

**CITY OF PINE ISLAND  
ORDINANCE NO. 148**

**ORDINANCE AMENDING CHAPTER 10 BY ADDING SECTION 10.49 RELATING TO ASSEMBLIES**

**SEC. 10.49 ASSEMBLIES**

**Subd. 1. PURPOSE.** The purpose of this section is to regulate the assembly of large numbers of persons whose presence in the city can reasonably be anticipated to exceed the capability of the health, sanitary, fire, police, transportation and utility services provided by the city and in order to establish regulations which protect the health, safety and welfare of all persons within the city.

**Subd. 2. DEFINITIONS.** As used in this section, the following words and terms shall have the following meaning:

- A. **Assembly.** A gathering numbering more than 25 persons or actions by one or more persons the intention of which is to attract and assemble a gathering of persons in excess of 25 at single time and place for any purpose.

**Subd. 3. PERMIT REQUIRED.** No person shall encourage, permit, maintain, conduct, advertise, organize, manage, sell, barter or give tickets to any assembly held on public property, unless a permit therefor has been approved by the city administrator except as hereinafter provided.

**Subd. 4. EXCLUSIONS.** The following assemblies do not require a permit:

- A. Assemblies sponsored by the city
- B. Assemblies sponsored by the school
- C. Community fundraisers with city council approval

**Subd. 5. ASSEMBLIES PROHIBITED IN CERTAIN AREAS.** Assemblies may be prohibited and a permit denied upon a finding by the city that the proposed assembly is incompatible with existing residential land uses. Factors considered in determining incompatibility include without limitation, noise, lighting, traffic, sanitation, congestion of persons, communications, water supply, waste disposal, enforcement of laws against contraband of all types, physical damage to adjoining properties, parking areas, fire hazard, containment on the site, obedience to this Code and state and federal statutes and other factors affecting the public health, safety and welfare of the public.

**Subd. 6. ADMINISTRATIVE FEES.** The applicant for an assembly permit shall pay fees established by resolution of the city council which shall be non-refundable. The assembly permit fees may be waived by the city administrator if the applicant is also paying to rent a city facility and/or park. As a condition of granting a permit, the city may require the establishing of a cash escrow to be deposited with the city clerk-administrator. The cash escrow shall be used to guarantee payment by the applicant of the

city's costs for legal, engineering, planning, sanitation, health, traffic control and other law enforcement services which are directly attributable to the assembly. Any amount remaining after payment of such costs shall be refunded to the applicant.

**Subd. 7. APPLICATION FOR PERMIT.** The application for an assembly permit shall be made in writing and filed with the city administrator within a reasonable amount of time in advance of the proposed date for the assembly and upon forms supplied by the city administrator. If the assembly is a gathering in excess of 200 persons, the application shall be filed with the city administrator no less than 45 days in advance of the proposed date for the assembly. The application shall contain without limitation, the following information:

- A. The name, age, residence and mailing address of the applicant if an individual; all partners if a partnership; and all officers of the corporation if the applicant is a corporation.
- B. The address and legal description of all property which will be in any way used or occupied by the assembly.
- C. The names and addresses of all persons holding an equitable or legal interest in land where the proposed assembly is to be conducted together with a written statement of their approval of such use. Mortgages are excluded from this provision.
- D. The names and addresses of all persons with a legal or equitable interest in the land which abuts the subject property.
- E. A full description of the nature, purpose and extent of the proposed assembly.
- F. The maximum number of persons which the proposed assembly will attract at any given time together with the days and hours during which the proposed assembly will be conducted.
- G. The names, addresses, credentials, hours of availability and development of security officers and other general plans for security to be utilized at the proposed assembly by the applicant.
- H. A full description of the plans for sound amplification and sound control to be utilized by the applicant
- I. Plans for any food or other concession which will be provided together with the name, addresses and licensing information of all concessionaires.
- J. All other information which would be required by the provisions of section 10.49 subd. 7.
- K. Any other information required or requested by the city administrator.

