

BOARD of COMMISSIONERS

COUNTY OF CARBON • STATE OF MONTANA

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RESOLUTION 2020-17

RESOLUTION GOVERNING PUBLIC HEALTH, SAFETY AND SECURITY FOR LARGE GROUP FUNCTIONS

In consideration of the increasing number of large group functions in Carbon County and the requirement governing public health, safety and security of participants and the general public, the following resolution is adopted:

AUTHORITY: Authority for this regulation is provided for in §7-5-121, MCA; under which the governing body may adopt resolutions, §7-5-2101, MCA; General authority of county commissioners; §50-2-118, MCA, providing for the duties and authorities of the local health officer; §50-2-116, MCA under which a local health board may adopt rules for the control of communicable diseases, for the removal of filth which might affect public health; and to abate nuisances affecting public health and safety.

Section 1. **DEFINITIONS:** As used in this resolution, the following words shall have the specified meanings unless the context indicates otherwise:

1.1 "Large Group Function" means five hundred plus (500 +) persons simultaneously gathered in a common area, both private and public, for three hours or more. A large group function does not include a gathering at a permanent facility such as a theater, auditorium, or stadium where there are permanent facilities available, and normal operational procedures in place which meet all of the criteria in 3.2 normally required by this resolution. In the event of a public emergency or disaster, the definition of large group function may be modified by the emergency order or declaration of the federal

government, governor, or local health board. Any limitations, restrictions, or prohibitions imposed pursuant to an emergency or disaster declaration shall take precedence to this Resolution. Nothing in this Resolution shall be construed as contrary to emergency or disaster declaration restrictions or prohibitions.

1.2 "Law Enforcement Official" shall mean the duly elected, acting, or appointed Sheriff of Carbon County.

1.3 "Chief of Fire Protection" shall mean the acting or appointed Chief of fire protection, whether county or volunteer, for the area within which the event is to be held.

1.4 "Emergency Medical Services" means the ability to provide such emergency medical services for the event sufficient to sustain on an emergency basis the medical safety for all persons that might require such services, whether stemming either directly or indirectly from such event.

1.5 "Emergency Medical Director" shall mean the duly acting or appointed Emergency services management for such event.

1.6 "Reclamation and Noxious Weed Control" shall mean the restoration of the site area to such condition that will preserve the surrounding area in its pre-event condition.

1.7 "Reclamation and Weed Control Officer" shall mean the County Weed District Supervisor.

1.8 "County Special Event Coordinator" shall mean the duly appointed Carbon County Special Event Coordinator, who shall be appointed by the Carbon County Commissioners

1.9 "Health Officer" means the Carbon County Health Officer designated herein as "Health Officer" or his/her designated representative.

1.10 "Board" means the Board of County Commissioners

1.11 "Person" means any natural person, partnership, voluntary association, cooperation or political entity.

1.12 "Extraordinary Costs" shall include all increases in cost of county personnel, supplies and material necessitated by disasters resulting from the operation of said event. -

1.13 "Anticipated attendance" is the event promoter's estimate of the number of persons projected to attend the large group function. The estimate shall be determined by pre-sold tickets as well as passes given to the staff, vendors, media, band members, and security personnel.

1.14 "Person with standing" is an affected Carbon County resident or adjacent property owner.

1.15 "Public Health Emergency or Disaster Declaration" means any federal, state, or local declaration or designation that an emergency conditions exist that threaten the health, safety, and welfare of the community that exceeds local response capabilities, including but not limited to fire, extreme weather conditions, flooding, infectious disease, and contagion.

Section 2. **PERMIT REQUIRED:**

No person shall operate any large group function or cause other persons to gather for the purpose of a large group function unless he/she shall hold a permit for a large group function issued by the Special Events Coordinator.

Events held within incorporated towns will not be governed by this regulation.

