

Salt Lake Valley Health Department

Health Regulation

#17

**TEMPORARY MASS GATHERINGS
REGULATION**

**Adopted by the Salt Lake Valley Board of Health
July 1, 1982**

**And Amended:
September 3, 1992,
July 1, 1999,
July, 2001,
April 6, 2006, and
May 7, 2009**

**Under Authority of Section 26A-1-114
Utah Code Annotated, 1953, as amended**

1. PURPOSE AND APPLICABILITY OF REGULATION.

- 1.1. The purpose of this regulation is to set forth permitting procedures and requirements for mass gatherings in a way that will protect, preserve, and promote the physical health of the public; prevent and control the incidence of communicable diseases; reduce hazards to health and hazards and pollution of the environment; maintain adequate sanitation and public health; and protect the safety of the public.
- 1.2. This regulation applies to all mass gatherings held in the Salt Lake Valley. This includes all operators, coordinators, site owners, participants, vendors, attendees, or anyone providing any service for a gathering.

2. DEFINITIONS

For the purposes of this Regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Board of Health” shall mean the Salt Lake Valley Board of Health.
- 2.2. “Build-Out Facilities” shall mean temporary structures located at or near a permanent facility involved in an assembly or activity, including but not limited to tents, booths, trailers, vans and portable meeting, dressing or living facilities.
- 2.3. “Department” shall mean the Salt Lake Valley Health Department.
- 2.4. “Director” shall mean the Director of the Salt Lake Valley Health Department or his or her designated representative.
- 2.5. “Drinking Water Station” shall mean a location where a person may obtain safe drinking water free of charge.
- 2.6. “Emergency Medical Services (EMS) Director” shall mean the local municipal emergency medical services medical director or fire chief, or their representative.
- 2.7. “Extraordinary Gathering” shall mean an event whose nature and/or conditions have the potential of generating environmental or health risks which requires a more extensive review to protect the public health and safety.
- 2.8. “Financial Assurance” shall mean surety bonds, escrow accounts or cash equivalents.
- 2.9. “First Aid Station” shall mean a temporary or permanently enclosed space or structure where a person can receive first aid and emergency medical care.

- 2.10. "Gathering" shall mean an extraordinary gathering or a temporary mass gathering as defined in this regulation.
- 2.11. "Operator" shall mean a person, group, corporation, partnership, governing body, association, or other public or private organization legally responsible for the overall operation of a gathering.
- 2.12. "Owner" shall mean any person who alone, jointly, or severally with others:
- 2.12.1. has legal title to any premises, with or without accompanying actual possession thereof; or
 - 2.12.2. has charge, care, or control of any premises, as legal or equitable owner, agent of the owner, or lessee.
- 2.13. "Permit" shall mean a written form of authorization in accordance with these regulations.
- 2.14. "Person" shall mean any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.
- 2.15. "Safe Drinking Water" shall mean potable water meeting Health Department safe drinking water standards or bottled water as regulated by the Department of Agriculture and Food.
- 2.16. "Safe Drinking Water System" shall mean a system for delivering safe drinking water that is approved by the Director.
- 2.17. "Solid Waste" shall mean garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi liquid waste; other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose.
- 2.18. "Staff" shall mean any person who:
- 2.18.1. provides services with or without compensation for or on behalf of the operator or a vendor; or
 - 2.18.2. is a vendor at a gathering.
- 2.19. "Temporary Mass Gathering" shall mean:
- 2.19.1. an actual or reasonably anticipated assembly of 500 or more people, which continues and reasonably can be expected to continue for two or more hours per

day. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly unless the assembly meets the criteria in part 2.19.2 below; or

2.19.2. an event whose nature and/or conditions have the potential of generating environmental or health risks which requires a more extensive review to protect the public health and safety. This type of temporary mass gathering may also be referred to as an “Extraordinary Gathering.”

2.20. “Vendor” shall mean any person who sells or offers goods or services to the public.

2.21. “Wastewater” shall mean used water or water carried wastes produced by man, animal, or fowl.

