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2 **BEFORE THE BOARD OF COMMISSIONERS**

3 **FOR LINCOLN COUNTY, OREGON**

4 Ordinance # 526

5 **Amendments to Ordinance #495, Codified in Sections 4.505 to 4.610 as Mass Gatherings**
6 **(Small, Outdoor and Extended) in the Lincoln County Code, and Declaring an Emergency**

7
8 Findings:

9 WHEREAS, on August 16, 2017, the Lincoln County Board of Commissioners
10 (hereinafter, "the Board") adopted Ordinance #495, (hereinafter, "the Ordinance") relating to
11 small gatherings, outdoor mass gatherings and extended outdoor mass gatherings permits; and

12 WHEREAS, the purpose of the Ordinance was to establish reasonable health and safety
13 rules for outdoor gatherings of large groups of people for extended periods of time; and

14 WHEREAS, the Ordinance was subsequently codified into the Lincoln County Code
15 (LCC), and in this process, sections were renumbered to preclude conflicts with numbering
16 already within the LCC; and

17 WHEREAS, to avoid confusion, any references within this Ordinance shall be made to
18 the numbering system within the LCC; and

19 WHEREAS, during the calendar years of 2018 and 2019, Lincoln County received a
20 number of applications for small gatherings, and Planning Director Onno Husing issued permits
21 under the Ordinance, and the events were held as scheduled; and

22 WHEREAS, Section 4.610 of the Ordinance states that: "Prior to December 31, 2018, the
23 Lincoln County Board of Commissioners shall review this Ordinance for possible amendments";
24 and

25 WHEREAS, on December 5, 2018, in anticipation of the requirement of Section 4.610 of
26 the Ordinance, Onno Husing issued a report to the Board based upon his experiences of
27 processing permits under the Ordinance; and

28 WHEREAS, the report indicated that that the Ordinance worked well, and provided a
29 functional format for reviewing and processing permits; and

30 WHEREAS, the Board, following public meeting notice, took public comment on the
31 Ordinance on December 12, 2018, as required by Ordinance Section 4.610;

and Page 1 ORDINANCE #526

32 WHEREAS, the Board delayed taking action to amend Ordinance #495 in 2019 in part
33 because the Oregon Legislature, through HB 2790, made amendments to the statutes on Mass
34 Gatherings during the 2019 Legislative Session, and in part because the matter was tabled during
35 the COVID-19 pandemic;

36 WHEREAS, as required by law, the Board took public comment on this Ordinance at
37 Commissioner meetings in two different readings spaced out more than 13 days apart; and

38 WHEREAS, the Board found that the Ordinance needs only minor amendments, and
39 asked the staff to consider the comments that had been made by the public;

40 NOW, THEREFORE, the Lincoln County Board of Commissioners ordains as follows:

41 SECTION 1- AMENDMENTS

42 Sections 4.505 to 4.610 of the LCC are amended as outlined in Exhibit "A", which is
43 attached hereto and incorporated by reference.

44
45 SECTION 2- EFFECTIVE DATE; EMERGENCY CLAUSE

46 This Ordinance being necessary for the immediate preservation of public peace, health
47 and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its
48 passage.

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DATED this 25th day of May, 2022.

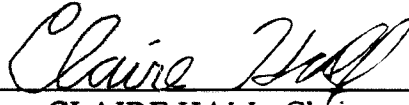
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LINCOLN COUNTY BOARD OF COMMISSIONERS

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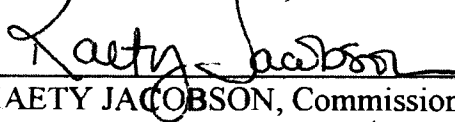


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CLAIRE HALL, Chair

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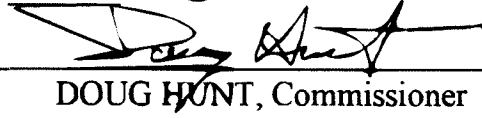


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KAETY JACOBSON, Commissioner

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DOUG HUNT, Commissioner

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APPROVED AS TO FORM:

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Approved as to Form by
M. Gerard Herbage,
Assistant Lincoln County

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M Gerard Herbage

Counsel via email on
5.23.2022.

