

BELTRAMI COUNTY PUBLIC GATHERING ORDINANCE (#43)

THE COUNTY BOARD OF BELTRAMI COUNTY ORDAINS:

Section I. PURPOSE, INTENT AND APPLICATION

WHEREAS, the assembly within the unincorporated areas of the Beltrami County of large numbers of persons creates special problems in maintaining order, the enforcement of law and the protection of the public health, safety and welfare, and

WHEREAS, these problems place extraordinary burdens upon the health, fire, police, transportation and utility services provided for the citizens of Beltrami County, therefore requiring that provision be made for the adequate regulation, control and planning of such assemblies.

Section II. DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. **Applicant** means any person making an application for a permit under this Ordinance.
2. **Application** means a form with blanks or spaces thereon, to be filled in and completed by the applicant as the request for a license, furnished by the county and required as a prerequisite to the consideration of the issuance of a permit under this Ordinance, and includes any attachments, supplements or amendments to such application.

3. **Assembly** means any show, concert, exhibition, or gathering of any nature for which it is planned or may reasonably expected that 1,000 or more persons may be present at any time.
4. **Bond** means any corporate surety document required by this Ordinance, which shall be in the form and with the provisions acceptable and specifically approved by the County
5. **County** means the County of Beltrami, Minnesota.
6. **Director** means the Director of the Beltrami County Environmental Services Department.
7. **Event** means any assembly, as defined in this Ordinance, for which a valid permit has been granted. Events shall be classified as follows:
 - Tier I: 1,000 – 2,500 persons
 - Tier II: Over 2,500 persons to 5,000 persons
 - Tier III: Over 5,000 persons
8. **Permit** means a document issued by the County to an applicant that permits the applicant to carry on and transact an event approved under this Ordinance.
9. **Permittee** means an applicant who, pursuant to application, holds a valid, current, unexpired and unrevoked permit from the County for the carrying on and transacting of an Event under this Ordinance.
10. **Person** means an individual, partnership, corporation, or any other association of individuals, partnerships or corporations
11. **Planning Commission** means the Beltrami County, Minnesota Planning Commission.
12. **Premises** means any lot, piece or parcel of land with a continuous boundary, whether publicly or privately owned, occupied or possessed.

13. **Shall, must, may.** The terms “shall” and “must” are mandatory; the term “may” is permissive.

Section III. JURISDICTION

The provisions of this Ordinance apply to all Assemblies, as defined herein, conducted or held all or in part outside the boundaries of any municipality in Beltrami County.

The provisions of this Ordinance do not apply to:

1. Any indoor or outdoor movie theater, auction or similar sale.
2. Any fair or similar event under the authority of or approved by the State Agricultural Society or any subdivision of state government.
3. Any indoor or outdoor assembly at an established and permanent stadium, auditorium, arena or place of worship.
4. Any regularly scheduled or ongoing event conducted by an established religious organization or fraternal society.

Section IV. PERMIT REQUIRED

No person shall conduct, maintain, operate, promote, organize, manage, advertise or sell or give tickets of admission to any Assembly except pursuant to a valid permit issued under this Ordinance.

Applications for a permit shall be made in writing to the Beltrami County Environmental Services Department and in the form required by the County from time to time. All applications must be verified under oath, subject to the penalties of perjury, and accompanied by the appropriate permit fee, bond and/or investigative fee required by this Ordinance.

All applications must be received prior to the following deadlines:

- Tier I: 30 days prior to the event
- Tier II: 90 days prior to the event
- Tier III: 180 days prior to the event

The application shall set forth the following information:

- a. The full name, age, residence and mailing address of the applicant, including the names and addresses of all partners if the applicant is a partnership, or the names and addresses of all officers and all persons owning more than 10% of the stock if the applicant is a corporation.
- b. A legal description of the premises upon which the assembly will occur, together 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 purposed dates 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.

