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YAMHILL COUNTY, OREGON
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CHARLES STERN
COUNTY CLERK
DEPUTY

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

90-316

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
Repealing the Mass Gathering)
Ordinance Adopted December 9,) ORDINANCE NO. 507
1970, and Instituting a Pro-)
cess for the Licensing of Mass)
Gatherings Under State Law)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board), sat for the transaction of county business in special session on May 23, 1990, Commissioners David E. Bishop, Dennis L. Goecks, and Ted Lopuszynski being present.

WHEREAS, on December 9, 1970 the Board adopted an ordinance entitled "In the Matter of an Ordinance for the Licensing of Entertainment Business, Drive-in Restaurant, Peddlars, and Itinerant Merchants" (hereinafter referred to as the "Entertainment Ordinance"; and

WHEREAS, on May 23, 1984 the Board adopted Ordinance No. 372 which repealed portions of the Entertainment Ordinance but left intact the regulation of mass gatherings for entertainment assemblies; and

WHEREAS, the Board finds that the procedures regulating the licensing of entertainment assemblies set forth in the Entertainment Ordinance are overly restrictive; and

WHEREAS, the Board finds that since the adoption of the Entertainment Ordinance the Oregon Legislature has promulgated procedures for the licensing of mass gatherings which may be modified or superceded by counties; and

WHEREAS, the Board finds that statutory procedures for outdoor mass gatherings codified in ORS 433.735 through 433.770 are adequate to ensure the protection of the public interest by providing a process for the review and licensing of "mass gatherings" as the term is defined by Section 3 of this ordinance; NOW THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. An ordinance entitled "In the Matter of an Ordinance for the Licensing of Entertainment Business, Drive-in Restaurant, Peddlars, and Itinerant Merchants", enacted December 9, 1970 is hereby repealed on the effective date of this ordinance.

Section 2. All "mass gatherings" as defined in Section 3 of this ordinance are subject to the regulatory process codified as ORS 433.735 through 433.770, 1989 replacement part, as set forth in the attached Exhibit "A" which is incorporated into this ordinance as if set forth in this ordinance.

Section 3. A "mass gathering" means an actual or reasonably anticipated assembly of more than one thousand persons which is held in the unincorporated areas of Yamhill County, primarily in open spaces and not in any permanent structure.

Section 4. This ordinance being necessary for the health, safety and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective upon passage.

DONE at Newberg, Oregon this 23rd day of May, 1990.

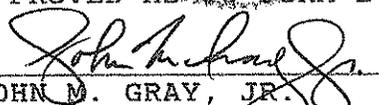
ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STEIN
County Clerk

By: 
Deputy ELAINE PEARCEY

APPROVED AS TO FORM BY:


JOHN M. GRAY, JR.
Yamhill County Counsel


Chairman DAVID E. BISHOP


Commissioner DENNIS L. GOECKS


Commissioner TED LOPUSZYNSKI

REGULATION OF OUTDOOR MASS GATHERINGS

433.735 Definitions for ORS 433.735 to 433.770. As used in ORS 433.735 to 433.770 and 433.990 (7):

(1) "Outdoor mass gathering," unless otherwise defined by county ordinance,

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"Mass gatherings" are defined by Section 3 of Ordinance 507.

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(2) "Organizer" includes any person who holds, stages or sponsors an outdoor mass gathering and the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place.

(3) "Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places for assemblies.

(4) "Temporary structure" includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use. [1971 c.597 §1a; 1981 c.82 §3; 1985 c.758 §1]

433.740 Policy. The Legislative Assembly finds that the uncontrolled outdoor gatherings of large groups of persons for extended periods of time have necessitated a need for the establishment of reasonable health and safety rules to regulate such outdoor mass gatherings. [1971 c.597 §1]

433.745 Outdoor mass gathering without permit prohibited. (1) No organizer shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property the organizer owns, leases or possesses unless a permit to hold such outdoor mass gathering has been issued by the county governing body in which the outdoor mass gathering is to take place.

