

# TITLE 5

## PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE

### SUBTITLE 5 - PUBLIC ACTIVITIES

#### CHAPTER 580

#### OUTDOOR ASSEMBLY PEACE, HEALTH, SAFETY, AND WELFARE CODE

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**I. General Provisions**

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**580.001 Title**

This Chapter, LCC 580.001 to 580.999, 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 mini-

mum 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) “**Ability to comply**” in the context of an applicant demonstrating compliance with or the ability to comply with health and safety rules means the submission of evidence, including but not limited to executed contracts, memorandums of understanding, letters of intent, demonstrated past history of compliance, and other similar information, by the applicant that demonstrates that the organizer will be able to meet the health and safety rules of this Chapter for the level of assembly to be held.

(2) “**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.

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

(4) “**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.

(5) “**Applicant**” means a person who files an application seeking a permit or certificate of registration from Linn County for an outdoor assembly.

(6) “**Assembly**” means a gathering of persons with a shared or common purpose, for example to participate in or experience an organized activity.

(7) “**Attendee**,” for the purpose of determining the event time and for LCC 580.505, means a person attending an outdoor assembly primarily for the person’s own recreation or enjoyment.

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

(9) “**Camp site**” means an area designated or otherwise authorized for the overnight use by persons at an outdoor assembly.

(10) “**Certificate holder**” means the named person to which a certificate of registration has been issued.

(11) “**Certificate of registration**” means a writing issued by the County for a L3A acknowledging receipt by the County of a complete L3A registration application.

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

(13) “**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.

(14) “**Private Security Services**” has the meaning given in ORS 181.870.

(15) “**County**” means Linn County and includes, as indicated by the context, County officials and individual County departments.

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

(17) “**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.

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

(19) “**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 or the Planning Commission if the application is being heard by the Commission.

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

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

(22) “**Event time**” means the time during which attendees are on the property for purposes of participating in a single outdoor assembly and is calculated as follows:

(a) Event time shall begin when the first attendee of the single assembly arrives and is admitted to property on which the assembly is conducted or held and shall end when the last attendee of the single assembly leaves property on which the assembly is conducted or held. The event time excludes hours required for ingress to and egress from the property for attendees if the property is zoned exclusive farm use and is located 60 miles or more from the nearest interstate highway.

(b) The “**total event time**” includes the event time plus any additional time between the beginning and ending of an outdoor assembly during which the organizer does not allow attendees to be on the property; for example, an assembly is conducted for more than one day but attendees are only allowed on the property during daylight hours. The total event time does not include the time during which set up, take down, and clean up of an event occurs.

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

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

(25) “**Holiday**,” for purposes of LCC 580.400(B)(1), 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.

(26) “**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.

(27) “**Level one assembly**” or “**L1A**” means a single gathering with an event count of more than 3000 persons which continues or can reasonably be expected to continue for a total event time of more than 24 hours within any three-month period. A L1A is subject to the provisions of ORS 433.763(1) and the provisions of this Chapter.

(28) “**Level two assembly**” or “**L2A**” means a single gathering with an event count of more than 3000 persons which continues or can reasonably be expected to continue for a total event time of any period of time of 24 hours or less within any three-month period. A L2A is subject to the provisions of this Chapter.

(29) “**Level three assembly**” or “**L3A**” means a single gathering with an event count of 500 or more persons but not more than 3,000 persons which continues or can reasonably be expected to continue for a total event time of any period of time of 120 hours or less within any three month period. A L3A is subject to the provisions of this Chapter.

(30) “**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.

(31) “**Organizer**” includes any person who holds, stages, sponsors, promotes, organizes, advertises, or otherwise promotes or allows an outdoor assembly. The word includes, but is not limited to, the applicant for a permit or certificate under this Chapter, the permit or certificate holder, the owner, lessee, possessor, or lessor of the real property upon which the outdoor assembly is to take place, or has taken place, and the agent designated pursuant to LCC 580.500. 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.

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

(33) “**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

(c) any person who makes an appearance (see “appearance”).

(34) “**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*.

(35) “**Permit**” means a written authority issued by the County for a person to conduct a level one or two assembly. The term includes “final decision” and “decision” when those terms refer to approving or denying a permit.

(36) “**Permit holder**” means the named person or entity to which a permit has been issued.

