

**Town of Hebron, Maine
Mass Gathering Ordinance**

Enacted MARCH^{17th}, 2012

I. Title

This Ordinance shall be known and cited as the Town of Hebron, Maine Mass Gathering Ordinance, and will be referred to within as "this Ordinance."

II. Purpose

The Town of Hebron recognizes the desirability of certain outdoor events, including exhibitions, festivals, music concerts and fairs, and hereby ordains the following to protect the health, safety and general welfare of the inhabitants of the Town of Hebron 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. Authority

This Ordinance is hereby adopted and hereinafter amended pursuant to and consistent with Article VIII, Part Second of the Maine Constitution and 30-A M.R.S.A. § 3001.

IV. Applicability

- A. This Ordinance applies to all mass gatherings where there is expected, or there will be in fact a total number of attendees in excess of three hundred (300) people for 6 or more hours.
- B. Owners of facilities specifically designed for entertaining, housing and physically caring for 200 or more guests or campers are exempt from the provisions of this Ordinance related to minor mass gatherings, provided that the mass outdoor gathering takes place on the same property as the facility described above.
- C. Events sponsored or sanctioned by the Town of Hebron are exempt from this Ordinance.
- D. Public school functions involving student population and staff, held on school property and approved by the School Board, are exempt from this Ordinance.
- E. Private school functions involving student population and staff, held on school property, are exempt from this Ordinance.

V. 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. **Board of Selectmen:** The Board of Selectmen of the Town of Hebron.
- C. **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 three hundred (300) 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 Hebron.
- D. **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 Hebron.
- E. **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.
- F. **Operator:** The person responsible for the mass gathering.
- G. **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 Board of Selectmen and in a form approved by the Town Attorney as to

form, sufficiency, manner of execution and surety in an amount set by the Board of Selectmen.

- H. **Person:** Any natural person, sole proprietor, partnership, corporation or other entity.
- I. **Police Department:** Oxford County Sheriff's Office, the Maine State Police, or any other entity providing policing to the Town.
- J. **Private School:** Schools operated by an agency, organization or institution other than the Town or the School Administrative District to which the Town belongs, any other municipality, the State of Maine, the United States government or any agency or instrumentality thereof.
- K. **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.
- L. **Public School:** A school operated and governed by the Town, the school administrative district to which the Town belongs, its successors, and the State of Maine.
- M. **Town:** The Town of Hebron.

VI. **License Application and Fees**

No person shall sponsor, promote, operate or hold any mass gathering, without first procuring a license from the Town.

Said licenses shall be issued by the Board of Selectmen according to the following procedure:

- A. Any person seeking a mass gathering license shall be provided a copy of this ordinance.
- B. 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.
- C. Application fees shall be due when the application is filed, shall not be refundable, and shall be as follows:
 1. Not-for-profit organizations applying for a minor or major mass gathering license shall pay an application fee of one dollar (\$1).
 2. Individuals and for-profit organizations applying for a minor mass gathering license shall pay an application fee of one hundred dollars (\$100).
 3. Individuals and for-profit organizations applying for a major mass gathering license shall pay an application fee of two hundred fifty dollars (\$250).
- D. The application must include copies of:
 1. A letter of authorization or written permission from the property owner allowing use of the property, unless the property is owned by the applicant.
 2. A contract with a refuse collection company or

other reasonable plan for removal of trash.

3. Proof of applicant's liability insurance.
4. A plan showing the size of the assembly area with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking.

VII. Approval Procedure

- A. Within five (5) working days of receipt of an application, the Town Clerk shall forward a copy of the application to the Board of Selectmen, the Police Department, the Fire Chief and the Code Enforcement Officer.
- B. Applications for mass gathering licenses shall be acted upon by the Board of Selectmen within thirty (30) days of receiving a complete application.
- C. Licenses will be issued for events to be held on property meeting the requirements for buildable lots as defined in the Town's Land Use Ordinance.
- D. For minor mass gathering applications, the Board of Selectmen shall meet to review the application without notice.
- E. For major mass gathering applications, 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

Town shall provide notice of the public hearing to the applicant.

- F. Upon receipt of notice of a public hearing, the applicant shall notify property owners within one hundred (100) feet of the edge of the property where the mass gathering is to be held by Certified Mail, Return Receipt Requested, of a pending application for a Mass Gathering License. The notice shall indicate the time, date and place of the public hearing. Should the consideration of the application not be held for any reason, re-notification shall be provided by Certified Mail, Return Receipt Requested of the new date of consideration. The cost of said mailings will be borne by the applicant.
- G. The Board of Selectmen may deny or grant the license, or grant the license and impose conditions to safeguard the public interest. Such conditions for may include, but are not limited to, requiring the applicant to:
 - 1. Post a performance guaranty to ensure prompt cleanup of the grounds and payment for 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 cleanup and public costs within ten (10) working days after the mass gathering;
 - 2. Agree to hire certified police officers, other security, and/or fire/rescue personnel as necessary, at the expense of the licensee. The Police Department and the Fire Chief will be notified before the proposed

even whether personnel will be needed;

3. Demonstrate, by means of a written, descriptive plan that facilities will be provided at the proposed site to protect the health of attendees, including:
 - a. Waste disposal;
 - b. Firefighting, rescue and police personnel equipment;
 - c. Water supplies; and
 - d. Communication system.
4. Demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available;
5. Provide a plan showing how crowd security and police protection of private property will be accomplished;
6. Provide a plan for controlling traffic, which shall contain, as appropriate:
 - a. A description of routes which persons attending are likely to take;
 - b. Methods to be used to publicize alternate routes;
 - c. The number of persons who will be present to direct traffic at the site both before and after the event, and their locations; and
 - d. A description of what means will be available to remove disabled vehicles from locations under control of the operator, if such vehicles prevent the free flow of traffic.
7. Provide a plan for evacuating the site in the event of

a natural disaster or other civil emergency.

