

FILED

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JUNE WAGNER
COUNTY CLERK

BEFORE THE
BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

ORDINANCE NO. 2

DEPUTY

AN ORDINANCE RELATING TO, REGULATING, AND LICENSING
OUTDOOR PUBLIC MUSIC FESTIVALS IN TILLAMOOK COUNTY AND
ESTABLISHING LICENSING PROCEDURES AND PRESCRIBING OFFENSES
AND PENALTIES.

THE BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK COUNTY,
OREGON, DOES ORDAIN AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Purpose

The Board of Commissioners finds and declares that it appears necessary for the protection, health and welfare of the general public in regard to outdoor public musical entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and further that there is a danger to the people attending or taking part in the gathering if proper sanitary, police and other health and safety measures are not adequately provided for and further that it is necessary to pass under the police power of the county, an ordinance to regulate and license the holding of such outdoor musical assemblies.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Specific Licensing Requirements

It shall be unlawful for any person, persons, corporation, organization, landowner, or lessor to allow, encourage, organize, promote, conduct, permit or cause to be advertised an entertainment, amusement, or assembly of persons wherein the primary purpose will be the presentation of outdoor, live or recorded musical entertainment which said person, persons, corporation, organization, landowner or lessor believes or has reason to believe will attract 250 or more persons and where a charge or contribution is required for admission unless

a valid county permit has been obtained for the operation of said outdoor public amusement, entertainment or assembly. One such permit shall be required for each outdoor public entertainment, amusement or assembly wherein live or recorded music is presented. Criminal or civil liability for failure to comply with the provisions of this ordinance shall rest in all persons, corporations, organizations, landowners or lessors who are responsible for obtaining permits under this provision.

Section 2.020. Application - Fee Required

Written application for outdoor live music amusement, entertainment, or assembly permits shall be made to the Tillamook County Commissioners and said application must be submitted thirty (30) or more days prior to the first day upon which such outdoor live music amusement, entertainment or assembly is to be or may be held. Approval of permits as herein provided for shall be made within ten (10) days after application therefore unless such permit shall be denied. Permits shall not be denied providing the following conditions as enumerated below are met by the applicant. Application for a permit under the provisions of this ordinance shall be accompanied by fee as set out herein to reimburse the county for the costs of administering said permit. The fee required shall be one hundred dollars (\$100.00) for each event. No license shall be available for an event of more than one day's duration. No license shall be issued for consecutive days to the same sponsors for the same event on the same premises. Each application shall be accompanied by the fingerprints and a 3" x 5" photograph of each and every person having any proprietary interest in said licensed activity. The Tillamook County Board of Commissioners shall be empowered to obtain adequate photographs of all persons having any proprietary interest.

Section 2.030. Submission of Plans for Approval -
Approving Agencies

Whenever approval by a County government agency other than the Board of Tillamook County Commissioners is required hereunder, application for such approval shall be made ten (10) days or more prior to making final application for the outdoor live music entertainment, amusement or assembly permit. When any type of physical facility is required or subject to approval hereunder, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. All such facilities shall be in existence five (5) or more days before the event for which an application is submitted and shall be subject to inspection by the approving agencies or departments at their convenience. Should the actual facility or construction fail to meet the standards approved in the proposed plans such preliminary approval shall be withdrawn and any and all permits granted subject to such approval shall be withdrawn.

Section 2.040. Hours of Operation

No outdoor public music entertainment shall be conducted in the unincorporated areas of Tillamook County between the hours of 12:01 a.m. and 9:00 a.m., provided that no license shall be issued for more than one 24-hour period ending at midnight. The participants shall be required to have cleared the licensed area and its immediate environs no later than 2:00 a.m. of the day following the licensed event.

