

ARTICLE I TITLE, AUTHORITY AND PURPOSE

Section 101. TITLE

This ordinance shall be known as and may be cited as the Mass Gatherings Ordinance of the Town of Starks.

Section 102. AUTHORITY

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town of Starks in accordance with the provisions of 30-A M.R.S.A. section 3001.

Section 103. STATEMENT OF PURPOSE

The Town of Starks finds that unregulated Mass Gatherings pose a threat to the health, safety, and welfare of the community. Large numbers of patrons overtax the roads leading to the place where the gathering is being held, preventing the passage of emergency vehicles, delaying persons using these roads for other purposes, posing a threat to pedestrians, and obstructing entrances to homes and places of business so that residents and business guests are denied access. Mass Gatherings also exceed the capacity of the community to provide lodging, parking, food, water, medical services and sanitary facilities, resulting in trespasses upon and damage to private property, the use of private property as public toilets, and creation of hazards to the health of both patrons and residents. A lack of sufficient security forces to cope with large crowds results in open violations of laws intended to prevent breaches of the peace, and illegal consumption of drugs and alcohol. Unregulated Mass Gatherings also interfere with the peaceful enjoyment of home and property by residents of the Town through the creation of noise, congestion, and unauthorized use of private property. The purpose of this ordinance is to provide a balance between the right of assembly and the legitimate rights of privacy of residents of the town.

ARTICLE II DEFINITIONS

Terms used in this ordinance are defined as follows:

Any term not defined shall have it's common, ordinary meaning.

Section 201. MASS GATHERING

For the purpose of this ordinance, a Mass Gathering shall be deemed to mean any meeting, festival, social gathering, political rally, or other event held with the continued attendance of 2,000 or more persons for 12 or more hours.

Section 202. MASS GATHERING AREA

Mass Gathering area means any place, public or private, maintained, operated or used for a group gathering or assemblage.

Section 203. OPERATOR

Operator shall mean the person responsible for the managing of the Mass Gathering area. In the event that no operator exists, **the owner**, or in the event of his or her non-availability, **the lessee**, or **the person in possession** of the property encompassing the Mass Gathering area, shall be deemed the operator under this ordinance.

Section 204. SELECTMEN

Selectmen shall mean the duly elected Board of Selectmen of the Town of Starks.

Section 205. PLANNING BOARD

Shall mean the duly appointed Planning Board of the Town of Starks.

Section 206. DHS

Shall mean the State of Maine Department of Human Services.

Section 207. WATER DISTRICT

Shall mean the Starks Water District.

Section 208. TOWN

Shall mean the Town of Starks, Maine.

Section 209. M.R.S.A.

Shall mean the Maine Revised Statutes Annotated

Section 210 REFUSE

Shall mean all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

Section 211. SANITARY FACILITIES

Shall mean toilets, privies, lavatories, urinals, drinking fountains, and service buildings or rooms provided for installation and use of these units.

Section 212. NUISANCE

The following shall be defined as nuisances:

(a) Any public nuisance known at common law or in equity jurisprudence;

(b) Any attractive nuisance known at common law or in equity jurisprudence;

(c) Any condition which violates federal, state or local health or environmental laws or regulations.

Section 213. TICKET

A "ticket" shall mean any receipt, stamp, or token of eligibility to attend the Mass Gathering whether or not a piece of paper or other physical evidence of payment is issued to the patron.

ARTICLE III PERMITS REQUIRED

Section 301. No person, corporation, partnership, association, or group of any kind shall sponsor, promote, or conduct a Mass Gathering until all necessary permits have been obtained. The necessary permits are:

- (a) A permit from the Town, pursuant to this ordinance.
- (b) A permit from the Maine State Department of Human Services, pursuant to Title 22 MRSA Chapter 265, and regulations promulgated thereunder.
- (c) A "B.Y.O.B." or other appropriate permit from the Maine State Bureau of Liquor Enforcement, pursuant to Title 28-A MRSA Chapter 163, is required if the Mass Gathering allows the consumption of alcoholic beverages on the premises.

