

ADAMS COUNTY ORDINANCE NO. 2019-1

REGULATING LARGE PUBLIC GATHERINGS

IT IS THE PURPOSE OF THE COUNTY TO PROMOTE FREEDOM OF ASSEMBLY WHILE REGULATING THE ASSEMBLY 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, IN ORDER TO PROTECT THE HEALTH, AND SAFETY OF RESIDENTS AND VISITORS TO THE COUNTY.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY THAT:

SECTION 1. TITLE: This ordinance shall be known as the Adams County Large Gathering Ordinance. The previously adopted Adams County Ordinance 1982-1 is hereby rescinded and replaced with this Adams County Ordinance 2019-1.

SECTION 2. AUTHORITY AND PURPOSE:

1. This ordinance is adopted pursuant to the authority granted to counties under Title 31 of Idaho Code.
2. The purpose of this ordinance is to establish consolidated rules and regulations governing large public gatherings in order to protect the health and safety of citizens of and visitors to Adams County.

SECTION 3. DEFINITIONS:

1. **Person** means any individual, human being, partnership, corporation, firm, company, association, or society or group.
2. **Gathering or Assembly** means a company of persons gathered together at any location at any single time for any purpose.

SECTION 4. PERMIT REQUIREMENTS:

1. **Permit Required:** No person shall allow, promote, conduct, organize, sell or give tickets for, or cause to be advertised a reasonably anticipated assembly of six hundred (600) or more persons, whether on public or private property, unless a permit to hold the assembly has first been issued by the Adams Board of County Commissioners. Application for a permit must be submitted to the Adams Board of County Commissioners at least sixty (60) days in advance of the assembly.
2. **Permit and Fee:** A separate permit shall be required for each location and each occurrence at which six hundred (600) or more persons assemble or can reasonably be anticipated to assemble at any given time. The fee for permits shall be as set by the Adams County Board of Commissioners.

3. **Occupancy:** The permittee shall not allow to assemble at the given location at any given time more than the maximum number of persons stipulated in the permit.
4. **Exceptions:**
 - A. This ordinance shall not apply to any regularly established permanent place of worship, stadium, athletic field, ski resort, school, arena, auditorium, park, community hall or other similar permanently established place of assembly.
 - B. This ordinance shall not apply to government-sponsored fairs or events held on established fairgrounds, nor to camps or gatherings established by governmental emergency services for an ongoing emergency as declared by the County.
 - C. This ordinance shall not apply to assemblies required to be licensed by other ordinances or regulations within Adams County.
 - D. This ordinance shall not apply to gatherings within any incorporated municipalities within Adams County.

SECTION 5: CONDITIONS FOR ISSUING A PERMIT:

1. **Requirements at Applicant's Expense:** Before s/he may be issued a permit, the applicant shall provide proof that s/he will furnish the following, at his/her own expense, before the assembly commences:
 - A. **Health Requirements**
 - i. Separate enclosed toilets meeting all local and state specifications, together with handwashing facilities, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate to be determined by the chart in Exhibit A; an efficient, sanitary means of disposing waste matter deposited therein, which is in compliance with all state and local laws and regulations.
 - ii. A sanitary method of collecting and disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste product of the maximum number of people to be assembled.
 - iii. Certified Emergency Medical Technicians or qualified medical personnel licensed to practice in the State of Idaho at the rate of at least one for every one thousand (1000) people. For gatherings of one thousand (1000) or more persons, at least one emergency transport vehicle shall be available for use at all times.
 - B. **Parking and Access Requirements:** The applicant shall provide for adequate parking for the event attendees, maintaining at all times clear and open points of ingress and egress from the event to the nearest roadway.

- C. Security: The applicant shall present a security plan to the Adams County Sheriff, and the approved security plan shall be included with the application for a permit. In the event the sheriff requires extra help to provide security for the proposed gathering, the promoter may be required by the Board of County Commissioners to deposit with the county a cash bond in the amount of five thousand dollars (\$5,000), or a higher bond may be required if the county commissioners deem it necessary.
- D. Fire Protection: The applicant shall include a fire protection plan with the application for a permit for final approval by the Board of County Commissioners. The Board may refer the plan for approval to the applicable fire district.
- E. Insurance: The County strongly encourages the site landowner and event sponsors to consult with their insurance providers licensed to do business in the State of Idaho to confirm they have adequate liability coverage for the type and size of the proposed event.
- F. Indemnification: The applicant shall indemnify and hold harmless Adams County, its agents, employees and authorized volunteers from and against all claims, damages, losses, and expenses, including attorneys' fees, arising out of the permitted activity or the conduct of applicant's operation of the event if such claim (1) is attributed to personal injury, bodily injury, disease or death, or to injury or to destruction of property, including the loss of use therefrom, and (2) is not caused by any negligent act or omission or willful misconduct of Adams County or its employees acting within the scope of their employment.

