

Fayette County, Texas

Mass Gatherings Rules and Regulations

The Fayette County Mass Gathering Rules and Regulations are hereby established pursuant to the authority of and in compliance with Chapter 751 of the Texas Health and Safety Code (hereinafter "THSC").

Section One: Definitions

For the purpose of these Rules and Regulations, the following words shall have the meaning ascribed as defined in Chapter 751.002 of the Texas Health and Safety Code:

1. "Mass gathering" means a gathering:
 - a. that is held 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. In accordance with Texas Health and Safety Code Section 751.0021, these rules and regulations apply to any horse or greyhound race that attracts or is expected to attract at least 100 persons, except that this chapter does not apply if the race is held at a location at which pari-mutuel wagering is authorized under Subtitle A-1, Title 13, Occupations Code (Texas Racing Act).
3. "Person" means an individual, group of individuals, firm, corporation, partnership, or association.
4. "Promote" includes organize, manage, finance, or hold.
5. "Promoter" means a person who promotes a mass gathering.
6. Be advised that THSC 751.004 provides for county departments that Fayette County does not maintain. Therefore, Fayette County shall rely on the guidance of Texas Public Health

Region 7 Directors in processing and monitoring any Mass Gatherings under these regulations.

Section Two: Permit Requirement

1. In compliance with THSC 751.003, a person may not promote a mass gathering without a permit issued under this chapter, additionally;
2. A permit issued under these rules and regulations is valid for one mass gathering event. Permits will not be issued for multiple events.

Section Three: Application Procedure

1. In accordance and compliance with THSC 751.004, the procedure for applying for a Fayette County Mass Gathering Permit is as follows:
 - a. At least 45 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:
 - i. the promoter's name and address;
 - ii. a financial statement that reflects the funds being supplied to finance the mass gathering and each person supplying the funds;
 - iii. the name and address of the owner of the property on which the mass gathering will be held;
 - iv. a certified copy of the agreement between the promoter and the property owner;
 - v. the location and a description of the property on which the mass gathering will be held;
 - vi. the dates and times that the mass gathering will be held;
 - vii. 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;
 - viii. the name and address of each performer who has agreed to appear at the mass gathering and the name and address of each performer's agent;
 - ix. a description of each agreement between the promoter and a performer;
 - x. 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;
 - xi. 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;

- xii. a description of the preparations made to provide adequate medical and nursing care; and
 - xiii. a description of the preparations made to supervise minors who may attend the mass gathering.
- 2. In accordance with this Section, a copy of the Fayette County Mass Gathering Permit Application containing the above information is attached hereto.

Section Four: Investigation

1. In accordance with THSC 751.005, the procedure for investigation after Fayette County receives an application shall be:
 - a. After a permit application is filed with the county judge, the county judge shall send a copy of the application to the EMS Director, the nearest Fire Chief for the precinct where the Mass Gathering is intended to take place, or the person designated by Commissioner's Court, the County Emergency Management Coordinator (EMC), and the sheriff.
 - b. The County Emergency Management Coordinator (EMC) shall inquire into preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section 751.006 is held, the County Emergency Management Coordinator (EMC) shall submit to the county judge a report stating whether he/she believes that the minimum standards of health and sanitation prescribed by state and local laws, rules, and orders will be maintained.
 - c. The nearest Fire Chief for the precinct where the Mass Gathering is intended to take place or the person designated by Commissioner's Court, shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section 751.006 is held, the Fire Chief or the commissioners court designee shall submit to the county judge a report stating whether the Fire Chief or designee 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.
 - d. The sheriff shall investigate preparations for the mass gathering. At least five days before the date on which the hearing prescribed by Section 751.006 is held, the sheriff shall submit to the county judge a report stating whether the 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.
 - e. The county judge may conduct any additional investigation that the judge considers necessary.

- f. The EMS director, the nearest Fire Chief for the precinct where the Mass Gathering is intended to take place, or commissioners court designee, Emergency Management Coordinator, and sheriff shall be available at the hearing prescribed by Section 751.006 to give testimony relating to their reports.

Section Five: Hearing

1. In accordance and compliance with THSC 751.006, after completion of the above required investigation, County Judge shall hold a hearing under the following guidelines:
 - a. 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 and time of the hearing.
 - b. 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.
 - c. At the hearing, any person may appear and testify for or against granting the permit.

Section Six: Findings and Decision of County Judge

1. In accordance and compliance with THSC 751.007:
 - a. After the completion of the hearing prescribed by Section 751.006, the County Judge shall enter their findings in the record and shall either grant or deny the permit.
 - b. The County Judge may deny the permit if he finds that:
 - i. the application contains false or misleading information or omits required information;
 - ii. the promoter's financial backing is insufficient to ensure that the mass gathering will be conducted in the manner stated in the application;
 - iii. the location selected for the mass gathering is inadequate for the purpose for which it will be used;
 - iv. 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;
 - v. the promoter does not have assurance that scheduled performers will appear;
 - vi. the preparations for the mass gathering do not ensure that minimum standards of sanitation and health will be maintained;

- vii. 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;
- viii. adequate arrangements for traffic control have not been provided; or
- ix. adequate medical and nursing care will not be available.

