

# TOWN OF FARMINGTON

## Mass Gatherings Ordinance

ENACTED: August 5, 2002

CERTIFIED BY: Leanne Pinkham

Name

Town Clerk

Title

Affix Seal

# TOWN OF FARMINGTON

## Chapter 17 – Mass Gatherings Table of Contents

### Article 1. Mass Gatherings Ordinance

17-1.1	Title	3
17-1.2	Authority	3
17-1.3	Statement of Purpose	3
17-1.4	Definitions	3
17-1.5	Permits Required	4
17-1.6	Exemptions	5
17-1.7	Permit Process	5
17-1.8	Permit Application	7
	A. Performance Standards	7
	B. Review Standards	11
17-1.9	Liability Insurance and Public Costs	12
17-1.10	Inspection	14
17-1.11	Revocation of Permit	14
17-1.12	Limitation on Frequency of Events	14
17-1.13	Penalties	14
17-1.14	Severability	14
17-1.15	Effective Date	15

**TOWN OF FARMINGTON**  
**MASS GATHERINGS ORDINANCE**

**17-1.1 Title**

This Ordinance shall be known as and may be cited as the Town of Farmington Mass Gatherings Ordinance and will be referred to herein as “this Ordinance”.

**17-1.2 Authority**

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town of Farmington in accordance with the provisions of 30-A MRSA §3001.

**17-1.3 Statement Of Purpose**

**WHEREAS**, the inhabitants of the Town of Farmington, recognizing a concern about the potential public health and safety issues that may arise when crowds assemble for any organized event, desire to provide a balance between the right of assembly and the legitimate rights of privacy of residents of the Town; and

**WHEREAS**, there is a recognized need to address matters relating to waste disposal, potable water, first aid, capacity of roads and highways, enforcement of alcohol and controlled substance laws, and the protection of both public and private property;

**THEREFORE**, this Ordinance is hereby adopted in the interest of addressing concerns as they may affect public health, safety and welfare.

**17-1.4 Definitions**

In general, words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined below.

**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 one thousand (1,000) or more persons for six (6) or more hours.

**Mass Gathering Area.** Mass Gathering Area means any place, public or private, maintained, operated or used for a group gathering or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fairground, or other similar permanent places of assembly. Mass Gathering Area also includes all camping areas used primarily or exclusively in connection with the Mass Gathering and those camping areas need not be contiguous.

**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.

**Person.** An individual, group of individuals, association, partnership or corporation, firm or company.

**Selectmen.** Selectmen shall mean the duly elected Board of Selectmen of the Town of Farmington.

**DHS.** Shall mean the State of Maine Department of Human Services.

**Water District(s).** Shall mean the Farmington Village Corporation and the Farmington Falls Standard Water District.

**Town.** Shall mean the Town of Farmington, Maine.

**M.R.S.A.** Shall mean the Maine Revised Statutes Annotated.

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

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

**Nuisance.** The following shall be defined as nuisances:

1. Any public nuisance known at common law or in equity jurisprudence;
2. Any attractive nuisance known at common law or in equity jurisprudence; or
3. Any condition which violates federal, state or local health or environmental laws or regulations.

**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.

### **17-1.5 Permits Required**

No person, corporation, partnership, association, or group of any kind shall sponsor, promote, or conduct a Mass Gathering until a permit from the Town of Farmington Board of Selectman, pursuant to this Ordinance, has been obtained, and all other necessary municipal and state permits are obtained. The necessary permits may include, but not be limited to, the following:

- A. A permit from the Maine State Department of Human Services, pursuant to Title 22 M.R.S.A Chapter 265, and regulations promulgated thereunder.
- B. A “B.Y.O.B.” or other appropriate permit from the Maine State Bureau of Liquor Enforcement, pursuant to Title 28-A M.R.S.A. Chapter 163, is required if the Mass Gathering allows the consumption of alcoholic beverages on the premises.
- C. A permit for a campground from the Maine Department of Human Services, pursuant to Title 22 M.R.S.A. Sections 2491 to 2501, and regulations promulgated thereunder.
- D. A permit from the Town of Farmington, pursuant to this Ordinance.

