

**ORDINANCE 2003-12**

**AN ORDINANCE AMENDING TOOELE COUNTY CODE TITLE 6  
CHAPTER 13, REGULATION OF LARGE ASSEMBLIES**

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF  
TOOELE COUNTY, UTAH AS FOLLOWS:**

**SECTION I - AMENDMENT.** Tooele County Code Title 6 Chapter 13 is hereby amended to read as attached hereto.

**SECTION II - REPEALER.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

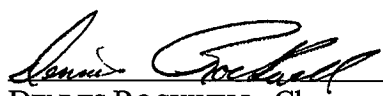
**SECTION III - EFFECTIVE DATE.** This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

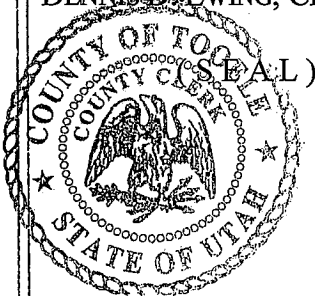
**IN WITNESS WHEREOF,** the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 10<sup>th</sup> day of June 2003.

**ATTEST:**

**TOOELE COUNTY COMMISSION**

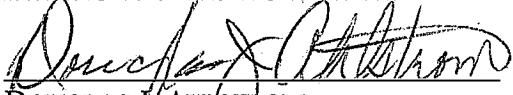
  
DENNIS D. EWING, Clerk

  
DENNIS ROCKWELL, Chairman



Commissioner Rockwell voted aye  
Commissioner ~~Hunsaker~~<sup>Lawrence</sup> voted Absent  
Commissioner White voted aye

**APPROVED AS TO FORM:**

  
DOUGLAS J. AHLSTROM  
Tooele County Attorney

**Title 6  
PUBLIC SAFETY**

**CHAPTER 13**

**REGULATION OF LARGE PUBLIC ASSEMBLIES**

**Section**

- 6-13-1. Purpose.
- 6-13-2. Definitions.
- 6-13-3. License required.
- 6-13-4. Admission by ticket only.
- 6-13-5. Water supply.
- 6-13-6. Security Personnel.
- 6-13-7. Food service.
- 6-13-8. Fire protection.
- 6-13-9. Fencing.
- 6-13-10. Noise control.
- 6-13-11. Reimbursement for county services.
- 6-13-12. License application.
- 6-13-13. Conditions for issuing license.
- 6-13-14. Notification of adjoining property owners.
- 6-13-15. Notification of other departments and application information meeting.
- 6-13-16. Issuance.
- 6-13-17. Denial of license.
- 6-13-18. Revocation.
- 6-13-19. Appeals.
- 6-13-20. Enforcement.

**6-13-1. Purpose.**

It is the purpose of this chapter to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Tooele County, in order that the health, safety and welfare of all persons in Tooele County, residents and visitors alike, may be protected

**6-13-2. Definitions.**

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

(2) "Attendee" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

(3) "Large assembly" means any event attended by more than 100 attendees.

(4) "Licensee" means any person to whom a license is issued pursuant to this chapter.

(5) "On-site parking" means permitted parking which is located on the property where the large assembly is being held, and is accessible without pedestrian crossing. For the purposes of this chapter, parking which is not located on the same property but has received development approval in conjunction with the permitted uses on the event site and is consistent with the conditions of said approval will constitute on-site parking.

(6) "Outdoor assembly" means a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, but does not include any event held entirely within the confines of a permanently enclosed structure or a parade.

(7) "License" means a written license issued by the zoning administrator, or her/his designee, authorizing the holding of a public assembly under stated conditions.

(8) "Person" means any individual natural human being, partnership, corporation, firm, company, association, society or group.

(9) "Public assembly" means an outdoor gathering, or a gathering in temporary structures such as tents, or individuals which may be attended by members of the general public, with or without an admission charge, when the anticipated daily attendance or where the anticipated attendance at any time is expected to exceed 100 persons a day occupancy of the site.

(10) "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

**6-13-3. License required.**

(1) It shall be unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, permit, maintain, promote, conduct, or cause to be advertised, act as an entrepreneur, undertake, manage, sell or give tickets to an actual or reasonably anticipated assembly of 100 or more people unless a license to hold the assembly has first been issued by Tooele County. A license to hold an assembly shall permit the licensee to engage in any lawful activity in connection with the holding of the licensed assembly. A separate license shall be required for each location in which 100 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be \$100 for each 24-hour period or portion thereof. A license shall permit the

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

(2) This chapter shall not apply to:

(a) any regular 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; and

(b) government sponsored assemblies.

