

COUNTY OF DAKOTA
AMENDED ORDINANCE NO. 112

**AN ORDINANCE REGULATING ASSEMBLAGES OF LARGE NUMBERS OF PEOPLE
AT SHOWS OR EXHIBITIONS OF ANY NATURE**

Section 1. Purpose The purpose of this ordinance is to protect the health, safety and welfare of all persons in Dakota County, residents and visitors alike, who will partake in or be affected by such assemblage.

Section 2. Provision of State Law Adopted

Pursuant to the authority vested in it by Minn. Stat. § 375.40, the Dakota County Board of Commissioners desires to license and regulate the assemblage of large numbers of people at shows or exhibitions of any nature not held within the incorporated limits of a city within Dakota County.

Section 3. Definitions

Subdivision 1. "Person" is any individual human being, partnership, corporation, firm, company, association, society or group.

Subdivision 2. "Assembly" is any gathering of 300 or more individuals for a specific period of time at any specified location at any time for the specified purpose. Examples include, but are not limited to, music, racing, political, promotional, sporting, or social entertainment or other similar types of activities.

Subdivision 3. "Board" means the Dakota County Board of Commissioners.

Section 4. License Requirement

Subdivision 1. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or anticipated assembly of 300 or more persons for an exhibition or show of any nature, whether on public or private property, unless a license to hold such assembly has first been secured in accordance with the provisions of this ordinance.

Subdivision 2. A license to hold an assembly issued under the provisions of this ordinance shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

Subdivision 3. A separate license shall be required for each assembly for each purpose and specified timeframe at which 300 or more persons assemble or are anticipated to assemble.

Subdivision 4. A license shall permit the assembly of only the maximum number of persons stated in the license. The County Board may impose restrictions on the maximum number of persons which will be assembled if such restrictions are deemed necessary to protect the health, safety and welfare of those persons who will be in attendance, the residents of the community in which the assembly will be held,

and other residents of Dakota County. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of persons stated in the license.

Subdivision 5. No performance or other activity in connection with the licensed show or exhibition shall occur between the hours of go beyond 11:30 p.m. on Fridays and Saturdays or beyond 9:00 p.m. on Sundays through Thursdays. No performance or other activity in connection with the licensed show or exhibition shall begin before 9:00 a.m. on any day of the week.

Subdivision 6. This ordinance does not apply to:

- A. Any regularly established, permanent structure for worship, or any stadium, arena, auditorium, or coliseum, or other similar permanently constructed facility for assembly;
- B. Any shows or exhibitions held within the incorporated limits of a city;
- C. The Dakota County Fairgrounds during the period of the County Fair.
- D. Any family celebratory gathering taking place entirely upon the premises of a family member.
- E. Events held in Dakota County Parks.

Section 5. License Application

Subdivision 1. The application for license must be submitted to the County Treasurer-Auditor on a form provided by the Treasurer-Auditor at least sixty (60) days before the event is scheduled to occur.

Subdivision 2. The application for license shall be accompanied by a nonrefundable fee in an amount set in the Public Services and Revenue Fee Schedule, unless said applicant is duly organized as a nonprofit organization pursuant to Minn. Stat. Ch. 317 or as a religious organization pursuant to Minn. Stat. Ch. 315 in which case the fee is waived.

Subdivision 3. Upon receipt of an application for license, the County Treasurer-Auditor shall forward a copy to the Clerk of the Town Board of the township in which the assembly is scheduled to occur.

Subdivision 4. The application for license shall contain the following:

- A. 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 all record owners of such property. A notarized signature by the sponsor of the event or, if it be a corporation or association, by an individual authorized to act on its behalf. In the event the Assembly is to occur on property belonging to other than the Applicant, the application shall be signed by the Applicant, as well as include a notarized signature of the landlord. Alternatively, the Applicant may produce a written lease, whose term encompasses the date(s) of the Assembly, signed by the landlord granting the applicant use of the Licensed Premises and which does not covenant against the use of the Licensed Premises for an Assembly. In the case of an unincorporated association, society, or group, the application shall be signed by all officers, or, if there are no officers, by all members.

