goodhue County Board of Commissioners, 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.
- Subd. 2. As used in this legislation:
- A. Person means any individual natural human being, partnership, corporation, firm, company, association, society or group.
 - B. Assembly means a company of persons gathered together at any location at any single time for any purpose.
- Subd. 3. A separate license shall be required for each day and each location in which 1,000 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100.00.
- Subd. 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 licensed location more than the maximum permissible number of people.
- Subd. 5. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.
- Subd. 6. This legislation 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 250 people the maximum seating capacity of the structure where the assembly is held.

Subd. 7. This legislation shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of Goodhue County.

SECTION 3. CONDITIONS FOR ISSUING LICENSE

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

Subd. 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 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 Goodhue County.

Subd. 2. Provide proof that he will furnish at his own expense before the assembly commences:

- A. A fence 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 at least four gates, at least one at or near four opposite points of the compass.
- B. Potable water, meeting all federal and state requirements for purity, 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 water for bathing at the rate of at least 10 gallons per person per day.
- C. Separate enclosed toilets for males, 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 at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
- D. 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 holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.
- E. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician for every 1, 000 people and at least one nurse for every 1, 500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician and at least one emergency ambulance available for use at all times.
- F. 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.

- G. A free parking area inside of the assembly grounds sufficient to provide a parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.
- H. Telephones connected to outside lines sufficient to provide service for the maximum number of people assembled at the rate of at least one separate line and receiver for each 500 persons.
- I. If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in the Minnesota Administrative Code and ordinances of Goodhue County, sufficient to provide camping accommodations for the maximum number of people to be assembled.
- J. Security guards, either regularly employed, duly sworn, off duty Minnesota peace officers or private guards, licensed in Minnesota, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people.
- K. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Minnesota Administrative Code and ordinances of Goodhue County, and emergency personnel to efficiently operate the required equipment.
- L. 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.
- M. A bond, filed with the County Auditor of Goodhue County either in cash or underwritten by a surety company licensed to do business in Minnesota at the rate of \$5.00 per person for the maximum number of people permitted to assemble, which 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 any waste material produced or left by the assembly.

SECTION 4. APPLICATION

- Subd. 1. Application for a license to hold an actual or anticipated assembly of 500 or more persons shall be made in writing to the Goodhue County Board of Commissioners at least 30 days in advance of such assembly.
- Subd. 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 an individual, natural, human being, by all officers 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.
- Subd. 3. The application shall contain and disclose:
 - A. The name, age, residence and mailing address of all persons required to sign the application by IV B and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding 10% or more of the stock of said corporation.
 - B. 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 owner(s) of all such property.
 - C. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such

property that the applicant has permission to use such property for an assembly of 500 or more persons.

- D. The nature or purpose of the assembly.
 - E. The total number of days and/or hours during which the assembly is to last.
 - F. 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 ordinances of Goodhue County if the assembly is to continue overnight.
 - G. The maximum number of tickets to be sold, if any.
 - H. The plans of the applicant to limit the maximum number of people permitted to assemble.
 - I. The plans for fencing the location of the assembly and the gates.
 - J. The plans for supplying potable water, including the source, amount available and location of the outlets.
 - K. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.
 - L. The plans for holding, collection, and disposing of solid waste material.
 - M. The plans to provide 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.
 - N. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
 - O. The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
 - P. The plans for telephone service including the source, number and location of telephones.
 - Q. The plans for camping facilities, if any, including facilities available and their location.
 - R. The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.
 - S. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
 - T. The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
 - U. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.
- Subd. 4. The application shall include the bond required in Section 3, Subdivision 2 M, and the license fee.

SECTION 5. ISSUANCE

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

SECTION 6. REVOCATION

The license may be revoked by the Goodhue County Board of Commissioners at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

SECTION 7. ENFORCEMENT

- Subd. 1. The provisions of this legislation 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 legislation shall be deemed a public nuisance and may be abated as such.
- Subd. 3. Any person who violates Section 2 A or who violates any condition upon which he is granted a license may be fined not less than \$1,000.00 nor more than \$10,000.00. Each day of violation shall be considered a separate offense.

SECTION 8. EFFECTIVE DATE

Date of Publication, October 29, 1977