3. GENERAL PROVISIONS

3.1. Jurisdiction of the Department.

3.1.1. This regulation is promulgated by the Salt Lake Valley Board of Health as authorized by Section 26A-1-121(1), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

3.1.2. The Department is empowered to enforce this regulation in all incorporated and unincorporated areas served by the Department as authorized by Section 26A-1-114(1)(a), Utah Code Ann., 1953 as amended and Chapter 9.04, Salt Lake County Code of Ordinances.

3.2. Compliance with this regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.

3.3. Legal Action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

3.4. Nothing in this regulation affects or modifies in any way the obligations or liability of any person under any other regulation or provision thereof issued by the Department, any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental regulations supersede other existing local and county standards, regulations and ordinances pertaining to similar subject matter that are inconsistent.

3.5. **Severance.** If any section, subsection, sentence, clause, or phrase of this regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this regulation.

4. MASS GATHERING PROVISIONS

4.1. Permits.

4.1.1. **Mass Gathering Permit.** It is a violation of this regulation to operate a temporary mass gathering without written approval and a corresponding valid Mass Gathering Permit issued by the Department.

- (i) **Parade Exemption.** The Director may exempt a parade from the permit requirement of part 4.1.1 if the operator submits an application as required in part 4.1.3 of this regulation and the Director determines that the availability of existing public sanitary facilities, drinking water, and trash containers is sufficient to protect public health.
- (ii) **Determination of Event To Be An Extraordinary Gathering:** Regardless of how many people an event attracts or its duration, it may be determined by the Director to be an extraordinary gathering. If the Director determines an event to be an Extraordinary Gathering, the gathering's operator shall be required to obtain a Mass Gathering Permit from the Department. The Director has discretion to exempt permit holders for extraordinary gatherings from parts of the provisions of this regulation as determined by the Director.
- (iii) **Extraordinary Gathering Factors.** Factors the Director will consider in determining whether an event is an extraordinary gathering may include but are not limited to the following:
 - a. the number of days that the event will be held;
 - b. the number of locations where the event will take place;
 - c. whether the event allows camping or overnight parking of occupied recreational vehicles;
 - d. the possibility of serious injury to staff, participants, or spectators;
 - e. the event takes place outside or near a permanent facility;
 - f. whether the event will draw staff, participants, and spectators in numbers that exceed the occupancy limit of the permanent facilities used to house the event; or a gathering that takes place in the build-out facilities;
 - g. the event has a prior history of violations;

- h. past experience with environmental or health risks at similar events;
and
- i. whether the event will have large numbers of out-of-town, out-of-state, or international participants and spectators or a significant number of out-of-state or international elected officials or dignitaries.

4.1.2. Permit Application and Financial Assurance Required.

- (i) Application for a Temporary Mass Gathering Permit shall be made upon a form provided by the Department;
- (ii) The Director shall prescribe the application process, and shall require the applicant submit a separate application for each gathering at least 15 days prior to the first advertisement of the gathering and at least 30 days prior to the first day of the gathering.
- (iii) A map as required by part 4.7.8 of this regulation along with verification that such map has been given to the local licensed EMS agency director shall be provided to the Department upon application for a permit.
- (iv) Financial assurances in a form determined by the Director may be required as a condition of the permit to guarantee full compliance with this regulation; financial assurances may also be required to cover unanticipated costs such as: additional inspections, emergency response and abatement costs, ambulance costs, medical care, cleanup and closure costs, legal fees, and costs incurred by the Department to recover the foregoing costs.
- (v) The Director shall return a denied permit application to the applicant specifying the basis for denial in writing. The applicant may appeal a denied permit in accordance with the Department's Adjudicative Hearing Procedures.

