

## **IC 16-41-22**

### **Chapter 22. Health, Sanitation, and Safety: Mass Gatherings**

#### **IC 16-41-22-1**

##### **Exemptions from application of chapter**

Sec. 1. (a) This chapter does not apply to a regularly established, permanent place of worship, a stadium, an athletic field, an arena, an auditorium, a coliseum, or other similar permanently established place of assembly for assemblies that do not exceed by more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

(b) This chapter does not apply to government sponsored fairs held on regularly established fairgrounds or to assemblies required to be licensed by other statutes or ordinances.

(c) This chapter does not apply to local or regional festivals, celebrations, or events that are held on an annual or regular basis and that were observed or celebrated at least two (2) times before January 1, 1973.

(d) This chapter does not apply to assemblies that are held on land owned or leased by the state or the federal government.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-2**

##### **Assembly**

Sec. 2. As used in this chapter, "assembly" means a collection of individuals gathered together at any location at any one (1) time for any purpose.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-3**

##### **Governing body**

Sec. 3. As used in this chapter, "governing body" means the following:

- (1) County executive of a county.
- (2) City-county fiscal and legislative body of a consolidated city.
- (3) Fiscal and legislative body of a city.
- (4) Town fiscal and legislative body.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-4**

##### **Unit**

Sec. 4. As used in this chapter, "unit" means a city, town, or county.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-5**

##### **Licenses to hold assemblies**

Sec. 5. A person may not:

- (1) permit;

- (2) maintain;
- (3) promote;
- (4) conduct;
- (5) advertise;
- (6) act as entrepreneur;
- (7) undertake;
- (8) organize;
- (9) manage; or
- (10) sell or give tickets to;

an actual or a reasonably anticipated assembly of at least five thousand (5,000) people that continues or can reasonably be expected to continue for at least eighteen (18) consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the appropriate law enforcement official of the unit in which the assembly is to gather. A license to hold an assembly issued to one (1) person permits any person to engage in any lawful activity in connection with the holding of the licensed assembly.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-6**

##### **Separate licenses**

Sec. 6. A separate license is required for each day and each location in which at least five thousand (5,000) people assemble or can reasonably be anticipated to assemble and can reasonably be expected to continue for at least eighteen (18) consecutive hours.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-7**

##### **License fees**

Sec. 7. The fee for each license is one hundred dollars (\$100), payable to the state.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-8**

##### **Maximum attendance**

Sec. 8. A license permits the assembly of only the maximum number of people stated in the license. The licensee may not sell tickets to or permit to assemble at the licensed location more than the maximum permissible number of people.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-9**

##### **Noise restriction**

Sec. 9. The licensee may not permit the sound of the assembly to carry unreasonably beyond the boundaries of the location of the assembly.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-10**

##### **Conditions for licensing**

Sec. 10. (a) Before an applicant may be issued a license, the applicant must comply with this section.

(b) The applicant must determine the maximum number of people that will be assembled or admitted to the location of the assembly. The maximum number may not exceed the maximum number that can reasonably assemble at the location of the assembly. If the assembly is to continue overnight, the maximum number is not more than is allowed to sleep within the boundaries of the location of the assembly by zoning or health ordinances of the unit.

(c) The applicant must provide proof of the following:

(1) Food concessions will be in operation on the grounds with sufficient capacity to accommodate the number of persons expected to be in attendance.

(2) The applicant, at the applicant's own expense, before the assembly commences, will do the following:

(A) Furnish potable water that meets the following conditions:

(i) Meets all federal and state requirements for purity.

(ii) Is sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one (1) gallon per person per day and water for bathing at the rate of at least ten (10) gallons per person per day.

(B) Furnish separate, enclosed toilets for males and females that meet the following conditions:

(i) Meet all state and local specifications.

(ii) Are conveniently located throughout the grounds.

(iii) Are sufficient to provide facilities for the maximum number of people to be assembled, at the rate of at least one (1) toilet for every one hundred fifty (150) females and at least one (1) toilet for each two hundred (200) males.

(C) Furnish a lavatory with running water under pressure and a continuous supply of soap and paper towels with each toilet.

(D) Provide, together with the toilets, an efficient, sanitary means of disposing of waste matter deposited in compliance with all state and local laws and rules.