**17 - 1.6 Exemptions**

Pursuant to Title 22 M.R.S.A., Chapter 265, Mass Gatherings, and regulations promulgated thereunder, this Ordinance does not apply to the following:

- A. Fairs, exhibitions, and similar events held by agricultural societies and associations, pomological societies, or poultry associations as defined and regulated under Title 7, Chapter 3, provided that the operator of such events furnishes to the Board of Selectmen a copy of his or her current license from the Commissioner of the Maine Department of Agriculture, Food and Rural Resources;
- B. Military activities; or
- C. Activities, persons, corporations, trusts, or partnerships licensed under Title 8, Chapter 11 (harness racing) and Chapter 19 (circuses and similar expositions) provided that the operator of such events furnishes to the Board of Selectmen a copy of his or her current license from the Commissioner of the Maine Department of Public Safety.

**17-1.7 Permit Process**

**A. Written Application**

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

<u>Expected Attendees</u>	<u>Application Fee</u>
1,000 – 5,000	\$250.00
more than 5,000	\$500.00

**B. Public Hearing**

Within thirty (30) days of the filing of a complete application the Board of Selectmen shall hold a public hearing to consider the issuance of the permit. All abutting property owners of the proposed Mass Gathering Area shall be notified in writing of the public hearing. Notice of the hearing shall be given by publishing the same twice in a newspaper having general circulation in the Town, the date of the first publication must be at least fourteen (14) days before the hearing and the second notification must be at least seven (7) days before the hearing. This notice of the public hearing shall contain the date, location, number of expected Mass Gathering attendees, and a general description of the Mass Gathering event, as well as the date, time, 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 Board of Selectmen to consider the issuance of the permit.

**C. Issuance of Permit**

The Board of Selectmen 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 shall be deemed to be conditions of said permit. In issuing the permit, the Board of Selectmen may impose such additional conditions, as may be reasonably required to assure compliance with the provisions of this Ordinance. The Board of Selectmen shall issue or deny the permit not more than thirty-five (35) days after the application is filed. If the permit is denied, the Board of Selectmen shall, within seven (7) days, give the operator written reasons for the denial.

**D. Plans; Cooperation**

In its review of applications for permits for the holding or promoting of Mass Gatherings, the Board of Selectmen may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, and in carrying out its other duties and functions in connection with such a gathering, the Board of Selectmen 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 Board of Selectmen shall work with the Department of Human Services, the Maine State Police, the Farmington Police Department, the Franklin County Sheriff's Department, the Bureau of Liquor Enforcement, the Farmington Fire Rescue Department, 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 affect the public health, safety and welfare are adequately addressed.

## **E. 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.

## **17-1.8 Permit Application**

### **A. PERFORMANCE STANDARDS**

#### **1. Contents Of Application**

The permit application submitted pursuant to Section 17-1.5 shall be on the application form prescribed by the Board of Selectmen and shall include the following information:

##### **a. Description**

The application must include a description of the proposed event, including dates and hours which mass gathering will be held. The description shall include 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.**

##### **b. Requirements**

The application must also provide a site map of the area, at a scale of no more than one hundred (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 area(s),
- 6) The location and size of the camping area(s), and number of campsites,
- 7) The onsite ingress and egress of pedestrian and vehicular traffic,
- 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 area(s), and number of parking spaces,
- 11) The location of all traffic control personnel, and
- 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 a notarized affidavit signed by the landowner(s) providing the facilities shall be submitted with the application

indicating that they have read the application, understand the scope and nature of the Mass Gathering, and give permission to use such private property.

**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 Ambulance) 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 location where their presence will obstruct the free flow of traffic, including a written statement by any private towing agency(ies) 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 twelve (12) feet for one (1) traffic lane, twenty four (24) feet for two (2) traffic lanes, and seven (7) feet for parallel parking lanes.
  - (b) There shall be at least one (1) parking space for every four (4) persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.
  - (c) Parking shall comply with federal regulations regarding the Americans With Disabilities Act (28 CFR Part 36 Revised July 1994 Section 4.1.2(5)(a)(b)).

**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 Farmington. All necessary personnel must be licensed by the State of Maine, as either Physician Assistant,

Registered Nurse, or Emergency Medical Technician and/or Paramedic. 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.

**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 (1) such certified security person, (not including persons concerned solely with traffic control) shall be available for each one thousand (1,000) persons in attendance.**

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

**f. Fire Protection**

Evidence must be provided in writing that the Farmington Fire Chief has inspected and 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. If conditions warrant, the Fire Chief shall also have the authority to impose a ban on any and all fires during the Mass Gathering.

