

TITLE 5

PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

CHAPTER 580

OUTDOOR ASSEMBLY PEACE, HEALTH, SAFETY, AND WELFARE CODE

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I. General Provisions

580.001 Title

This Chapter, LCC 580.001 to 580.900, shall be known and may be cited as the “Linn County Outdoor Assembly Peace, Health, Safety, and Welfare Code” or simply as the “Outdoor Assembly Code.”

[Adopted 2000-092 § 2 eff 3/8/2000]

580.002 Statement of purpose

(A) It is the purpose of this Chapter to ensure that outdoor assemblies, as defined in this Chapter, held within Linn County meet minimum standards of peace, health, safety, and welfare so as to protect the peace health, safety, and welfare of individuals attending Outdoor Assemblies in Linn County.

(B) It is the intent of Linn County, by enacting this Chapter, to ensure that outdoor assemblies in Linn County meet minimum standards, including but not limited to standards to ensure adequate water supply, sewerage and toilet facilities, drainage, refuse disposal, sanitary food services, emergency medical capabilities and facilities, fire protection, security personnel, traffic control, camping facilities, safeguards against unlawful use and abuse of drugs and alcohol, and noise levels to ensure the peace, health, safety, and welfare of those attending outdoor assemblies in Linn County.

(C) Furthermore, it is the intent of Linn County to issue a permit under this Chapter as soon as these minimum health, safety, peace, and welfare criteria are met, without consideration, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, of the content of any alleged speech related to the outdoor assembly for which a permit is sought. However, this shall not prevent county officials from considering any history of noncompliance of a particular organizer with the minimum peace, health, safety, and welfare criteria of this chapter.

(D) Issuance of a permit under this Chapter does not constitute approval of the operation of a

business sponsoring the outdoor assembly event on a particular piece of property.

(E) It is the intention of Linn County to distinguish three types of mass assembly activities: (a) short-term, temporary outdoor assemblies which do not use permanent structures; (b) longer-term, temporary outdoor assemblies which do not use permanent structures but whose duration requires land use review under this Chapter; and (c) assemblies that are more permanent in nature and that may require the use of permanent structures and that require land use review under this Chapter and the Land Development Code. Issuance of a permit under this Chapter authorizes only temporary use of property or temporary structures for the first two types of assemblies. Approval under this Chapter does not constitute approval of any property or permanent structures for the last type of assembly. Any long-term use of a specific property or structures as a permanent or developed assembly site must first be approved under the Land Development Code and, if applicable, the *Comprehensive Plan*.

(F) The decision maker under this Chapter shall maintain the role of ensuring compliance with the minimum peace, health, safety, and welfare standards and criteria of this Chapter. Criminal law enforcement is not the role of the decision maker under this Chapter, but shall remain the independent duty of the Sheriff or other appropriate law enforcement agency.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.003 Application and interpretation

(A) When interpreting any provision of this Chapter or when reviewing a permit application under this Chapter or making a decision to grant or deny a permit under this Chapter, officials of Linn County and courts shall limit interpretation and application of the provisions of this Chapter to those purposes stated in LCC 580.002.

(B) This Chapter shall be interpreted and applied in compliance with the constitutions of the United States and of this State.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.005 Definitions

(A) For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

(1) “**Adequate**” means that the requirement:

(a) accommodates the event counts for the event times;

(b) meets the standards required for that level of assembly; and

(c) accommodates the location and nature of the outdoor assembly.

(2) “**Administrative Officer**” means the Linn County Administrative Officer.

(3) “**Appear**” or “**appearance**” means the submission of testimony or evidence in a hearing on an application for an outdoor assembly whether oral or written. Appearance does not include the act of placing a name or address on a petition or having a name or address placed on a petition.

(4) “**Applicant**” means a person who seeks a permit from Linn County authorizing an outdoor assembly.

(5) “**Board**” means the Linn County Board of Commissioners.

(6) “**Commission**” means the Linn County Planning Commission.

(7) “**Conflicting use**” means a use or activity that is subject to the Land Development Code and that would interfere with, or be adversely affected by, conducting an outdoor assembly described in this Chapter.

(8) “**Contract Security Services**” has the meaning given in ORS 181.870.

(9) “**County official**” means any employee of Linn County, whether elected or appointed, conducting official business on behalf of Linn County.

(10) “**Daily attendance**” means the highest number of persons and vehicles on or reasonably expected to be on the property from the hours of 8:01 a.m. to 11:59 p.m.

(11) “**Day**” means any period of time in the twenty-four (24) hours extending from midnight to midnight.

(12) “**Decision maker**” means the body making a decision to approve or deny a permit for an outdoor assembly under this Chapter. The decision maker is the Board if the application is being heard by the Board and the Planning Commission if the application is being heard by the Commission.

(13) “**Director**” means the director of the Linn County Planning and Building Department.

(14) “**Event count**” means the highest number of persons attending or reasonably expected to attend an outdoor assembly at any given moment during the event time.

(15) “**Event time**” means the time during which persons are on the property for purposes of conducting or participating in an outdoor assembly and is calculated as follows:

(a) Event time shall begin when the first attendee of the assembly arrives and is admitted to property on which the assembly is conducted or held and shall end when the last attendee of the assembly leaves property on which the assembly is conducted or held.

(b) The “**total event time**” is the aggregate of several event times; for example, an event is conducted for more than one day but only during daylight hours.

(16) “**Facility**” or “**facilities**” includes but is not limited to potable water systems, septic systems, food vending, environmental and electrical systems.

(17) “**Health Services**” means the Linn County Department of Health Services and employees and representatives thereof.

(18) “**Holiday**,” for purposes of LCC 580.400(C)(1) and 580.720, holiday means a day defined as a legal holiday in ORS 187.010, except that the holiday runs the twenty-four (24) hour period beginning at 6:00 pm the calendar day before the holiday as defined in ORS 187.010. For example, Veterans Day runs from 6:00 p.m. of November 10 to 6:00 p.m. of November 11.

(19) “**Imminent Threat**” means a condition of noncompliance that is reasonably certain to place life or limb in direct peril and is

immediate and impending and not merely remote, uncertain, or contingent.

(20) “**Level one assembly**” or “**L1A**” means a gathering with an event count of

(a) more than 3000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period (see Appendix 1, categories 1 and 3; see ORS 433.763).

(b) more than 3000 persons which continues or can reasonably be expected to continue for more than 120 cumulative hours within any three-month period and (see Appendix 1, categories 1 and 3)

(21) “**Level two assembly**” or “**L2A**” means a gathering with an event count of more than 3000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours and for 120 cumulative hours or less within any three-month period.

(22) “**Level three assembly**” or “**L3A**” means a gathering with an event count of more than 3000 persons which continues or can reasonably be expected to continue for 24 consecutive hours or less and for 120 cumulative hours or less within any three-month period.

(23) “**Level four assembly**” or “**L4A**” means a gathering with an event count of 500 or more persons but not more than 3,000 persons.

(24) “**Nightly attendance**” means the highest number of persons and vehicles on or reasonably expected to be on the property from the hours of midnight to 8 a.m.

(25) “**Organizer**” includes any person who holds, stages, sponsors, promotes, organizes, advertises, or otherwise promotes or allows an outdoor assembly. The word includes the applicant for a permit under this Chapter, the owner, lessee, possessor, or lessor of the real property upon which the outdoor assembly is to take place and the agent designated pursuant to LCC 580.500. For purposes of LCC 580.700 to 580.799, the term includes the registrant for a L4A. Used as a verb, “organize” means the act of sponsoring, promoting, organizing, advertising, or otherwise promoting or allowing an outdoor assembly, or making application for an outdoor

assembly. Organizer does not include Linn County.

(26) “**Outdoor assembly**” means a level one, level two, level three, or level four assembly, which is of a temporary nature and which is held primarily in open spaces and not in any permanent structure.

(27) “**Outdoor mass gathering**,” as that term is used in ORS 433.735 (1), means a level two, level three, or level four assembly. “**Gathering**,” as that term is used in ORS 433.763, means a level one assembly.

(28) “**Party**,” in a hearing involving an outdoor assembly application, means

(a) the applicant,

(b) all owners or contract purchasers-of-record of the property subject to the application, and any person who makes an appearance in a proceeding for a land use decision (see **appearance**).

(29) “**Permanent structure**” includes a stadium, an amphitheater, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places, and any accessory or component facilities, structures, and buildings thereof, when such structures and facilities remain permanently on the property and have been:

(a) designed for that activity, and

(b) designed to accommodate, in a manner consistent with this Chapter, the number of people in attendance or reasonably expected to be in attendance at that activity, and

(c) approved under the Land Development Code and *Comprehensive Plan*.

(30) “**Permit**” means a written authority issued by the County for a person to conduct a level 1, 2, or 3 assembly. The term includes “final decision” and “decision” when those terms refer to approving or denying a permit. The term does not include a registration.

(31) “**Person**,” for purposes other than determining the level of outdoor assembly, means any individual or group of individuals, corporation, partnership, or organization. The singular form includes the plural. For purposes of determining the level of outdoor assembly, “person”

means an individual who is expected to attend an outdoor assembly per day.

(32) “**Registrant**” means a person who seeks to conduct a level 4 assembly by registering such assembly with the County.