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Assistant County Counsel

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ATTESTED TO:



Asia Richardson

Exhibit "A"

CHAPTER 4

Business Regulation

MASS GATHERINGS (SMALL, OUTDOOR AND EXTENDED)¹

4.505	Definitions
4.510	SG, MG, and EMG Exclusions
4.515	SG, MG, and EMG Permit Required
4.520	SG, MG, and EMG Permit Processing/When Hearings Are Required
4.525	SG, MG, and EMG Departmental and Agency Notice
4.530	SG, MG and EMG Approval Criteria
4.535	SG, MG, and EMG Appeals
4.440	SG, MG, and EMG Insurance
4.445	SG, MG and EMG Sanitary Facilities and Food Preparation
4.550	SG, MG and EMG Fire Protection Standards
4.555	SG, MG, and EMG Medical Service
4.560	SG, MG, and EMG Public Safety
4.565	SG, MG, and EMG Parking Facilities
4.570	SG, MG, and EMG Permit Display and Set Up and Clean Up Requirements
4.575	SG, MG, and EMG Inspection of Premises
4.580	SG, MG and EMG Restricted Hours of Operation
4.585	SG, MG, and EMG Enforcement
4.590	SG, MG, and EMG Intoxicating Liquor Prohibition
4.595	SG, MG, and EMG Unlawful Controlled Substances Prohibition
4.600	SG, MG, and EMG Compliance Required
4.605	SG, MG and EMG Violation Enforcement
4.610	Review of Ordinance # 495

¹ Pursuant to the authority granted under LCC 0.130, Counsel has provided titles and renumbered sections and parts of sections of Ordinance 495 to preclude conflicts with numbering already within the LCC.

NOTE: Matter in **boldfaced** type is new; matter in ~~strike through~~ is existing ordinance to be omitted. New sections are in **boldfaced** type.

MASS GATHERINGS (SMALL, OUTDOOR AND EXTENDED)

4.505 Definitions

As used in LCC 4.505 to 4.605, unless the context requires otherwise:

(1) "Assembly of Persons" means any gathering of any person, including but not limited to spectators, attendees, organizers, performers and participants on any given day.

(2) "Board" means the Lincoln County Board of Commissioners, or its designee.

(3) "Department" means the Lincoln County Planning Department.

(4) "Director" means the Director of Lincoln County Planning, or his or her designee.

(5) "Extended Outdoor Mass Gathering" (hereinafter "EMG") means and includes an Assembly of Persons, including but not limited to spectators, for which the actual cumulative number is or is reasonably expected to be more than 3,000 persons for a period that continues to be for more than 120 hours, including set-up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, within any continuous three-month period, and that is primarily held in open spaces and not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly and when the last attendee has left the assembly.

(6) "Hearings Body" means the following:

(a) For Outdoor Mass Gatherings, the Board;

(b) For EMGs, the County Planning Commission;

(c) For appeals of a decision of the County Planning Commission, the Board;

(d) For appeals of a decision of the Director or Board, the Lincoln County Circuit Court.

(7) "Organizer" includes any person who conducts, stages or sponsors a Small Gathering, Outdoor Mass Gathering or EMG, and the owner, lessee, or possessor of the real property upon which the Small Gathering, Outdoor Mass Gathering or EMG is to take place.

(8) "Outdoor Mass Gathering" (hereinafter, "MG") means and includes an assembly of persons, including but not limited to spectators, and whose number is or is reasonably anticipated to be more than 3,000 persons for a period that continues or can reasonably be expected to continue for more than 24 hours, but less than 120 hours, excluding set up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, within any continuous three-month period and which is primarily held in open spaces, but not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly, and when the last attendee has left the assembly.

