



# Board of County Commissioners Agenda Request

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Agenda Item #

**Requested Meeting Date:** November 23, 2021

**Title of Item:** Minor Language Change to Aitkin County Assembly Ordinance

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| <input type="checkbox"/> REGULAR AGENDA<br><input checked="" type="checkbox"/> CONSENT AGENDA<br><input type="checkbox"/> INFORMATION ONLY  | <b>Action Requested:</b><br><input checked="" type="checkbox"/> Approve/Deny Motion<br><input type="checkbox"/> Adopt Resolution (attach draft)<br><i>*provide copy of hearing notice that was published</i> | <input type="checkbox"/> Direction Requested<br><input type="checkbox"/> Discussion Item<br><input type="checkbox"/> Hold Public Hearing* |
| <b>Submitted by:</b><br>Andrew Carlstrom  | <b>Department:</b><br>Planning & Zoning  |   |
| <b>Presenter (Name and Title):</b><br>Andrew Carlstrom, Environmental Services Director   |  | <b>Estimated Time Needed:</b><br>5 minutes  |
| <b>Summary of Issue:</b><br><br>The Ordinance Committee has discovered minor changes needed to the Aitkin County Assembly Ordinance. In lieu of the Minnesota Department of Health assuming responsibility over the Food, Pool, and Lodging Program on October 1, 2021, we are requesting changes be made in language referencing Aitkin County FPL licensing to MDH licensing. |  |   |
| <b>Alternatives, Options, Effects on Others/Comments:</b>   |  |   |
| <b>Recommended Action/Motion:</b><br>Motion to approve minor language change in Aitkin County Assembly Ordinance  |  |   |
| <b>Financial Impact:</b><br><i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><i>What is the total cost, with tax and shipping? \$</i><br><i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>  |  |   |

Legally binding agreements must have County Attorney approval prior to submission.

be deemed a condition of the approval report and of any permit issued pursuant thereto, whether or not stated in the report or permit.

5. Not less than ten days prior to the start of the assembly the applicant shall file with the County Auditor the following:
  - (a) A report showing completion of all requirements necessary to comply with the application for permit, or in the event that such remain incomplete, evidence satisfactory to the County that completion will be had prior to the scheduled commencement of the assembly. Upon receipt of such report and after making such investigation and inspection of the premises as it may deem proper, and finding that all plans and requirement stated in the application have been or will be complied with, the County shall issue a permit. The permit shall at all times permit law enforcement officers and agents and officers of the County to enter upon the premises upon which the assembly is to be, or is being, conducted.
6. No permittee shall sell tickets to, nor permit to assemble, more than the number of persons stated in the permit.
7. The permit may be revoked at any time if any of the conditions of the approval report or permit are not performed or complied with, or cease to be performed or complied with. The County shall forthwith upon revocation serve upon the permittee notice they have failed to comply with the permit; upon satisfactory proof of compliance, the County Board, may, in its discretion, reinstate said permit.
8. If the permit shall be denied or revoked, the applicant and all persons under the applicant's direction and control shall forthwith cease and desist from all acts for the promotion, advertisement, organization, and operation of the assembly, and shall do all things necessary to advise persons who may intend to assemble of the refusal or revocation of permit, and shall do all things necessary to disperse persons who may have assembled upon the premises.
9. In considering applications for a permit, the county board shall consider the character of the applicant, the nature of the assembly, the place thereof, the length of time during which it is to be conducted, and the adequacy of facilities for the protection of the public peace, health, safety, and welfare to be provided on the premises and in the area of the assembly, and plans to secure compliance with the conditions of the permit.
10. This ordinance shall not require a permit for assembly at an established and permanent stadium, auditorium, arena, Aitkin County licensed food, beverage and lodging facility, or place of worship where the reasonably anticipated assembly does not exceed the maximum seating capacity of the structure by more than 250 persons. The County Board of Commissioners may waive any of the requirements of subdivision 3 of this ordinance for applications from a Town proposing to conduct a community festival. The provisions of this ordinance shall not apply to any show or exhibition held in connection with the Aitkin County Fair.
11. Any person, partnership, company, society, group, firm, corporation or association, and any entity's individual officers, partners, or members, violating or failing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor for each and every violation, and for each and every day a violation is permitted to exist, it shall be

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APPENDIX A

AITKIN COUNTY SUPPLEMENTAL ASSEMBLY GUIDANCE FORM

This form is to assist the applicant in completing the application. The following guidelines will be used by County Staff in reviewing the application to ensure the assembly is protecting the public health, safety and general welfare, and meeting minimum county standards.

1. General liability insurance, naming Aitkin County as an additional insured under the policy, covering any injury or damage caused by or resulting from the conducting of the assembly permitted under this ordinance, in the minimum amount of five hundred thousand dollars (\$500,000.00) for injuries to, damages to and/or death of any one person and one million five hundred thousand dollars (\$1,500,000.00) for total injuries and/or damages arising from any one occurrence. The Board has the authority to require higher liability limits (including the MCIT recommended general aggregate liability insurance minimum of \$3,000,000.00) or waive the insurance requirements.
2. The plan for potable water must meet all federal state and local requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day.
3. The sewage plan must describe the existing onsite facilities (septic systems, latrines, toilets, urinals, sinks, etc.). Separate enclosed toilets for males and females at a minimum ratio of 2 per 100 people. Toilets are to be conveniently located throughout the grounds. Indicate who will be providing and maintaining the toilets.
4. The plan for solid waste disposal must be sufficient to dispose of the solid waste at the rate of at least 2.5 lbs. of solid waste per person per day, which is equivalent to 1 cubic yard per 140 people per day. Indicate locations of containers and method of collecting each day.
5. The plan for food preparation and distribution must list the names of the food vendors along with their telephone number. All food vendors must obtain a license from the Aitkin County Environmental Services Department.
6. The parking plan must have sufficient onsite parking for the maximum number of persons permitted to assemble at a minimum rate of 1 parking space per 5 people.
7. The plan to limit and control admission must show the location and describe the barrier or fence that will be used, which must be sufficient in height and strength to prevent people in excess of the maximum number from gaining access to the assembly.
8. The plan for security must be approved by the Aitkin County Sheriff or designee. This may include having the appropriate security staffing levels for the anticipated attendance and/or paying for extra law enforcement services due to the increased calls for service.
9. The plan for medical services shall be, at a minimum, the following:

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|--------------------|--|
| 300 to 499 persons | 1 licensed practical nurse (LPN)<br>and, 1 properly equipped on-call ambulance |
| 500 to 4999        | 1 registered nurse (RN), and 1 properly<br>equipped on-call ambulance          |
| *5000 or more      | 1 physician, 1 RN, 1 properly equipped on-call ambulance                       |

together with an enclosed, covered structure where adequate medical treatment may be rendered, containing separately enclosed treatment rooms for each physician.

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\*increments of 5,000 persons or fractions thereof above 5000 persons require said personnel for each increment.

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