(33) “**Registration**” and “**registering**,” where the context requires, mean the process followed to notify the County of an L4A and to obtain administrative review for such assembly. The term “**registration**” also means the written information provided by the registrant which has been deemed complete by the Environmental Health Program Manager .

(34) “**Reviewing authorities**” means any government official designated by the Board for the purpose of reviewing applications for a permit to conduct an outdoor assembly and making comments including recommendations thereon. Among other officials, “reviewing authorities” include the Sheriff, the Environmental Health Program Manager, the chief of the fire district in which the event is to be held, the provider of emergency services serving the area in which the event is to be held, any other area first responder, the Director, and the Roadmaster.

(35) “**Security contractor**” has the meaning given in ORS 181.870.

(36) “**Sheriff**” means the Linn County Sheriff, or his duly authorized deputies and representatives.

(37) “**Standing**” means appearing in a hearing on an application for an outdoor assembly for which an appeal may be made pursuant to this Chapter.

(38) “**Temporary structure**” includes tents, trailers, portable chemical toilet facilities, stages, concession booths and other similar structures customarily erected or sited for temporary use and removed after an assembly.

(39) “**Weekday**,” for purposes of LCC 580.400(C)(1) and 580.720, weekday means that twenty-four (24) hour period running from 6:00 p.m. beginning the day before the corresponding calendar weekday. For example, Monday runs from 6:00 p.m. of the calendar day of Sunday to 6:00 p.m. the calendar day of Monday.

(40) “**Weekend Day**,” for purposes of LCC 580.400(C)(1) and 580.720, weekend day means that twenty-four (24) hour period running from 6:00 p.m. beginning the day before the corresponding calendar weekend day. For example, Saturday runs from 6:00 p.m. of the calendar day of Friday to 6:00 p.m. the calendar day of Saturday.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.006 Waivers; generally

(A) *Waiver of Time Limits.* Upon a finding of good cause, the decision maker may waive by order any time limit imposed by this Chapter. The decision maker must comply with any time limits imposed by ORS 433.735 to 433.770 in granting a waiver. In the order waiving any time limit, the decision maker must state the new time limit. Any waiver of the time limits imposed by this Chapter may not require an organizer to submit an application more than one-hundred and forty (140) days before the first day on which the outdoor assembly is to be held. When making a finding of good cause under this subsection, the decision maker shall not consider, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought.

(B) Fee Waiver Conditions.

(1) The decision maker shall waive all or any part of the application fee if the decision maker first finds by a preponderance of the evidence presented by the applicant that the applicant is unable to reimburse the full fee or portion thereof.

(2) The decision maker may waive all or any part of the service fee or the service fee deposit if the decision maker first finds by a preponderance of the evidence presented by the applicant that the applicant is unable to reimburse the full fee or deposit or portion thereof.

(C) *Insurance Waiver Conditions.* The decision maker may waive all or part of the requirement of liability insurance upon a showing by the applicant of good cause to reduce or waive the insurance.

580.010 Notice of inspections

(A) Permittees and registrants are on notice:

(1) that inspections by County officials, including representatives of all reviewing authorities may exercise their statutory authority to access the property. Access may be expected at all reasonable times before the assembly and access may be requested at all times during the actual hours of the assembly to inspect all temporary structures and facilities of the outdoor assembly for compliance with this Chapter, County code, State law, and applicable Oregon Administrative Rules including but not limited to, the state electrical code, sanitation code, and rules for mass gatherings, including Oregon Administrative Rules Chapter 333, Division 39.

(2) that at any time before the assembly and at all times during the actual hours of the assembly, a reviewing authority, based on the legal requirements allowing administrative officials and law enforcement to search the property, may seek an administrative or other judicial search warrant to conduct such search.

(B) The number of County officials utilized to conduct administrative inspections of an assembly site shall be limited to that number of persons reasonably required to adequately conduct inspections under this section.

(C) Inspections may be conducted for compliance with fire safety regulations at all reasonable times before the assembly and at all times during the actual hours of the assembly by the fire chief, or designee of the fire district in which the outdoor assembly site is located pursuant to that official's authority.

(D) If the inspections by County officials or the fire chief reveal deficiencies in compliance with the permit or State or local laws, and the deficiencies are not cured within the time required by the inspectors, or cannot be cured, and create an imminent threat to health, peace, safety, or property, the official(s) having authority may seek the assistance of the Sheriff to terminate the outdoor assembly as provided in LCC 580.510.

[Adopted 10-255 §1 eff 7/28/10 (moved from former 580.450 and revised)]

II. REGULATIONS AND PROHIBITIONS

580.100 Permits; generally

(A) Unless otherwise excepted by this Chapter, an organizer holding or conducting a level 1, 2, or 3 outdoor assembly must demonstrate compliance with the peace, health, safety, and welfare criteria of this Chapter by applying for and obtaining a permit for each outdoor assembly.

(B) Approval and issuance of a permit under this Chapter does not authorize or constitute approval of the operation of a business of organizing or conducting events of any kind on the property for which an outdoor assembly permit is obtained.

(C) A permit issued under this Chapter does not authorize nor constitute approval of any permanent physical alterations to or any permanent structures on the real property which is the site of the outdoor assembly.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.105 Permits for multiple events

(A) If multiple assemblies are requested by an organizer in an application under this Chapter and the organizer agrees in writing to abide by the terms of this section, a permit may be approved for all outdoor assemblies of the same level held on the same property and sponsored by the same organizer conducted within a period not to exceed two years from the date that the permit is approved by the decision maker, provided that:

(1) All terms and conditions of this Chapter are met on each occasion;

(2) All the terms and conditions imposed on the issued permit are met on each occasion;

(3) The organizer shall allow and cooperate with county officials for inspections for each assembly pursuant to LCC 580.450;

(4) The organizer shall provide traffic control and crowd control personnel for each outdoor assembly to the same degree as required under this Chapter and under the permit for the original outdoor assembly;

(5) The organizer shall notify the Board in writing of the dates of each outdoor assembly conducted during the permit term not less than 30 days before the first day of each outdoor assembly;

(6) The organizer shall pay a Service fee Deposit for each outdoor assembly pursuant to LCC 580.200, such deposit to be paid at the time notice of the outdoor assembly is given to the Board under subsection (5) of this section;

(7) File proof of insurance for each assembly as required under LCC 580.210 for the same amount and coverage as required for the original permit issued under this Chapter; and

(8) As a condition of the permit, if the organizer fails to comply with the terms of the permit issued under this section, the Board may initially suspend and then revoke the permit as set forth in subsection (B) of this section.

(B) Upon an initial determination by the Board of non-compliance with the terms of the permit, the Board may, without notice, suspend the permit in compliance with this section.

(1) The permit may be suspended for up to sixty days by providing written notice to the organizer.

(2) The Board shall hold a hearing on revocation within sixty days of suspension of a permit.

(3) Notice of the hearing shall be provided no later than ten days before the hearing to all those that had notice of the original hearing on the application for the permit, and shall be published no later than ten days before the hearing in the newspaper annually designated by the Board for publication.

(4) The Board shall revoke the permit if the Board finds by a preponderance of the evidence that the terms and conditions of the permit, this section, or this Chapter, have been violated by the organizer.

(5) An organizer shall not conduct an assembly once a permit issued under this section is revoked without applying for and obtaining a new permit for an assembly under this Chapter.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.110 Permit exceptions

Except as otherwise expressly provided in this Chapter, this Chapter shall not apply to:

(A) any regularly organized and supervised school, educational, or training assembly that takes place on school property,

(B) any assembly primarily in or that uses or occupies a permanent structure and facilities when such structure and facilities have been:

(1) designed for that activity, and

(2) designed to accommodate, in a manner consistent with this Chapter, the number of people in attendance or reasonably expected to be in attendance at that activity, and

(3) approved under the Land Development Code and *Comprehensive Plan*, or

(C) any assembly under the auspices of any local, state or federal agency conducted in response to an emergency or to conduct training to meet such emergencies.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.120 Prohibitions

(A) Unless otherwise excepted by this Chapter, any organizer that allows an outdoor assembly to be held or conducted on real property the organizer owns, leases or possesses or otherwise controls, whether or not a charge or contribution is required for admission, shall not fail to demonstrate compliance with the peace, health, safety, and welfare criteria of this Chapter by applying for and obtaining a county permit for such an outdoor assembly as provided in this Chapter.

(B) No organizer shall fail to comply with the provisions and laws that are set forth in summary form in this table for the respective level of outdoor assembly permitted that organizer:

| Level | Applicable provisions & laws |
|-------|---|
| 1 | (1) ORS 433.763 (2) This Chapter, including particularly the standards of LCC 580.400, or 580.420 (3) The applicable provisions of LCC Chapter 920 to 938 (Linn County Land Development Code) (4) The terms and conditions of the permit for the outdoor assembly. |

| | |
|---|--|
| 2 | (1) ORS 433.735 to 433.755, 433.767 and 433.770 (2) This Chapter, including particularly the standards of LCC 580.400 or 580.420 (2) The terms and conditions of the permit for the outdoor assembly |
| 3 | (1) ORS 433.735 to 433.755, 433.767 and 433.770 (2) This Chapter, including particularly the standards of LCC 580.400 or LCC 580.430 (3) The terms and conditions of the permit for the outdoor assembly |
| 4 | (1) LCC 580.720 |

(C) No organizer shall fail to comply with the peace, health, safety, and welfare standards and criteria of this Chapter for the level of assembly the organizer actually conducts should the organizer, for whatever reason, not obtain a permit under this Chapter.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 eff §1 eff 7/28/10]

III. PERMIT PROCEDURES

580.200 Permit — fees

(A) In addition to any other fees authorized in this Code, the fee for each permit required under this Chapter shall consist of and be based upon an application fee and a service fee as set forth in this section. The permit fee is the sum of the application fee and the service fee deposit.

