

CHAPTER 620

Mass Gatherings

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CROSS REFERENCES

Organization for Emergency Management - see ADM. Ch. 244
Demonstrations and parades at Airport - see S.U. & P.S. 1062.08

620.01 PURPOSE; AUTHORITY

The Board of Commissioners takes public notice that outdoor mass gatherings can create hazardous conditions which could adversely impact the citizens of Jackson County. The Board finds and determines that this chapter, which prescribes the procedure, rules and regulations for conducting outdoor mass gatherings, is necessary to protect the health, safety, and welfare of the citizens of Jackson County. This chapter shall be liberally construed to accomplish this purpose. Except in cases for which this chapter provides a different standard, procedure, or definition, the Board shall issue permits for outdoor mass gatherings in accordance with the procedures and regulations established by ORS 433.735 through 433.770.

(Ord. 94-21. Passed 6-6-94; Ord. 2018-9. Passed 10-10-18.)

620.02 DEFINITIONS.

(a) Organizer includes any person who holds, stages, or sponsors an outdoor mass gathering and the owner, lessee, or possessor of the real property upon which the outdoor mass gathering is to take place.

(b) Outdoor Mass Gathering means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure.

- (c) Permanent Structure includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds, or other similar established places for assemblies.
- (d) Permit holder is the person to whom a permit is issued for a temporary mass gathering. If a corporation applies for the permit, the corporation must designate one or more individuals who will be the County's point of contact.
- (e) Temporary Structure includes tents, trailers, chemical toilet facilities, potable water systems, and other structures customarily erected or sited for temporary use.

(Ord. 94-21. Passed 6-6-94; Ord. 2018-9. Passed 10-10-18.)

620.03 PERMIT REQUIRED.

No organizer shall hold, conduct, stage, sponsor, advertise, or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property the organizer owns, leases, or possesses within Jackson County unless the organizer first obtains a permit to hold the outdoor mass gathering.

(Ord. 94-21. Passed 6-6-94; Ord. 2018-9. Passed 10-10-18)

620.04 PERMIT APPLICATION FOR OUTDOOR MASS GATHERING; PROCEDURE FOR ISSUANCE OF PERMIT; FEE; FEE AMOUNT LIMITATION.

- (a) The Board of Commissioners shall issue a permit for an outdoor mass gathering upon application when the permit applicant demonstrates compliance with or the ability to comply with all health and safety laws adopted by the Oregon Health Authority, this chapter, and all applicable building codes, zoning regulations, and safety rules.
- (b) Permit applicants shall be charged a fee to reimburse Jackson County for its reasonable and necessary costs in receiving, processing, and reviewing applications. The total fee shall not exceed five thousand dollars (\$5,000). If, after the event, the actual cost of County services provided was less than the application fee paid, the difference will be refunded to the applicant. However, a fee shall not be charged when the Board finds, by a preponderance of the evidence, that the applicant is unable to reimburse the County. The applicant may include with the application a statement that the applicant is unable to pay the application fee and request that the fee be waived. The burden of proof lies with the applicant, and the Board will review the request based upon a standard of whether the applicant has shown, by a preponderance of the evidence, that the applicant is unable to pay the fee but nevertheless has the means, ability, financial resources, and other capacities necessary to successfully conduct the outdoor mass gathering.

(c) The application shall include all of the following and shall be filed at least sixty days before the proposed outdoor mass gathering:

- (1) Name, address, and date of birth of the permit applicant or, if a corporation, the name, address, and date(s) of birth of the individual(s) who will represent the corporation as the point of contact and permit holder;
- (2) Legal description and zoning designation of the place of the proposed outdoor mass gathering. An outdoor mass gathering must be a permitted use for the proposed site;
- (3) Date of the proposed outdoor mass gathering, including set-up and clean-up
- (4) Estimated attendance at the proposed outdoor mass gathering;
- (5) Nature of the proposed outdoor mass gathering; and
- (6) Such other appropriate information as the County Administrator shall require in order to insure compliance with this chapter.

(d) Incomplete applications shall be denied.

(e) The County Administrator shall send notice of the application to the Sheriff and other interested law enforcement agencies, the County Health and Human Services Director, the County Building Official, the Roads and Parks Director, and the Chief of the Fire District in which the outdoor mass gathering is to be held. The County Administrator may request such cooperation and assistance from other State and local agencies as deemed necessary.

(Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

(f) Each officer receiving notice of the application under subsection (e) hereof should attempt to submit comments in writing, if any, to the County Administrator within 14 days after the date the notice was mailed, but in any event shall submit comments no later than the hearing date. The comments may include recommendations as to granting the permit and recommended conditions that should be imposed.

(g) The County Administrator shall make a recommendation on the application to the Board of Commissioners.

