

OUTDOOR MASS GATHERINGS**61.110 AUTHORITY.**

ORS 433.735 to 433.770 provides that by ordinance, counties may regulate outdoor mass gatherings consistent with state law mandates.

61.115 DEFINITION.

As used in this ordinance, an “outdoor mass gathering” means an actual or reasonably anticipated assembly of 1,000 persons or more which continues or can reasonably be expected to continue for more than four (4) consecutive hours and which is held in the unincorporated areas of Polk County, primarily in open spaces and not in any permanent structure. Events conducted at the Polk County Fairgrounds and events of 1,000 to 3,000 persons conducted by wineries that have valid conditional use permits issued by Polk County, are not subject to this ordinance. Under this ordinance “outdoor mass gatherings” are separated into two categories: Outdoor mass gatherings where 1,000 to 3,000 persons are reasonably anticipated to attend and outdoor mass gatherings where more than 3,000 persons are reasonably anticipated to attend.

61.120 OUTDOOR MASS GATHERINGS OF 1,000 to 3,000.

The Director of Community Development shall grant a permit for an outdoor mass gathering where a crowd of 1,000 to 3,000 persons is reasonably expected to attend upon satisfaction of the following conditions by the applicant:

- (1) Compliance with or the ability to comply with health and safety rules established in accordance with ORS 433.750, 1993 replacement part, including but not limited to provision of adequate on and off site security and emergency services;
- (2) Demonstration that the proposed gathering will not materially alter the capability, in the future, to use the property upon which the outdoor mass gathering is to be held for uses designated under the property’s zone and comprehensive plan designation.

61.125 OUTDOOR MASS GATHERINGS OF MORE THAN 3,000.

The Board of Commissioners, following a public hearing held pursuant to ORS 433.750(4), shall grant a permit for an outdoor mass gathering where a crowd in excess of 3,000 persons is reasonably expected to attend upon satisfaction of the following conditions by the applicant:

- (1) Compliance with or the ability to comply with health and safety rules established in accordance with ORS 433.750, 1993 replacement part, including but not limited to provision of adequate on and off site security and emergency services;
- (2) Demonstration that the proposed gathering will not materially alter the capability, in the future, to use the property upon which the outdoor mass gathering is to be held for uses designated under the property’s zone and comprehensive plan designation.

(3) Where the site or a portion of the site of the proposed gathering is located upon land designated “FF” Farm/Forest, “EFU” Exclusive Farm Use, or “TC” Timber Conservation, the applicant must first obtain an exception to the statewide planning goals as to the proposed site in accordance with Chapter 660, Division 4 of the Oregon Administrative Rules. The procedure to obtain an exception is independent of the procedure to obtain an outdoor mass gathering permit under this ordinance. An application for a proposed gathering in excess of 3,000 persons will not be processed until an exception has been obtained.

61.130 APPLICATION.

(1) Application for a permit to conduct an outdoor mass gathering shall be filed with the Community Development Department as soon as possible prior to the first day of the proposed event. The Department shall consider the permit in accordance with ORS 433.763.

(2) Appeals from decisions rendered by the Director of Community Development pursuant to section 61.120 shall be filed with the Board of Commissioners within 15 days of the challenged decision. The Board of Commissioners shall then hold a public hearing on the issue of compliance pursuant to the procedural requirements contained in ORS 433.750.

(3) Polk County, consistent with ORS 433.750, may charge the applicants a fee which is reasonably calculated to reimburse the County for its reasonable and necessary costs in receiving, processing, and reviewing applications to hold outdoor mass gatherings. The fee imposed under this subsection may not exceed \$5,000.

61.140 ALCOHOLIC BEVERAGES.

No firm, person, society, association, or corporation conducting an outdoor mass gathering, nor any person having charge or control thereof at any time when an outdoor mass gathering is being conducted, shall permit any person to bring into the outdoor mass gathering or upon the premises thereof, any alcoholic liquor to be sold or dispensed on the premises without a temporary license or letter of authority from the Oregon Liquor Control Commission. Upon such express approval, such sales and consumption of such alcoholic liquor shall be restricted to specific areas that are completely set apart from the outdoor mass gathering and premises thereon.

61.150 ENFORCEMENT.

In addition to and not in lieu of the maintenance of other actions for any violation of this ordinance or permit conditions, the County Legal Counsel for Polk County may maintain an action in any court of general equitable jurisdiction to prevent, restrain, or enjoin any violation of this ordinance and/or ORS 433.745. [Ord. 96-1, repealing Ord. 92; Ord. 87-16 Sec. 1 and 2; Ord. 89-1 Sec. 2]