ARTICLE IV TOWN OF STARKS, PERMIT PROCESS

Section 401. WRITTEN APPLICATION

An application for a permit to hold a Mass Gathering shall be filed with the Chairman of the Planning Board not less than 45 days before the date of the Mass Gathering. The application shall be accompanied by a non-refundable check or money order made payable to the Town of Starks, according to the following schedule:

<u>Expected Attendees</u>	<u>Application Fee</u>
2,000-5,000	\$50.00
5,000-10,000	\$100.00
more than 10,000	\$200.00

Section 402. PUBLIC HEARING

Within 14 days of the filing of a complete application the Planning Board shall hold a public hearing to consider the issuance of the permit. Upon receipt of the application, the Planning Board shall send a copy of the application to the Department of Human Services, and request their presence at the public hearing. All property owners within 1000 feet of the boundaries of the proposed Mass Gathering Area shall be notified in writing of the Public Hearing by the Planning Board. Notice of the hearing shall be given by posting the same in at least two public places

in the town, and publishing the same at least once in a newspaper having general circulation in the town, at least 5 days before the date of the public hearing. This notice of the public hearing shall contain the date, location, number of expected attendees, and a general description of the event, as well as the date and location of the public hearing. A copy of the notice shall also be mailed to or served upon the operator. The date of the public hearing may be, but need not be, the same date as the meeting of the Planning Board to consider the issuance of the permit.

Section 403. ISSUANCE OF PERMIT

The Planning Board shall issue a permit for a Mass Gathering when satisfied that all requirements and conditions of this ordinance have been met. Upon issuance of the permit, all assurances made and obligations assumed by the operator in the completed application, (Section V), shall be deemed to be conditions of said permit. In issuing the permit, the Planning Board may impose such additional conditions as may be reasonably required to assure compliance with the provisions of this ordinance. The Planning Board shall issue or deny the permit not more than 35 days after the application is filed. If the permit is denied, the Planning Board shall, within 7 days, give the operator written reasons for the denial.

Section 404. PLANS; COOPERATION.

In its review of applications for permits for the holding or promoting of Mass Gatherings, the Planning Board may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, (Section V.), as well in carrying out its other duties and functions in connection with such a gathering, the Planning Board may request, and shall receive from all public officers, departments and agencies of the Town such cooperation and assistance as may be necessary and proper.

The Planning Board shall work with the Department of Human Services, the Maine State Police, the Somerset County Sheriff's Office, the Bureau of Liquor Enforcement, the Regional Fire Warden, the Department of Transportation, and local officials to insure that Town concerns regarding fire protection, police protection, traffic control, and any other matters as may effect the security of the public health and safety are adequately addressed.

Section 405. PERMIT DENIED; APPEAL

An applicant who has been aggrieved by the Town's decision to deny a permit under this ordinance may appeal to

Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE V PERMIT APPLICATION

A. Performance Standards

Section 501-A. CONTENTS OF APPLICATION

The permit application submitted pursuant to Section 301 shall be on the application form prescribed by the Planning Board and shall include the following information:

Section 501-B. DESCRIPTION The application must include a description of the proposed event. A statement of the number of persons expected to attend the event together with the maximum number of tickets which will be made available, if tickets are issued. **Persons not holding valid tickets for an event for which tickets have been issued shall not be permitted to attend.**

The application must also provide a site map of the area, at a scale of no more than 100 feet to the inch, showing the following:

1. The location and number of all proposed toilets.
2. The location and number of all lavatory and bathing facilities.
3. The location and number of water supply sources.
4. The location and size of the assemblage area(s)..
5. The location of the food service areas.
6. The location and size of the camping areas, and number of camp sites.
7. The onsite ingress and egress of pedestrian and vehicular traffic.(see section 501-C)
8. The offsite ingress and egress roads.
9. The location of refuse disposal facilities and collection facilities.
10. The location and size of the parking areas, including the number of parking spaces.
11. The location of all traffic control personnel.
12. The location of the first aid facilities.

