

## RESOLUTION #50

### LICENSING OF EXHIBITIONS

WHEREAS, Minnesota Statutes §375.40 authorizes the Board of County Commissioners of any county to license and regulate itinerant shows, carnivals, circuses, endurance contests, and exhibitions of any nature whatsoever, except those held within the incorporated limits of a village, borough, or city, and,

WHEREAS, there have been numerous requests by area residents, and by area civic organizations, that the Board of County Commissioners of Olmsted County license and regulate exhibitions to be held in the county, that reasonably can be expected to continue for more than four hours and attract more than 500 observers, and

WHEREAS, in order that the health, safety and welfare of all persons in Olmsted County, residents and visitors alike, may be protected,

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Olmsted County, Minnesota, that no person (as used in this Resolution, "person" means any individual natural human being, partnership, corporation, firm, company, association, society, or group) shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an exhibition or show of any nature which exhibition or show is planned to continue four or more consecutive hours, and can reasonably be anticipated to cause an assembly of 500 or more people, without first obtaining from the County of Olmsted a license to be subject to the following terms and conditions, to wit:

1. Application for the license must be made to the county board at least 30 days in advance of the commencement of the show or exhibition. The application must be accompanied by true and correct copies of all other necessary Minnesota State licenses or permits to support the application.
2. The applicant shall, insofar as practical, determine the maximum number of people which will be assembled or admitted to the location of the show or exhibition, provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the show or exhibition in consideration of the nature of the show or exhibition and provided that, where the assembly is to continue overnight together with the show or exhibition, the maximum number shall not be more than ins allowed to sleep within the boundaries of the location of the show or exhibition in accordance with the zoning or health ordinances of the county of Olmsted and the regulations of the Minnesota State Board of Health.
3. At the time the application for the license is submitted, the sponsor will provide a plan in compliance with the provisions of this resolution for the operation of the show or exhibition, local authorities will inspect to determine whether the requirements of these provisions have been substantially met. The plan may require the following elements:
  - a. A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the show grounds, which fence shall have not less than four gates, at least one at or near four opposite points of the compass.
  - b. Potable water, meeting all federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled to observe the show, at the rate of at least one gallon per person per day.
  - c. Separate enclosed 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 in accordance with the Minnesota State Board of Health Regulation and Standards.

- d. 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 2.5 lbs. 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 show or exhibition's continuance, and sufficient trash containers and personnel to perform such tasks.
- e. Illumination sufficient to light the entire area of the assembly if the show or exhibition is to continue during hours of darkness, upon the grounds where the show or exhibition is being held.
- f. Camping facilities in compliance with all state and local requirements as set forth in Minnesota Statutes and Regulations and resolutions and ordinances of this County, sufficient to provide camping accommodations for the maximum number of people to be assembled to observe the show or exhibition, if the show or exhibition is to continue during hours of darkness, or the people in attendance to observe shall continue to be assembled during hours of darkness, upon the grounds where the show or exhibition is being held.
- g. Security and traffic controls which will meet the requirements of local authorities and the Minnesota Department of Public Safety. Regularly employed off-duty Minnesota law enforcement officers, or other approved security officers, sufficient to provide adequate security for the purpose of viewing the show or exhibition.
- h. An administrative control center with telephone where local authorities can contact the sponsors and law enforcement personnel inside the area where the show or exhibition is being conducted.
- i. A surety bond by a company licensed to do business in Minnesota for a minimum amount of \$25,000 property damage, \$50,000 per person personal injury and \$300,000 multiple injury, which shall indemnify and hold harmless the County of Olmsted, or any of its agents, officers, servants and employees from any liability or cause of action which might arise by reason of granting this license. Also, a cash or surety bond in the sum of \$500 to guarantee payment of any employees of the granting authority and from costs incurred in cleaning up any waste material produced or left at said show or exhibition site. Said cleanup shall be completed within three days of the conclusion of the show or exhibition.
- j. Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 5,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 5,000 people.
- k. A free 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 persons.
- l. Telephones connected to outside lines sufficient to provide service for incoming and outgoing calls to the maximum number of people to be assembled at the rate of at least one separate line for each 1,000 persons.
- m. Fire protection to be provided by the sponsor including the following: fire alarms, extinguishing devices, fire lines. Such fire protection shall be sufficient to meet all applicable state laws and local regulations which are in effect, or may be set forth by the political subdivision concerned. Sufficient emergency personnel to efficiently operate the required equipment shall be provided by the sponsor.
- n. All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

RESOLVED FURTHER, that a decision by the County Board concerning the issuance or denial of the license shall be made within 20 days of receipt of the application and shall be issued if all conditions are substantially complied with. The license may be revoked by the governing body of this County at any time if any of the conditions necessary for the issuing of, or contained in the license, are not complied with. The provisions of this licensing resolution may be enforced by injunction in any court of competent jurisdiction, and the holding of an exhibition or show in Olmsted County, whether on public or on private land, in violation of any provision or condition contained herein, shall be deemed a public nuisance and may be abated as such. Any proceeding for an injunction, or for abatement of a public nuisance shall be in addition to the penal provisions which apply hereto under Minnesota Statutes §375.4 and §375.41.

RESOLVED FURTHER, that application for the license to conduct a show or exhibition regulated hereunder shall be on a form furnished by the County Auditor of the County of Olmsted, said form to be completed by the sponsor of the show or exhibition, under oath, and signed by said applicant. the application form shall contain and require to be disclosed the following matters:

1. The name, age, residence and mailing address of the applicant, if an individual, and the officers of the corporation, if applicant is a corporation.
2. The address and legal description of all property upon which the show or exhibition is going to be held.
3. The nature and purpose of the show or exhibition.
4. The maximum number of persons which the applicant shall permit to assemble at any time, for purposes of observing the show or exhibition.
5. The maximum number of tickets, if any, which will be sold.
6. Plans of the applicant to limit the maximum number of people permitted to assemble for purposes of observing the show or exhibition.
7. The plans for controlling and parking vehicles of the persons assembling to observe the show or exhibition.
8. The plans for security, including the number of guards, their deployment, their names, addresses, credentials and hours of availability.
9. The plans for sound control, if applicable, and sound amplification, if any, including number, location and power of amplifiers and speakers.
10. The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.
11. The plans for beer, liquor, and drug control.
12. The plans required by Section 3 of this resolution, found on pages 1, 2 and 3 hereof.

RESOLVED FURTHER, that the cost of the license herein shall be in the amount of \$10.00 payable to the Olmsted County Auditor, and payable at the time of application.

RESOLVED FURTHER, this resolution shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place, where shows and exhibitions are held, where the reasonable anticipated assembly of observers does not exceed by more than 500 people the maximum seating capacity of the structure where the show or exhibition is held. This resolution shall not apply to county fairs under the management and control of a county agricultural society and held on regularly established fairgrounds.

RESOLVED FURTHER, that notice of this resolution shall be published once in the official newspaper of Olmsted County, said resolution to take effect upon publication in the official newspaper of Olmsted County and to continue until the further order of this Board.

RESOLVED FURTHER, that all sections and provisions of this resolution 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 this Board that any section of provision so declared shall be severable from and shall not affect the validity of the remainder of the resolution.

Dated this 12<sup>th</sup> day of August 1975, at Rochester, Minnesota.

OLMSTED COUNTY BOARD OF COMMISSIONERS

Attest:

\_\_\_\_\_  
Richard G. Devlin  
Chairperson  
Clerk-Administrator

By

Gerald Tiedemen,