

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending and Re-Adopting     )  
the Columbia County Outdoor Mass             )  
Gathering Ordinance                             )  
\_\_\_\_\_ )                             ORDINANCE NO. 2006-9

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

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2006-9. 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 Columbia County Outdoor Mass Gathering Ordinance (the "Mass Gathering Ordinance") was adopted by Ordinance No. 2006-8 on August 2, 2006. Section 5 of Ordinance No. 2006-8 provided that the Mass Gathering Ordinance would be repealed automatically, without further action by the Board, at the end of the day on September 30, 2006, unless the Board renewed or amended it. The purpose of this ordinance is to renew the Columbia County Outdoor Mass Gathering Ordinance, thereby preventing its automatic repeal, by amending and re-adopting it.

SECTION 4. AMENDMENT AND RE-ADOPTION.

The Columbia County Outdoor Mass Gathering Ordinance is amended to read as shown in Exhibit "A", which is attached hereto and incorporated herein by this reference, and is hereby re-adopted as amended.

SECTION 5. 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 \_\_\_\_\_ day of September, 2006.

Attest:

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: /s/ Jan Greehanlgh  
Recording Secretary

By: /s/ Joe Corsiglia  
Chair

First Reading: 9-6-06  
Second Reading: 9-27-06  
Effective Date: 9-27-06

By: /s/ Rita M. Bernhard  
Commissioner

By: /s/ Tony Hyde  
Commissioner

Approved as to form

By: /s/ John K. Knight  
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, copies of which are attached hereto, labeled Attachments 1 and 2, respectively, 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 500 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. APPLICATIONS.

The Board may adopt, by order or resolution, an application form which must be used by Organizers. The form shall require Organizers to sign and certify the accuracy and truthfulness of the statements made in the application. Until an application form is adopted, Organizers may prepare their own application forms, but the forms shall include a signed certification of the accuracy and truthfulness of the statements made in the application.

#### SECTION 5. FEE.

Before accepting an application for an outdoor mass gathering permit, the Board shall collect an application fee. The fee shall be set, and may be changed, by order or resolution of the Board. In setting or changing the fee, the Board may consider the costs incurred by the Sheriff, Fire Chief, County Health Officer, and other agencies and officials, in reviewing the application, inspecting the assembly site, and ensuring the safety of persons and property at, and in the vicinity of, the outdoor mass gathering. The fee shall not exceed \$5,000, unless the limit in ORS 433.750(6) is increased.

#### SECTION 6. 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. The Board may, in addition, request comment on the application from the Public Works Director, the Land Development Services Director, and any other agency or official who may be affected by the application. 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 Organizer 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.
- C. Demonstrate compliance with or the ability to comply with the County's Noise Control Ordinance, and the requirements of the Oregon Liquor Control Commission (OLCC), if alcohol will be served.
- D. Demonstrate that the proposed outdoor mass gathering will not unreasonably

disturb persons or property in the vicinity of the gathering for reasons such as, but not limited to, excessive noise, dust or drunkenness.

Issuance of a permit by the Board pursuant to this section shall not authorize an outdoor mass gathering unless the Organizer 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 7. WAIVER.

An Organizer of an outdoor mass gathering of less than 1,000 persons may request a waiver from the Board regarding the requirement of published notice and a hearing. The Board, in its discretion, may waive the requirement of published notice and a hearing if the Organizer demonstrates to the Board's satisfaction that the outdoor mass gathering will involve less than 1,000 persons, that adjacent and nearby residents and property owners have been notified of the outdoor mass gathering, and any concerns of adjacent and nearby residents and property owners have been addressed or will be addressed, and that the waiver is justified under the circumstances.

#### SECTION 8. INSURANCE.

The Board determines that outdoor mass gatherings inherently create a potential for injury to persons or property. Therefore, Organizers are required to obtain an insurance policy in an amount not exceeding \$1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The County, its officers, agents and employees, the Sheriff, the Fire Chief, and the County Health Officer shall be named as additional insureds under the policy.

#### SECTION 9. ADMINISTRATOR.

The Board may, by order or resolution, appoint a person or position to administer this ordinance and applications filed pursuant to this ordinance.