Section 3. **APPLICATION PERMIT:**

3.1 A formal application for large group functions must be obtained from the Special Events Coordinator for all such functions. A pre-application meeting is encouraged. Applications must be completed and returned to the Special Events Coordinator for approval no later than sixty (60) days preceding the date of the large group function

3.2 A person desiring to operate a large group function is encouraged to submit his/her completed application to the Special Events Coordinator as soon as possible, but no later than sixty (60) days prior to the date of the large group function.

3.3 The application shall contain the following information:

- (a) The name, address and phone number of the person organizing the large group function, and if other than a natural person, its responsible officer.
- (b) A staff contact list with contact information.
- (c) The purpose of the proposed large group function and the date(s) and hours of the function.
- (d) The location of the proposed large group function and the means of entry and exit. A sitemap should be provided.
- (e) The estimated total attendance of the function and the estimated peak attendance at any point in time.
- (f) The provisions that have been made or will be made for safe food and beverage handling, the sanitary disposal of human waste, and the sanitary disposal of trash, garbage and other non-human waste.

- (g) The provisions that have been made or will be made for traffic control and emergency services, including law enforcement, fire protection and emergency medical services, and site restoration. The applicant shall state the agency/contractor which is intended to provide these services and the person in charge at that agency and when the agency will be consulted to determine any special requirements it may have.
- (h) Provide proof of liability insurance with a minimum \$2,000,000 limit, language to name Carbon County as an additionally insured and indemnify Carbon County from any claims resulting from activities that are a part of the large group function.
- (i) If public land is used, a bond in the amount of the 150% of the estimated site restoration costs shall be provided in the name of Carbon County, or the appropriate agency, by the contractor hired to perform the restoration. If private land is used, a landowner agreement shall be provided. The restoration plan shall be approved by the Reclamation and Weed Control Officer.
- (j) If alcohol is to be served at said function and if so, what arrangements for permits and licensing have been made.
- (k) What specific arrangements the applicant will make for coordination of all its efforts with county personnel required by this resolution.
- (l) Notification of adjacent landowners within ¼ mile (1320ft) has occurred. Such notification shall be in writing and delivered at least 30 days prior to event.
- (m) LIVE ANIMALS; whether live animals will be allowed at the event, or included in the event, and how they will be controlled.
- (n) PYROTECHNICS: Whether pyrotechnics will be used in the production.
- (o) CURFEW: A curfew may apply depending on location and type of event.

3.4 An application fee of One Hundred Dollars (\$100) per five hundred (500) persons or One Hundred and Fifty Dollars (\$150) per five hundred (500) persons at events where alcohol is allowed, up to a maximum fee of \$1500, which shall be collected prior to the issuance of the permit. This fee shall be non-refundable unless the applicant voluntarily withdraws his application, not more than ten (10) days after submittal.

3.5 The application shall also include necessary costs incurred by reviewing departments pursuant to the application review. Such costs shall be the responsibility of the applicant.

Section 4. **PROCEDURE FOLLOWING APPLICATION:**

4.1 The Special Event Coordinator shall consult with other public health and safety agencies to determine whether the provisions required by Section 3.3 (e), (f), (g), (h), (i) and G) are satisfactory and are being complied with.

4.2 If the applicant has complied with the provisions required by Section 3.3 (e), (f), (g), (h), (i) and G), the Special Events Coordinator shall issue a permit for the large group function. The permit shall be issued not later than thirty (30) days preceding the date of the large group function. The application fee will be paid at this time based on the anticipated attendance as defined in section 1.13.

4.3. Issuance of the permit may be conditional and may require a bond or other sufficient security to insure compliance with the provisions required by Section 3.3 (e), (f), (g), (h), (I) and (j).

4.4 Costs incurred by all governmental agencies necessitated by an emergency created as a result of subject event and not under the control of Carbon County shall not be covered by the application fee.