4.2. A temporary mass gathering may not exceed more than 30 consecutive days in a calendar year.

4.3. Gathering Operator Required on Site.

4.3.1. The operator shall establish a headquarters at the gathering site.

4.3.2. The operator or the operator's designee shall be present at the gathering at all times during operating hours.

4.4. Solid Waste Management.

- 4.4.1. The operator shall contract with a solid waste hauler approved by the Director as specified in Salt Lake Valley Health Department's Solid Waste Regulation #1.
- 4.4.2. The operator shall provide and strategically locate a sufficient number of covered waste containers approved by the Director to effectively accommodate the solid waste generated at the gathering.
- 4.4.3. The operator shall ensure that the waste containers are emptied as often as necessary to prevent overflowing, littering, or insect or rodent infestation, or the creation of a nuisance.
- 4.4.4. The operator shall ensure that solid waste and litter are cleaned from the property periodically during the gathering. Within 24 hours following the gathering, the operator shall ensure that the property is free of solid waste and is clean. The Director may permit more time for the site owner, coordinator, or operator to clean up the site on a case by case basis if the Director is satisfied that the extension will not adversely affect the public health. Factors the Director will consider in determining whether an extension is warranted include: the time of year, nature of the event or other extenuating circumstances.
- 4.4.5. The operator shall ensure that litter is prevented from being blown from the gathering site onto adjacent properties.
- 4.4.6. The operator shall ensure that all solid waste is collected and disposed of at a solid waste disposal or recycling facility meeting State and local solid waste disposal facility requirements.
- 4.4.7. The site owner, staff, participants, and the attendees shall comply with all applicable state and local requirements for solid waste management.

4.5. Site Maintenance.

- 4.5.1. All buildings or structures provided for the gathering shall be maintained in a safe, clean condition, in good repair, and in compliance with all applicable laws.
- 4.5.2. A gathering that provides overnight parking for occupied recreational vehicles shall comply with Utah Administrative Code Rule R392-301; Recreational Vehicle Park Sanitation.
- 4.5.3. The operator shall eliminate any infestation of insects or rodents within any part of a structure intended for occupancy, food service, or restroom facilities prior to, during, and immediately following a gathering.
- 4.5.4. The site owner and gathering operator are jointly responsible for the maintenance, safety, and sanitary condition of the gathering site and facilities and shall abate any nuisance or safety hazard prior to the gathering, and immediately take steps to

cause the abatement of any nuisance, safety hazard, or unsanitary condition that may develop during the gathering.

- 4.5.5. A gathering site shall be constructed to provide surface drainage adequate to prevent flooding of the gathering site and to prevent water related nuisances on adjacent properties.
- 4.5.6. First aid station(s), operator's headquarters, portable and or permanent restroom facilities, including handicap facilities, and drinking water stations shall be identified with signs or banners that are easily readable and with a color and lettering design in high contrast with its background, so that they can be recognized throughout the gathering site. If any of these facilities should not be easily recognized from every place on the gathering site due to obstructions including, but not limited to trees, buildings, vendor booths, elevation changes, or other obstructions, the Director may require directional signs or site maps showing or directing the attendees, participants, and staff to these facilities.
- 4.5.7. All directional exit markings and exit signs shall be clearly visible and provided in accordance with the most current Uniform Fire and Building Codes. Additionally, if a gathering is held within an enclosed building, low level exit signs and directional markings shall be required. All exit markings and exit signs shall be:
 - (i) internally or externally illuminated during nighttime or dimly lit gatherings; and
 - (ii) of a color and lettering design in high contrast with its background.
- 4.5.8. The operator shall provide lighting adequate to ensure the comfort and safety of attendees, participants, and staff.
- 4.5.9. All parking areas used for the gathering and under the control of the gathering operator must meet the requirements of this regulation.

4.6. **Personal Health Protection.** Any item intended to be distributed to and used by the public shall be single-use or approved by the Director prior to distribution. If the item is not single use, it shall be cleaned, sanitized between each use.

4.7. **Emergency Medical Care Requirements.**

- 4.7.1. The operator shall ensure that the gathering has at least one first aid station. The Director or local EMS Director may require more than one first aid station as deemed necessary due to the nature of the event, time of year, risk of injury, number of participants or attendees, or other public health and safety needs. If the Director or local EMS director deems more than 1 first aid station necessary, the operator shall comply.

