



House of Representatives

General Assembly

File No. 329

February Session, 2010

Substitute House Bill No. 5446

House of Representatives, April 6, 2010

The Committee on Public Health reported through REP. RITTER of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MASS GATHERINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-436 of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) [No] Except as provided in subsection (d) of this section, no
5 person shall permit, maintain, promote, conduct, advertise, act as
6 entrepreneur, undertake, organize, manage or sell or give tickets to an
7 actual or reasonably anticipated assembly of two thousand or more
8 people [which] that continues or can reasonably be expected to
9 continue for twelve or more consecutive hours, whether on public or
10 private property, unless a license to hold the assembly has first been
11 issued by the chief [of police] elected official of the municipality in
12 which the assembly is to gather. [or, if there is none, the first
13 selectman. A license to hold an assembly issued to one person shall
14 permit any person to engage in any lawful activity in connection with
15 the holding of the licensed assembly.]

16 (b) A separate license shall be required for each day and each
17 location in which two thousand or more people assemble or can
18 reasonably be anticipated to assemble. The fee for each license shall be
19 one hundred dollars.

20 [(c) A license shall permit the assembly of only the maximum
21 number of people stated in the license. The licensee shall not sell
22 tickets to or permit to assemble at the licensed location more than the
23 maximum permissible number of people.]

24 [(d)] (c) The licensee shall not permit the sound of the assembly to
25 carry unreasonably beyond the boundaries of the location of the
26 assembly.

27 (d) A municipality may waive the licensure process prescribed in
28 this chapter, provided no assembly, as described in subsection (a) of
29 this section, may gather without a license unless the person
30 undertaking the assembly has provided: (1) Prior notification to the
31 chief elected official of the municipality where the assembly is to
32 gather, and (2) a letter to the chief elected official of the municipality
33 documenting that the requirements of section 19a-437, as amended by
34 this act, have been met. The person undertaking the gathering shall
35 provide such notice and letter to the chief elected official of the
36 municipality not less than twenty days prior to the date when the
37 assembly is to gather.

38 Sec. 2. Section 19a-437 of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective from passage*):

40 Before the issuance of a license in accordance with the provisions of
41 this chapter, the applicant shall first:

42 (1) Determine the maximum number of people which will be
43 assembled or admitted to the location of the assembly, provided the
44 maximum number shall not exceed the maximum number which can
45 reasonably assemble at the location of the assembly in consideration of
46 the nature of the assembly and provided, where the assembly is to

47 continue overnight, the maximum number shall not be more than is
48 allowed to sleep within the boundaries of the location of the assembly
49 by the zoning or health ordinances of the municipality and that, for an
50 assembly that occurs on an annual basis, the maximum number of
51 people determined may be the average number of persons assembled
52 each day of the assembly during the prior four years of the assembly;

53 (2) Provide proof that food concessions will be in operation on the
54 grounds with sufficient capacity to accommodate the number of
55 persons expected to be in attendance and that he will furnish at his
56 own expense before the assembly commences: (A) Potable water,
57 meeting all federal and state requirements for purity, sufficient to
58 provide drinking water for the maximum number of people to be
59 assembled at the rate of at least one gallon per person per day and
60 water for bathing at the rate of at least ten gallons per person per day;
61 (B) separate enclosed toilets for males and females, meeting all state
62 and local specifications, conveniently located throughout the grounds,
63 sufficient to provide facilities for the maximum number of people to be
64 assembled at the rate of at least one toilet for every two hundred
65 females and at least one toilet for every three hundred males, together
66 with an efficient, sanitary means of disposing of waste matter
67 deposited, which is in compliance with all state and local laws and
68 regulations. A lavatory with running water under pressure and a
69 continuous supply of soap and paper towels shall be provided with
70 each toilet; (C) a sanitary method of disposing of solid waste, in
71 compliance with state and local laws and regulations, sufficient to
72 dispose of the solid waste production of the maximum number of
73 people to be assembled at the rate of at least two and one-half pounds
74 of solid waste per person per day, together with a plan for holding and
75 a plan for collecting all such waste at least once each day of the
76 assembly and sufficient trash cans with tight fitting lids and personnel
77 to perform the task; (D) [a written plan reviewed by the primary
78 service area responder, as defined in section 19a-175, in the location
79 where the assembly is to be held, that indicates that the applicant has
80 satisfactorily planned and arranged for the on-site availability of an
81 emergency medical service organization, as defined in section 19a-175,