(9) "Permanent Structure" includes a stadium, an arena, an auditorium, a coliseum, a fairground, a commons, or other similar established places for assemblies and public gatherings.

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(10) "Person" or "Persons" means any individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, fraternity, sorority, non-profit organization, estate, trust, receiver, trustee, syndicate or other group, organization or combination acting as a unit.

(11) "Sheriff" means the Lincoln County Sheriff or his/her designee.

(12) "Small Gathering" (hereinafter, "SG") means and includes an assembly of persons, including but not limited to spectators, whose actual cumulative number is or is reasonably anticipated to be less than 3,001 persons but more than 300 persons for a period that continues or can reasonably be expected to continue for more than 6 hours but not more than 120 hours, including set-up, placement, storage and removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth within any continuous three month period, and that is held primarily in open spaces and not in any permanent structure within the unincorporated area of Lincoln County. The duration begins on the earlier of when the first attendee can or is anticipated to arrive at the assembly and when the last attendee has left the assembly.

(13) "Spectator" means any person located within, alongside or near the SG, MG or EMG, whether or not that person pays a fee to participate in the SG, MG or EMG.

(14) "Sponsor" means any person that allows, promotes or causes an SG, MG or EMG.

(15) "Temporary Structure" includes stages, tents, trailers, chemical toilet facilities and other non-permanent structures customarily erected or sited for temporary use.

(16) "Traffic Control" means signs, warning markers and other regulatory devices meeting the standards of the Manual of Uniform Traffic Control Devices.

4.510 SG, MG and EMG Exclusions/ Waiver

(1) The requirements in this Code for SGs, MGs and EMGs shall not apply to any regularly scheduled religious service or religious organized activity that takes place on institutional property, regularly organized and supervised school district activity or program that takes place on school property, any activities at the Lincoln County Fairgrounds or Commons, any activity at a County park, or any activity of a municipal corporation or governmental agency.

(2) The Director or Hearings Body, as applicable, may waive all or part of the permit requirements for certain limited SGs, upon a showing by the Organizer of good cause, when no significant public health, safety or welfare issues are involved or when the Director or Hearings Body determines that no County law enforcement or other County resources are necessary. Notwithstanding the above, there shall be no waiver of fire protection standards (Section 4.550).

4.515 SG, MG and EMG Permit Required

(1) No Organizer shall hold, conduct advertise or otherwise promote an SG, MG or EMG or allow an SG, MG or EMG to be held on real property in the unincorporated areas of Lincoln County unless the Organizer obtains a permit to hold such an SG, MG or EMG.

(2) No permit for an SG, MG or EMG shall be issued unless the landowner of the property that is the site of the SG, MG or EMG also signs the application.

(3) All SGs and MGs are exempt from the requirements of Chapter 1 of the Lincoln County Code, except where noted.

(4) One permit shall be required for each SG, MG or EMG.

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(5) A permit issued under these provisions does not entitle the SG, MG or EMG Organizer to construct any permanent physical alterations to or on the real property which is the site of the SG, MG or EMG.

(6) The Organizer of a proposed SG, MG or EMG shall file an application with the Department at least ~~90~~ **120** days prior to the SG, MG or EMG.

(7) The application shall include the following:

(a) Name and mailing address, email address and phone number of the Organizer (and of the Property Owner, Lessee, or Possessor, if different).

(b) Legal description and address, if any, of the location of the proposed SG, MG or EMG.

(c) A map of the SG, MG or EMG showing access roads and assembling and disbanding points.

(d) The date or dates of the proposed SG, MG or EMG.

(e) The proposed starting and ending time(s) of the SG, MG or EMG.

(f) The estimated number of persons, vehicles and animals that will be attending, participating in or viewing the SG, MG or EMG.

(g) The nature of the proposed SG, MG or EMG.

(h) A sketch, and other detailed information showing the type, number and location of all toilets, washing facilities, water supply, food preparation, food service facilities and solid waste collection locations.

