

ORDINANCE NO. 89-1

RELATING TO THE LICENSING AND REGULATIONS OF ITINERANT SHOWS,
CARNIVALS, CIRCUSES, ENDURANCE CONTESTS AND
EXHIBITIONS OF ANY NATURE WHATSOEVER
AND
RELATING TO THE USE OF LANDS OWNED BY YELLOW MEDICINE COUNTY
BY GROUPS OF 25 OR MORE PERSONS

WHEREAS, It is in the best interest of the people in Yellow Medicine County to require licensing and regulation of itinerant shows, carnivals, circuses, endurance contests and exhibitions of any nature whatsoever, hereinafter referred to as Shows, that take place in Yellow Medicine county and outside the corporate limits of cities in said county; and

WHEREAS, the Board of County Commissioners has the power, pursuant to M.S. 375.40 to license and regulate Itinerant Shows that take place in Yellow Medicine County and outside the corporate limits of any city within said county; and

WHEREAS, the Board has the power to set up rules and regulations for the use of property it owns; and

WHEREAS, the county fairgrounds are located in the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Thirty-four (34), Township One Hundred Fifteen (115), Range Forty-five (45), are situated within the city limits of the City of Canby, are owned by the county and are leased to the Yellow Medicine County Fair Association; and

WHEREAS, it is in the best interest of promoters and sponsors of Shows to set out the conditions, terms and requirements necessary for the licensing of such events; and

WHEREAS, it is in the best interest of the people of Yellow Medicine County to regulate the use of county-owned lands by groups of 25 persons or more; and

WHEREAS, the Board of County Commissioners has the power, pursuant to M.S. 373.01, Subd. 5, to do all acts in relation to the property of the County as necessary to the exercise of its corporate powers; and

WHEREAS, there have been resolutions and intended ordinances on these subjects which require codification;

* NOW, THEREFORE, BE THE COUNTY BOARD OF YELLOW MEDICINE COUNTY
ordains:

REGULATIONS FOR
ITINERANT SHOWS, CARNIVALS, CIRCUSES, ENDURANCE CONTESTS
AND EXHIBITIONS OF ANY NATURE WHATSOEVER TAKING PLACE
WITHIN YELLOW MEDICINE COUNTY AND OUTSIDE THE CORPORATE
LIMITS OF ANY CITY WITHIN SAID COUNTY

LICENSE. Promoters and sponsors of Itinerant shows, carnivals, circuses, endurance contests and exhibitions of any nature whatsoever, hereinafter referred to as Shows, which are to take place within Yellow Medicine County and outside the corporate limits of any city within said county shall be required to obtain a license for such event from Yellow Medicine County.

FILING OF APPLICATION. The application for the license must be filed with the Yellow Medicine County Auditor ten (10) days prior to the date of such event.

CONTESTS OF APPLICATION. The application for such license shall include the name and address of the applicant, the type of event, the expected attendance, the location of the event, the dates and times for the event and the applicant's plan for supervision during the event and cleanup after the event.

LIABILITY INSURANCE. The applicant shall also provide proof of liability insurance naming Yellow Medicine County as an additionally insured against liability arising from the event. Said liability insurance shall be in the amounts of the statutory limits of liability for the county as established by Minnesota law.

SECURITY DEPOSIT. An applicant shall deposit with the Yellow Medicine County Auditor, cash or bond in an amount not to exceed One Thousand and no/100ths Dollars (\$1,000.00) as security that the location of the event will be properly cleared, cleaned and returned to the same condition as it was before the event, excepting normal wear and tear. Determination of the amount of the deposit shall be made by the County Auditor based upon the type of event, the expected attendance, the location of the event and the applicant's plan for supervision and cleanup of the event.

REFUND OF DEPOSIT. After the event, inspection of the location of

the event shall be made by the Yellow Medicine County Sheriff, and on the sheriff's report of compliance with this paragraph, the County Auditor shall return the security deposit to the applicant. If non-compliance is found, said monies shall be used by the County Auditor to properly clear and clean the location and return it to the condition it was in before the event. An accounting of the use of such funds shall be made to the applicant.

WARRANTIES AND INDEMNITY BY APPLICANT. The applicant shall execute an agreement assuming all responsibility for the supervision of the event and for the maintenance and observance of the laws of this State including but not limited to the liquor laws of the State. Applicant shall further agree to accept all liability for failure to so supervise, maintain and observe and shall indemnify and hold Yellow Medicine county harmless from any such liability. In addition to the above said liability insurance, the applicant shall execute an agreement to indemnify and hold Yellow Medicine County harmless from all liability arising from the event.

COOPERATION WITH LAW ENFORCEMENT. Applicant shall fully cooperate with the Yellow Medicine County Sheriff and keep him informed of the details of the event.

REVOCAION OF LICENSE. The license may be revoked by the Board of County Commissioners upon a finding that the Show is in violation of any ordinance or law.

* THE COUNTY BOARD OF YELLOW MEDICINE COUNTY FURTHER ORDAINS:

REGULATIONS FOR
USE OF COUNTY PROPERTY BY GROUPS OF 25 OR MORE

All groups of 25 or more persons using Yellow Medicine County owned property regardless of where the land is situated, shall be subject to the same requirements as set forth hereinabove excepting only the liability insurance requirements.

* THE COUNTY BOARD OF YELLOW MEDICINE COUNTY FURTHER ORDAINS:
FAIRGROUNDS

The use of county-owned lands leased by the Yellow Medicine County Fair Association for events other than the county fair shall be governed by the terms set forth hereinabove for Shows even though the grounds are situated in the City of Canby. Said terms shall be modified for the fairgrounds such that the duties of the county auditor shall be the responsibility of an officer designated by the Yellow Medicine County Fair Association and said officer or his or her designee shall assist the sheriff with the inspection.

* THE COUNTY BOARD OF YELLOW MEDICINE COUNTY FURTHER ORDAINS:
CODIFICATION

This Ordinance revokes all past ordinances and resolutions on these subjects.

Said Ordinance was presented by Commissioner Simonson who moved its adoption. The motion was then seconded by Commissioner House.

Upon the vote being taken, the Commissioners voted as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Charles Simonson	X	—	—
Stanley Berg	X	—	—
Wally Thom	X	—	—
Eugene House	X	—	—
Lois Anderson	X	—	—

Said Ordinance was approved this 13th day of March, 1989.

Stanley Berg
 Yellow Medicine County Board Chairman

ATTEST:
Carolyn Sherlin
 Carolyn Sherlin, County Auditor