

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 here-  
by 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 repre-  
sentative.

"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.

1           8.28.030 Prohibited activities. No person shall hereafter  
2 within the territory of the county use any land, or erect,  
3 construct or use any building, structure or enclosure, for  
4 any activity involving the assemblage on any particular day of  
5 more than two thousand five hundred people including, but not  
6 limited to, circuses, carnivals, festivals and races, except  
7 where such assemblage has been adopted by the County of Mari-  
8 posa by action of the Board of Supervisors as an official  
9 county activity.

10           8.28.031 Activities Requiring a permit. No person shall  
11 hereafter within the territory of the county use any land, or  
12 erect, construct or use any building, structure or enclosure for  
13 any activity involving the assemblage of more than two hundred  
14 and fifty people unless and until a public assembly permit is  
15 first obtained from the county as set forth in this chapter.

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

20           8.28.032 Exemptions. The following shall be exempt from  
21 the requirement to obtain a public assembly permit:

22           1. Public or private gatherings in existing facilities  
23 designed for such gatherings where adequate provisions for  
24 health, safety and public welfare have been made and approved  
25 by the county, provided such gatherings or assemblages do not  
26 exceed the capacity of such facilities as established by the  
27 county, and provided that the activities proposed therein do  
28 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 con-  
trolled 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, specify-  
ing the person to be contacted for the purposes of the applica-  
tion.
5. A brief description of the activity including:
  - a.) the number and types of performances, events,

- 1 competitions;  
2 b.) the names of any widely known performers or  
3 public figures appearing that might affect the number  
4 of persons attending;  
5 c.) whether food, beverages or alcoholic beverages  
6 are to be sold, provided, or consumed at the activity.
- 7 6. The nature, mode and extent of advertising to be used  
8 to publicize the event.
- 9 7. Details of each and every arrangement made to provide  
10 the public health, safety and welfare requirements set forth  
11 in this chapter.

12 8.28.034 Public health, safety and welfare requirements  
13 for public assemblages. Each public assembly for which a permit  
14 is issued under this chapter shall provide the following to the  
15 degree necessary for the number of people in actual attendance  
16 at the assemblage as determined by the county department designat-  
17 ed as the issuing agency:

- 18 a. Fire protection;  
19 b. Sanitation facilities;  
20 c. Police protection, crowd control, noise and public dis-  
21 turbance control;  
22 d. Zoning and land use compliance with county laws;  
23 3. Parking and traffic control;  
24 f. Emergency medical services;  
25 g. Liability and property damage insurance or bond.

26 8.28.035 Procedures for permit approval. When a permit  
27 application is filed and all necessary fees are paid, as set  
28 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.

1 within twenty days after the filing of a complete application  
2 and payment of any necessary fees.

3 8.28.037 Appeals. Applicants may appeal the denial of a  
4 permit or any condition contained therein to the Board of  
5 Supervisors within 10 days after the notice of denial is mailed  
6 by the issuing agency. After 10 days the decision shall be  
7 final.

8 8.28.038 Issuing agency. The issuing agency for all  
9 permits for public assemblages covered by this chapter shall  
10 be the Mariposa County Sheriff's Department.

11 8.28.040 Enforcement of chapter--Violation--Penalty.

12 A. It shall be the duty of the planning commission of the  
13 county, sheriff of the county, and all other officers and  
14 employees of the county charged by law with enforcement of  
15 ordinances of the county, to enforce all of the provisions  
16 of this chapter. Any person, firm or corporation whether as  
17 principal, agent, employee or otherwise violating or consid-  
18 ering or permitting or aiding and abetting the violation of  
19 any of the provisions of this chapter shall be guilty of a  
20 misdemeanor and upon conviction thereof shall be punishable  
21 by a fine of not more than five hundred dollars or by im-  
22 prisonment in the county jail for a term not exceeding six  
23 months or by both such fine and imprisonment. Such person,  
24 firm, or corporation shall be deemed to be guilty of a separate  
25 offense for each and every day during any portion of which any  
26 violation of this ordinance is committed, continued, or per-  
27 mitted by such person, firm or corporation and shall be punish-  
28 able 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

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

9 2. The county officials responsible for emergency services  
10 have been informed that further gatherings are planned by  
11 persons responsible for the events specified above in the immed-  
12 iate future.

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

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


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

25 AYES: Erickson, Moffitt, Dalton, Clark, Taber


26 NOES:

27 ABSTAINED:

28 ABSENT:

  
ERIC J. ERICKSON, Chairman  
Board of Supervisors

ATTEST:

  
JOAN J. LYNK, Clerk of the Board

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

  
RICHARD K. DENHALTER, County Counsel