



ORDINANCE NO. 2014-04-28

**AN ORDINANCE OF MINIDOKA COUNTY A POLITICAL SUBDIVISION
OF THE STATE OF IDAHO REGULATING MASS GATHERINGS FOR
MINIDOKA COUNTY, IDAHO**

IT IS THE PURPOSE OF THE COUNTY 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 IN ORDER THAT THE HEALTH, SAFETY AND WELFARE OF ALL PERSONS IN THE COUNTY, RESIDENTS AND VISITORS ALIKE, MAY BE PROTECTED.

SECTION 1. TITLE: This ordinance shall be known as the Minidoka County Mass Gathering Ordinance.

SECTION 2. AUTHORITY AND PURPOSE:

1. This ordinance is adopted pursuant to the authority granted to counties to regulate mass gatherings as provided in the Idaho Code and the Constitution of the State of Idaho.
2. The purpose of this ordinance is to establish consolidated rules and regulations governing mass gatherings.

SECTION 3. DEFINITIONS:

1. ASSEMBLY: A company of persons gathered together at any location at any single time for any purpose.
2. PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society or group.

SECTION 4. LICENSE REQUIREMENTS:

1. License Required: No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of three hundred (300) or more people, whether on public or private property unless a license to hold the assembly has first been issued by the Minidoka County Commissioners, the application for which must be submitted to the commissioners at least sixty (60) 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. License and Fee: A separate license shall be required for each location in which three hundred (300) or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be as set by the Board of County Commissioners of Minidoka County.
3. Ticket Sales: A license shall permit the assembly of only up to the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.
4. Location of Event: No license shall be issued to any anticipated assembly of three hundred (300) or more people where said location may be hazardous, dangerous or detrimental to the public health, safety and welfare unless appropriate safety provisions have been met.
5. Exceptions:
 - a. This ordinance shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, schools or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.
 - b. This ordinance 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 the county, nor to assemblies within any incorporated municipality within the county.
 - c. This ordinance shall not apply to any place at which auctions and/or sales are held which do not exceed by more than two hundred fifty (250) people the maximum capacity of the structure or outdoor location where the assembly of the participants and/or buyers of items for auction or sale are held.

SECTION 5. CONDITIONS FOR ISSUING LICENSE:

1. Number Of Persons At Assembly: Before an applicant may be issued a license, the applicant shall first 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 the county.

2. Requirements At Applicant's Expense: Before an applicant may be issued a license, the applicant shall provide proof that the applicant will furnish at the applicant's own expense before the assembly commences:

a. Health Requirements:

- i. 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 ten (10) gallons per person per day;
- ii. 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 at the rate of at least one toilet for every three hundred (300) females, and at least one toilet for every three hundred (300) males; an efficient sanitary means of disposing of waste matter deposited therein, which is in compliance with all state and local laws and regulations.
- iii. 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 two and one-half ($2\frac{1}{2}$) pounds 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 tightfitting lids and personnel to perform the task.
- iv. Physician licensed to practice in the state of Idaho, or qualified Emergency Medical Technician (EMT) or Paramedic, sufficient to provide the average medical care enjoyed by residents of Idaho for the maximum number of people to be assembled at the rate of at least one Physician or EMT or Paramedic for every two thousand five hundred (2,500) people, together with an enclosed

covered structure where treatment may be rendered, and at least one emergency ambulance available for use at all times.

- v. The above health requirements heretofore set forth are to be minimum requirements only. The plans for the health requirements shall be submitted to the South Central health district for approval at least thirty (30) days prior to the proposed assembly.
- b. Lighting: If the assembly is to continue during hours of darkness, illumination sufficient to light the central area of the assembly, to include the medical and health facilities, at the rate of at least five (5) foot-candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- c. Parking: 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 (4) persons. In the event that the site and access to it cannot handle the number of people expected to attend the assembly, the sheriff of Minidoka County may require the promoter to provide parking at other sites with transportation between the parking site and the site of the assembly to be provided by the promoter.
- d. Telephones: Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled, at the rate of at least one separate line and receiver for each two thousand (2,000) persons, and to be placed in accessible locations throughout the assembly area.
- e. Camping Facilities: If the assembly is to continue overnight, camping facilities shall be provided by the promoter at the site of the assembly and said facilities shall be in compliance with all federal and state requirements sufficient to provide camping accommodations for the maximum number of people to be assembled. In the event that temporary camping facilities are not available at the site of the proposed assembly, the promoter shall provide temporary camping facilities elsewhere which shall be approved by the Health Department of Minidoka County.
- f. Security Guards; Bond: Either regularly employed, duly sworn off duty peace officers of the state of Idaho or other qualified individuals 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 two hundred fifty (250) people as a minimum shall be provided by the promoter. A list of the security guards shall be presented to the Minidoka County sheriff for approval at least thirty (30) days prior to the proposed assembly. In the event the county sheriff requires extra help to provide security for the proposed assembly, the promoter shall deposit with the county a cash bond in the amount of five thousand dollars (\$5,000.00) with a higher bond to be required if the county commissioners determine it to be necessary.

g. Fire Protection: Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment. The plan for fire protection and emergency personnel shall be presented to the Fire District for approval at least thirty (30) days prior to the proposed assembly.