(B) *Application Fee.*

(1) An application fee in the amount set annually by order of the Board and limited to an amount calculated to reimburse the County for its reasonable, actual, and necessary costs in receiving, processing, and reviewing applications for permits to conduct an outdoor assembly.

(2) The application fee shall be paid upon filing the application with the Board. The application fee is non-refundable.

(C) *Service fee.* A service fee in the amount set annually by order of the Board and limited to an amount calculated to reimburse the County for its reasonable, actual, and necessary administrative costs such as monitoring and inspecting for compliance with the permit and its conditions.

The service fee is subject to the requirements set forth in this paragraph.

(1) The service fee deposit is due upon approval of the application after public hearing. The County may not issue a permit until the service fee deposit is received by the County.

(2) Services provided by the County shall be accounted for and based on hourly rates and shall be deducted from the service fee deposit. The County shall not require the organizer to pay any amount for services provided by the County that exceed the amount of the service fee deposit. Any remainder of the deposit shall be refunded to the organizer no later than thirty days after the last day of the assembly.

(3) The County shall include within the hourly rates charged only those services related to monitoring and inspecting for compliance with the permit and its conditions and shall not include any services related to enforcement of the Oregon Penal Code.

(4) *Scope of review.* In determining the actual hours required to ensure compliance, the County shall not consider, except as allowed under the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech associated with the assembly.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.210 Permit — insurance

(A) *Insurance.* If the decision maker determines that the outdoor assembly creates a potential for injury to persons or property, the applicant shall furnish evidence of liability insurance that meets the requirements of subsection (B) of this section.

(B) *Liability insurance requirements.* The policy of liability insurance required by this section shall:

(1) Be in an amount commensurate with the risk, but not exceeding \$1 million;

(2) Provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor assembly;

(3) May not be cancelable;

(4) be an “occurrence” policy, or its equivalent which provides for payment of claims made during 180 days after the scheduled termination of the event; and

(5) Name the County as an additional insured.

(C) *Failure to show proof.* The Administrative Officer shall void a permit for the outdoor assembly and so notify the organizer at the address provided in the application, if the organizer does not file proof of the non-cancelable insurance meeting the requirements of this subsection with the Administrative Officer at least 30 days before the first day of the event.

(D) *Scope of review.* When making a determination that the outdoor assembly creates a potential for injury to persons or property under subsection (A) of this section or when waiving the insurance requirement for good cause under LCC 580.006, the decision maker shall not consider, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.220 Written application

(A) *Filing timeline.* Unless the time for filing is otherwise set by the decision maker pursuant to LCC 580.006(A), the organizer of a level 1, level 2, or level 3 outdoor assembly shall file or cause to be filed with the Board a written application accompanied by the application fee 140 or more days prior to the first day upon which such an outdoor assembly is to be or may be held.

(B) *Application form.* An application shall be made on forms provided or approved by the County.

(C) *Application content.*

(1) *All levels.* All applications shall at a minimum require and the applicant shall include:

(a) The name, address, and 24-hour telephone number of the applicant, and of the organizer, and contact person, if either, or both, are not the applicant.

(b) The legal description of the property on which the proposed outdoor assembly will be conducted.

(c) The dates and event times of the proposed outdoor assembly.

(d) The proposed maximum event counts for the daily and nightly attendance of persons and vehicles at the proposed outdoor assembly. For purposes of this count, “**nightly attendance**” means the highest number of persons and vehicles reasonably expected to be on the property from the hours of midnight to 8 a.m. and “**daily attendance**” means the highest number of persons and vehicles reasonably expected to be on the property from the hours of 8:01 a.m. to 11:59 p.m.

(e) The nature of such proposed outdoor assembly.

(2) *Level 1, 2, and 3 assemblies.* For all level 1, 2, and 3 assemblies the application shall include and the applicant shall provide:

(a) A photograph of the on-site person in charge of the event and acting as agent for the organizer described in LCC 580.450.

(b) A list describing all the temporary structures proposed to be used.

(c) *Sanitary facilities plan.* A written sanitary facilities plan detailing the type, number, and location of all toilet, hand washing, gray water disposal, water supply, food service, camping, and solid waste facilities intended to serve the proposed maximum event count.

(d) *Fire and life safety plan.* A written fire and life safety plan containing a written statement from the fire protection agency having jurisdiction that the plan complies with State and local laws, ordinances, and regulations, and is adequate.

(e) *Public safety plan.* A written public safety plan, which may contain, as part of the plan, a written statement from each area first responder that the responders have reviewed the plan and that they will be able to respond to medical emergencies anticipated to occur at the outdoor assembly. If the organizer does not submit, as part of the plan, a written statement from each area first responder that the responders have

reviewed the plan and have indicated whether or not they will be able to respond to medical emergencies anticipated to occur at the outdoor assembly, then such a statement shall be required from each area first responder under and according to the provisions of LCC 580.235. The plan shall be developed by the organizer in cooperation with all area emergency medical service providers reasonably expected to be first responders to the outdoor assembly site. The public safety plan must address at a minimum:

- (i) On site contact identified at the outdoor assembly;
- (ii) Emergency communications;
- (iii) Access lanes for emergency vehicles;
- (iv) Traffic control for emergency vehicle access;
- (v) Response time by area first responders;
- (vi) Capabilities of area first responders;
- (vii) Medical facilities available; and
- (viii) Other concerns raised by area emergency medical service providers.

(f) A copy of the contract(s) for security services, complying with ORS 181.870 to 181.889, required by this Chapter.

(g) A scale drawing showing the layout of the property or properties to be used including and identifying all locations of public access, camping, parking, vendors, staging, emergency facilities, and emergency access and thoroughways. The drawing shall show that adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Proposed use of off-site facilities must be supported by written approval from the off-site property owner.

(h) Other appropriate information including plans, specifications, and reports as the decision maker may deem necessary for proper review in order to insure compliance with LCC 580.400 and:

- (i) LCC 580.430, for a level three assembly; or
- (ii) LCC 580.420, for a level two assembly; or
- (iii) LCC 580.420, for a level one assembly.

(i) the signature of the applicant, and of the organizer, and contact person, if either, or both, are not the applicant.

(D) *Application fee and service fee deposit.*

(1) No application may be considered by the County unless the application fee required by this Chapter is filed at the time required in this section or a waiver of the fee is first obtained.

(2) The application fee, unless waived, shall be submitted at the time the application is submitted and is not refundable.

(3) The service fee deposit, unless waived, is payable after final approval of the application.

(E) *Application review.* An application may be considered by the decision maker only after it has been deemed complete by the County pursuant to LCC 580.240.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.230 Pre-application conference

(A) A pre-application conference may, at the request of one or more reviewing authorities, take place before the application is deemed complete by the County. The pre-application conference shall take place within five working days of receipt of the application by the County.

(B) The Board shall provide notice of application to the reviewing authorities and they and the applicant shall participate in the pre-application conference.

(C) If an applicant has filed an application and received a permit under this Chapter within two years of the submission of a pending application for a similar event, the County may waive the pre-application conference.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.235 Staff review and comments

(A) *Review and comments.* Following filing, the application shall be reviewed by the reviewing authorities for completeness. Each reviewing

authority shall review the application and determine whether the application contains sufficient information to show that the applicant can comply with LCC 580.400 and 580.430, if a level three application, 580.400 and 580.420, if a level two application, and 580.400, and 580.420, if a level one application.

(B) *Findings*. Each reviewing authority shall indicate on the application the findings that the official made on the question of completeness and shall list any information the applicant must submit in order to complete the application.

(C) *Comments, Recommendations, and Permit Conditions*. The reviewing authorities may make written comments including recommendations and proposed conditions. If a reviewing authority determines that a permit should be limited by a condition, that authority may include the recommended condition on the application.

(D) *Scope of review*. The reviewing authorities shall limit the scope of their review of the application to the standards and criteria set forth in LCC 580.220, LCC 580.400, LCC 580.420, and LCC 580.430, for the appropriate level of assembly, and shall not consider, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought.

(E) The application and any comments, recommendations, and conditions made thereon shall be made available to the public for review and copies thereof shall be provided upon request by a member of the public at cost.

(F) Not later than 25 days after the application has been filed with the Board, the reviewing authorities shall forward the application and their determination of completeness, comments, recommendations, and proposed conditions to the Environmental Health Program Manager .

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.240 Deeming an application complete

(A) Within 5 working days of receipt of an application forwarded under LCC 580.235 (F), the Environmental Health Program Manager shall review the application and comments of the

reviewing authorities and determine whether the application is complete or incomplete.

(B) An application may be deemed complete only if the applicant has submitted the information required by LCC 580.220 in detail sufficient to allow the County to make a determination that the applicant has addressed and can comply with LCC 580.400 and:

- (1) LCC 580.430, if a level three application; or
- (2) LCC 580.420, if a level two application; or
- (3) LCC 580.420, if a level one application.