(i) The name and phone number of the contact person who shall be easily identified and who shall remain at the SG, MG or EMG site at all times.

(j) Approval by the authorized representative of the rural fire protection district under ORS Chapter 478, or State Fire Marshal, or State Forester, as applicable.

(k) A water supply plan showing compliance with OAR 333-039-0010; a drainage plan showing compliance with OAR 333-039-0020; a sewerage plan showing compliance with OAR 333-039-0025; a refuse storage and disposal plan showing compliance with OAR 333-039-0030; a food and sanitary food service plan showing compliance with OAR 333-039-0035, an emergency medical facilities plan showing compliance with OAR 333-039-0040; a fire protection plan showing compliance with OAR 333-039-0045; a security personnel plan showing compliance with OAR 333-039-0050; and a traffic plan showing compliance with OAR 333-039-0055.

(l) A copy of the proposed participant entry form for the SG, MG or EMG, including a release agreement releasing Lincoln County, its officers, agents, employees or volunteers from liability for any or all injuries.

(m) A signed indemnity agreement on a form provided by the County.

(n) Information on whether alcohol will be part of the SG, MG or EMG, and if so, in what way, and what arrangements have been made for appropriate licensing.

(o) Such other appropriate information as the Director or Board may require in order to ensure compliance with the provisions of this chapter, as well as the rules of the Oregon Department of Human Services.

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(8) The application for an SG, MG or EMG shall be accompanied by the appropriate fee pursuant to the County fee schedule. Except as provided in subsection (9) below, no rebate or refund of money paid for a permit shall be made.

(9) Incomplete applications shall be denied and the application fee, less County costs, shall be returned to the permit applicant.

(10) If the application is submitted fewer than ~~90~~ **120** days prior to the event and the Director or Board accepts the application, the processing fee shall be double.

(11) The Director shall furnish a copy of the SG, MG or EMG permit to the Sheriff and to any other jurisdiction with regulatory authority in which the SG, MG or EMG takes place.

(12) If a permit for a proposed event under this Ordinance cannot be issued because the proposed event does not meet the definition of an SG, MG or EMG, the proposed event shall not be authorized unless it otherwise complies with Chapter 1 of the Lincoln County Code.

(13) No more than one SG, MG, or EMG may be held at the same location within a three month period.

4.520 SG, MG and EMG Permit Processing/When Hearings Are Required

(1) SG permits shall be processed administratively by the Director without a hearing.

(2) No application for an MG permit shall be approved without review by the Board following a public hearing.

(3) No application for an EMG permit shall be approved without review by the Planning Commission following a public hearing in accordance with ORS 433.763.

(4) Public hearings shall be set at the discretion of the Director, but, in no case, earlier than 10 days from the date of the application.

4.525 SG, MG and EMG Departmental and Agency Notice

(1) The Director shall send notice of the application to the following officers at least 10 calendar days prior to the administrative decision (for the SG) or hearing (for the MG or EMG): Lincoln County Counsel (serving as Risk Manager), County Sheriff, ~~the County Administrator,~~ **the County Administrator,** the ~~Director of Lincoln County Health and Human Services~~ **Health Department Director,** the County **Public Works Director Roadmaster,** and the Chief of the Fire District, if there is one, in which the SG, MG or EMG is proposed, the State Fire Marshal and the State Forester.

(2) **At least 14 calendar days prior to the administrative decision (for the SG), the Director shall publish in a newspaper of general circulation in the county, and mail to property owners abutting the site, notice of the application along with an invitation for the public to submit comment to the Director on the application before the date of the administrative decision.**

~~(2)~~(3) The Director shall publish notice of his or her administrative decision for an SG in a newspaper of general circulation in the County within 10 calendar days of the date of his or her decision.

~~(3)~~(4) The Director shall publish notice of the hearing for an MG or EMG permit at least 10 calendar days before the hearing in a newspaper of general circulation in the County.

