

TOWN OF VASSALBORO
MASS GATHERING ORDINANCE

This Ordinance shall be known and cited as the "Mass Gathering Ordinance" of the Town of Vassalboro, Maine, and shall be referred to as "this Ordinance".

Article 1 – Authority, Applicability and Availability

1.1 This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Home Rule) and Section 4452 et seq.

1.2 The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Vassalboro.

1.3 A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during regular Town Office hours. Copies shall be made available to the public at reasonable cost to the person making the request.

Article 2 – Findings and Purposes

2.1 The Town finds that unregulated mass gatherings present reasonable concerns for public health, safety and peace. Accordingly, it is deemed to be appropriate, and in the interest of the public welfare, to regulate the conduct of such gatherings. The purposes of this Ordinance are:

2.1.1 To promote the health, safety and general welfare of the residents of the Town of Vassalboro and attendees of the mass gathering.

2.1.2 To assure an adequate supply of potable water for the mass gathering.

2.1.3 To assure adequate sanitary facilities and solid waste disposal for the mass gathering.

2.1.4 To assure the availability of sufficient trained security and law enforcement personnel for the mass gathering.

2.1.5 To promote traffic safety and prevent obstruction and damage to public or private ways.

2.1.6 To prevent damage to public or private property.

2.1.7 To provide safety from fire and other elements.

2.1.8 To assure adequate emergency and medical services.

2.1.9 To assure sanitary food service.

2.2.0 To assure adequate sleeping areas and facilities.

Article 3 - Relationship with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another ordinance, regulation or statute, the more restrictive provision shall control.

Article 4 - Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Article 5 - Definitions

5.1 Applicant

The applicant is the person or persons applying for a permit under this Ordinance.

5.2 Mass Gathering Area

A mass gathering area means any outdoor gathering place maintained, operated or used for a group gathering or assemblage except an established permanent stadium, athletic field, arena, auditorium, coliseum, former fair ground or other similar permanent place of assembly that has sufficient existing sanitary and parking facilities to handle the expected gathering.

5.3 Mass Gathering

A mass gathering means an outdoor gathering intended to attract or, in fact, attracting five hundred (500) or more persons assembled together, for any purpose. Gatherings held at an established and permitted permanent stadium, athletic field, arena, auditorium, coliseum, former fair ground or other similar permanent place of assembly that has sufficient existing sanitary and parking facilities to handle the expected gathering are not considered mass gatherings.

5.4 Operator

An operator means the person responsible for managing the mass gathering area. In the event that no operator exists, the owner or, in the event that the area is leased, the lessee of the mass gathering area, shall be deemed to be the operator. In cases where there is more than one (1) owner/lessee, the owners/lessees shall be considered joint operators for the purposes of this Ordinance.

5.5 Refuse

Refuse means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

5.6 Sanitary Facilities

Sanitary facilities mean toilets, privies, lavatories and urinals. Sanitary facilities also include drinking fountains or potable water spigots and any buildings or rooms, portable or in fixed locations, provided for the installation and use of these units.

5.7 Structure

A structure means anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, swimming pools, billboards, signs, commercial park rides and games, carports, porches, decks and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. For purposes of this Ordinance, utility poles are not considered structures.

Article 6 - Permit Required

No person, corporation, partnership, association or group of any kind shall sponsor, promote, sell tickets to, or otherwise conduct a mass gathering, or authorize such a mass gathering to be held on any land in Vassalboro until a permit shall have been obtained from the Board of Selectmen.

Article 7 - Permit Issuance

The Board of Selectmen shall issue a permit for a mass gathering unless it finds the standards set forth in this Ordinance have not been met. When considering the issuance of a permit, the Board of Selectmen shall solicit comments from the Fire Chief, Code Enforcement Officer, Director of First Responder Services, Licensed Plumbing Inspector, Health Officer and law enforcement agencies with jurisdiction. The Board of Selectmen may also seek the advice and comment of the Maine Department of Human Services, Bureau of Health, and any other officials or persons as it deems necessary.