(C) *Notice*. The Environmental Health Program Manager shall note on the application the date the application is deemed complete or incomplete and shall provide notice thereof to the applicant, by any means, within five (5) working days of such determination.

(D) *Scope of review*. In reviewing an application under this section in order to determine if the application is complete or incomplete, the Environmental Health Program Manager shall limit the scope of review to the standards and criteria set forth in LCC 580.220, LCC 580.400, LCC 580.420, and LCC 580.430, for the appropriate level of assembly, and shall not consider, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought.

(E) *Incomplete Applications*.

(1) If an application is deemed incomplete, the applicant may, not later than fifteen (15) days from the date of the notice of the incomplete application, revise the application by submitting the missing information to the Environmental Health Program Manager .

(2) An application shall be considered as withdrawn by the applicant, if the applicant fails to submit the missing information within the time specified in subsection (E) (1) of this section

(3) The Environmental Health Program Manager shall deem a revised application complete or incomplete within five (5) working days of submission of the missing information.

(4) If the revised application is deemed to be incomplete, the permit under this Chapter shall be considered denied. However, upon the written request of the applicant to the decision maker, the decision maker shall set a date for a hearing on the application under LCC 580.300 and allow the applicant to cure any defect and revise the application by submitting the missing information by the date and time set for the hearing. If the applicant fails to submit the missing information on or before the date and time set for the hearing, the application shall be considered withdrawn. If the revised application is deemed incomplete, the permit under this Chapter shall be considered denied.

(5) The application fee shall be forfeited by the applicant if the permit is considered withdrawn or denied under this section. On request by the applicant, a final determination of the completeness of an application by staff is subject to review by the decision maker pursuant to the process outlined in subsection (E)(4) of this section.

(F) *Second notice.* Upon deeming a revised application complete or incomplete, the Environmental Health Program Manager shall so notify the applicant by any means. The Environmental Health Program Manager shall forward the application and the notice of completeness to the Director for filing with the Planning Commission if the application is for a level one assembly, or to the Board for all other applications.

(G) Failure of the County to deem an application complete or incomplete within the time required by this section shall be construed in favor of the applicant and the application shall automatically be deemed complete for the purpose of setting a date for a hearing under LCC 580.300.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

IV. HEARING PROCEDURES

580.300 Public hearings and approval process

(A) *Recommendations.* The authorities reviewing the application under LCC 580.235 may at any hearing held on an application for a

permit to conduct an outdoor assembly make further recommendations to the decision maker to the same extent as allowed under LCC 580.235.

(B) *Hearing Before the Commission.*

(1) Except as provided in paragraph (3) of this subsection, following receipt of a level one assembly application, the Director shall file the application with the Commission.

(2) Except as provided in paragraph (3) of this subsection, an application for a level 1 outdoor assembly application shall be set before and a decision thereon shall initially be made by the Commission pursuant to subsection (C) of this section.

(3) Notwithstanding any provision in this Code to the contrary, the Board may elect to hear any Type IIIB matter in the place of the Commission in which case, the Board shall hear the matter in accordance with this subsection.

(C) *Hearing procedures.*

(1) *Hearing type.*

(a) A hearing on an application for a level one assembly shall be:

(b) noticed as provided in LCC 921.335;

(c) conducted as a Type IIIB procedure as set forth in LCC 921.135 in addition to the hearing procedures of this section; and

(d) determined based solely on the criteria and standards set forth in:

(i) ORS 433.763;

(ii) LCC 580.310; and

(iii) this Chapter.

(2) The Commission shall consider and apply the provisions of LCC 580.210 and 580.505 during review and as a condition of approval of an application; and

(3) The Commission shall impose on each level one assembly permit it approves the standards of LCC 580.400, and 580.420.

(4) The Commission may impose on each level one assembly permit it approves any conditions it deems appropriate and any conditions recommended by the reviewing authorities. However, any conditions imposed pursuant to this subsection shall be limited in scope to the type of standards otherwise set forth in this section and

may not be more restrictive than allowed by the standards otherwise set forth in this section. In imposing conditions under this paragraph, the Commission shall not consider, except as otherwise allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought.

(5) The Commission shall review the application and identify conflicting uses in the area that can be minimized by reasonable and practicable measures, including conditions and regulations. Such measures, including conditions and regulations shall be clear and objective, and may not involve discretion on the part of the Commission.

(6) The review shall not:

(a) exceed the minimum review necessary to assure compliance with ORS 433.763 and this Chapter;

(b) provide opportunities to deny the lawful assembly of persons for reasons unrelated to these requirements.

(7) The Board may on its own motion review any final decision of the Planning Commission made under LCC 580.310 and 580.340.

(D) Hearing Before the Board.

(1) A decision made on any application other than a level 1 outdoor assembly shall be made by the Board pursuant to this subsection and LCC 580.310.

(2) *Notice.*

(a) Notice of the time and date of the hearing on the proposed outdoor assembly shall be mailed by the Director to the applicant, to the Board, to all reviewing authorities, to the Environmental Health Program Manager, and to all adjacent land owners of record within one thousand (1000) feet of the property boundary in which the event is to be held, or as otherwise required by the Director.

(b) The Director shall cause notice to be published in the newspaper designated annually by the Board and in any other newspaper of general circulation reasonably calculated to put the general public on actual notice in the area where the outdoor assembly is proposed to occur.

Newspaper notice shall be published at least ten (10) days in advance of the first Board hearing. The notice shall contain the place, date and time of the hearing, the nature of the outdoor assembly and the names of the outdoor assembly organizers. The County shall not be held responsible for notice that the landowner has failed to receive. A permit, otherwise validly granted, shall not be invalid for failure of a property owner to receive any notice required by this Chapter.

(3) The Board shall conduct at least one hearing on the application. The first Board hearing shall occur within fifty-five (55) days after the application is declared complete. The first hearing shall be conducted not later than sixty (60) days prior to the date of the first outdoor assembly, except that if the decision maker allows an application to be filed later than one-hundred and forty (140) days before the event pursuant to its authority to do so under LCC 580.006, the Board may reset a date for a hearing up to, but not later than, thirty (30) days before the outdoor assembly. However, at the written request of the applicant, the hearing may be held later than thirty (30) days before the outdoor assembly.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.310 Approval criteria and final decision

(A) Unless the applicant consents to a later date, a final decision shall be made no later than thirty (30) days before the outdoor assembly, except that if the decision maker files an application later than one-hundred and forty (140) days before the event pursuant to its authority to do so under LCC 580.006, the decision maker may reset a date for a final decision up to, but not later than, twenty (20) days before the outdoor assembly.

(B) *Approval Criteria.*

(1) *For level one assembly applications.* After a hearing on a level one assembly application, the decision maker shall:

(a) approve the application if:

(i) the applicant demonstrates compliance with or the ability to comply with the health and safety rules governing level one outdoor assemblies in LCC 580.420; and

(ii) the decision maker makes the findings of fact required by subsection (B)(2) of this section; or

(b) deny the application if:

(i) the applicant is unable to demonstrate compliance with or the ability to comply with the health and safety rules governing level one outdoor assemblies in LCC 580.420; or

(ii) the decision maker is unable to make any of the findings of fact required by subsection (B)(2) of this section.

(2) The following findings of fact must be made by the decision maker before approving a level one assembly application:

(a) that any permits required by the applicable land use regulations have been granted; and

(i) that the proposed outdoor assembly:

(I) is compatible with existing land uses; and

(II) does not materially alter the stability of the overall land use pattern of the area.

(b) The organizer of a level one assembly must conduct the assembly in compliance with the permits required by this section and in a manner consistent with the findings of compatibility and stability required by this section.

(3) *For level two assembly applications.* After a hearing on a level two assembly application, the Board shall:

(a) approve the application if the applicant demonstrates compliance with or the ability to comply with the health and safety rules governing level two outdoor assemblies in LCC 580.420; or

(b) deny the application if the applicant is unable to demonstrate compliance with or the ability to comply with the health and safety rules governing level two outdoor assemblies in LCC 580.420.

(4) *For level three assembly applications.* After a hearing on a level three assembly application, the Board shall:

(a) approve the application if the applicant demonstrates compliance with or the

ability to comply with the health and safety rules governing level three outdoor assemblies in LCC 580.430; or

(b) deny the application if the applicant is unable to demonstrate compliance with or the ability to comply with the health and safety rules governing level three outdoor assemblies listed in LCC 580.400 and 580.430.

(C) *Required conditions and standards for level one, two or three assembly applications.* After a hearing on any level one, two or three assembly application, the decision maker

(1) may approve any conditions it deems appropriate and any conditions recommended by the reviewing authorities. However, any conditions imposed pursuant to this subsection shall be limited in scope to the type of standards otherwise set forth in this section and may not be more restrictive than allowed by the standards otherwise set forth in this section. In imposing conditions under this subsection, the decision maker shall not consider, except as allowed by the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought. Any conditions approved by the decision maker, shall be set forth on the permit.

(2) shall issue a permit that is subject to LCC 580.400 and other appropriate standards as follows:

(a) if level one, LCC 580.420;

(b) if level two, LCC and 580.420;

or

(c) if level three, LCC 580.430.