9. Fire protection sufficient to meet all applicable state and local laws and regulations which shall include, but not be limited to, extinguishing devices, fire lanes and escapes, and sufficient emergency personnel to efficiently operate the required equipment.
 10. Telephones connected to outside lines for public use, at the rate of at least one separate line and receiver for each 5,000 people to be assembled, and at least one telephone connected to a separate outside line or a mobile telephone unit which shall be available for emergency use at all times.
 11. The applicant shall ensure the availability of at least two state-certified Emergency Medical Technicians in an enclosed, appropriately heated or air-conditioned facility on the Licensed Premises wherein medical treatment may be rendered, containing one Automatic External Defibrillator and at least two beds for the first 1,000 persons or an incremental portion thereof. Events with less than 3,000 people shall have an emergency ambulance on the site of the Assembly staffed by at least two state certified Emergency Medical Technicians. Events with 3,000 people or greater shall have an emergency ambulance on the site of the Assembly staffed by at least two state-licensed certified Emergency Medical Technicians attendants. For assemblies in excess of 3,000 persons, the necessity of additional medical facilities and personnel shall be recommended by the Dakota County Public Health Department.
 12. A parking area inside 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 persons per day. Adequate handicapped designated parking spaces shall be provided in accordance with applicable Minnesota Rules governing the provision of such.
 13. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly. In no case shall sound levels exceed Minnesota Rules establishing noise standards, *Minnesota Rules, Chapter 7030; or successor rules*. The permit will include the applicable portion of this noise standard. The Dakota County Sheriff has the authority to order a reduction in sound levels, if necessary, based on complaints.
- F. A statement that the information and statements are true and correct according to the best information available to the applicant.

Section 6. Issuance of License

Subdivision 1. Within sixty days of the submission of the application for license, the Board shall grant or deny the assemblage license. The decision to grant or deny the license shall be based upon the application for license and any attachments, oral testimony or other written documentation, if any, presented to the Board by the applicant or other interested persons. Once granted such license is not transferable.

Subdivision 2. The Board may consider requests for variances from any of the requirements of this ordinance when an applicant can show that strict compliance with this ordinance would cause exceptional and undue hardship by reason of the special nature of the proposed assembly or by reason of the fact that the circumstances make the requirements of this ordinance unnecessary; provided that such variance may be granted without detriment to the public health, safety, or welfare and without impairing the intent and purpose of these regulations.

Subdivision 3. During the course of the show or exhibition the holder of the license granted herein shall comply with the written plan submitted pursuant to Section 5 (E) as modified by the Board.

Section 7. Additional Conditions of License

Subdivision 1. All license holders shall obtain a \$10,000 bond payable to Dakota County either in cash or underwritten by a performance surety company licensed to do business in Minnesota assuring that there will be no damage to any County highway, street or other public property arising out of or as a result of the licensed assembly and that the licensee will promptly and fully repay or repair any damages so done, and that all provisions of this ordinance and conditions imposed by the County Board in the issuance of such license are fully complied with by the licensee. Bonds must be provided to the County Treasurer- Auditor to obtain the license.

Subdivision 2. All license holders shall obtain commercial general liability insurance covering all injuries or damage caused by or as a result of the conduct of the assembly in the sum of \$1,000,000 per occurrence for bodily injury or death or property damage naming Dakota County as an additional insured. Proof of such coverage must be submitted to the County Treasurer- Auditor to obtain the license.

Subdivision 3. The licensee agrees to allow representatives of the Dakota County Sheriff's Office and/or any other County officials access to the property at which the licensed assembly will occur to determine if the provisions of this ordinance and/or the license conditions are or will be properly complied with. This right of access shall begin with the submission of the application and continue for 24 hours following the end of the licensed activity.

