

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the Columbia County)
Outdoor Mass Gathering Ordinance)
_____)

ORDINANCE NO. 2006-8

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2006-8. Exhibit "A", which is attached hereto and incorporated herein, shall be known as the "Columbia County Outdoor Mass Gathering Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

The purpose of this ordinance is to adopt the Columbia County Outdoor Mass Gathering Ordinance.

SECTION 4. ADOPTION.

The Columbia County Outdoor Mass Gathering Ordinance, which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, is hereby adopted.

SECTION 5. REPEAL.

Unless otherwise renewed or amended by ordinance adopted by the Board, this ordinance and the Columbia County Outdoor Mass Gathering Ordinance shall be repealed automatically, without further action by the Board, at the end of the day on September 30, 2006.

SECTION 6. SEVERABILITY.

If any portion of this ordinance, including Exhibit "A", is for any reason held invalid by any court of competent jurisdiction, such a portion shall be deemed as a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion of this ordinance.

SECTION 6. EMERGENCY CLAUSE.

This ordinance, being immediately necessary for the preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect on immediately upon its passage.

DATED this 2nd day of August, 2006.

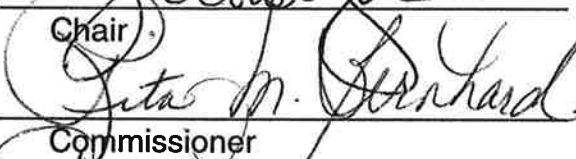
Attest:

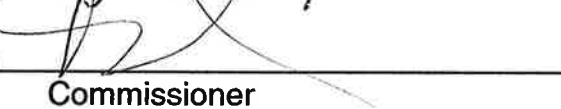
By: 
Recording Secretary

First Reading: 8-2-06
Second Reading: 8-2-06
Effective Date: 8-2-06

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

Approved as to form

By: 
Office of County Counsel

EXHIBIT "A"

COLUMBIA COUNTY OUTDOOR MASS GATHERING ORDINANCE

SECTION 1. STATUTES AND RULES INCORPORATED.

ORS 433.735 to 433.770 and 433.990(6) (the "statutes") and OAR 333-039-0005 to 333-039-0055 (the "administrative rules") which regulate outdoor mass gatherings are incorporated herein by this reference and apply to outdoor mass gatherings as defined by this ordinance. However, where this ordinance provides a standard, procedure or definition different than the statutes and/or rules, this ordinance shall control.

SECTION 2. DEFINITIONS.

As used in this ordinance:

A. "Board" means the Board of County Commissioners for Columbia County, Oregon.

B. "Outdoor mass gathering" means an actual or reasonably anticipated assembly of 1,000 or more persons on land which continues or can reasonably be expected to continue for more than 24 consecutive hours but no more than 120 hours within any three-month period within the unincorporated areas of Columbia County which is held primarily in open spaces and not in any permanent structure.

C. "Organizer" includes any person who holds, stages or sponsors an outdoor mass gathering and the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place.

D. "Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places for assemblies.

E. "Temporary structure" includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use.

SECTION 3. PERMIT REQUIRED.

A. No organizer shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property the organizer owns, leases or possesses unless a permit to hold such outdoor mass gathering has been issued by the Board.

B. A permit issued under this ordinance does not entitle the organizer to make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering.

SECTION 4. FEE.

Before accepting an application for an outdoor mass gathering permit, the Board shall collect a permit fee. The fee shall be equivalent to the fee for a conditional use permit in effect at the time of the application.

SECTION 5. PERMIT PROCESS FOR OUTDOOR MASS GATHERINGS.

Upon receipt of an application and permit fee for a permit to hold an outdoor mass gathering, the Board shall give notice of the application to the County Sheriff, the chief of the fire district in which the outdoor mass gathering is to be held, and the county health officer. In addition, the Board shall publish and post notice, and hold a public hearing on the application in the manner required by ORS 433.750. After holding the hearing and considering the evidence and testimony submitted, the Board shall determine whether to issue the permit. In any case, the Board shall not grant a permit for an outdoor mass gathering unless the applicant can:

A. Demonstrate compliance with or the ability to comply with the administrative rules.

B. Demonstrate that the proposed outdoor mass gathering will not make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering, or materially alter the capability to use the real property upon which the outdoor mass gathering is to be held in the future for uses designated under the real property's comprehensive plan and zoning designation.

Issuance of a permit by the Board pursuant to this section shall not authorize an outdoor mass gathering unless the applicant also secures the written approval of the County Sheriff, as required by OAR 333-039-0050, and the written approval of the chief of the fire district in which the gathering is to be held, or other local fire protection agency with jurisdiction, as required by OAR 333-039-0045.

SECTION 6. LIMITATIONS ON NUMBER OF OUTDOOR MASS GATHERINGS.

No more than one outdoor mass gathering shall be permitted within any three-month period for the same applicant or property.

SECTION 7. ENFORCEMENT.

This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance, in addition to all other remedies and penalties provided by the statutes, administrative rules and common law.