

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR KLAMATH COUNTY, OREGON

In the matter of an ordinance relating to regulating and licensing entertainment assemblies; establishing licensing procedures; prescribing offenses and penalties; and declaring an emergency.

Handwritten notes and signatures: 8/23/71, Clerk, [Signature], [Signature]

PROPOSED ORDINANCE NO. 16

WHEREAS, the Board of County Commissioners finds and declares that it is necessary for the protection of the health, welfare, safety and morals of the general public to regulate and license by ordinance large assemblies of the public gathered for musical assemblies, automobile racing, horse racing, dog racing, motorcycle racing, other racing events and other entertainment businesses to ensure that proper sanitary, police, health, and safety measures are taken to adequately protect the people attending or taking part in the gathering as well as other members of the general public; and

WHEREAS, ORS 670.210 - .240 authorizes the regulation by counties of said musical assemblies, racing events and other entertainment businesses when desirable for the protection of the public health, welfare, safety and morals; NOW THEREFORE,

IT IS HEREBY ORDAINED BY THE KLAMATH COUNTY BOARD OF COMMISSIONERS as follows:

SECTION 1. DEFINITIONS

a. Entertainment Assembly - Shall include all assemblies of the public gathered either indoors or outdoors for musical festivals, concerts, and other musical entertainment; automobile racing; motorcycle racing; horse racing; dog racing; boat racing; other racing events; and for other entertainment purposes when such events last in excess of 18 consecutive hours or when it is reasonably foreseeable that participants at said events will stay overnight at the assembly site.

b. Sheriff - Shall mean and refer to the Klamath County Sheriff, his duly authorized deputies and representatives.

c. Health Department - Shall mean and refer to the Klamath County Health Department and employees and representatives thereof.

SECTION 2. BASIC CLAUSE

It shall be unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, promote, conduct, permit or cause to be advertised, an entertainment assembly when said person, persons, corporation, organization, landowner or lessor believes or has reason to believe that such assembly will attract 500 or more persons, whether or not charge or contribution is required for admission, unless a valid county permit has been obtained for the operation of said entertainment assembly. One such permit shall be required for each entertainment assembly, except that, if two or more assemblies are to be held at the same site during any twelve-month period, one permit may be issued for the entire period, provided all

terms and conditions of this ordinance are met on each occasion. Criminal or civil liability for failure to comply with the provisions of this ordinance shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this provision.

### SECTION 3. PERMIT REQUIRED - FEE

No entertainment assembly shall be held in Klamath County outside the limits of incorporated cities and towns unless the person, persons, or corporation sponsoring said entertainment assembly shall first obtain a permit as hereinafter provided, and shall comply with all regulations herein provided. The fee for said permit to cover the cost of inspecting facilities and issuing and administering the same prior to the event shall be in accordance with the following schedule:

- a. 500 to 2,500 persons reasonably anticipated to attend - \$300.00
- b. 2,500 and more persons reasonably anticipated to attend - \$350.00

Written application for each entertainment assembly permit shall be made to the Board of County Commissioners for Klamath County, Oregon, thirty (30) or more days prior to the first day upon which such entertainment assembly is to be or may be held by filing the same with the Klamath County Clerk, and shall be accompanied by a deposit of the fee herein required. It shall be signed by the person or persons organizing and sponsoring said assembly and verified upon oath. Each application shall state the location to be utilized for said assembly, and shall also include an agreement that the applicant or applicants will abide by all rules and regulations of this ordinance and other regulations and laws for the protection of the health, morals and safety of the persons employed therein, and for the patrons or participants thereof, and for the public. Each application shall be accompanied by the fingerprints and a three-inch by five-inch photograph of each and every organizer, promoter and sponsor of said assembly. Said fingerprints and photographs may be taken by the Sheriff at the request of the applicant.

Any permit issued as herein provided shall be kept posted in a conspicuous place upon the premises of said assembly. No permit shall be transferable or assignable without the consent of the Board of County Commissioners. No rebate or refund of money paid for a permit shall be made.

### SECTION 4. APPLICATION PROCEDURE - APPROVAL

Within ten (10) days after the application for said permit is made, the applicant must obtain written approval and assurance from each of the various appropriate agencies or departments that satisfactory arrangements have been made by the applicant to comply with all of the conditions hereinafter enumerated. No permit shall be issued unless the appropriate agencies or departments have approved as to each condition.

When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five (5) or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments. Should the actual facility or construction fail to meet the standards approved in the proposed plans, such preliminary approval shall be withdrawn and any and all permits granted, subject to such approval shall be withdrawn.

Said approval shall be on forms provided and shall be filed with the County Clerk.

a. Condition #1 - Sanitary Facilities

The Health Department shall have the responsibility for approving all sanitation and related facilities to ensure that reasonable minimum standards have been or will be met by the applicant, in accordance with the procedures outlined below. The applicant must provide the Health Department with a sketch, and other detailed information, showing the type, number and location of all toilets, washing facilities, water supply, food preparation, food service facilities and solid waste collection locations.