Section 2.050. Penalties

Any person who shall violate or fail to comply with any provision of this chapter, who shall, having obtained a permit hereunder, willfully failed to continue to comply with the terms and conditions hereunder, or who shall counsel, aid or abet such a violation or failure

to comply shall be deemed guilty of a misdemeanor, and such violation shall work an automatic forfeiture of at least \$500.00 of the bond provided for in Section 3.030 of Article 3 of this ordinance.

Section 2.060.

Compliance with the terms and conditions of this ordinance shall constitute minimum health, sanitation and safety provisions and failure to comply with the terms and conditions shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

Section 2.070. Severability

If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

ARTICLE 3. CONDITIONS

Section 3.010. Condition #1: Sanitary Facilities

No permit for an outdoor public music entertainment, amusement, or assembly shall be granted unless the application is accompanied by the written approval by the Tillamook County Health Department indicating that the applicants for said permit have complied with the health requirements of said department for like or similar facilities. Said approval shall indicate the type of water supply to be provided, the type of toilet and washing facilities to be provided, and if there is to be food served on the premises, the type of food preparation and food service facilities to be provided.

Section 3.020. Condition #2: Fire Prevention Standards

No permit shall be granted hereunder unless the

applicant has shown that the Tillamook County Fire Chief has approved fire protection devices and equipment available at, in or near a building, tent, stadium or enclosure wherein or whereupon more than ten persons may be expected to congregate at any time during the course of such entertainment, amusement or assembly for which a permit is hereunder required. Fire prevention standards shall be as set out in the Uniform Building Code.

Section 3.030. Condition #3: Penal Bond and Bond of Indemnity

No permit shall be issued hereunder until the applicant has on deposit with the Tillamook County Treasurer the sum of a five thousand dollars (\$5,000.00) cash or bond as an indemnity to save and protect the streets, pavements, bridges, road signs and other property of the County from any and all damage that may be caused by vehicles, employees or participants in such amusement, entertainment or assembly and to be used, if necessary, to restore the grounds where such amusement, entertainment or assembly is held to a sanitary condition and pay all charges and losses to the County for damages to the streets, pavements, bridges and other property. Provided further, that should the licensed event necessitate the deployment of additional county personnel, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance to be returned when the Tillamook County Board of Commissioners certifies to the Treasurer that no damage has been done and that the county did not incur additional expenses due to said licensed event or that the costs of the above have been paid by the licensee.

Section 3.040. Public Safety

No permit shall be granted hereunder unless the application is accompanied by the written approval of the

Tillamook County Sheriff's Office indicating that the following conditions have been complied with by the applicant. That adequate traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant. That there shall be provided one traffic control person for each 400 persons expected or reasonably to be expected to be in attendance at any time during the event. Further that there shall be provided one crowd control person for each 400 persons expected or reasonably expected to be in attendance at any time during the event. It shall be the duty of said policing personnel to report any violation of the law to the Tillamook County Sheriff or his deputies.

Section 3.050. Condition #5: Inspection

No application shall be granted hereunder unless the applicant shall in writing upon the application for such permit consent to allow the law enforcement and public health and fire control officers of Tillamook County to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions under which the permit is granted.

Section 3.060. Condition #6: Parking Facilities

Application for a permit under this title shall be accompanied by a scale drawing showing adequate parking facilities having been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably to be expected to attend said event. Adequate ingress and egress shall be provided from such parking area to facilitate the movement of any vehicle at any time to or from the parking area. Provided, that should busses be used to transport the public to said event, it shall be shown that

public parking or parking as described above is available at any site from which busses are scheduled to pick up persons to transport them to said event.

ARTICLE 4. MISCELLANEOUS PROVISIONS

Section 4.010. Interpretation

Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 4.020. Severability

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 4.030. Adoption

This ordinance shall be in force from and after the 15th day of January, 1970.

Passed this 14th day of January, 1970.

BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

By

R. F. Brennan
Chairman

By

L. C. Schulmeier
Commissioner

By

F. E. Knight
Commissioner

APPROVED AS TO FORM:

Daniel M. Foye
District Attorney