

WHEREAS, The Board of Commissioners have the obligation and duty to protect the best interests of the citizens, residents, and visitors in Hanson County, South Dakota; and

WHEREAS, it is in the best interests of public safety, health, and welfare of the citizens and resident of Hanson County to regulate large assemblages of persons to provide for adequate health and safety requirements; and

WHEREAS, it would be in the best interest of the taxpayers and residents of Hanson County to regulate special events held within Hanson County, SD; now, therefore,

It was moved by Letcher, and seconded by McManus, that the following Ordinance be adopted:

ORDINANCE # 14

AN ORDINANCE OF HANSON COUNTY PROVIDING REGULATIONS FOR SPECIAL EVENTS

BE IT ORDAINED by the Board of Commissioners of the Hanson County, South Dakota, that:

1. Authority and Jurisdiction.

A. Authority. Pursuant to the authority granted by SDCL 7-18A, and acts amendatory thereof and supplemental thereto, the following regulations are hereby adopted by the County Commissioners of Hanson County, South Dakota.

B. Purpose. It is the purpose of this Ordinance to promote the safety, health, convenience and general welfare; to provide for adequate notification to law enforcement of the congregation of crowds; to provide adequate control and supervision for special events taking place within the County and to provide for a means of funding additional costs that are incurred by the County in hosting special events.

C. Jurisdiction. These regulations shall govern all special events conducted within the boundaries of Hanson County, unless the special event is carried on exclusively within the boundaries of a municipality.

2. Definitions.

A. SPECIAL EVENT - A fair, carnival, concert, public exhibition, motorcycle race, motorcycle hill climb, horse race, drag race, or similar gathering except for special events sponsored, in whole or in part, *by* a military unit of the United

States Government or South Dakota National Guard.

B. PERSON - A natural person, association, corporation, firm, organization, partnership or society.

C. DAY OF EVENT - A period not to exceed twenty-four hours for which special event permit may be issued and limited to the hours of one calendar day between the hours of 0001 A.M. and 12:00 midnight. Events operating or in session past midnight shall be considered to be operating in two separate days.

D. SPECIAL EVENT PERMIT - a permit issued by the Hanson County Commissioners for a "day of event" for any "special event".

3. ENFORCEMENT. The provisions of this ordinance shall be enforced by the Hanson County Sheriff's office, the Hanson County Treasurer, and the Hanson County Board of County Commissioners.

4. Licensing.

A. No person shall conduct a special event within the confines of Hanson County unless such person is licensed for a "special event" for each "day of event" and has been issued a "special event permit" by the Hanson County Board of County Commissioners.

B. Written application for a "special event permit" shall be made on forms provided by the County Treasurer, which shall state the name and address of the applicant, the location of the "special event", the requested "day of event", and information as to the projected numbers of people that will attend the "special event". Application must be made seven (7) days prior to the "day of event".

C. Each application shall be for a single "day of event".

D. Each written application shall be submitted to the Board of County Commissioners at their next scheduled regular or special meeting. The Board of Commissioners shall consider the size, location, and type of proposed "special event", considering the safety, health, convenience, general welfare and law enforcement problems associated with the "special event". A "special event permit" shall be issued by the County Commissioners unless they make specific findings that the proposed "special event" would jeopardize the safety, health morals or general welfare of the citizens of Hanson County. A "special event permit" shall be issued only upon payment to the

Hanson County Treasurer of a "special event" fee. The "special event" fee shall be a maximum of One Thousand (\$1,000.00) Dollars.

E. Any person issued a "special event permit" shall display the permit in a conspicuous place near the entrance to the "special event", and the "special event permit" must be show to Hanson County authorities upon demand.

5. Remedies.

A. Violations. Each calendar day that a person is in violation of the provisions of this ordinance by conducting a "special event" without a "special event permit" shall be a separate violation.

B. Public Nuisance. Any "special event" conducted without first having been issued a "special event permit" is hereby determined to be a public nuisance. In such event, the provisions of SDCL 21-10 shall be applicable.

C. Terminating Non-Permitted Special Event. Any "special event being conducted without the requisite "special event permit" may be stopped, while in progress, by the Hanson County Sheriff or deputy, or any law enforcement officer employed by the State of South Dakota. All persons attending a non-permitted "special event" shall then be removed from the location and the location secured by the appropriate law enforcement officer or officers.

