



ORDINANCE PERTAINING TO MASS GATHERINGS

ADOPTED BY THE UNION COUNTY BOARD OF COMMISSIONERS ON SEPTEMBER 3, 1974
RECORDED IN DOCKET 12 -- PAGE 224-227

WHEREAS, pursuant to Chapter 153A, Section 121, of the General Statutes of North Carolina, a county may by ordinance define, regulate, prohibit or abate acts, omissions or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the county; and

WHEREAS, the mass gatherings of people for an extended period of time at one place within Union County, without proper care being taken for the protection of said persons and the public, can create conditions which are detrimental to the health, safety and welfare of the citizens of this County and the peace and dignity of this County.

NOW, THEREFORE, The Board of Commissioners of Union County hereby adopts the following Ordinance.

Section 1.

Intent and Purpose. - The intent and purpose of this Ordinance is to provide for the protection of property and the public health, public welfare, and public safety of those persons in attendance at mass gatherings in Union County and of those persons who reside near or are located in proximity to the sites of mass gatherings or are directly affected thereby.

Section 2.

Definitions.- The following definitions shall apply in the enforcement and interpretation of this Ordinance.

(1) 'Mass Gathering' means the congregation or assembly in which admission is charged or other contributions are solicited, accepted or received, all in reasonable contemplation of profit, of more than 200 people in an open space, or open air for a continuous period of at least six hours.

(2) 'County' means Union County.

(3) 'County Health Director' means the Union County Health Director or a representative designated by him.

(4) 'Person' means any person, firm, corporation or legal entity which holds, sponsors, organizes, conducts or promotes a mass gathering.

Section 3.

Permit required; revocation of permit.- (1) No person shall organize, sponsor or hold any mass gathering in Union County unless a permit has been issued to such person by the County Health Director under the provisions of this Article. A permit shall be required for

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each mass gathering and is not transferable to other persons.

(2) A permit may be revoked by the County Health Director at any time if he finds that the mass gathering is being or has been maintained or operated in violation of this Ordinance or that prior to the mass gathering, the planning or preparation for the mass gathering is not in compliance with this Ordinance. A permit may be revoked upon the request of the permittee or upon abandonment of this operation. A permit will otherwise expire upon satisfactory completion of the post-gathering clean-up following the close of the mass gathering.

Section 4.

Application for permit.- (1) Application for a permit for a mass gathering shall be made to the County Health Director, on a form and in a manner prescribed by him, by the person who will organize, sponsor or hold the mass gathering. The application shall be filed with the County Health Director at least 45 days prior to the commencement of the mass gathering. A fee of \$10.00 to be paid to Union County shall accompany the application.

(2) The application shall contain the following information: identification, name, address and telephone number of the applicant, identification, names, addresses, and telephone numbers of any other person(s) responsible for organizing, sponsoring or holding the mass gathering, the location, purpose and schedule of events of the proposed mass gathering, the estimated maximum number of persons reasonably expected to be in attendance at any one time, the date or dates and the hours during which the mass gathering is to be conducted, and a statement as to the total time period involved.

(3) The application shall be accompanied by an outline map of the area to be used, to approximate scale, showing the location of all proposed and existing privies or toilets; lavatory and bathing facilities; all water supply sources, including lakes, ponds, streams, wells, storage tanks, etc.; all electrical service outlets existing and proposed; all areas of assemblage; all camping areas; all food service areas; all garbage and refuse storage and disposal areas; all entrances and exits to public highways; emergency ingress and egress roads; and emergency medical facilities.

(4) The application shall be accompanied by such additional plans, reports, and information required by the County Health Director as he shall deem necessary to carry out the provisions of this Ordinance.

Section 5.

Provisional permit; performance bond, liability insurance.-

(1) Within 10 days after the receipt of the application, the County Health Director shall review the application and inspect

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the proposed site for the mass gathering. If it reasonably appears that the requirements of this Ordinance can be met by the applicant, a provisional permit shall be issued.