Section Seven: Permit Revocation

1. In accordance and compliance with THSC 751.008:
 - a. The county judge may revoke a permit issued under this chapter 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.
 - b. 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.

Section Eight: Appeal

1. In accordance and compliance with THSC 751.009:
 - a. A promoter or a person affected by the granting, denying, or revoking of a permit may appeal that action to a district court having jurisdiction in the county in which the mass gathering will be held.

Section Nine: Criminal Penalty

1. In accordance and compliance with THSC 751.011, (a) A person commits an offense if the person violates Section 751.003, promoting a mass gathering without a permit, and (b) An offense under Section 751.003 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. In accordance and compliance with THSC 751.012, Fayette County officials have the authority to inspect mass gathering conditions to ensure compliance with the law:
 - a. The EMS director 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 EMS director determines a violation of the minimum standards is occurring, the health authority may order the promoter of the mass gathering to correct the violation.

- b. The Fire Chief of the Emergency Response Area where the Mass Gathering is intended to take place or the person designated under Section 751.005(c) 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 Fire Chief or commissioner's court designee determines a violation of the minimum standards is occurring, the Fire Chief of the Emergency Response Area where the Mass Gathering is intended to take place, or designee may order the promoter of the mass gathering to correct the violation.
- c. The sheriff may inspect a mass gathering 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.
- d. A promoter who fails to comply with an order issued under this section commits an offense. An offense under this section is a Class C misdemeanor.

Section Eleven: Inspection Fees

- 1. In accordance and compliance with THSC 751.013, a commissioner's court may establish and collect a fee for an inspection performed under THSC Section 751.012. 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. The Commissioner's Court may use the money collected under this section to reimburse the county department, or state agency performing the inspection on behalf of the county.
- 2. The current inspection fees set by The Fayette County Commissioners Court are as follows:
 - a. \$400.00 for a mass gathering of less than 5,000 people
 - b. \$800.00 for a mass gathering greater than 5,000 people
 - c. Surcharge amount for additional inspections: \$200 per inspection
- 3. 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: Fayette County Permitting Point of Contact

1. Any and all questions related to the Mass Gathering Permit, permitting process, or these Rules and Regulations should be submitted to the Fayette County Office of Emergency Management.

Section Thirteen: 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 the Fayette County becomes aware of road construction in the vicinity of the mass gathering that may affect the mass gathering, Fayette County will make every effort to notify the Promoter so that accommodations may be made. Fayette 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.

Section Fourteen: Additional Requirements

1. The following are additional documents required to be submitted by an applicant seeking a Mass Gathering Permit. Failure to provide the following shall result in Fayette County denying the Promotor's Application, but does not subject the applicant to a criminal penalty under Section Nine of these regulations:
 - a. Emergency Operations Plan: Promoter is required to provide an emergency operations plan that details how volunteers for the event are trained to respond to emergencies, both natural and manmade. It also needs to include supervisory event personnel, their contact information during the event, their assignment and its location. A map of all areas that the event will encompass must be included that outlines the area of the event, evacuation routes and ingress/egress for emergency personnel. Before the event, the on-site event organizer shall research types of weather that may occur during the particular time of year the event is scheduled. Once potential hazardous weather or conditions are identified, mitigation, preparedness and training efforts will be included in the event planning.
 - b. Additional Permits, Licenses or Other Documents: If Promoter is required to obtain any additional licenses or permits from any State or Local Agency, Promoter shall provide any documentation regarding that approval to Fayette County prior to the above Section 5: Hearing of the Fayette County Judge. Promoter shall provide sufficient documentation showing those permits and/or licenses have been properly approved by said State or Local Agency.

Minimum Standards for Health and Sanitation

For Mass Gatherings

1. Water Supply

- a. The quality and quantity of water to be supplied for the Mass Gathering shall be required to meet the approval of the Fayette County Inspector's Office, and on its request an evaluation of the supply may be made by the Department of Health Resources.
- b. Water shall be supplied to the attendees at the rate of one pint per hour for each person present at the site.
- c. 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.
- d. 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.
- e. The use of a common drinking cup is prohibited, at least one dispensable cup shall be provided for each person per hour of attendance.

2. Toilet Facilities

- a. 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.
- b. Privies, if provided, shall be structurally sound and shall be designed to prevent access of flies to deposited excreta.
- c. Portable type toilets, if provided, shall have waste collected therefrom at intervals of sufficient frequency to prohibit overflow and the waste therefrom shall be disposed of in a manner that does not create a health hazard or nuisance.
- d. 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 disposed of by holding tanks, or subsurface absorption fields or hand sanitizing systems.