(E) Provide a sanitary method of disposing of solid waste, in compliance with state and local laws and rules, sufficient to dispose of the solid waste production of the maximum number of people to be assembled, at the rate of at least two and one-half (2 1/2) pounds of solid waste per person per day.

(F) Provide a plan for holding and collecting all solid waste at least one (1) time each day of the assembly and provide sufficient trash cans with tight fitting lids and personnel to perform the task.

(G) Provide physicians and nurses licensed to practice in Indiana, at the rate of at least one (1) physician for every ten

thousand (10,000) people and at least one (1) nurse for every five thousand (5,000) people anticipated to be assembled, with one-half (1/2) of the physicians and nurses to be on the site for which the license has been issued and the other one-half (1/2) to be readily available.

(H) Provide an enclosed covered structure where treatment may be provided containing a separately enclosed treatment room for each physician.

(I) Provide at least one (1) emergency ambulance available at all times.

(J) If the assembly is to continue during hours of darkness, provide illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles. However, the illumination may not shine unreasonably beyond the boundaries of the location of the assembly.

(K) Provide a free parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled, at the rate of at least one (1) parking space for every four (4) persons.

(L) Provide telephones connected to outside lines sufficient to provide for the maximum number of people to be assembled, at the rate of at least one (1) separate line and receiver for each one thousand (1,000) people.

(M) If the assembly is to continue overnight, provide camping facilities in compliance with all state and local requirements, sufficient to provide camping accommodations for the maximum number of people to be assembled.

(N) Provide security guards:

(i) who are either regularly employed, duly sworn, off duty law enforcement officers or private guards licensed in Indiana; and

(ii) sufficient to provide adequate security for the maximum number of people to be assembled, at a rate of at least one (1) security guard for each seven hundred fifty (750) people.

(O) Provide fire protection that meets the following conditions:

(i) Includes alarms, extinguishing devices, fire lanes, and escapes.

(ii) Is sufficient to meet all state and local standards for the location of the assembly.

(iii) Includes sufficient emergency personnel to operate efficiently the required equipment.

(P) Take all reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(Q) File a bond with the clerk of the unit in which the assembly is to gather. The bond must meet the following

conditions:

- (i) Be either in cash or underwritten by a surety agent licensed to do business in Indiana.
- (ii) Be issued at the rate of four dollars (\$4) per person for the maximum number of people permitted to assemble.
- (iii) Indemnify and hold harmless the unit or the unit's agents, officers, or employees from any liability or causes of action that might arise by reason of granting the license and from any cost incurred in cleaning up any waste material produced or left by the assembly.
- (iv) Guarantee the state the payment of any taxes that accrue as a result of the gathering.
- (v) Guarantee reimbursement of ticketholders if the event is canceled.
- (vi) Guarantee repayment to any unit for actual expenses of repair or replacement of property owned by the unit or for which the unit is responsible.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-11**

##### **License applications**

Sec. 11. Application for a license to hold an actual or anticipated assembly of at least five thousand (5,000) persons that can reasonably be expected to continue for at least eighteen (18) consecutive hours must be made in writing to the chief of police of the municipality or sheriff of the county at least sixty (60) days in advance of the assembly. The application must be accompanied by the bond required by section 10(c)(2)(Q) of this chapter and the license fee required by section 7 of this chapter.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-12**

##### **Approval of licenses**

Sec. 12. (a) The chief of police or the sheriff to whom the application is made shall on the same day forward the application with the chief of police's or sheriff's recommendations to the local health department.

(b) The local health department shall examine the application and make the investigation that the local health department considers necessary and either approve or disapprove the application not more than fifteen (15) days after receipt. Immediately after making a determination, the local health department shall return the application, marked approved or disapproved, to the sheriff or chief of police who submitted the application.

(c) The sheriff or chief of police shall notify the applicant within five (5) days that the application has been disapproved or that the sheriff or chief of police will issue the license. The sheriff or chief of police may issue the license provided for in this chapter.

*As added by P.L.2-1993, SEC.24. Amended by P.L.142-1995, SEC.24.*

### **IC 16-41-22-13**

#### **Statement of truth and accuracy of information**

Sec. 13. The application must contain a statement made upon oath or affirmation that the statements contained in the application are true and correct to the best knowledge of the applicant. The statement must be signed and sworn to or affirmed by the following:

- (1) The individual for an individual.
- (2) All officers for a corporation.
- (3) All partners for a partnership.
- (4) All officers of an unincorporated association, a society, or a group.
- (5) All members of an association, a society, or a group if there are no officers.