82 during the duration of the assembly; (E) if the assembly is to continue
83 during hours of darkness, illumination sufficient to light the entire
84 area of the assembly at the rate of at least five foot candles, but not to
85 shine unreasonably beyond the boundaries of the location of the
86 assembly; (F)] a copy of a written plan for the provision of emergency
87 medical services, prepared by the applicant in consultation and
88 cooperation with the primary service area responder, as defined in
89 section 19a-175, for the location where the assembly is to occur, that is
90 in compliance with state law and any applicable local ordinances; (E) a
91 [free] parking area [inside of the assembly grounds] sufficient to
92 provide parking space for the maximum number of people to be
93 assembled; [at the rate of at least one parking space for every four
94 persons; (G) telephones connected to outside lines sufficient to provide
95 service for the maximum number of people to be assembled at the rate
96 of at least one separate line and receiver for each one thousand
97 persons; (H)] (E) if the assembly is to continue overnight, camping
98 facilities in compliance with all state and local requirements, sufficient
99 to provide camping accommodations for the maximum number of
100 people to be assembled; [(I) security guards, either regularly
101 employed, duly sworn, off duty policemen or constables or private
102 guards, licensed in this state, sufficient to provide adequate security
103 for the maximum number of people to be assembled at the rate of at
104 least one security guard for every seven hundred fifty people; (J) fire
105 protection, including alarms, extinguishing devices and fire lanes and
106 escapes, sufficient to meet all state and local standards for the location
107 of the assembly and sufficient emergency personnel to operate
108 efficiently the required equipment; (K) all reasonably necessary
109 precautions to insure that the sound of the assembly will not carry
110 unreasonably beyond the enclosed boundaries of the location of the
111 assembly; and (L) a bond, filed with the clerk of the municipality in
112 which the assembly is to gather, either in cash or underwritten by a
113 surety company licensed to do business in this state at the rate of four
114 dollars per person for the maximum number of people permitted to
115 assemble, which (i) shall indemnify and hold harmless the
116 municipality or any of its agents, officers, servants or employees from

117 any liability or causes of action which might arise by reason of
118 granting the license, and from any cost incurred in cleaning up any
119 waste material produced or left by the assembly; (ii) guarantee the
120 state the payment of any taxes which may accrue as a result of the
121 gathering; and (iii) guarantee reimbursement of ticketholders if the
122 event is cancelled] (G) a copy of a written plan for on-site security and
123 for traffic control on public roads prepared by the applicant in
124 consultation and cooperation with the local police authority that is in
125 compliance with state law and any applicable local ordinances; and
126 (H) a copy of a written plan for fire protection prepared by the
127 applicant in consultation and cooperation with the local fire
128 department that is in compliance with state law and any applicable
129 local ordinances.

130 Sec. 3. Section 19a-438 of the 2010 supplement to the general statutes
131 is repealed and the following is substituted in lieu thereof (*Effective*
132 *from passage*):

133 (a) Application for a license to hold an actual or anticipated
134 assembly of two thousand or more persons that continues or can
135 reasonably be expected to continue for twelve or more consecutive
136 hours shall be made, in writing, to the [governing body] chief elected
137 official of the municipality [at least fifteen] not less than twenty days
138 [in advance] prior to the date of such assembly and shall be
139 accompanied by the [bond required by subparagraph (L) of
140 subdivision (2) of section 19a-437 and the] license fee required by
141 subsection (b) of section 19a-436, as amended by this act.