(37) “**Reviewing authorities**” means any government official designated by the Board for the purpose of reviewing applications for a permit or registration to conduct an outdoor assembly and making comments including recommendations thereon. “Reviewing authorities” include the Director, the Health Administrator or designee, the Sheriff, the Roadmaster, the chief of the fire district in which the event is to be held, and the provider of emergency services, including but not limited to ambulance services, serving the area in which the event is to be held.

(38) “**Security provider**” has the meaning given in ORS 181.870.

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

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

(41) “**Temporary structure**” includes, but is not limited to, tents, trailers, portable chemical toilet facilities, stages, concession booths, viewing stands or towers, announcer booths or towers, and other similar structures customarily erected or sited for temporary use and removed after an assembly.

(42) “**Total event count**” means the total number of persons at or reasonably expected to be at an outdoor assembly over the course of an entire single outdoor assembly.

(43) “**Weekday**,” for purposes of LCC 580.400(B)(1), 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.

(44) “**Weekend Day**,” for purposes of LCC 580.400(B)(1), 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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **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 for L1A or L2A permit applications. 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 eighty (180) 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.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15]

### **580.008 Timelines; generally**

Notwithstanding anything to the contrary in this Chapter, or any timeline in this Chapter, the decision maker shall hold a hearing and make a decision on an application for a level one or level two assembly no later than 150 days after the date the application is filed, unless the applicant requests additional time or waives any of the timelines in this Chapter. Failure by the decision maker to make a 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 section, 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.

[Adopted 2014-331 §1 eff 3/30/2015]

### **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 code and statutory authority to access the property. Access may be expected and requested at all reasonable times before the assembly and 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, and after the assembly to inspect for compliance with LCC 580.505.

(2) that at any time before or after 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 if access to the property is denied.

(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, 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); amd 14-331 § 1 eff 3/30/15]

### **580.020 Count presumption**

(A) *Parking.* For the purpose of conducting a count of the number of persons at an outdoor assembly, it shall be presumed that three persons are attending an assembly for every automobile that is present at the outdoor assembly's parking facilities. This presumption may be rebutted by the attendance count maintained by an organizer pursuant to LCC 580.450(E)(2) or otherwise.

(B) *Camping.* For the purpose of conducting a count of the number of persons at an outdoor assembly and the number of persons camping overnight at an outdoor assembly, it shall be presumed that four persons are attending an

assembly and are camping overnight at an assembly for each individual campsite that is present at the outdoor assembly's camping facilities. This presumption may be rebutted by the attendance count maintained by an organizer pursuant to LCC 580.450(E)(2) or otherwise.

[Adopted 2014-331 §1 eff 3/30/2015]

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## II. REGULATIONS AND PROHIBITIONS

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### 580.100 Permits; registration; generally

(A) Unless otherwise excepted by this Chapter, an organizer holding or conducting a level 1 or 2 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) Unless otherwise excepted by this Chapter, an organizer holding or conducting a L3A must register such outdoor assembly.

(C) Approval and issuance of a permit or certificate of registration 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.

(D) A permit or certificate of registration 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; amd 14-331 § 1 eff 3/30/15]

### 580.105 Permits for multiple events

(A) *Permit for multiple outdoor assemblies.* 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 five 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) The organizer shall 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;

(8) As a condition of the permit the decision maker shall require an annual review meeting with the organizer to informally discuss with the organizer whether the organizer or the County would propose any changes to the operation of any future assemblies already authorized under the multi-year permit. The annual review meeting shall be held at a reasonable time between permitted assemblies, and shall be set by the County in coordination with the organizer. If the decision maker informally determines, after an annual review meeting, that the terms and conditions imposed on the issued permit should be modified for the remaining outdoor assemblies under the permit, or the organizer requests modification of any of the terms or conditions, a post event hearing shall be held pursuant to subsection (C) of this section; and

(9) 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 revoke the permit as set forth in subsection (B) of this section.

(B) *Revocation of permit for multiple outdoor assemblies.* Upon an initial determination by the Board of non-compliance with the terms of the permit, the Board may hold a hearing on whetherto revoke the permit.

(1) The Board shall hold any hearing on revocation within sixty days of the initial determination of non-compliance with the terms of the permit.

(2) Notice of the hearing shall be provided no later than ten days before the hearing to the permit holder, and shall be published no later than ten days before the hearing in the newspaper annually designated by the Board for publication.

