

ORDINANCE NO. 72-1

LARGE PUBLIC ASSEMBLIES

RELATING TO LARGE PUBLIC ASSEMBLIES, REQUIRING LICENSING OF AND PROVIDING REGULATION OF CERTAIN PUBLIC ASSEMBLIES OF FIVE HUNDRED PERSONS OR MORE; STATING THE PURPOSE OF THE ACT, REQUIRING A LICENSE AND STATING THE LIMITATIONS THEREON; PROVIDING CONDITIONS PRIOR TO THE ISSUANCE OF THE LICENSE; REQUIRING THAT THE APPLICATION FOR A LICENSE CONTAIN CERTAIN FACTS, DISCLOSURES, AND A REQUIRED BOND; PROVIDING FOR ISSUANCE OF THE LICENSE, PROVIDING FOR REVOCATION OF THE LICENSE; PROVIDING ENFORCEMENT MEASURES; DECLARING SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELMORE, STATE OF IDAHO:

- CHAPTER 1. Intent
2. License Required
 3. Conditions for Issuing License
 4. Application
 5. Issuance
 6. Revocation
 7. Enforcement
 8. Effective Date

CHAPTER 1

INTENT

1. It is the purpose of Elmore County, State of Idaho, 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 Elmore County in order that the health, safety and welfare of all persons in Elmore County, residents and visitors alike, may be protected.

2. It is the intent of Elmore County, State of Idaho, 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 Elmore County that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of the Ordinance.

CHAPTER 2

LICENSE REQUIRED

1. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property unless a license to hold the assembly has first been issued by the Elmore County Commissioners, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

2. As used in this Ordinance:

a. Person means any individual natural human being, partnership, corporation, firm, company association, society or group.

b. Assembly means a company of persons gathered together at any location at any single time for any purpose.

3. A separate license shall be required for each location in which 500 or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be \$100.00 for each day.

4. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.

5. This Ordinance shall not apply to any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

6. This Ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of Elmore County.

CHAPTER 3

CONDITIONS FOR ISSUING LICENSE

1. Before he may be issued a license the applicant shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of Elmore County.

2. Before he may be issued a license the applicant shall provide proof that he will furnish at his own expense before the assembly commences:

a. Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least 10 gallons per person per day;

b. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under

pressure, and a continuous supply of soap and paper towels shall be provided with each toilet;

c. 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 assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task;

d. Physicians and nurses licensed to practice in the State of Idaho sufficient to provide the average medical care enjoyed by residents of Idaho for the maximum number of people to be assembled at the rate of at least one physician for every 3,000 people and at least one 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, and at least one emergency ambulance available for use at all times;

e. If the assembly is to continue during hours of darkness, illumination sufficient to light the central area of the assembly to include the medical and health facilities at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

f. A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

g. Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 2,000 persons; and to be placed in accessible locations throughout the assembly area;

h. If the assembly is to continue overnight, camping facilities in compliance with all federal, state and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;

i. Security guards, either regularly employed, duly sworn off-duty peace officers of the State of Idaho, private guards, licensed in the County of Elmore, or qualified individuals acceptable to local law enforcement authorities as responsible persons to whom authority can be entrusted, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 1,000 people;

j. Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all federal, state and local standards for the location of the assembly and sufficient emergency personnel to efficiently operate the required equipment;

k. A bond, filed with the Clerk of Elmore County, either in cash or under-written by a surety company licensed to do business in Idaho at the rate of \$2.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless Elmore County or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

CHAPTER 4

APPLICATION

1. Application for a license to hold an actual or anticipated assembly of 500 or more persons shall be made in writing to the Elmore County Commission at least 30 days in advance of such assembly.

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 an individual, natural, human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers, by all members of such association, society, or group or, if there be no officers, by all members of such association, society or group.

3. The application shall contain and disclose:

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

b. The address and legal description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;

c. Proof of ownership of all property upon which the assembly is to be held and, if the applicant is not the owner, a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly of 500 persons or more;

d. The nature or purpose of the assembly;

e. The total number of days and/or hours during which the assembly is to last;

f. The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of Elmore County if the assembly is to continue overnight;

- g. The maximum number of tickets to be sold, if any;
- h. The plans of the applicant to limit the maximum number of persons permitted to assemble;
- i. The plans for supplying potable water including the source, amount available and location of outlets;
- j. The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of solid waste deposited;
- k. The plans for holding, collection and disposing of solid waste material;
- l. 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 and nurses and provisions for emergency ambulance service;
- m. The plans, if any, to illuminate the assembly including the source and amount of power and the location of lamps;
- n. The plans for parking vehicles including the size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots;
- o. The plans for telephone service including the source, number and location of telephones;
- p. The plans for camping facilities, if any, including facilities available and their location;
- q. The plans for security including the number of guards, their names, addresses, credentials and hours of availability;
- r. The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers and the number of emergency fire personnel available to operate the equipment;
- s. The plans for food concession and concessioners who will be allowed to operate on the ground including the names and addresses of all concessioners and their license or permit numbers;

4. The application shall include the bond required and the license fee.

CHAPTER 5

ISSUANCE

1. The application for a license shall be processed within five (5) days of receipt and shall be issued if all conditions are complied with.

CHAPTER 6

REVOCACTION

1. The license may be revoked by Elmore County Commission at any time if the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

CHAPTER 7

ENFORCEMENT

1. The holding of any assembly in violation of any provisions or condition contained in this Ordinance shall be deemed a public nuisance and may be abated as such by injunctive relief.

2. Any person who knowingly, wilfully and intentionally violates any condition upon which he is granted a license may be fined not more than \$299.00 or six months in the Elmore County Jail or both. Each day of violation shall be considered a separate offense. The criminal provisions of this paragraph are not enforceable against the licensee in the event injunctive relief under paragraph 1 is granted.

CHAPTER 8

EFFECTIVE DATE

1. This Ordinance shall take effect fifteen (15) days after the date it was passed and adopted.

PASSED AND ADOPTED AND ORDERED PUBLISHED by unanimous vote of the Board of County Commissioners of Elmore County, Idaho, on the

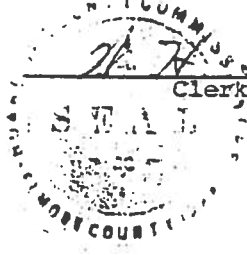
8 day of May, 1972.

ELMORE COUNTY BOARD OF COUNTY
COMMISSIONERS

BY *[Signature]*
Chairman

ATTEST:

[Signature]
Clerk

The seal of Elmore County, Oklahoma, is circular and contains the text "ELMORE COUNTY OKLAHOMA" around the perimeter. In the center, there is a smaller emblem or logo.