#### SECTION 10. SHERIFF.

Upon receipt of an application for an outdoor mass gathering permit, the Sheriff shall consider, before approving or denying the permit, the requirements of OAR 333-039-0050, Security Personnel, and 333-039-0055, Parking; whether a permit is needed and, if so, has been obtained from OLCC; and whether a noise variance is needed and, if so, has been obtained. The Sheriff may consider the public health, safety and welfare, in this determination, but the rationale for the determination shall be stated in the Sheriff's approval or denial of the application.

#### SECTION 11. FIRE CHIEF.

Upon receipt of an application for an outdoor mass gathering permit, the Fire Chief shall consider, before approving or denying the permit, the requirements of OAR 333-039-0040, Emergency Medical Facilities, and 333-039-0045, Fire Protection. The Fire Chief may consider the public health, safety and welfare in this determination, but the rationale for the determination shall be stated in the Fire Chief's approval or denial of the application.

#### SECTION 12. HEALTH OFFICER.

Along with the notice of an application for an outdoor mass gathering permit, the Board shall request the County Health Officer to recommend whether to approve or deny the permit considering the requirements of OAR 333-039-0015, Water Supply, OAR 333-039-0020, Drainage, OAR 333-039-0025, Sewerage Facilities, OAR 333-039-0030, Refuse Storage and Disposal, OAR 333-039-0035, Food and Sanitary Food Service, and, in addition to the Fire Chief, OAR 333-039-0040, Emergency Medical Facilities, and also considering the public health, safety and welfare, and the rationale for the County Health Officer's recommendations.

#### SECTION 13. TEMPORARY PERMIT MAY BE REQUIRED.

No more than one permit may be issued under this ordinance for an outdoor mass gathering during any three-month period for the same Organizer or property, unless the Organizer or landowner also applies for and receives a temporary permit pursuant to the Columbia County Zoning Ordinance.

#### SECTION 14. OTHER TYPES OF ASSEMBLIES DISTINGUISHED.

A. An actual or reasonably anticipated assembly of less than 500 persons is not an outdoor mass gathering and is not a land use.

B. An actual or reasonably anticipated assembly of 500 or more persons on land which does not continue and is not reasonably expected to continue for more than 24 consecutive hours is not an outdoor mass gathering and is not a land use.

C. Outdoor mass gatherings, as defined by this ordinance, are not land uses.

D. An actual or reasonably anticipated assembly of 500 or more persons on land which continues or can reasonably be expected to continue for more than 120 hours within any three-month period within the unincorporated areas of Columbia County is not an outdoor mass gathering, but is a land use, subject to the provisions of ORS 433.763.

#### SECTION 15. 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.

## ATTACHMENT 1

### **Oregon Revised Statutes CHAPTER 433. DISEASE AND CONDITION CONTROL; MASS GATHERINGS; INDOOR AIR; OUTDOOR MASS GATHERINGS**

#### **433.735. Definitions**

As used in ORS 433.735 to 433.770 and 433.990 (6):

(1) "Outdoor mass gathering," unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three-month period and which is held primarily in open spaces and not in any permanent structure.

(2) "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.

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

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

#### **433.740. Legislative findings**

The Legislative Assembly finds that the uncontrolled outdoor gatherings of large groups of persons for extended periods of time have necessitated a need for the establishment of reasonable health and safety rules to regulate such outdoor mass gatherings.

#### **433.745. Permit required**

(1) 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 county governing body in which the outdoor mass gathering is to take place.

(2) A permit issued under this section 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.

#### **433.750. Permit application and issuance; fee**

(1) The governing body of a county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizer demonstrates compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings to be regulated according to the anticipated crowd and adopted by the Department of Human Services.

The application shall include all of the following:

- (a) Name and address of the applicant.
- (b) Legal description of the place of the proposed gathering.
- (c) Date of the proposed gathering.
- (d) Estimated attendance at the proposed gathering.
- (e) Nature of the proposed gathering.
- (f) Such other appropriate information as the county governing body may require in order to insure compliance with rules of the Department of Human Services.