Subdivision 4. Upon issuance of the license, the County may impose any additional conditions of the license necessary to protect the health, safety and welfare of those persons who will be in attendance or the residents of the community in which the assembly will be held, or other residents of Dakota County.

Subdivision 5. The licensee and his/her agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times.

Subdivision 6. No animals or household pets, not directly involved in the show or exhibition or the policing thereof, shall be permitted on any of the grounds or facilities, and no animals or pets shall be permitted to run loose.

Subdivision 7. No fire of any kind shall be permitted on the premises or facilities, except in grills or at locations designated for that purpose.

Subdivision 8. No person shall engage in any conduct which violates a federal, state, county, or local law, ordinance or regulation.

Subdivision 9. The license shall be posted at all times in a conspicuous place in the area licensed for the assemblage.

Section 8. Revocation

Subdivision 1. Any license granted under this ordinance may be revoked by the County Board at any time prior to the assembly for which a license has been granted, if:

- A. Any of the conditions necessary for the issuing of or contained in the license are not complied with; or
- B. Any condition previously met ceases to be complied with; or
- C. Any other provision of this ordinance is violated; or
- D. Any of the information supplied in the application for license or accompanying documentation is false or misleading.

Subdivision 2. If during the course of the show or exhibition for which a license has been granted hereunder it appears in the judgment of the Dakota County Sheriff that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats of acts of terrorism, threatening the physical health or safety of those in attendance at the assembly, or residents of the community in which the assembly is held, the Sheriff shall be empowered to take whatever action he/she deems appropriate to protect said persons, including temporarily suspending the license granted if he/she deems such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing thereon shall be held before the County Board at the earliest opportunity. In the event the County Board deems such suspension improper, the license shall be reinstated or the license application fee refunded, whichever action the licensee requests.

Section 9. Enforcement and Violations:

Subdivision 1. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.

Subdivision 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.

Subdivision 3. Any person, corporation, partnership, or unincorporated association, society or group which violates any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and no/100 Dollars (\$1,000) or by imprisonment for not more than ninety (90) days, or both. In the event a violation of this ordinance occurs by action of a corporation, a partnership, or an unincorporated association, society or group, the respective officers, partners or members of said corporation, partnership, association, society or group shall be subject to prosecution.

Subdivision 4. Any person who violates any provision of this ordinance or any condition upon which he/she is granted a license shall be personally responsible for damages to public or private property arising out of or in connection with said violation and shall be subject to any civil relief that may be reasonable and proper. In the event a corporation, a partnership, or an unincorporated association, society or group violates any provision of this ordinance or any condition upon which a license is granted, the officers, partners or members of said corporation, partnership, association, society or group shall be subject to the penalties set forth in this section.

Section 10. Severability

The provision of this ordinance shall be severable and should any Court of competent jurisdiction adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

Section 11. Applicability of Other Laws, Ordinances and Regulations

Subdivision 1. The provisions of this ordinance are cumulative to all other laws, ordinances and regulations heretofore passed or which may be passed hereafter by the State of Minnesota and the County of Dakota.

Subdivision 2. Nothing contained in this ordinance shall be construed to waive or otherwise satisfy the obligations or restrictions imposed by State statute or County ordinance or regulation concerning the sale of nonintoxicating malt liquor or intoxicating liquor.

Section 12. Effective Date This ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 13. Repealer Dakota County Ordinance No. 112, which was enacted through Resolution 04-128 by the Dakota County Board of Commissioners on March 23, 2004, is hereby repealed.

Date of Publication of DAKOTA COUNTY BOARD OF COMMISSIONERS
Notice of Intent to Enact:

Approved: Karen Schaffer

Office of the County Attorney

Date of Signature: 4-8-10

By: Robert G. Egan

Chair

Date of Signature: 4/6/10

Attest: Kelly Olson
Kelly Olson
Clerk to the Board