

CHAPTER 13

SOCIAL GATHERINGS

ADMINISTRATION

13.001 Application. This ordinance is intended to regulate event gatherings with more than 300 persons, but fewer than 3,000 persons continuously over at least a 24-hour period. This ordinance is not a mass gathering ordinance as that term is defined in ORS 433.735, but is intended to regulate less intensive events. Those events that meet the state mass gathering definition shall comply with state statutory and regulatory requirements; this ordinance shall not create a local definition of mass gatherings. [Ord. 2002-0181; Ord. 2003-0194]

13.002 State Mass Gathering Requirements Inapplicable. Because Benton County has defined social gatherings to be exclusive of the state definition of mass gatherings, state regulations and requirements relating to mass gatherings shall be inapplicable to social gatherings as defined by this ordinance. [Ord. 2002-0181]

13.005 Definitions. As used in BCC Chapter 13:

- (1) **“Health Department”** means the Benton County Health Department.
- (2) **“Outdoor Mass Gathering”** has the meaning set forth in ORS 433.735.
- (3) **“Organizer”** includes any person who holds, stages, or sponsors a social gathering and the owner, lessee, or possessor of the real property upon which the social gathering is to take place.
- (4) **“Permit holder”** is the person to whom a permit is issued for a social gathering. If a corporation applies for the permit, the corporation must designate one or more individuals who will be the County’s point of contract.
- (5) **“Sheriff”** means the Benton County Sheriff, or his or her designee.
- (6) **“Social Gathering”** has the following meanings:
 - (a) An event, activity or assembly:
 - (i) That continues or can reasonably be expected to continue for more than 24 consecutive hours, but less than 120 consecutive hours within any six-month period; and
 - (ii) Continuously has more than 300 persons, but less than 3,000 persons on the real property.
 - (b) An event, activity or assembly:

- (i) That continues or can reasonably be expected to continue for less than 24 hours; and
- (ii) Has a total of more than 3,000 persons on the real property during that time period.

(7) **“Parks Director”** means the Benton County Parks Director, or his or her designee. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 86-036; Ord. 2001-0176; Ord. 2002-0181]

13.010 Land Use. Neither a mass gathering nor a social gathering, as described above, is a land use. However, land use approval through the Benton County Community Development Department shall be required of any property owner, contract purchaser or lessee upon whose real property five (5) or more mass gatherings or social gatherings are held in any twelve-month period. The intent of this provision is to determine when an underlying property is engaged in a use, the intensity of which requires land use approval. [Ord. 2001-0176; Ord. 2002-0181]

PERMITS

13.105 Permits Required for Social Gatherings.

(1) The Board of Commissioners may issue a permit for a social gathering upon application and payment of the required fee when the permit applicant demonstrates compliance with or the ability to comply with all applicable health laws, building codes, zoning regulations, and safety rules.

(2) No social gathering shall be held in Benton County outside the limits of incorporated cities unless the organizer first obtains a permit and complies with all provisions of BCC Chapter 13. One (1) permit shall be required for each social gathering. Civil liability for failure to comply with the provisions of BCC Chapter 13 shall rest in all persons who are responsible for obtaining permits under this provision.

(3) The permit shall be kept posted in a conspicuous place upon the premises of the assembly. No permit shall be transferred or assigned without the consent of the Board of County Commissioners. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 86-036; Ord. 2001-0176; Ord. 2002-0181]

13.110 Exceptions. BCC Chapter 13 shall not apply to any regularly organized and supervised school district activity or program that takes place on school property, nor to activities occurring at the Benton County Parks or Fairgrounds, nor to any activity of a municipal corporation or government agency. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002, Ord. 86-036; Ord. 2001-0176]

PERMIT PROCESS

13.205 Permit Application Fee. The application fee shall be established by Board order, and shall be an estimate of anticipated costs to the County for receiving, processing and reviewing applications. The total fee shall not exceed five thousand dollars (\$5,000). [Ord. 2001-0176]

13.210 Permit Application for Social Gathering.

(1) The application shall include all of the following and shall be filed at least sixty (60) days before the proposed gathering:

- (a) Name, address and telephone number of the property owner and permit applicant or, if a corporation, the name, address and telephone number of the individual(s) who will represent the corporation as the point of contact and permit holder;
- (b) Assessor map and tax lot number, address and zoning designation of the place of the proposed gathering;
- (c) Date of the proposed gathering, including set-up and clean-up;
- (d) Estimated attendance at the proposed gathering;
- (e) Estimated parking requirements;
- (f) A narrative describing the nature of the event, the sponsor, the hours it will be open to the public, how traffic is to be handled, the provisions to be made for on-site waste, solid waste disposal, including recycling of materials, potable water, refuse removal, safety measures and any other information that may be requested by the Parks Director;
- (g) A detailed site plan that shows the layout of the event, including parking area, traffic flow, sanitation and refuse stations, vendor and program locations property boundaries and roads; and
- (h) Such other appropriate information as the Parks Director shall require in order to insure compliance with this chapter. If such additional information is not supplied within two weeks of the Parks Director's request, the application will be deemed incomplete.

(2) Incomplete applications shall be denied and the application fee, less County costs, shall be returned to the permit applicant.

(3) The Board may issue, upon application, a permit for up to five (5) years. Such permit is discretionary and may only be applied for by an organizer of a social gathering which has been held pursuant to properly issued permits in the three (3) immediately preceding years. The fee for a multi-year permit shall be set by Board order. All other requirements of this ordinance shall apply to a multi-year permit application as if the application was for a single-year permit. [Ord. 2001-0176; Ord. 2002-0181]

13.215 Notice Requirements; Public Hearing.

(1) The Parks Director shall send notice of the application to the Sheriff and other interested law enforcement agencies, the County Planning Director, the County Health Administrator, the County Building Official, the County Administrative Officer, and the Chief of the Fire District in which the gathering is to be held. The Parks Director may request such cooperation and assistance from other state and local agencies as deemed necessary.