#### **6-13-4. Admission by ticket only.**

(1) A licensee under this chapter shall not admit, and shall prevent the entrance to the premises on which the public assembly is held, any person who does not possess a ticket, except a peace officer or other public officer in the performance of his duties. Admission shall be by ticket only. The licensee shall not sell, give or distribute a greater number of tickets than the number which the license allows to attend. The licensee shall not admit any persons to any outdoor gathering if such admission would result in a greater number of persons present that allowed by the license.

(2) If the zoning administrator finds that the number of persons who may seek to attend an outdoor gathering is larger than authorized by the license and that the congregation of such excessive numbers of persons at the site seeking admittance may cause traffic or crowd control problems, he may prohibit sales of tickets at the site and require that tickets be sold at some other specified location or locations or in such other manner as may be approved by the zoning administrator.

#### **6-13-5. Water supply.**

(1) Every licensee under this chapter shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location of water facilities on the premises must be approved by the Tooele County Health Department prior to issuance of a license.

(2) All water shall meet specifications prescribed by the environmental health director and shall be delivered to the point of use by sanitary methods meeting the requirements of the environmental health director. Drainage from drinking fountains shall be disposed in a sanitary, nuisance-free manner.

#### **6-13-6. Security personnel.**

The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of all attendees at the assembly and for the preservation of order and protection of property in and around the assembly site. No license shall be issued unless the Tooele County Sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly. Officers and agents of the state and county shall have free right of access to the premises for the purpose of inspection.

#### **6-13-7. Food service.**

If food is to be handled outside of sealed packaging and prepared for sale to attendees on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of the Tooele County Health Department, and in accordance with any other applicable state or local law.

#### **6-13-8. Fire protection.**

Each assembly site shall be inspected by the Tooele County Fire Marshall and evaluated for fire potential with the type of activity proposed and fuel present on the site. The licensee shall, at his own expense, take adequate steps as determined by the Tooele County Fire Marshall, to insure fire protection for the site, attendees, staff and surrounding lands.

#### **6-13-9. Fencing.**

The licensee shall erect a fence completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress at controlled points.

#### **6-13-10. Noise control.**

The licensee shall insure that the laws in Title 6, Chapter 21, Tooele County Code are complied with and all required signage as to noise levels are properly displayed.

#### **6-13-11. Reimbursement for county services.**

Should the licensed event necessitate the deployment of additional county personnel and equipment, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the Board of County Commissioners of Tooele County has determined that no such damage has been done and that the county did not incur such

additional expense due to said event or that the costs of the above have been paid by the applicant.

#### **6-13-12. License application.**

(1) Application for a license to hold an assembly shall be made at least 60 days in advance of such assembly in writing upon a form supplied by the department of engineering, which shall contain the following information:

(a) a signed statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant;

(b) the name, age, date of birth, business license number, residence and mailing address of the applicant, company or corporation sponsoring the assembly;

(c) 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;

(d) 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 the assembly;

(e) the nature or purpose of the assembly;

(f) the dates and hours during which the assembly is to last;

(g) the maximum number of persons the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably gather at the location, 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 ordinances of Tooele County if the assembly is to continue overnight;

(h) the maximum number of tickets to be sold and the ticket outlets where they will be sold and marketed;

(i) plans to limit the maximum number of people permitted to assemble;

(j) plans for fencing the assembly location and the gates contained in such fence;

(k) plans for providing toilet and lavatory facilities, including the source, number, location, type and the means of disposing of waste deposited;

(l) plans for holding, collecting and disposing of solid waste;

(m) plans, if any, to illuminate the location of

the assembly, including the source and amount of power and the location of lamps;

(n) plans for emergency first aid care;

(o) plans for parking vehicles, including size and location of lots, points of highway access and interior roads, and routes between highway access and parking lots;

(p) plans for camping facilities, if any, including facilities available and their location;

(q) plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(r) plans for fire protection, including the number, type and location of all protective devices, alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment; and

(s) plans for food 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 number.

(t) a plat map from the recorder's office showing all adjoining property owners within one mile of the property where the assembly is being proposed along with a list of the names and addresses of all those landowners appearing on the tax rolls of Tooele County.

(2) The application shall be accompanied by the bond required and the license fee.