(2) If the County Health Director shall deem it necessary to protect the health, welfare and safety of those persons in attendance at mass gatherings or other persons who may be affected by mass gatherings, and to carry out the provisions of this Ordinance, he may require the permittee within five (5) days after issuance of the provisional permit to file with the County Health Director a performance bond or other surety to be executed to Union County in the amount of \$5,000.00 for up to 10,000 persons, and \$1,000.00 additional amount for each additional 5,000 persons or fraction thereof reasonably estimated to attend the mass gathering. The bond shall be conditioned upon full compliance with this Ordinance and the provisions and conditions of any permit issued by the County Health Director pursuant to the provisions of this ordinance, and shall be forfeitable upon noncompliance with this Ordinance or the provisions of any permit issued by the County Health Director, and a showing by the County Health Director of any injury, damage or other loss to Union County caused by noncompliance with this Ordinance and any permit issued by the County Health Director. The permittee shall, in addition, file satisfactory evidence of public liability and property damage insurance in an amount determined by the County Health Director to be reasonable (but not to exceed \$1,000,000.00 in amount) in relation to the risks and hazards involved in the proposed mass gathering. The County Health Director shall require such insurance to be in force from the time the permit is issued until such time as all the participants at the mass gathering have left the premises and premises have been secured.

Section 6.

Issuance of permit; revocation; forfeiture of bond; cancellation.-

(1) If, upon inspection by the County Health Director 15 days prior to the starting date of the mass gathering, or earlier upon request of the permittee, the required facilities are found to be in place, or satisfactory arrangements are found to have been made for required facilities and services, and other applicable provisions of this Ordinance are found to have been met, the County Health Director shall issue a permit for the mass gathering. If, upon such inspection, the facilities, arrangements, or other provisions are not satisfactory, the provisional permit shall be revoked and no permit issued.

(2) Upon revocation of either the provisional permit or the permit, the permittee shall immediately announce cancellation of the mass gathering in as effective a manner as is reasonably possible, including but not limited to the use of whatever methods were used for advertising or promoting the mass gathering.

(3) If the provisional permit or the permit is revoked prior to or during the mass gathering, the County Health Director may order the permittee to install such facilities and make such arrangements as may be necessary to accommodate those persons who may nevertheless attend or be present at the mass gathering despite its cancellation

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and to restore the site to a safe and sanitary condition. In the event the permittee fails to comply with the order of the County Health Director, the County Health Director may immediately proceed to install such facilities and make such other arrangements and provisions for clean-up as may be minimally required in the interest of public health and safety, utilizing such local funds and resources as may be available to him. Prior to or within 60 days after such action, the County Health Director may apply to a court of competent jurisdiction to order forfeiture of the permittee's performance bond or surety for violation of this Ordinance. The Court may order that the proceeds shall be applied to the extent necessary to reimburse the County for expenditures made pursuant to the action taken by the County Health Director upon the permittee's failure to comply with his order. Any excess proceeds shall be returned to the issuer of the bond or to the surety after deducting court costs.

Section 7.

Rules and regulations of the County Board of Health.- The County Board of Health is authorized and directed to develop and submit to County Board of Commissioners for approval rules and regulations to carry out the provisions of this Ordinance and to establish standards and requirements so that facilities and services shall be provided as necessary to protect the health, welfare and safety of those attending the mass gathering and of other persons who may be affected by mass gatherings. These rules and regulations shall upon approval by the Board of Commissioners of Union County have the force and effect as if they were part of this Ordinance. They shall include, but not be limited to, the establishment of standards as follows:

- (1) General requirements relating to minimum size of activity area, distance of activity area from dwellings, distance from public water supplies and watersheds, camping areas, and an adequate command post for use by personnel of health, law enforcement and other governmental agencies.
- (2) Adequate ingress and egress roads, parking facilities and entrances and exits to public highways.
- (3) Plan for limiting attendance and crowd control, dust control, and rapid emergency evacuation.
- (4) Medical care, including facilities, services and personnel.
- (5) Sanitary water supply, source and distribution; toilet facilities; sewage disposal, solid waste collection and disposal; food dispensing; insect and rodent control; and post-gathering clean-up.
- (6) Noise level at perimeter; lighting and electrical services and signs.

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Section 8.

Penalty. - Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor as provided by G.S. 14-4.

Section 9.

The County may apply for and secure injunctions or abatement orders from courts of competent jurisdiction to insure compliance with this Ordinance.

Section 10.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 11.

This Ordinance shall become effective upon ratification.