

Sabattus, Maine – Code of Ordinances

MASS GATHERING ORDINANCE

Section 1. Purpose

The Town of Sabattus recognizes the desirability of certain outdoor events, including exhibitions, festivals, music concerts, and fairs, and hereby ordains the following to protect the general welfare and promote public health and safety by addressing issues arising there from, such as traffic congestion, crowd control, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property

Section 2. Authority

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

Section 3. Exemptions

The provisions of this chapter shall not apply to:

- A. Events held by the Town of Sabattus and approved by the Board of Selectmen.
- B. Public school functions involving student population and staff and held on school property and approved by the School Committee.
- C. Private school functions involving student population and staff and held on school property.
- D. Religious organizations functions held on church property and approved by the church committee.

Section 4. Definitions

Assembly Area - that portion of the premises on which the mass gathering is held within which persons in attendance are expected to sit or stand.

License - A permit issued by the Town of Sabattus to hold a Mass Gathering.

Mass Gathering, Minor - any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors with the intent to attract at least five hundred persons (500) but fewer than one thousand persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sabattus.

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Mass Gathering, Major - any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors with the intent to attract at least one thousand (1000) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sabattus

Mass Gathering Area - Mass gathering area means any place maintained, operated, or used for a group gathering or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fair ground, or other similar permanent place of assembly that has sufficiently existing sanitary facilities to handle the expected gathering.

Not-for-Profit Organization - a religious, charitable or benevolent association or organization which is registered with the State of Maine and the Internal Revenue Service and holds a valid tax-exempt certificate.

Performance Guaranty - an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Manager and in a form approved by the Selectman as to form sufficiency, manner of execution and surety in an amount set by the Town Manager.

Person - any natural person, sole proprietor, partnership.

Police Department - Sabattus Police Department

Private School - Schools operated by an agency, organization, or institution other than the Town, any other municipality, the State of Maine, the United States government or any agency or instrumentality thereof.

Public Costs - those costs incurred by the Town in connection with a mass gathering which would not be incurred by the Town if the mass gathering were not held.

Public School - schools operated and governed by RSU4.

Selectmen - the Board of Selectmen of the Town of Sabattus.

Town - the Town of Sabattus

Section 3. License required; Fee and Procedure.

A. No person shall sponsor, promote, operate or hold any mass gathering, without first procuring a license from the town;

1. Licenses for minor mass gatherings shall require a license issued by the Town Manager according to the procedure contained herein, except those provisions relating to the requirement for public hearing and approval by the Board of Selectmen. Appeals from a denial of a minor mass gathering application may be made in writing to the Board of Selectmen, and must be filed with the Town Clerk within five (5) working days of the date of the denial.

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2. Licenses for major mass gatherings shall require a license issued by the Board of Selectmen according to the procedure contained herein.

B. The licensing procedure will be administered in the following manner:

1. Any person seeking a mass gathering license shall be provided a copy of this ordinance.

2. The person(s) seeking a mass gathering license must file a completed application form with the Town Clerk not less than sixty (60) days before the proposed event.

3. Applications for mass gathering licenses shall be acted upon by the Town Manager or Board of Selectmen, as appropriate, within (30) days of receiving a complete application.

4. Licenses will be issued for events to be held on property meeting the requirements of the land use ordinance or any body of water within the boundaries of the Town of Sabattus.

5. Application fees shall be due when the application is filed, shall not be refundable, and shall be in accordance with the fee schedule established by the Sabattus Board of Selectmen as listed in Appendix "A" Fee Schedule.

C. The application must address in a written descriptive plan:

1. A letter of authorization or written permission from the property owner allowing use of the property, unless the property is owned by the applicant.

2. A contract with a refuse collection company or other reasonable plan for removal of trash.

3. Proof of applicant's liability insurance. The applicant shall furnish a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Sabattus named as co-insured.

4. That adequate supplies of potable water shall be available and reasonably spaced.

5. That adequate toilet and sanitation facilities shall be available and reasonably spaced throughout the event area.

6. That adequate first aid facilities and qualified medical personnel shall be provided.

7. That adequate parking facilities are available in the area in which the event is to be held.

8. The event will not impair the safety and orderly flow of traffic on public ways and that adequate provision have been made for the control of traffic before, during and after the event.

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9. Adequate police protection by state certified officers, in numbers to be determined by the Chief of Police, shall be provided.

10. Adequate fire protection, as determined by the Fire Chief, is provided.

11. Demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available.

D. Within five (5) working days of receipt of an application, the Town Clerk shall forward a copy of the application to the Town Manager, Police Department, Fire Chief, Public Works Director, and Code Enforcement Officer, and the Town Clerk shall schedule a public hearing for a major mass gathering at the earliest possible meeting of the Board of Selectmen.