4.7.2. First aid stations shall be stocked with at least the following equipment for the duration of the gathering:

- (i) 1 bag mask ventilation unit with adult, child, and infant mask sizes
- (ii) 3 oropharyngeal airways, adult, child, and infant sizes
- (iii) 1 pocket mask
- (iv) 1 portable oxygen apparatus (tank, regulator, case)
- (v) 1 oxygen extension tubing
- (vi) 2 adult and 1 child nasal cannula
- (vii) 2 adult and 1 child non-rebreather mask
- (viii) 1 adult and 1 child blood pressure cuff
- (ix) 1 stethoscope
- (x) 2 pillows
- (xi) 2 emesis basins
- (xii) 4 blankets
- (xiii) 4 sheets
- (xiv) 12 towels
- (xv) 6 5x9 or 8x10 trauma dressings
- (xvi) 30 4x4 gauze dressings
- (xvii) 12 kerlix or other roller bandage
- (xviii) 3 roles of adhesive tape
- (xix) 3 cervical collars, 1 regular, 1 no-neck, one pediatric
- (xx) 1 back board with straps
- (xxi) 6 non-traction extremity splints (e.g., cardboard, ladder, SAM splints, air splints)

- (xxii) 10 triangular bandages
- (xxiii) 2 pair of shears
- (xxiv) 1 obstetrical kit
- (xxv) 2 pen lights
- (xxvi) 100 assorted band-aids
- (xxvii) 1 traction splint
- (xxviii) 2 tubes of oral glucose
- (xxix) 1 box of exam gloves
- (xxx) 4 bio-hazard bags
- (xxxi) 1 portable suction device
- (xxxii) 1 basic life support jump kit for every 2 gathering medical providers
- (xxxiii) 1 automatic external defibrillator
- (xxxiv) 1 examination table, cot or bed.

- 4.7.3. Equipment, supplies, and staff in on-site emergency vehicles licensed by the Utah Department of Health may be considered when determining compliance with the first-aid supply and staffing requirements of this regulation. If any emergency vehicle licensed by the Utah Department of Health has to leave the gathering for any reason, the operator shall continue to meet the on site equipment, supplies, and staff requirements for First Aid Stations independently from the equipment, supplies, and staff of the emergency vehicle licensed by the Utah Department of Health.
- 4.7.4. An on-site emergency vehicle licensed by the Utah Department of Health is presumed to have all of the required first aid equipment and qualified staff. If there is a reasonable suspicion to believe an emergency vehicle does not have the required first aid equipment, the Director may inspect the vehicle.
- 4.7.5. First aid stations shall afford privacy to a person receiving care or treatment.
- 4.7.6. First aid stations shall be of sufficient size to accommodate the number of care givers required, and the predicted number of sick or injured persons.

- 4.7.7. First aid stations shall be strategically located to provide expedient medical care for those attending or participating in the gathering.
- 4.7.8. First aid stations shall be easily accessible by emergency vehicles. The operator shall provide the local EMS director a map of the gathering site which includes location of first aid stations, emergency vehicle ingress and egress routes, landing zones (if applicable) and rendezvous locations.
- 4.7.9. At least two state-licensed or certified medical providers, such as an emergency medical technician, paramedic, nurse, physician's assistant or medical doctor shall be present to staff each first aid station. A gathering having more than 2,500 attendees shall have at least two additional emergency medical providers for each additional 5,000 attendees or fraction thereof. The Director or local EMS Director may require additional emergency medical services personnel as deemed necessary because of the nature of the event, time of year, risk of injuries or other public health and safety needs.
- 4.7.10. First aid stations shall be staffed by individuals who:
- (i) are at least 18 years of age; and
 - (ii) have a current state license or certification showing competency to be an emergency medical technician, paramedic, nurse, physician's assistant or physician.
- 4.7.11. The operator shall ensure that the medical staff has access to telephones or radios to contact outside emergency medical services. The operator shall provide the local EMS Director the telephone numbers and radio frequencies for accessing the gathering's medical providers.
- 4.7.12. The Director or local EMS Director may require the operator to provide dedicated stand-by ambulances and personnel at the gathering. The operator will be financially responsible for the costs of funding dedicated stand-by ambulances and personnel, but not for the costs of providing transportation services to individual patients.
- 4.7.13. The operator shall ensure that the staff person in charge of the first aid station keeps accurate records of patients and treatment, and that the Director is notified of all cases involving a serious injury or communicable disease in accordance with Utah Administrative Code R386-702, Communicable Disease Rule and Utah Administrative Code R386-703, Injury Reporting Rule.
- 4.7.14. The operator shall ensure that the staff person in charge of the first aid station completes a Department approved pre-hospital care form showing all assistance given each person attended and that these forms are submitted to the Department within 72 hours following the gathering.

