

**PUBLIC NOTICE OF BRAZORIA COUNTY'S CONSIDERATION OF ORDER
REGULATING MASS GATHERING ON UNINCORPORATED BEACHES**

On February 12, 2002 at 9:00 a.m. the Brazoria County Commissioners Court will conduct a public hearing to consider the adoption of an order regulating mass gathering of individuals at a beach in the unincorporated areas of the County. All persons in favor of, opposed to, or interested in said proposed order are invited to attend and testify about the proposed order. The proposed order is as follows:

**BEACH MASS GATHERING ORDER ADOPTING PROCEDURES TO
REGULATE MASS GATHERINGS OF INDIVIDUALS AT A BEACH IN THE
UNINCOPORATED AREA OF BRAZORIA COUNTY**

Section I. Authority & Purpose

These rules are promulgated pursuant to and in conformity with Subchapter G of Chapter 61 of the Texas Natural Resources Code.

It is the purpose of the Commissioners Court of Brazoria County to impose reasonable and uniform rules for the regulation of mass gatherings of individuals on any beach on the unincorporated areas of the County. These rules are adopted to protect the health, safety and welfare of those individuals who from time to time may gather on such beaches. It is a further purpose of these rules that a person who desires to organize and undertake a mass gathering of individuals on the beach must obtain a permit and pay a permit fee set by this Court and in doing so demonstrate that such person has taken reasonable specified action to protect the public health, safety and welfare.

Section II Definitions

In this Order:

- (1) "Mass Gathering" means a gathering that is held outside the limits of the municipality on a Brazoria County beach that attracts or is expected to attract more than two hundred individuals who remain at the meeting location for more than two continuous hours.
- (2) "Person" means an individual, group of individuals, firm, corporation, partnership, or association.
- (3) "Promote" includes organize, manage, finance, or hold.
- (4) "Promoter" means a person who promotes a mass gathering.

Section III Permit Requirement

A person may not promote a mass gathering on a beach located in the unincorporated area of Brazoria County without a permit issued under these rules.

Section IV Application Procedure

- (a) At least forty five days before the date on which a mass gathering will be held, the promoter shall file a permit application with the county judge of the county in which the mass gathering will be held.
- (b) The Application must include:
 - 1) the promoter's name and address;
 - 2) a financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
 - 3) the name and address of the owner of any adjoining property on which the mass gathering will in part be held;
 - 4) a copy an agreement between the promoter and any adjoining private property owner;
 - 5) the location and a description of the property on which the mass gathering will be held;
 - 6) the dates and times that the mass gathering will be held;
 - 7) the maximum number of persons the promoter will allow to attend the mass gathering and the plan the promoter intends to use to limit attendance to that number;
 - 8) the name and address of any performer who has agreed to appear at the mass gathering and the name and address of each performer's agent;
 - 9) a description of each agreement between the promoter and a performer;
 - 10) a description of each step the promoter has taken to ensure that minimum standards of sanitation and health will be maintained during the mass gathering;
 - 11) a description of all preparations being made to provide traffic control, to ensure that the mass gathering will be conducted in an orderly manner, and to protect the physical safety of the persons who attend the mass gatherings;

- 12) a description of the preparations made to provide adequate medical and nursing care; and
- 13) a description of the preparations made to supervise minors who may attend the mass gathering.

Section IV Investigation

- (a) After a permit application is filed with the county judge, the county judge shall send a copy of the application to the county health authority, the county fire marshal or the person designated under Subsection (c), and the sheriff.
- (b) The county health authority shall inquire into preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section V is held, the county health authority shall submit to the county judge a report stating whether the health authority believes that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders will be maintained.
- (c) The sheriff or his designee shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section V is held, the sheriff or his designee shall submit to the county judge a report stating whether the sheriff or his designee believes that the minimum standards for ensuring public safety and order that are prescribed by state and local laws, rules and orders will be maintained.
- (d) The county judge or his designee may conduct any additional investigation that the judge or his designee considers necessary.
- (e) The county health authority and the sheriff or his designee shall be available at the hearing prescribed by Section V to give testimony relating to their reports.

Section V Hearing

- (a) Not later than the 20th day before the date on which a mass gathering will begin, the county judge or his designee shall hold a hearing on the application. The county judge shall set the date and time of the hearing.
- (b) Notice of the time and place of the hearing shall be given to the promoter, each person who has an interest in whether the permit is granted or denied and shall be published on a date at least seven

days before such hearing in a newspaper of general circulation in Brazoria County, Texas.