- e. The plans of the applicant to limit and control admission to the premises to the maximum number of persons permitted, and plans for controlling the parking and movement of vehicles of persons assembling on the premises.
- f. A description of the existing infrastructure, together with plans for a proposed construction and management of sewage, garbage and waste disposal; the source of water supply and plans for water distribution; the provision and management of health care services; the methods of a fire protection; and the means and plans for emergencies and emergency evacuation to be used during the assembly.
- g. The number, location and power of amplifiers and speakers, and the plans for sound control during the assembly, if applicable.
- h. The proposed method of lighting to be used during the assembly, if applicable.
- i. Plans for the maintenance of security and order on the premises, including the proposed number, deployment and hours of availability of security guards on the premises, prior to, during and immediately after the close of the assembly.
- j. Plans for the preparation and distribution of food and refreshments on the premises.
- k. Plans for communications to the premises reasonably available to persons attending the assembly and to law enforcement and security personnel and agents of the county.
- l. Plans for medical services, including buildings to be used, the names and hours of availability of physicians and nurses, and the provision for ambulance and other emergency medical services.
- m. Plans for the protection of natural resources on or adjacent to the premises.

- n. Such other information as maybe required by the County to properly evaluate the nature and conduct of the assembly.

The applicant shall be file 15 copies of the initial application with the Beltrami County Environmental Services Department, together with the applicable investigative fee and 25 % of the applicable permit fee.

Section V. FEES AND BOND

At the time of application, the applicant shall pay to the County the currently required permit fee and investigation fee, which is non-refundable.

The fees charged hereunder shall be set by the County Board of Commissioners by resolution, and may be amended from time to time upon notice and a public hearing.

No permit shall be granted under this Ordinance without the applicant having first submitted a bond, in an amount determined by the Planning Commission, conditioned that the applicant:

1. Carries out all of the plans and keeps and performs all of the conditions of the application and permit.
2. Maintains order on the premises.
3. Leaves the premises in a neat and respectable condition.

4. Pays when due, the person or persons entitled thereto, all debts and obligations incurred in promoting, advertising and conducting and operating the assembly.
5. Indemnifies and holds harmless the County of Beltrami, its officers, agents, and employees, from any liability or cause of action arising in any way from the conduct of the assembly.

The bond shall provide that any person damaged by a breach of any condition of the bond may maintain an action in their own name to recover damages, after first giving written notice to the County, which may maintain an action in its own name for the benefit of such persons damaged. Any bond issued hereunder shall be in full force and effect for a period of one year.

Section VI. APPLICATION REVIEW PROCESS

The following timeline and process will be used for the review and approval/denial of permits.

1. Tier I: Applications for Tier I permits will be reviewed by the Environmental Services Department Director. The Director shall notify any city or township planning department of the proposed event, and provide a copy of the permit application to such departments. The Director shall grant or deny the permit application within 20 days of filing. If the permit is denied, the applicant may request a hearing before the Beltrami County

Planning Commission, at its next regularly scheduled meeting. The Planning Commission hearing process, decision and appeal shall be as set forth in Section VI of this Ordinance.

2. Tier II: Applications for Tier II permits will be reviewed by the Environmental Services Department Director. Copies of the application shall be provided to the following: Beltrami County Sheriff, Beltrami County Highway Engineer, Minnesota State Highway Patrol, Beltrami County Nursing Services Director, Beltrami County Attorney, Minnesota State Health Department, Minnesota Department of Natural Resources, the Township where the event is to be held and the Beltrami County Administrator.

Within 30 days of the application, the applicant shall meet with the Environmental Services Director and the above entities to discuss the proposed event. The applicant shall provide whatever additional information is requested at such meeting, and the meeting may be continued for further review. Upon supplying any additional information requested by the participants of this review, the application shall be deemed complete upon the payment of the balance of any license fee and the posting of the applicable bond.

The completed application shall be set on for a hearing before the Beltrami County Planning Commission at its next regularly scheduled

meeting. The Planning Commission shall review the application and additional materials submitted by the applicant and the environmental services director and shall thereafter approve or deny the permit. The approval by the Planning Commission of the permit may be with such conditions that the Planning Commission believes will serve the purposes set forth in Section I of this Ordinance. If the application is denied, the applicant may appeal the decision in accordance with Section VI herein.