*As added by P.L.2-1993, SEC.24.*

### **IC 16-41-22-14**

#### **Contents of license applications**

Sec. 14. The application must disclose the following:

- (1) The name, age, residence, and mailing address of each person required to sign the application by section 13 of this chapter and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence, and mailing address of each person holding at least ten percent (10%) of the stock of the corporation.
- (2) The address and legal description of all property on which the assembly is to be held, together with the name, residence, and mailing address of the record owner or owners of all the property.
- (3) Proof of ownership of all property on which the assembly is to be held, or a statement made upon oath or affirmation by the record owner or owners of all property that the applicant has permission to use the property for an assembly of at least five thousand (5,000) persons.
- (4) The nature or purpose of the assembly.
- (5) The total number of days or hours during which the assembly is to last.
- (6) The maximum number of persons that the applicant will permit to assemble at any time, not to exceed the maximum number that can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the unit if the assembly is to continue overnight.
- (7) The maximum number of tickets to be sold, if any.
- (8) The plans of the applicant to limit the maximum number of people permitted to assemble.
- (9) The plans for supplying potable water, including the source, amount available, and location of outlets.
- (10) The plans for providing toilet and lavatory facilities, including the source, number, location, and type and the means

of disposing of waste deposited.

(11) The plans for holding, collecting, and disposing of solid waste materials.

(12) The plans to provide for medical facilities, including the names, addresses, and hours of availability of physicians and nurses, and provisions for emergency ambulance service.

(13) The plans, if any, to illuminate the location of the assembly, including the source, amount of power, and the location of lamps.

(14) The plans for parking vehicles, including size and location of lots, points of highway access, interior roads, and routes between highway access and parking lots.

(15) The plans for telephone service, including the source, number, and location of telephones.

(16) The plans for camping facilities, if any, including facilities and the locations of the facilities.

(17) The plans for security, including the number of guards, the guards' employment, names, addresses, credentials, and hours of availability.

(18) The plans for fire protection, including the number, type, and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.

(19) The plans for sound control and sound amplification, if any, including the number, location, and power of amplifiers and speakers.

(20) The plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and the concessionaires' license or permit numbers.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-15**

##### **Processing of applications and issuance of licenses**

Sec. 15. An application for a license under this chapter must be processed not more than twenty (20) days after receipt and must be issued if all conditions are met.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-16**

##### **Revocation of licenses**

Sec. 16. A license issued under this chapter may be revoked by the governing body of the unit issuing the license at any time if any of the conditions necessary for the issuing of or contained in the license are not met or if any condition previously met ceases to be met.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-17**

##### **Appeals from denial or revocation of licenses**

Sec. 17. A person aggrieved by the denial or revocation of a license under this chapter may appeal to the circuit court of the county in which the assembly was to gather. The appeal must be taken not more than fifteen (15) days after the denial or revocation. The appeal is privileged.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-18**

##### **Injunctions**

Sec. 18. This chapter may be enforced by injunction, and the injunction has statewide application.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-19**

##### **Public nuisance**

Sec. 19. The holding of an assembly in violation of a provision or condition contained in this chapter constitutes a public nuisance.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-20**

##### **Traffic control**

Sec. 20. When the licensing authority determines that the public health, safety, or welfare is or may be affected, or where damage or obstruction may occur, the authority may close an access road to or from the site of the assembly or otherwise control or limit traffic.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-21 Version a**

##### **License violations**

*Note: This version of section effective until 7-1-2014. See also following version of this section, effective 7-1-2014.*

Sec. 21. A person who knowingly violates section 5 of this chapter or violates a condition on which the person is granted a license commits a Class D felony.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-22-21 Version b**

##### **License violations**

*Note: This version of section effective 7-1-2014. See also preceding version of this section, effective until 7-1-2014.*

Sec. 21. A person who knowingly violates section 5 of this chapter or violates a condition on which the person is granted a license commits a Level 6 felony.

*As added by P.L.2-1993, SEC.24. Amended by P.L.158-2013, SEC.246.*

#### **IC 16-41-22-22**

##### **Violations**

Sec. 22. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a



Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

*As added by P.L.2-1993, SEC.24.*