

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: February 4, 2014

Via: Patrick Wussow, County Administrator

From: Kirk Peysar, County Auditor

Title of Item:

Public hearing/Adoption of Assembly Ordinance changes

Requested Meeting Date: Feb 11th Estimated Presentation Time: _____

Presenter: Kirk Peysar

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute _____
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) Public Hearing

Fiscal Impact (check all that apply)

Is this item in the current approved budget? Yes No (attach explanation)

What type of expenditure is this? Operating Other (attach explanation)

Revenue line account # that funds this item is: _____

Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

Duties of a department employee(s) may be materially affected. Yes No

Applicable job description(s) may require revision. Yes No

Item may impact a bargaining unit agreement or county work policy. Yes No

Item may change the department's authorized staffing level. Yes No



Supporting Attachment(s)

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) memo

Provide eleven (11) copies of supporting documentation **NO LATER THAN Wednesday at 8:00am** to make the Board's agenda for the following Tuesday. Items **WILL NOT** be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)

Kirk Peysar
Aitkin County Auditor
Aitkin County Courthouse
209 2nd Street NW – Room 202
Aitkin, MN 56431
Phone: (218) 927-7354
Email: kpeysar@co.aitkin.mn.us

Date: February 4, 2014

To: Aitkin County Board of Commissioners

From: Kirk Peysar, County Auditor

Re: Public Hearing for Assembly Ordinance changes (M.S. 375.40)

Attached is the draft amended Assembly Ordinance as presented by the Ordinance Committee to be presented at Tuesday's public hearing.

If there are no further concerns with the changes or other changes, I request the Board consider adoption the same day.

If you have any questions prior to Tuesday's meeting, please give me a call.

Thank you.

AITKIN COUNTY ASSEMBLY ORDINANCE
_____, 2014

WHEREAS, the assembly within unincorporated areas of Aitkin 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;

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 upon the citizens and taxpayers of Aitkin County;

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

WHEREAS, pursuant to the authority vested in it by Minnesota Statutes section 375.40, the Aitkin County Board of Commissioners desires to license and regulate the assemblage of large numbers of persons not held within the incorporated limits of a city;

NOW, THEREFORE, the County Board of Aitkin County, Minnesota, hereby ordains:

1. No person or persons, partnership, company, association, society, group, firm or corporation shall conduct, permit, 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 excluding events permitted by the Sheriff pursuant to Minnesota Statute section 86B.121, unless specifically excepted by this Ordinance.
2. The applicant for license shall make application in writing, or, if a corporation, or any other formally and legally established entity, is the applicant, by its president, chief executive officer, or 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 (see Appendix A for the plan guidance form):
 - (a) The full name, age, residence, and mailing address of the applicant, or names and addresses of all 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. The plan must be approved by the Aitkin County Sheriff and or designee. (see Appendix A, item #8 for guidance).

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

(k) 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 (see Appendix A, item 9 for guidance).

3. The application shall be accompanied by a 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 Aitkin 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) indemnify and hold harmless the County of Aitkin, 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.

(e) 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 Aitkin, or the County of Aitkin 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.

(f) 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 or cured, 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 written 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 the following:
 - (a) A report showing completion of all requirements 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 notice they have failed to comply with the license; 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, Aitkin County licensed food, beverage and lodging facility, 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, partnership, company, society, group, firm, corporation or association, and any entity's individual officers, partners, or members, violating or failing to comply

with the provisions of this Ordinance shall be guilty of a misdemeanor for each and every violation, and for each and every day a violation is permitted to exist, it shall be deemed a separate offense. 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, County of Aitkin, Minnesota

Chairperson of the Board _____

Attest: _____

Kirk Peysar
Aitkin County Auditor

Approved as to Form: _____

James Ratz
Aitkin County Attorney

Effective Date: _____

APPENDIX A

AITKIN COUNTY SUPPLEMENTAL ASSEMBLY GUIDANCE FORM

This form is to assist the applicant in completing the application. The following guidelines will be used by County Staff in reviewing the application to ensure the assembly is protecting the public health, safety and general welfare, and meeting minimum county standards.

1. General liability insurance, naming Aitkin County as an additional insured under the policy, covering any injury or damage caused by or resulting from the conducting of the assembly licensed under this ordinance, in the minimum amount of five hundred thousand dollars (\$500,000.00) for injuries to, damages to and/or death of any one person and one million five hundred thousand dollars (\$1,500,000.00) for total injuries and/or damages arising from any one occurrence. The Board has the authority to require higher liability limits (including the MCIT recommended general aggregate liability insurance minimum of \$3,000,000.00) or waive the insurance requirements.
2. The plan for portable water must meet all federal state and local requirements for sanitary quality, 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.
3. The sewage plan must describe the existing onsite facilities (septic systems, latrines, toilets, urinals, sinks, etc.). Separate enclosed toilets for males and females at a minimum ratio of 2 per 100 people. Toilets are to be conveniently located throughout the grounds. Indicate who will be providing and maintaining the toilets.
4. The plan for solid waste disposal must be sufficient to dispose of the solid waste at the rate of at least 2.5 lbs. of solid waste per person per day, which is equivalent to 1 cubic yard per 140 people per day. Indicate locations of containers and method of collecting each day.
5. The plan for food preparation and distribution must list the names of the food vendors along with their telephone number. All food vendors must obtain a license from the Aitkin County Environmental Services Department unless already licensed by the Minnesota Department of Health.
6. The parking plan must have sufficient onsite parking for the maximum number of persons licensed to assemble at a minimum rate of 1 parking space per 5 people.
7. The plan to limit and control admission must show the location and describe the barrier or fence that will be used, which must be sufficient in height and strength to prevent people in excess of the maximum number from gaining access to the assembly.
8. The plan for security must be approved by the Aitkin County Sheriff or designee. This may include having the appropriate security staffing levels for the anticipated attendance and/or paying for extra law enforcement services due to the increased calls for service.
9. The plan for medical services shall be, at a minimum, the following:

100 to 499 persons	1 licensed practical nurse (LPN) and, 1 properly equipped on-call ambulance
500 to 4999	1 registered nurse (RN), and 1 properly equipped on-call ambulance
*5000 or more	1 physician, 1 RN, 1 properly equipped on-call ambulance

together with an enclosed, covered structure where adequate medical treatment may be rendered, containing separately enclosed treatment rooms for each physician.

*increments of 5,000 persons or fractions thereof above 5000 persons require said personnel for each increment.

c:\ordinance\draftassembly2014