Town of Gray Maine

Chapter 215
Mass Gathering Ordinance

ADOPTED _____ _____, 2012

MASS GATHERING ORDINANCE
CHAPTER 215
TOWN OF GRAY MAINE

Draft as of 5/3/2011
Revised as of 3-22-12
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ARTICLE 1 - PURPOSES AND EXEMPTIONS

215.1.1 Purposes

The Town of Gray recognizes the desirability of certain outdoor events, including exhibitions, festivals, music concerts, sporting events, 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.

215.1.2 Exemptions

The provisions of this chapter shall not apply to:

A. Events held by the Town of Gray and approved by the Town Council.
B. Public school functions involving student population and staff held on school property and approved by the MSAD 15 School Board.
C. Private school functions involving student population and staff and held on school property.
D. Religious institution functions ~~attended by members, their immediate family, and staff and~~ held on institution property.

ARTICLE 2 - DEFINITIONS

A. In general, words and terms used in these regulations shall have their customary dictionary meanings.
B. Other words and terms used herein are defined as follows:
    1. **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.
    2. **Mass Gathering, Minor** – any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, sporting event, or other special event held outdoors with the intent to attract at least three hundred (300) persons, not to exceed one thousand (1,000) persons during the course of the event, in a single assembly area, not otherwise operating under the approval of the Town of Gray.
    3. **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 during the course of the event, in a single assembly area, not otherwise operating under the approval of the Town of Gray.
    4. **Not-for-profit Organization** – a religious, charitable or benevolent association or organization which is registered with the State of Maine and Is tax exempt under section 501(c)(3) of the Internal Revenue Code.

5. **Operator** – the licensee, the person or entity responsible for the mass gathering.
6. **Performance Guaranty** – an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash, an escrow, or other financial guarantee acceptable to the Town Manager and in a form approved by the Town Attorney or as to form, sufficiency, manner or execution and surety in an amount set by the Town Manager.
7. **Person** – any natural person, sole proprietor, partnership, corporation or other entity.
8. **Private School** – schools operated by an agency, organization, or institution other than the Town, a School Administrative district, any other municipality, the State of Maine, the United States government or any agency or instrument thereof.
9. **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.
10. **Public School** – schools operated and governed by Town, a School Administrative District, any other municipality, the State of Maine, the United States Government or any agency or instrument thereof.
11. **Town** – the Town of Gray.
12. **Town Council** – the Town Council of the Town of Gray.

ARTICLE 3 - LICENSE REQUIREMENTS, FEES, AND APPLICATION PROCEDURE

215.3.1 License Requirements

A. No person shall sponsor, promote, operate or hold any mass gathering – minor or major, without first procuring a Mass Gathering license from the Town.
B. Applications for Minor Mass Gatherings shall require a license issued by the Town Manager according to the procedure contained herein.
   1. Appeals from a denial of a minor mass gathering application may be made in writing to the Town Council, and must be filed with the Town Clerk within five (5) working days of the date of denial.
C. Licenses for Major Mass Gathering shall require a license issued by the Town Council according to the procedure contained herein.

215.3.2 Fees

A. A non refundable application fee shall be due when the application is filed and shall be according to the adopted Fee Schedule.
B. Licensing fees may be waived at the discretion of the Town Council.

215.3.3 Application Procedure

A. 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 license must file a completed application and the application fee with the Town Clerk not less than seventy-five (75) days before the proposed event.
   3. The application must include:
      a. A contract with a refuse collection company or other responsible plan for removal of trash;
      b. Proof of applicant's liability insurance;
      c. Vender permits;
      d. Off-premises Liquor License via a catering license if applicable;
      e. Special Amusement Permit Application if applicable;
      f. Game of Chance Permit application if applicable;
      g. Written proof that the applicant is the owner of the property at which the Mass Gathering is to be held, OR a letter proving ownership, and with written permission from the owner of the property at which the Mass Gathering is to be held.
   4. Within five (5) days of receipt of an application, the Town Clerk shall forward a copy of the application to the Town Manager, Director of Public Safety, 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 Town Council.
   5. The Town Manager shall act upon applications for Minor Mass Gathering licenses not less than thirty (30) days prior to the proposed event.
   6. Within ten (10) days of application, the Town shall notify abutters within 100 ft. of the proposed location of the Major Mass Gathering
      a. Notification may include details including time, location, date, operator, and a brief description of the application .
   7. In response to an application for a Major Mass Gathering License, the Town Council shall hold a public hearing to review the application and determine the conditions required to safeguard the public health, safety, and welfare. The hearing shall be conducted not less than thirty (30) days prior to the proposed event.
   8. The Town Council may deny or grant the license, or grant the license and impose conditions to safeguard the public interest. Conditions include, but are not limited to, requiring the applicant to:
      a. Compliance with the provisions of Appendixes A through H of this ordinance;

b. Post a performance guaranty / bond to ensure prompt clean up of the grounds and payment for damages to public or private property in the area of the event. Within ten (10) days following the mass gathering, the Town shall release the performance guaranty upon receipt of proof that the operator / licensee has paid all clean up and public costs associated with the mass gathering.
c. At the licensee's expense, hire either municipal or private police & security and / or fire / rescue personnel deemed necessary by the Director of Public Safety or his designees upon his review of the application. Fees for municipal personnel are contained in the Municipal Fee Schedule.
d. Demonstrate by means of a written, descriptive plan that facilities will be provided at the proposed site to protect the health or attendees, including;
   i. Waste disposal;
   ii. Fire, rescue, and police personnel and equipment;
   iii. Water supplies;
   iv. Communication system;
   v. Demonstrate by means of an illustrative, scaled plot plan, that adequate parking spaces will be available;
   vi. Provide a plan showing, in sufficient detail, how crowd security and police protection of private property will be accomplished.
e. Provide a plan for controlling traffic, which shall contain as appropriate:
   i. A description of routes, that attendees will use;
   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;
   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;
   v. Public toilet facilities.
f. Provide a plan for evacuating the site in the event of a natural disaster or other civil emergency.