VII. Standards for Issuance

- A. For minor mass gatherings, the Board of Selectmen shall issue a license to the applicant in the event that the Board of Selectmen 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:
1. Adequate supplies of potable water shall be available and reasonably spaced throughout the area.
 2. Adequate toilet facilities shall be available.
 3. The assembly area is adequately equipped with containers for disposal of solid waste and garbage, and provisions are made for the prompt removal and disposal of such waste and garbage.
 4. Adequate first aid facilities shall be provided and staffed.
 5. Adequate parking facilities are available in the area in which the event is to be held.
 6. The event will not impair the safety and orderly flow of traffic on public ways.
 7. Adequate police protection will be provided.
 8. Adequate fire protection will be provided.

9. The sound of the mass gathering will not carry unreasonably beyond the boundaries of the assembly area.
 10. The time of day when the event shall disburse fully shall not exceed 11:30 P.M. on Sunday through Thursday, nor shall it exceed 1:00 A.M. of the following day for a Friday or Saturday event.
 11. The applicant shall continue to comply with these standards as of the date of the event.
- B. For major mass gatherings, the Board of Selectmen shall issue a license to the applicant in the event that the Board of Selectmen determines that the applicant has the ability to comply with and complies with the reasonable standards, considering the size, duration and nature of the proposed event. For informational purposes, the following provisions set out standards and conditions that the Town views as optimal for major mass gatherings:
1. Water Supply
 - a. 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 lb. per sq. in. minimum) to all fixtures at a rate of at least thirty (30) gallons per person per day.
 - b. 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.

2. Refuse Disposal

- a. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
- b. All refuse shall be collected from the mass gathering area at least once each day of the gathering and disposed of in an approved manner.
- c. The mass gathering area and immediate surrounding property shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.
- d. Areas where vehicles are parked shall have rubbish disposal facilities of one (1) for every twenty-five (25) vehicles.

3. Grounds

- a. The assembly area shall be adequately lighted, but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
- b. Light level intensities shall be at least five (5) foot candles.
- c. 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.

4. Roads and Parking Space

- a. 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.

- b. 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.

5. Sanitary Facilities

- a. Toilets shall be provided at a rate of one (1) for each one hundred and fifty (150) persons.
- b. Urinals and sanistands 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.
- c. Sanitary facilities shall be conveniently accessible and well identified.
- d. Each toilet shall have a continuous supply of toilet paper.
- e. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleaned, nonabsorbent materials.
- f. Clearly marked separate service buildings, or rooms containing sanitary facilities, shall be provided for each sex. Each toilet room should be provided with a selfclosing door to insure privacy, or the entrance should be screened so that the interior is not visible from the outside.
- g. Water points or drinking fountains shall be well identified and conveniently accessible.
- h. Common drinking cups shall not be used.

6. Medical Facilities

- a. Emergency medical services shall be provided under the supervision of a licensed physician.
- b. A first aid building or tent, with adequate medical supplies, shall be available.
- c. Emergency first aid vehicles shall be available on site during the entire time of the mass gathering.
- d. A telephone or other two-way electronic communication device shall be available.
- e. 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.

7. Safety

- a. 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.).
- b. Fire prevention materials such as nonflammable drapes, partitions, etc. shall be used wherever possible.
- c. At least one firefighter, with communication equipment to call in fire suppression equipment, shall be present at the site of the mass gathering.

8. Noise Control

- a. The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering area.
- b. 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.

VIII. Duties of Operator

- A. The operator shall comply with all conditions of any license issued hereunder and with all applicable local, state and federal laws and ordinances.
- B. The operator, or its designee, shall make available to any selectman, police officer, or to the code enforcements officer, any license issued hereunder during the entire course of the event.

IX. Violations 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 violation of this Ordinance. The Board of Selectmen may assess a penalty on a per-day basis. The minimum penalty for a specific violation is \$500 per day, with a maximum penalty of \$2,500. Any person who challenges a finding by the Board of a violation under this Ordinance shall also be responsible for any legal fees incurred by the Town in defending its finding. A violation to each individual section above, or any individual condition of the permit, shall constitute a separate violation.

X. Revocation

The Code Enforcement Officer, after a hearing by the Board of Selectmen, 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.

XI. Enforcement

The Board of Selectmen, the Code Enforcement Officer, or any duly sworn Law Enforcement Officer may enforce the provisions of this Ordinance.

XII. Amendments

An amendment to this Ordinance may be initiated by:

- A. The Planning Board of the Town of Hebron, provided a majority of the Board has so voted;
- B. The Board of Selectmen of the Town of Hebron, provided a majority of the Board has so voted; or
- C. A written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

Any properly initiated amendment to this Ordinance may be adopted by the majority vote of a regular or special town meeting.

XIII. Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid or be invalidated by statute, that invalidation shall not invalidate any other section or provision.

XIV. Effective Dates

The effective date of the original Town of Hebron, Maine Land Use Ordinance was _____, 2012. The effective date of any future amendments to this Ordinance will be the date of adoption by the Town Meeting. The effective date of any invalidation to this Ordinance is the date of the court ruling or the effective date of the statute resulting in the invalidation.