1. Upon notice of public hearing, property owners within (100) feet of the edge of the property where the mass gathering is to be held, shall be notified by Certified Mail, Return Receipt Requested, of a pending application for Mass Gathering review by the Town of Sabattus. The notice shall indicate the time, date and place of the Board of Selectmen's first consideration of the application. Should the meeting of the first consideration of the application not be held for any reason re-notification shall be provided by Certified Mail, Return Receipt Requested of the new date of the meeting. The cost of such mailings to be borne by the applicant.

E. Before a license can be issued for a major mass gathering, the Board of Selectmen shall hold a public hearing to review the application and determine the conditions required to safeguard the public health, safety and welfare. The Board of Selectmen may deny or grant the license, or grant the license and impose conditions to safeguard the public interest. Such conditions may include, but are not limited to, requiring the applicant to:

1. Post a performance guaranty/bond to ensure prompt cleanup of the grounds and payment for damages to public or private property in the area of the event. Promptly following the mass gathering, the Town shall release the performance guaranty if the operator pays all clean up and public costs within ten (10) working days after the mass gathering;

2. Agree to hire certified police officers, other security, and/or fire/rescue personnel as necessary, at the expense of the licensee. The Police Department and Fire Chief will be notified before the proposed event whether personnel will be needed;

Section 5. Enforcement, Penalty, Assignability

The Code Enforcement Officer will enforce this Ordinance. Violation of this Ordinance constitutes a civil violation punishable by a civil penalty. The violator shall be subject to the penalties set forth in 30-A, M.R.S.A. ' ss4452

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Section 6. Appendix

Guidelines. For informational purposes, the following provisions set out standards and conditions that the Town views as optimal. They are illustrative of the factors the Town will consider in making its determination as to whether a license should be issued.

A. Water supply

1. Where water is distributed under pressure for drinking, washing, flushing toilets and/or showers, the water supply system shall deliver water at normal operating pressures (20 lb. per sq. in. minimum) to all fixtures at a rate of at least thirty (30) gallons per person per day.
2. Where water is not available under pressure, and non-water carriage toilets are used, at least three (3) gallons of water per person per day shall be provided for drinking and washing purposes.

B. Refuse Disposal

1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
2. All refuse shall be collected from the mass gathering area at least once each day of the gathering and disposed of in an approved manner.
3. The mass gathering area and immediate surrounding property shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.
4. Areas where vehicles are parked shall have rubbish disposal facilities one (1) for every twenty-five (25) vehicles.

C. Grounds

1. The assembly area shall be adequately lighted, but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
2. Light level intensities shall be at least five (5) foot candles.
3. There shall be at least twenty (20) square feet per person at the site for daytime gatherings and at least forty (40) square feet per person for overnight gatherings.

D. Roads and Parking Space

1. Width of service roads shall be at least twelve (12) feet for one (1) traffic lane, twenty-four (24) feet for two (2) traffic lanes, and seven (7) feet for parallel parking lane.

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2. There shall be at least one (1) parking space for every four (4) persons; the density should not exceed one hundred (100) passenger cars or thirty (30) busses per usable acre.

E. Sanitary Facilities

1. Toilets shall be provided at a rate of one (1) for each one hundred and fifty (150) persons.

2. Urinals and Sani stands may be substituted for up to one third (1/3) of the required number of toilets. Twenty-four inches (24.) of trough urinals in men's rooms shall be considered the equivalent of one (1) urinal or toilet.

3. Sanitary facilities shall be conveniently accessible and well identified.

4. Each toilet shall have a continuous supply of toilet paper.

5. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleaned, nonabsorbent materials.

6. Clearly marked separate service buildings, or rooms containing sanitary facilities, shall be provided for each sex. Each toilet room should be provided with a self-closing door to insure privacy, or the entrance should be screened so that the interior is not visible from the outside.

7. Water points or drinking fountains shall be well identified and conveniently accessible.

8. Common drinking cups shall not be used.

F. Medical Facilities

1. Emergency medical services shall be provided under the supervision of a licensed physician.

2. A first aid building or tent, with adequate medical supplies, shall be available.

3. Emergency first aid vehicles shall be available on site during the entire time of the mass gathering.

4. A telephone or other two-way electronic communication device shall be available.

5. The operator of the mass gathering shall contact area hospitals and advise them that a mass gathering will be held and the approximate number of people attending.

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G. Safety

1. The electrical system or electrical equipment serving the mass gathering shall comply with applicable state standards and regulations (Title 32, Chapter 17, M.R.S.A.).
2. Fire prevention materials such as nonflammable drapes, partitions, etc. shall be used wherever possible.
3. At least one firefighter, with communication equipment to call in fire suppression equipment, shall be present at the site of the mass gathering.

H. Noise control

1. The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering area.
2. The noise level at the perimeters of the area should not exceed seventy (70) decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

Accepted:

Original Adoption:

Revision Dates:
