MARIPOSA COUNTY ORDINANCE NO. 551

AN ORDINANCE AMENDING CHAPTER 8.28 OF THE MARIPOSA COUNTY CODE REGULATING PUBLIC ASSEMBLAGES IN THE COUNTY OF MARIPOSA

The Board of Supervisors of Mariposa County does hereby ordain as follows:

SECTION I: THE PUBLIC ASSEMBLAGES ordinance of the County of Mariposa, Chapter 8.28 of the Mariposa County Code, is hereby amended to read in its entirety as follows:

Chapter 8.28
PUBLIC ASSEMBLAGES

Sections:

8.28.010 Construction of chapter.
8.28.020 Definitions.
8.28.030 Prohibited activities.
8.28.031 Activities requiring a permit.
8.28.032 Exemptions.
8.28.033 Application contents.
8.28.034 Public health, safety and welfare requirements for public assemblages.
8.28.035 Procedures for permit approval.
8.28.036 Notice of denial or approval.
8.28.037 Appeals.
8.28.038 Issuing agency.
8.28.040 Enforcement of chapter--Violation--Penalty.

8.28.010 Construction of chapter. As used in this chapter, unless otherwise apparent from the context, words used in the present tense include the future as well as the present; words in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

8.28.020 Definitions. "Person," as used in this chapter, means any individual, partnership, or corporation, or any person acting on behalf of another person or entity, whether it be as agent, employee, trustee, or other personal representative.

"Person" does not include the United States government, state of California, or its political subdivisions, or the agents or employees of the governments.

"Public Assemblage" shall mean any gathering of people in one geographical location within the County of Mariposa regardless of whether such gathering occurs on public or private property, except for gatherings entirely composed of persons related to each other by blood or marriage.
8.28.030 Prohibited activities. No person shall hereafter within the territory of the county use any land, or erect, construct or use any building, structure or enclosure, for any activity involving the assemblage on any particular day of more than two thousand five hundred people including, but not limited to, circuses, carnivals, festivals and races, except where such assemblage has been adopted by the County of Mariposa by action of the Board of Supervisors as an official county activity.

8.28.031 Activities Requiring a permit. No person shall hereafter within the territory of the county use any land, or erect, construct or use any building, structure or enclosure for any activity involving the assemblage of more than two hundred and fifty people unless and until a public assembly permit is first obtained from the county as set forth in this chapter.

No public assembly permit shall be issued and, except as otherwise provided in this chapter, no activity requiring such permit shall be conducted unless the procedures specified in this Chapter are completed prior to the date of the activity.

8.28.032 Exemptions. The following shall be exempt from the requirement to obtain a public assembly permit:

1. Public or private gatherings in existing facilities designed for such gatherings where adequate provisions for health, safety and public welfare have been made and approved by the county, provided such gatherings or assemblages do not exceed the capacity of such facilities as established by the county, and provided that the activities proposed therein do not otherwise violate the laws of the State of California and the ordinances and laws of the county. Any gathering in excess of two hundred and fifty people on public property of the County of Mariposa requires the advance written permission of the County in order to qualify for this exemption.

2. Public assemblages adopted by the county as official county activities.

3. Public assemblages occurring entirely within the boundaries of Yosemite National Park on lands owned and controlled by the federal government.

8.28.033 Application contents. An application shall be made in writing for a public assembly permit to the county department designated herein as the issuing agency for the county at least 30 days prior to the date scheduled for the activity. Said application shall contain the following essential information:

1. The date and time of the activity.

2. The exact location of each activity.

3. The best reasonable estimate of the number of people who will attend the activity.

4. The names, addresses and phone numbers of each and every person responsible or in charge of the activity, specifying the person to be contacted for the purposes of the application.

5. A brief description of the activity including:
   a.) the number and types of performances, events,
competitions;
b.) the names of any widely known performers or
public figures appearing that might affect the number
of persons attending;
c.) whether food, beverages or alcoholic beverages
are to be sold, provided, or consumed at the activity.
6. The nature, mode and extent of advertising to be used
to publicize the event.
7. Details of each and every arrangement made to provide
the public health, safety and welfare requirements set forth
in this chapter.