9. Licenses will be issued for events to be held on property meeting the requirements of both this ordinance and the Gray Zoning Ordinance.

ARTICLE 4 - ENFORCEMENT, PENALTY, ASSIGNABILITY

215.4.1 Enforcement

The Code Enforcement Officer or designee will enforce the provisions of this Ordinance prior to the event. Contracted Municipal security and public safety staff will enforce the provisions during the actual event.

215.4.2 Penalty

Violation of this ordinance constitutes a civil violation punishable by a civil penalty of one thousand dollars ($1,000) for each violation.

215.4.3 Assignability
Licenses issued under this ordinance are not transferable or assignable without prior approval of the Town Council.

215.4.4 Expiration
Licenses issued under this ordinance are valid during the proposed operating hours of the Mass Gathering.

1. The license is void should the event be canceled or indefinitely postponed.
2. If the event is postponed to a date certain, the license may be renewed for the new date, and an administrative fee may be assessed per the Fee Schedule.

214.4.5 Conflicts with Other Ordinances
This Ordinance shall not repeal, annul, or in any way, impair or remove the necessity of compliance with any other rules, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures the provision of this Ordinance shall control.

ARTICLE 5 - APPENDIX

Appendix A
Water Supply & Waste Water Disposal

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 psi 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 potable water per person per day shall be provided for drinking and washing purposes.
3. Waste water generated shall be estimated according to anticipated number of persons attending the event and shall have a predetermined method of disposal; sized accordingly utilizing table (501.2) located in the Maine subsurface waste water disposal rules 10-144 CMR241.
4. The Towns Local Plumbing Inspector shall have the authority to require that the applicant provide a copy of a contract with a qualified party to remove anticipated volumes of wastewater from the site during the event which may include the servicing / switching of temporary sanitary facilities during the event.

Appendix B
Refuse

1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
2. All refuse containers throughout the Mass Gathering site and parking area(s) shall be emptied at least once per day, and as often as necessary to avoid any overflow of debris from the containers.
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 adequate sized rubbish disposal facilities one (1) for every fifty (50) vehicles.
5. Within twenty-four (24) hours of the end of the Mass Gathering, refuse that is subject to being blown to abutting properties shall be properly secured / disposed of to ensure that a storm event does not adversely affect public roads or neighboring properties.

Appendix C
Grounds

The assembly area shall be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.

1. Light level intensities shall be at least five (5) foot candles.
2. There shall be at least twenty (20) square feet of usable space per person at the site for daytime gatherings and at least forty (40) square feet per person for overnight gatherings.

Appendix D
Roads and Parking Areas

1. Width of service roads shall be at least twelve (12) feet for one 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) busses per usable acre.
3. Licensee must provide accessible parking spaces in accordance with the Americans With Disabilities Act (ADA).
4. All parking on public ways must comply with Chapter 502, the Gray Parking Ordinance.

Appendix E
Sanitary Facilities

1. Toilets shall be provided at a rate of one (1) for each hundred and fifty (150) persons.
2. Toilet Facilities at Mass Gatherings attended by the general public must comply with the Americans with Disabilities Act (ADA)

3. 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.
4. Sanitary facilities shall be conveniently accessible and well identified.
5. Each toilet shall have a continuous supply of toilet paper.
6. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleaned, non-absorbent materials.
7. 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.
8. Water points or drinking fountains shall be well identified and conveniently accessible.
9. Common drinking cups shall not be used.

Appendix F
Safety

1. Applicant shall employ appropriate law enforcement, medical, and fire personnel as recommended by Public Safety Director
2. Emergency medical services shall be provided, and may include, under the supervision of Gray EMS, a first aid building or tent, and adequate medical supplies. Emergency first aid vehicles shall be available on site during the entire time of the Major Mass Gathering per the hours of operation stated on the application.
   Any emergency calls to the event site during set up and break down would use the 911 system.
3. The electrical system or electrical equipment serving the Mass Gathering shall comply with the most current state and local adopted codes. All structures must be compliant with NFPA Life Safety Codes.
4. Upon receipt of completed application and fee, the applicant, the CEO, and / or the Public Safety Director will meet on site to discuss the various amenities that are envisioned to be utilized during the Mass Gathering. The Applicant should be prepared to discuss specific actions to be taken to address utilities (i.e. electric, propane), water & wastewater, stages, location and number of waste receptacles, frequency and detail of emptying waste receptacles during the event, lighting, platforms, buildings, and the number of attendees / vendors / performers etc.

Appendix G
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 meter meeting specifications of the American National

Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

3. All noise should cease at the expiration of the license (midnight of the Mass Gathering date).

Appendix H
Buildings and Structures
Where applicable, the CEO will inspect buildings and structures in regard to safety and building codes during the site visit referenced in Appendix F Paragraph 5.