(2) A permit issued under this section does not entitle the organizer to make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering. [1971 c.597 §2; 1985 c.758 §3]

433.750 Permit application; procedure for issuance of permit. (1) The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Health Division. The application shall include all of the following:

- (a) Name and address of the applicant.
- (b) Legal description of the place of the proposed gathering.
- (c) Date of the proposed gathering.
- (d) Estimated attendance at the proposed gathering.
- (e) Nature of the proposed gathering.
- (f) Such other appropriate information as the county governing body may require in order to insure compliance with rules of the Health Division.

(2) Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the county health officer and the chief of the fire district in which the gathering is to be held.

(3) Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

(4) The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.

(5) Any decision of a county governing body on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county as provided in ORS 34.020 to 34.100. [1971 c.597 §3; 1985 c.758 §4]

433.755 Additional information required before permit issued; liability of permit holder. (1) In reviewing an application for a permit to hold an outdoor mass gathering, the county governing body may require such plans, specifications and reports as it may deem necessary for proper review and it may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions such cooperation and assistance as it may deem necessary. The county governing body may require the organizers to post a surety bond in an amount up to \$25,000, but not to exceed the estimated potential costs and damages resulting from the gathering. If the county governing body requires the posting of a bond, it shall request assistance from all appropriate public officers, departments and agencies of the state and its political subdivisions in estimating potential costs and damages. The county governing body may waive any part or all of the bond.

(2) In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the outdoor mass gathering within 72 hours after its termination and to remove any temporary structures used at the outdoor mass gathering within three weeks after its termination, the county governing body may file suit against the organizer for financial settlement as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the outdoor mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990 (7). [1971 c.597 §4; 1985 c.758 §1]

433.760 Rulemaking authority. Notwithstanding any other provisions of law, the Health Division shall, in accordance with the provisions of ORS 183.310 to 183.550, make rules regulated according to anticipated crowds with respect to health and safety at outdoor mass gatherings which provide for:

- (1) Adequate water supply, drainage and sewerage facilities;
- (2) Adequate toilet facilities;
- (3) Adequate refuse storage and disposal facilities;
- (4) Adequate food and sanitary food service, if supplied;
- (5) Adequate emergency medical facilities and communication systems;
- (6) Adequate fire protection; and
- (7) Adequate security personnel and traffic control. [1971 c.597 §5; 1981 c.82 §4; 1985 c.758 §8]

433.763 Compliance with land use regulations required; criteria for approval.

(1) Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces shall be allowed by a county planning commission if all of the following occur:

(a) The organizer makes application for a permit to the county planning commission.

(b) The applicant demonstrates to the county planning commission that the applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750.

(c) The county planning commission shall make findings that:

(A) Any permits required by the applicable land use regulations have been granted; and

(B) The proposed gathering:

(i) Is compatible with existing land uses; and

(ii) Does not materially alter the stability of the overall land use pattern of the area.

(2) The provisions of ORS 433.755 apply to any gatherings reviewed or approved under this section.

(3) A decision granting or denying a permit under this section may be appealed to the county governing body as provided in ORS 215.402 to 215.438.

(4) If a county has not created a planning commission as provided in ORS 215.030, the county governing body, or such other person as the governing body designates shall receive the application and make the findings and decision required by this section. [1985 c.758 §7]

433.765 Effect on county ordinances adopted under county charter. Ordinances or regulations of a county enacted under a county charter adopted pursuant to section 10, Article VI, Oregon Constitution, and not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7), are not superseded by ORS 433.735 to 433.770 and 433.990 (7) or such rules. Nothing in ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7) precludes the right of a county to enact ordinances or regulations under a county charter if such ordinances or regulations are not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7). [1971 c.597 §6]

433.767 Application to gatherings defined by county ordinance. ORS 433.735 to 433.770 and 433.990 (7) apply to outdoor mass gatherings defined by county ordinance as well as to those defined by ORS 433.735 (1). [1981 c.82 §2]

433.770 Enforcement. (1) In addition to and not in lieu of the maintenance of other actions for any violation of ORS 433.745, the district attorney for the county in which an outdoor mass gathering is to be held may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation of ORS 433.745.

(2) Cases filed under the provisions of this section or an appeal therefrom shall be given preference on the docket over all other civil cases except those given equal preference by statute. [1971 c.597 §6a; 1979 c.284 §143]

PENALTIES

433.990 Penalties.

(7) Any organizer, as defined in ORS 433.735, violating ORS 433.745 is punishable, upon conviction, by a fine of not more than \$10,000.