

AN ORDINANCE
REGULATING MASS GATHERINGS
FOR THE TOWN OF
INDUSTRY, MAINE

Date enacted -----2001

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ARTICLE 1 – GENERAL

1.1 Title

The title of This Ordinance shall be “An Ordinance To Regulate Mass Gatherings for The Town of Industry, Maine”, herein called the Ordinance.

1.2 Authority

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

1.3 Purpose

The Town of Industry finds that unregulated Mass Gatherings pose a threat to the health, safety, and welfare of the community.

We find large numbers of patrons overtax the roads leading to the location of the gathering, preventing safe and timely passage of emergency vehicles, delaying the passage of citizens using the roads for usual purposes, creating a threat to pedestrians, obstructing entrances to homes and businesses preventing residents their rightful access.

Mass Gatherings also exceed the capacity of the community to provide lodging, parking, food, water, sanitary facilities, and medical services. This results in trespasses and damage to private property, the use of private property as public toilets, and creates hazards to the health and safety of both residents and patrons.

A lack of sufficient security forces to police large crowd’s results in open violations of laws intended to prevent breaches of the peace, illegal consumption of alcohol and drugs, and other disruptive and dangerous behavior.

Mass Gatherings also interfere with the “quiet enjoyments of personal property” by creating 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 the residents of Industry and the surrounding towns.

1.4 Effective Date

The effective date of this ordinance shall be the date of adoption by the governing body of the Town of Industry.

1.5 Validity and Severability

Each part of this ordinance is severable, and if any phrase, clause, sentence, or provision is declared 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 that is inconsistent with the objectives of this ordinance.

1.6 Applicability

This ordinance will apply in each and every case where 500 or more people are gathered for a period of four hours or longer.

This ordinance does not apply to The Town of Industry municipally sponsored events.

ARTICLE 11 – PERMITS REQUIRED

2.1 Required Permits

No person, corporation, partnership, association, or group of any kind may sponsor or conduct a Mass Gathering until they have obtained all the necessary and required permits.

The required permits are:

- (a) A permit from the Town of Industry, 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/s 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 alcohol.

ARTICLE III – TOWN OF INDUSTRY PERMIT PROCESS

3.1 Written Application

Any person or entity holding or intending to hold a Mass Gathering must file a written application with the Chairman of the Planning Board, on a form provided by the town, not less than 45 days prior to the date of the Mass Gathering.

The application shall be accompanied by a non-refundable fee in cash, certified check, or money order made payable to The Town of Industry.

3.2 Fees

Permit fees for Mass Gatherings in the Town of Industry shall be according to the following schedule:

Expected attendees	Application Fee
750 – 5,000	\$250.00
More than 5,000	\$500.00

3.3 Code Enforcement Officer / Planning Board Review

The Planning Board and Code Enforcement Officer shall review the application to determine that all information is correct. Additional information may be required if deemed necessary by the Planning Board of the Code Enforcement Officer.

3.4 Site Inspection

The Planning Board and Code Enforcement Officer shall visit the site to determine if it is a suitable location so as not to endanger the safety and welfare of the participants or residents.

3.5 Public Hearing

Within 14 days of receiving a completed application the Town will hold a Public Hearing to consider the issuance of the permit.

When a completed permit is received a copy will be sent to the Department of Human Service along with the date of the hearing.

The applicant shall notify all property owners within 1000 feet by certified mail and the receipts returned to the Town.

Notice of the Public Hearing shall be posted in at least three (3) conspicuous places in town and be published in a newspaper of general circulation in Industry two (2) times not more than 14 days or less than 7 days prior to the date of the hearing.

A copy of the notice shall be sent to the applicant not less than seven (7) days prior to the hearing.

3.6 Approval / Denial of Permit

The Planning Board must issue a preliminary permit or deny the permit within seven (7) days of the hearing, or within seven (7) days, notify the applicant that more information is required.

When all conditions for compliance have been met and all facilities are in place in final permit shall be issued.

ARTICLE IV – PERFORMANCE STANDARDS

4.1 Emergency Medical

There shall be at least one ambulance available with not more than a ten (10) minute response time for every 1000 attendees.

There shall be a First Aid Station on site if more than 500 people are gathered. The First Aid Stations must be manned by persons trained and holding valid certification to at least the level of Basic EMT for the State of Maine.

4.2 Fire Protection

There shall be a fire extinguisher of an approved type for the location at all fire sites, including off site camping areas used by attendees.

The location of any and all fire apparatus must be clearly marked.

The Industry Fire Chief and the Regional Fire Ranger have the authority to ban all fires at the mass Gathering or deny the permit if it is found that the conditions are unsafe.

4.3 Traffic and Security

Traffic control plans shall be in place that will insure that ingress and or egress of vehicular and pedestrian traffic will not pose a threat to the public or disrupt the normal flow of traffic.

All persons directing traffic must be certified as trained by a recognized traffic program of a Police Department. In no case will private citizens be allowed to direct traffic.

There shall be adequate law Enforcement personnel at the site, or in the immediate area to control any disruptive behavior by any parties.

4.4 Sanitary Facilities

Toilets will be provided for the Mass Gathering site and any and all camping areas used by the participants at a ratio of one (1) for each 150 person expected to attend and no area shall be without a public toilet.

There shall be plans to have the facilities serviced at intervals frequently enough to keep them clean and in working and usable order.

There shall be reuse containers designed to support local recycling laws distributed throughout the areas in convenient places to collect any and all refuse.

There shall be one 55-gallon container for each 100 persons expected to attend and arrangements to keep the containers from overflowing.