Article 8 – Application

8.1 Procedure

8.1.1 A complete application shall be submitted to the Board of Selectmen at least one hundred twenty (120) days prior to the scheduled date for a mass gathering or earlier. Such application shall be accompanied by a nonrefundable permit fee annually

determined by the Board of Selectmen. The applicant shall also pay the reasonable costs of any professional review required by the Board of Selectmen.

8.1.2 The application for a mass gathering permit shall be submitted in seven (7) copies on a form provided by the Town Clerk and shall contain the information required in this Ordinance.

8.1.3 The Board of Selectmen shall schedule a public hearing within fifteen (15) business days of receipt of the application.

8.1.3.1 The applicant/operator shall notify all property owners of record within one thousand (1,000) feet of the proposed mass gathering site of the date, time, place and purpose of the public hearing by certified mail. The letters shall be mailed at least ten (10) business days prior to the scheduled public hearing. Failure of any party to receive a notice shall not invalidate the hearing proceedings provided that the applicant/operator can show proof that the letters were mailed. A copy of each letter of notification sent to property owners shall be furnished to the Board of Selectmen no later than the day of the public hearing.

8.1.3.2 The applicant or operator shall place a public notice in a newspaper of general circulation in the Town, with the notice's content approved by the Board of Selectmen, that an application has been made for a mass gathering permit under the Town of Vassalboro's Mass Gathering Ordinance, briefly describing the event, noting the property address, and indicating the date, time, place and purpose of the public hearing. The notice shall be placed at least two (2) times; the first publication to be at least seven (7) business days prior to the scheduled public hearing. The notice will also be posted on the Town website.

8.1.3.3 The Board of Selectmen at the public hearing shall review the proposed application for compliance with this Ordinance and shall hear testimony from the applicant, property abutters and other interested parties.

8.1.4 The Board of Selectmen shall decide upon the application based upon the following review standards:

8.1.4.1 The application is complete.

8.1.4.2 The applicant has complied with all hearing notification requirements.

8.1.4.3 The proposed activity conforms to all the applicable provisions of this Ordinance and applicable local ordinances, state laws and regulations.

8.1.5 The Board of Selectmen may decide to approve the application, or approve the application with conditions in order to bring the proposal into compliance with this Ordinance, or deny the application.

8.1.6 The Board of Selectmen shall issue a written decision and shall indicate the reasons for its decision by a finding of fact. The Board of Selectmen's decision shall be mailed to the applicant within seven (7) days.

8.1.7 A permit issued for a mass gathering by the Board of Selectmen shall expire after the approved date of the planned gathering and is non-transferable.

8.1.8 Mass gatherings are prohibited within the Shoreland and Resource Protection Zones.

8.1.9 Appeals. An applicant may appeal the Board of Selectmen decision to deny or revoke/rescind a permit, or any conditions attached by the Board of Selectmen to the permit, to the Board of Appeals. The Board of Appeals shall review the matter on an appellate standard and shall grant the appeal only if it finds that the Board of Selectmen acted in an arbitrary or capricious manner, made errors of law, or made findings unsupported by evidence in the record. The aggrieved party may appeal the decision of the Board of Appeals to Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure within forty-five (45) days of the Board's final decision.

Article 9 - Content of Application

The following information shall be provided to the satisfaction of the Board of Selectmen in order for an application to proceed to public hearing:

9.1 The applicant's full name, address and telephone number. If applicable, the applicant's fax number and e-mail address.

9.2 The operator's full name, address and telephone number if different than the applicant's. If applicable, the operator's fax number and e-mail address.

9.3 Proof of Standing: If the applicant is the owner of the property where the mass gathering is to be held, the applicant shall furnish a copy of the deed to the property. If the applicant is not the owner of the property where the mass gathering is to be held, the applicant shall furnish one (1) of the following:

9.3.1 A written notarized authorization from the property owner(s) acknowledging the owner's understanding of the scope of the proposed mass gathering; or,

9.3.2 An original notarized copy of a lease or contract for use of the property stating the intent to hold a mass gathering; or,

9.3.3 A current notarized copy of a purchase and sales agreement between the applicant or operator and the property owner stating the intent to hold a mass gathering.