All facilities required by this ordinance shall comply with the regulations promulgated by the DHS pertaining to Mass Gatherings. When off-site facilities are to be utilized in order to meet the requirements of this ordinance, they shall be described and written consents from the property owners providing the facilities shall be submitted with the application indicating that they have read the application and understand the scope and nature of the Mass Gathering .

Section 501-C. ACCESS Evidence shall be provided to show that provisions for access for the ingress and egress of pedestrians and vehicular traffic shall be maintained, and

that all public roadways in the proximity of the Mass Gathering will be adequately staffed with trained traffic control personnel to insure safety to all the public for the duration of the Mass Gathering.

Evidence shall be provided that sufficient safeguards have been incorporated into Mass Gathering plans in order to insure that Town maintained streets and roads will remain accessible to public safety vehicles (Police, Fire and Rescue) during the proposed Mass Gathering.

A detailed plan for controlling traffic must be submitted, which shall include:

1. A description of the routes which persons attending the event are likely to take.
2. The number, and assigned location of persons who will be present to direct traffic at the site both before and after the event. **Under no circumstances, shall private citizens be assigned the duty of directing traffic on public roads.**
3. A description of what means will be available to remove disabled vehicles from locations where their presence will obstruct the free flow of traffic, including a written statement by any private towing agencies that their towing services will be available.
4. A description of parking shall be provided, specifying the location of all roads and parking lots.
 - a. Width of service roads shall be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 7 feet for parallel parking lanes.
 - b. There shall be at least one parking space for every four persons and the density shall not exceed 100 passenger cars or 30 buses per usable acre.

Section 501-D. MEDICAL The applicant must demonstrate: How emergency medical services will be provided, and further demonstrate coordination with the manager of the ambulance facility serving the Town of Starks. All necessary personnel must be licensed by the State of Maine, as either Physician Assistant, Registered Nurse, or Emergency Medical Technician. A First Aid building, tent, or ambulance duly licensed by the State of Maine shall be available on the site during the entire time of the Mass Gathering. Telephone and radio communications shall be provided and kept available for emergency purposes. The operator of the Mass Gathering shall contact area hospitals, advise them that a Mass Gathering will be held, and inform them of the expected attendance of the event.

Section 501-E. LAW ENFORCEMENT Evidence must be provided in writing that a sufficient number of certified law

enforcement personnel, will be on duty near and within the assembly site area and that the Town authorized officials have approved the same. **A minimum of at least one such certified security person, (not including persons concerned solely with traffic control) shall be available for each 1,000 persons in attendance.**

If they deem it necessary in the interest of public safety, **the Planning Board shall have the authority to require that all security personnel be certified graduates of the Maine Criminal Justice Academy.**

Section 501-F. FIRE PROTECTION Evidence must be provided in writing that the Starks Fire Chief has accepted Mass Gathering plans as meeting fire protection concerns. If, in his judgment, the conditions which exist at the Mass Gathering area constitute an unsafe environment, the Fire Chief shall have the authority to deny the issuance of a Mass Gathering permit. In addition, evidence must be provided that the Regional Forest Ranger has inspected the site and assessed the forest fire hazard. **If, in his opinion, conditions warrant, the Regional Forest Ranger shall have the authority to impose a ban on any and all fires during the Mass Gathering .**

Section 501-G. WATER SUPPLY Evidence must be provided in writing from the operator concerning the source(s) of potable water. Where water is distributed under pressure and flush toilets are used, the water system shall 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).

Where water under pressure is not available, and non-water toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

If the Starks Water District is to be utilized as a source of potable water, a written statement from the directors of said water district must be submitted to affirm that the district has the capacity to provide the necessary quantity of water without adversely affecting the supply to their normal customers.

Transported water shall be obtained from an approved source, and stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the D.H.S. Division of Health Engineering.

Section 501-H. SANITARY FACILITIES

1. Toilets shall be provided at a rate of one (1) for each 150 persons attending the Mass Gathering Event.
2. Sanitary facilities shall be conveniently accessible and well identified.
3. Water points or drinking fountains shall be conveniently accessible and well identified.

