



Town of Belgrade
Mass Gathering Ordinance

Town Seal

Enacted by Referendum on March 20, 2015

Certified by: Mary J. Vogel
Signature

Certified by: Mary J. Vogel
Printed Name

Title: Deputy Clerk

**TOWN OF BELGRADE
MASS GATHERING ORDINANCE**

ARTICLE I. TITLE, PURPOSE, AUTHORITY, AND DEFINITIONS

Section 1. Title

This Ordinance shall be known and may be cited as the Mass Gathering Ordinance of the Town of Belgrade, Maine.

Section 2. Purpose

The purpose of this Ordinance is to authorize the issuance of permits for mass gatherings within the Town of Belgrade which will have the effect of controlling unnecessary noise, nuisances, unsanitary conditions, public indecency, and other activities which may constitute a threat to public health, safety, or welfare within the Town of Belgrade.

Section 3. Applicability

No person, corporation, association or group of any kind shall sponsor, promote or conduct a mass gathering or make one's property available for a mass gathering by lease, contract, or otherwise within the Town of Belgrade, until a permit has been obtained from the municipal officers of the Town of Belgrade. Mass gatherings may include, but not be limited to, festivals, concerts, exhibitions, social gatherings, meetings, and entertainment. Approval by the Planning Board for a specific commercial development does not negate the necessity for a Mass Gathering Permit if the development is used for a mass gathering.

The following events are exempt from this ordinance:

- A. Normal and usual school activities, including athletic events taking place on school grounds.
- B. Outdoor events and festivals sponsored by and under the direct supervision of the Town of Belgrade or community festivals dispersed over multiple properties, such as a village area.

Section 4. Authority

This Ordinance is enacted under the home rule authority granted by Title 30-A MRSA §3001, as amended.

Section 5. Severability

If any provision of this Ordinance is found to be invalid, such finding shall not invalidate any other provision.

Section 6. Effective Date

This ordinance shall become effective when adopted by a majority vote at Town Meeting.

Section 7. Definitions

Abutter: Owner of land which is physically contiguous with the lot in question even if only at a point, and any lot located directly across the public or private street.

Mass Gathering: Any gathering, attracting, or intending to attract, a continued audience or congregation of participants of 300 participants for 1 hour or more.

Operator: The person or group responsible for managing the mass gathering.

Performance Guarantee: An irrevocable letter of credit from a banking institution authorized to do business in Maine, a bond or cash escrow, or other financial guarantee acceptable to the Town Manager, in an amount set by the Board of Selectmen.

ARTICLE II. APPLICATION PROCEDURE

A. Applications for all mass gathering permits shall be made in writing to the Town Manager on the application obtained from the Town and shall include the following information:

- The name of the applicant
- The address where the mass gathering will occur
- The name, address, and phone number of the property owner
- Proof of abutter notification
- The name, address, and phone number of the mass gathering operator
- A detailed description of the nature of the mass gathering, including a specific description of the activity or entertainment to be offered, the nature of the site to be used, and the times of operation
- The expected number of attendees, together with a plan for limiting the total
- A descriptive statement about how each of the Review Standards in Article III, below, will be met together with documentation as necessary
- A plan to scale showing parcel boundaries and area where the gathering will occur, including locations of first aid facility, sanitary and solid waste installations, parking areas, and vehicular circulation within the site.
- Proof of the applicant's right to use the property (e.g. lease, contract) together with adequate liability insurance
- Any additional information to support the request for the permit

The applicant shall submit 7 copies of the application and all other related and required information to the Town Clerk not less than 90 days before the proposed event. Upon receipt the Town Clerk will forward copies of the application to the Town Manager, as well as the Fire Chief, Kennebec County Sheriff, and Code Enforcement Officer for review and comment. Comments from those people should be given to the Town Manager within 10 days of receipt.