4.7.15. The Department may enter into formal service agreements with local EMS agencies to conduct EMS inspections at gatherings. The operator shall pay for all related inspection costs.

4.8. **Hazardous Conditions.** The operator shall develop contingency plans for dangerous conditions during the gathering. The plans may include evacuation, cancellation or delay of the gathering and provision for support facilities.

4.9. **Food Protection.**

4.9.1. The operator and vendors shall comply with Salt Lake Valley Health Department Regulation #5 Retail Food Service.

4.9.2. The operator shall ensure that food vendors obtain required food service operating permits from the Director.

4.10. **Safe Drinking Water Supply Requirements.**

4.10.1. The operator shall ensure that all drinking water is from a Department approved safe drinking water supply or bottled water approved by the Utah Department of Agriculture and Food.

4.10.2. Safe drinking water hauled to the gathering shall be hauled and dispensed in a manner approved by the Director that protects public health.

4.10.3. The operator shall provide and strategically locate drinking water stations to adequately and effectively meet the drinking water needs of attendees, participants, and staff free of charge. At least four drinking water stations are required at a gathering. An additional drinking water station is required for each additional 150 attendees or fraction thereof, above 500 persons. The Director may require additional drinking water stations as deemed necessary because of the time of year, heat index, nature of the event or other public health related criteria. If containers are needed to drink the water at the required drinking water stations, the operator must provide single-use containers.

4.11. **Wastewater Disposal Requirements.**

4.11.1. All wastewater shall discharge to a public wastewater treatment system if such a system is available and practical for use. Availability and practicality are determined solely by the Director.

4.11.2. Where a public sewer is not available or practical for connection, wastewater shall discharge into a wastewater treatment system approved in accordance with SLVHD Regulation #13, Wastewater and any applicable state rule.

4.11.3. The Director may allow portable restroom facilities and wastewater holding tanks only where an approved sewer system is not available or practical for connection.

4.11.4. The number of toilets and facilities shall be provided in accordance with the following table:

TABLE: Minimum Numbers of Toilets Required

Peak Crowd	Average Time at Gathering (hours)									
	1	2	3	4	5	6	7	8	9	10
500	2	4	4	5	6	7	9	9	10	12
1000	4	6	8	8	9	9	11	12	13	13
2000	5	6	9	12	14	16	18	20	23	25
3000	6	9	12	16	20	24	26	30	34	38
4000	8	13	16	22	25	30	35	40	45	50
5000	12	15	20	25	31	38	44	50	56	63
6000	12	15	23	30	38	45	53	60	68	75
7000	12	18	26	35	44	53	61	70	79	88
8000	12	20	30	40	50	60	70	80	90	100
10000	15	25	38	50	63	75	88	100	113	125
12500	18	31	47	63	78	94	109	125	141	156
15000	20	38	56	75	94	113	131	150	169	188
17500	22	44	66	88	109	131	153	175	197	219
20000	25	50	75	100	125	150	175	200	225	250
25000	38	69	99	130	160	191	221	252	282	313
30000	46	82	119	156	192	229	266	302	339	376
35000	53	96	139	181	224	267	310	352	395	438
40000	61	109	158	207	256	305	354	403	452	501
45000	68	123	178	233	288	343	398	453	508	563
50000	76	137	198	259	320	381	442	503	564	626
55000	83	150	217	285	352	419	486	554	621	688
60000	91	164	237	311	384	457	531	604	677	751
65000	98	117	257	336	416	495	575	654	734	813
For each additional 10,000 in attendance add:	15	25	38	50	63	75	88	100	113	125

4.11.5. If alcoholic beverages are consumed at the gathering, the operator shall increase the number of required toilets by 40%.