#### **6-13-13. Conditions for issuing license.**

(1) Before a license may be issued under this chapter the applicant shall determine the maximum number of people which will be assembled or admitted. The maximum number shall not exceed that which can reasonably assemble at the location in consideration of the nature of the assembly. 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 regulations of the county or the State of Utah.

(2) Before the issuance of a license, the applicant shall provide proof that he will furnish at his own expense before the assembly commences the following:

(a) separate enclosed toilets as required by the Tooele County Health Department;

(b) 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;

(c) no large assembly shall take place between the hours of 12:00 midnight and 7:00 a.m., unless

the zoning administrator determines that other hours of operation will not constitute a serious disturbance to the residents in the neighborhood of the site of the outdoor gathering;

(d) if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(e) the licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is part of the county system of highways or which is a highway maintained by the State of Utah. Traffic lanes and other space shall be provided upon the premises and kept open for access by the ambulances, fire equipment, and other emergency vehicles.

(f) a parking area inside 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;

(g) if the assembly is to continue overnight, camping facilities in compliance with all Federal, State and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;

(h) security guards, either regular employees, duly sworn off-duty peace officers of the State of Utah or private guards, licensed in the State of Utah, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least two security guards for every 300 people;

(i) a first aid station staffed with at least one Emergency Medical Technician and others with current first aid and CPR certificates.

(j) before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$125,000, which insurance shall insure the licensee against liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for 60 days past the end of the event; and

(k) a bond, filed with the Clerk of Tooele County, either in cash or underwritten by a surety company licensed to do business in Utah, at the rate of \$2.00 per person for the maximum number

of people permitted to assemble, which shall indemnify and hold harmless Tooele County or any of its agents, officers, servants and employees from any liability or causes of action which may arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly or for damages caused thereby.

#### **6-13-14. Notification of adjoining property owners.**

When the zoning administrator receives an application for a large assembly license notification shall be mailed to all landowners appearing on the tax rolls of Tooele County that adjoin the property within one mile. Such notice shall state a seven day time period where written comment can be made for or against the application.

#### **6-13-15. Notification of other departments and application review meeting.**

(1) When the zoning administrator receives an application for a large assembly license notification shall be given to the fire marshal, sheriff, building official and the Tooele County Health Department.

(2) Any public or private service district providing fire protection, water or sewage disposal services shall also be notified.

(3) Within two weeks of the date of application, an application review meeting shall be held with each of the officers, entities and departments listed in subsection (1) and (2), as well as the applicant, where written reports and recommendations shall be submitted. The recommendations may contain proposed conditions, departmental approval or denial.

#### **6-13-16. Issuance.**

The application for a license shall be processed within 30 days of receipt and shall be reviewed and approved by the zoning administrator if all conditions are complied with. The zoning administrator may impose additional conditions to protect health and safety.

#### **6-13-17. Denial of license.**

The license shall not be granted if any of the items set forth in said application are determined by the zoning administrator to be insufficient to properly safeguard the safety, health, welfare and well-being of persons or property or do not comply with any of the requirements of this chapter.

#### **6-13-18. Revocation.**

A large assembly license may be revoked by the zoning administrator 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. If after a license is issued the zoning administrator determines that any of the items required as a condition of the license are not adhered to and accomplished within the required time limits or if any of the arrangements for provision of services and facilities or any insurance or surety bond shall become terminated prior to the completion of the event, then this license may immediately be terminated. Notice of termination of the license shall be in writing, addressed to the licensee at the address set forth in the application or on the site.

#### **6-13-19. Appeals.**

(1) Any person aggrieved by a decision of the zoning administrator regarding the issuance, denial or revocation or amendment of a large assembly license may appeal such decision to the board of county commissioners whose decision shall be final. All appeals to the county commission must be in writing and filed with the county commission within 30 days of the date of the decision appealed from.

(2) The decision of the county commission may be appealed to the district court provided such appeal is filed within 30 days of the county commission decision. This appeal shall be filed with the county commission and with the clerk of the district court.

#### **6-13-20. Enforcement.**

(1) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

(2) The holding of an assembly in violation of any provisions or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

(3) It is unlawful for licensee, his employees, or agents to:

(a) conduct or operate an assembly without first obtaining a license as herein provided;

(b) conduct or operate an assembly in such a manner as to create a public or private nuisance;

(c) conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement;

(d) permit any person on the premises to cause or create a disturbance by obscene or disorderly conduct;

(e) permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises;

(f) permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs or other illegal

substances.

(4) Any violation of this chapter or conditions of the license is a sufficient basis for revocation of the license and for immediately enjoining further conduct of the assembly.