Health Department approval is based upon, but not limited to, the following minimum guideline requirements:

Toilets: A contractual agreement, with a reliable firm, shall accompany any application with provisions for providing CHEMICAL TOILETS and the sanitary maintenance of these toilets (on a continual basis, if necessary) based upon the ratio of: (a) one toilet for each 100 persons of each sex, (b) one urinal for each 100 ~~male~~ <sup>male</sup> persons. Such facilities shall be conveniently located and indicated on the sketch plan.

Hand washing facilities: In the absence of running water and normal hand washing facilities, pre-packaged sanitary wet towels, provided in adequate numbers and conveniently located, may be substituted.

Water: An adequate supply of bacteriologically safe drinking water shall be provided in a convenient location with adequate sanitary dispensing equipment (paper cups, fountains, and etc.).

Waste collection and removal: A contractual agreement with the area's franchised collector providing for an adequate number of containers, routine collection (including litter) and removal to an authorized disposal site shall accompany the application.

Food service facilities: These facilities shall comply with the Oregon State Board of Health regulations that pertain to the operation of "Temporary Restaurants" should such operation not exceed 30 days.

Said approval by the Health Department shall indicate the number, type, and location (when appropriate) of the various facilities. Approval shall include a description of the specific type of food preparation and food service facilities to be provided.

b. Condition #2 - Fire Protection Standards

No permit shall be granted hereunder unless the applicant has shown that the appropriate Fire Protection District Officer has approved the type, size, number, and location of fire protection devices and equipment available at, in or near any location (including outdoor sites, buildings, tents, stadium or enclosure) wherein or whereupon more than ten (10) persons may be expected to congregate at any time during the course of such entertainment, amusement, or assembly for which a permit is hereunder required. If the site for which the permit is applied for is located outside a Fire Protection District, the applicant must show approval from the office of the State Fire Marshall.

c. Condition #3 - Medical Services

The Health Department shall have responsibility for approving plans as to medical service required for the entertainment assembly. Each entertainment assembly shall have as a minimum one ambulance and a first aid station staffed by two adult individuals trained in first aid techniques.

All motorized racing events must have an ambulance with attendants present on standby at the start of all races and during all races and time trials or the race or time trial must stop until the ambulance and attendants are present.

d. Condition #4 - Public Safety

The applicant must submit his plans for public safety at the entertainment assembly to the Sheriff for his approval.

(1) Adequate traffic control and crowd protection policing must have been contracted for or otherwise provided by the applicant. There shall be provided one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time during the event. Further, there shall be provided one crowd control person for each 100 persons expected or reasonably expected to be in attendance at any time during the event.

(2) The applicant shall submit the names and necessary background information, on forms provided by the Sheriff, for all traffic control and crowd control personnel to be utilized during the entertainment assembly for investigation by the Sheriff as to fitness. All such personnel must meet the following minimum standards in order to be approved as suitable by the Sheriff:

- (a) Be 21 through 65 years of age,
- (b) Be in good physical health,
- (c) Never have been convicted of a felony or misdemeanor involving moral turpitude,
- (d) Either have received reasonable minimum training in law enforcement or have on-the-job experience in law enforcement.

All of said policing personnel must wear an appropriate identifying uniform and must be on duty during the entire entertainment assembly unless a relief schedule has been planned and approved. A relief schedule will be approved by the Sheriff only when sufficient policing strength on duty has been maintained to meet the above-described minimum strength standards.

It shall be the duty of said policing personnel to report any violations of the law to the Sheriff, his deputies, or representatives and to take whatever action as can reasonably be expected of them to enforce the law.

e. Condition #5 - Parking Facilities

The applicant shall provide the Sheriff with a scale drawing showing adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend said event. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. Should busses be used to transport the public to said event, it shall be shown that public parking or parking as described above is

available at any site from which busses are scheduled to pick up persons to transport them to said event.

## SECTION 5. BOND OF INDEMNITY AND INSURANCE

### a. Bond of Indemnity

No permit shall be issued hereunder unless the applicant has on deposit with the Klamath County Treasurer the following sum of cash or appropriate bond as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the county from any and all damages that may be caused by vehicles, employees, participants in or patrons of such entertainment assembly and to be used, if necessary, to restore the grounds where such entertainment assembly is held to a sanitary condition and pay all charges and losses to the county for damages to the streets, bridges, and other property.

- (1) \$10,000.00 when attendance of 500 to 2,500 persons is reasonably anticipated.
- (2) \$25,000.00 when attendance over 2,500 persons is reasonably anticipated.

