

TOWN OF ARUNDEL

MASS OUTDOOR GATHERING ORDINANCE

ARTICLE I

TITLE, AUTHORITY AND PURPOSE

SECTION 1.1 TITLE

This ordinance shall be known as and may be cited as the Mass OUTDOOR GATHERING Ordinance of the Town of Arundel.

SECTION 1.2 AUTHORITY

This ordinance is enacted according to the authority granted in Title 22, Section 1602, and Title 30, Sections 1911, 1920 and 2151 of the Maine Revised Statutes Annotated.

SECTION 1.3 PURPOSE

It is recognized that a mass outdoor gathering attended by 150 or more persons, which is to be continued with such attendance for two or more hours, may create a hazard to public health and safety. Accordingly, it is deemed necessary, in the interest of public welfare, to regulate the conduct of such gatherings in order to protect the public health and safety.

ARTICLE II

**DEFINITIONS
FOR THE PURPOSE OF THIS ORDINANCE**

SECTION 2.1 SELECTMEN

Selectmen means the Arundel Board of Selectmen and its authorized representatives.

SECTION 2.2 MASS GATHERING AREA

2.2 A 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.

- 2.2 B Mass Gathering means a group of 150 or more persons assembled together for a meeting, festival, social gathering or other similar purpose that can be anticipated to exceed two (2) hours duration.
- 2.2 C Operator means the person, individual, group, or group of individuals or corporation, firm or company responsible for the managing of the mass gathering area. In the event that no operator exists, the owner or, in the event of his nonavailability, the lessee of the ground encompassing the group gathering area, shall be deemed to be the operator under these regulations.

ARTICLE III

PERMIT REQUIRED

SECTION 3.1 PROHIBITIONS

No person shall sponsor, promote, sell tickets to, permit on his property, or otherwise conduct, a mass outdoor gathering which may, will, or is intended to attract a continued attendance at such gathering of 150 or more persons for two or more hours until a permit therefor has been obtained from the Selectmen.

SECTION 3.2 ISSUANCE

The Board of Selectmen shall issue a permit for a mass outdoor gathering unless it finds the standards in this ordinance are not met. When considering the issuance of a permit the Board of Selectmen may seek advice from the Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons as it deems necessary.

SECTION 3.3 STANDARDS

The Board of Selectmen, in denying a permit, shall find that one or more of the standards set forth in this ordinance have not been met.

SECTION 3.4 PERMIT PROCEDURE

A permit application to hold one or more mass outdoor gatherings shall be submitted to the Town Clerk at least twenty (20) days prior to the first outdoor gathering contemplated. The permit application shall contain the information described in Section 3.5 (PERMIT APPLICATION) and shall be accompanied by a non refundable permit fee of \$50.00.

Within fourteen (14) days after consideration of the permit application the Board of Selectmen shall either;

- (1) Issue a permit to the operator; or

- (2) Deny a permit to the operator, which denial shall be in writing and shall set forth with specificity the reasons for such denial, together with a list of steps which, if followed by the operator, would result in a permit being issued.

Concurrently with the issuance of a permit, the operator shall furnish the Town with a bond of a surety company qualified to do business in this State in such amount as the Board of Selectmen shall reasonably determine, but in no event less than \$5,000.00. Cash or negotiable securities of equivalent value may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this ordinance. In addition, the operator shall deposit with the Town an amount of money equal to 120% of the estimated public costs of the contemplated mass outdoor gatherings. Public costs shall be those costs incurred by the Town in connection with the contemplated mass outdoor gatherings which relate to the mass outdoor gatherings and which would not be incurred by the Town if such gatherings were not held. Promptly after the gatherings, the public costs shall be calculated, and the deposit shall be refunded to the operator to the extent it exceeds the actual public costs. If the actual public costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

SECTION 3.5 PERMIT APPLICATION

The permit application submitted pursuant to section 3.4 shall be in the form prescribed by the Board of Selectmen and shall show the following in reasonable detail:

(A) ACCESS

That convenient and safe access for entrance and exits of pedestrians and vehicular traffic exists, and that all public roadways in the proximity of the mass outdoor gathering will be adequately staffed with traffic control personnel to insure safety to all the public.

(B) GROUNDS

1. That each mass gathering area will be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities and appurtenant equipment.
2. That trees, underbrush, large rocks and other natural features will be left intact and undisturbed whenever possible, and that natural vegetative cover will be retained, protected and maintained so as to facilitate the drainage, will prevent erosion, and preserve the scientific attributes.
3. That grounds will be maintained free from accumulations of refuse, and any health and safety hazards constituting a nuisance.

4. That illumination will be provided at night to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted, but shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
5. That on site parking space will be provided for persons arriving by vehicular means; that service road and parking spaces will be located so as to permit the convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that width of the service road should not be less than the following: 1 traffic lane - 12 feet; 2 traffic lanes - 24 feet; parallel parking lanes - 7 feet; that adequate parking spaces shall be provided; adequate parking is construed to mean at the rate of at least one parking space to every four (4) persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.
6. That at least 10 square feet per person shall be provided on the site for daytime assemblage, and that no overnight assemblage will be permitted.