Section VI Findings and Decisions of County Judge or His Designee

- (a) After the completion of the hearing prescribed by Section V, the county judge or his designee shall enter his findings in the record and shall either grant or deny the permit.
- (b) The county judge or his designee may deny the permit if he finds that:
 - 1) the application contains false or misleading information or omits required information;
 - 2) the promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application;
 - 3) the location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - 4) the promoter has not made adequate preparations to limit the number of persons attending the mass gathering or to provide adequate supervision for minors attending the mass gathering;
 - 5) the promoter does not have assurance that scheduled performers will appear;
 - 6) the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;
 - 7) the preparations for the mass gathering do not ensure that the mass gathering will be conducted in an orderly manner and that the physical safety of persons attending will be protected;
 - 8) adequate arrangements for traffic control have not been provided; or
 - 9) adequate medical and nursing care will not be available.

Section VII Permit Revocation

- a) The county judge or his designee may revoke a permit issued under this chapter if the county judge or his designee finds that preparation for the mass gathering will not be completed by the

time the mass gathering will begin or that the permit was obtained by fraud or misrepresentation.

- (b) The county judge or his designee must give notice to the promoter that the permit will be revoked at least 24 hours before the revocation. If requested by the promoter, the county judge shall hold a hearing on the revocation.

Section VIII Appeal

- (a) A promoter or a person affected by the action of a county judge in granting, denying, or revoking a permit may appeal that action to a district court having jurisdiction in the county in which the mass gathering will be held.

Section IX Inspections

- (a) The county health authority may inspect a mass gathering prior to or during the mass gathering to ensure that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders are being maintained. If the county health determines a violation of the minimum standards is occurring, the health authority may order the promoter of the mass gathering to correct the violation. In the event the promoter of the mass gathering is unable to correct such violation then the county health authority shall declare the mass gathering concluded and order that all participants in same be dispersed and leave the area in which the event is occurring.
- b) The sheriff may inspect a mass gathering prior to or/and during the mass gathering to ensure that the minimum standards for ensuring public safety and order prescribed by state and local laws, rules, and orders are being maintained. If the sheriff determines a violation of the minimum standards is occurring, the sheriff may order the promoter of the mass gathering to correct the violation. In the event the promoter of the mass gathering is unable to correct such violation then the sheriff shall declare the mass gathering concluded and order that all participants in same be dispersed and leave the area in which the event is occurring.
- c) A promoter or his agent, employee or representative who knowingly fails to comply with any of the provisions of this order commits an offense. An offense under this section is a Class B misdemeanor.

- d) A promoter, his agents, employees or representatives who fails to reduce the noise level of the mass gathering to less than eighty five decibels after receiving notice from a peace officer that the noise is a public nuisance commits an offense under this section.

Section X Inspection Fees

- (a) A commissioners court may establish and collect a fee for an inspection performed under Section IX. The fee may not exceed the amount necessary to defray the costs of performing the inspections. The fee shall be deposited into the general fund of the county. A person filing an application for a permit under this order shall at the time of such filing pay a permit fee of \$ 100.
- b) A commissioners court may use money collected under this section to reimburse the county department or, if a state agency performs the inspection on behalf of the county, the state agency, the cost of performing the inspection.

Section XI Injunctive Relief

Pursuant to Texas Natural Resources Code Section 61.253 Brazoria County is entitled to temporary injunctive relief to prevent the violation or threat of violation of any of these rules.

Section XII Criminal Penalty

A person commits an offense if the person violates a provision of this Order .

Such an offense is a Class B misdemeanor.

Section XIII Effective Date

This Order becomes effective on the 12th day of February, 2002.

Duane Payne

DUDE PAYNE
Commissioner Pct. 1

Jack Harris

JACK HARRIS
Commissioner Pct. 3

[Signature]
JOHN WILLY
County Judge

James Clawson

JAMES CLAWSON
Commissioner Pct. 2

Larry Stanley

LARRY STANLEY
Commissioner Pct. 4

February 12, 2002

THE COMMISSIONERS COURT OF BRAZORIA COUNTY, TEXAS

REGULAR / SPECIAL SESSION

ORDER NO. 34

RE: APPROVE BEACH MASS GATHERING ORDER

Motion by Stanley Seconded by Payne, that the following action be taken by the Court:

That the proposed Beach Mass Gathering Order Adopting Procedures To Regulate Mass Gatherings of individuals at a beach in the unincorporated area of Brazoria County be **APPROVED**.

VOTING

AYE

NAY

County Judge Willy
Commissioner Payne
Commissioner Clawson
Commissioner Harris
Commissioner Stanley

