

AN ORDINANCE FOR THE PROTECTION OF PUBLIC HEALTH, WELFARE, AND SAFETY DURING A LARGE GATHERING IN SURRY COUNTY.

BE IT ORDAINED by the County Commissioners of the County of Surry, State of North Carolina:

Section 1. PURPOSE.

The intent and purpose of this Ordinance is to provide for the protection of the public health, welfare, and safety of those persons in attendance at large gatherings and of those persons who reside near or are located in proximity to the sites of large gatherings or are directly affected thereby.

Section 2. DEFINITIONS.

- (1) "Large Gathering" means the congregation or assembly of more than 1000 but less than 5000 people in an open space or open air for a continuous period of 12 hours or more; it shall include gatherings held for any purpose but shall not include assemblies in permanent buildings or permanent structures designed or intended for use by large numbers of people which meet standards set by local and state building codes.
- (2) "Person" means any person, firm, corporation, or other organization of any kind which holds, sponsors, organizes, conducts, or promotes a large gathering.
- (3) "Health Director" means the Surry County Health Director or his authorized representative.
- (4) "County Manager" means the County Manager of Surry County or his authorized representative.

Section 3. PERMITS REQUIRED.

No person shall organize, sponsor, or conduct any large gathering unless a permit has been issued to such person by the County Manager under the provisions of this Ordinance. A permit shall be required for each large gathering and is not transferable to other persons. The permit shall be issued by the County Manager upon the written reports of the Health Director, Sheriff, Fire Marshall, and Electrical Inspector, whose inspections and reports shall be to determine whether the provisions of this Ordinance have been complied with by the applicant.

Section 4. APPLICATION FOR PERMIT

- (a) Application for a permit for a large gathering shall be made to the County Manager, on a form and in a manner prescribed by him, by the person who will organize, sponsor or hold the large gathering. The application shall be filed with the County Manager at least 30 days

prior to the commencement of the large gathering. A fee of one hundred (100.00) dollars shall accompany the application.

- (b) The application shall contain the following information: identification of the applicant, identification of any other person(s) responsible for organizing, sponsoring or holding the large gathering, the location of the proposed large gathering, the estimated maximum number of persons reasonably expected to be in attendance at any one time, the date or dates and the hours during which the large gathering is to be conducted, and a statement as to the total time period involved.
- (c) The application shall be accompanied by an outline map of the area to be used, to approximate scale, showing the location of all proposed and existing privies and toilets; lavatory and bathing facilities; all water supply sources including lakes, ponds, streams, wells, storage tanks, etc.; all areas of assemblage; all camping areas; all food service areas; all garbage and refuse storage and disposal areas; all entrances and exits to public highways; and emergency ingress and egress roads.
- (d) The application shall be accompanied by such plans, reports, and information required by the County Manager as he shall deem necessary to carry out the provisions of this ordinance.
- (e) In addition to requirements provided in Subsections (a) through (d) of this section, the application shall contain a written plan for adequate surveillance and security to ensure compliance of those in attendance at such large gatherings with applicable laws relating to traffic regulations, trespass and crimes against persons and property within the activity area. The application shall include a written statement by the Sheriff approving said plan.
- (f) Prior instances of violations of this Ordinance, as evidenced by final judgements of courts of this county or courts hearing cases arising out of this county shall be considered by the County Manager along with the information required to be set forth in the application provided for herein and other evidence in determining whether or not to grant the requested permit, and such violations within one year of the date of such application shall be grounds for denying such permit.

Section 5. PROVISIONAL PERMIT AND BOND

- (a) Within 10 days after the receipt of the application, the County Manager and the County Health Director shall review the application and inspect the proposed site for the large gathering. If it reasonably appears that the requirements of the Ordinance can be met by the applicant, a provisional permit shall be issued.
- (b) The County Manager shall require the permittee within 5 days after issuance of the provisional permit to file with the County Manager a performance bond or other surety to be executed to the County in the amount of \$1,000.00. The bond shall be conditioned on full compliance with this Ordinance and shall be forfeitable upon non-compliance and a showing by the County Manager of any injury, damage or other loss to the State or Local governmental agencies caused by the noncompliance.

Section 6. ISSUANCE OF PERMIT: REVOCATION; FORFEITURE OF BOND: CANCELLATION.

