

**AN ORDINANCE ESTABLISHING STANDARDS AND PROCEDURES FOR THE
LICENSING AND REGULATION OF LARGE EXHIBITIONS**

ORDINANCE NO. 335

Be it ordained by the Benton County Board of Commissioners, Benton County,
Minnesota:

I

STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization contained in Minnesota Statutes
Section 375.40.

II

INTENT

- A. It is the purpose of the Board of County Commissioners of Benton County, Minnesota, to regulate exhibitions attracting large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation, and utility services regularly provided in Benton County, in order that the health, safety and welfare of all persons in Benton County, residents and visitors alike, may be protected.
- B. It is the intent of this Board that all sections and provisions of this ordinance have an independent existence; and, should any section or provision be declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of this Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

III

DEFINITIONS

- A. As used in this ordinance:
 - 1. "Person" means any individual natural human being, partnership, corporation, firm, company, association, society, or group;
 - 2. "Exhibition" means itinerant shows, carnivals, circuses, endurance

Aud office

contests, concerts, rallies and exhibitions of any nature whatsoever, except those prohibited by Minnesota Statutes Section 624.66.

IV

LICENSE REQUIRED

- A. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an exhibition which actually or is reasonably anticipated to be attended at any point in time by a gathering of 400 or more people whether on public or private property, unless a license to hold the assembly has first been issued to that person by the Board of County Commissioners of Benton County, Minnesota. A license to hold an exhibition issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed exhibition.
- B. A license shall permit the gathering at such exhibition of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to gather at the licensed location more than the maximum permissible number of people.
- C. This ordinance shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of gathering for exhibitions, nor to the land immediately adjacent thereto.
- D. This ordinance shall not apply to government sponsored fairs or agricultural association fairs, held on regularly established fairgrounds nor to exhibitions required to be licensed by other state laws and regulations of Minnesota.
- E. This ordinance shall not apply to exhibitions held within the incorporated limits of a village, borough, or city.
- F. This ordinance shall not apply to individual farm or estate auctions.

V

APPLICATION

- A. Application for a license to hold an exhibition which is actually or anticipated to attract a gathering of 400 or more persons at any point in time shall be made in writing to the Board of County Commissioners of Benton County at least 90 days

in advance of such exhibition. The application shall be made on forms provided by the Benton County Auditor. Upon receipt of the application, the auditor shall forward a copy to the clerk of the town board of the township where the gathering is to take place, as well as to the Benton County Sheriff, Planning and Zoning Administrator, Highway Engineer and Public Health Director.

- B. 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 making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association society or group, or, if there are no officers, by all members of such association, society or group.
- C. The application shall be signed by both the applicant or applicants and the property owner of record.
- D. When applying for an exhibition license, the sponsor must submit certified copies of other necessary Minnesota State licenses and/or permits to support his application.
- E. The application shall contain and disclose:
 - 1. the name, telephone number and mailing address of all persons required to sign the application by Section V B and C, and in the case of a corporation, a certified copy of the articles of incorporation together with the name, and mailing address of each person holding 10 percent or more of the stock of said corporation;
 - 2. the address and legal description of all property upon which the exhibition is to be held, together with the name, residence, and mailing address of the record owner(s) of all such property;
 - 3. the nature or purpose of the exhibition;
 - 4. the total number of days and/or hours during which the exhibition is to last;
 - 5. the maximum number of persons which the applicant shall permit to gather at any time, not to exceed the maximum number which can reasonably gather at the location of the exhibition, in consideration of the nature of the exhibition, and the maximum number of persons allowed to sleep within the boundaries of the location of the exhibition, if the exhibition is to continue overnight;

6. the name, address and telephone number of a "contact person" or persons, who shall represent the sponsor of the exhibition and be available at all times while the exhibition is taking place. To facilitate communication between county employees and the sponsor in the case of emergency, the contact person shall either remain at a designated location on the exhibition site or provide other satisfactory means of immediate contact (e.g., cellular telephone) as determined by the county board.
 7. a diagram depicting the fencing of the site of the exhibition and the gates contained in such fence;
 8. the plans for providing toilet and lavatory facilities including the number, location, type, and means of disposing of waste deposited;
 9. the plans for holding, collection, and disposing of solid waste material;
 10. 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, nurses or emergency medical technicians;
 11. the plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
 12. the plans for camping facilities, if any, including facilities available and their location;
 13. the plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;
 14. the plans for area traffic control for egress from and exit onto public roads or highways.
 15. a scale diagram depicting the location of the facilities listed in this section.
- F. At the time the application is submitted, the applicant shall pay to the County Auditor a license fee of \$250, as well as an inspection fee of \$300.
- G. At the time the application is submitted, the applicant shall file with the Benton County Auditor a bond, either in cash or underwritten by a surety company licensed to do business in Minnesota in the minimum amount of \$25,000, which shall indemnify and hold harmless Benton County or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting authority, and from any cost incurred in cleaning up any

waste material produced or left by the exhibition. The County Board may require a bond in a higher amount as it deems necessary, due to the number of expected attendees or other factors which may require the utilization of public services.