142 (b) The application shall contain a statement made upon oath or
143 affirmation that the statements contained therein are true and correct
144 to the best knowledge of the applicant, [and shall be signed and sworn
145 to or affirmed by the individual making application in the case of an
146 individual, by all officers in the case of a corporation, by all partners in
147 the case of a partnership or by all officers of an unincorporated
148 association, society or group or, if there are no officers, by all members
149 of such association, society or group.] The application shall be signed

150 by the individual applicant, or in cases where the applicant is a
151 partnership, corporation, limited liability company, firm, company,
152 association, society or group, by a duly authorized representative of
153 such entity.

154 (c) The application shall contain and disclose: (1) The name, age,
155 residence and mailing address of [all persons required to sign] the
156 person signing the application [by] in accordance with subsection (b)
157 of this section; [and, in the case of a corporation, a certified copy of the
158 articles of incorporation together with the name, age, residence and
159 mailing address of each person holding ten per cent or more of the
160 stock of such corporation;] (2) the address and legal description of all
161 property upon which the assembly is to be held, together with the
162 name, residence and mailing address of the record owner or owners of
163 all such property; (3) proof of ownership of all property upon which
164 the assembly is to be held or a statement made upon oath or
165 affirmation by the record owner or owners of all such property that the
166 applicant has permission to use such property for an assembly of two
167 thousand or more persons; (4) the nature or purpose of the assembly;
168 (5) the dates and total number of [days or] hours and days, as the case
169 may be, during which the assembly is to last; (6) the maximum number
170 of persons which the applicant shall permit to assemble at any time,
171 not to exceed the maximum number which can reasonably assemble at
172 the location of the assembly, in consideration of the nature of the
173 assembly or the maximum number of persons allowed to sleep within
174 the boundaries of the location of the assembly by the zoning
175 ordinances of the municipality if the assembly is to continue overnight;
176 (7) the maximum number of tickets to be sold, if any; (8) [the plans of
177 the] a copy of a written plan prepared by the applicant to limit the
178 maximum number of people permitted to assemble; (9) [the plans for
179 supplying potable water including the source, amount available and
180 location of outlets] a copy of a written plan prepared by the applicant
181 for the provision and existence of pure and adequate drinking water;
182 (10) [the plans for providing] a copy of a written plan prepared by the
183 applicant for the provision of toilet and lavatory facilities, including
184 the source, number, location and type, and the means of disposing of

185 waste deposited; (11) [the plans] a copy of a written plan prepared by
186 the applicant for holding, collecting and disposing of solid waste
187 material; (12) [the plans to provide for medical facilities, including the
188 location and construction of a medical structure, the names and
189 addresses and hours of availability of physicians and nurses, and
190 provisions for emergency ambulance service] a copy of a written plan
191 for the provision of emergency medical services, prepared by the
192 applicant in consultation and cooperation with the primary services
193 area responder, as defined in section 19a-175, for the location where
194 the assembly is to occur, that is in compliance with state law and any
195 applicable local ordinances; (13) [the plans, if any, to illuminate the
196 location of the assembly, including the source and amount of power
197 and the location of lamps; (14) the plans] a copy of a written plan
198 prepared by the applicant for parking vehicles, including size and
199 location of lots, points of highway access and interior roads, including
200 routes between highway access and parking lots; [(15) the plans for
201 telephone service, including the source, number and location of
202 telephones; (16) the plans] (14) a copy of a written plan prepared by
203 the applicant for camping facilities, if any, including facilities available
204 and their location; [(17) the plans for security, including the number of
205 guards, their deployment, and their names, addresses, credentials and
206 hours of availability; (18) the plans for fire protection, including the
207 number, type and location of all protective devices including alarms
208 and extinguishers, and the number of emergency fire personnel
209 available to operate the equipment; (19) the plans for sound control
210 and sound amplification, if any, including the number, location and
211 power of amplifiers and speakers; (20) the plans for food concessions
212 and concessioners who will be allowed to operate on the grounds
213 including the names and addresses of all concessioners and their
214 license or permit numbers] (15) a copy of a written plan for on-site
215 security and traffic control on public roads, prepared by the applicant
216 in consultation and cooperation with the local police authority, that is
217 in compliance with state law and any applicable local ordinances; (16)
218 a copy of a written plan for fire protection, prepared by the applicant
219 in consultation and cooperation with the local fire department, that is

