

CHAPTER 5

PUBLIC ASSEMBLIES

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3-5-1: **INTENT:**

- A. Purpose: It is the purpose of Cassia 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 service regularly provided in Cassia County, in order that the health, safety and welfare of all persons in Cassia County, residents and visitors alike, may be protected.
- B. Severability: It is the intent of Cassia County, state of Idaho, that all sections and provisions of this chapter 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 Cassia County that any section or provision so declared shall be severable from and shall not affect the validity of the remainder of this chapter. (Ord. 2000-9-1, 9-11-2000)

3-5-2: **DEFINITIONS:** As used in this chapter:

ASSEMBLY: A company of persons gathered together at any location at any single time for any purpose.

PERSON: Any individual natural human being, partnership, corporation, firm, company, association, society or group. (Ord. 2000-9-1, 9-11-2000)

3-5-3: LICENSE:

- A. Required: 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 five hundred (500) or more people, whether on public or private property, unless a license to hold the assembly has first been issued by the Cassia County commissioners, application for which must be at least sixty (60) days in advance of the assembly. A license to hold an assembly issued to one person shall permit such person to engage in lawful activity in connection with the holding of the licensed assembly.
- B. Separate License; Fee: A separate license shall be required for each location in which five hundred (500) or more people assemble or can reasonably be anticipated to assemble; the fee for each license shall be three hundred dollars (\$300.00) for each day of the assembly and six hundred dollars (\$600.00) per day if the assembly is to continue overnight.
- C. Number Of People: 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.
- D. Exception: This chapter shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, schools or use permitted under a conditional use permit granted in Cassia County, Idaho, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.
- E. Request For Relief: Applicants who believe that provisions of this chapter would constitute a genuine hardship on their proposed assembly may make application to the county administrator's office for relief from such provisions. The request for relief shall specifically state the provision or provisions of the chapter at issue; shall detail the specific hardship worked on the proposed assembly by application of the provision or provisions; and may offer alternative solutions to address the issue. Upon filing of the request for relief with the county administrator, the county administrator shall refer the same to the board of commissioners for review and decision as to whether the requested relief will be granted, denied or modified.

- F. Fairs Or Municipal Assemblies: This chapter shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies within any incorporated municipality with the county of Cassia.
- G. Hazardous Locations: No license shall be issued to any anticipated assembly of five hundred (500) or more people where the proposed location may be hazardous, dangerous or detrimental to the public health, safety and welfare. (Ord. 2000-9-1, 9-11-2000; "G" amended by Ord. 2006-03-01, 3-13-2006)
- H. Licenses for locations within one-quarter (1/4) mile of the mean high water mark of the Snake River shall be considered hazardous locations, upon which license can only be granted upon adequate showing to the board of commissioners, in the application, of the alternative solutions to mitigate the issues of hazard, danger or detriment to the public health, safety and welfare. (Ord. 2006-03-01, 3-13-2006)

3-5-4: **CONDITIONS FOR ISSUING LICENSE:**

- A. Number Of People: Before a license may be issued, 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 Cassia County.
- B. Requirements: Before a license may be issued, the applicant shall provide proof that he will furnish, at his own expense, before the assembly commences:
1. Health Requirements:
 - a. Water: 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.
 - b. Toilets: Separate closed 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; an efficient sanitary means of disposing of waste matter deposited therein, which is in compliance with all state and local laws and regulations; and a continuous supply of soap, water and paper towels shall be provided with each toilet.

c. Solid Waste Disposal: 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 two and one-half (2.5) pounds 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. Medical Plan: An emergency medical plan to address emergency treatment, first aid, and other medical treatment for participants and visitors at the assembly.

e. Submission Of Plans: The plans for the health requirements shall be submitted to the south central health district for approval at least thirty (30) days prior to the proposed assembly.

2. Illumination: If the assembly is to continue during hours of darkness, illumination sufficient to light the area of the assembly, including parking areas, and to include the medical and health facilities, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.

3. Parking: A 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 (4) persons. In the event that the site and access to it cannot handle the number of people expected to attend the assembly, the sheriff of Cassia County can require the promoter to provide parking at other sites of the assembly to be provided by the promoter.

4. Camping Facilities: If the assembly is to continue overnight, camping facilities shall be provided by the promoter at the site of the assembly and said facilities shall be in compliance with all federal and state requirements sufficient to provide camping accommodations for the maximum number of people to be assembled. In the event that temporary camping facilities are not available at the site of the proposed

assembly, the promoter shall provide temporary camping facilities elsewhere which shall be approved by the sheriff of Cassia County.

5. Security Guards: Either regularly employed, duly sworn off duty peace officers of the state of Idaho, private guards licensed in the county of Cassia, or other qualified individuals sufficient to provide adequate

security for the maximum number of people to be assembled shall be provided by the promoter. A list of the security guards shall be presented to the sheriff of Cassia County for approval at least thirty (30) days prior to the proposed assembly. In the event the sheriff of Cassia County requires extra help to provide regular law enforcement services for the proposed assembly, the promoter shall deposit with the Cassia County commissioners a cash bond in the amount of five thousand dollars (\$5,000.00), or a higher amount to be required if the Cassia County commissioners determine it to be necessary to cover the costs of such law enforcement.

6. Fire Protection: 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. The plan for fire protection and emergency personnel shall be presented to the county sheriff for approval at least thirty (30) days prior to the proposed assembly.