**Subd. 8. CONDITIONS OF APPROVAL IN GRANTING AN ASSEMBLY PERMIT.** The city administrator may impose any condition reasonably required to protect the health, safety and welfare of the general public and the persons assembled, including without limitation the following elements:

- A. A fence, barrier or other enclosure which controls and regulates ingress and egress to and from the assembly with reasonable safety and speed.
- B. A potable water supply meeting all local, state and federal standards for sanitation, quality and quantity at the rate of one gallon per person per day.
- C. Separate enclosed toilets for males and females which meet state specifications conveniently located throughout the grounds, in sufficient numbers to meet the Minnesota state board of health regulations and standards.
- D. An efficient and sanitary method of disposing of solid waste at the rate of at least 2.5 pound per person per day together with provisions for restoration of the site to its original condition.
- E. A lighting plan for safe illumination during hours of darkness.
- F. Security officers: private, off-duty or on-duty Minnesota law enforcement peace officers in sufficient numbers to provide for adequate safety and security of the proposed assembly. Security and traffic control must meet the requirements of all state and local authorities.
- G. An administrative communications control center for communication with city officials either by messenger or telephone while the assembly is being operate.
- H. Physicians, nurses or other medical personnel licensed to practice in the State of Minnesota sufficient to provide emergency medical care together with an enclosed, covered structure where treatment may be rendered.
- I. A parking area off the public right-of-way and inside the proposed assembly area sufficient to provide parking space for one vehicle per each four persons anticipated. Permission for parking from all affected property owners must be obtained.
- J. A fire protection plan to be provided by the applicant and approved by the fire chief of the responsible fire department. The plan should include; an alarm system, fire extinguishing devices, and fire lanes.
- K. Copies or descriptions of all proposed advertising to ensure that the proposed advertising conforms with the plans as presented to the city.

- L. Any reasonable restrictions on sound and sound reproduction and amplification as are necessary to contain unreasonable noise within the enclosed boundaries of the location of the assembly.
- M. A surety bond or other financial guarantee approved as to form by the city attorney and established by the city council in an amount not less than \$5,000.00 to guarantee performance by the applicant of the conditions imposed by the city in granting the assembly permit.
- N. A comprehensive general liability insurance policy covering any and all damages, claims or other liabilities arising out of the operation of the assembly whether incurred by the city or by any other association or person.

**Subd. 9. MAXIMUM SIZE.** The city council may limit the size of the large assembly after considering, without limitation, those matters set forth in section 10.49 subd. 5.

**Subd. 10. OVERNIGHT CAMPING.** No person holding an assembly permit shall permit and no participant in an assembly shall remain overnight at the location of an assembly except for a reasonable number of persons required for security purposes.

**Subd. 11. ENFORCEMENT.** The assembly permit shall be issued by the city administrator. The permit shall contain a statement of all conditions attached by the city in issuing the permit. In accordance with sections 1.03 and 10.99 of this Code, violations of this section or the terms of any assembly permit shall be a misdemeanor. Enforcement of this section and of any assembly permit may take any of the following forms, within the discretion of the city.

- A. Enforcement by injunction, declaratory judgment or any other civil remedy by any court of competent jurisdiction.
- B. Enforcement by declaring such assembly to be a public nuisance followed by abatement procedures provided by statute or sections 10.31 and 10.32.
- C. Enforcement by issuing a citation or criminal complaint against persons acting in violation of this section or any condition of the assembly permit. In the event automobiles are parked in violation of this section, such automobiles may be towed at the owner's expense.
- D. Enforcement by disbursing all persons gathered at such assembly.
- E. Enforcement by revoking the assembly permit ordering removal of all assembly paraphernalia and the disbursing of persons gathered at the assembly.

**Subd. 12. VIOLATION BY PARTICIPANTS.** The applicant shall be required to post copies of the assembly permit at several locations in and about the premises, including the automobile parking area. Any participant in the assembly other than the applicant and its employees, who violates any provision of

such posted conditions which is specifically applicable to participants, upon conviction thereof by lawful authority, shall be guilty of a misdemeanor as provided in section 10.99 of this Code.

Adopted by the City Council this 27<sup>th</sup> day of July 2020

\_\_\_\_\_  
Rod Steele  
Mayor

ATTEST:

BY: \_\_\_\_\_  
Elizabeth Howard  
City Administrator

Published in the News Record on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.