

Mass Gatherings Rules and Regulations

The Lee County Mass Gathering Rules and Regulations are hereby established pursuant to the authority of Chapter 751 of the Texas Health and Safety Code (the Texas Mass Gathering Act).

Section One: Definitions

For purposes of these Rules and Regulations, the following words shall have the meaning ascribed:

1. “Mass gathering” means a gathering:
 - a. All or any part of which is held in the unincorporated areas of Lee County and outside the limits of a municipality;
 - b. That attracts or is expected to attract:
 - i. More than 2,500 persons; or
 - ii. More than 500 persons, if 51 percent or more of those persons may reasonably be expected to be younger than 21 years of age and it is planned or may reasonably be expected that alcoholic beverages will be sold, served, or consumed at or around the gathering; and
 - c. At which the persons will remain:
 - i. For more than five continuous hours; or
 - ii. For any amount of time during the period beginning at 10 p.m. and ending at 4 a.m.
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 Two: Permit Requirement

1. A person may not promote a mass gathering without a permit issued under this chapter.
2. A permit issued under these Rules and Regulations is valid for one mass gathering event. Permits will not be issued for multiple events.
3. These Rules and Regulations apply in addition to any and all other permit requirements of Lee County.
4. The following mass gatherings are exempt and are not required to obtain a permit.
 - a. Any mass gathering held at a venue that was established specifically for the purpose of events identical to the mass gathering. For example, a football game at a football stadium.
 - b. Any mass gathering held on private residential property and not commercial in nature.

Section Three: Application Procedure

1. At least 45 days before the date on which a mass gathering will be held, the promoter shall file a permit application with the Lee County Office of Emergency Management at 200 S. Main, Room 203, Giddings, Texas 78942. An application form may be obtained in person at that office or downloaded at <https://www.co.lee.tx.us/page/lee.Emergency>.

2. The application shall include at least the following information:
 - a. the promoter's full name and addresses;
 - b. a financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
 - c. the full name and addresses of the owner of the property on which the mass gathering will be held;
 - d. a certified copy of the agreement between the promoter and the property owner(s);
 - e. the location and a description of the property on which the mass gathering will be held;
 - f. the dates and times that the mass gathering will be held;
 - g. 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;
 - h. the name and contact information for each performer who has agreed to appear at the mass gathering and the name and address of each performer's agent;
 - i. a description of each agreement between the promoter and a performer;
 - j. 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;
 - k. 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 gathering;
 - l. a description of the preparations made to provide adequate medical and nursing care; and
 - m. a description of the preparations made to supervise minors who may attend the mass gathering.

Section Four: Investigation

1. After a permit application is filed with the Lee County Office of Emergency Management, that Office shall send a copy of the application to the County Judge, County Code Enforcement Officer, and the County Sheriff.
2. The County Code Enforcement Officer with the assistance of the County Health Officer shall inquire into preparations for the mass gathering. At least five days before the date on which the hearing prescribed in Section Five is held, the County Code Enforcement Officer shall submit to the County Judge a report stating whether the County Code Enforcement Officer believes that the minimum standards of health and sanitation prescribed by state and local laws, rules and orders will be maintained.
3. The County EMC with the assistance of the local Volunteer Fire Department shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed in Section Five is held, the County EMC shall submit to the County Judge a report stating whether the County EMC believes that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders will be maintained.
4. The County Sheriff shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed in Section Five is held, the County Sheriff shall submit to the County Judge a report stating whether the County Sheriff 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.
5. The County Judge may conduct or request any additional investigation that the County Judge considers necessary.
6. The County Code Enforcement Officer, the County EMC and the County Sheriff shall be available at the hearing prescribed by Section Five to give testimony on their reports.

Section Five: Hearing

1. Not later than the 10th day before the date on which a mass gathering will begin, the County Judge shall hold a hearing on the application. The County Judge shall set the date, location and time of the hearing.
2. Notice of the time and place of the hearing shall be given to the promoter and to each person who has an interest in whether the permit is granted or denied.
3. At the hearing, any person may appear and testify for or against the permit.
4. At the hearing, the County Judge may request information from any other department or organization with knowledge or experience related to the mass gathering.

Section Six: Findings and Decision

1. After the completion of the hearing prescribed by Section Five, the County Judge shall enter his/her findings in the record and shall either grant or deny the permit.
2. The County Judge may deny the permit upon a finding of any of the following grounds:
 - a. the application contains false or misleading information or omits required information;
 - b. the promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application;
 - c. the location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - d. 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;
 - e. the promoter does not have assurance that scheduled performers will appear;
 - f. the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;
 - g. 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;
 - h. adequate arrangements for traffic control have not been provided; or
 - i. adequate medical and nursing care will not be available.

Section Seven: Permit Revocation

1. The County Judge may revoke a permit issued under Section Six if the County Judge finds that preparations 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.
2. The County Judge 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.
3. If the County Judge revokes a permit upon a finding of one of the above grounds, the promoter shall have five business days to cure the deficiency. If the deficiency has been cured, as determined by the Hearing Examiner, then the permit shall be reissued.

Section Eight: Appeal

A promoter or a person affected by the granting, denying, or revoking of a permit may appeal final action to a district court having jurisdiction in Lee County.

Section Nine: Criminal Penalty

Promoting a mass gathering without a permit is a misdemeanor punishable by a fine of not more than \$1,000, confinement in the county jail for not more than 90 days, or both.

Section Ten: Inspections

1. The County Code Enforcement Officer may inspect a mass gathering 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 Code Enforcement Officer determines a violation of the minimum standards is occurring or is likely to occur, the County Code Enforcement Officer may order the promoter of the mass gathering to correct the violation. The County Code Enforcement Officer and the County Health Officer may coordinate with each other to provide inspections to ensure that the minimum standards for health and sanitation are observed.
2. The County EMC may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public fire safety and order as prescribed by state and local laws, rules, and orders are being maintained. If the County EMC determines a violation of the minimum standards for fire protection and safety is occurring or likely to occur, the County EMC may order the promoter of the mass gathering to correct the violation. The County EMC and the local Volunteer Fire Department may coordinate with each other to provide inspections to ensure that the minimum standards for public safety are being observed.
3. The County Sheriff may inspect a mass gathering during the mass gathering to ensure that the minimum standards for ensuring public safety are being maintained. If the County Sheriff determines a violation of the minimum standards is occurring or is likely to occur, the Lee County Sheriff may order the promoter of the mass gathering to correct the violation.
4. A promoter who fails to comply with any order issued under this Section commits an offense. An offense under this section is a Class C misdemeanor punishable by a fine of up to \$500.00. Each day of violation is a separate offense. Any law enforcement agency with jurisdiction over the location where the event is held shall have citation power under this Section.

Section Eleven: Inspection Fees

1. An application for a permit to promote a mass gathering must be accompanied by payment of the inspection fee:
 - a. \$400.00 for Mass Gathering less than 5,000 people.
 - b. \$800.00 for Mass Gathering greater than 5,000 people.
2. All fees relating to the issuance of a Mass Gathering Permit shall be determined by Commissioners' Court and incorporated into these Mass Gathering Rules and Regulations. These fees shall remain in effect from the effective date hereof until changed by Commissioners' Court. Fees may be changed at any time and from time-to-time by Commissioners' Court, as it deems appropriate. The fees shall be approved or amended by Commissioners' Court in the manner authorized by law for the taking of official action by a political subdivision. Any changes shall be effective for events in which the application is filed after the date of the change.

Section Twelve: Effect of Other Laws

It is not intended, and no provision herein should be construed, to contravene any applicable law or to pre-empt any federal statute. To the extent any part or any provision in these Rules and Regulations might otherwise be construed as invalid, illegal, or unenforceable in any respect, it should be construed as being limited in its scope and applicable to only those circumstances to

which it can legally apply. To the extent that any provision or part hereof is found to be invalid, illegal or unenforceable in any respect, it shall not affect any other provision. A Mass Gathering Permit is obtained in addition to any other permits that may be required under any local, state or federal law.

Section Thirteen: Communications and County Contact

Questions concerning these Rules may be submitted to the Lee County Office of Emergency Management.

Lee County Office of Emergency Management
200 S. Main, Room 203
Giddings, Texas 78942
979-212-8070

Section Fourteen: Material Changes in Plans

1. If after a Permit has been granted, a material change in the plans for the mass gathering has occurred, the promoter shall notify the County Judge so that the County Judge may determine whether the Permit shall be revoked or not.
2. If Lee County becomes aware of road construction in the vicinity of the mass gathering that may affect the mass gathering, Lee County will make every effort to notify the Promoter so that accommodations may be made. Lee County reserves the right to revoke a Permit for a mass gathering because of unexpected road construction if the unexpected road construction causes there to be inadequate parking or traffic control. Every effort will be made to avoid revoking a permit based on unexpected road construction.

Minimum Standards for Health and Sanitation for Mass Gatherings

In addition to the information required for the issuance of a permit under the Mass Gatherings Act, planning material shall be submitted in such detail as to permit a comprehensive review by the county health officer to evaluate the extent of compliance with minimum standards listed in §265.3 of this title (relating to Minimum Standards).

Water Supply

1. The quality and quantity of water to be supplied shall meet the approval of the County Code Enforcement Officer, and on its request, an evaluation of the supply may be made by the Department of Health Resources.
2. Water shall be provided at the rate of at least one pint per hour for each person present at the site.
3. Water shall be delivered to the dispensing points in such a manner as to preclude the possibility of contamination. All water conveyor facilities shall be cleaned and disinfected prior to being used and any containers used for water delivery shall be covered to prevent the entrance of dust, insects, or other contaminants.
4. A suitable water outlet or water container shall be provided for each 100 persons and be conveniently located for dispensing the water. If containers are utilized for water distribution, the containers shall be properly covered and provisions made for keeping the covers locked. A chlorine residual of at least 0.2 milligrams per liter shall be maintained at all times at each water distribution point.
5. The use of the common drinking cup is prohibited. At least one dispensable cup shall be provided for each person per hour of attendance.

Toilet facilities

1. Toilet facilities, separate for each sex and plainly marked “Men” and “Women” shall be provided at a rate of no more than 50 persons per toilet seat. Such facilities shall be designed to shield the occupants from public view.
2. Privies, if provided, shall be structurally sound and shall be designed to prevent access of flies to deposited excreta.
3. Portable type toilets, if provided, shall have waste therefrom collected at intervals sufficient frequency to preclude overflow and the wastes therefrom shall be disposed of in a manner that does not create a health hazard or nuisance.
4. Hand washing and drying facilities shall be provided in the vicinity of each toilet building or location. Waste produced from such hand washing facilities shall be collected and disposed of either by holding tanks or subsurface absorption fields.

Vector and Rodent Control

Sufficient equipment and chemicals shall be available to control insect vector or rodent problems in a manner approved by the County Code Enforcement Officer.

Minimum Area

An area of at least 50 square feet per person shall be provided at the premises.

Solid Waste Facilities.

1. All solid waste shall be stored in suitable containers with tight fitting lids and such containers shall be conveniently located throughout the area.
2. All solid waste shall be collected twice daily or at such more frequent intervals as may be necessary to maintain sanitary conditions at the site and be disposed of in a facility which has been approved by the County Code Enforcement Officer.

Noise Control

Amplifying equipment used shall be designed to control the noise level at the perimeter of the site on which the gathering shall take place and be so operated that at no time more than 70 decibels is registered on the "A" scale at slow response of a standard sound level meter which meets the specifications of the American National Standards Institute.

Food Sanitation.

1. Food to be administered to the public may not be prepared in a private residence. For special fundraisers such as bake sales, pies, cakes and cookies will be allowed to be prepared in a private residence as long as all of the other following conditions are met.
2. Foods, while being stored, prepared, or served, shall be protected from contamination.
3. All perishable food shall be stored at such temperatures as will protect against spoilage.
4. All potentially hazardous food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, and shellfish shall be maintained at safe temperatures (45 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above).
5. The washing and sanitizing of food equipment and utensils shall be in compliance with the requirements set forth in the State Sterilization Law, Texas Civil Statutes Article 4476-9.
6. All food service personnel shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. Handwashing facilities shall be provided.

Medical and Nursing Care.

1. A minimum of one and at least one emergency aid station for each 10,000 persons or fraction thereof shall be maintained and be clearly identifiable by a prominent signage during the entire time of the mass gathering.
2. Each emergency aid station shall have on duty at all times at least two persons who have had, as a minimum, training in first aid either by the American Red Cross or as a medical corpsman in the armed services and be a Texas Certified EMT or Nationally Registered EMT. One shall be in charge.
3. Each emergency aid station shall be provided with the following equipment and supplies:
 - a. a tent or other suitable temporary shelter shall be erected at a convenient location on the grounds of the mass gathering to house the emergency aid station.
 - b. folding cots-six;
 - c. blankets-eight;
 - d. chest or box (for supplies)-one;
 - e. chairs-two;
 - f. flashlights-two;
 - g. pail or plastic wastebasket-two;
 - h. paper bags for waste-24;