(2) Notice of the application shall be sent by the county governing body to the county sheriff or county chief law enforcement officer, the county health officer and the chief of the fire district in which the gathering is to be held.

(3) Each officer receiving notice of the application under subsection (2) of this section who wishes to comment on the application shall submit such comment in writing to the county governing body not later than the hearing date. The comment may include recommendations related to the official functions of the officer as to granting the permit and any recommended conditions that should be imposed.

(4) The county governing body shall hold a public hearing on the issue of compliance with this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.

(5) Any decision of a county governing body on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county as provided in ORS 34.020 to 34.100.

(6) A county governing body may charge permit applicants a fee reasonably calculated to reimburse the county for its reasonable and necessary costs in receiving, processing and reviewing applications for permits to hold outdoor mass gatherings. However, a fee authorized by this subsection shall not exceed \$5,000 and shall not be charged when the governing body finds, by a preponderance of the evidence presented to the governing body, that the applicant is unable to reimburse the governing body.

#### **433.755. Permit; additional information; liability**

(1) In reviewing an application for a permit to hold an outdoor mass gathering, the county governing body may require such plans, specifications and reports as it may deem necessary for proper review and it may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions such cooperation and assistance as it may deem necessary. If the county governing body determines upon examination of the permit application that the outdoor mass gathering creates a potential for injury to persons or property, the county governing body may require organizers to obtain an insurance policy in an amount commensurate with the risk, but not exceeding \$1 million. The policy of casualty insurance shall provide coverage against liability for death, injury or disability of any human or for damage to property arising out of the outdoor mass gathering. The county shall be named as

an additional insured under the policy.

(2) In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the outdoor mass gathering within 72 hours after its termination and to remove any temporary structures used at the outdoor mass gathering within three weeks after its termination, the county governing body may file suit against the organizer for financial settlement as is needed to remove debris, residue or temporary structures and to repair such damage to real or personal property of persons not attending the outdoor mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990 (6).

### **433.760. Rules**

Notwithstanding any other provisions of law, the Department of Human Services shall, in accordance with the provisions of ORS chapter 183, make rules regulated according to anticipated crowds with respect to health and safety at outdoor mass gatherings which provide for:

- (1) Adequate water supply, drainage and sewerage facilities;
- (2) Adequate toilet facilities;
- (3) Adequate refuse storage and disposal facilities;
- (4) Adequate food and sanitary food service, if supplied;
- (5) Adequate emergency medical facilities and communication systems;
- (6) Adequate fire protection; and
- (7) Adequate security personnel and traffic control.

### **433.763. Gatherings of more than 3,000 for more than 120 hours; land use requirements**

(1) Any gathering of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period and any part of which is held in open spaces shall be allowed by a county planning commission if all of the following occur:

- (a) The organizer makes application for a permit to the county planning commission.
- (b) The applicant demonstrates to the county planning commission that the applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750.
- (c) The county planning commission shall make findings that:
  - (A) Any permits required by the applicable land use regulations have been granted; and
  - (B) The proposed gathering:
    - (i) Is compatible with existing land uses; and
    - (ii) Does not materially alter the stability of the overall land use pattern of the area.

(2) The provisions of ORS 433.755 apply to any gatherings reviewed or approved under this section.

(3) A decision granting or denying a permit under this section may be appealed to the county governing body as provided in ORS 215.402 to 215.438.

(4) If a county has not created a planning commission as provided in ORS 215.030, the county governing body, or such other person as the governing body designates shall receive the application and make the findings and decision required by this section.

#### **433.765. Effect of chapter on county ordinances**

Ordinances or regulations of a county enacted under a county charter adopted pursuant to section 10, Article VI, Oregon Constitution, and not inconsistent with ORS 433.735 to 433.770 and 433.990 (6) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (6), are not superseded by ORS 433.735 to 433.770 and 433.990 (6) or such rules. Nothing in ORS 433.735 to 433.770 and 433.990 (6) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (6) precludes the right of a county to enact ordinances or regulations under a county charter if such ordinances or regulations are not inconsistent with ORS 433.735 to 433.770 and 433.990 (6) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (6).

