

**DAKOTA COUNTY ORDINANCE NO. 112
ASSEMBLAGE OF LARGE NUMBERS OF PEOPLE**

TABLE OF CONTENTS

	PAGE
SECTION 1.00 PURPOSE AND AUTHORITY	1
1.01 PURPOSE	1
1.02 AUTHORITY	1
SECTION 2.00 DEFINITIONS	1
SECTION 3.00 GENERAL PROVISIONS	2
3.01 STANDARD	2
3.02 PERMITTED HOURS	2
3.03 EXCEPTIONS	2
SECTION 4.00 LICENSE	2
4.01 LICENSE REQUIRED	2
4.02 LICENSE APPLICATION	3
4.03 ISSUANCE OF LICENSE	5
4.04 VARIANCE	5
4.05 BOND	6
4.06 INSURANCE	6
4.07 CONDITIONS OF LICENSE	6
SECTION 5.00 ENFORCEMENT	7
5.01 INJUNCTION	7
5.02 PUBLIC NUISANCE	7
5.03 MISDEMEANOR	7
SECTION 6.00 LICENSE SUSPENSION AND REVOCATION	7
SECTION 7.00 HEARINGS	7
SECTION 8.00 SEVERABILITY	7
SECTION 9.00 APPLICABILITY OF OTHER LAWS	8
SECTION 10.00 EFFECTIVE DATE	8
SECTION 11.00 REPEALER	8
EXHIBIT A EMS MASS ASSEMBLAGE PLANNING GUIDE	9

DAKOTA COUNTY

ORDINANCE NO. 112

ASSEMBLAGE OF LARGE NUMBERS OF PEOPLE

SECTION 1.00 PURPOSE AND AUTHORITY

1.01 PURPOSE.

The purpose of this Ordinance is to license and regulate assemblages of large numbers of people not within the limits of a city within Dakota County, to protect the health, safety and welfare of all persons who partake in or are affected by an assemblage, and to protect the interests of Dakota County in issuance of the required license for the assemblage.

1.02 AUTHORITY.

This Ordinance is adopted pursuant to the authority set forth in Minnesota Statutes Section 375.40, as it may be amended from time to time, and successor laws, which authorizes the Board of Commissioners of any County to license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, except those held within the incorporated limits of a city.

SECTION 2.00 DEFINITIONS

Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this Section. Unless specifically defined herein, words and phrases shall have common usage meaning. For purposes of this Ordinance, the words "must" and "shall" are mandatory and not permissive, unless a different definition appears in this Ordinance.

2.01 "Applicant" shall mean one or more proposed or actual sponsors of the Assembly.

2.02 "Assembly" shall mean any gathering of 300 or more individuals for an exhibition or show or activity of any nature for a specific period of time at a specified location for a specified purpose, whether on public or private property. Examples include, but are not limited to, music, racing, political activity, promotional events, social entertainment, or other similar types of activities.

2.03 "Board" shall mean the Dakota County Board of Commissioners.

2.04 "County" shall mean Dakota County, Minnesota.

2.05 "Licensee" shall mean one or more Persons to whom a license is granted pursuant to this Ordinance.

2.06 "Person" shall mean an individual, partnership, corporation, firm, business entity, company, association, society, or group.

2.07 "Public Services and Revenue" shall mean the Director of the Dakota County Public Services and Revenue Division or designee.

SECTION 3.00 GENERAL PROVISIONS

3.01 STANDARD.

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, unless a license to hold such Assembly has first been secured in accordance with the provisions of this Ordinance.

3.02 PERMITTED HOURS.

No Assembly shall begin before 9:00 a.m. or go beyond 11:30 p.m. on Fridays and Saturdays or 9:00 p.m. on Sundays through Thursdays.

3.03 EXCEPTIONS.

This Ordinance does not apply to any of the following:

- A. Assembly at a regularly established and permanently constructed facility for gathering, including, but not limited to, places of worship, stadiums, arenas, auditoriums, or coliseums;
- B. Assembly within the incorporated limits of a city;
- C. The Dakota County Fairgrounds, during the period of the Dakota County Fair;
- D. Family celebratory assembly taking place entirely upon the premises of a family member; or
- E. Assembly held in Dakota County Parks.

SECTION 4.00 LICENSE

4.01 LICENSE REQUIRED.

- A. A license to hold an Assembly shall permit any Person to engage in any lawful activity in connection with holding the licensed Assembly.
- B. A separate license shall be required for each Assembly that is not covered by the issued license.
- C. A license shall permit the Assembly of only the maximum number of persons stated in the license. The Board may impose restrictions on the maximum number of persons permitted to assemble if such restrictions are deemed necessary to protect the health, safety, and welfare of the attendees, the residents of the community in which the Assembly is held, and other residents of the County. The Licensee shall not sell tickets to nor permit to assemble more than the maximum number of persons stated in the license.