220 in compliance with state law and any applicable local ordinances; and
221 (17) a copy of a written plan prepared by the applicant that ensures
222 compliance by concessioners with federal, state and municipal food
223 protection laws.

224 Sec. 4. Section 19a-439 of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective from passage*):

226 [The application for a license shall be processed within twenty days
227 of its receipt and shall be issued if all conditions are complied with.] If
228 an applicant has complied with all licensure requirements prescribed
229 in this chapter, the chief elected official of the municipality shall issue a
230 license for such assembly not later than fifteen days after the date of
231 receipt of the application.

232 Sec. 5. Section 19a-440 of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective from passage*):

234 [A] The chief elected official of the municipality may revoke a
235 license issued under the provisions of this chapter [may be revoked by
236 the governing body of the municipality] at any time if the person
237 holding such license fails to comply with any of the conditions (1)
238 necessary for the [issuing of] issuance of the license, or (2) contained in
239 the license, [are not complied with, or if any condition previously met
240 ceases to be complied with.]

241 Sec. 6. Section 19a-443 of the general statutes is repealed and the
242 following is substituted in lieu thereof (*Effective from passage*):

243 (a) This chapter shall not apply to any regularly established,
244 permanent place of worship, stadium, athletic field, arena, auditorium,
245 coliseum or other similar permanently established place of assembly
246 for assemblies which do not exceed by more than two hundred fifty
247 people the maximum seating capacity of the structure where the
248 assembly is held.

249 (b) This chapter shall not apply to government-sponsored fairs held
250 on regularly established fairgrounds or to assemblies required to be

251 licensed by other provisions of the general statutes or local ordinances.

252 (c) This chapter shall not apply to any annual agricultural fair
253 provided: (1) Such agricultural fair has been held annually for not less
254 than ten consecutive years since 1990 at the same grounds; (2) such
255 agricultural fair is held on grounds owned or leased by the person
256 holding such agricultural fair and such grounds are specially
257 improved and adapted for the holding of fairs; (3) the person holding
258 such agricultural fair is a nonprofit organization organized under the
259 laws of the state; and (4) a detailed description of the agricultural fair
260 is hand-delivered to the chief elected official of the municipality where
261 the agricultural fair is to be held not less than ninety days prior to the
262 date of commencement of such agricultural fair. The description shall
263 include, but not be limited to: (A) The dates and hours of operation of
264 the agricultural fair; (B) the location where the agricultural fair is to be
265 held; (C) a copy of a written plan for the provision of emergency
266 medical services, prepared by the applicant in consultation and
267 cooperation with the primary services area responder, as defined in
268 section 19a-175, for the location where the assembly is to occur, that is
269 in compliance with state law and any applicable local ordinances; (D) a
270 copy of a written plan for on-site security and traffic control on public
271 roads, prepared by the applicant in consultation and cooperation with
272 the local police authority, that is in compliance with state law and any
273 applicable local ordinances; (E) a copy of a written plan for fire
274 protection, prepared by the applicant in consultation and cooperation
275 with the local fire department, that is in compliance with state law and
276 any applicable local ordinances; (F) a copy of a written plan for traffic
277 and transportation services; and (G) a copy of a written plan prepared
278 by the applicant and reviewed by the local health department or
279 district that ensures (i) the provision and existence of pure and
280 adequate drinking water; (ii) proper sewage and solid waste disposal;
281 and (iii) food protection measures in compliance with federal and state
282 law and any applicable local ordinance. No provision of this
283 subsection shall prohibit a municipality from enacting any ordinance
284 relating to an agricultural fair as otherwise authorized by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-436
Sec. 2	<i>from passage</i>	19a-437
Sec. 3	<i>from passage</i>	19a-438
Sec. 4	<i>from passage</i>	19a-439
Sec. 5	<i>from passage</i>	19a-440
Sec. 6	<i>from passage</i>	19a-443