8.28.034 Public health, safety and welfare requirements
for public assemblages. Each public assembly for which a permit
is issued under this chapter shall provide the following to the
degree necessary for the number of people in actual attendance
at the assemblage as determined by the county department designat-
ed as the issuing agency:
a. Fire protection;
b. Sanitation facilities;
c. Police protection, crowd control, noise and public dis-
    trurbance control;
d. Zoning and land use compliance with county laws;
3. Parking and traffic control;
f. Emergency medical services;
g. Liability and property damage insurance or bond.

8.28.035 Procedures for permit approval. When a permit
application is filed and all necessary fees are paid, as set
by resolution of the Board of Supervisors, the issuing agency
shall have five days to determine that the application is com-
plete and circulate copies thereof to all affected departments
of the county for comment and review. If the issuing agency
determines that the application is incomplete or defective,
notice shall be given immediately to the responsible party
designated therein at the address or phone number provided in
the application, and the applicant shall be given reasonable
time, not to exceed five days, to correct or supplement the
application.

Within ten days of transmittal of the copy of the applica-
tion circulated by the issuing agency, the affected departments
shall each respond to the issuing agency. Said responses shall
include approval or disapproval of the activity, together with
any conditions for approval and all reasons for disapproval. All
conditions shall be attached or noted on the permit; all reasons
for disapproval shall be communicated to the applicant at the
time notice of disapproval is given. If no response is made to
the issuing agency within ten days after the date copies are
sent, those departments not responding shall be deemed to have
approved the permit. The issuing agency shall issue the permit
subject to any conditions required by the affected departments,
or shall deny the permit if public health, safety and welfare
requirements cannot or will not be met based upon the response
of any affected department.

8.28.036 Notice of denial or approval. Notice of issuance
or denial shall be given to the person specified in the application.
within twenty days after the filing of a complete application and payment of any necessary fees.

8.28.037 Appeals. Applicants may appeal the denial of a permit or any condition contained therein to the Board of Supervisors within 10 days after the notice of denial is mailed by the issuing agency. After 10 days the decision shall be final.

8.28.038 Issuing agency. The issuing agency for all permits for public assemblages covered by this chapter shall be the Mariposa County Sheriff's Department.

8.28.040 Enforcement of chapter--Violation--Penalty.
A. It shall be the duty of the planning commission of the county, sheriff of the county, and all other officers and employees of the county charged by law with enforcement of ordinances of the county, to enforce all of the provisions of this chapter. Any person, firm or corporation whether as principal, agent, employee or otherwise violating or considering or permitting or aiding and abetting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued, or permitted by such person, firm or corporation and shall be punishable as herein provided.

B. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter, and any land, building or premises established, conducted, operated, used or maintained contrary to the provisions of this chapter, shall be unlawful and a public nuisance, and the district attorney of the county shall, upon order of the board, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law. The remedies provided for herein shall be cumulative and not exclusive.

C. The provisions of this chapter may also be enforced by injunction issued out of the superior court upon suit of the county or the owner or person in possession of any real property affected by such violation; this method of enforcement shall be cumulative and in no way affect the penal provisions hereof.

SECTION II: This ordinance is an emergency enactment for the immediate preservation of the public peace, health and safety based upon the following facts constituting the urgency:

1. On the weekend of July 4, 5, and 6, 1980, Mariposa
County became the scene of numerous large gatherings of people assembled at widely divergent locations within the county. The police, sanitation, medical, fire protection, and the traffic control resources of the county were taxed beyond capacity and numerous crimes were committed which could not be controlled. Any fire which could have resulted from any one or more of the gatherings would have created a disaster situation in the county.

2. The county officials responsible for emergency services have been informed that further gatherings are planned by persons responsible for the events specified above in the immediate future.

3. Mariposa County is the object of major tourist traffic for the State of California and during vacation and holiday periods experiences an influx of transient individuals far in excess of its citizen population. Large gatherings of such persons are foreseen in the immediate future at great risk of life, property and health, if this ordinance is not enacted.

SECTION III: This ordinance shall become effective immediately upon passage by a four-fifths vote of the Board of Supervisors pursuant to Section 25123 of the Government Code.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, on this 15th day of July, 1980 by the following vote:

AYES: Erickson, Moffitt, Dalton, Clark, Taber

NOES:

ABSTAINED:

ABSENT:

[Signature]
ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTTEST:

[Signature]
JOAN J. LYNN, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
RICHARD K. DENHALTER, County Counsel