No permit shall be granted under this paragraph without the written approval of the town board of supervisors in the Township where the event is to be held.

3. Tier III: Applications for Tier III permits are subject to the same requirements as Tier II projects, and shall additionally be set for a Public Hearing before the Beltrami County Planning Commission, with a minimum 10 days published notice for such hearing. The Public Hearing may be set in conjunction with the Planning Commission's regularly scheduled meeting, but no action approving a permit application may be undertaken until the next regularly scheduled meeting of the Planning Commission occurring after the Public Hearing.

Section VII. PLANNING COMMISSION ACTION AND APPEAL

Upon review of the completed Application and such information as may be provided to the Planning Commission during its consideration of

the proposed assembly, the Planning Commission may grant a permit for an Event if it believes that such event may be conducted in harmony with the public health, safety, welfare and order, and that adequate provisions have been made for the conducting of an event consistent with the purpose set forth in Section I of this Ordinance.

If the Planning Commission cannot make the above findings, the application for a permit must be denied.

The denial of a permit application by the Planning Commission may be appealed to the Beltrami County Board of Commissioners within 30 days of receipt of the notice of decision by the Planning Commission. An appeal of any County Board decision may be made by the applicant to the District Court within 30 days of receipt of the notice of the decision by the County Board.

Section VIII. PERMIT ISSUANCE; REVOCATION

All permits issued under this Ordinance shall be signed by the Environmental Services Director and the Applicant, and shall be conditioned upon the applicant's compliance with all terms contained in or referenced in the permit.

No permit shall be granted to any person for whom any taxes, assessments or other financial claims of the County are delinquent and unpaid, nor shall any permit be granted for any Assembly held on any

premises on which taxes, assessments or other financial claims of the County are delinquent and unpaid.

All premises for which a permit has been granted shall at all times be open to inspection by the County to ensure compliance with the terms and conditions of any permit issued under this Ordinance. It is unlawful for any permittee, or any agent or employee to hinder or prevent any inspection under this Section.

The violation of any of the terms and conditions of a permit shall be grounds for the revocation of such permit by the County. Any such revocation shall be in writing and shall state the grounds therefore. The applicant may appeal a permit revocation to the Planning Commission, which shall hear any such appeal within 15 days of the written notice of appeal, with the written decision on such appeal to be made within five days of the hearing thereon. Appeals from any decision by the Planning Commission for the revocation of a permit shall be handled in accordance with the procedure set forth in Section VI above.

Section IX. ENFORCEMENT

It is declared unlawful for any person to violate any of the terms or conditions of this Ordinance, or any permit issued hereunder. A violation thereof is a misdemeanor.

In the event of a violation or a threatened violation of this Ordinance, Beltrami County, in addition to any other remedies, may institute appropriate actions or proceedings to prevent, restrain or abate such violations or threatened violations. The Environmental Services Department may issue cease and desist orders to halt the progress of any ongoing violation. When any work has been stopped by the County for any valid reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provision of this Ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist or continue shall constitute a separate offense. The County Attorney shall have the authority to prosecute any and all violations of this Ordinance.

Section X. INTREPETATION; SEVERABILITY

In the interpretation and application, the provisions of this Ordinance shall be held to minimum requirements and shall be liberally construed in favor of the purpose and intent of this Ordinance as set forth in Section I. If any section, clause, provision or portion of this Ordinance

is adjudged invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section XI. ADOPTION OF ORDINANCE

The Beltrami County Public Gathering Ordinance is hereby adopted by the Beltrami County Board of Commissioners this 19th day of March, 2007.

First reading:	1-23-07
Public Hearing	2-27-07
Second reading:	2-27-07
Third reading:	3-19-07
Passed:	3-19-07

/S/James Heltzer
Chair, Beltrami County Board
of Commissioners

ATTEST: /S/ Tony Murphy
Tony Murphy
Beltrami County Administrator