(3) 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 substantially violated by the organizer, or for any reason under LCC 580.305 that would constitute grounds to refuse to approve a permit. In lieu of revoking the permit, and notwithstanding whether a hearing under subsection (C) is a condition of the permit, the Board may convert a hearing under this subsection into a hearing under subsection (C) if the Board finds by a preponderance of the evidence that the substantial violations can be corrected by the organizer.

(4) 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.

(C) *Modification of conditions on permit for multiple outdoor assemblies.* After taking evidence at a post event hearing held pursuant to subsection (A)(8) of this section, the decision maker may modify, in a manner consistent with this Chapter, the terms and conditions imposed on the issued permit for further outdoor assemblies held under the permit.

(1) A hearing under this subsection shall be held no later than 90 days after the deci-

sion maker's informal decision, made at an annual review meeting, to hold a post event hearing.

(2) Notice of the hearing on modification of terms and conditions shall be published no later than ten days before the hearing in the newspaper annually designated by the Board for publication.

(3) The decision maker may modify the terms and conditions imposed on the issued permit if the decision maker finds by a preponderance of the evidence that the terms and conditions are inadequate and should be modified for the remaining outdoor assemblies.

(D) *Subsection (B) and (C) hearings.* Hearings under subsection (B) and (C) of this section shall remain separate and shall not be combined, except that the Board may convert a hearing under subsection (B) into a hearing under subsection (C) in lieu of revoking a permit. Nothing in this subsection, however, shall prevent the Board from initiating a hearing under subsection (B) during or after a hearing under subsection (C).

(E) Once a decision maker has made a decision to approve or deny any one of the requested multiple outdoor assemblies on an application filed under subsection (A) of this section the application shall have no further effect. An applicant must file a new application for any outdoor assembly requested but not specifically authorized.

(F) A permit for multiple assemblies may be applied for by an applicant, and approved by the decision maker, under this section only if the organizer has demonstrated a history of compliance with this Chapter .

(G) *Application of this section.* This section applies only to a L1A and L2A.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15]

### **580.110 Permit exemptions**

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 conducted within a permanent structure or facility when such structure or facility has 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*;

(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; or

(D) Events otherwise permitted under ORS 215.283(4), 215.451, 215.452, or SB 287 (2019).  
[Adopted 2000-092 § 2 eff 3/8/2000; amd 19-305 § 1 eff 1/1/20]

### **580.115 [repealed]**

[Adopted 2014-331 §1 eff 3/30/2015; repealed 19-305 §1 eff 1/1/20]

### **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 conduct or allow a L1A or L2A without first obtaining a permit under this Chapter.

(C) No organizer shall conduct or allow a L3A without first obtaining a certificate of registration under this Chapter.

(D) 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; amd 14-331 § 1 eff 3/30/15]

### **580.130 Limitation on the number of outdoor assemblies**

(A) Consistent with the provisions of ORS 197.015(10)(d):

(1) No more than one outdoor assembly may be held or permitted on a property within any three month period unless such activity is approved and permitted under the Land Development Code and Comprehensive Plan;

(2) No organizer shall hold, conduct, or otherwise organize more than one outdoor assembly on a property within any three month period, unless such activity is approved and permitted under the Land Development Code and Comprehensive Plan.

(B) For the purpose of delimiting a property for the prohibitions of this section, property means one or more contiguous tax lots under common ownership on at least one of which an outdoor assembly has been held within the previous three months.

(C) Exclusion of an event or activity from the definition of outdoor assembly under this Chapter does not operate to authorize that event or activity, but the event or activity must otherwise be authorized under the Land Development Code and Comprehensive Plan or State statute or regulation.  
[Adopted 2014-331 §1 eff 3/30/2015]

### **580.140 [repealed]**

[Adopted 2014-331 §1 eff 3/30/2015; repealed 19-305 §1 eff 1/1/20]

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## **III. PERMIT PROCEDURES**

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### **580.200 Permit — fees**

(A) In addition to any other fees authorized in this Code, the fee for each permit and certificate of registration 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 and registration 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 receiv-

ing, processing, and reviewing applications to conduct an outdoor assembly, but not to exceed the greater of \$5,000 or \$2 per anticipated attendee of the assembly.

(2) The application fee shall be paid upon filing the application with the County. 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, including but not limited to County staff time monitoring and inspecting for compliance with the permit and its conditions, or registration, and seeking mitigation of any condition of noncompliance with the permit and its conditions and this Chapter during an outdoor assembly. The service fee is subject to the requirements set forth in this paragraph.