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See below

Municipal Impact: See below

Explanation

The bill changes mass gathering laws in ways that may: 1) reduce costs of conducting a mass gathering; and 2) increase associated revenue from any state or municipal assemblies. It also eliminates provisions that mitigate municipal liability for causes of action that might arise from granting mass assembly licenses, thereby potentially increasing costs to municipalities.

For assemblies that occur on an annual basis, the bill increases the maximum number of people allowed to assemble. To the extent that this increases assembly size and associated ticket sale revenue, the state or municipality may experience a revenue gain. The bill also allows assembly licensees to sell more tickets than the maximum number of people permissible to assemble. This may increase ticket sale revenue. The requirement that the licensee provide free parking is eliminated in the bill, requiring instead a "parking area," allowing for a potential revenue gain from charging for parking.

The bill does not require a bond to be filed with the clerk of the municipality, at the rate of \$4 per person permitted to assemble, to indemnify and hold harmless the municipality for any liability or causes of action that might arise by reason of granting the license, cover any costs incurred in cleaning up waste left by the assembly and guarantee state payment of taxes which may accrue as a result of the assembly. Municipalities may be held liable for costs associated with assemblies, including adverse events and clean-up.

The bill also exempts certain nonprofit agricultural fairs from mass gathering laws, provided that a written plan is delivered to the chief elected official of the municipality where the fair is to be held. Removing these mass gathering requirements would reduce costs for nonprofit agricultural fairs. As it exempts certain nonprofit agricultural fairs from the current law's bond provision as well, increased costs to municipalities may be incurred to the extent that municipalities may be held liable for these agricultural fairs' adverse events and clean-up costs.

The Out Years

The fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5446*****AN ACT CONCERNING MASS GATHERINGS.*****SUMMARY:**

This bill amends the state's mass gathering law and provides an exemption from that law for agricultural fairs meeting certain conditions.

EFFECTIVE DATE: Upon passage

MASS GATHERINGS***License Requirement***

Current law requires an event organizer to obtain a mass assembly license from the local police chief or first selectman when the event has or is reasonably expected to have at least 2,000 attendees and last for 12 or more consecutive hours. (The bill also uses the terms "event" and "assembly" in addition to "gathering.") The bill instead makes the municipality's chief elected official (CEO) the license issuer. He or she must issue a license for the assembly within 15 days of receiving the license if the applicant has complied with all licensure requirements (see below). Under current law, the license processing time is 20 days or less.

The bill allows a municipality to waive the license process, but no assembly can take without a license place unless the organizer has provided the town's CEO at least 20 days before the event notice and a letter documenting that the applicant has provided the required information (see below).

The CEO can revoke a license at any time if the license holder fails to comply with any of the conditions for issuance. Currently, the governing body of the municipality can do this. The bill deletes a

provision prohibiting a licensee from selling tickets to or permitting more than the maximum permissible number of people at the licensed location.

Information Required for License

The law requires a license applicant to provide a variety of information before a license is issued.

Maximum Number of People. By law, the applicant must determine the maximum number of people that will or can reasonably assemble at the location given the nature of the assembly; if the event is to continue overnight, the maximum number cannot exceed the number allowed to sleep within the location's boundaries under the municipality's zoning or health ordinances. The bill provides that for an assembly occurring annually, the maximum number of people can be the average number assembled each day during the prior four years of the event.