9.4 A description of the proposed event including the purpose for and the start-end date(s), start-end time(s) and place for the mass gathering.

9.5 A statement of the maximum number of persons the operator will allow to attend the mass gathering and the plan the operator intends to use to limit attendance to that number. The operator must provide provisions for preventing the number of people in excess of the maximum permitted number from gaining access to the mass gathering area.

9.6 A statement from fire and police authorities having jurisdiction over the area of the proposed mass gathering acknowledging that adequate security, traffic control and law enforcement, either public or private, shall be available for the event.

9.7 The specific details (include schedules for cleaning and maintenance and shifts for security personnel) including information and credentials for any entities to be contracted with for the provisions of:

- Food and drink
- Sanitary facilities
- Transportation and parking facilities
- Security and protection of surrounding property
- On-site medical staff and facilities
- Janitorial services and post-gathering waste removal

9.8 A performance bond or evidence of cash or negotiable securities and evidence of insurance as defined in Article 13 of this Ordinance.

9.9 A plan of the proposed site of the mass gathering area that includes:

9.9.1 The location of all proposed toilets, lavatories and water supply sources (both potable and non-potable sources shall be identified.

9.9.2 The location of food service areas, first aid facilities, refuse disposal facilities, and all security and traffic control personnel.

9.9.3 The location and intensity of all illumination.

9.9.4 The location and size of all entrances and exits to public highways or roads.

9.9.5 The location and size of all ingress and egress roads in and around the mass gathering area.

9.9.6 The location and size of all camping areas.

9.9.7 The location and size of all parking areas.

9.9.8 A map of the mass gathering area that clearly indicates property lines, abutting property owners and owners of property within one thousand (1,000) feet of the perimeter of the property lines of the proposed mass gathering area.

9.9.9 A list of all equipment or events capable of generating a noise level greater than 50 dBA at the property line, and a narrative describing what protocols will be used to maintain compliant noise levels.

9.9.10 Certified copies of all required state or local permits or licenses including, but not limited to, wastewater disposal, plumbing and alcoholic beverages.

9.9.11 Examples of the method(s) and extent of proposed advertising of the event.

9.9.12 The Board of Selectmen may require additional, reasonable submissions with the application as relevant to the performance standards. Failure of an applicant to provide requested information may result in denial.

9.9.13 The above-required submissions shall conform to the performance standards in Article 10 of this Ordinance.

Article 10 - Performance Standards

10.1 Mass Gathering Area

Each mass gathering area shall be well drained and arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities and appurtenant equipment. Trees, underbrush and other natural features shall be left intact and undisturbed whenever possible and natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage and prevent erosion. There shall be a minimum of twenty (20) square feet per person at the site for daytime assemblage and at least forty (40) square feet per person for overnight assemblage.

10.2 Water Supply

10.2.1 Where water is distributed under pressure for drinking, washing, flushing toilets and/or showers, the water supply system shall deliver water at a minimum of twenty (20) pounds per square inch at a rate of thirty (30) gallons per hour.

10.2.2 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 at no charge to attendees for drinking and washing purposes.

10.2.3 Evidence of potability of the water source(s) shall be presented.

10.3 Sanitary Facilities

10.3.1 Toilets and/or portable toilets shall be provided at a rate of one (1) for every fifty (50) anticipated attendees.

10.3.2 Sanitary facilities shall be conveniently located and well defined.

10.3.3 Each toilet shall be supplied with a continuous supply of toilet paper.

10.3.4 Service structures or rooms housing plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials.

10.3.5 Each toilet room shall be provided with a self-closing door to provide privacy.

10.3.6 Portable toilets shall be pumped and cleaned at least every eight (8) hours or more often as necessary to avoid reaching capacity.

10.3.7 All wastewater shall be disposed of in compliance with requirements of the Maine Subsurface Waste Water Disposal Rules.

10.4 Refuse Disposal

10.4.1 Refuse shall be collected, stored and transported in such a manner and with such frequency as to protect against odor, infestation of insects, rodents and other vermin and any other nuisance condition or conditions which are inconsistent with the health, safety and welfare of the patrons/attendees of the mass gathering or the public.