- (a) If, upon inspection by the County Manager three days prior to the starting date of the large gathering, or earlier upon request of the permittee, the required facilities are found to be in place and satisfactory arrangements are found to have been made of required services, and other applicable provisions of this Ordinance are found to have been met, the County Manager shall issue a permit for the large gathering. If, upon such inspection the facilities, arrangements or other provisions are not in compliance with the Ordinance the provisional permit shall be revoked and no permit issued.
- (b) Upon revocation of either the provisional permit or the permit, the permittee shall immediately announce cancellation of the large gathering in as effective a manner as is reasonably possible, including but not limited to the use of whatever methods were used for advertising or promoting the large gathering.
- (c) If the provisional permit or the permit is revoked prior to or during the large gathering, the County Manager may order the permittee to install such facilities and make arrangements as may be necessary to accommodate those persons who may nevertheless attend or be present at the large gathering despite the cancellation and to restore the site to a safe and sanitary condition. In the event the permittee

fails to comply with the order of the County Manager, the County Manager may immediately proceed to install such facilities and make such other arrangements and provisions for clean-up as may be minimally required in interest of public health and safety, utilizing such State and Local funds and resources as may be available to him. Prior to and within 60 days after such action, the County Manager may apply to a court of competent jurisdiction to order forfeiture of the permittee's performance bond or surety for violation of this Ordinance. The Court may order that the proceeds shall be applied to the extent necessary to reimburse the State and Local governmental agencies for expenditures made pursuant to the action taken by the County Manager upon the permittee's failure to comply with his order. Any excess proceeds shall be returned to the insurer of the bond or to the surety after deducting costs.

#### Section 7. STANDARDS AND REQUIREMENTS.

The following standards and requirements are intended to protect the health, welfare, and safety of those attending large gatherings and of other persons who may be affected by large gatherings:

Item 1. Activity Area. An activity area shall be provided of sufficient size to accommodate the estimated number of persons reasonably expected to be in attendance at any one time.

Item 2. Distance From Dwellings. No part of the activity, parking, and camping areas shall be within 50 feet of any property lines.

Item 3. Distance From Certain Public Water Supply Sources. No part of the perimeters of the activity, including camping areas, shall be located within one mile of a Class I or Class II reservoir, as classified by the Sanitary Engineering Division of the North Carolina Division of Health Services, or within three miles of a protected watershed which drains into an A-1 stream, as classified by the North Carolina Department of Natural and Economic Resources, and which stream is used as a source of public water supply.

Item 4. Camping Area. An area of adequate size shall be provided and designated for camping.

Item 5. Command Posts. An adequate command post at a conveniently accessible location shall be provided. The plan for the command post shall be approved by the Sheriff and Health Director. The permittee shall insure access to it at all times by authorized personnel.

Item 6. Ingress and Egress Roads. Entrances and exits. The permittee shall provide personnel and arrangements necessary to keep entrances and exits to public highways open to traffic at all times. Such plan shall be approved by the Sheriff

and the Highway Patrol.

Item 7. Parking. Sufficient parking facilities shall be provided to serve the reasonably expected attendance. Camper class vehicles shall park in the camping area provided in Item 4.

Item 8. Plan For Limiting Attendance, Exclusion of Non-ticket Holders, Crowd Control, and Security Enforcement. The application for permit shall be accompanied by a written plan for limiting attendance to the number stated in the application for a permit, the exclusion of persons not holding tickets, and a written plan for security enforcement, including the number of security guards to be provided for internal and external crowd control and security enforcement. The plan shall be accompanied by a written statement by the Sheriff that the plan seems adequate.

Item 9. Dust Control. The application shall be accompanied by a written plan for dust control. The permittee shall execute the plan.

Item 10. Fire Prevention and Control. The application shall be accompanied by a written plan for fire prevention and control. The application shall be accompanied by a written statement by the fire marshal that the plan seems adequate.

Item 11. Plan For Emergencies. The application shall be accompanied by written plans for dealing with emergency situations involving the occurrence of incidents requiring rapid evacuation, and plans for providing emergency medical attention on site.

Item 12. Water Supply. Drinking water, if provided, shall be adequate in quantity and quality; and the sponsor shall have in his possession, at the time of the inspection as provided in Section 5, the reports of bacteriological and chemical examinations of water samples by the Laboratory Section of the State Division of Health Services. The water supply and the facilities for distribution and dispensing shall be provided with effective safeguards to prevent the introduction of contaminants.

Item 13. Toilet Facilities; Sewage Disposal. Sanitary toilet facilities shall be provided at an adequate number of convenient and readily accessible locations properly distributed throughout the activity and camping areas at a rate of not more than 100 persons per toilet seat.

If chemical toilet rental is to be employed, all toilets shall be so located as to be readily accessible by service vehicles and shall be serviced as often as necessary. Material removed from such toilets shall be disposed of in a public or community sewerage system, or in a disposal trench to be constructed

in the area. Each load of material deposited in such a trench shall be covered immediately with earth or lime. At the end of each 24-hour period, the material shall be covered with a layer of at least six inches of earth.

If trench latrines are to be used, all trenches shall be covered with flytight seat boxes with hinged lids.

If water-carried sewage facilities are provided, the sewer system shall be connected to a sewage system having waste-water treatment facilities of adequate capacity to treat the flow of waste-water from the large gatherings; and the application shall be accompanied by a signed statement by the Health Director attesting to the adequacy of the treatment facilities. A similar statement shall accompany the application if material removed from a chemical toilet is to be disposed of in a public or community sewage system. No sewage shall be discharged to the surface of the ground or into any watercourse.