4.11.6. The operator shall provide a minimum of one toilet that is accessible by handicapped persons and at a rate of 5% of total toilets.

- 4.11.7. The operator shall locate portable toilets a minimum of 100 feet from any food service operation and not more than 300 feet from any grand stand or spectator area or from other areas of activity which pertain to the gathering, as outlined in the permit application. Where site conditions limit the placement of portable toilets, the Director may allow exemptions to these distances.
- 4.11.8. The operator shall provide working hand wash stations at a minimum rate of one per 10 portable toilets or portion thereof. A minimum of one hand wash station shall be located at each bank of portable toilets. The operator shall provide soap, water and single use towels at each hand wash station as necessary. Where conditions make the use of soap and water impractical, the Director may allow sanitizing gel in place of soap and water. Sanitizing gel may not be used in place of soap and water at hand wash stations used by food service workers.
- 4.11.9. The operator shall provide a minimum of one covered trash container for every 10 portable toilets or portion thereof. A minimum of one covered trash container shall be provided at each bank of portable toilets.
- 4.11.10. The operator shall ensure that all portable toilets are of sound construction (such as non-absorbent polyethylene), easily cleanable, and durable.
- 4.11.11. The tank capacity of each portable toilet shall not be less than 60 gallons. Chemicals used for sanitizing agents in portable toilets must be acceptable for use by the treatment facility accepting the sewage.
- 4.11.12. Each portable toilet must be secured against vandalism and adverse weather conditions by tie downs, anchors or similar effective means.
- 4.11.13. The operator shall contract with a liquid waste hauler approved by the Director as specified in Salt Lake Valley Health Department's Solid Waste Regulation #1
- (i) The operator shall require in the contract with the liquid waste hauler that the hauler shall meet the requirements of this regulation.
 - (ii) The liquid waste hauler shall have a written contract with a wastewater treatment facility indicating that the wastewater treatment facility will accept the wastewater.
 - (iii) The liquid waste hauler must manifest all disposal of liquid waste materials. The liquid waste hauler shall present the manifest to the Director for the Director's review upon request.

- 4.11.14. The operator shall ensure that all wastewater is removed from each portable toilet at least once every 24 hours. On a case by case basis, the Director may change this frequency because of the time of year, weather conditions, nature of the event or other public health-related criteria. All wastewater removed shall be disposed of at a wastewater treatment facility in accordance with SLVHD Regulation #13, Wastewater, and any applicable State Rule.
- 4.11.15. Each portable toilet must be serviced and sanitized at time intervals that will maintain sanitary conditions of each toilet.
- 4.11.16. Each portable restroom unit must be serviced and removed within 24 hours of the gathering's conclusion. The Director may extend or shorten this time due to of the time of year, weather conditions, the nature of the event or to meet other public health needs.

5. LICENSES, PERMITS, & REGULATORY FEES

- 5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in this regulation. The Department may collect appropriate fees as set out in this regulation for the performance of services, including plan reviews. The Director may attach conditions to a permit in order to meet specific public health and safety concerns. If information on a license or permit application changes, the applicant shall notify the Department in writing prior to the setup and or commencement of the gathering.
- 5.2. **Mass Gathering Permit Fee.** The fee for a Mass Gathering Permit required in part 4.1.1 of this regulation shall be paid to the Department at the time of application. It shall be based upon the reasonable expenses incurred by the Department to review plans and specifications, conduct inspection(s), and act upon the permit application. The fee for a Mass Gathering Permit shall be:

Number of People in Attendance:	Amount due for Mass Gathering Permit:
2-999	\$250
1000-4,999	\$350
5,000-9,999	\$450
10,000 or more people	\$500

5.3. Late Fees.

- 5.3.1. The Department may impose upon any party subject to this regulation penalties and charges for failure to timely pay service fees as set out in this regulation. Attorney's fees and collection fees may also be applied.
- 5.3.2. Fees unpaid to the Health Department after the due date will be assessed a penalty of 10% of the original balance. Fees unpaid to the Health Department after one month of the due date will be assessed an additional penalty of 10% of the

outstanding balance. Failure to pay the fees and additional charges after two months of the due date will be assessed an additional penalty of 15% of the outstanding balance including previous penalties. Failure to pay the fees and additional charges after 100 days of the due date will result in suspension of the permit and the right to operate. A \$40.00 charge will be assessed for each returned check.