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4.530 SG, MG and EMG Approval Criteria

(1) An SG, MG or EMG permit shall be approved upon demonstration by the Organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules adopted by the Oregon Department of Human Services, as applicable. **In addition, for an EMG permit, approval shall require that the Organizer show that permits required by the applicable land use regulations have been granted and that the proposed gathering is compatible with existing land uses and that it will not materially alter the stability of the overall land use pattern of the area.**

(2) Each public official receiving notice of the application for an SG who wishes to comment on the application shall submit such comment in writing to the Director within 10 days of receiving notice of the application. Each public official receiving notice of the application for an MG or EMG permit who wishes to comment on the application shall submit such comment in writing to the Hearings Body no later than the date and time for the hearing.

(3) The comment from any public official regarding an SG, MG or EMG permit may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

(4) The Director or Hearings Body shall consider the imposition of any suggested changes submitted by the public officials who received notice of the proposed gathering.

(5) The Director, in making an administrative decision, shall consider the public comment he/she has received.

~~(5)~~(6) The Director or Hearings Body may consider and impose any reasonable condition on a permit under this chapter.

4.535 SG, MG and EMG Appeals

(1) When the County Planning Commission is the Hearings Body, any person who participated in the hearing before the Planning Commission shall be deemed a party and may appeal the decision to the Board.

(2) All SG decisions of the Director and MG decisions of the Board shall be reviewable only by the Lincoln County Circuit Court for the State of Oregon only by writ of review under the provisions of ORS 34.010 to 34.100.

(3) All EMG rulings of the Board are appealable to the Land Use Board of Appeals.

4.540 SG, MG and EMG Insurance

(1) If the Director, Board or Planning Commission, as applicable, determines that the SG, MG or EMG creates a potential for injury for persons or property, they may require Organizers to obtain a commercial general liability insurance policy in an amount commensurate with the risk, with single limit policy limits of not less than \$2,000,000.

(2) The insurance policy ~~may not be cancelable and~~ shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the SG, MG or EMG.

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(3) The insurance policy must be an "occurrence" policy, or its equivalent, that provides for payment of claims made during the 180 day period after the scheduled termination of the SG, MG or EMG.

(4) The Organizer shall furnish the Director with an insurance certificate and a copy of the insurance policy naming the County as an additional insured under the policy, at least 14 days before the first day of the SG, MG or EMG.

(5) The permit for an SG, MG or EMG shall be voided by the Director if the Organizer does not file proof of the ~~non-cancelable~~ insurance required by this section with the Director at least 14 days before the first day of the SG, MG or EMG.

(6) The Organizer must agree in writing to indemnify, defend and save and hold harmless the County, its commissioners, boards, officers, employees and agents, from all suits, actions, damages or claims to which the County may be subjected to of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of such SG, MG, or EMG and the activities permitted in connection therewith.

4.545 SG, MG and EMG Sanitary Facilities and Food Preparation

(1) The County Environmental Health Division shall have the responsibility for ~~approving~~ **reviewing** all sanitation and related facilities required by the Director or Hearings Body for an SG, MG or EMG permit to ensure that reasonable minimum standards have been or will be met by the Organizer, in accordance with the procedures outlined in this chapter and OAR 333-039.

(a) Water. An adequate supply of water meeting state drinking water standards for chemicals and bacteria shall be provided.

(b) Food Service Facilities. Food service facilities shall comply with the Oregon Department of Human Services regulations that pertain to the operation of temporary restaurants. All food service providers must be validly licensed.

(2) Such ~~approval~~ **review** of an SG, MG or EMG permit by the County Environmental Health Department shall indicate the number, type, and location, when appropriate, of the various sanitary facilities and shall include a description of the specific type of food preparation and food service facilities to be provided.

4.550 SG, MG and EMG Fire Protection Standards

(1) No SG, MG or EMG permit shall be granted under this chapter unless the Organizer has shown that the authorized representative of the rural fire protection district under ORS Chapter 478 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, during the course of an SG, MG or EMG for which a permit is required under this chapter.

(2) If the site for which the permit is applied for is located outside a fire protection district, the Organizer must show approval from the Office of the State Fire Marshal, or State Forester, as applicable.

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4.555 SG, MG and EMG Medical Service

(1) Sheriff shall have responsibility for ~~approving~~ **reviewing** plans as to medical service required for the SG, MG or EMG.

4.560 SG, MG and EMG Public Safety

(1) The Organizer must submit plans for public safety at the SG, MG or EMG demonstrating the following:

(a) Adequate traffic control and crowd protection policing shall be contracted for or otherwise provided by Organizer.

(A) There shall be provided one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.

(B) Further, there shall be provided one crowd control person for each 100 persons expected or reasonably expected to be in attendance at any time during the SG, MG or EMG.

(b) The Organizer shall submit the names and necessary background information as required by the Director or Hearings Officer for all traffic-control and crowd-control personnel to be utilized during the MG or EMG.

(c) All such personnel must meet the following minimum standards in order to be approved as suitable:

(A) Be at least 18 years of age;

(B) Must have the physical capability to perform the traffic control and traffic control responsibilities;

(C) Have training or experience acceptable to the County to conduct traffic and or crowd control duties.

(2) All of the traffic control and crowd control personnel must wear appropriate safety vests or jackets.

(3) The required number of crowd control personnel must be on duty during the entire SG, MG or EMG unless a relief schedule has been planned and approved.

(4) A relief schedule will be approved only when sufficient crowd control strength on duty has been maintained to meet the minimum strength standards set forth in this chapter.

(5) It is the duty of the crowd control personnel to report any violations of the law to the Sheriff.

4.565 SG, MG and EMG Parking Facilities

(1) Prior to or on the date of application for an SG, MG or EMG, the Organizer shall provide a scale drawing showing that adequate parking facilities have been made available within or adjacent to the location for which the permit is requested.

(2) Such parking facilities shall provide parking space for one vehicle for every four persons expected or reasonably expected to attend.

(3) 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 of the SG, MG or EMG.

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(4) Should buses be used to transport the public to the SG, MG or EMG, it shall be shown that adequate parking is available at any site from which buses are scheduled to pick up persons to transport them to the SG, MG or EMG.

(5) The Organizer should consider installing no parking signs in areas where it is appropriate to do so.

4.570 SG, MG and EMG Permit Display and Set Up and Clean Up Requirements

(1) The Organizer of an SG, MG or EMG shall have a copy of the permit available for inspection upon request.

(2) Any permit for an SG, MG or EMG shall not be transferrable or assignable without the consent of the Director or Board.

(3) Any permit for an SG, MG or EMG shall be kept posted in a conspicuous place upon the premises of such assembly.

(4) All onsite activities required to prepare the assembly site must occur within 72 hours prior to the advertised time the assembly is scheduled to begin. The Director or Hearings Body may, upon a showing of necessity, allow preparation to begin more than 72 hours before the advertised time of the assembly but those activities are limited to set up only and not commercial vending, rehearsals or sound checks. All of the facilities shall be in place at least 2 hours before the SG, MG or EMG begins.

(5) The organizer must remove and repair all remaining residue, debris, or damage to property resulting from the assembly 72 hours after termination of the assembly.

4.575 SG, MG and EMG Inspection of Premises

(1) No SG, MG or EMG permit shall be granted unless the Organizer shall, in writing, upon the application for such permit, consent to allow the Director, law enforcement, public health and fire control officers to come upon the premises for which the permit has been granted for the purpose of inspection and enforcement of the terms and conditions of the permit and this chapter and any other applicable laws or ordinances.

(2) If any inspections reveal deficiencies in compliance with State or local law, the inspectors may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or cannot be cured, the Sheriff may suspend or terminate the SG, MG or EMG.

4.580 SG, MG and EMG Restricted Hours of Operation / Noise

(1) No SG, MG or EMG shall be conducted, including set-up, placement, storage, staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, between the hours 1:00 A.M. and 9:00 A.M.