4.5 Extraordinary costs and expenses incurred due to emergencies or disasters resulting from the operation of said event shall not be included in the cost and expense cap and may be charged as such costs would be billed under the statutes of the State of Montana and ordinances and regulations of Carbon County as more specifically set forth therein.

Section 5. **DENIAL OR REVOCATION OF PERMIT:**

5.1 A permit may be denied by the Special Events Coordinator for any of the following reasons:

- (a) That the applicant failed to comply with the provisions provided for in the application.
- (b) That the applicant has failed to provide complete and accurate information with the application.
- (c) The activity to be permitted is prohibited by state or local directive because of public health emergency or other public disaster declaration.

5.2 The permit shall be revoked by the Special Events Coordinator for any of the following reasons:

- (a) The applicant has failed to comply with the provisions provided for in the application.

- (b) The permitted activity is no longer allowed, feasible, or possible because of public disaster or emergency affecting public health and safety.
- (c) The permitted activity is expressly prohibited by state or local restrictions not in place at the time of permitting.

5.3 Notice of the permit being denied or revoked shall be a written notice delivered to the person operating the large group function or one of its responsible officers or by mailing such notice to the persons at the address as shown on the application.

5.4 The revocation may be appealed to the Board of County Commissioners through the process in Section 7.

5.5 The County shall have no financial responsibility for the revocation of the permit and the applicant shall not be entitled to any refund of application fees or costs. Applicants are encouraged to seek insurance for cancellations required by acts of god, public disasters, hazards, or impossibility.

Section 6. **EXEMPTIONS:**

6.1 The event promoter may request the Special Events Coordinator issue an exemption for the permit requirements of this regulation if the proposed event is to be held at a permanent facility whose design, character and operation meet the criteria set forth in Section 3 of this regulation.

6.2 The request for exemption must be submitted to the Special Events Coordinator no later than sixty (60) days prior to the proposed event. No fee shall be charged for issuing such an exemption.

6.3 An exemption may be revoked in the same manner as a permit issued under this regulation under the revocation provisions of paragraph 5.2.

Section 7. **APPEALS:**

7.1 Any person with standing may appeal the action of the Special Event Coordinator in granting or denying a permit, or an exemption, to the Carbon County Commissioners.

7.2 The appeal shall be in writing and filed with the Carbon County Commissioners within five (5) days of the action.

7.3 The Chairman of the Carbon County Commissioners may call a special meeting for the purpose of hearing such an appeal.

7.4 The decision of the Carbon County Commission on the appeal shall be final. The

applicant may solicit the jurisdiction of the District Court of Twenty Second Judicial District, Carbon County, Montana, through mandamus or other action.

Section 8. **ENFORCEMENT:**

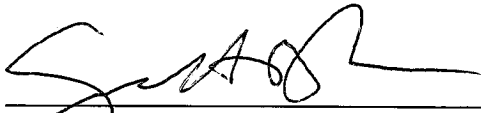
8.1 Violation of this resolution by not obtaining a permit for such a function or violating the terms and conditions of an issued permit shall be subject to a civil penalty not to exceed \$2500 for each violation. In a civil action initiated by the county under the ordinance, the court may order the promoter found in violation of this ordinance to pay attorney's fees, costs and expenses incurred in enforcing the provisions of this ordinance.

8.2 Civil action to impose civil penalties does not bar an injunction or other appropriate action at law or in equity.

8.3 The non-payment of extraordinary costs within thirty (30) days submission to the permittee by the county shall represent a civil violation of this resolution and may subject the permittee to the additional payment of costs and attorney fees incurred by the County in enforcement of this resolution.

8.4 Relative to the enforcement of paragraph 8.3 the means of enforcement may be through arbitration, the venue of which shall be Carbon County, Montana. Arbitration shall be in accordance with the rules and regulation of the American Arbitration Association or enforced in the District Court of the Twenty-Second Judicial District.

Passed and Adopted this 11th of June, 2020.



Commissioner



Commissioner

ATTEST:



Clerk and Recorder