SECTION 6. APPLICATION FOR PERMIT

1. Filing Period: Application for a permit to hold a gathering of six hundred (600) or more persons shall be submitted in writing to the Adams County Board of County Commissioners at least sixty (60) days in advance of such gathering.
2. Signed Statement Required: The application shall contain an affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed by the person making an application under penalty of perjury. In the case of a corporation, partnership, group or organization, the affirmation shall be made and signed by the authorized agent of such sponsoring organization.
3. Contents: In addition to including the written approvals set forth in paragraph 2, above, the application shall include and disclose all information required on the application form approved by the Board of County Commissioners.

4. Bond; Permit Fee: Application approval requires payment in advance of any bond or permit fee required.

SECTION 7. ISSUANCE OF PERMIT: Within fifteen (15) days of acceptance of a complete application by the Board of County Commissioners, the Board of County Commissioners shall communicate with the Sheriff's Office and Fire Department and issue either an approval or a denial of the permit. The permit shall be granted upon proof of compliance with this ordinance and fulfillment of all conditions required by the Board. An applicant may appeal the decision of the Board of County Commissioners in writing. The Adams County Clerk will properly notice and place the appeal on the Board's agenda for its next regularly scheduled meeting, at which time it shall be reviewed and the Board shall issue a written decision.

SECTION 8. REVOCATION OF PERMIT: The permit may be revoked by the county at any time if the conditions necessary for the issuing of or contained in the permit are not complied with, or if any condition previously met ceases to meet requirements.

SECTION 9. NOT A LIQUOR LICENSE: A permit issued under this ordinance does not constitute a license to sell alcoholic beverages. Application for a catering permit to sell alcoholic beverages must be made through a separate county regulation and licensing process.

SECTION 11. VIOLATION; PENALTY:

1. Public Nuisance: Holding any gathering in violation of any provisions or conditions contained in this ordinance shall give cause to the county to seek injunctive relief for the creation of a public nuisance. Said action shall be brought in any court of competent jurisdiction.
2. Violation of Large Gathering Ordinance: Any applicant who fails to obtain a permit, makes misrepresentations during the permit application process, or otherwise violates this ordinance, may be subject to penalties set forth under Idaho Code §31-714, including a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months or by both such fine and imprisonment. Every day in violation is a separate offense.
3. Right of Entry: If the county issues a permit, the permittee and the property owner and their designees shall allow entry to agents of Adams County to enforce provisions of this ordinance or permit.

SECTION 12. SEVERABILITY: If any provision of this ordinance or its application to any person or circumstances, is held to be invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

SECTION 13. EFFECTIVE DATE: This ordinance shall be in full force and effect following its passage by the Adams County Board of County Commissioners and publication in any newspaper in general circulation in Adams County.

APPROVED by the Adams County Board of County Commissioners on the

_____ day of _____, 2019.

Joe Iveson, Chairman

Mike Paradis, Commissioner

Viki Purdy, Commissioner

Attest: _____

Sherry Ward, Clerk

EXHIBIT A

Portable Toilet Unit Requirements for Number of People per Event Hours										
Number of People	Numbers of Hours for the Event									
	1	2	3	4	5	6	7	8	9	10+
250 to 500	3	3	3	4	4	4	5	6	6	7
501 to 1,000	3	4	5	5	6	6	7	8	8	9
1,001 to 2,000	5	7	8	8	9	10	11	12	12	12
2,001 to 3,000	7	10	13	15	16	17	18	19	21	21
3,001 to 4,000	8	8	12	12	16	16	20	24	24	28
4,001 to 5,000	12	12	12	16	20	30	30	30	30	34

If alcohol will be available at the event, increase the number of portable toilets by ten percent (10%).

At least one handicap-accessible unit shall be provided for every 20 standard units, with a minimum of one handicap-accessible unit per event.