

**Florence Township
Large Event
ORDINANCE**

AN ORDINANCE REGULATING LARGE OUTDOOR EVENTS IN THE TOWNSHIP OF FLORENCE

Preamble

WHEREAS, the inhabitants of the Township of Florence are concerned about large crowds which may attend outdoor events and the results thereof, and

WHEREAS, said events may cause serious health, safety, and medical problems, obstruction and damage to roads and highways, violations of liquor and drug laws, destruction to both public and private property, and excessive noise and traffic in the vicinity of such events, and

WHEREAS, the Township of Florence is a sparsely populated rural community which has no full-time employees and which is incapable of providing any of the municipal services that are required to provide for the needs of or to control any substantial event within the Township;

NOW, THEREFORE, the Town Board of the Township of Florence, County of Goodhue, State of Minnesota, ordains as follows:

SECTION 1. INTENT

1.1 It is the purpose of the Town Board of the Township of Florence to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the County of Goodhue or in excess of those normally requiring supervision or control, in order that the health, safety, and welfare of all persons in the Township of Florence, residents and visitors alike, may be protected.

1.2 It is the intent of the Town 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 the Town Board that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the ordinance.

SECTION 2. PERMIT REQUIRED

2.1 No person shall permit, maintain, attend, promote, conduct, advertise, act as an entrepreneur, undertake, organize, manage, or sell or give tickets to an event, where a substantial portion of the entertainers or persons attending will be or are reasonably expected to be out of doors, whether on public or private property, and at which more than 500 persons

are in attendance or are reasonably expected to be in attendance at any one time, or at which greater than 100 persons are in attendance or are reasonably expected to be in attendance for a period which continues or can reasonably be expected to continue for eight or more consecutive hours, unless a permit to hold the event has first been issued by the Town Board, application for which must be made at least 90 days in advance of the event. A permit to hold an event issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the permitted event.

2.2 As used in the ordinance:

2.201 "Person" or "people" means any individual natural human being.

2.202 "Event" means any event of persons gathered together at any location at any single time at which a fee has been charged to attend, either tickets or admission fee.

~~2.3~~ If an event for which a permit is required under this ordinance is to take place at more than one location, a separate permit shall be required for each location at which 100 or more people attend an event or can reasonably be anticipated to attend and for each day upon which the event is to be held. The fee for each permit fee shall be \$200.00 for each permit for events up to 5000 people. The fee for each permit for events larger than 5000 people will be \$500. Events shall not operate between the hours of 1 AM and 7 AM.

2.4 Attendance at the event greater than the maximum number of people stated in the permit is prohibited. The permittee shall not sell tickets nor allow the event more than the maximum number of people stated in the permit.

2.5 The permit shall not allow the sound of the event to carry unreasonably beyond the enclosed boundary of the location of the event. This would be 65dba for more than 50% of the time at a distance of one mile radius.

Including the exceptions stated in II.F and G. of the County ordinance.

SECTION 3. CONDITIONS FOR ISSUING PERMIT

Before a permit may be issued, the applicant shall first:

3.1 At the time the application is submitted, the sponsor will provide a plan, including the provisions herein, for operation of the event. Ten days prior to the start of the event, local authorities **TBD**) will inspect to determine whether the requirements of the following provisions have been met:

3.201 The event shall have sufficient entrances and exits to allow easy movement into and out of the event grounds and provide traffic control onto established public road systems;

3.202 Potable water, meeting all federal and state requirements for sanitary quality,

sufficient in amount to provide drinking water for the maximum number of people to be in attendance.

3.203 Enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be in attendance, in accordance with the Minnesota State Board of Health regulations and standards;

3.204 A sanitary method of disposing of solid wastes, 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 in attendance, together with a plan for holding and collecting all such waste at least once each day of the event, and sufficient trash containers and personnel to perform the above mentioned tasks;

3.205 Physicians and nurses licensed to practice in Minnesota sufficient to provide medical care for the maximum number of people to be in attendance at the rate of at least one physician and nurse for every 1,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician.

3.206 If the event is to continue during hours of darkness, illumination sufficient to light the entire area of the event, but not to shine unreasonably beyond the boundaries of the enclosed location of the event.

3.207 A parking area inside of the event grounds sufficient to provide parking space for the maximum number of people to be in attendance at the rate of at least on parking space for every four person; or an offsite parking option with shuttle service.

3.208 No overnight camping is allowed in conjunction with large event permits.

3.209 Security, traffic, and narcotics control plan which will meet the requirements of local authorities and the Minnesota Department of Public Safety; regularly employed 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 in attendance.

3.210 Fire protection shall be provided by the sponsor which may include but not be limited to the following: Fire alarms, extinguishing devices, fire lanes, and shall be sufficient to meet all applicable state laws and local regulations which are in effect, or may be set forth by the Town Board as it determines is necessary; and sufficient emergency personnel to efficiently operate the required equipment that will be provided by the sponsor;

3.211 All reasonably necessary precautions to insure that the sound of the event will not carry unreasonably beyond the enclosed boundaries of the location of the event and does not exceed the MPCA statutory noise standard.

3.212 A designated person(s) must be on-site and available as an event contact

during the event.

3.213 A bond, filed with the clerk of the Township of Florence, either in cash or underwritten by a surety company licensed to do business in Minnesota at the rate of \$100.00 per person for the maximum number of people permitted to in attendance, which shall indemnify and hold harmless this political subdivision or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this permit, payment of employees, or services rendered by the granting authorities, and from any costs incurred in cleaning up any waste material produced or left by the event.