(1) For a L1A or L2A, 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. For a L3A, the service fee deposit must be paid to the County before the Director may issue a certificate of registration pursuant to LCC 580.240(H).

(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 may require the organizer to pay any amount for services provided by the County that substantially 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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **580.210 Permit — insurance**

(A) *Insurance.* For a L1A or L2A, 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 the limits applicable to the County under the Oregon Tort Claims Act, ORS 30.260 to 30.300;

(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;

(5) Name the County as an additional insured; and

(6) Name the property owner as an additional insured if the applicant is not the property owner.

(C) *Failure to show proof.* The Administrative Officer may void a permit for a L1A or L2A 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 section 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 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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### 580.220 Written application

(A) *Filing timeline, L1A and L2A.* Unless the time for filing is otherwise set by the decision maker pursuant to LCC 580.006(A), the organizer of a level 1 or level 2 outdoor assembly shall file or cause to be filed with the Director a written application accompanied by the application fee 180 or more days prior to the first day upon which such an outdoor assembly is to be or may be held.

(B) *Filing timeline, L3A.* The organizer of a level three outdoor assembly shall file or cause to be filed with the Director a written registration application accompanied by the application fee 45 or more days prior to the first day upon which such an outdoor assembly is to be or may be held.

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

(D) *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) Photographic identification of the applicant.

(c) The name, address, and telephone number of the property owner, if not the applicant, of the property on which the outdoor assembly will be held.

(d) The description of the property on which the proposed outdoor assembly will be conducted, to include tax lot and map number and address of the property.

(e) The dates and event times of the proposed outdoor assembly, including the start time and end time for attendees access to the assembly property.

(f) The proposed counts for the assembly, including the event count, and total event count, and the proposed daily and nightly attendance of persons and vehi-

cles 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.

(g) The nature of such proposed outdoor assembly, including a description of the purpose of the assembly and the activities to occur at the assembly.

(2) *Level 1 and 2 assemblies.* For all level 1 and 2 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(E)(1).

(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 that 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. 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;

responders;

available; and

raised by area emergency medical service providers.

(f) *Emergency and disaster plan.*

A written emergency response and natural disaster 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 natural disasters that may occur during the outdoor assembly.

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

(h) 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 throughways. 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 for parking or otherwise must be supported by written approval from the off-site property owner.

(i) For a L1A or L2A, 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 two assembly; or

(ii) LCC 580.420, for a level one assembly.

(j) An acknowledgment by the applicant, the organizer if not the applicant, and the property owner of the limitations of LCC 580.130.

(k) An agreement by the applicant, and organizer if not the applicant, to maintain records of the number of persons at the

outdoor assembly and provide such records to the County upon request.

(l) the signature of the applicant, and of the organizer, property owner, and contact person, if any are not the applicant, acknowledging that each has reviewed and approves the application.

(3) *Level 3 assemblies.* For all level three 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(E)(1).

(b) An acknowledgment of the applicant, the organizer if not the applicant, and the property owner of the limitations of LCC 580.130.

(c) An agreement by the applicant, and organizer if not the applicant, to maintain records of the number of persons at the outdoor assembly and provide such records to the County upon request.

(d) an acknowledgment by the applicant, and the organizer if not the applicant, of the obligation to comply with the health, safety, and welfare requirements of this Chapter related to level three assemblies, including but not limited to the provisions of LCC 580.400 and 580.450.

(e) the signature of the applicant, and of the organizer, property owner, and contact person, if any are not the applicant, acknowledging that each has reviewed and approves the application.

(4) *Level three assembly plans.* All applicants, organizers, and property owners involved in conducting a level three assembly are encouraged by the County to contact and consult with the appropriate reviewing authorities to develop a sanitary facilities plan, a fire and life safety plan, a public safety plan, and other appropriate plans for the assembly.

(E) *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 and before the County issues a permit for a L1A or L2A, and before the County issues a certificate of registration for a L3A.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **580.225 Statement of financial interest in outdoor assembly**

(A) All outdoor assembly permit or registration applicants shall submit a sworn statement with the application showing the name, address, and the nature of extent of the financial interest of each person, individual and corporate, having a financial interest in the outdoor assembly to be operating under the outdoor assembly permit.