Section 501-I. REFUSE DISPOSAL A description of the number, type, and location of refuse facilities including a statement as to when and how the accumulated refuse will be picked up, by whom, and to what facility it will be taken. The operator will provide proof that refuse containers will be readily accessible throughout the Mass Gathering area, and that at least one 50 gallon refuse container or equivalent will be provided for each 100 persons expected to attend the Mass Gathering. **The operator shall be responsible for all fees associated with the cleanup and disposal of refuse resulting from the Mass Gathering.**

Section 501-J. CONTAINMENT The operator of the Mass Gathering must have the means to discourage the presence of persons not holding tickets from trespassing on private property in the vicinity of the event. In conformance with the State D.H.S. requirements, the operator must provide provisions for preventing people in excess of the maximum permitted number from gaining access to the Mass Gathering area.

These provisions shall include the following:

1. A statement that persons not holding valid tickets will not be permitted to remain on property under the operator's control in the vicinity of the event.
2. Written authorization to police to arrest persons not holding valid tickets who are trespassing on property owned or under the control of the operator in the vicinity of the event. By filing the application, the operator authorizes police officers to enter upon any property under his control in order to enforce compliance.
3. A description of the means which will be used to publicize the fact that the event has been sold out or canceled, if this occurs, and that persons not holding tickets who are trespassing on private property near the scene of the event will be subject to arrest.

Section 501-K. PROMOTION A detailed description shall be provided of the methods being used to publicize the event.

Section 501-L. COMPLIANCE CHECK The operator of any Mass Gathering with an expected attendance of more than 3000 persons shall have all facilities in place and subject to inspection by the Planning Board or their appointed agent a minimum of 72 hours prior to the scheduled commencement of the event.

B. Review Standards

Section 502-A. BOARD'S DETERMINATION

In determining whether to grant or deny the permit, the Planning Board shall consider the nature of the gathering and the availability of the following:

1. An adequate and satisfactory water supply and facilities.
2. Adequate refuse storage and disposal facilities.
3. Adequate sleeping areas and facilities.
4. Adequate medical supplies and care.
5. Adequate fire protection.
6. Adequate police protection.
7. Adequate traffic control.
8. Adequate liability insurance.
9. Adequate protection for public water supply, if deemed necessary by the Board of Directors of the Starks Water District.
10. Any additional matters as may affect the security of the public health or safety.

Section 502-B. MEDICAL The numbers and schedules of Emergency Medical Technician personnel and ambulances needed will be determined by the manager of the ambulance facility serving the Town of Starks.

Section 502-C. STATE AND LOCAL REQUIREMENTS The operator of the Mass Gathering must comply with all laws and regulations of the State of Maine and the Town of Starks, which pertain to the event in question as stipulated in section 301. Copies of all such licenses and permits shall be filed with the Planning Board when received by the operator. The Planning Board shall have the authority to issue requirements more stringent than the requirements of Title 22 M.R.S.A., Chapter 265.

ARTICLE VI LIABILITY INSURANCE AND PUBLIC COSTS

Section 601. LIABILITY INSURANCE

Prior to receiving a permit and, in any event, no later than 45 days prior to the scheduled date of the Mass Gathering, the operator shall furnish to the Planning Board a certificate of insurance issued by a licensed insurance company providing liability coverage in the amount of at least \$200,000 with respect to the injury or death of one or more persons in connection with the Mass Gathering. Such insurance policy shall also provide coverage for property damage in the amount of at least \$50,000. The insurance policy in question shall contain a provision requiring that at least 10 days notice be given to the Planning Board prior to cancellation.

Section 602. DEPOSIT FOR TOWN COSTS

The operator of the Mass Gathering shall provide a cash deposit to the Town, which amount shall be determined by the Planning Board, but in no event shall be less than \$2000. A permit shall not be issued until receipt of said deposit.

Section 603. LIABILITY FOR TOWN COSTS

Town costs shall be those incurred by the Town in connection with the Mass Gathering, which relate to any adverse consequences due to the Mass Gathering, and which would not have been incurred by the Town if such Mass Gathering were not held. Such costs shall include but not be restricted to; road signs, damage to town roads or ditches, or any other adverse consequences to any Public Facilities or Works, such as the Municipal Water Supply.