SECTION 3.6 WATER SUPPLY

- A. That an adequate, safe supply of potable water, meeting requirements of the State Department of Human Services, Division of Health Engineering, will be provided and that common cups will not be used.
- B. That transported water will be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

SECTION 3.7 SANITATION

- A. That where water is distributed under pressure and flush toilets are used, the water system will deliver water at normal operating pressure (20 lbs. per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).
- B. That when water is not available under pressure, and nonwater carriage toilets are used, at least 3 gallons of water per person per day will be provided for drinking and lavatory purposes.
- C. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Division of Health Engineering.
- D. That sanitary facilities shall be separate for males and females, set at the rate of one for each 350 persons.

- E. That urinals (men's) and Sanistands (women's) or Porta Johns may be substituted for the required number of toilets, 24 inches of trough urinals in a men's room will be considered equivalent of one urinal or toilet.
- F. That required sanitary facilities will be conveniently accessible and well defined.
- G. That each toilet will have a continuous supply of toilet paper.
- H. That service buildings or rooms housing required plumbing fixtures will be constructed of easily cleanable, nonabsorbent materials. The buildings, service rooms, and required plumbing fixtures located therein will be maintained in good repair and in a clean and sanitary condition.
- I. That separate service buildings or rooms containing sanitary facilities, clearly marked, will be provided for each sex, and each toilet room will be provided with door to insure privacy or the entrance will be screened so that the interior is not visible from the outside.
- J. That wastewater will be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.
- K. That disposal and/or treatment of any excretion or liquid waste will be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

SECTION 3.8 REFUSE DISPOSAL

- A. That refuse will be collected, stored, and transported in such a manner so as to protect odor, infestation of insects and/or rodents and any other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the mass outdoor gathering or the public.
- B. That refuse containers shall be readily accessible and that one (1) fifty (50) gallon refuse container or its equivalent should be provided for each one hundred (100) persons anticipated or that one (1) sixteen (16) cubic yard trash container should be provided for every five thousand (5,000) persons anticipated.
- C. That the area where motor vehicles are parked should have one (1) fifty (50) gallon refuse container or its equivalent for every twenty-five (25) such motor vehicles or one (1) sixteen (16) cubic yard trash container for every two thousand (2,000) motor vehicles.
- D. That all refuse will be collected from the assembly area at least twice for each twelve (12) hour period of the assembly, with a minimum of two (2) such collections per

gatherings exceeding six (6) hours, or more often if necessary, and disposed of at a lawful disposal site.

- E. That the grounds and immediate surrounding property will be cleared of refuse within twenty-four (24) hours following an assembly.

SECTION 3.9 VERMIN CONTROL

That insect, rodents, and other vermin shall be controlled by proper sanitary practices, extermination, or other safe and effective control methods, where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.

SECTION 3.10 SAFETY

- A. That where an electrical system is installed, it will be installed and maintained in accordance with the provisions of the applicable State standards and regulations.
- B. That grounds, buildings, and related facilities will be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.
- C. That internal and external traffic and security control will meet requirements of the applicable State and local law enforcement agencies.
- D. That the Arundel Fire Department has been informed of the outdoor mass gathering, and that adequate fire prevention equipment is available.
- E. That adequate law enforcement officers will be on site to assist in crowd and traffic control. The number to be determined by the Selectmen after determination has been made as to the number of people and vehicles at the site.

SECTION 3.11 MEDICAL

That a First Aid Building or tent with adequate medical supplies and personnel will be available. The Selectmen shall determine if, and how many, E.M.T. personnel and ambulances will be needed and the times.

SECTION 3.12 SOUND

That reasonable precautions will be taken to insure that the sound of the assembly will not carry unreasonably beyond the boundaries of the area; the noise level at the perimeter of the site will not exceed 70 decibels on the A scale of a sound level meter, meeting specifications of the American National Standards Institute.

SECTION 3.13 PERMIT FEE

The permit fee shall be \$50.00 and shall accompany the application.

EXCEPTIONS: The fees specified in this ordinance shall be waived in regard to state authorized fairs, exhibitions and similar events held by agricultural societies and associations, Boy Scouts and Girl Scouts of America activities, military activities or to public school organizations.

ARTICLE IV

BOND AND PUBLIC COSTS

SECTION 4.1 BOND

The operator, prior to the issuance of the permit, shall furnish to the Selectmen a bond of a surety company qualified to do business in this State in such an amount as the Selectmen shall determine, but in no event less than \$5,000.00. Cash or negotiable securities or equivalent value to the amount determined by the Selectmen may be furnished in lieu of a bond. The bond or security shall guarantee compliance by the operator with the provisions of this ordinance.

SECTION 4.2 INSURANCE

That the operator will carry public liability insurance in at least the following amounts: \$300,000 Bodily Injury (per person); \$500,000 Bodily Injury (per occurrence); and \$100,000 Property Damage.

ARTICLE V

PENALTIES

SECTION 5.1 PENALTIES

Any person violating this ordinance shall be punished by a civil penalty of at least \$100.00 but not more than \$500.00. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense.

ARTICLE VI

**SEVERABILITY AND EFFECTIVE DATE
AND PENALTY RECOVERY AND WAIVERS**

SECTION 6.1 SEVERABILITY

The invalidity of any provision of this ordinance shall not invalidate any other part thereof.

SECTION 6.2 EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption of the same by the Town of Arundel

SECTION 6.3 PENALTY RECOVERY

All penalties levied because of this ordinance shall be recoverable for the use of the Town of Arundel.

SECTION 6.4 WAIVERS

The Selectmen reserve the right to waive any or all sections of this ordinance.