Mass Gathering
Mass Gathering

For Mass Gathering Application, click here

I Authority.

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

II Purpose.

The Town of Sebago 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 therefrom, such as traffic congestion, crowd control, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property.

III Exemptions.

The provisions of this chapter shall not apply to:

A. Events sponsored or sanctioned by the Town of Sebago or 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 Board.

C. Private school functions involving student population and staff and held on school property.

IV Definitions.

A. 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.

B. 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 (500) persons but fewer than one thousand (1,000) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sebago.

C. 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 (1,000) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Sebago.

D. 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.

E. Operator - the person responsible for the mass gathering.

F. 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 Town Attorney as to form, sufficiency, manner of execution and surety in an amount set by the Town Manager.

G. Person - any natural person, sole proprietor, partnership, corporation or other entity.

H. 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.

I. 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.

J. Public School - school operated and governed by S.A.D. 61 and the State of Maine.

K. Town - the Town of Sebago.

L. Board of Selectmen - the Board of Selectmen of the Town of Sebago.

V 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.

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 upon request.

2. The person(s) seeking a 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, not less than thirty (30) days before the proposed event.

4. Licenses will be issued for events to be held on property meeting the requirements of the land use ordinance, if any.

5. Application fees shall be due when the application is filed, shall not be refundable, and shall be as follows:

a. Not-for-profit organizations applying for a minor or major mass gathering license shall pay an application fee of one dollar ($1).

b. Individuals and for-profit organizations applying for a minor mass gathering license shall pay an application fee of one hundred dollars ($100).

c. Individuals and for-profit organizations applying for a major mass gathering license shall pay an application fee of two hundred fifty dollars ($250).

6. The application must include:

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

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

c. Proof of applicant's liability insurance.

7. Within five (5) working days of receipt of an application, the Town Clerk shall forward a copy of the application to the Town Manager, Fire Chief, Rescue Chief, Public Works Director, and Code Enforcement Officer. For a major mass gathering application, the Town Clerk shall schedule a public hearing before the Board of Selectmen.

8. 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:

a. Post a performance guaranty/bond in an amount reasonably necessary to ensure prompt clean-up of the grounds and payment of 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.

b. Agree to hire certified police officers (one certified officer for each 500 people in attendance), other security, and fire/rescue personnel as necessary, at the expense of the licensee. The Sheriff's Department and Fire Chief will be notified before the proposed event whether personnel will be needed.

c. Demonstrate, by means of a written, descriptive plan that facilities will be provided at the proposed site to protect the health of

attendees, including:

i. Waste disposal;
ii. Fire fighting, rescue and police personnel equipment;
iii. Water supplies; and
iv. Communication system.

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

e. Provide a plan showing how crowd security and police protection of private property will be accomplished.

f. Provide a plan for controlling traffic, which shall contain, as appropriate:

i. A description of routes which persons attending are likely to take;
ii. Methods to be used to publicize alternative routes;
iii. The number of persons who will be present to direct traffic at the site both before and after the event, and their locations; and
iv. A description of what means will be available to remove disabled vehicles from locations under the control of the operator, if such vehicles would prevent the free flow of traffic.

g. Provide a plan for evacuating the site in the event of a natural disaster or other civil emergency.

VI Enforcement, Penalty, Assignability.

The Code Enforcement Officer will enforce this Ordinance. Violation of this Ordinance constitutes a civil violation punishable by a civil penalty of five hundred dollars ($500) for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued under this ordinance are not transferable or assignable, without prior approval of the Board of Selectmen.

Date Adopted: June 1, 2002

APPENDIX

I. 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 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 every twelve (12) hours 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. Illumination (adequate lighting) shall be provided for the assembly area at night beginning one-half (½) hour before sunset to protect the safety of the persons at the outdoor event. The lighting shall 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.

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) buses per usable acre.

3. Internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

E. Sanitary Facilities.

1. Toilets shall be provided at a rate of one (1) for each one hundred 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 a men's room 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, non-absorbent 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 ensure 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.

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 fire fighter 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.