4.02 LICENSE APPLICATION.

- A. The license application must be submitted by the Applicant to Public Services and Revenue on a form provided by Public Services and Revenue at least 60 days before the Assembly is scheduled to occur.
- B. The license application shall be accompanied by a nonrefundable fee in an amount set in the Public Services and Revenue Fee Schedule, unless the Applicant is duly organized as a nonprofit organization pursuant to Minnesota Statutes Chapter 317A, or as a religious organization pursuant to Minnesota Statutes Chapter 315, in which case the fee is waived.
- C. Upon receipt of the license application, Public Services and Revenue shall forward a copy to the following:
 - 1. Clerk of the township in which the Assembly is scheduled to occur;
 - 2. Dakota County Sheriff's Office;
 - 3. Dakota County Public Health; and
 - 4. Dakota County Risk Management.
- D. The license application shall contain the following:
 - 1. The address and legal description of the property upon which the Assembly is to be held, together with the name, email address, if applicable, and mailing address of all record owners of the property. The license application shall be signed by the Applicant or an individual who is legally authorized by law to bind the Applicant. If the Assembly occurs on property belonging to someone other than the Applicant, the license application shall also be signed by the owner of the property and any landlord. Alternatively, the Applicant may produce a signed written lease, whose terms encompass the date(s) of the Assembly granting the Applicant use of the property and whose terms do not prevent use of the property for the Assembly;
 - 2. The nature or purpose of the Assembly;
 - 3. The maximum number of anticipated attendees;
 - 4. The dates and hours of the Assembly;
 - 5. The maximum number tickets to be sold, per day, if any;
 - 6. A written plan for the Assembly must address the following requirements:
 - a. The method used to track the number of attendees to limit the maximum number of attendees to those authorized in the license.
 - b. A fence or barrier completely enclosing the property of sufficient height and strength to prevent access to the property and having sufficiently staffed entrances and exits to allow easy movement into and out of the property.

- c. Sanitary portable drinking water sufficient to provide at least one gallon for each attendee per day for the maximum number of attendees authorized by the license.
- d. Separately enclosed toilets and hand washing or hand sanitizing stations conveniently located throughout the property sufficient to provide facilities for the maximum number of attendees authorized by the license.
- e. A current license issued by the Minnesota Department of Health for special event food and beverage stands that are operated in compliance with the Minnesota Food Code.
- f. A sanitary method of disposing, including recycling, of solid waste in compliance with State and local laws and regulations sufficient to dispose of the solid waste production for the maximum number of attendees authorized by the license at the rate of at least 2.5 lbs. of solid waste per attendee per day, together with a plan for collecting and disposing of all solid waste at least once each day of the Assembly to include sufficient trash and recycling containers and personnel to perform such tasks.
- g. Illumination, if necessary, sufficient to light the property at the rate of at least five foot candles at ground level, but not to shine unreasonably beyond the boundaries of the enclosed location of the Assembly.
- h. Security and traffic controls that meet the requirements of local authorities and the Minnesota Department of Public Safety, which includes, at a minimum, the physical presence of one officer per 250 attendees. The term "officer" shall include, but not be limited to, Minnesota law enforcement officers having jurisdiction in Dakota County or protective agents licensed in Minnesota. The written plan shall include the number of officers, their credentials, and their hours of availability. The Dakota County Sheriff may recommend that security staffing requirements be adjusted based upon the Applicant's assemblage license history or other factors pertinent to public safety. If security is provided by the Dakota County Sheriff's Office, the cost of security for extra-duty personnel will be billed by the Sheriff's Office at its established rate.
- i. 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.
- j. A minimum of one telephone, capable of two-way conversation that is designated solely for emergency use per 5,000 attendees. In the event of an emergency, 9-1-1 shall be used. Callers must be able to provide the location of the Assembly, which includes the address and location within the Assembly, and the nature of the emergency to ensure appropriate public safety response.

- k. Compliance with emergency medical services (EMS) requirements as determined by Dakota County Public Health based, in part, on the Dakota County EMS Mass Assemblage Planning Guide, attached hereto as Exhibit A, which may be amended from time to time by Dakota County Public Health. Any amendment to Exhibit A shall be based on recommendations by the Emergency Medical Services Regulatory Board and supported by the Dakota County EMS Council, but shall not require Board resolution.
 - l. A parking area inside the Assembly property sufficient to provide parking space for the maximum number of attendees authorized by the license, at the rate of at least one parking space for every four attendees per day. The Applicant shall ensure compliance with all federal, state, and local statutes, rules, and regulations governing designation and availability of handicap parking spaces.
 - m. All reasonable precautions to ensure that noise generated by the Assembly will not carry unreasonably beyond the Assembly. In no case shall noise levels exceed those established by Minnesota Rules, Chapter 7030, as it may be amended from time to time or successor rules. The license will include the applicable portion of this noise standard. The Dakota County Sheriff has the authority to order a reduction in noise levels, if necessary, based on complaints; and
7. A statement that the information and statements are true and correct according to the best information available to the Applicant.

