MASS GATHERING ORDINANCE

TOWN OF HARRISON TOWN MEETING

ADOPTED WITHOUT CHANGE JUNE 13, 2002
ANNUAL HARRISON TOWN MEETING

THE TOWN OF HARRISON HEREBY ORDAINS: An ordinance be established for Mass Gatherings.

Section I: Title - Mass Gathering Ordinance

Section II: Purpose and Authority

WHEREAS, the inhabitants of the Town of Harrison are concerned about serious public health and safety problems that may result when crowds assemble for any organized event. Such assemblies may lead to serious problems involving public health and safety.

WHEREAS, matters relating to waste disposal. potable water, first aid, obstruction and damage to roads and highways, violation of alcohol and controlled substance laws, and destruction of both public and private property.

THEREFORE, the following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety, and hereby repeal and replace any and all other ordinances of the Town of Harrison which are inconsistent herewith.

This ordinance is adopted pursuant to the "Home Rule" powers under the Maine Constitution and 30A – MRSA, Sec. 3001.

Section III: License Required

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, amusement show, theatrical performance, or other mass outdoor gathering where there is an excess of 1,000 people for three (3) or more hours without procuring a license therefore from the Harrison Board of Selectmen.

Section IV: License Request Deadline

Any person seeking issuance of an assembly license must make an application therefore to the Board of Selectmen no later than twenty one (21) days prior to the event.

Section V: Issuance or Denial

The Board of Selectmen shall issue a permit for a mass 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 Cumberland County Sheriff Department, Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons it deems necessary.

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 VI: Permit Procedures

A. Within seven (7) days after consideration of the Permit Application the Board of Selectmen shall either:

(1) Issue a permit to the operator;
(2) Deny a permit to the operator, which denial shall be in writing and shall set forth the reasons for such denial; or
(3) If the Board of Selectmen fails to either issue the permit or send notice of denial, a permit shall be deemed to have been denied.

B. Appeal. A party aggrieved by the decision of the Board of Selectmen may appeal under Rule 80B of the Maine Rules of Civil Procedure to Superior Court.

Section VII: License Fees

There shall be paid at the time of processing the application for an assembly license a fee of $100.00. The fee may be waived at the discretion of the Board of Selectmen.

Section VIII: Contents of Request

No license shall be granted by the Board of Selectmen unless the applicant satisfies the Board that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.

Section IX: Standards for Issuance

The Board shall issue a license to the applicant in the event that the board determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of the proposed event:

A. The applicant, shall furnish to the Board a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking;

B. Determine to the Board's satisfaction that adequate supplies of potable water

shall be available and reasonably spaced throughout the area;

C. Determine that adequate toilet facilities shall be available;

D. Determine that the area to be used is adequately equipped with containers for disposal of solid waste and garbage and that provisions are made for the removal and disposal of such wastes and garbage;

E. Determine that adequate first aid facilities shall be provided;

F. Determine that adequate parking facilities are available in the area in which the event is to be held:

G. Determine that the event will not impair the safety and orderly flow of traffic on public ways;

H. Determine that adequate police protection be provided;

I. Determine that adequate fire protection is provided; and

J. Make any additional determination reasonably necessary for the Board to find that the applicant shall continue to comply with the standards set forth above for issuance of the license as of the date of the event.

Section X: Liability Insurance

Prior to receiving a valid permit from the Board of Selectmen the applicant shall furnish to the Town a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Harrison named a co-insured providing coverage of at least $1,000,000.00 with respect to the death or injury of one or more persons in connection with the event. Such insurance policy shall also provide coverage for property damage in the amount of at least $100,000.00. The insurance policy in question shall contain a provision requiring at least ten (10) days notice to be given the Town prior to cancellation of all or part of the policy. If such cancellation occurs prior to the event , the permit issued by the Town is void.

Section XI: Private Landowner Authority

In the event that private property is to be used in connection with such event, the applicant shall file with the Board adequate proof that the applicant has the authority from any landowner upon which the event is to be held to use his property.

Section XII: Duties of License

A. The Licensee shall comply with all conditions of any license hereunder and with all applicable local, state and federal laws and ordinances.

B. The License or its designated agent, shall make available to any municipal officer or the Code Enforcement Officer any license issued hereunder during the entire course of the event.

Section XIII: Violation and Penalties

Any person or persons found guilty of violating this Ordinance or who fails to comply with any stated permit condition or restriction commits a civil offense. Upon conviction, guilty party or parties shall be punished pursuant to 30A MRSA. Subsection 4452. Monetary penalties may be assessed on a per day basis and are civil penalties. The minimum penalty for a specific violation is $100.00 and the maximum penalty is $2,500.00.

Section XIV: Revocation

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

Section XV: Savings Clause

If any Section or part thereof, sentence clause or phrase of this Ordinance shall be held to be unconstitutional or invalid the remaining provisions thereof shall, never the less remain in full force and effect.

Section XVI: Enforcement

The Code Enforcement Officer or any law enforcement officer shall be responsible for the enforcement of this Ordinance.

A True Copy _____ Date _____June 3, 2002

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Deputy Town Clerk

Attested

This Ordinance was adopted in it's entirety on June 12, 2002 at Harrison's Annual Town Meeting.

Attested:

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Judith E. Colburn, Town Clerk