

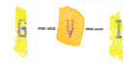
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BENTON COUNTY MINNESOTA
CHERYL L. KANTOR
COUNTY RECORDER

By: BS



DOCUMENT COVER SHEET

Document Name: **Ordinance Establishing Standards and
Procedures for the Licensing and
Regulation of Large Exhibitions**

Benton County Board of Commissioners

The Public

Document Date: **02/05/2019**

This cover sheet is being attached to this document to provide room for recording information and is considered part of this document

Benton County Auditor-Treasurer

No Fee



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 that allows County Boards to license certain exhibitions, shows and gatherings.

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 contests, concerts, rallies and exhibitions of any nature or any gathering of over 400 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 activity.
3. "Board" means the Benton County Board of Commissioners.
4. "Medical Personnel" means a physician, nurse, paramedic, emergency medical technician, or emergency medical responder. "Medical Personnel" shall have a current license, certification or registration with the Minnesota Board of Medical Practice, Minnesota Board of Nursing or Minnesota Emergency Medical Services Regulatory Board.

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 conditional approval of a license to hold the assembly has first been granted 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.

G. A license shall not be transferrable.

V

APPLICATION

A. A complete 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 60 days in advance of such exhibition. The application shall be made on forms provided by the Benton County Auditor Treasurer. Upon receipt of the application, the Auditor Treasurer 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, Department of Development Director, Public Works Director and Community Health Services (CHS) Administrator/designee. If an applicant foresees issues with the application process, applicant is encouraged to submit the application far in advance of the 60 days for processing. If an incomplete application is submitted, it will be returned to the applicant within 10 business days. It is the applicant's responsibility to submit a timely and complete application.

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(s) 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, social security numbers or tax id numbers, 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, articles of organization or partnership agreement together with the name, and mailing address of each person holding 10 percent or more of the stock or ownership interest in the legal entity ;
 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 owner(s) of record of all such property;
 3. The applicant shall provide proof of ownership of all property upon which the exhibition is to be held or provide a notarized statement made upon oath or affirmation by the owner(s) of record of all such property that the applicant has permission to use such property for the purpose of holding an exhibition;
 4. a complete description of all activities anticipated to be a part of the exhibition;
 5. the total number of days and/or hours during which the exhibition is to last;
 6. 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; the maximum number of persons allowed to sleep within the boundaries of the location of the exhibition, if the exhibition is to continue overnight; 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 statement indicating whether or not beer, wine or liquor will be sold or allowed to be consumed on the licensed premises during the exhibition;
8. if beer, wine or liquor will be sold or consumed, a list of providers of the alcohol and a copy of the provider's liquor license shall be included with the application;
9. a statement indicating whether or not any gambling activities will be allowed as part of the exhibition;
10. a diagram depicting the fencing of the site of the exhibition and the gates contained in such a fence;
11. the plans for providing toilet and lavatory facilities including the number, location, type, and means of disposing of waste deposited;
12. the plans for holding, collection, and disposing of solid waste material;
13. 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 medical personnel;
14. 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;
15. the plans for camping facilities, if any, including facilities available and their location;
16. the plans for security including the number of guards, their deployment at the event site, and the staffing levels of guards present during the hours of the event operation. If the event hires individuals as employees or independent contractors to provide security, the applicant must provide their names, addresses, and credentials. If the event obtains security guards from a security contractor, the applicant must provide the name, address, and telephone number for the contractor and the name and telephone number of the person supervising these guards;

17. the plans for area traffic control for egress from and exit onto public roads or highways;

18. 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 Benton County Auditor Treasurer a nonrefundable fee in an amount set in the Benton County Fee Schedule .

G. At the time the application is submitted, the applicant shall file with the Benton County Auditor Treasurer 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 Benton County Auditor Treasurer 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(s) 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 and damages (including attorney's fees) which might arise by reason of the granting of the license.

VI

ISSUANCE

A complete application for a license shall be processed within 60 days of receipt. Other state laws, regulations or ordinances may require additional permits or staff to conduct additional review of the application.

No license 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 Large

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

The Benton County Board may conditionally approve the completed application if it determines applicant's written plan will meet the requirements of the ordinance and the exhibition will be conducted in harmony with the public health, safety and welfare.

The Benton County Auditor Treasurer or staff will inspect the large exhibition grounds 24 hours prior to the event to confirm the applicant's compliance with his or her submitted written plan. If the event is set up in conformance with the conditionally approved application and the requirements of the law are met, the Benton County Auditor Treasurer will issue the license.

