
Mass Gathering Ordinance

Town of Sabattus, Maine

Adopted 06/03/2000

Section 1. Purpose and Authority:

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A M.R.S.A. Sec. 3001.

WHEREAS, the inhabitants of the Town of Sabattus are concerned that public health and safety problems may result when crowds assemble for any event.

WHEREAS, matters relating to waste disposal, potable water, first aid, public sanitation, traffic safety, law enforcement, adherence to alcohol and controlled substance laws, obstruction and damage to public and private ways, and destruction of public and private property are a concern to the citizens of Sabattus.

Section 2. Administration of Ordinance:

The Town of Sabattus Code Enforcement Officer shall be responsible for the administration and enforcement of this ordinance.

Section 3. Permit Issued by the Municipal Officers Required:

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, festival, concert, parade, amusement show, theatrical performance, or other outdoor event **whether indoor or out**, where more than 250 people gather for two (2) or more hours up to a maximum of 24 continuous hours without first obtaining an assembly permit, hereafter referred to as permit, from the Municipal Officers.

Section 4. Application:

Any person or entity seeking issuance of an assembly permit must make an application to the Code Enforcement, hereafter referred to as CEO, on a form(s) provided by the Code Enforcement Officer, that contains plans and documentation relating to all items in applicable Sections below no later than forty (40) days prior to the event. The CEO shall accept the application as complete or reject the application within 21 days from date of filing of application.

Section 5. Permit Fees:

The applicant must pay a non-refundable \$250.00 fee when submitting the application for permit plus all costs for advertising and technical and professional review deemed necessary by the Town.

Section 6. Contents of the Application:

- A. The applicant shall furnish a plan accurately drawn that will show the actual dimensions and distances from each separate area **and/or buildings** to be used with designated locations for drinking water, toilet and sanitation facilities, waste containers, first aid facilities, parking areas, placement of any stages or entertainment areas, seating areas, food service areas and sleeping and/or camping areas if an overnight event is proposed.
- B. The applicant shall provide a detailed plan for seating the estimated number of attendees. The plan shall include methods to be used to discourage the presence of persons not holding tickets or invited to attend. The applicant shall further provide assurances that all event promotion and publicity will immediately cease when all tickets have been sold.
- C. The applicant shall provide assurances and detail methods to be used to insure that individuals not invited or holding tickets will not be permitted to use parking, toilet, or camping facilities under the control of the applicant and that no food or beverage will be sold to non-ticket holders or non-invited individuals on premises under the control of the applicant except persons employed or authorized to provide support service for the event.
- D. Applicant shall submit to the CEO in writing detailed assurances relating to each standard in Section 7 below.

Section 7. Standards for Permit Issuance:

The Municipal Officers shall issue a permit to the applicant upon finding that the applicant has the ability and financial resources to comply with and complies with the following standards, considering the size, duration and nature of the proposed event: These standards shall be met for each separate location at which the event or parts thereof take place:

- A. Adequate supplies of potable water shall be available and reasonably spaced throughout the event area;
- B. Adequate toilet and sanitation facilities shall be available and reasonably spaced throughout the event area;
- C. The area to be used is adequately equipped with suitable containers for disposal of solid waste and/or garbage and that provisions are made for the removal and disposal and recycling of such waste and garbage;
- D. Adequate first aid facilities and qualified medical personnel shall be provided;
- E. Adequate parking facilities are available in the area in which event is to be held;
- F. The event will not impair the safety and orderly flow of traffic on public ways and that adequate provision has been made for the control of traffic before, during and after the event; and;

- G. Adequate police protection by state certified officers, in numbers to be determined by the Chief of Police, shall be provided;
- H. Adequate fire protection, as determined by the Fire Chief, is provided;
- I. Adequate sleeping and/or camping areas are provided if an overnight or continuous event;
- J. There will be adequate seating capacity for maximum attendance and/or number of tickets to be sold;
- K. Any other imposed conditions deemed reasonably necessary to insure that the event complies with the standards set forth above for issuance of the permit as of the date of the event.

Section 8. Number of Tickets Sold:

No more than the number of tickets specified in the application shall be issued for a single event. A "ticket" includes any receipt or token of eligibility to attend the event whether or not a piece of paper or other physical evidence of payment is issued to the attendee. Persons not holding valid tickets for an event for which tickets have been sold or given away shall not be permitted to attend. Promptly after all the tickets have been sold or just prior to the start of the event, which ever occurs first, the applicant shall furnish to the CEO a sworn statement as to the number of tickets sold or otherwise distributed.