#### **433.767. Application of chapter to county ordinance defined gatherings**

ORS 433.735 to 433.770 and 433.990 (6) apply to outdoor mass gatherings defined by county ordinance as well as to those defined by ORS 433.735 (1).

#### **433.770. Enforcement of ORS 433.745**

(1) In addition to and not in lieu of the maintenance of other actions for any violation of ORS 433.745, the district attorney for the county in which an outdoor mass gathering is to be held may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation of ORS 433.745.

(2) Cases filed under the provisions of this section or an appeal therefrom shall be given preference on the docket over all other civil cases except those given equal preference by statute.

#### **433.990. Penalties**

\* \* \* \* \*

(6) Any organizer, as defined in ORS 433.735, violating ORS 433.745 is punishable, upon conviction, by a fine of not more than \$10,000.

## ATTACHMENT 2

### **Oregon Administrative Rules** **CHAPTER 333. DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH** **DIVISION 39. REGULATIONS GOVERNING HEALTH AND SAFETY AT OUTDOOR** **MASS GATHERINGS**

#### **333-039-0005 Purpose**

These rules govern health and safety at outdoor mass gatherings pursuant to Chapter 597 Oregon Law 1971 (Enrolled SB 611). Organizers of such gatherings must apply for a permit to the county governing body of the county in which an outdoor mass gathering is to take place. Applications for permits must be accompanied by sufficiently detailed plans, specifications, and reports from which it can be determined by the county governing body and other reviewing public officials and agencies that there is or will be compliance with these rules.

#### **333-039-0010 Definitions**

As used in these rules unless the context requires otherwise:

- (1) "Division" means Health Division of the Department of Human Resources.
- (2) "Outdoor Mass Gathering" means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure.
- (3) "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.
- (4) "Oregon Physician" means a person licensed by the Oregon State Board of Medical Examiners or any other physician authorized to practice medicine and surgery in any part of Oregon.
- (5) "Nurse" means a licensed professional nurse.
- (6) "Ambulance" means any privately or publicly owned motor vehicle, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability and which is equipped, staffed and licensed in accordance with OAR 333-028-0000 to 333-028-0065.
- (7) "Temporary Structure" includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use.

#### **333-039-0015 Water Supply**

- (1) Required Amounts:

(a) A minimum of 12 gallons per person per day shall be available for the anticipated assembly;

(b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount is determined by the Department as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities.

(c) An amount of water equal to one day's total usage shall be kept in reserve at all times.

(2) Bacterial and Chemical Requirements:

(a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory testing procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division.

(b) Water provided shall not contain the following substances in excess of the amounts listed. The organizer shall provide a laboratory analysis report as evidence of this. Substance Concentration in mg/l:

(A) Arsenic -- 0.1;

(B) Cadmium -- 1.0;

(C) Chloride -- 250.0;

(D) Copper -- 1.0;

(E) Cyanide -- 0.01;

(F) Fluoride -- 1.7;

(G) Iron -- 0.3;

(H) Lead -- 0.05;

(I) Selenium -- 0.01;

(J) Nitrate (NO<sub>3</sub>) -- 45.0;

(K) Total Dissolved Solids -- 500.0;

(L) Zinc -- 5.0.

(3) Construction, Maintenance, and Design:

(a) All parts of the water supply system shall be constructed of non-toxic materials.

(b) All water distribution lines and fittings shall be constructed of galvanized wrought

iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal.

(c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used.

(d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/l and retaining the mixture within all portions of the system for a least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution.

(e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated.

(f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground.

(g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of 3 feet and shall be backfilled with clean course rock.

(h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered.

(i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities.

(j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility.

(k) Garden hoses, flexible hoses, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason.

(l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.

### **333-039-0020 Drainage**

(1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.

(2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.

### **333-039-0025 Sewerage Facilities**

#### (1) Non-Water Carried Sewage Facilities:

(a) The construction and maintenance of earth pit privies shall comply with the following requirements:

(A) They shall be located at least 50 feet from a well, spring, or other source of domestic water supply, and at least 50 feet from any stream, river or lake, and at least ten feet from any property line;

(B) The pit shall have a minimum capacity of 50 cubic feet, and shall be at least five feet deep and shall be lined with lumber, concrete, steel, or other equivalently substantial material to prevent caving. The pit shall be covered by a building of substantial construction located on either a concrete or wood sill to make it as fly-tight and rodent-proof as possible from the outside. The floor and riser shall be built water impervious and fly-tight of wood, concrete, ceramic, stainless steel, or other equivalently substantial material;

(C) The seat opening shall be equipped with a self-closing lid hinged and so constructed that when closed it will exclude flies from the pit. Vents connected to the pit shall be covered with 16 mesh copper, aluminum, or plastic wire screen and shall have a total effective cross section of at least 50 square inches. The building shall be equipped with a tight fitting, self-closing door and shall be weather-proof;

(D) The contents of the pit shall not be permitted to overflow onto the surface of the ground or be exposed to flies or rodents;

(E) A minimum of one-half pound of chlorinated lime shall be deposited in each pit once every 24 hours;

(F) At the conclusion of the outdoor mass gathering, the contents of the pit shall be covered by backfilling with at least a two foot depth of earth.

(b) In areas where high water tables are encountered, concrete vault privies, pail privies, chemical toilets or incinerator toilets shall be used in place of earth pit privies for disposal of human excreta. All vaults and receptacles of such privies shall be water-tight and constructed of reinforced concrete, plastic, fiberglass or metal:

(A) The contents of vault privies, pail privies, and chemical toilets shall be removed by a registered sewage cesspool operator in accordance with state and local laws, ordinances, and regulations;

(B) Chemical toilets shall be serviced daily with respect to sanitation, removal of contents, and recharging of chemical solution;

(C) All earth pit privies, privies with water-tight receptacles, chemical toilets, and incinerator toilets shall be maintained in a sanitary condition at all times.

#### (2) Water Carried Sewage Disposal Facilities: If water carried subsurface sewage

disposal facilities are provided, they shall be governed by OAR 333-041-0001 through 333-041-0040, and by this reference are incorporated herein and made a part hereof.

(3) Number and Location of Toilets and Privies:

(a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;

(b) If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;

(c) All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.

(4) Liquid Wastes not Containing Human Excreta:

(a) Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "Waste Water Disposal";

(b) Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;

(c) All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;

(d) Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;

(e) One facility shall be provided for each 3,000 persons or fraction thereof anticipated;

(f) At least one facility shall be located not more than 50 lineal feet from each food service facility.

**333-039-0030 Refuse Storage and Disposal**

(1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.

(2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of

one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.

(3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.

### **333-039-0035 Food and Sanitary Food Service**

(1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.

(2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.

(3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.

(4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.

(5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/l of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.

(6)(a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;

(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;

(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.

(7)(a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:

(A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a

satisfactory bactericidal treatment;

(B) Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/1 of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/1;

(C) Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/1 as determined by a suitable field test.

(b) In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;

(c) In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.

(8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.

(9)(a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;

(b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.

(10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;

(b) A dependable indicating thermometer shall be provided in each refrigerator;

(c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.

(11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.

(12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.

(13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.

(14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.

(15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.

(16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.

(17) No live animals or fowl shall be permitted within the confines of any food service facility.

### **333-039-0040 Emergency Medical Facilities**

(1) There shall be present at the outdoor mass gathering site for emergency medical services, 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 medicine 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.

(2) Facilities shall be provided in which physicians can provide patient care and treatment. 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.

(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 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 radio-telephone, 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 the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

### **333-039-0045 Fire Protection**

(1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.

(2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

### **333-039-0050 Security Personnel**

(1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.

(2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

### **333-039-0055 Traffic**

(1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.

(2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.

(3) An ungraded dirt road shall not be considered as being an all-weather road.

(4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.

(5) All roads shall have a minimum width of 20 feet.

(6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:

(a) The total area provided for motor vehicle parking shall be based on the following ratio: 300 square feet for every four persons anticipated;

(b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;

(c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.