10.4.2 Refuse containers shall be readily accessible and one (1) fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated to attend.

10.4.3 Motor vehicle parking areas shall have at least one (1) fifty (50) gallon refuse container for every twenty-five (25) parked vehicles.

10.4.4 All refuse shall be collected from the mass gathering site at least once each twelve (12) hour period.

10.4.5 The mass gathering area and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following the mass gathering.

10.4.6 All appurtenances incidental to the mass gathering shall be removed from the mass gathering site within seven (7) days of the conclusion of the event in order to restore the area to a condition as near as possible to that which preceded the mass gathering.

10.5 Roads and Parking

10.5.1 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 lanes.

10.5.2 There shall be at least one (1) parking space for every four (4) persons anticipated to attend and the density shall not exceed one hundred (100) passenger cars/trucks or thirty (30) buses per acre.

10.5.3 The proposed mass gathering area shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distances and intersections and provide proof of such. All entrance and exit driveways shall be designed according to the following standards of safe sight-distance

Speed Limit	Sight-Distances	
	Recommended	Minimum
25mph	250 feet	175 feet
30mph	300 feet	210 feet
35 mph	350 feet	245 feet
40mph	400 feet	280 feet
45mph	450 feet	315 feet
50mph	500 feet	350 feet
55 mph	550 feet	385 feet

10.6 Security

10.6.1 Only certified law enforcement personnel or contract security companies licensed in accordance with Title 32 M.R.S.A. Section 9401 et seq. shall provide security services.

10.6.2 A minimum of one (1) security person, exclusive of traffic control, shall be available at all times for each two hundred and fifty (250) anticipated persons attending the mass gathering.

10.7 Medical Staff and Facilities

10.7.1 A first-aid building or tent with adequate medical supplies shall be available on site.

10.7.2 Emergency medical services shall be provided by licensed staff (Registered Nurses, Emergency Medical Technicians, Paramedics or other license deemed acceptable by the Board of Selectmen) under the overall supervision of a licensed physician. The licensed physician need not be present but shall have a reliable method of communication established.

10.7.3 Arrangements for adequate ambulance service by a designated provider shall be established for the mass gathering with a provider currently licensed by the State of Maine.

10.7.4 Telephone and radio communications shall be provided and kept available for emergency purposes.

10.7.5 The mass gathering operator shall notify area hospitals of the mass gathering and the anticipated attendance.

10.7.6 The number of Emergency Medical Technicians, personnel and adequacy of ambulance availability shall be determined by the Director of Vassalboro First Responders.

10.8 Sound

10.8.1 The noise levels at the perimeter of the property line where the mass gathering is held shall not exceed fifty-five (55) dBA during the hours from 6 a.m. until 10 p.m.

10.8.2 The noise levels at the perimeter of the mass gathering area shall not exceed forty (40) dBA during the hours from 10 p.m. until 6 a.m.

10.9 Alcoholic Beverages

The sale, consumption or possession of liquor shall be governed by the provisions of Title 28-A M.R.S.A. (Maine Liquor Laws).

10.10 Illegality

The occurrence of, or failure to prevent any illegality, may be grounds for denying or revoking or enforcing a violation of the mass gathering permit.

Article 11 - Enforcement

11.1 Any violation of this Ordinance or the conditions of a mass gathering permit, or holding of a mass gathering other than as described in application materials submitted to the Board of Selectmen shall be deemed to be a public nuisance and a violation of this Ordinance.

11.2 This Ordinance shall be enforced by law enforcement and the Code Enforcement Officer. If law enforcement or the Code Enforcement Officer determines that any provision of this Ordinance is being violated, they shall take action. Such action may include the revoking of a permit, or required abatement of the nuisance conditions or any other reasonable actions. A copy of a notice to revoke the permit shall be maintained as a permanent record.

11.3 The Board of Selectmen or its designee shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to the permit approval. The Board of Selectmen or its designee shall also investigate all complaints of alleged violations of this Ordinance. The Operator shall not deny entry to any town official or law enforcement officer during the event to confirm compliance with the mass gathering permit or this Ordinance.