- B. The non-refundable application fee for a mass gathering permit shall be \$200.00. The Town Manager may consider waiving the application fee for non-profit organizations.
- C. The Board of Selectmen shall hold a public hearing, at which the testimony of the applicant and that of any interested member of the public shall be taken. Notice of the public hearing shall be mailed, certified mail, to abutters to the property by the applicant and posted in a public place no later than fourteen (14) days prior.
- D. The Board of Selectmen shall grant a permit if it finds that the review standards in this Ordinance will be met. The Board may impose conditions to approvals to safeguard the public interest. The Board may, upon request and with stated reasons, waive any specific review standards listed in Article III, below.

The Board shall notify the applicant of its decision in writing within thirty-five (35) days of receipt of the application.

The Board of Selectmen may also require the applicant to post a performance guarantee or bond in an amount reasonably necessary to ensure prompt payment for all damages caused by any attendee or employee to public and private property resulting from or in connection with the mass gathering. If a performance guarantee is required, the Town shall inspect the grounds and surrounding property within 10 working days after the mass gathering and release the performance guarantee if the operator has conducted all clean up to the Town's satisfaction. If clean up or damage remains, the Town Shall retain the performance guarantee until such time as all issues noted are addressed

- E. No permit shall be issued if the premises to be used or activities for the mass gathering do not fully comply with all ordinances of the Town of Belgrade or laws or rules of the State of Maine, nor if a prior permit for the operator has been revoked within the preceding year.

ARTICLE III. REVIEW STANDARDS

A. Premises and Facility Safety:

- 1) The premises and facility at which the mass gathering will occur shall be of sufficient size and appropriate layout to minimize risk or danger to employees,

performers, attendees, or the public. The Board may require inspections and/or certification as to the safety by the Code Enforcement Officer, Fire Department, and other public safety departments as appropriate.

- 2) The area used for the event by attendees shall be a minimum of one (1) acre in size, not including parking area. If more than 2,000 attendees are anticipated, the area shall be a minimum of one (1) acre for each increment of 2,000.
- 3) No overnight parking or camping will be permitted.
- 4) Trees, underbrush, large rocks, and other natural features shall be left intact and undisturbed whenever possible and natural vegetative cover will be retained, protected and maintained so far as possible to prevent erosion and maintain the natural drainage attributes of the property.
- 5) Adequate lighting shall be provided to protect the safety of the persons at the gathering. The lighting shall not unreasonably reflect beyond the property boundaries unless the adjacent properties are uninhabited.
- 6) The electrical system and equipment serving the mass gathering shall comply with applicable state standards and regulations.

B. Vehicular Ingress and Egress to Facility and On-site Parking:

- 1) The premises and facility at which the mass gathering will occur shall provide for safe ingress and egress for vehicles, with regard to the general public's use of any public right of way. Internal and external traffic and security control shall be reviewed and approved by the Kennebec County Sheriff's Office.
- 2) Internal service roads shall be at least 20 feet wide to allow for the safe passage of emergency vehicles. If separate lanes are used for ingress and egress, the lanes may be reduced to 12 feet in width.
- 3) The premises shall provide adequate parking capacity. At least one-quarter (1/4) acre of useable parking area shall be provided for every 100 anticipated attendees.
- 4) If parking is proposed on a premises other than the mass gathering site, the applicant must provide a statement from landowners acknowledging and approving the use of their property for parking, and a plan stating or depicting the mode and routes of travel which will be utilized by attendees to get to the mass gathering site.
- 5) The applicant shall provide adequate personnel to manage traffic and parking to ensure that traffic flow on public roads is not impeded. Any traffic management personnel assigned to duty on public roads shall be trained and experienced in traffic control.

C. Public Safety and Security:

- 1) The operator shall make satisfactory provisions to avoid any breach of the peace or disorderly conduct. The applicant shall provide a plan for addressing crowd control, particularly at a general admission event, and an evacuation plan of the mass gathering area in the event of a natural disaster or other civil emergency.
- 2) The Board may require, at its discretion, demonstration of advance arrangements for special police duty and/or private security firms, as well as fire and/or rescue personnel at the expense of the applicant. The standard should be two (2) certified law enforcement or security officers present for each 500 people in attendance.
- 3) Measures shall be taken to follow and abide by all local, state and federal statutes and ordinances and to exclude minors from any entertainment activity from which they are legally barred.
- 4) A first aid building or tent with qualified staff personnel shall be located on site. A telephone or other two-way electronic communication device shall be available in the event that a medical emergency requires ambulance service or consultation with a physician.
- 5) The Board may require, at its discretion, demonstration of advance arrangements for rescue personnel and vehicles to be available onsite throughout the mass gathering as deemed necessary, at the expense of the applicant.