Section 9. Public Hearing:

The Municipal Officers shall grant no permit unless the applicant satisfies the Municipal Officers that:

- A. proper facilities will be available for the proposed event in the areas to be used, and;
- B. that adequate precautions have been taken to ensure the health, safety and welfare of attendees and the general public.

Within 21 days of the determination by CEO that the application is complete the Municipal Officers shall hold a public hearing on the completed application after advertising in a newspaper(s) having general circulation in the Town, no less than five (5) days in advance of the public hearing.

The Municipal Officers shall issue the permit when satisfied that adequate provisions have been made to protect the health and safety of the residents of the Town, their property and the persons attending the event.

All assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions of issuance of the permit. In issuing the permit, the Municipal Officers may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance.

The Municipal Officers may decline to issue the permit if the event is scheduled on a holiday when many residents and nonresidents will be present in Town for reasons having nothing to do with the requested permit event. The refusal must be because it is believed that public and private facilities will be insufficient to meet the needs of persons attending the event as well as other persons who are present due to the holiday.

The Municipal Officers shall issue or deny the permit within 35 days after the CEO deems the application complete. If the permit is denied, the reasons will be given to the applicant in writing.

Section 10. Variance:

In very rare cases where strict compliance with the terms of this ordinance will cause the applicant to suffer undue hardship, and, the Municipal Officers have reasonably determined that waiving strict compliance of the terms of this ordinance will not compromise the enforcement of the ordinance or the accomplishment of its purposes, a variance specifying in writing its terms and why it has been granted may be issued.

Section 11. Liability Insurance:

Prior to receiving a valid permit from the CEO, the applicant shall furnish to the CEO a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Sabattus named as co-insured. The Certificate shall provide coverage of at least \$600,000.00 with respect to the death or injury of one or more persons in connection with the event.

The Insurance Policy shall also provide coverage for property damage in the amount of at least \$100,000.00 and shall contain a provision requiring that at least a ten- (10) day notice be given to the Town prior to cancellation of all or any part of the policy. If such cancellation occurs prior to the event, the permit issued by the Town is void.

Section 12. Security Bond:

Prior to receiving a valid permit from the Town, the applicant shall file with the CEO a surety bond issued by a company licensed by the State of Maine in an amount equal to \$50,000.00. Cash or negotiable securities acceptable to the Town Treasurer may be pledged to satisfy the provisions of this section.

The bond shall be used to satisfy any valid claims for damage to real or personal property caused by the permittee, his/her agents, employees or by persons attending the event and to reimburse expenses incurred in cleaning up or otherwise incurred as a direct result of the mass gathering for which the permit was issued.

The permittee shall make an irrevocable designation of an agent within the State of Maine to receive notices in connection with the filing of claims against the security bond or to receive notices of permit issuance or revocation. Any person, including the Town, having such a claim shall file notice of a claim upon the bond with the applicant or his/her agent within 90 days after the claim arose.

Section 13. Private Landowner Authority:

In the event that private property is to be used in connection with such event, the applicant shall file with the CEO a notarized affidavit signed by the land owner(s) that the applicant has authority to use such private property and that police officers are authorized to enter property owned or under the control of the applicant in the vicinity of the event at all reasonable times.

Section 14. Duties of Permittee:

The Permittee shall comply with all conditions of any permit issued and with all applicable local, state and federal laws and ordinances as well as all Maine Department of Health and Human Services rules and regulations. The Permittee shall further insure that attendees and/or vendors comply with all applicable laws, ordinances and regulations.

Section 15. Violations and Penalties:

- A. Whoever violates any provision of this ordinance or fails to comply with any stated permit condition or restriction shall be fined not less than \$500.00 nor more than \$2,500 to be recovered, on complaint, to the use of the Town of Sabattus.
- B. Each day's violation shall constitute a separate offense.
- C. In addition to any fine(s), the Town may seek an injunction when necessary to prevent the applicant from promoting, publicizing or conducting the event.
- D. If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorney's fees, expert witness fees, and costs.

Section 16. Revocation:

The CEO shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the permit or any noncompliance with the standards for issuance of permit.

Section 17. Savings Clause:

If any section or part thereof of this ordinance shall be held invalid the remaining provisions thereof shall remain in full force and effect.

Section 18. Effective Date:

This ordinance shall become effective immediately upon adoption by the Sabattus Town Meeting.