D. The provisions of SDCL 11-2-34 shall apply to any violation of this ordinance.

6. Adequate Insurance. Any person applying for a permit hereunder shall have adequate special events insurance to cover the risks associated herewith, and to protect the participating public.

7. Requirement To Meet Other Requirements. Any person applying for a permit hereunder shall be required to meet the requirements of and to comply with the requirements of all applicable state and federal laws and regulations.

8. Hold Harmless Provision. Any person or organization applying for a permit hereunder shall hold Hanson County harmless from civil liability arising from any item which is granted a permit hereunder.

9. Public Protection Plans. Each application for a permit shall include a plan to provide for adequate protection in the

following areas, based upon the numbers of people anticipated to be involved:

- A. fire suppression;
- B. first aid services;
- C. ambulance services;
- D. security;
- E. crowd control;
- F. sanitation; and
- G. traffic control.

10. Incorporated Requirements. In addition to the requirements set forth in this ordinance, the requirements of Ordinance No. 13, "An Ordinance Providing For Temporary Campgrounds And Assemblies Of People" shall apply to this ordinance and the same is hereby incorporated herein by reference as fully as though set forth verbatim herein.

11. Violation. Each calendar date that a person or organization is in violation of this ordinance shall constitute a separate violation thereof.

12. Penalty. Any person violating the provisions of this ordinance may be punished by being fined in an amount not to exceed Two Hundred (\$200.00) Dollars or incarcerated in jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment.

13. Severability Provision. If any provision of this ordinance is declare unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and applicability thereof to others persons and circumstances shall not be affected thereby.

First reading: April 9, 1998
Second reading: April 21, 1998

Votes for: 3; votes against: 0.

Motion carried.

Attest: Janet Ibis
Janet Ibis, Auditor

Roger Lehr, Chairman

(CORPORATE SEAL)

by: _____
Helen Wenande, Deputy

Published: April 30, 1998

Effective date: May, 1998
(20 days after publication)

APPLICATION FOR SPECIAL EVENT PERMIT
HANSON COUNTY, SOUTH DAKOTA

DATE OF APPLICATION: _____

APPLICANT'S NAME: _____

APPLICANT'S DATE OF BIRTH: _____

APPLICANT'S SOCIAL SECURITY NUMBER: _____

Applicant's address: _____

EVENT LOCATION: _____

DAY OF EVENT (24 HOUR MAXIMUM PERIOD) _____

DESCRIPTION OF SPECIAL EVENT: _____

LOCATION: _____

NUMBER OF PEOPLE EXPECTED: _____

TYPE OF SECURITY: _____

PROVISIONS FOR SANITATION: _____

LESSEE/OWNER OF PROPERTY: _____

SPECIAL EVENT PERMIT

The above application for Special event Permit having come before the Board of Commissioners for Hanson County on _____, and the Board having determined that the Application is in order, that the Special Event would not jeopardize the safety, health or general welfare of the citizens of Hanson County, the Board hereby issues this permit for _____ to be held on _____ this _____ day of _____, 199____.

HANSON COUNTY:

by: _____
Chairman of the Board of
Commissioners

Attest: _____
County Auditor

(CORPORATE SEAL)

COMMISSIONERS

SPECIAL EVENT FINDINGS AND FEE

TYPE OF SPECIAL EVENT: _____

LOCATION: _____

NUMBER OF PERSONS EXPECTED: _____

RATING WITH 1 = WORST CONDITIONS AND 10 = BEST CONDITIONS:

SECURITY AT GATES: 1 2 3 4 5 6 7 8 9 10

SANITATION FACILITIES: 1 2 3 4 5 6 7 8 9 10

ABILITY OF LAW ENFORCEMENT
TO ENFORCE LAWS WITHIN: 1 2 3 4 5 6 7 8 9 10

DISTANCE FROM EMERGENCY
SERVICES AND FACILITIES: 1 2 3 4 5 6 7 8 9 10

TRAFFIC CONTROL IN AREA: 1 2 3 4 5 6 7 8 9 10

ALCOHOL TO BE ON PREMISES: 1 2 3 4 5 6 7 8 9 10

LAW ENFORCEMENT ABILITY TO
MONITOR MINORS: 1 2 3 4 5 6 7 8 9 10

FEE TO BE PAID BEFORE ISSUANCE OF PERMIT: _____