

ORDINANCE NO. 1

TOWNSHIP OF SOUTH BEND, BLUE EARTH COUNTY, MINNESOTA

AN ORDINANCE REGULATING LARGE ASSEMBLIES AT GAMES OF AMUSEMENT, GAMES OF SKILL, BOWLING ALLEYS, CIRCUSES, SHOWS, THEATRICAL PERFORMANCES AND PUBLIC DANCING PLACES.

The Town Board of Supervisors of South Bend Township, Blue Earth County, Minnesota, ordains:

I. INTENT

A. It is the purpose of the Town Board of the Township of South Bend, Blue Earth County, Minnesota, to regulate the assemblage of large numbers of people at games of amusement, games of skill, bowling alleys, circuses, shows, theatrical performances and public dancing places in excess of those normally needing the health, sanitation, fire, police, transportation and utilities regularly furnished and provided in the Township of South Bend, in order that the health, safety and welfare of all persons in the Township of South Bend, residents and visitors alike, may be protected.

B. It is the intent of this 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 this 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.

II. LICENSE REQUIRED

A. 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 at any games of amusement, games of skill, bowling alleys, circuses, shows, theatrical performances and public dancing places, which continues or can reasonably be expected to continue for six (6) or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the Town Board of the Township of South Bend, application for which must be made at least 30 days in advance of the assembly. When applying for and assembly license, the sponsor must submit certified copies of other necessary Minnesota State licenses and/or permits to support his application. 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.

B. As used in this Ordinance:

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

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

C. A separate license shall be required for each day and each location in which 500 people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$100.00.

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

E. The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.

F. 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 assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

G. This Ordinance shall not apply to Government sponsored fairs held on regularly established fairgrounds, nor to assemblies required to be licensed by other State laws and regulations of the Township of South Bend.

III. CONDITIONS FOR ISSUING LICENSE

Before he may be issued a license, the applicant shall first:

A. 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 the Township of South Bend, or regulations of the Minnesota State Board of Health.

B. At the time the application is submitted, the sponsor will provide a plan including the provisions herein for operation of the assembly. Ten days prior to the start of the assembly, local authorities will inspect to determine whether the requirements of these provisions have been met:

1. A fence or barrier (sufficient to prevent ingress/exit 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 assembly grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the assembly grounds and provide traffic control onto established public road systems.

2. Potable water, meeting all Federal and State requirements for sanitary quality, 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 where the assembly is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day, or portion of a day.

3. 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, in accordance with the Minnesota State Board of Health Regulations and Standards.

4. 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 collecting all such waste at least once each day of the assembly, and sufficient trash containers and personnel to perform tasks.

5. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 5,000 people, together with an enclosed structure, such structure must also be covered, where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 5,000 people.

6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

7. 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.

8. Telephones connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 500 persons.

9. If the assembly 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 the Township of South Bend, sufficient to provide camping accommodations for the maximum number of people to be assembled.

10. Security and 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 assembled; at least one security guard for every 100 people will be provided for the first 1,000 people to assemble, for assemblies 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.

11. 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 Township of South Bend; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor, also;

12. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

13. Administrative control center with telephones where local authority can contact the sponsors and law enforcement personnel inside the assembly area.

14. A bond, filed with the Clerk of the Township of South Bend, either in cash or underwritten by a surety company licensed to do business in Minnesota in the minimum amount of \$300,000.00, which shall indemnify and hold harmless the Township of South Bend 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, payment of employees, or services rendered by the granting authority, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

IV. APPLICATION

A. Application for a license to hold an actual or anticipated assembly of 500 persons at games of amusement, games of skill, bowling alleys, circuses, shows, theatrical performances and public dancing places shall be made in writing to the governing body of the Township of South Bend at least 30 days in advance of such assembly.

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 contain and disclose:

1. The name, date of birth, fingerprints, residence, and mailing address of all persons required to sign the application by Section IV.B. hereof, and in the case of a corporation, a certified copy of the Articles of Incorporation together with the name, date of birth, residence, and mailing address of each person holding 10% or more of the stock of said corporation.

2. 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.

3. Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by record owner (s) of all such property that the applicant has permission to use the property for an assembly of 500 or more persons.

4. The nature or purpose of the assembly.

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

6. 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 regulation of the Township of South Bend if the assembly is to continue overnight.

7. The maximum number of tickets to be sold, if any.

8. The plans of the applicant to limit the maximum number of people permitted to assemble.

9. The plans for fencing the location of the assembly and the gates contained in such fence.

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

11. The plans for providing toilet and lavatory facilities including the source, number, and 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 physicians and nurses, and provisions for emergency ambulance service.

14. The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lights.

15. 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.

16. The plans for telephone service including the source, number and location of telephones.

17. The plans for camping facilities, if any, including facilities available and their location.

18. The plans for security including the number of guards, their deployment and their names, addresses and credentials and hours of availability.

19. The plans for fire protection as may be required by Section III. B. II, herein.

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

21. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.

22. The plans for area traffic control for egress from and exit onto public roads or highways.

D. The application shall include the bond required in Section III. B. II., and the license fee.

V. ISSUANCE

The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.

VI. REVOCATION

The license may be revoked by the Town Board of the Township of South Bend at any time, if any of 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.

VII. ENFORCEMENT

A. The provisions of this Ordinance may be enforced by injunction in any court of competent jurisdiction.

B. The holding of an assembly in violation of any provision or condition contained in this Ordinance shall be deemed a public nuisance and may be abated as such.

C. Any person who violates Section II. A. or who violates any condition upon which he is granted a license will forfeit an appropriate amount from the bond required in Section III.B. 14. 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 assembly not licensed as herein provided by any violation of this ordinance within the Township of South Bend shall be a misdemeanor and shall be punished by a fine of not to exceed \$300.00 or by imprisonment for not more than 90 days, or both. Each separate day of violation shall be considered a separate offense.

VIII. VARIANCES

In cases deemed appropriate, by unanimous resolution of the Town Board of the Township of South Bend, variances do not deter from the basic intent and purpose of this Ordinance.

IX. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 19 day of April, 1975

Chairman of South Bend Board

Attest:

Clerk of South Bend Township

Published in the Mankato Free Press _____