When a dispute arises between the parties as to the number of persons anticipated to attend, the decision of the Board of Commissioners thereon establishing the amount of bond required and the permit fee shall be final and controlling.

Provided further, that should the licensed event necessitate the incurring of any expenses or the deployment of additional personnel by the County, or at the request of the County, such added expense shall be recoverable from the principal and its surety out of the cash on deposit and/or the bond. The deposit or its balance to be returned when the Board of County Commissioners certifies to the Treasurer that no damage has been done and that the County did not incur additional expenses due to said licensed event or that the cost of the above has been paid by the permittee.

The indemnity bond shall be in such form and with such sureties as approved by the Board of Commissioners. The Board of Commissioners may waive the requirement of the performance bond upon other satisfactory assurance of performance.

### b. Insurance

The permit applicants shall be required to furnish evidence of liability insurance providing for a minimum of \$100,000.00 bodily injury coverage per person, \$300,000.00 bodily injury insurance per occurrence and \$100,000.00 property damage coverage, naming Klamath County as an additional insured. Said liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the entertainment assembly for which the permit is granted. In the event that all participants in any racing event, in the judgment of the Board of Commissioners, have adequate liability insurance, this requirement may be waived.

## SECTION 6. INSPECTION

No application shall be granted hereunder unless the applicant shall in writing upon the application for such permit consent to allow law enforcement, public health and fire control officers to come upon the premises for which the permit has been granted for the purpose of inspection

and enforcement of the terms and conditions of the permit and this ordinance, and any other applicable laws or ordinances.

#### SECTION 7. HOURS OF OPERATION

No entertainment assembly shall be conducted in the unincorporated areas of Klamath 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.

#### SECTION 8. INTOXICATING LIQUOR PROHIBITED

No firm, person, society, association or corporation conducting an entertainment assembly, nor any person having charge or control thereof at any time when an entertainment assembly is being conducted shall permit any person to bring into said entertainment assembly, or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during said time shall take or carry onto said premises or drink thereon intoxicating liquor. In accordance with ORS 670.220 (5) (a), this provision shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of an entertainment assembly when licensed by the State of Oregon.

#### SECTION 9. CROWD LIMITATION

If at any time during said entertainment assembly the size of the crowd exceeds by 10 per cent or more the number of persons expected to be in attendance, the Sheriff, or any of his deputies, shall require the permittee or sponsor to limit further admissions until sanitation, parking, fire, health, medical, traffic, and crowd control requirements have been brought into conformity with the standards herein.

All entertainment assemblies operating without a permit under the terms of this ordinance due to the fact that less than 500 persons were reasonably anticipated to attend shall limit attendance therein to 499 persons.

#### SECTION 10. DUTY OF PRESERVING ORDER PLACED ON OPERATOR

It is the intention of this ordinance to put the burden of preserving order upon the operator of the entertainment assembly, and if any entertainment assembly in Klamath County is not being operated in accordance with the rules and regulations prescribed in this ordinance and set forth in the state laws, the permittee shall be subject to revocation of his permit, and the permittee or other individual responsible subject to such other punishment as the law and this ordinance provides.

#### SECTION 11. COMPLIANCE

Compliance with the terms and conditions of this ordinance shall constitute minimum health, sanitation and safety provisions; and failure to comply with the terms and conditions of this ordinance or state laws shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

#### SECTION 12. PENALTIES

Any person who shall violate or fail to comply with any provision of this ordinance, or, who, having obtained a permit hereunder, willfully failed to continue to comply with the terms and conditions thereunder, or who shall counsel, aid or abet such a violation or failure to comply

shall be deemed 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 \$1,000.00 or both. A failure from day to day to comply with this ordinance shall be a separate offense for each such day.

SECTION 13. EXCLUSION

This ordinance shall not apply to any regularly organized and supervised school district activity or program that takes place on school property, nor to any activity of a municipal corporation or government agency.

SECTION 14. REVIEW OF BOARD'S ACTION

All decisions of the Board of County Commissioners under this ordinance shall be reviewable by the Circuit Court of the State of Oregon for the County of Klamath only by writ of review under the Provisions of ORS 34.010 through 34.100.

SECTION 15. SEVERABILITY

If any provision of this ordinance, or its application to any person or circumstances is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances is not affected.

SECTION 16. EMERGENCY CLAUSE AND EFFECTIVE DATE

This ordinance being necessary for the immediate preservation and protection of the public peace, health, welfare, safety and morals, an emergency is hereby declared to exist, and this ordinance shall take effect upon its passage, or as soon thereafter as permitted by law, and in no event, later than thirty (30) days after its enactment.

ENACTED at Klamath Falls, Oregon, this 17<sup>th</sup> day of August, 1971.

BOARD OF COUNTY COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON

R. A. Pyle  
Chairman of the Board

M. E. Holland  
Commissioner

Lloyd Gift  
Commissioner