(B) The decision maker shall review the statement and may refuse to issue a permit to any applicant or may suspend, cancel, or refuse to renew the permit of any applicant when conditions exist in relation to any person having a financial interest in the business or in the place of the outdoor assembly which would constitute grounds for refusing to issue a permit or cancellation or suspension of a permit if such persons were the applicant or permittee.

[Modeled on ORS 471.757. Adopted 2014-331 §1 eff 3/30/2015]

### **580.230 Pre-hearing conference**

(A) For a L1A or L2A application, a pre-hearing conference shall take place before the application is scheduled for a hearing by the County, if requested by one or more reviewing authorities, the applicant, or the organizer, or the property owner if other than the applicant. The pre-hearing conference shall take place no later than 90 days after receipt of the application by the County.

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

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15]

### **580.233 Preliminary Application Review**

The provisions of this Section apply to all applications for a L1A, L2A, or L3A.

(A) *Review for Land Use Requirements By the Planning and Building Director.*

(1) Following the filing of an application, the Director shall review the application and determine whether the proposed assembly qualifies as an assembly subject to this Chapter and whether the proposed assembly requires additional approval and permits under the provisions of the Land Development Code and Comprehensive Plan.

(2) The Director shall make the determination in a manner consistent with the provisions of LCC 580.130 and ORS 197.015(10).

(3) No later than 30 days after the filing of an application, the Director shall notify the applicant in writing of the Director's determination.

(4) If the Director determines that the proposed assembly requires approval and permits under the provisions of the Land Development Code and Comprehensive Plan, or otherwise, no assembly may be approved under this Chapter nor held under the provisions of this Chapter until final land use approval is obtained, including any final ruling on appeal.

(B) *Review for Other Requirements.* No later than 30 days after the filing of the application, and concurrently with the Directors's review under subsection (A)(1), the Director shall review the application and then advise the applicant whether it reasonably appears to the Director that the information required by LCC 580.220 has been submitted with the application.

(1) If it reasonably appears to the Director that the information required by LCC 580.220 has been submitted with the application, the Director shall so advise the applicant.

(2) If it reasonably appears to the Director that the information required by LCC 580.220 has not been submitted with the application, the Director shall so advise the applicant.

(3) If, pursuant to subsection (B)(2) of this Section, the Director advises the applicant that the information required by LCC 580.220 has not been submitted with the application, the Director

shall allow the applicant 30 days from the date the Director advises the applicant to submit additional information with the application.

(4) Upon the later of the Director's advising the applicant under subsection (B)(1) of this Section or the end of the 30 days period under subsection (B)(3) of this Section, the Director shall accept the application.

[Adopted 2014-331 §1 eff 3/30/2014; amd 19-305 § 1 eff 1/1/20]

### **580.234 L3A Certificate of Registration**

(A) *Level three assembly certificate.* Upon accepting an application for a level three assembly, the Director shall issue the applicant a certificate of registration for the level three assembly.

(B) *Notice of level three assembly.* Within ten working days of issuing a certificate of registration for a level three assembly, the Director shall send a notice of the issuance of the certificate, along with a brief description of the nature of the assembly, to all reviewing authorities, to the Board, and to all adjacent land owners of record within one thousand (1000) feet of the property boundary on which the event is to be held. The County shall not be held responsible for notice that any landowner has failed to receive. A certificate, otherwise validly issued, shall not be invalid for failure of a property owner to receive any notice required by this subsection.

[Adopted 2014-331 §1 eff 3/30/2015; amd 19-305 § 1 eff 1/1/20]

### **580.235 Staff review and comments**

(A) *Review and comments.* Following acceptance by the Director, a L1A or L2A application may be reviewed by the reviewing authorities for completeness. Each reviewing authority may 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 two application, and 580.400 and 580.420, if a level one.

(B) *Findings.* Each reviewing authority may indicate on the application the findings that the official made on the question of completeness and shall list any information the applicant should 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 30 days after the application has been accepted by the Director, the reviewing authorities shall forward the application and any determination of completeness, comments, recommendations, and proposed conditions to the Director.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **580.240 Scheduling for Hearing**

(A) Upon receipt of any comments, recommendations, or proposed conditions pursuant to LCC 580.235(F), the Director shall forward copies to the applicant. The applicant may submit additional information to the Director in response to any such comments, recommendations, or proposed conditions, no later than 30 days after the final date for receipt of any reviewing authority comments under LCC 580.235(F). Any additional information submitted by the applicant shall become part of the application upon receipt by the Director.