5.3.3. **Application Late Fee.** Any applicant who fails to submit an application for a Mass Gathering Permit at least 30 days prior to the mass gathering will be subject to a late fee of \$175.

5.4. Unless otherwise provided for in this regulation or approved by the Director in the Department's Fee Standard, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

5.5. **Denial, Suspension, or Revocation of License or Permit.** Any permit applied for or issued pursuant to this regulation may be denied, suspended, or revoked by the Director for any of the following reasons:

5.5.1. Failure of the applicant to show that the gathering will be held or operated in accordance with the requirements of this regulation;

5.5.2. Submission of incorrect, incomplete, or false information in the application;

5.5.3. Failure to pay applicable fees;

5.5.4. Failure to satisfy the financial assurance requirements;

5.5.5. The gathering will be in violation of law;

5.5.6. Failure of the coordinator, owner, or operator at a gathering to allow the Department to conduct inspections as necessary to determine compliance with this regulation;

5.5.7. Operation of a gathering in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;

5.5.8. Failure to operate or maintain the gathering in accordance with the application, report, plans, and specifications approved by the Director; or

5.5.9. Failure to supply updated information as required in subsection 5.1 above.

6. INSPECTIONS & INVESTIGATIONS

6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.

6.2. Authority for Department to Enter Premises.

- 6.2.1. **Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.
- 6.2.2. **Unregulated Commercial Premises.** The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party or upon a warrant issued by a court.
- 6.2.3. **Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

6.3. The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, §§ 63G-2-101 to 63G-2-1001 Utah Code Ann., 1953 as amended.

7. ENFORCEMENT MECHANISMS. If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this regulation or the division has other reasonable grounds to believe that there has been a violation of any part of this regulation or that the property owner or otherwise responsible party is not in compliance with this regulation, the division may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A person does not need to be first adjudged liable in a civil matter before facing criminal charges.

7.1. **Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

- 7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;
- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the department;
- 7.1.4. The degree to which prosecution might deter future violations;
- 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

7.2. **Civil Enforcement Actions.** The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.

7.3. **Administrative Actions.**

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
 - (i) Describe the property and the persons believed to be in violation;
 - (ii) Describe the violation;

- (iii) Describe remedial action that will comply with the provisions of this regulation;
- (iv) Set a reasonable time for the performance of any required remedial action(s);
- (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
- (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.

7.3.4. **Challenging an NOV.** As detailed in the SLVHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within ten (10) days of the date of the NOV.

7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**

- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLVHD's Adjudicative Hearing Procedures.
- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLVHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLVHD's Adjudicatory Hearing Procedures.

- 7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

7.4. **Additional Administrative Enforcement Authority.**

- 7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.
- 7.4.2. Any variances allowed by the Department to the requirements of this regulation shall be only by written approval of the Board.
- 7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it.
- 7.4.4. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he or she may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake Valley Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

8. **CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES**

8.1. **Criminal Penalties.**

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

8.2. Civil & Administrative Penalties.

8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:

- (i) The violator's history of compliance or non-compliance;
- (ii) The violator's economic benefit of non-compliance;
- (iii) The documented costs associated with environmental or health damage;
- (iv) The violator's degree of willfulness or negligence; and
- (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

8.3. Recovery of Investigation & Abatement Costs

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

9. EFFECTIVE DATE

9.1. This Regulation shall become effective upon its enactment by the Salt Lake Valley Board of Health.

APPROVED AND ADOPTED this _____ day of _____, 2009.

SALT LAKE VALLEY BOARD OF HEALTH

By: _____
NANO PODOLSKY,
Chair

ATTEST:

By: _____
GARY L. EDWARDS, M.S.
Executive Director
Salt Lake Valley Health Department