(3) shall provide notice of the decision to the applicant and to all parties having participated either orally or in writing in the public hearing. The notice of decision shall contain any conditions approved by the decision maker to be imposed on the permit. The notice of decision shall be provided no later than five (5) days after the final decision.

(D) Failure by the decision maker to make a final decision as required by this section shall be construed in the applicant's favor and the permit shall be deemed granted. Notwithstanding the

authority to conduct an outdoor assembly under this subsection, the organizer shall comply with the appropriate level of peace, health, safety and welfare criteria and standards set forth in this Chapter and, if the organizer fails to comply with those standards and criteria of this Chapter, the County shall have full recourse under LCC 580.900.

(E) The Director shall provide notice of the final decision on any level 1, 2, or 3 outdoor assembly application to the applicant and to all parties having participated either orally or in writing in the public hearing. The notice of decision shall contain any conditions approved by the decision maker to be imposed on the permit. The notice of decision shall be provided no later than five (5) business days after the final decision.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.320 Nature of the decision

(A) A decision by the Board to approve or deny an application for a level 2 or level 3 outdoor assembly application is not a land use decision.

(B) A decision by the Commission on an application for a level one assembly application that is based on the application of the *Plan* or Land Development Code is a land use decision.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.325 Appeals

(A) *Level 1 assembly.*

(1) Any party may appeal a final decision of the Commission on a level 1 outdoor assembly application to the Board as provided in ORS 215.402 to 215.438, LCC 921.135, this section, and LCC 580.300.

(2) A hearing on appeal shall be conducted de novo.

(B) *Level 2 or 3 assembly.* An appeal of any decision on a level 2 or 3 outdoor assembly application shall be governed solely by LCC Chapter 580 and not by the appeal provisions of LCC Chapter 921 (Land Development Administration Code).

[Adopted 2000-092 § 2 eff 3/8/2000]

580.350 Post-hearing authority and actions

(A) Issuance of a permit for an outdoor assembly pursuant to this Chapter shall not be construed to limit any other independent legal authority of the Sheriff, County Health Administrator, or chief of the fire district in which the event is to be held to control order or protect the health and safety of persons attending an outdoor assembly.

(B) *Scope of review.* However, in taking any action provided by law the Sheriff, County Health Administrator, chief of the fire district, or other government official shall not consider the content of any alleged speech related to the outdoor assembly, except as otherwise allowed under the Constitution of the State of Oregon and the Constitution of the United States.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.360 Judicial review of Board's action

A final decision of the Board on a level 2 or 3 outdoor assembly application may be reviewed by the Circuit Court sitting in Linn County as provided in ORS 34.020 to 34.100.

[Adopted 2000-092 § 2 eff 3/8/2000]

V. PERMIT STANDARDS

580.400 Permit standards — all levels of outdoor assemblies

(A) The standards set forth in subsection (C) of this section apply to all level 1, 2, and 3 outdoor assemblies and the organizer shall comply with these standards.

(B) The standard set forth in paragraph (1) of subsection (C) of this section apply to all level 4 outdoor assemblies and the organizer shall comply with these standards.

(C) *Standards applicable to levels 1, 2, and 3 assemblies.*

(1) *Noise Control.* Between the hours of 11:00 p.m. to 9:00 a.m. on weekends and holidays and 10:00 p.m. to 9 a.m. on weekdays, except as otherwise allowed by a permit, the organizer shall not allow on the property on which the event is held any:

(a) electronically amplified sound;
or

(b) sound that exceeds 55 d.b.a. at a distance greater than one thousand (1,000) feet of the property boundary in which the event is to be held..

(2) *Crowd limitation.* The organizer shall control and maintain the number of persons at the level approved on the permit in accordance with LCC 580.500.

(3) *Intoxicating liquor.*

(a) An organizer shall not permit any person to sell intoxicating liquor upon the premises of an outdoor assembly. This provision shall not apply to the sale of intoxicating liquor from a facility located on the premises of an outdoor assembly if the vender has obtained a valid license from the state authorizing that sale of intoxicating liquor on the premises.

(b) An organizer shall indicate on the permit application whether or not attendees will be allowed to bring intoxicating liquor on the premises for personal consumption by the attendees. An organizer shall indicate on the permit application whether or not a state licensed vender of intoxicating liquor will be present at the outdoor assembly site.

(4) *Narcotic and dangerous drugs prohibited.* An organizer shall not permit any person to bring into an outdoor assembly, or upon the premises thereof, any illegal narcotic or dangerous drug, nor permit illegal narcotic or dangerous drugs to be used on the premises.

(D) As used in paragraphs (3) and (4) of subsection (C) of this section, “**permit**” requires, at a minimum, negligence on the part of the organizer. Negligence on the part of the organizer exists if:

(1) the sale of intoxicating liquor in violation of the permit or this Chapter, or the use or presence of illegal narcotic or dangerous drugs on the premises of the outdoor assembly, is open to view of any person attending the outdoor assembly;

(2) the organizer fails to ask any individual or individuals selling intoxicating liquor in violation of the permit or this Chapter, or using or

possessing illegal narcotic or dangerous drugs, to leave the premises of the outdoor assembly; and/or

(3) any individual or individuals selling intoxicating liquor in violation of the permit or this Chapter, or using or possessing illegal narcotic or dangerous drugs, refuses to leave the premises of the outdoor assembly when asked and the organizer fails to contact the Sheriff or other appropriate law enforcement agency for assistance.

(E) *Emergency medical facilities.*

(1) There shall be present at each level one, level two or level three assembly physicians and nurses in the following ratios:

(a) *Daylight hours.* At least one Oregon physician plus sufficient other physicians licensed to practice medicine and surgery in any of the 50 states of the United States to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;

(b) *Nighttime hours – (1 a.m. to 7 a.m.).* At least one Oregon physician plus sufficient other physicians licensed to practice medicine and surgery in any of the 50 states of the United States to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.

(c) For level three assemblies a Paramedic with physician standing orders, a Nurse Practitioner, or a Physician Assistant may be substituted for a physician.

(2) At each level one, level two, and level three assembly, facilities, in which physicians and other health care providers can provide patient care and treatment, shall be provided and must meet the following standards:

(a) For level one and level two assemblies, the facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.

(b) For level three assemblies the facility shall be enclosed, protected from the elements, and shall have chairs, examining tables and cabinets for equipment and medicine.

(3) Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.

(4) Attending physicians and other health care providers shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.

(5) Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.

(6) Communication, either telephone or radiotelephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.

(7) Ambulances shall be provided at each level one and level two assembly for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

(8) Potable water meeting the requirements of OAR 333-61-0005 through 0098 and being either gravity or pressure fed shall be provided for each medical facility and available at all times during the assembly.

(9) Each medical facility shall be supplied with a hand washing station and an enclosed gray water disposal system.

(10) Infectious waste shall be stored, handled, treated and disposed in compliance with OAR 333-18-0040 through OAR 333-18-0070.

(F) *Cleanup after event.* The organizer shall remove all debris or residue and repair any damage to personal or real property arising out of the outdoor assembly within 72 hours after its termination and shall remove any temporary structures used at the outdoor assembly within three weeks after its termination.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.420 Permit standards — level one and level two outdoor assemblies

(A) The health and safety regulations adopted by the Oregon Division of Health and set forth in subsection (B) of this section, shall be imposed as standards on a permit to conduct a level one or level two outdoor assembly, and the organizer of a level one or level two outdoor assembly shall comply with the Division's regulations requiring adequate:

(B) *Health and Safety Regulations.*

(1) water supply (OAR 333-39-015);

(2) drainage (OAR 333-39-020);

(3) sewerage and toilet facilities (OAR 333-39-025);

(4) refuse storage and disposal facilities (OAR 333-39-030);

(5) food and sanitary food service, if supplied (OAR 333-39-035);

(6) emergency medical facilities and communication systems (OAR 333-39-040) as amended by LCC 580.400 (E);

(7) fire protection (OAR 333-39-045);

(8) security personnel (OAR 333-39-050) implemented by application of the standards in LCC 580.430 (C);

(9) traffic control (OAR 333-39-055); and

(10) camping (OAR 333 Div 31) and (OAR 918 Div 650).

[Adopted 2000-092 § 2 eff 3/8/2000]

580.430 Permit standards — level 3 outdoor assemblies

Unless otherwise required by the Board pursuant to subsection (D) of this section, the standards set forth in this section shall be imposed on a level 3 assembly permit approved under this Chapter and the organizer of the level 3 outdoor assembly shall comply with the provisions of this section.

(A) *Sanitary facilities.* Health Services shall have the responsibility as a reviewing authority under LCC 580.235 for reviewing all sanitation and related facilities to ensure that reasonable minimum standards have been or will be met by the organizer, in accordance with the procedures

outlined in this Chapter. Approval shall be based upon the following minimum requirements and shall indicate, when appropriate, the number, type and location of the various sanitary facilities:

(1) *Toilets*. The organizer shall provide toilet facilities that meet the requirements of this paragraph or demonstrate that prior to obtaining a permit the organizer will have executed a contract for the provision of and sanitary maintenance of such toilet facilities at the outdoor assembly. Toilet facilities are adequate if the following requirements are satisfied.

(a) Toilet facilities shall conform to the requirements of OAR Chapter 340, Divisions 71 and 73.