(h) The Board of Commissioners shall hold a public hearing on the issue of the application's compliance with all of the requirements of this chapter. Notice of the time and place of such hearing, including a general explanation of the matter to be considered, shall be published at least 10 calendar days before the hearing in a newspaper of general circulation.

(Ord. 94-21. Passed 6-6-94; Ord. 2018-9. Passed 10-10-18.)

620.05 CONDITIONS OF PERMIT.

(a) The Board of Commissioners may, as conditions of the permit, require:

- (1) Twice-daily inspection by County officers of the temporary structures of the outdoor mass gathering for compliance with County code, State law, and applicable Oregon Administrative Rules. Applicable rules include the State Electrical Code, Sanitation Code, and rules for mass gatherings, including OAR Chapter 333, Division 39;
- (2) Twice-daily inspection by the Fire Chief, or designee of the fire district in which the outdoor mass gathering site is located, for compliance with fire safety regulations;
- (3) Twice-daily inspection of the outdoor mass gathering site by the County Sheriff, or other law enforcement designee, for compliance with conditions of the permit concerning crowd control, traffic management and compliance with State and local laws, including criminal laws;
- (4) If the inspections described above reveal deficiencies in compliance with State or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the County Sheriff may terminate the temporary outdoor mass gathering as provided in subsection (b) hereof;
- (5) The permit holder, or any organizer, to obtain an insurance policy with limits commensurate with the risk, but not more than one million dollars (\$1,000,000). The insurance policy may not be cancelable, and shall provide coverage against liability for death, injury, or disability of any human, or for damage to property arising out of the outdoor mass gathering. The insurance policy must be an "occurrence" policy, or its equivalent which provides for payment of claims made during the 180-day period after the scheduled termination of the event. Jackson County shall be named as an additional insured under the policy. The permit for the outdoor mass gathering shall be voided by the County Administrator if the permit holder does not file proof of the non-cancelable insurance required by this section with the County Administrator at least 30 days before the first day of the event;

- (6) The permit holder to keep an accurate count of persons and vehicles entering and leaving the outdoor mass gathering site;
- (7) The permit holder to designate a contact person who shall be easily identified and who shall remain at the outdoor mass gathering site at all times; and
- (8) The permit holder to maintain order, require compliance with all State and local laws, and provide for the orderly dispersal of those in attendance if State and local laws are not observed.

(b) For an outdoor mass gathering held under a valid permit, the County Sheriff has the authority to order the crowd to disperse and leave the outdoor mass gathering site if the permit holder cannot maintain order and compliance with all applicable State and local laws or refuses to maintain order and compliance with State and local laws.

(c) If at any time during the outdoor mass gathering held under a valid permit, the number of individuals or vehicles attending the gathering exceeds 110 percent of the number of individuals or vehicles estimated in the permit application, the County Sheriff has the authority to require the permit holder to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the permit holder.

(Ord. 94-21. Passed 6-6-94; Ord. 2018-9. Passed 12.9.18)

620.06 COMPLIANCE WITH LAND USE REGULATIONS; CRITERIA FOR APPROVAL.

Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces within the County may only be allowed as a conditional use in designated zoning districts as provided in the Jackson County Land Development Ordinance. The review of any such application will be as required for a land use approval and will be subject to the provisions of ORS 433.763.

(Ord. 94-21. Passed 6-6-94.)

620.07 ENFORCEMENT.

(a) In addition to State law provisions in ORS Chapter 433, including ORS 433.990(7), the County Counsel or District Attorney for Jackson County may maintain an action in any court of general jurisdiction to prevent, restrain, or enjoin any violation of ORS 433.745 or this chapter. Cases filed in Jackson County under this section or under ORS 433.770 or this chapter shall be given preference on the docket to all other civil cases except those given equal preference by statute.

(b) If persons remain on the outdoor mass gathering site after the scheduled end of the gathering or fail to remove all debris or residue by the end of the 120 hours permitted for the gathering, County code enforcement officers may issue citations to the landowner, all persons remaining at the event site, and to all persons who have left debris behind.

(c) In addition to any other remedies provided, if the outdoor mass gathering site is not restored to its previous condition, the County may arrange for cleanup of the site, and then file an action for damages against the organizers, including the landowner or successor landowner and the permit holder.

(Ord. 94-21. Passed 6-6-94.)

620.08 (Ord. 94-21. Passed 6-6-94; REPEALED by Ord. 2018-9. Passed 10-10-18.)

620.09 SEVERABILITY.

Invalidity of any section or part of this chapter shall not affect the validity of the remaining sections or parts of sections.

(Ord. 94-21. Passed 6-6-94.)

620.99 PENALTY.

EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.