(B) Thirty days after the final date for receipt of any reviewing authority comments, recommendations, or proposed conditions under LCC 580.235(F), the Director shall file the application, along with any reviewing authority comments, recommendations, or proposed conditions, with the

Planning Commission for a hearing if the application is for a level one assembly, or with the Board for a hearing if the application is for a level two assembly.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

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#### IV. HEARING PROCEDURES

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##### **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 for a level 2 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, 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 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 eighty (180) 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.

(E) *Appointment of hearings officer.* The Board may, by resolution and order, delegate the Board's authority to hear and make a decision on any application under this Chapter to a hearings officer.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **580.305 Grounds for refusing to issue an outdoor assembly permit**

Notwithstanding any other provisions of this Chapter, the decision maker may refuse to approve a permit of any applicant under the provisions of this chapter if the decision maker has reasonable grounds to believe any of the following to be true:

(A) That the applicant has not furnished proof of insurance as required or is not maintaining the insurance as required in the outdoor assembly code.

(B) That the applicant:

(1) Has made false statements to the decision maker or on the application.

(2) Is incompetent or unable to carry on the management of the outdoor assembly proposed to be permitted.

(3) Has been convicted of violating a general or local law of this state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the permit.

(4) Has maintained an unsanitary operation in the past.

(5) Is not of good repute and moral character as evidenced by moral turpitude.

(6) Does not have a good record of compliance with the conditions set out in previous outdoor assembly permits or any other state statutes or administrative rules which would be applicable in the conducting of an outdoor assembly.

(7) Is not the legitimate owner of the business proposed to be permitted, or other persons have ownership interests in the business which have not been disclosed.

(8) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the event to be permitted.

(C) That there is a history of serious and persistent problems involving disturbances, lewd, or unlawful activities associated with conducting assemblies. Behavior which is grounds for refusal of a permit under this section includes significant sound vibrations to neighboring properties; public

drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from previous operations currently or previously operated by the applicant may also be considered when reasonable inference may be made that similar activities will occur at the assembly proposed to be permitted.

[Modeled on ORS 471.313. Adopted 2014-331 §1 eff 3/30/2015]

### **580.310 Approval criteria and final decision**

(A) Unless the applicant consents to a later date, a final decision on an application for a L1A or L2A shall be made no later than thirty (30) days before the outdoor assembly, except that if the decision maker allows an application to be filed later than one-hundred and eighty (180) 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 580.400 and 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 580.400 and 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 580.400 and 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 two outdoor assemblies listed in LCC 580.400 and 580.430.

(C) *Required conditions and standards for level one or two assembly applications.* At a hearing on any level one or two assembly application at which the decision maker approves the 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. 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, 580.450, and the standards as follows:

(a) if level one, LCC 580.420;

or

(b) if level two, LCC 580.430;

and

(3) shall cause notice of the decision to be provided to the applicant and to all parties having participated either orally or in writing in the public hearing, as provided in subsection (E).

(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 or 2 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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

### **580.315 Consideration by decision maker of prior permit or event compliance**

(A) At a hearing under LCC 580.310, in determining whether the organizer has demonstrated compliance with or the ability to comply with the health and safety regulations governing the level of assembly for which the organizer has applied, the decision maker may consider any evidence in the record of the organizer's prior compliance or non-compliance with:

(1) any permit issued under this Chapter for a prior assembly, including with the applicable

regulations as well as any conditions imposed on the permit;

(2) any permit issued under applicable state or local law for a prior assembly held in this State or another state, including with any applicable regulations as well as any conditions imposed on the permit; or

(3) any applicable state or local law for a prior assembly held in this State or another state.

(B) The applicant shall have the opportunity to answer, explain, or rebut any evidence the decision maker accepts into the record of past compliance or non-compliance with a permit or applicable state or local law for a prior assembly.