(2) Each official receiving notice of the application under subsection (5) hereof shall submit comments or responses in writing to the Parks Director within fourteen days after the date the notice was mailed. The comments may include recommendations as to granting the permit and recommended conditions that should be imposed.

(3) The Parks Director shall make a recommendation on the application to the Board of Commissioners.

(4) 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 ten (10) calendar days before the hearing in a newspaper of general circulation in the county. Notice shall also be sent to property owners within 1,000 feet of the property upon which the social gathering will be held.[Ord. 2001-0176; Ord. 2002-0181]

13.220 Conditions of Permit.

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

- (a) Twice-daily inspection by County officers of the structures of the social gathering for compliance with County code, State law, and applicable Oregon Administrative Rules;
- (b) Twice-daily inspection by the Fire Chief, or designee of the fire district in which the social gathering site is located, for compliance with fire safety regulations;
- (c) Twice-daily inspection of the social 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 criminals laws;
- (d) 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 social gathering as provided in section 13.225(1);
- (e) The permit holder, or any organizer, to obtain an insurance policy in the amount of one million dollars (\$1,000,000). A performance bond to ensure clean up of the event may also be imposed as a condition of approval. 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 social 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. Benton County shall be named as an additional insured under the policy. The permit for the social gathering shall be voided by the Parks Director if the permit holder does not file proof of the non-cancelable insurance required by this section with the Parks Director at least thirty (30) days before the first day of the event;

- (f) The permit holder to keep a reasonable count of persons and vehicles entering and leaving the social gathering site;
- (g) The permit holder to designate a contact person who shall be easily identified and who shall remain at the social gathering site at all times; and
- (h) 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. [Ord. 2001-0176; Ord. 2002-0181]

13.225 Authority of Sheriff to Regulate Social Gatherings.

(1) For a social gathering held under a valid permit, the County Sheriff has the authority to order the crowd to disperse and leave the social 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 or refuses or is unable to adhere to the terms and conditions of the permit.

(2) If at any time during the social gathering held under a valid permit, the number of individuals or vehicles attending the gathering exceeds the number of individuals or vehicles estimated in the permit application and creates, in the belief of the Sheriff, an unreasonable threat to the health, safety and welfare of the public, 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 eliminate the health, safety or welfare threat to the public. [Ord. 2001-0176; Ord. 2002-0181]

OPERATION OF SOCIAL GATHERINGS

13.305 Duration of Operation.

(1) No social gathering shall be conducted in the unincorporated areas of Benton County within 1,000 feet of any residence between the hours of 12:01 a.m. and 9:00 a.m. and in all other areas between the hours of 2:00 a.m. and 9:00 a.m. If written consents from neighboring property owners and residents are submitted with the application, the Board may modify these hours in the permit.

(2) The use of amplification shall be regulated so that it will not interfere with the normal use of any school, church, residence or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 p.m. and in excess of 50 decibels after 10:00 p.m. (as measured upon the A scale of a standard sound level meter on affected property) shall constitute interference. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176; Ord. 2002-0181]

13.310 Sale of Intoxicating Liquor Prohibited. No organizer shall permit any person to sell intoxicating liquor at a social gathering, nor permit intoxicating liquor to be sold on the premises without first obtaining appropriate licenses from the Oregon Liquor Control Commission, copies of which shall be submitted to the Parks Director. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176; Ord. 2002-0181]

13.315 Illegal Drugs Prohibited. No organizer of a social gathering shall permit any person to bring controlled substances into a social gathering, unless legally prescribed by a physician, nor permit controlled substances to be used on the premises, unless legally prescribed by a physician. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176; Ord. 2002-0181]

ENFORCEMENT AND PENALTIES

13.405 Enforcement.

(1) The County Counsel or District Attorney for Benton County may maintain an action in any court of general jurisdiction to prevent, restrain, or enjoin any violation of this Chapter.

(2) If social gathering attendees remain on the social gathering site after the scheduled end of the gathering or the organizer or permit holder fails to remove all debris or residue by the end of the clean up period specified in the social gathering permit, 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.

(3) In addition to any other remedies provided, if the social gathering site is not restored to its previous condition, or better, the County may arrange for clean up of the site, and then file an action for damages against the organizers, including the landowner or successor landowner and the permit holder or may seek reimbursement under the performance bond. [Ord. 2001-0176; Ord. 2002-0181]

13.410 Public Nuisance. Compliance with the terms of BCC Chapter 13 shall constitute minimum health, sanitation and safety provisions; failure to comply with the terms and conditions of BCC Chapter 13 and state law shall constitute a public nuisance and shall be subject to all provided criminal, civil and equitable remedies. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176]

13.415 Penalties. Any person who violates any provision of BCC Chapter 13 or who willfully violates the terms of the permit, or who counsels, aids, or abets in such a violation, shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment for not more than thirty

(30) days or by a fine of not more than \$1,000 or both. Each day of violation shall be considered a separate offense. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176]

APPEALS

13.505 Review of Commissioners' Actions. All decisions of the Board of County Commissioners under BCC Chapter 13 shall be reviewable by the Circuit Court of the State of Oregon for the County of Benton. [Ord. 1000, adopted July 9, 1970; Ord. 85-0002; Ord. 2001-0176]

13.510 Severability. Invalidation of any section or part of this Chapter shall not affect the validity of the remaining sections or parts of sections. [Ord. 2001-0176]