4.5 Noise

The maxim permissible sound pressure level of any continuous, regular or frequent, or intermittent source of sound shall be as follows:

9 AM to 10 PM	70 dB (a)
10 PM to 9 AM	45 dB (a)

Sound pressure level limits using the sound equivalent level of one minute (leg) (measured in dB (a) scale). Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) American Standards Specifications for General Purpose Sound Level Meters.

4.6 Identification

All persons attending shall have a ticket or other visible identification that they are registered attendee and all staff members shall be identified as such.

No persons will be allowed on the grounds that have not registered. It will be the responsibility of the operator of the Mass Gathering to prevent persons not registered from entering the grounds or loitering in the proximity.

4.7 Potable Water

There shall be supply of potable water sufficient for the needs of the participants. Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at normal operating pressure (20 lbs. per in.² minimum to all fixtures at the rate of at least 30 gallons per person per day).

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

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

4.8 Nuisance

The operator shall see that the activities are conducted at all times so as not to create a public nuisance.

ARTICLE V – PERMIT APPLICATION

5.1 Permit Form

The permit application form will be in a format as approved by the Planning Board, and amendable as is deemed necessary.

5.2 Information Required

The information required on the form or attached to it as follows:

- The date of the Mass Gathering
- The start time and duration
- The expected number of participants
- A copy of the contract with the refuse collection and disposal company
- A copy of the contract with the toilet service company
- A written plan for refuses collection and disposal
- A statement from State and/or County Law Enforcement that adequate personnel will be available
- A copy of the contract for on-site Law Enforcement personnel
- A copy of the plan contract for traffic control personnel

A copy of a Map at a scale of no more than 100 feet to the inch, showing the following:

1. The location and number of toilets
2. The location and number of all lavatory and bathing facilities
3. The location and number of all water supply sources
4. The location and size of the assemblage area/s, including camping areas and the number of campsites in each area
5. The roads and driveways showing the traffic flow and points of ingress and egress to public roads
6. The location of all the refuse collection and disposal facilities
7. The location and size of all parking areas, including the number of parking areas and the method of determining the number of spaces
8. The location of all traffic control personnel
9. The location of all First Aid Facilities
10. The location of all Fire Protection Apparatus
11. A permit or letter of compliance from the Department of Human Services
12. A copy of any required permits from the Bureau of Liquor Enforcement
13. Written consent from Landowners who will be allowing the use of their land for parking, camping, or in any other manner, in affiliation with the Mass Gathering
14. Any and all other information as is deemed necessary by the Planning Board to deal with unforeseen circumstances.

ARTICLE V – LIABILITY AND PUBIC COSTS

6.1 Liability Insurance

The operator of the Mass Gathering shall have a Liability Insurance Policy, valid through the duration of the Mass Gathering, in the amount of not less than one million (\$1,000,000) dollars US currency.

Any person in connection with the Mass Gathering will hold the Town of Industry harmless from any action.

6.2 Safety, Fire and Medical Costs

The operator of the Mass Gathering shall be responsible for all costs of permits, notices, publications, support personnel, i.e.; Security, Fire, Police, Traffic, Medical, et al.

The operator shall have on deposit, with the Town of Industry, a certified check payable to the Town of Industry, or a bond issued by a certified Bonding Company, in the amount of the total projected cost of the Mass Gathering, to be returned when sufficient proof that all costs incurred have been settled.

If any debts are unpaid ten days after the close of the Mass Gathering the town will use whatever part of the deposit is needed to satisfy these debts.

ARTICLE VII – PENALTIES

7.1 Amounts of Penalties

Any person who violates any provision of this ordinance or any condition of a permit issued pursuant to this ordinance shall be subject to a civil penalty payable to the Town of Industry as allowed in Title 30-A M.R.S.A. Section 4452. Each violation per person per day shall be a separate offense.

ARTICLE VIII – INSPECTIONS

8.1 Rights to Enter

The Selectmen, Planning Board Members, Code Enforcement Officer, Plumbing Inspector, Fire Department Personnel, and any other Local, State or County Official may enter the premises at any reasonable time without prior notice, for the purpose of inspecting for compliance to this ordinance and the conditions of the permit.

ARTICLE IX – LIMITATIONS ON FREQUENCY OF PERMITS

9.1 Limits on Frequency

No more than one permit shall be issued, pursuant to this ordinance, to any individual, group, or organization within 60 days of any other permit issued to them pursuant to this ordinance.

ARTICLE X– DEFINITIONS

10.1 Words and Terms

Any words and terms used in this ordinance shall have the following meanings. Any word or term not defined shall have its common and ordinary dictionary meaning.

Code Enforcement Officer: The duly appointed Code Enforcement Officer for the Town of Industry.

DHS: Maine Department of Human Services.

Mass Gathering: A social gathering, meeting, festival, public rally, or other event held with the continued attendance of 750 persons for more than 8 hours.

Mass Gathering Area: Any area, public or private, used or maintained as a place for group gathering or assemblage, including camping areas.

M.R.S.A.: Maine Revised Statutes Annotated

Nuisance: Any nuisance known at common law or in equity jurisprudence. Any attractive nuisance known at common law or in equity jurisprudence. Any condition which violates federal, state, or local health or environmental laws or regulations.

Operator: Any person, corporation, group, organization, partnership, or other entity sponsoring a Mass Gathering. Any landowner, lessee, or person in possession of the property included comprehensively for the mass Gathering Area.

Planning Board: The duly appointed Planning Board of the Town of Industry

Refuse: All combustible or non-combustible, putrescible or non-putrescible solid or liquid wastes

Sanitary Facilities: All toilets, privies, lavatories, urinals, drinking fountains, and service buildings or rooms provided for installation and use of these unites. This applies to all portable and stationary facilities.

Town: The Town of Industry, Maine

This is a true attest copy of the ordinance.

Town Clerk: _____

Selectmen: _____

Date: _____