7. Traffic Control: All traffic control shall be provided by the promoter and approved by the sheriff of Cassia County and the appropriate highway district at least thirty (30) days prior to the proposed assembly. The promoter shall provide an emergency entrance and exit to and from the site of the proposed assembly, and said emergency entrance and exit shall be kept open at all times for the use of emergency vehicles. The promoter is responsible for providing traffic control personnel who shall be approved by the sheriff of Cassia County at least thirty (30) days prior to the proposed assembly.

C. Indemnification Of County: A bond shall be filed with the clerk of Cassia County, either in cash or underwritten by a surety company licensed to do business in Idaho, in the minimum amount of twenty five thousand dollars (\$25,000.00), which shall indemnify and hold harmless Cassia 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 or damage produced or left by the assembly, at the site or surrounding areas.

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- D. Emergency Treatment Bond: A cash bond in the amount of fifteen thousand dollars (\$15,000.00) shall be deposited with the county commissioners to pay for hospital and emergency medical treatment rendered to people attracted to the event which are not paid by the people receiving such treatment.
- E. Performance Bond: A performance bond shall be deposited with the county commissioners in the amount of twenty five thousand dollars (\$25,000.00) to ensure compliance with all terms of this chapter. In addition, a cash bond in the amount of five thousand dollars (\$5,000.00) shall be deposited with the county commissioners to pay for damage to adjoining or nonadjoining properties within one thousand feet (1,000') of the site of the proposed assembly. (Ord. 2000-9-1, 9-11-2000)

3-5-5: **APPLICATION:**

- A. Submission: Application for a license to hold an actual or anticipated assembly of five hundred (500) or more persons shall be made in writing to the Cassia County commissioners at least sixty (60) days in advance of such assembly.
- B. Affirmation Of Truth: 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 the application in the care 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 are not officers, by all members of such association, society or group.
- C. Contents: The application shall contain and disclose:
 - 1. Personal Information: 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 ten percent (10%) or more of the stock of said corporation.
 - 2. Addresses: The address and legal description of all property upon which the assembly is to be held, together with the name, address and mailing address of all owner(s) of all such property.

3. **Proof Of Ownership Or Permission:** Proof of ownership of all property upon which the assembly is to be held or 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 five hundred (500) persons or more.
4. **Nature:** The nature or purpose of the assembly.
5. **Duration:** The total number of days and/or hours during which the assembly is to last.
6. **Number Of Persons:** 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, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of Cassia County if the assembly is to continue overnight.
7. **Tickets:** The maximum number of tickets to be sold, if any.
8. **Limiting Persons:** The plans of the applicant to limit the maximum number of persons permitted to assemble.
9. **Provisions For Water:** The plans for supplying potable water, including the source, amount available, and location of outlets.
10. **Lavatory Facilities:** The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of solid waste deposited.
11. **Solid Waste Provisions:** The plans for holding, collection, and disposing of solid waste material.
12. **Emergency Medical Provisions:** The plans to provide for emergency medical treatment, including the location and construction of a medical structure, if any, the names and addresses, credentials, and hours of availability of emergency medical personnel and provisions for emergency ambulance service.
13. **Illumination:** The plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps.

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14. Parking: 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.

15. Communication Services: The plans and methods for outside communication services.

16. Camping Facilities: The plans for camping facilities, if any, including facilities available and their location.

17. Security: The plans for security including the number of guards, their names, addresses, credentials and hours of availability.

18. Fire Protection: The plans for fire protection, including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

19. Concessions: The plans for concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit numbers.

D. Bonds And Fee: The application shall include the bonds required and the license fee. (Ord. 2000-9-1, 9-11-2000)

3-5-6: **ISSUANCE:** The application for a license shall be processed and issued after proof of compliance with this chapter has been submitted to the board of county commissioners. Proof of compliance with this chapter must be submitted to the commissioners at least fifteen (15) days prior to the beginning of the assembly. (Ord. 2000-9-1, 9-11-2000)

3-5-7: **REVOCAION:** The license may be revoked by the Cassia County commissioners 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. (Ord. 2000-9-1, 9-11-2000)

3-5-8: **ENFORCEMENT:**

A. Injunctive Relief: The holding of any assembly in violation of any provisions or conditions contained in this chapter shall give cause to the county to seek injunctive relief for creation of a public nuisance, said action to be brought in any court of competent jurisdiction. (Ord. 2000-9-1, 9-11-2000)

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- B. Penalty: Any person, firm, corporation, or individual, whether as principal, agent, employee, or otherwise, who shall violate the terms of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as set forth in section 1-4-1 of this code. Each day of violation shall be considered a separate offense. The criminal provisions of this subsection are not enforceable against the licensee in the event that injunctive relief under subsection A of this section is granted. (Ord. 2000-9-1, 9-11-2000; amd. 2003 Code)
- C. Entry To Premises: If the county commissioners issue a license to the promoter, the promoter shall allow entry to the premises and the assembly to county officials to enforce provisions of this chapter or license. (Ord. 2000-9-1,9-11-2000)

3-5-9: **REMOVAL:** All structures, installations, excavations and construction shall be removed by the licensee from the site of the assembly at the termination of the event. In the event this is not accomplished within ten (10) days after the assembly, the county commissioners are authorized to accomplish the removal and charge the costs of the removal against the performance bond. (Ord. 2000-9-1, 9-11-2000)