(2) Notwithstanding the above, security operations including use of security personnel may operate 24/7.

~~(2)~~ **(3)** The gathering must comply with the Lincoln County Noise Ordinance (Lincoln County Code Sections 2.2000 to 2.2045).

4.585 SG, MG and EMG Enforcement

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(1) The Organizer shall provide a contact person who shall be easily identifiable with readily visible ID and who shall remain at the SG, MG or EMG site at all times.

(2) If any Organizer of an SG, MG or EMG violates any provisions of this chapter, the Sheriff may immediately suspend, revoke or terminate any permit for an SG, MG or EMG and may seek any legal remedy available.

(3) The SG, MG or EMG Organizer shall keep a reasonable count of persons and vehicles entering and leaving the SG, MG or EMG. **The Organizer shall provide Director with a total count of persons within 10 days of the last day of the SG, MG or EMG.**

(4) If, at any time during the SG, MG or EMG held under a valid permit, the number of persons or vehicles attending the SG, MG or EMG exceeds by 10% or more the number of persons or vehicles estimated in the permit application, the Sheriff has the authority to 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 number estimated by the Organizer.

(5) For any SG, MG or EMG held under a valid permit, the Sheriff has the authority to order the crowd to disburse and leave the SG, MG or EMG site if the Organizer cannot maintain order and compliance with all applicable State and local laws or refuses or is unable to adhere to the terms and conditions of the permit.

(6) In addition to the State law provisions in ORS Chapter 433, including ORS 433.990(7), the County Counsel or District Attorney for Lincoln County may maintain an action in any court of general jurisdiction to restrain or enjoin any violation of this Ordinance.

(7) If persons remain on site after the scheduled end of the permitted SG, MG or EMG, or if the Organizer fails to remove all debris or residue within 72 hours after termination of the SG, MG or EMG, or if the Organizer fails to remove all temporary structures within three weeks after the termination of the SG, MG or EMG, the County may issue citations to the Organizer, all persons remaining at the site, and/or all persons who have left debris behind.

(8) In addition to any other remedies provided, if the SG, MG or EMG site is not restored to its previous condition, or better, the County may arrange for cleanup of the site, and then file an action for damages against the Organizer or successor landowner.

4.590 SG, MG and EMG Intoxicating Liquor Prohibition

(1) No Organizer, nor any person having charge or control thereof at any time when an SG, MG or EMG is being conducted shall permit any person to bring into such SG, MG or EMG or upon the premises thereof, any intoxicating liquor, nor permit intoxicating liquor to be consumed on the premises, and no person during such time shall take or carry onto such premises or drink thereon intoxicating liquor.

(2) Subsection (1) of this section shall not apply to the sale and consumption of intoxicating liquor from a facility located on the premises of an SG, MG or EMG when validly licensed by the State.

4.595 SG, MG and EMG Unlawful Controlled Substances Prohibition

No firm, person, society, association or corporation conducting an SG, MG or EMG, nor any person having charge or control thereof at any time when an SG, MG or EMG is being

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NOTE: Matter in **boldfaced** type is new; matter in ~~strike through~~ is existing ordinance to be omitted. New sections are in **boldfaced** type.

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conducted shall permit any person to possess any controlled substances that are unlawful under Oregon law.

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4.600 SG, MG and EMG Compliance Required

Compliance with the terms and conditions of this chapter shall constitute minimum health, sanitation and safety provisions; and failure to comply with the 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.

4.605 SG, MG or EMG Violation Enforcement

For an SG, MG or EMG, violation of this chapter is subject to enforcement pursuant to Chapter 10 of the Lincoln County Code, and other legal remedies available under the law.

4.610 Review of Ordinance # 495

~~Prior to December 31, 2018,~~ **Periodically** the Lincoln County Board of Commissioners shall review this Ordinance for possible amendments. [2017 o.495 §1]

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