11.4 When any violation of any provision of this Ordinance shall be found to exist, the Board of Selectmen may then institute any and all actions to be brought in the name of the Town.

11.5 Legal Action

11.5.1 When notification of a violation does not result in the prompt correction or abatement of the violation or nuisance condition, the Board of Selectmen or its designee, the Code Enforcement Officer and/or cooperating law enforcement agency are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. Violation of any condition, restriction or limitation inserted in a permit by the Board of Selectmen shall be cause for revocation of that permit by the Board of Selectmen. The revocation process shall require reasonable notice of the violation to the applicant/operator to a hearing. When there is an imminent threat to the health, safety and general welfare of the residents of the Town of Vassalboro and attendees of the mass gathering, the Board of Selectmen or its designee(s) believe that an emergency exists, the Board of Selectmen or its designee(s) may immediately revoke the mass gathering permit and schedule a hearing for a later date.

11.5.2 The Board of Selectmen, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow any illegality or violation of this Ordinance to continue unless there is clear and convincing evidence that the illegality was conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner or mass gathering operator acted in bad faith.

Article 12 - Civil Penalties

Violations of this Ordinance shall be prosecuted under Title 30-A MRS Section 4452 except that penalties to be assessed shall range from \$1,000 to \$10,000 per violation, for each day of the violation. The Court may order complete abatement of the violation and award appropriate damages, including all court costs and the Town's reasonable attorney's fees. Any fine recovered through this Ordinance shall accrue to the Town. Each day of violation shall constitute a separate offense. In addition, the Town may seek an injunction, when necessary, to prevent the applicant or operator from promoting, publicizing or conducting the event if a permit has not been issued.

Article 13 - Bond

Concurrently with the issuance of a permit, the Board of Selectmen shall require, prior to the issuance of a permit, that the applicant furnish to the Town a bond, of a surety company authorized to do business in this State, in such an amount, but not less than \$10,000, as the Board

shall determine, for the purposes of insuring the preservation of the public health, safety and peace and of providing compensation for damage to public or private property. Cash or negotiable securities of equivalent value may be furnished in lieu of the bond. The bond shall guarantee cleanup by the applicant of the area used for the mass gathering, compliance by the applicant with any applicable state or local law or regulation, and payment by the applicant for damage to real or personal property in the Town arising out of acts done or omitted to be done by the applicant or operator, his agents, employees or invitees. In furnishing such a bond, the applicant or operator shall be deemed to have appointed the surety company as agent for the service of process upon him or, if cash or securities are supplied in lieu of a bond, the applicant shall in writing appoint an agent for the service of process, irrevocably, for the term within which action may be brought before any permit is issued. Any form of security offered shall be drawable by the Town as needed to reimburse the Town for its expenses in addressing cleanup of the mass gathering area. By accepting a mass gathering permit, the operator grants access to the Town as needed to address any failure to clean up or remediate the mass gathering area in accordance with this Ordinance and any conditions on the permit.

The applicant shall furnish a certificate of liability insurance issued by an insurance company currently licensed to do business in Maine at a minimum of the following amounts: \$400,000.00 bodily injury (per person); \$500,000.00 bodily injury (per occurrence); and \$100,000.00 property damages. The insurance policy shall provide at least ten (10) day notice to the Town prior to cancellation.

The applicant shall provide a cash deposit to the Town to cover the anticipated and reasonable costs of police, fire, medical and/or other services provided by the Town. Such costs shall be those costs incurred by the Town in connection with the contemplated mass gathering and which would not be incurred by the Town if the mass gathering were not held. These costs shall be calculated based upon the anticipated attendance and estimates solicited from the service providers involved at their customary costs including, but not limited to, any overtime pay required. Within thirty (30) days after the conclusion of the mass gathering, the Town shall calculate its actual costs and any overpayment shall be refunded to the applicant. If the actual costs exceed the amount deposited, the applicant, upon receipt of an itemized statement from the Town, shall pay the excess amount within ten (10) days.

Article 14 - Amendments

This Ordinance may only be amended by the Vassalboro legislative body.

Article 15 - Effective Date

This Ordinance shall take effect upon its enactment by the Town.