Town costs shall also include the cost of hiring a constable or constables to oversee the Town's interests in ensuring the public safety and enforcing the conditions of this ordinance.

Within 30 days after the Mass Gathering, the Town costs shall be calculated, and the deposit shall be refunded to the operator to the extent it exceeds the actual Town costs. If the actual Town costs exceed the amount deposited, the operator shall pay the excess to the Town within ten (10) days after being so notified.

ARTICLE VII INSPECTION

Section 701. INSPECTION The Planning Board or their appointed agent shall have the right to enter upon the Mass Gathering Area, by appointment, at least 72 hours prior to the scheduled event for the purpose of ascertaining that all facilities (water, toilet, parking spots, signs, etc.) are in place and that all conditions of the Mass Gathering permit have been met.

The Planning Board shall convene a meeting upon completion of the inspection for the purpose of determining if the Mass Gathering is in compliance with all conditions of the Mass Gatherings Ordinance.

ARTICLE VIII REVOCATION OF PERMIT

SECTION 801. REVOCATION The Planning Board may revoke the permit at any time prior to the date of the scheduled event if the operator has failed to comply with any of the commitments made in the application, or the requirements of this ordinance, or if the operator has failed to secure any other license or permit required by the Town of Starks or any other government agency in order to hold the Mass Gathering on the proposed site. Except in cases of

emergency, the Planning Board shall revoke a permit only after giving notice to the operator of the reasons for the proposed revocation and providing an opportunity to be heard with respect thereto. Written notice of the reasons for the revocation shall be delivered to the operator or their agent, personally or by expedited mail service.

ARTICLE IX LIMITATIONS ON FREQUENCY OF EVENTS

SECTION 901. LIMITATIONS No more than one permit under this ordinance shall be issued to any single operator or group, within any 60 day period, for an event for which more than 3000 persons are reasonably expected to attend.

ARTICLE X PENALTIES

SECTION 1001. PENALTIES Any person who violates any provision of this ordinance or any term of a permit issued pursuant to this ordinance shall be subject to a civil penalty payable to the Town of Starks in an amount not to exceed \$50,000. In addition, the Town may seek an injunction where necessary to prevent the applicant from publicizing, promoting or conducting the Mass Gathering. If found liable, the violator shall also be held responsible for court costs and reasonable attorneys fees incurred by the Town. The Selectmen or their designated agents may enforce this ordinance.

ARTICLE XI SEVERABILITY AND EFFECTIVE DATE

SECTION 1101. SEVERABILITY Each part of this ordinance is severable and, if any phrase, clause, sentence, or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby unless the application of any remaining portion of the ordinance would result in action being taken which is inconsistent with the objectives of this ordinance.

SECTION 1102. EFFECTIVE DATE This ordinance shall take effect immediately upon adoption of the same by the Town of Starks.

CERTIFICATION: We the Selectmen of the Town of Starks hereby Certify to the Clerk that the foregoing document is a document entitled "***AN ORDINANCE REGULATING MASS GATHERINGS FOR THE TOWN OF STARKS***", and further certify it to be the subject of a hearing scheduled for Thursday, May 25, 1995 at 7 PM at the Town Hall in Starks and subject of a public referendum for its adoption, said referendum to take place on June 27,1995 at the Town Hall in Starks.

Date of Certification: _____

First Selectmen

Second Selectman

Third Selectman

ATTEST: A true copy of an ordinance entitled "***AN ORDINANCE REGULATING MASS GATHERINGS FOR THE TOWN OF STARKS***", as certified to me by the municipal officers of Starks.

Signature: _____
Jane Brackett, Town Clerk

Date: _____

CONSTABLE'S RETURN

By virtue of a directive from the Selectmen, I have notified and warned the inhabitants of the Town of Starks to assemble at the time and place and for the purpose therein named by the posting attested copies of the "***AN ORDINANCE REGULATING MASS GATHERINGS FOR THE TOWN OF STARKS***" and notice of the public hearings in three conspicuous places within the said Town the _____ date.

Signature: _____
Carrol Clark, Town Constable