Emergency Medical Services. Current law requires the applicant to provide a written plan reviewed by the Emergency Medical Service (EMS) primary area service responder for the event location that indicates that the applicant has satisfactorily planned and arranged for on-site availability of an EMS organization for the assembly's duration. Also, if it continues at night, sufficient illumination to light the entire assembly area is required.

The bill instead requires a written plan for EMS, prepared by the applicant in consultation and cooperation with the primary area service responder that complies with state law and applicable local ordinances. It eliminates the lighting requirements.

Parking. Currently, the applicant must have a free parking area inside the assembly grounds sufficient to provide parking for the maximum number of people at the assembly, with a rate of at least one parking space for every four people. The bill instead requires just a parking area, which does not have to be inside the assembly grounds and without any rate requirement.

Telephones. The bill deletes the requirement that the applicant provide telephone services with at least one separate outside line and receiver for every 1,000 people.

Security. The bill requires the license applicant to provide a copy of a written plan for (1) on-site security and traffic control on public roads prepared in consultation and cooperation with the local police and (2) fire protection prepared in consultation and cooperation with the local fire department. Both plans must comply with state and local law. This replaces current law, which specifically addresses the number of security guards required; fire protection standards and equipment; and excessive sound precautions. It also eliminates the requirement for a bond filed with the municipal clerk at the rate of \$4 per person for the maximum number of people permitted that contains (1) a provision indemnifying and holding harmless the municipality and its agents, officers, and employees for any liability that might arise from granting the license or for clean-up costs and (2) a guarantee to the state for payment of any taxes which may accrue because of the gathering and for ticket reimbursement in the event of cancellation.

License Application Process

The bill requires a license application for an assembly be made in writing to the chief elected official of the municipality within 20 days before the date of the gathering, instead of to the municipality's governing body at least 15 days before the event.

The bill requires that the application be signed by the individual applicant or a duly authorized representative when the applicant is a partnership, corporation, limited liability company, firm, company, association, society, or group. Current law requires an individual, or all officers, partners, or members in the case of corporations, partnerships, associations, societies, or groups to sign and swear to or affirm the application. The bill deletes the requirement that a corporation's application include a certified copy of its articles of incorporation with detailed information on each person owning 10% or more of the company's stock.

The bill requires that the application contain a copy of written plans for limiting the maximum number of people allowed to assemble; supplying pure and adequate drinking water; toilet and lavatory facilities; solid waste collection and disposal; EMS; parking; camping facilities; on-site security and traffic control on public roads; fire protection; and compliance by concessionaires with federal, state, and local food protection laws. Current law requires that the application include these items but does not specifically require a “written plan.”

AGRICULTURAL FAIRS

The bill exempts agricultural fairs from the mass gathering law if (1) the fair has been held annually for at least 10 years since 1990 on the same grounds, (2) the fair is held on grounds owned or leased by the person holding the fair that are specially improved and adapted for holding fairs, (3) the person holding the fair is a nonprofit organization under Connecticut law, and (4) a detailed description of the fair is hand-delivered to the CEO of the municipality where the fair is to be held at least 90 days before it starts.

The description must include the fair location, dates, and hours of operation. It must also include a copy of the written plan for:

1. providing EMS, prepared by the applicant in consultation and cooperation with the primary services area responder, for the location of the fair and in compliance with state law and applicable local ordinances;
2. on-site security and traffic control on public roads, prepared by the applicant in consultation and cooperation with the local police and in compliance with state law and local ordinances;
3. fire protection, prepared by the applicant in consultation and cooperation with the local fire department, in compliance with state law and local ordinances;
4. traffic and transportation services; and

5. pure and adequate drinking water, proper sewage and solid waste disposal, and food protection measures prepared by the applicant and reviewed by the local health department or district for compliance with federal and state law and local ordinances.

The bill specifies that it does not prohibit a municipality from enacting any ordinance relating to an agricultural fair as otherwise authorized by law.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/19/2010)