h. Traffic Control: All traffic control shall be approved by the county sheriff and the appropriate highway district at least thirty (30) days prior to the proposed assembly. The promoter shall provide an emergency entrance and exit to and from the site of the proposed assembly and said emergency entrance and exit shall be kept open at all times for the use of emergency vehicles. The promoter is responsible for providing traffic control personnel who shall be approved by the sheriff at least thirty (30) days prior to the proposed assembly.

i. Noise Control: If the assembly is to include the use of amplification device/s, the sound emitting from such device/s shall not be plainly audible within any place of residence not the source of the sound. Additionally, the sound emitting from such devices must be minimized during the hours of 12:00 a.m. midnight through 7:00 a.m. Control and enforcement of noise amplification is the responsibility of the promoter.

j. Insurance Policy:

i. An insurance policy, filed with the clerk of the district court, underwritten by an insurance company licensed to do business in Idaho in the minimum amount of one million dollars (\$1,000,000.00), which shall indemnify and hold harmless Minidoka County 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, and from any cost incurred in cleaning up any waste material produced or left by the assembly, at the site or surrounding areas.

- ii. At the discretion of the Board of Minidoka County Commissioners, a performance bond may be required to be deposited with the county commission in the amount of fifteen thousand dollars (\$15,000.00) to ensure compliance with all terms of this chapter. In addition, a cash bond in the amount of two thousand dollars (\$2,000.00) may be required to be deposited with the county to pay for damage to adjoining or nonadjoining properties within one thousand feet (1,000') of the site of the proposed assembly.

SECTION 6. APPLICATION FOR LICENSE

1. Filing Period: Application for a license to hold an actual or anticipated assembly of three hundred (300) or more persons shall be made in writing to the county commissioners at least sixty (60) days in advance of such assembly.
2. Sworn Statement Required: 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 or person (see definition) making application in the case of a corporation, by all partners in the case of a partnership or by all officers, by all members of such association, society, or group, or if there are not officers, by all members of such association, society or group.
3. Contents: The application shall contain and disclose:
 - a. The name, age, residence and mailing address of all persons required to sign the application, 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 ten percent (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 three hundred (300) persons or more.

- 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 the 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 persons permitted to assemble.
- i. The plan for supplying potable water, including the source, amount available, and location of outlets.
- j. The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of solid waste deposited.
- k. The plans for holding, collection, and disposing of solid waste material.
- l. 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.
- m. The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.
- n. The plans for parking vehicles, including the size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
- o. The plans for telephone service, including the source, number, and location of telephones.

- p. The plans for camping facilities, if any, including facilities available and their location.
- q. The plans for the use of any amplification devices and the plan for noise control during the assembly.
- r. The plans for security including the number of guards, their names, addresses, credentials and hours of availability. 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.
- s. The plans for food concessions and concessionaires who will be allowed to operate on the ground, including the names and addresses of all concessionaires and their license or permit numbers.

4. Bond; License Fee: The application shall include the bond required and the license fee.

SECTION 7. LICENSE ISSUANCE

The application for a license shall be processed and issued after proof of compliance with this chapter has been submitted to the board of county commissioners. Proof of compliance with this chapter must be submitted to the commissioners at least fifteen (15) days prior to the beginning of the assembly.

SECTION 8. REMOVAL OF STRUCTURES

All structures, installations, excavations and construction shall be removed by the licensee from the site of the assembly at the termination of the event. In the event this is not accomplished within ten (10) days after the assembly, the county is authorized to accomplish the removal and charge the cost of the removal against the performance bond.

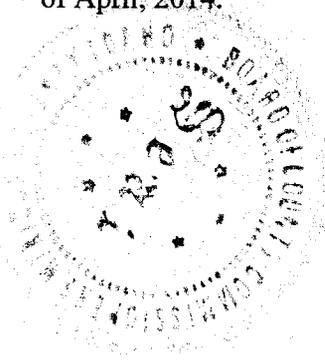
SECTION 9. REVOCAION OF LICENSE

The license may be revoked by the county at any time if 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 10. VIOLATION; PENALTY

1. Public Nuisance: The holding of any assembly in violation of any provisions or conditions contained in this chapter shall give cause to the county to seek injunctive relief for creation of a public nuisance. Said action shall be brought in any court of competent jurisdiction.
2. Violation of Mass Gathering Ordinance: Any person who willfully, knowingly and intentionally violates any condition upon which he is granted a license shall be fined up to one thousand dollars (\$1,000.00) per offense. Each violation shall be considered a separate offense. Additionally, anyone holding a mass gathering in the county without a Mass Gathering license can be fined up to one thousand dollars (\$1,000.00) or be imprisoned not to exceed six (6) months, or by both such fine and imprisonment. The criminal provisions of this subsection are not enforceable against the licensee in the event injunctive relief under subsection 1. of this section is granted.
3. Right of Entry: If the county issues a license to the promoter, the promoter shall allow entry to enforce provisions of this chapter or license.

APPROVED by the Minidoka County Board of County Commissioners on this 28th day of April, 2014.



BOARD OF COUNTY COMMISSIONERS:

Robert Moore, Chairman

Sheryl Koyle, Commissioner

ATTEST:

Patty Temple, Clerk

Kent McClellan, Commissioner