(b) The contractor shall be a sewage disposal service licensed and bonded in the state of Oregon.

(c) Unless otherwise approved, toilet facilities shall be provided in a ratio of not less than one toilet facility for every 100 persons and shall be placed in convenient locations which minimize health and environmental risks.

(d) The organizer shall ensure that all toilet units are available, open for use, and properly maintained at all times.

(2) *Hand washing*. Unless otherwise approved, the organizer shall provide hand washing facilities. Hand washing facilities are adequate if the following requirements are satisfied:

(a) potable running water is supplied to each facility;

(b) each facility is either gravity or pressure fed; and

(c) the facilities are provided in a ratio of not less than one for every 200 persons; and

(d) the facilities are located in well drained areas adjacent to toilet facilities and food vendors.

(3) *Gray water*. The organizer shall dispose of all gray water in a manner approved by Health Services.

(4) *Drinking water*. Drinking water facilities are adequate if the following requirements are satisfied:

(a) When provided by the organizer, drinking water shall be from a source approved by Health Services.

(b) The organizer shall not fail to provide water meeting the standards of this paragraph for all level 3 outdoor assemblies that continue or may reasonably be expected to continue for more than 24 consecutive hours.

(c) The water source shall be tested by the organizer and shall conform to the standards for non-community public water systems of OAR Chapter 333 Division 61 (Public Water Systems). The results of that testing and other requested documentation shall be provided by the organizer to Health Services for evaluation prior to approval of the source.

(d) Water supply locations shall be well drained and convenient to persons and food vendors.

(e) Water system piping and fixtures shall be made of materials approved for use in public water systems.

(5) *Solid waste*. Solid waste facilities are adequate if the following requirements are satisfied:

(a) The organizer shall provide solid waste disposal or recycling services, or both, or demonstrate that prior to obtaining a permit the organizer will have executed a contract for collection, transportation, and disposal or recycling of solid waste generated at the outdoor assembly. The contractor shall be the area's franchised solid waste service provider.

(b) Solid waste disposal and recycling services shall conform to the requirements of ORS Chapters 459 (Solid Waste Management), 459A (Reuse and Recycling), and LCC Chapters 531 Solid Waste Collection and Disposal Code), and 532 (Solid Waste Disposal and Public Nuisance Code).

(c) The organizer shall be responsible for providing adequate numbers and capacities of containers, frequency of disposal, litter control, and maintenance of solid waste facilities to ensure that conditions of nuisance, health risk, environmental degradation or blight are not created.

(6) *Food service.* Food service facilities are adequate if the following requirements are satisfied:

(a) Food service facilities shall comply with Oregon Administrative Rules Chapter 333 “Food Sanitation Rules” of the Oregon Health Division.

(b) Any food service operation that does not comply with these rules shall be excluded from the outdoor assembly by the organizer.

(7) *Camping.* Camping facilities are adequate if the following requirements are satisfied:

(a) Whenever overnight camping activities are permitted to occur in conjunction with any outdoor assembly, those activities shall be conducted in designated areas separate from parking areas, traffic, and other hazards.

(b) Adequate sanitary facilities shall be provided by the organizer in all designated camping areas.

(c) The organizer shall not fail to comply with the applicable provisions of OAR Chapter 333 Division 31 (Construction, Operation, and Maintenance of Recreation Parks) and OAR Chapter 918 Division 650 (Recreation Parks and Organizational Camps).

(B) *Fire protection.* Fire protection facilities are adequate if the following requirements are satisfied:

(1) The applicant shall demonstrate that the appropriate fire protection district officer has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, 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 outdoor assembly for which a permit is required under this Chapter. If the site for which the permit is applied for is located outside a fire protection district, the applicant must show approval from the office of the State Fire Marshall.

(2) The organizer shall be responsible for ensuring that the outdoor assembly site is in

full compliance with all elements of the fire and life safety plan at all times.

(C) *Public safety.*

(1) The Sheriff shall review the plans for public safety as a reviewing authority under LCC 580.235. If the organizer meets the minimum criteria set forth in this section, the decision maker shall approve the safety plan submitted by the organizer. The decision maker shall:

(a) approve all traffic control and crowd control personnel meeting the standards of subsection (C)(3) of this section.

(b) not approve any traffic control or crowd control personnel not meeting the standards of subsections (C)(3) of this section.

(c) find that public safety facilities are adequate if the following requirements are satisfied:

(i) The public safety plan contains the information required by LCC 580.220;

(ii) The public safety plan is adequate.

(2) The decision maker shall find the public safety plan adequate if:

(a) The safety plan contains a written statement from each area first responder that the responders have reviewed the plan and that they will be able to respond to medical emergencies anticipated to occur at the outdoor assembly. In lieu of this statement, a statement from each area first responder may be obtained under and according to the provisions of LCC 580.235;

(b) The safety plan includes a copy of a contract for contract security services with a security contractor complying with ORS 181.870 to 181.889 to provide crowd control and traffic control personnel in the numbers required for the expected event count;

(c) An on site contact has been identified at the outdoor assembly;

(d) Emergency communications with local law enforcement and medical facilities can be maintained throughout the event time;

(e) Access lanes for emergency vehicles will be maintained at a minimum of 15

feet in width between all permanent and temporary structures;

(f) Traffic control for emergency vehicle access is provided for and will be able to respond on immediate notice; and

(g) Adequate emergency medical facilities have been obtained and will be provided for attendees at all times.

(3) Traffic Control and Crowd Control Personnel

(a) Pursuant to the security services contract required by this section there shall be provided one person for every 1000 attendees included in the event count to act as crowd control personnel.

(b) An organizer shall not fail to utilize crowd control personnel complying with the provisions of ORS 181.870 to 181.889 pursuant to the security services contract required by this section.

(c) An organizer may not utilize crowd control personnel not complying with the provisions of ORS 181.870 to 181.889 pursuant to the security services contract required by this section to meet the number of personnel required by subsection (C)(3) of this section; however nothing shall prevent the organizer from using other personnel in excess of the number required above to act as additional crowd control personnel in conjunction with the personnel provided under the security services contract. In lieu of meeting the crowd control and traffic control personnel requirements of this section, an organizer may arrange, by written agreement with the Sheriff, to maintain a continuous presence of uniformed law enforcement personnel on the premises of the assembly at all times of the assembly. If the organizer enters into such an agreement, the Sheriff shall provide the Board a copy of the written agreement which shall specify the number of personnel that will be present at any given time of the assembly.

(d) An organizer shall not fail to allow crowd control personnel provided by the security contractor access at all times to all areas used by the organizer of an outdoor assembly to which any member of the public has access.

(e) There shall be provided one person for every 1000 attendees included in the event count to act as traffic control personnel to direct traffic off of public roads and within parking areas.

(f) An organizer shall not fail to utilize traffic control personnel and procedures complying with OAR 734-020-0005(3). An organizer may not utilize traffic control personnel nor procedures not complying with OAR 734-020-0005(3).

(g) All of the traffic control and crowd control personnel must wear an appropriate identifying uniform and must be on duty during the entire outdoor assembly unless a relief schedule has been planned and approved. A relief schedule shall be approved if sufficient strength is maintained to meet the minimum strength standards set forth in this section at all times of the assembly.

(h) The organizer shall require traffic control and crowd control personnel to report any violations of the permit or of this Chapter to the organizer and to appropriate County officials. The organizer shall require traffic control and crowd control personnel to report any violations of the law that pose an imminent threat to health, peace, safety, or property to proper authorities immediately, and to take whatever lawful action as can be reasonably expected to enforce all other law. In order to be able to report any violations immediately and in order to be able to request assistance from local law enforcement or other emergency service providers, traffic control and crowd control personnel shall maintain the ability to contact such providers immediately by phone or two way radio or other similar means of communication.

(i) No later than ten days before the first day of an outdoor assembly, the organizer shall provide or cause to be provided to the Sheriff the names and Department of Public Safety Standards and Training numbers of the security staff along with the anticipated hours of responsibility of each member of the staff.

(4) *Parking facilities.* Parking facilities are adequate if the following requirements are satisfied:

(a) The organizer shall provide parking facilities that meet the following requirements:

(i) parking space for one vehicle for every three persons expected or reasonably to be expected to attend such outdoor assembly.

(ii) 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.

(iii) Should buses be used to transport the public to the outdoor assembly, it shall be shown that public parking or parking as described in this section is available at any site from which buses are scheduled to pick up persons to transport them to the outdoor assembly.

(D) *Emergency medical facilities.* The decision maker shall find the emergency medical facilities plan adequate if it meets the standards set forth in LCC 580.400 (E).

(E) *Waivers; modifications (level 3 assemblies).* If the application is for a level three assembly meeting 4 consecutive hours or less, any of the requirements of this section may be waived or modified by the Board if the waiver or modification is not inconsistent with other local, state, or federal laws, provided that no consideration, except as allowed under the Constitution of the State of Oregon and the Constitution of the United States, of the content of any alleged speech related to the outdoor assembly for which a permit is sought is made when deciding to waive or modify any of the requirements of this section. The Board shall set forth findings in the permit supporting such waiver or modification.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.445 Standards — level 4 outdoor assemblies

[Adopted 2000-092 § 2 eff 3/8/2000; repealed 10-255 §1 eff 7/28/10]

580.450 Permit — conditions

(A) In addition to any other conditions allowed by this Chapter and subject to the require-

ment that the decision maker may not consider, except as allowed under the Constitution of the State of Oregon and the Constitution of the United States, the content of any alleged speech related to the outdoor assembly for which a permit is sought the decision maker shall impose on the permit the conditions set forth in subsection (E) of this section.

(B) The decision maker may impose on a permit conditions it deems appropriate and conditions recommended by the reviewing authorities.

(C) The decision maker and other county officials may consider any history of noncompliance of a particular organizer with the minimum health, safety, peace, and welfare criteria of this chapter when imposing conditions on the permit. Such conditions are subject to paragraphs (1) and (2) of this subsection.

(1) Any conditions imposed pursuant to this subsection shall be limited in scope to the type of standards otherwise set forth in this Chapter and may not be more restrictive than the standards otherwise set forth in this Chapter.

(2) In imposing conditions under this subsection, the decision maker shall not consider the content of any alleged speech related to the outdoor assembly for which a permit is sought, except as otherwise allowed by the Constitution of the State of Oregon and the Constitution of the United States.

(D) The organizer shall comply with the conditions imposed by this section.

(E) *Permit conditions.* Every outdoor assembly permit shall be subject to and shall contain provisions requiring:

(1) *Contact Person.* The organizer or organizer's designee shall be on-site at all times an outdoor assembly is being conducted and immediately available to County staff. The designee shall be a person who has the same authority as the organizer and be able to fully represent the organizer. If the organizer elects to be represented by a designee, the organizer shall provide the name and location of that person in the application and the permit shall bear that person's name and location for purposes of immediate contact.

(2) *Attendance counts*

(a) The organizer shall keep a reasonable estimate of daily attendance, nightly attendance, and an estimated total event count of persons and vehicles at the outdoor assembly site, and shall provide the estimates to County officials upon request.

(b) For purposes of an assembly under this Chapter, the organizer shall make the estimated total event count as follows:

(i) The count shall begin when the first attendee of the assembly arrives and is admitted to property on which the assembly is conducted or held; and

(ii) The count shall end when the last attendee of the assembly leaves property on which the assembly is conducted or held.

(3) Upon request by County officials, the organizer shall make available to the County copies of attendance records whether in written, electronic, or other format, pertaining to attendance counts, including but not limited to records of ticket sales and gate receipts, in order to verify the accuracy of estimated attendance counts required under this Chapter.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

580.460 Permit — posting; non-transferability

The organizer shall post and display at all times in a conspicuous place upon the premises of the outdoor assembly any permit issued under this Chapter. The organizer shall not transfer or assign a permit without the consent of the Board. No rebate or refund of money paid for a permit shall be made.

[Adopted 2000-092 § 2 eff 3/8/2000]

VI. MAINTAINING PEACE AND ORDER

580.500 Organizer responsible for compliance and preserving order

(A) *Preserving Order.* The organizer shall maintain and preserve order at all times. The burden of preserving order, complying with a permit issued pursuant to this Chapter and with all State and local laws, and providing for the orderly dispersal of those in attendance if State and local

laws are not observed rests solely upon the organizer of the outdoor assembly. The organizer shall be subject to such penalties as the law and this Chapter provide if an outdoor assembly for which the organizer is responsible is not operated in accordance with the rules and regulations prescribed in this Chapter and set forth in applicable state and local laws.

(B) *Excessive Attendance.* If at any time during the outdoor assembly held under a valid permit the number of individuals or vehicles attending the gathering exceeds 110% of the number of individuals or vehicles estimated in the permit application, unless the organizer first complies with the provisions of subsection (C) of this section governing additional attendance, the Sheriff shall require the organizer to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the numbers authorized in the permit.

(C) Additional Attendance

(1) If at any time during a permitted outdoor assembly the size of the crowd exceeds by ten (10) percent or more the number of persons permitted to be in attendance, the organizer shall limit further admissions, and shall not allow additional admissions, unless the organizer first seeks and obtains additional approval under this Chapter.

(2) In lieu of limiting attendance in excess of 110%, the organizer may accommodate unanticipated increases in attendance, exceeding 110% of the estimate in the application, if the organizer immediately upgrades the facilities so that the assembly complies with all the standards required under this Chapter for the number of persons in actual attendance *and* provided that the level of assembly that results from the actual attendance is within the range of persons for that level of assembly applied for and permitted. However, before undertaking any action to upgrade the facilities the organizer shall not fail to first:

(a) Give notice to the County of such increase; and

(b) Demonstrate the manner in which the organizer will meet the standards applicable to the increased attendance.

[Adopted 2000-092 § 2 eff 3/8/2000]

VII. POST-EVENT RESPONSIBILITIES

580.505 Cleanup; damages; fines thereon

(A) If the organizer fails to remove all debris or residue or fails to repair any damage to personal or real property arising out of the outdoor assembly within 72 hours after its termination or fails to remove any temporary structures used at the outdoor assembly within three weeks after its termination, then, in addition to any other remedies provided, the County may arrange for cleanup of the site and any other property damaged by conduct arising out of the holding of the event and may file an action for damages against the organizer as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the outdoor assembly. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990 (7). Citations may be issued pursuant to the provisions of LCC Chapter 240 (Enforcement Code) to the organizer and all persons who have left debris behind.

(B) If persons remain on the outdoor assembly site after the end of the time granted in the permit for the outdoor assembly, County code enforcement officers may issue citations to the organizer and to all persons remaining at the event site.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.510 Crowd dispersal; remedy for wrongful early termination

(A) For purposes of this section “permit holder” includes “registrant.”

(B) The Sheriff has the authority to order a crowd to disperse and leave the outdoor assembly site if the organizer cannot maintain order and compliance with applicable State and local laws or refuses to maintain order and compliance with State and local laws and such noncompliance

poses an imminent threat to health, peace, safety, or property.

(C) If the permit holder disputes the facts upon which the Sheriff ordered dispersal of the crowd, the permit holder may make a claim for damages due to the early termination of the gathering. The permit holder must present the claim in writing to the Administrative Officer within ten days after the date of the Sheriff’s order to disperse.

(D) The Administrative Officer shall investigate the claim and make findings of fact. The Sheriff has the burden of proof to show by a preponderance of evidence that the permit holder failed to maintain order and failed to comply with State and local laws. The permittee has the burden of proof by a preponderance of evidence that the Sheriff’s order to disperse caused damages to the permit holder.

(E) If the Administrative Officer finds that the permit holder did maintain order and compliance with State and local laws, the Administrative Officer will determine by a preponderance of the evidence whether the permit holder suffered damages by the early termination of the gathering.

(1) If the Administrative Officer finds that the permit holder maintained order and compliance with State and local laws, suffered damages from early termination of the gathering, and the damages were \$25,000 or less, the Administrative Officer may order that damages be paid.

(2) If the Administrative Officer finds that damages should not be paid, the Administrative Officer may deny the claim. The permit holder may appeal the Administrative Officer’s written decision to the Board within 21 days after the decision is mailed to the permit holder.

(3) If the Administrative Officer finds that damages would amount to more than \$25,000, the Administrative Officer may make a recommendation regarding the facts and damages claimed to the Board.

[Adopted 2000-092 § 2 eff 3/8/2000]

VIII. REGISTERED EVENTS

580.700 Subchapter title

LCC 589.700 to 580.799 shall be known and may be cited as the “Level 4 Assembly Registration Code.” Notwithstanding the range of sections defining this subchapter, the terms defined in LCC 580.005 that are used in this subchapter apply to an L4A.

[Adopted 10-255 §1 eff 7/28/10]

580.710 Registration; contents

(A) To register for a Level 4 assembly, the organizer shall not later than thirty (30) days before such L4A provide notice thereof to the Environmental Health Program Manager.

(B) Within fourteen (14) days of providing notice to the Environmental Health Program Manager, the organizer shall provide to the Program Manager at a minimum the following information:

(1) The name, address, and 24-hour telephone number of the registrant, the organizer, and the contact person, if either, or both, are not the registrant.

(2) The physical address or legal description of the property on which the proposed L4A will be conducted.

(3) The dates and event times of the proposed L4A.

(4) The proposed maximum event counts for the daily and nightly attendance of persons and vehicles at the proposed outdoor assembly. For purposes of this count, “**nightly attendance**” means the highest number of persons and vehicles reasonably expected to be on the property from the hours of midnight to 8 a.m. and “**daily attendance**” means the highest number of persons and vehicles reasonably expected to be on the property from the hours of 8:01 a.m. to 11:59 p.m.

(5) The type of activities at such proposed outdoor assembly.

(6) Whether alcoholic beverages will be provided or permitted or allowed to be brought onto the event premises.

(7) Whether food and potable water will be provided to the participants.

(8) Description of how traffic and parking will be accommodated.

(9) What sanitation facilities will be provided.

(C) The registrant may register by one of the following:

(1) a form substantially conforming to Appendix 2; or

(2) by downloading an on-line form when available on the County website, or if available filing a completed interactive form; or

(3) by mail; or

(4) e-mail.

(D) All forms shall substantially conform to Appendix 2, except that the form may by resolution of the Board be amended from time to time. Such amended forms shall be made available to the requestors thereof and be made available on the website.