- H. At the time the application is submitted, the applicant shall file with the County Auditor proof of liability insurance coverage in an amount not less than the minimum liability limits of Chapter 466. The policy shall be in the name of the sponsors or owner of the property on which the exhibition will take place, and shall provide coverage for any injuries or damages suffered by anyone as a consequence of the negligence of the sponsor, its agents, employees, concessionaires, or other parties involved in the large exhibition, arising out of the operation of the exhibition. Said policy shall contain a clause indemnifying and holding harmless the County of Benton or any of its agents, officials, servants and employees from liability or causes of action which might arise by reason of the granting of the license.

VI

ISSUANCE

The application for a license shall be processed within 30 days of receipt and shall be issued if all conditions are complied with.

VII

OPERATION

- A. The licensee and his agents shall maintain the assembly premises and facilities in a clean, orderly and sanitary condition at all times. The licensee shall be responsible for leaving the premises in a clean, orderly and sanitary condition after the conclusion of the exhibition.
- B. No animals shall be permitted on any grounds or facilities, except for those directly involved in the show or exhibition or the policing thereof, service animals as provided in M.S. §363.03, Subd. 2(5) and police dogs under the supervision of licensed peace officers while on duty.
- C. No fires of any kind shall be permitted on the premises or facilities except in grills or at locations designated for that purpose in the license application and approved in the terms of the license.

- D. The exhibition site shall be enclosed by a fence or barrier (sufficient to prevent ingress or egress except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the exhibition grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the exhibition grounds and provide traffic control onto established public road systems.
- E. Potable water, meeting all federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be gathered at the rate of at least one gallon per person per day and where the exhibition is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day shall be available at the site.
- F. The site shall contain no less than four separate enclosed toilets, two designated for males and two designated for females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be gathered, in accordance with the Minnesota State Board of Health Regulations and Standards. At least one toilet for each sex shall be handicap accessible. An additional four toilets shall be provided for every 1000 persons in attendance.
- G. The licensee shall provide 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 gathered at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding, collecting and removal of all such waste by a licensed hauler at least once each day of the exhibition, and sufficient trash containers and personnel to perform these tasks.
- H. The site shall contain a covered structure attended by at least one physician, nurse, medical technician or other person trained to perform first aid and life support and duly registered and certified pursuant to Minnesota Statutes (compliance to be determined by Benton County Health Nursing Service).
- I. A free off-road parking area sufficient to provide parking space for the maximum number of people to be gathered at the rate of at least one parking space for every four persons shall be available at the site.
- J. If the exhibition is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in Minnesota Statutes and regulations and ordinances of this county, sufficient to provide camping accommodations for the maximum number of people to be gathered shall be available at the site.

- K. Security shall be provided in the form of regularly employed or off-duty Minnesota Law Enforcement Officers or protective agents licensed in Minnesota, sufficient to provide adequate security for the maximum number of people to be gathered. At least one security guard for every 100 people will be provided for the first 1,000 people to gather; for gatherings of more than 1,000 people, additional security guards will be provided at the rate of one for each 250 people or major fraction thereof.
- L. Telephone service shall be available to medical and security personnel at the exhibition site to enable these persons to contact the appropriate authorities in case of emergency.
- M. The licensee shall provide fire alarms, extinguishing devices and fire lanes sufficient to meet all applicable state and local regulations which are in effect, or may be set forth by Benton County; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor (compliance will be determined by appropriate local fire chief);
- N. All food service must comply with the requirements of the Minnesota Department of Health and Chapter 4625 of the Minnesota Rules.
- O. All exhibition facilities, sanitary facilities, medical facilities, parking areas, fences and required safety equipment must be in place and ready for inspection at least 24 hours prior to the scheduled commencement of the exhibition. The site and facilities must be inspected by representatives of the Benton County Planning and Zoning Department, Sheriff's Department, Public Health Department, and Highway Department prior to the commencement of the exhibition to insure that all requirements of this ordinance are complied with.
- P. The exhibition site and facilities shall at all times be maintained in accordance with the license provisions.
- Q. Any and all signs placed or erected in connection with the exhibition shall comply with Section 9.1.1 of the Benton County Development Code.

VIII

REVOCATION

The license may be revoked by the Board of County Commissioners of Benton County at any time after notice and opportunity to be heard is provided to the sponsor, contact person or property owner, if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any conditions previously met ceases to be complied with.

IX

ENFORCEMENT

- A. The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
- B. The holding of an exhibition in violation of any provision or condition contained in this ordinance shall be deemed a public nuisance and constitutes a misdemeanor punishable by up to 90 days in jail and/or a \$700 fine.
- C. Any person who violates Section IV A or who violates any condition upon which he is granted a license will forfeit an appropriate amount from the bond required in Section V E. No portion of the bond will be released to the sponsors until all provisions of the license agreement have been met.
- D. Any person, partnership, association or corporation who conducts, or takes part in, any itinerant show, carnival, circus, endurance contest, or exhibition not licensed in accordance with this ordinance shall be guilty of a misdemeanor pursuant to Minn. Stat. Section 375.41.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this
3rd day of December, 1997.


Alice Trushenski, Chairman

ATTEST:


County Auditor

278035

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

SEP 17 11 39 AM '01

MARILYN J. NOVAK
COUNTY RECORDER

BY KHC DEPUTY