3. Vector and Rodent Control

- a. Sufficient equipment and chemicals shall be made available by “Promoter” to control insect vector and rodent problems in a manner approved by the Fayette County Inspector’s Office. The grounds shall also be made free of mosquito breeding sources.

4. Minimum Area

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

5. Solid Waste Facilities

- a. All solid waste shall be stored in suitable containers with tight fitting lids and such containers shall be conveniently located throughout the area.
- b. All solid waste shall be collected twice daily, or at such intervals as may be necessary to maintain sanitary conditions at the site and be disposed of in a facility that has been approved by the Fayette County Commissioners Court.

6. Noise Control

- a. 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 85 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.

7. Food Sanitation

- a. All food and beverages sold or furnished shall be obtained from approved sources.
- b. Foods, while being stored, prepared, or served, shall be protected from contamination.
- c. All perishable food shall be stored at such temperatures as will protect against spoilage.
- d. 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).
- e. 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.

- f. 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.

8. Medical and Nursing Care

- a. A minimum of one and at least one emergency aid station for each 5,000 attendees of the mass gathering shall be maintained and clearly identifiable by prominent signage during the entire duration of the mass gathering.
- b. 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, as well as adequate medical direction from a medical director.
- c. Each emergency aid station shall be provided and stocked with the following equipment and supplies:
 - i. 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.
 - ii. folding cots-six;
 - iii. blankets-eight;
 - iv. chest or box (for supplies)-one;
 - v. chairs-two;
 - vi. flashlights-two;
 - vii. pail or plastic wastebasket-two;
 - viii. paper bags for waste-24;
 - ix. paper towels (roll or package)-four;
 - x. pitcher (with cover)-two;
 - xi. tourniquet (rubber tubing)-three;
 - xii. adhesive bandages (assorted)-four dozen;
 - xiii. adhesive tape, three inches and four inches-four rolls each size;
 - xiv. bandages, two inches and four inches-12 rolls each size;
 - xv. triangular bandage, 40 inches-six;
 - xvi. cotton balls (prepackaged)-400;
 - xvii. alcohol, isopropyl-two pints;
 - xviii. scissors, blunt-one pair;
 - xix. snake bite kit-one;
 - xx. splints-six;
 - xxi. bag mask resuscitator with oxygen supply-one;
 - xxii. stretcher-one;
 - xxiii. thermometer, oral-two;
 - xxiv. bandage compress, two inches, three inches, and four inches-six each size;

- xxv. four inches by four inches cotton gauze squares-100.
- d. The event shall additionally have at least one fully staffed and medical supply stocked ambulances for every 5,000 attendees.
- e. Rural or mobile events shall require an additional mobile EMS, ATV or paramedic unit for every 5,000 attendees.
- f. A written plan for the evacuation of sick or injured persons shall be provided and subsequently approved by the Fayette County EMS Director. The supplied plan shall cover the following services and a copy of the plan shall be placed in a conspicuous place at all emergency aid stations.
 - i. Name, location, and telephone numbers of one or more licensed physicians;
 - ii. Name, location, and telephone numbers of the closest 9-1-1 EMS provider who shall be utilized for transport if necessary; and
 - iii. Name, location, and telephone number of all available nearby hospitals.

9. Final Site Cleanup

- a. At the conclusion of the mass gathering, the site shall be inspected by the Fayette County Commissioner whose precinct(s) the event took place in. The landowner, upon notification to Fayette County officials of any unsanitary conditions shall immediately cause such conditions to be corrected. The site must remain clean and well drained at all times.
- b. There must not be any objectionable odors or humidity, garbage must be properly stored and maintained, and all toxic items must be store properly.
- c. Failure to maintain the sanitary and cleanliness standard may result in the “Promoter” of the mass gathering to be fined up to the full extent allowable by law.

Notice of Inspection Surcharge

Date: _____

Promoter: _____

Address:

Description of Mass Gathering: _____

Mass Gathering Date: _____

Delivered Via: _____

This letter ("Notice") is hereby intended to inform you that an additional inspection surcharge is being assessed for the Mass Gathering Permit which you have applied as "Promoter" on _____, 20____. The surcharge is being assessed due to special circumstances of your event where more than one inspection is needed by the following departments: _____, Please remit the amount below to the Fayette County Auditor by no later than the below listed date. Fayette County reserves the right to assess further surcharges either by different county departments or due to additional inspections being necessary due to the facts and nature of your event. All payments of fees under this surcharge notice are non-refundable. Payments must be made by cashier's check or money order made payable to "Fayette County, Texas".

Amount Assessed: _____

Due Date: _____ (*ten business days from the date of this letter*)

Department Requiring Surcharge: _____

Fayette County Auditor
143 N. Main St., Suite A
La Grange, Texas 78945