

ORDINANCE NO. 10

AN ORDINANCE REGARDING REGULATING THE LICENSING AND REGULATION OF EXHIBITIONS TO BE HELD IN THE COUNTY THAT REASONABLY CAN BE EXPECTED TO CONTINUE FOR MORE THAN 18 HOURS AND ATTRACT MORE THAN 2,000 OBSERVERS

By Commissioner PRILEY:

WHEREAS, Minnesota Statutes Annotated, Section 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 St. Louis County Board of Commissioners license and regulate exhibitions to be held in this County, that reasonably can be expected to continue for more than 18 hours and attract more than 2,000 observers.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of St. Louis County, Minnesota, in order that the health, safety and welfare of all persons in St. Louis County, residents and visitors alike, may be protected, no person 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 18 or more consecutive hours, and can reasonably be anticipated to cause an assembly of 2,000 or more people, without first obtaining from the County of St. Louis, a license to continue, said license to be subject to the following terms and conditions, to-wit:

1. Application for the license must be made at least thirty days in advance of the commencement of the show or exhibition. The application must be accompanied by certified copies of all other necessary Minnesota State Licenses or permits to support the application. When a license is granted to one person, any other person is entitled to engage in any lawful activity in connection with the holding of the licensed show or exhibition.
2. The applicant must 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 is allowed to sleep within the boundaries of the location of the show or exhibition by the zoning or health ordinances of the County of St. Louis 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 including the provisions herein for the operation of the show or exhibition. Ten days prior to the start of the show or exhibition, local authorities will inspect to determine whether the requirements of these provisions have been substantially met.

- 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 at least 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 Regulations 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 exhibitions continuance, and sufficient trash containers and personnel to perform tasks.
- e. 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, illumination sufficient to light the entire area of the assembly shall be provided.
- f. 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, camping facilities in compliance with all state and local requirements as set forth in Minnesota Statutes and Regulations 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.
- g. Security and traffic control plan 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 maximum number of people to be assembled for the purpose of viewing the show or exhibition.

- h. Administrative control center with telephones where local authorities can contact the sponsors and law enforcement personnel inside the area where the show or exhibition is being conducted.
- i. A bond, filed with the County Auditor of St. Louis County, either in cash or underwritten by a surety company licensed to do business in Minnesota in the minimum amount of \$50,000.00, which shall indemnify and hold harmless the County of St. Louis, 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, payment of employees, or services rendered by the granting authority and from any cost incurred in cleaning up any waste material produced or left by the people in attendance at said show or exhibition.

ORDAINED FURTHER, That an application for a license under the terms hereof, shall be processed within 20 days of receipt 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, or if any condition previously met ceases to be 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 St. Louis 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 Annotated, Section 375.40.

ORDAINED 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 St. Louis, 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, to-wit:

- a. The name, age, residence and mailing address of the applicant if an individual, and the officers of the corporation, if applicant is a corporation.
- b. The address and legal description of all property upon which the show or exhibition is going to be held.
- c. The names and addresses of all persons owning the land where said show or exhibition is going to be held.
- d. The nature and purpose of the show or exhibition.
- e. The maximum number of persons which the applicant shall permit to assemble at any time, for purposes of observing the show or exhibition.

- f. The maximum number of tickets, if any, which will be sold.
- g. Plans of the applicant to limit the maximum number of people permitted to assemble for purposes of observing the show or exhibition.
- h. The plans for controlling and parking vehicles of the persons assembling to observe the show or exhibition.
- i. The plans for security including the number of guards, their deployment, their names, addresses, credentials and hours of availability.
- j. The plans for sound control, if applicable, and sound amplification, if any, including number, location and power of amplifiers and speakers.
- k. 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.

ORDAINED FURTHER, That the cost of the license herein shall be in the amount of \$500.00 payable to the St. Louis County Auditor, and payable at the time of application.

ORDAINED FURTHER, This ordinance 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 or exhibitions are held, where the reasonably anticipated assembly of observers does not exceed by more than 250 people the maximum seating capacity of the structure where the show or exhibition is held. This ordinance shall not apply to government sponsored fairs held on regularly established fairgrounds.

ORDAINED FURTHER, That notice of this ordinance shall be published once in the official newspaper of St. Louis County, Duluth Herald, Hibbing Daily Tribune and Mesabi Daily News, Virginia, said ordinance to take effect upon publication in the official newspaper of St. Louis County and to continue until the further order of this Board.

Commissioner Priley moved the adoption of the ordinance and it was declared adopted on the following vote:

Yeas: Commissioners Anderson, Priley, Donaghy, Shannon, Hoff, Barrett and Chairman Hall.

-7

Nays: Commissioners none.

Attest: Clerk of County Board

Chairman of Board

Passed and approved by the St. Louis County Board on the 13 day of December, 1971.