D. Noise and Hours of Operation:

- 1) The sound of the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area. The noise levels at the property lines shall not exceed 60 decibels.
- 2) The Board shall approve hours of operation for a mass gathering, which will be set so as to not cause unreasonable disruption to the normal pattern of activities in the neighborhood. No mass gathering shall operate between the hours of 12:00 AM and 8:00 AM.

E. Water Supply:

There shall be adequate and satisfactory potable water supply at the mass gathering area. The applicant shall demonstrate the capacity to provide drinking water on site, including the ability to re-supply during the course of the event.

F. Refuse Disposal:

- 1) There shall be adequate refuse storage and disposal facilities. At least one (1) fifty gallon refuse container or its equivalent shall be provided for each 100 anticipated attendees. All refuse shall be removed from the site at the end of the day (for multi-day events) and immediately upon the close of the gathering, and disposed of in an approved manner. Areas where vehicles are parked shall have four (4) refuse containers for each acre of parked vehicles. Containers for recycling purposes shall be provided.
- 2) The mass gathering area and immediate surrounding property shall be cleaned of refuse within 24 hours following a mass gathering.

G. Sanitary Facilities:

There shall be adequate sanitary waste disposal facilities available. The facilities shall be conveniently accessible, cleaned, and checked for working order daily. Toilets or port-a-potties shall be provided at a rate of one for each 150 persons present at the mass gathering. Port-a-potties shall be removed from the site within 48 hours of the close of the event.

H. Alcoholic Beverages:

- 1) If alcoholic beverages are sold at the mass gathering, sale of alcoholic beverages shall be limited so that public safety and order will not be impaired. The sale of alcoholic beverages shall be in compliance with the laws of the State of Maine regulating sale and consumption.
- 2) If alcoholic beverages are not sold on site at a mass gathering, but are allowed to be consumed on a "B.Y.O.B" basis the operator of the mass gathering shall take precautions to exclude consumption of alcoholic beverages by a minor or a visibly intoxicated person.

I. Other Licenses and Permits:

The applicant must be in possession of all other necessary licenses, permits, and similar, as may be required by any other body, agency, or jurisdiction, including permits required under Title 22 MRSA §1601, as applicable. This includes the licenses and permits required by the State of Maine relating to the service of food.

ARTICLE IV. ADMINISTRATION

Section 1. Inspections

- A. Whenever inspections of the premises used for or in connection with the operation of a mass gathering which has obtained a mass gathering permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with provision of this ordinance, it shall be the duty of the operator and/or landowner to admit any officer, official, or employee of the Town of Belgrade authorized to make the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the operator to give to any authorized officer, official or employee of the Town of Belgrade requesting the same sufficient samples of the material or commodity for analysis.
- B. In addition to any other penalty which may be provided, the Board of Selectmen may revoke the mass gathering permit of any operator who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty, provided, that no mass gathering permit shall be revoked unless written demand for the inspection or sample is made upon the operator, at the time it is sought.

Section 2. Suspension or Revocation of a Permit

- A. The Board of Selectmen may, after a public hearing preceded by notice to the permit holder and public, suspend or revoke any mass gathering permit which has been issued under this Ordinance on grounds that the activity or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates the terms of the permit or this Ordinance or any other municipal ordinance or rules and regulations.
- B. Conduct Constituting Offenses by Licensees: The following activities or conduct may be grounds for suspension or revocation of a permit.
 - 1) Disorderly Conduct: The operator shall not knowingly allow anyone present at the mass gathering to disturb the peace of others, or act disorderly, offensive or hostile.
 - 2) Riots: The operator shall not allow any activity which intends to promote a riot or disturbance.
 - 3) Unnecessary Noise: The operator shall not allow for the making of noise which does not meet the standards set forth in Article III.