[Adopted 2014-331 §1 eff 3/30/2015; amd 19-305 § 1 eff 1/1/20]

### **580.320 Nature of the decision**

(A) A decision by the Board to approve or deny an application for a level 2 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 assembly.* An appeal of any decision on a level 2 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, chief of the fire district in which the event

is to be held, or other appropriate department or agency, 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; amd 14-331 § 1 eff 3/30/15]

### **580.360 Judicial review of Board's action**

A final decision of the Board on a level 2 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]

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## **V. PERMIT AND CERTIFICATE STANDARDS**

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### **580.400 Permit standards — all levels of outdoor assemblies**

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

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

(1) *Noise and Light 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) lighting effects, including but not limited to stage lights, spotlights, lasers, and strobe lights. The prohibition against lighting effects shall not be construed to prohibit static lighting necessary for work purposes related to stage or event breakdown or for security and event safety, provided that such static lighting shall not be deployed in a manner that unreasonably illuminates the interior of any

residential building located on property adjacent to the property on which the outdoor assembly is held.

(2) *Crowd limitation.* The organizer shall control and maintain the number of persons at the level approved on the permit or certificate 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 application whether attendees will be allowed to bring intoxicating liquor on the premises for personal consumption by the attendees. An organizer shall indicate on the application whether 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. For purposes of this subsection, illegal narcotic or dangerous drug includes any narcotic or dangerous drug which is illegal under either State or federal law.

(C) *Emergency medical facilities.*

(1) There shall be present at each level one or level two 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 medi-

cine 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 two assemblies an Emergency Medical Technician Paramedic with physician standing orders, a Nurse Practitioner, or a Physician Assistant may be substituted for a physician.

(2) At each level one and level two 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 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 two 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 emer-

gency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof, except for a level two assembly of less than 24 hours.

(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.

(D) *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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

#### **580.420 Permit standards — level one outdoor assemblies**

(A) The health and safety regulations adopted by the Oregon Health Authority, and set forth in subsection (B) of this section, shall be imposed as standards on a permit to conduct a level one outdoor assembly and the organizer of a level one outdoor assembly shall comply with the Authority'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; amd 14-331 § 1 eff 3/30/15]

### **580.430 Permit standards — level two 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 two assembly permit approved under this Chapter and the organizer of the level two 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 2 outdoor assemblies.

(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 private security services with a security provider 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 a minimum of 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 provider access at all times to all areas used by the organizer of an outdoor assembly to which any attendee has access.

(e) There shall be provided a minimum of one person for every 1000 attendees included in the event count to act as traffic control personnel to direct traffic on and 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. A relief schedule shall be utilized for any assembly lasting longer than twelve hours.

(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, the applicant shall show 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) *Waivers; modifications (certain level two assemblies).* If the application is for a level two 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; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

#### **580.445 [repealed]**

[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 requirement 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 L1A and L2A permits the conditions set forth in subsection (E) of this section. An organizer of a L3A shall comply with the conditions of subsection (E)(1) to (4) of this section for the L3A.

(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.

(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 daily attendance, nightly attendance, and a 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 total event count as follows:

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

(ii) The count shall end when the last person 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 attendance counts required under this Chapter.

(4) *Inspection by reviewing authorities.* The organizer shall allow all reviewing authorities, including their employees and agents, access to the outdoor assembly site at all reasonable times before the assembly and at all times during the actual hours of the assembly to inspect all temporary structures and facilities of the outdoor assembly for compliance with the terms

and conditions of the permit, 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, and after the assembly to inspect for compliance with LCC 580.505.

(5) *Land use approval.* When the Director has determined under LCC 580.233(A)(1), or the Commission or Board has determined, that land use approval and permits are required, no assembly may be approved or held under this Chapter until final land use approval has been obtained, including any final ruling on appeal.

(F) No organizer of a L1A or L2A shall fail to comply with any condition imposed on a permit by this section.

(G) No organizer of a L3A shall fail to comply with the conditions of subsection (E)(1) to (4) of this section.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

#### **580.460 Permit — posting; non-transferability**

(A) The organizer shall post and display at all times in a conspicuous place upon the premises of the outdoor assembly a copy of any permit or certificate issued under this Chapter. The organizer shall not transfer or assign a permit without the consent of the Board, nor a certificate without the consent of the County. No rebate or refund of money paid for a permit shall be made.

(B) No organizer shall fail to comply with this section.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15]

#### **580.490 Application of State and County Nuisance Provisions**

Issuance of a permit or certificate under this Chapter does not relieve any organizer from compliance with any State or County nuisance law or regulation in effect at the time an outdoor assembly is conducted.