SECTION 4. APPLICATION

4.1 Application for a permit to hold an event for which a permit is required by this ordinance shall be made in writing to the Town Board at least 90 days in advance of such event by provision either to the Town Clerk or in person at a scheduled Town Board meeting.

4.2 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.

4.3 The application shall contain and disclose:

4.301 The name, age, residence and mailing address of all persons required to sign the application by Section 4.2 and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, dates, residence and mailing address of each person holding 10 percent or more of the stock of said corporation;

4.302 The address and the Goodhue County Parcel number(s) of all property upon which the event is to be held, together with the name, residence, and mailing address of the record owners of all such property;

4.303 Proof of ownership of all property upon which the event is to be held or a statement made upon oath of affirmation by the record owner(s) of all such property that the applicant has permission to use such property for the event.

4.304 The nature and purpose of the event;

4.305 The total number of days and/or hours during which the event is to last;

4.306 The maximum number of persons which the applicant shall permit to be in attendance at any time, not to exceed the maximum number which can reasonably be in attendance at the location of the event, in consideration of the nature of the event.

4.307 The maximum number of tickets to be issued;

4.308 The plans of the applicant to limit the maximum number of people permitted to be in attendance at the event;

4.309 The plans for fencing the location of the event and the gates contained in such fence, if applicable.

4.310 The plans for supplying potable water including the source, amount available, and location of outlets;

4.311 The plans for providing toilet and lavatory facilities including the source, number and location, type, and means of disposing of waste deposited;

4.312 The plans for holding, collection and disposing of solid waste material;

4.313 The plans to provide for medical services and emergency services;

4.314 The plans, if any, to illuminate the location of the event including the source and amount of power and location of lights;

4.315 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;

4.316 The plans for onsite contact persons and phone numbers and for the duration of the event,

4.317 The plans for security including the number of guards, their deployment, and their names, addresses, credentials, and hours of availability; if applicable;

4.318 The plans for fire protection as may be required by Section 3.210 herein;

4.319 The plans for sound control and sound amplification if any, including number, location, and power of amplifiers and speakers;

4.320 The plans for food and liquor concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concession vendors and their license or permit numbers;

4.321 The plans for area traffic control for access to and egress from and exit onto public roads and highways.

4.4 The application must be accompanied by the bond required in section 3.213 and all permit fees.

SECTION 5. ISSUANCE

The application for a permit shall be processed within 60 days of receipt and shall be issued if all conditions are complied with

SECTION 6. REVOCATION

The permit may be revoked by the Town Board at any time if any of the conditions listed above for the issuance of it or contained in the permit are not complied with, if any condition previously met ceases to be complied with, or if any other provision of this ordinance is violated.

SECTION 7. OPERATION

- 7.1 The permittee or his agents shall maintain the event premises and facilities in a clean, orderly and sanitary condition at all times.
- 7.2 No animals, except household pets, shall be permitted in any of the grounds or facilities, and dogs, cats or other animals or pets shall not be permitted to run loose.
- 7.3 No fires of any kind shall be permitted on the premises or facilities except in grills or at locations designated for that purpose.
- 7.4 No person shall create any disturbance, engage in brawling or fighting, disturb any meeting or persons using the premises, engage in offensive, obscene, or abusive language or conduct themselves in a boisterous or noisy manner tending reasonably to arouse alarm, anger, or resentment in others.
- 7.5 No person shall engage in conduct which does or reasonably may be expected to cause or result in injury or destruction to public or private property, whether real or personal.
- 7.6 No person shall engage in any conduct which violates a state, county, or local law or ordinance.

SECTION 8. ENFORCEMENT

- 8.1 The provisions of this ordinance may be enforced by injunction in any court of competent jurisdiction.
- 8.2 The holding of an event in violation of any provision or condition contained in this Ordinance shall be deemed a public nuisance and may be abated as such.

Any person who violates Section 2.1 or who violates any condition upon which he is granted a permit will forfeit an appropriate amount from the bond required in Section 3.213 that equates to the Township's damages suffered and enforcement costs. This amount will include an award to the Township of its attorney fees, costs and disbursements for obtaining either damages or injunctive relief for the violation of the Ordinance. No portion of the bond will be released to the sponsors until all provisions of the permit agreement have been met.

Any violation of this ordinance within the Township of Florence shall be a misdemeanor and shall be punished as provided by law. Each separate day of violation shall be considered a separate offense.

- 8.3 Any person who violates Section 2.1 or who violates any condition upon which he is granted a permit 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.

SECTION 9. VARIANCE AND EXEMPTIONS

The Town Board may, by unanimous resolution, grant a variance from the requirements of this ordinance in any particular case where the applicant can show that strict compliance with this ordinance would cause exceptional and undue hardship by reason of the special nature of the proposed event or by reason of the fact that the circumstances make the requirement of this ordinance unnecessary, provided that such variance may be granted without detriment to the public health, safety, or welfare, without discrimination in violation of the Minnesota Human Rights Act (Minn. Stat. §363A.01, *et seq.*), without impairing the intent and purpose of these regulations, and otherwise meet the requirements of Minn. Stat. 462.357, subd. 6(2) (2011).

SECTION 10. EFFECTIVE DATE

Adopted on this day of:

ATTEST:

Mike Blair, Chair

Susan Eisenmenger, Clerk