Item 14. Solid Waste Collection and Disposal. Facilities shall be provided for all solid wastes to be collected and stored in leak-proof, non-absorbent containers, and all solid wastes shall be removed as needed and disposed of in a sanitary landfill.

Approved receptacles having a minimum capacity of 32 gallons shall be provided at places conveniently located throughout the activity, camping, and parking areas, and at each food service facility for the storage of solid wastes. These receptacles shall be emptied at least once per day into dumpster-type containers, which shall be emptied as needed.

Item 15. Food Dispensing. Sanitary food dispensing facilities shall be provided at accessible and convenient locations, and shall be maintained in a sanitary condition. Perishable food items dispensed from such facilities shall be limited to pre-packaged items, such as wrapped sandwiches, prepared in commercial establishments under official sanitary supervision, and shall be dispensed in the unbroken packages; provided that hamburgers and frankfurters obtained from approved sources may be cooked and packaged at the site if all operations of preparation, cooking and packaging in unit packages for dispensing to individuals are done inside an approved structure or vehicle, in a sanitary manner, and otherwise in compliance with Section .0477 of the "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments" of the North Carolina Division of Health Services, perishable food shall be stored at or below 45 degrees F., or in the frozen state, until heated or cooked immediately before serving.

Item 16. Insect and Rodent Control. There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. Necessary measures shall be taken to control flies, mosquitos, rodents and other vermin.

Item 17. Post-gathering Clean-up. Within one week after the end of the large gathering, the areas and immediate surrounding properties shall be cleaned of all litter and solid wastes which can be attributed to the large gathering. All solid wastes shall be disposed of as provided in Item 14. Unless otherwise directed by the owner of the property, all temporary facilities (such as solid waste receptacles and signs) shall be removed from the area.

Item 18. Lighting. The application shall be accompanied by detailed plans for lighting designed to illuminate the site. Such plans and final installation shall be approved in writing by the County Electrical Inspector.

Item 19. Signs. Adequate signs shall be provided to show the locations of toilet facilities, water supply outlets, solid waste receptacles, food stands, first aid facilities, and the command post.

#### Section 8. PENALTIES

(a) Any person who willfully holds a large gathering as herein defined without first securing a permit to do so as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than fifty (50.00) dollars, or imprisonment for a period not to exceed thirty days.

(b) Any person who willfully fails to perform any other act required by this ordinance, or who willfully does any act prohibited by this Ordinance shall be guilty of misdemeanor and upon conviction thereof shall be punished by a fine not to exceed fifty (\$50.00) dollars, or by imprisonment for a period not to exceed thirty days.

#### Section 9. INJUNCTION.

If any person shall violate or threaten to violate the provisions of this chapter or any rules and regulations adopted pursuant thereto and such violation, if continued, or such threatened violation, if committed, is or may be dangerous to the public health, safety, or welfare, or if any person shall hinder or interfere with the proper performance of duty of the County Manager or the Health Director for Surry County and such hindrance or interference is or may be dangerous to the public health, the County Manager may institute an action in the Superior Court of the county in which such violation, threatened violation,

hindrance, or interference occurred for injunctive relief against such continued violation, hindrance or interference, irrespective of all other remedies at law, and upon the institution of such an action, the procedure shall be in accordance with the provisions of Article 37 of Chapter 1 of the General Statutes.

Section 10. RIGHT OF ENTRY

Authorized representatives of the County Manager and the County Health Director shall have at all times the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this chapter, or the rules and regulations adopted under the authority of this chapter; and it shall be unlawful for any person to resist a proper entry by such authorized representatives of the County Manager or County Health Department.

Section 11. REPEALER CLAUSE.

All rules and regulations heretofore adopted by the Surry County Board of Commissioners which are in conflict with the provisions hereof are hereby repealed. This Ordinance shall be enforceable regardless of the applicability of other rules and regulations of other governmental bodies.

Section 12. SEVERABILITY.

If any provisions of this Ordinance, or the application hereof to any person or circumstances is held invalid, the remainder hereof or the application of such provisions to other persons or circumstances, shall not be affected thereby.

Section 13. EFFECTIVE DATE.

- (a) This Ordinance shall be in full force and effect from and after the 3rd. day of May, 1982.
- (b) If any person has planned a large gathering within 30 days of the effective date of this Ordinance, he shall be obligated to comply with all the requirements of this Ordinance except Section 4 (a).

Section 14. APPEAL CLAUSE

Any person, firm, corporation or other organization of any kind adversely affected by the decision of the County Manager and administration of this Ordinance would have the right to appeal to the Surry County Board of Health; such appeal to be heard within fifteen days of the written notification of adverse decision by the County Manager.

Adopted this the 3rd. day of May, 1982.

By vote: For 4  
Against 0

SURRY COUNTY BOARD OF COMMISSIONERS

/s/ W. Fletcher Harris; Chairman

Attest:

Martha E. Hiatt, Clerk to the Board /s/