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 Minn. Stat. §Ch. 363A, 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. Portable 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 applicant shall maintain the premises in a neat and orderly manner and shall provide a sanitary method of disposing of solid waste which shall comply with Benton County Ordinance 185 and Benton County Ordinance 162, or successor ordinances. The method of disposal shall be designed to be of sufficient size to contain the solid waste production of the maximum number of people to be gathered. The applicant shall submit a plan to the Benton County Department of Development 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. The County shall retain the right to increase the Licensed Premises' solid waste disposal capacity requirement as deemed appropriate. In addition the applicant shall provide recycling containers for recyclable materials that may be generated at the event.
- H. The applicant shall provide emergency medical services throughout the hours of the event. A written emergency medical plan is required to address emergency or significant medical problems. The plan should include the name of the health service provider, licensing information and the number of facilities with a listing of emergency equipment on site. Local hospitals and ambulance services shall be notified of the event in writing at least 30 days in advance with the number of estimated attendees. At a minimum, the site shall contain a covered structure, which may include a tent or trailer, attended by at least one medical personnel. The tent shall be heated and/or air conditioned. The tent shall have at least one defibrillator. The medical services plan shall be reviewed by CHS Administrator, and the applicant shall amend the medical services plan in accordance with CHS Administrator's recommendations.
- 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 a roadway will be used for more that ingress or egress to the exhibition and there will be an anticipated disruption in traffic which may include a partial closure or full closure of a public right-of-way, applicant will be required to obtain permission from the proper

right-of-way authority for use of the public right of way in accordance to Minnesota Statutes and regulations and ordinances. Applicant will be required to submit to the Board a resolution adopted by the proper right-of-way authority or, when required, a permit from the proper right-of-way authority.

K. 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. A special event camping area license from the Minnesota Department of Health must be obtained.

L. Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Such controls shall include, but not be limited to, regularly employed Minnesota law enforcement officers having jurisdiction in Benton County and/or any additional security officers sufficient to provide adequate security for the maximum number of people assembled, as recommended by the Benton County Sheriff's Office, cost of security will be billed by the Sheriff's Office rate identified on the Benton County Fee Schedule. Advanced payment will be required. If the exhibition is canceled prior to its scheduled date, the advanced payment will be refunded.

With the exception of endurance contests that do not involve any type of motorized vehicles or motorized devices, 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.

For endurance contests that do not involve any type of motorized vehicles or motorized devices there shall be at least one security guard. A second security guard shall be provided for such events attracting 500 people or more. Endurance contests expected to gather 1000 people or more shall provide a third and additional security guards at the rate of one additional security guard provided for every 500 additional people.

M. An applicant may be required to increase the amount of security guards if the Sheriff recommends an increase. 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 an emergency.

N. 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). Applicant shall notify the local fire chief of the exhibition 30 days prior to the event;

- O. All food service must comply with the requirements of the Minnesota Department of Health, law, rules, regulations, and ordinances as amended from time to time. At the time of inspection, a list of special event food and beverage stands operated in compliance with the Minnesota Food Code, as evidenced by a current license by the Minnesota Department of Health and liquor license shall be provided to Benton County Staff;
- P. At the time of inspection, a list of vendors who will be allowed to sell their products at the exhibition or who will be anticipated to participate at the exhibition and a description of those products shall be provided to Benton County Staff;
- Q. 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 Department of Development, Sheriff's Office, Public Health Division, and Public Works Department prior to the commencement of the exhibition to insure that all requirements of this ordinance are complied with.
- R. The licensee will comply with Benton County's All Hazards Plan.
- S. The exhibition site and facilities shall at all times be maintained in accordance with the license provisions.
- T. Any and all signs placed or erected in connection with the exhibition shall comply with the requirements of the Benton County Development Code and other applicable law.
- U. All premises for which a license has been granted shall at all times be open to inspection by the County to ensure compliance with the terms and conditions of any license issued under this Ordinance. It is unlawful for any licensee, or any agent or employee to hinder or prevent any inspection.
- V. Applicant shall maintain adequate records verifying compliance with the requirements of this ordinance and shall make the records available for inspection upon request by Benton County staff or representatives.

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:

- a. 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; 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.

If the Board of Commissioners finds that the sponsor or his/her agents knowingly violated the terms and conditions upon which a license was granted, the Board shall have the authority to impose a revocation period of up to 3 years upon the sponsor. During this revocation period, the sponsor shall be ineligible to obtain a license under this ordinance.

If during the course of the exhibition for which a license has been granted hereunder it appears in the judgement of the Benton County Sheriff that there exists an imminent danger of the outbreak of violence, riot or other calamity, or if there are threats or 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 such action necessary. Any such suspension by the Sheriff shall be effective immediately and a hearing thereon shall be held before the Board at the earliest opportunity. In the event the Board deems such suspension improper, the license shall be reinstated or the license application fee refunded, whichever action the licensee requests.

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 a misdemeanor crime.

- C. Any person who violated 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.

X.

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 judgement shall not affect any other provisions of this ordinance not specifically included in said judgement.

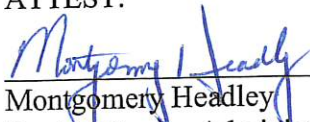
Approved and adopted by the Benton County Board of Commissioners this 5th day of February in the year of 2019.

This ordinance shall be effective upon publication.



 A. Jake Bauerly, Chair
 Benton County Board of Commissioners

ATTEST:



 Montgomery Headley
 Benton County Administrator