[Adopted 10-255 §1 eff 7/28/10]

580.720 Hours of operation

Between the hours of 11:00 p.m. to 9:00 a.m. on weekends and holidays and 10:00 p.m. to 9 a.m. on weekdays, the registrant shall not allow on the property on which the event is held any:

(A) electronically amplified sound; or

(B) sound that exceeds 55 d.b.a. at a distance greater than one thousand (1,000) feet of the property boundary in which the event is to be held.

[Adopted 10-255 §1 eff 7/28/10]

580.730 Deeming registration complete

(A) No registration shall be considered for filing until it is deemed complete. To be deemed complete all the contents required by section LCC 580.710(B) shall be addressed in a manner that a reasonable person may determine the true nature and extent of the L4A. Upon receiving a registration from a registrant but not later than seven (7) calendar days, the Environmental Health Program Manager shall either:

(1) deem the registration complete;

(2) inform the registrant that the registration is not complete and what information the

registrant needs to provide to make it complete, and the date and time by which the information must be provided which date and time shall not be later than fourteen (14) days before the L4A.

(B) The registration, in order to be accepted for filing must be deemed complete not later than fourteen (14) days before the L4A.

[Adopted 10-255 §1 eff 7/28/10]

580.740 Notice to affected agencies

(A) The Environmental Health Program Manager shall after deeming the registration complete distribute copies of the completed registration form to the following agencies as notice of the L4A:

- (1) the Sheriff,
- (2) the chief of the fire district in which the L4A is to be held,
- (3) the provider of emergency medical services serving the area in which the L4A is to be held,
- (4) the Director,
- (5) the Roadmaster,
- (6) the Board of Commissioners, and
- (7) the ITS Director.

[Adopted 10-255 §1 eff 7/28/10]

580.750 Notice to the public

(A) Following receipt of the registration, the ITS Director shall in a timely manner provide the information described in LCC 580.710(B) in a easily identifiable public area on the County website. The ITS director will endeavor to post the notice approximately seven (7) days before the L4A; however, holidays and weekend days may shorten the time period.

(B) The office of the Board of Commissioners shall endeavor to seek publication of the information in LCC 580.710(B) in a public service announcement in one or more newspapers in general circulation in the area where the area is to be conducted.

[Adopted 10-255 §1 eff 7/28/10]

580.790 Violations

(A) Failure by the registrant and/or the organizer to comply with LCC 580.720 is a violation.

(B) Failure by the registrant *and/or the organizer* to comply with any applicable statutes or regulations shall be subject to prosecution thereunder.

[Adopted 10-255 §1 eff 7/28/10]

IX. TEMPORARY PROVISIONS

580.800 Level 1, 2, 3 assemblies held less than 140 days after enactment of Chapter

The provisions of this section apply only to level 1, 2, and 3 assemblies held less than 140 days after enactment of this Chapter and shall have no effect thereafter.

(A) This Chapter shall apply to any level 1, 2, or 3 assembly that occurs less than 140 days after the date that this Chapter is enacted. Any organizer holding an assembly subject to this Chapter less than 140 days from the date that this Chapter is enacted shall not fail to file an application under this Chapter. If reasonably practicable, the reviewing authority under this Chapter shall waive the time lines and hold a hearing and approve or deny a permit under this Chapter.

(B) If it is not reasonably practicable to hold a hearing and approve or deny a permit under this Chapter prior to an organizer conducting an assembly under this Chapter the reviewing authority shall so declare and allow the assembly to occur. Nevertheless, the organizer shall not fail to comply with the applicable peace, health, safety, and welfare provisions of LCC 580.400, 580.420, 580.430, 580.450, 580.500, 580.505, and 580.510 that apply to the level of assembly that occurs from the actual number of persons in attendance at such an assembly.

(C) The provisions of LCC 580.900 shall have full effect under this section.

[Adopted 2000-092 § 2 eff 3/8/2000]

580.810 Level 4 assemblies

The provisions of LCC 580.700 to 580.799 apply only to level 4 assemblies held later than forty-five (45) days after the effective day of LCC 580.700 to 580.799.

[Adopted 10-255 §1 eff 7/28/10]

X. PENALTIES

580.900 Violations; penalties

(A) Criminal and civil liability shall rest on any organizer who conducts or permits to be conducted an outdoor assembly that is inconsistent with this Chapter or who otherwise fails to comply with the provisions of this Chapter.

(B) Any organizer who violates or fails to comply with LCC 580.100, 580.105, 580.120, 580.210, 580.220, 580.400, 580.420, 580.430, 580.440, 580.445, 580.450, 580.460, 580.500, 580.505, 580.720, or 580.800, or who, having

obtained a permit under this Chapter, fails to comply with the terms and conditions thereunder, or who counsels, aids or abets such a violation or failure to comply may be cited and prosecuted pursuant to the provisions of LCC Chapter 240 (Enforcement Code). This penalty is in addition to any other lawful penalty, suit or action available to the County.

(C) An organizer's compliance with the standards, terms and conditions of this Chapter shall constitute minimum peace, health, safety, and welfare provisions. Failure to comply with the standards, terms and conditions of this Chapter or State laws shall constitute a public nuisance and shall be subject to all criminal, civil and equitable remedies as such.

(D) In addition to and not in lieu of the maintenance of other actions for any violation of this Chapter, including the state law provisions of ORS chapter 433 and ORS 433.990 (7), the County through its District Attorney may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation of this Chapter or ORS 433.745. Cases filed in Linn County under this section or under ORS 433.770 shall be given preference on the docket over all other civil cases except those given equal preference by statute.

(E) A violation of LCC 580.100, 580.105, 580.120, 580.210, 580.220, 580.400, 580.420, 580.430, 580.440, 580.445, 580.450, 580.460, 580.500, 580.505, 580.720, or 580.800 shall be a Class A violation.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

Statutory References and Other Authorities

ORS 203; 433.735 to 433.770; OAR 333-39-005 to 333-39-055

Legislative History of Chapter 580:

Adopted 94-378 eff 9/14/94; repealed 2000-092 §1

Amendments to 94-378:

#1 95-496 eff 12/12/95

#2 96-334 eff 7/17/96

#3 00-092§1 repealed eff 3/8/2000

Adopted 2000-092 §2 eff 3/8/2000

Amendments to 2000-092

#1 10-255 eff §1 7/28/10

APPENDIX 1 — REGULATION MATRIX

| Persons in Attendance (Event Count) | Total <i>Consecutive</i> Hours of any Activity (Event Time) | Total <i>Cumulative</i> Hours of Impact on Land Use (Total Event Time) | Level of Regulation |
|--|--|---|---------------------|
| (A) | (B) | (C) | (E) |
| <u>over 3000</u> | <u>more than 24</u> ¹ | more than 120 hours within any 3 months ² | 1 |
| | | <u>120 or less within any 3 months</u> | <u>2</u> |
| | not more than 24 | more than 120 hours within any 3 months | 1 |
| | | less than 120 hours within any 3 months | 3 |
| 500 to 3,000 | for any period of time | | 4 |

* Some level three outdoor assembly requirements are subject to waivers for events of 4 consecutive hours or less.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10]

¹ Category 2 events include those meeting the definition of “outdoor mass gatherings” in ORS 433.735 (1) and events for 120 hours (which are not included in the statutory definitions). Category 2 is shown in underscore.

²Category 1 and 3 Events are those meeting the description in ORS 433.763. They are shown in **bold**. These categories require land use approval.

Appendix 2 — Level 4 Registration Form

Date Received: _____

Date Deemed Complete: _____

| To be completed by the Registrant of a Level 4 Assembly | | | |
|--|--|--------------|--|
| 1 | Registrant's name | | |
| 2 | Registrant's address | | |
| 3 | 24-hr phone number of registrant | | |
| 4 | Registrant's e-mail address | | |
| 5 | Organizer, and the contact person, if either, or both, are not the registrant | | |
| 6 | Physical address/legal description of the property on which the L4 assembly will be conducted. | | |
| 7 | The dates and event times of the assembly. | | |
| 8 | The proposed maximum event counts for the daily and nightly attendance of persons and vehicles at the assembly | | |
| 9 | The type of activities at such L4 assembly | | |
| 10 | Will alcoholic beverages be provided or permitted or allowed on the property? | | |
| 11 | Will food and/or potable water be available for participants | | |
| 12 | Describe sanitation facilities | | |
| 13 | Describe on-site parking plans | | |
| Notification Routing to the Following Agencies Impacted by the Level 4 Event | | | |
| 1 | Sheriff's Office | 541.967.3950 | |
| 2 | County Environment Health | 541.967.3821 | |
| 3 | Fire district | | |
| 4 | Emergency medical service provider | | |
| 5 | Planning & Building Department | 541.967.3816 | |
| 6 | Roadmaster | 541.967.3919 | |
| 7 | ITS Department | 541.967.3803 | |
| 8 | Board of Commissioners | 541.967.3825 | |
| <p>NOTE: Certain laws may apply to the Level 4 Assembly. For general information and resources contact the Environmental Health Program Manager at 541.967.3821. Examples include laws regarding provisions of food, water, alcohol, and sanitation facilities. <i>The event may be subject to certain on-site inspection by government officials for compliance with these laws.</i></p> | | | |

[Adopted 10-255 §1 eff 7/28/10]

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