- i. paper towels (roll or package)-four;
 - j. pitcher (with cover)-two;
 - k. tourniquet (rubber tubing)-three;
 - l. adhesive bandages (assorted)-four dozen;
 - m. adhesive tape, three inches and four inches-four rolls each size;
 - n. bandages, two inches and four inches-12 rolls each size;
 - o. triangular bandage, 40 inches-six;
 - p. cotton balls (prepackaged)-400;
 - q. alcohol, isopropyl-two pints;
 - r. scissors, blunt-one pair;
 - s. snake bite kit-one;
 - t. splints-six;
 - u. bag mask resuscitator with oxygen supply-one;
 - v. stretcher-one;
 - w. thermometer, oral-two;
 - x. bandage compress, two inches, three inches, and four inches-six each size;
 - y. four inches by four inches cotton gauze squares-100.
4. A written plan for the evacuation of sick or injured persons shall be provided and approved by the County EMC covering the following services and a copy of the plan shall be placed in a conspicuous place in the emergency aid station.
- a. name, location, and telephone number(s) of one or more available licensed physicians;
 - b. name, location, and telephone number(s) of a local 911 EMS provider who shall be utilized for transport if necessary;
 - c. name, location, and telephone number(s) of an available nearby hospital;

Final Site Cleanup

At the conclusion of a mass gathering, the site shall be inspected by the County Code Enforcement Officer for health and sanitation considerations. The landowner, upon notification by the County Code Enforcement Officer of the existence of any unsanitary conditions, shall immediately cause such conditions to be corrected.

Minimum Standards for Public Safety at Mass Gatherings

Control of Admission to Spectators.

1. All admission tickets sold or offered for sale by the promoter, or by others acting in his behalf, will be serially numbered or otherwise coded in such a manner so as to be able to determine the days of admission and the number of people that have been admitted at any given time. The promoter will advise the issuing officer at the time of the hearing on the application of the number of tickets known or believed to have been sold and the anticipated number to be sold.
2. The promoter will certify to the sheriff or the issuing officer, upon request, the number of tickets known to have been sold at the time the request is made.
3. The promoter will grant admission to spectators only on the presentation of a valid ticket to the event, and each spectator will be required to present an individual ticket. The promoter will retain all tickets so presented, and will make them available for inspection by the sheriff of the county in which the mass gathering is being held, or by any other peace officer, at any time during the period of time for which the permit is granted, and for 10 days thereafter.

Adequate Parking Space Required

An adequate parking space shall be provided for the parking of vehicles. The parking area shall be deemed adequate if it meets the following requirements.

1. Provides a parking space large enough to accommodate one four-wheeled vehicle for each four tickets sold.
2. The parking area shall be well drained and the surface of such consistency so as to provide for easy entry and exit during any type of weather conditions.

Camping Area

Any area provided by the promoter as a camping area for the benefit of paying spectators shall be separated from the entertainment areas and the area provided for the parking of vehicles by a distance of at least 1,000 feet. No overnight camping will be permitted in the area designated for the parking of vehicles.

Adequate Lighting

Provisions shall be made to light adequately the entire area provided for the occupancy of spectators. The required lighting shall be deemed adequate if it is sufficient to make clearly recognizable the features of any person within the area provided for the occupancy of spectators by an observer 50 feet from that person, and if the required illumination may be turned on by the operation of not more than two devices.

Access by Emergency Vehicles

The promoter will at all times during the time for which the permit is issued maintain a clear and unobstructed access route through the area under his control for the use of emergency vehicles attempting to reach any platform, stage, bandstand, grandstand, or other seating facility, concession stand, or parking area.

Access to Facility Without Undue Delay.

1. The promoter will plan, construct or otherwise make provisions necessary to assure that spectators or others seeking admittance to the facility under his control at which the mass gathering is to be held may enter the facility without impeding the progress of those who follow to the extent that exit from any federal, state, or county highway giving access to the facility is delayed in any manner.
2. This section is to be interpreted to mean that it is the responsibility of the promoter to expedite, by any necessary means, the flow of traffic into the facility he provides to the extent that persons seeking admission will not be delayed to the extent that their presence will interfere with the normal movement of traffic on adjacent public streets or highways.

Construction of Public Facilities

Any platform, bandstand, stage, grandstand, or other facility upon which people may assemble to make music, dance, or otherwise entertain or sit or stand as spectators shall be constructed in such a manner as to safely support the weight of the maximum number of people who are able to assemble thereon.

Preservation of Order

The promoter will be responsible for and will be held accountable for preserving order within the confines of the area designated in the permit application.

Promoter to be Available at All Times

The promoter or a representative designated by him in his permit application will be present and available on the grounds at all times during the period for which the permit is issued and until all those in attendance have departed the area. The permit application shall specify a location on the grounds at which the promoter or his designated representative may be located within undue delay.