4.03 ISSUANCE OF LICENSE.

Within 60 days of the submission of the license application the Board shall either grant or deny the license. The decision to grant or deny the license shall be based upon the license application, including the written plan, and any attachments, oral testimony or other written documentation, if any, presented to the Board by the Applicant or other interested persons. The license is not transferable.

4.04 VARIANCE.

An Applicant may request a variance to any of the requirements of this Ordinance from the Board in writing. In the request, the Applicant must demonstrate that strict compliance with the requirement(s) causes exceptional and undue hardship by reason of the special nature of the Assembly or that the individual circumstances of the Assembly make one or more of the requirements unnecessary. The Board may consider the variance request with paramount consideration given to public health, safety, and welfare and the intent and purpose of the requirement(s) sought for waiver. If the Board grants a variance to any of the requirements of this Ordinance, the variance will be stated in writing and provided to the Applicant. A variance granted to one Applicant will not in any way bind the Board's authority to grant or deny a variance to any other Applicant or the Applicant granted or denied the variance.

4.05 BOND.

The Licensee shall obtain a 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 roadways or other public property arising out of or as a result of the Assembly and that the Licensee shall promptly and fully repay or repair any damage, and that all provisions of this Ordinance and conditions imposed by the Board in the issuance of the license are fully complied with by the Licensee. Bonds must be provided to Public Services and Revenue to obtain the license. The bond shall be at a minimum \$10,000, and the Licensee may be required to obtain a higher bond upon the recommendation of the Dakota County Sheriff's Office and Risk Management after review of the security plan and the anticipated liability and cost to the County of the Assembly.

4.06 INSURANCE.

The licensee shall obtain commercial general liability insurance covering all injuries or damage caused by or as a result 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 Public Services and Revenue to obtain the license.

4.07 CONDITIONS OF LICENSE.

- A. During the course of the Assembly the Licensee shall comply with the written plan submitted pursuant to Section 4.02 D. 6. and the requirements of the license as governed by this Ordinance.
- B. The Licensee agrees to allow representatives of the Dakota County Sheriff's Office and any other County officials unfettered access to the property to determine compliance with and to enforce the conditions of the license and the requirements of this Ordinance. The right of access shall begin with the submission of the application and continue for 24 hours following the end of the Assembly.
- C. The Licensee and the Licensee's agents shall maintain the Assembly property and facilities in a clean, orderly, and sanitary condition at all times.
- D. No animals or pets not directly involved in the Assembly, or the policing thereof, are permitted on the property. No animals or pets are permitted to run loose. This does not apply to service animals, which are defined as animals that are trained to assist persons with disabilities.
- E. No fire of any kind is permitted on the property, except in grills or at locations designated for that purpose.
- F. No attendee shall engage in conduct that violates a federal, state, county, or local law, ordinance or regulation.
- G. The license shall be posted at all times in a conspicuous place in the area licensed for the Assemblage.
- H. Upon issuance of the license, the County may impose additional conditions of the license necessary to protect the health, safety and welfare of Assembly attendees or County residents.

SECTION 5.00 ENFORCEMENT

5.01 INJUNCTION.

The provisions of this Ordinance and licenses granted thereunder may be enforced by injunction in Dakota County District Court.

5.02 PUBLIC NUISANCE.

Holding an Assembly in violation of any condition of the license or requirement of this Ordinance is a public nuisance and may be abated as such.

5.03 MISDEMEANOR.

Any Person, as defined in 2.06, in violation of any provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$1,000 or imprisonment of not to exceed 90 days, or both.

SECTION 6.00 LICENSE SUSPENSION AND REVOCATION

A license granted under this Ordinance may be immediately suspended or revoked at any time prior to or during the Assembly upon occurrence of any of the following: (1) if Applicant provided false or misleading information in the license application, including the written plan, or accompanying written or oral documentation; (2) if Applicant failed to comply with a requirement of licensure or a condition of the license; (3) if during the course of the Assembly it appears, in the judgment of the Dakota County Sheriff, that there exists an imminent danger of violence, riot, or other calamity, or if there are threats or acts of terrorism threatening the safety or attendees or residents of the community in which the Assembly is held; or (4) If there is a violation of or failure to comply with any provision of this Ordinance.