- 4) Nuisances: The operator shall not allow mass gatherings to be conducted so that they constitute a nuisance as defined by the statutes of the State of Maine.
- 5) Prostitution and Public Indecency: The operator shall not allow prostitution or public indecency by any person at the mass gathering.
- 6) Gambling: The operator shall not allow on any premises permitted for mass gatherings the use or occupancy thereof for gambling or games of chance as prohibited by the statutes of the State of Maine.
- 7) Failure to Meet Permit Conditions: The operator shall be required to comply with the conditions outlined within the permit and shall be required to operate as described within the application upon which the approval for the mass gathering was granted.

Section 3. Rules and Regulations

The Board of Selectmen is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of mass gathering permits, the types of entertainment or gathering permitted, and other limitations on these activities required to protect the public health and safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 4. Permit and Appeal Procedures

- A. Any licensee requesting a mass gathering permit from the Board of Selectmen shall be notified in writing of their decision no later than thirty (30) days from the date the request was received. In the event that an applicant is denied a permit, the applicant shall be provided with the reasons for the denial in writing.
- B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Belgrade Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:
 - The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's ordinances or regulations; or
 - The denial, revocation or suspension was arbitrary or capricious.
- C. Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE V PENALTY

Section 1. Penalty

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than \$500 for the first offense, and up to \$5000 for each subsequent offense, to be recovered on complaint, to the use of the Town of Belgrade. A violation of each individual standard above or any conditions of the permit shall constitute a separate violation. In addition the Town of Belgrade shall be entitled to pursue equitable relief, including injunctive relief in enforcement of this ordinance. Any property owner allowing his property to be used for a mass gathering without a validly issued permit therefore shall be deemed a co-violator.

Enacted: March 20, 2015 at Town Meeting, Article #8

Town of Belgrade
Mass Gathering Application

Application must be turned in 90 days prior to event

Non-Refundable Application Fee: \$200.00
(Must Submit 7 copies)

Organization Information

Name of Organization: _____

Contact Person for Event: _____

Title of Contact Person: _____

Contact Name and Phone number during the Event: _____

Mailing Address: _____

Telephone: _____ Cell Phone: _____

Email Address: _____

Is your organization incorporated as a non-profit? _____

If yes, Non-Profit Number: _____

EVENT INFORMATION

Name of Event: _____

Location of Event: _____

Date of Event: _____ Rain Date: _____

Time of Event: Start Time: _____ Ending Time: _____

Does the sponsoring Organization own the property? _____

If not, please attaché a letter from the property owner authorizing this event.

Name of Property Owner: _____

Mailing Address of Property Owner: _____

Does the Applicant have insurance for this event? _____

SANITARY FACILITIES

Please state if the following items will be available at your event, the number of items available and the proximity of the item to your event:

	<u>Amount at the Event</u>	<u>Location</u>
Toilets	_____	_____
Hand Washing Facilities	_____	_____
Portable Water	_____	_____
First Aid Facilities	_____	_____

Waste Disposal

	<u>Amount at the Event</u>	<u>Location</u>
Recycling Containers	_____	_____
Types of recycling containers: _____		
Waste Container	_____	_____
Types of waste containers: _____		

Detailed Description of Event

Expected Number of Attendees: _____

Please describe your plan for limiting the total of attendees:

Describe how each of the Review Standards in Article III will be met, together with documentation as necessary.

Attach a plan to scale showing parcel boundaries and area where the gathering will occur, including locations of first aid facility, sanitary and solid waste installations, parking areas, and vehicular circulation within the site.

Attach proof of the applicant's right to use the property (e.g. lease, contract) together with adequate liability insurance.

Attach additional information to support the request for the permit.

Attach proof of certified mailers to all property abutters.

Signature of Applicant

Date Submitted

Please return this application to:

Town Clerks Office
Attn: Barbara Geaghan
6 Manchester Road
Belgrade, Maine 04917
(207)495-2258
bgeaghan@townofbelgrade.com

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For Town Use Only

Date Received: _____ Received by: _____

Receipt #: _____