[Adopted 2014-331 §1 eff 3/30/2015]

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## VI. MAINTAINING PEACE AND ORDER

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### **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 an outdoor assembly held under a valid permit, the number of persons or vehicles attending the gathering exceeds 110% of the number of persons 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 organizer shall limit further admissions until a sufficient number of persons 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 number of persons in attendance 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 and personnel 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:

- (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.

(D) No organizer shall fail to comply with this section.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15]

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## VII. POST-EVENT RESPONSIBILITIES

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### **580.505 Cleanup; damages; fines thereon**

(A) No organizer shall:

- (1) fail to remove all debris or residue or fail to repair any damage to personal or real property arising out of the outdoor assembly within 72 hours after its termination; or
- (2) fail to remove any temporary structure or structures used at the outdoor assembly within three weeks of the termination of the outdoor assembly.

(B) No attendee shall remain on the outdoor assembly site after the end of the time granted in the permit or proposed in an application for a certificate of registration for the outdoor assembly.

(C) No organizer shall allow any attendee to remain on the outdoor assembly site after the end of the time granted in the permit or proposed in an application for a certificate of registration for the outdoor assembly.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 14-331 § 1 eff 3/30/15]

### **580.510 Crowd dispersal; remedy for wrongful early termination**

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

(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.

(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 then determine 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; amd 14-331 § 1 eff 3/30/15]

### **580.520 Post event debriefing**

(A) The Board may hold a post event debriefing to evaluate an organizer's compliance with this Chapter and the permit issued for any L1A or L2A no earlier than 30 days and no later than 90 days after the end of the assembly.

(B) Any reviewing authority may, but shall not be required to, make a report to the Board of the reviewing authority's findings regarding an organizer's compliance with this Chapter and the permit issued for the assembly for which a post event debriefing is held. All findings of a reviewing authority shall be supported by substantial evidence.

(C) The organizer may, but shall not be required to, present any information or evidence to the Board regarding the organizer's compliance with this Chapter and the permit issued for the assembly for which a post event debriefing is held. The organizer shall be afforded an opportunity to rebut any information, evidence, or findings reported to the Board.

(D) Any substantial evidence submitted to the Board pursuant to this section may be considered by the decision maker in any subsequent hearing on an application for an outdoor assembly, pursuant to the provisions of LCC 580.315.

[Adopted 2014-331 §1 eff 3/30/2015]

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## **VIII. [REPEALED]**

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### **580.700 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

### **580.710 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

### **580.720 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

### **580.730 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

### **580.740 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

**580.750 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

**580.790 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

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**IX. TEMPORARY PROVISIONS**

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**580.800 [repealed]**

[Adopted 2000-092 § 2 eff 3/8/2000; repealed 14-331 §1 eff 3/30/15]

**580.810 [repealed]**

[Adopted 10-255 §1 eff 7/28/10; repealed 14-331 §1 eff 3/30/15]

**580.815 [repealed]**

[Adopted 2014-331 §1 eff 3/30/2015; repealed 19-305 §1 eff 1/1/20]

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**X. PENALTIES**

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**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 or person who violates or fails to comply with LCC 580.100, 580.105 580.120, 580.130, 580.140, 580.210, 580.220, 580.400, 580.420, 580.430, 580.450, 580.460, 580.500, or 580.505, 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, 580.130, 580.140(B), 580.210, 580.220, 580.400, 580.420, 580.430, 580.450, 580.460, 580.500, or 580.505, shall be a Class A violation, except that, pursuant to ORS 433.990(7), a violation of LCC 580.120(B) or 580.140(A) shall be a specific fine violation punishable by a fine of not more than \$10,000.

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15]

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**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§1 eff 7/28/10
- #2 14-331§1 eff 3/30/15
- #3 19-304§1 eff 9/3/19; Sunset 1/1/20
- #4 19-305§1 eff 1/1/20

**APPENDIX 1 — REGULATION MATRIX**

<b>Event Count</b>	<b>Event Time/Total Event Time (Total Hours of a Single Assembly)</b>	<b>Level of Regulation</b>
over 3,000	more than 24 hours within any three month period	1
over 3,000	for any period of time of 24 hours or less within any three month period	2
500 to 3,000	for any period of time of 120 hours or less within any three month period	3

[Adopted 2000-092 § 2 eff 3/8/2000; amd 10-255 §1 eff 7/28/10; amd 14-331 § 1 eff 3/30/15; amd 19-305 § 1 eff 1/1/20]

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