SECTION 7.00 HEARINGS

A hearing on the immediate suspension or revocation may be held at the Licensee's request before a hearing officer appointed by the County Manager at the earliest opportunity. The Licensee must request the hearing in writing directed to Public Services and Revenue. The appointed hearing officer will make a recommendation to the County Manager. If the County Manager, or the County Manager's designee, determines that the immediate suspension or revocation was not justified, the County Manager, or the County Manager's designee, may reinstate the license or refund the license application fee.

SECTION 8.00 SEVERABILITY

The provisions 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 9.00 APPLICABILITY OF OTHER LAWS

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. 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 3.2 percent malt liquor or intoxicating liquor.

SECTION 10.00 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

SECTION 11.00 REPEALER

Dakota County Ordinance No. 112, which was enacted through Resolution 04-128 on March 23, 2004 and amended by Resolution 10-138 on March 16, 2010 by the Dakota County Board of Commissioners, is hereby repealed and this enacted in its stead.

ATTEST:

COUNTY OF DAKOTA, STATE OF MINNESOTA



Jennifer Reynolds
Administrative Coordinator to the Board

Date of Signature: 12-13-16



Nancy Johnson
Chair
Dakota County Board of Commissioners

Date of Signature: 12-13-16

Approved as to form:

 11/28/2016

Assistant County Attorney Date

Approved as to execution:

 12/14/2016

Assistant County Attorney Date

Exhibit A

Dakota County Emergency Medical Services (EMS) Mass Assemblage Planning Guide

Public Health staff will use the following criteria as a guide to determine risk level and provide recommendations for mass assemblage gatherings.

These criteria are evidence-based, recommended by the Emergency Medical Services Regulatory Board (EMSRB), supported by the Dakota County EMS Council, and amended from time to time in accordance with Ordinance No. 112, Section 4.02 D.6.k.

Add up scores (0-2) for each of the 7 categories

Category	POINTS		
	2	1	0
1. Weather (outdoor events)	>90 degrees F (heat index) <0 degrees F (wind chill) No climate controlled shelter	80-90 degrees F (heat index) 0-40 degrees F (wind chill) Minimal climate controlled shelter	Climate controlled environment
2. Peak attendance	>15,000	1,000-15,000	<1,000
3. Alcohol Consumption	Significant-offered during the entire event	Limited to a few hours of the event	None
4. Crowd age	Older-65 and over	Mixed -older and younger	Younger- under 21
5. Behavior of Crowd	Animated/rowdy	Intermediate	Calm
6. Prior experience with Applicant	Major problems/issues	Minor problems/issues	No problems/issues
7. Transport time to hospital	>30 minutes	20-29 minutes	<20 minutes

- BLS refers to having an emergency medical technician (EMT)
- ALS refers to having a paramedic

I. High Risk: Total score greater than or equal to 5, or scores of 2 in two different categories.

A. The Applicant shall provide an automated external defibrillator (AED).

B. The Public Health Department may recommend the following:

- Advanced Life Support (ALS) on-site medical aid station
- ALS on-site ambulance and roaming teams
- An onsite physician should be considered

II. Intermediate Risk: Total score 3 or 4, or a score of 2 in any category.

A. The Applicant shall provide an AED.

- B. The Public Health Department may recommend the following:
 - o Basic Life Support (BLS) on-site medical aid station
 - o On-site ALS ambulance.
 - o Staffing levels, number of staff and mobile teams should be based on event characteristics.
- III. **Low Risk:** Total score less than 3 and no single category with a score of 2.
- A. The Applicant shall provide an AED.
 - B. The Public Health Department may recommend the following:
 - o BLS on-site care
 - o Consideration of on-site BLS ambulance based on event characteristics.
- IV. **All Risk Levels:**
- A. Emergency Medical Technicians (EMT's), Paramedics and the designated ambulance service providing coverage for the event, must be registered or certified by the MN Emergency Medical Services Regulatory Board per guidance of Minn. Stat. Chapter 144E.
 - B. The Applicant must attach a roster indicating the staff certification and the licensed/certified ambulance service being used.
 - C. For special events and mass gatherings the local EMS primary service area holder (Minn. Stat. § 144D.06) and the local hospital should be notified of the event in advance and ideally involved in the development of the medical plan.

Grange, Baumann, Vaezazizi. "On-site Physicians Reduce Ambulance Transports at Mass Gatherings." *Prehosp Emerg Care*, 7 (3), 2003. pp 322-326.

Hartman et al. "Predicting Resource Use at Mass Gatherings Using a Simplified Stratification Scoring Model." *Am J Emerg Med*, 27 (3), 2009. pp 337-343.