**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 (twenty (20) lbs. per square inch minimum to all fixtures at the rate of at least thirty (30) gallons per person per day).

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

If the Farmington Village Corporation or Farmington Falls Standard Water District is/are to be utilized as a source/sources of potable water, a written statement from the assessors/trustees of said water district(s) must be submitted to affirm that the water district(s) has/have 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 Department of Human Services Division of Health Engineering.

#### **h. Sanitary Facilities**

Evidence must be provided that the sanitary facilities meet the following requirements:

- 1) Toilets shall be provided at a rate of one (1) for each one hundred fifty (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.
- 4) Sanitary facilities shall comply with the federal regulations regarding the Americans With Disabilities Act (28 CFR Part 36 Revised July 1994 Section 4.1.2(6)).

#### **i. Refuse Disposal**

Evidence must be provided that all refuse will be disposed of in accordance with the Town of Farmington Solid Waste and Recycling Ordinance enacted August 1, 1992 and revised April 9, 2002.

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 shall be provided. The operator will provide proof that refuse containers will be readily accessible throughout the Mass Gathering Area, and at least one (1) 50-gallon refuse container or equivalent will be provided for each one hundred (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.**

#### **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 DHS 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.

**k. Promotion**

A detailed description shall be provided of the methods being used to publicize the event.

**l. Illumination**

A detailed description of location and light level intensities shall be provided.

**m. Noise**

The operator shall provide evidence that the noise levels will comply with the following standards:

Maximum permissible sound pressure level of any continuous, regular or frequent, or intermittent source of sound produced by any on site activity shall be as follows, as measured on any abutting property or other offsite property:

9 a.m. to 10 p.m.	70 dB(a)
10 p.m. to 9 a.m.	45 dB(a)

Sound pressure level limits using the sound equivalent level of one minute (leq)(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 Specification for General Purpose Sound Level Meters.

**2. Facilities Subject to Inspection**

The operator of any Mass Gathering with an expected attendance of more than three thousand (3,000) persons shall have all facilities in place and subject to inspection by the Board of Selectmen or their appointed agent a minimum of seventy-two (72) hours prior to the scheduled commencement of the event.

**B. REVIEW STANDARDS**

**1. Board's Determination**

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

- a. An adequate and satisfactory water supply and facilities.
- b. Adequate refuse storage and disposal facilities.
- c. Adequate sleeping areas and facilities.
- d. Adequate medical supplies and care.
- e. Adequate fire protection.
- f. Adequate police protection.
- g. Adequate traffic control.
- h. Adequate liability insurance.
- i. Adequate protection for public water supply, if deemed necessary by the assessors/trustees of the Farmington Village Corporation and/or the Farmington Falls Standard Water District.
- j. Any additional matters as may affect the public health, safety or welfare.

**2. Medical**

The numbers and schedules of Emergency Medical Technician personnel and ambulances required will be determined by the manager of the ambulance facility serving the Town of Farmington.

**3. 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 Farmington that pertain to the event in question, as stipulated in 17-1.5. Copies of all such licenses and permits shall be filed with the Board of Selectmen when received by the operator. The Board of Selectmen shall have the authority to issue requirements more stringent than the requirements of Title 22 M.R.S.A., Chapter 265.

**17-1.9 Liability Insurance And Public Costs**

**A. Liability Insurance**

Prior to receiving a valid permit from the Board of Selectmen and, in any event, no later than forty five (45) days prior to the scheduled date of the Mass Gathering, the operator shall furnish to the Board of Selectmen a Certificate of Insurance issued by a licensed insurance company licensed by the State of Maine with the Town of Farmington as co-insured providing coverage of at least \$1,000,000 with respect to the death or injury of one or more persons in connection with the event. Such insurance policy shall also provide coverage for property damage in the amount of at least \$1,000,000. The insurance policies in question shall contain a provision requiring at least ten (10) days notice be given to Town prior to cancellation of all or part of the policy. If such cancellation occurs prior to the event, the permit issued by the Town is void.

**B. Indemnification**

Prior to receiving a valid permit from the Board of Selectmen and, in any event, no later than forty-five (45) days prior to the scheduled date of the Mass Gathering, the operator shall furnish to the Board of Selectmen a notarized statement that the operator agrees to defend, indemnify and hold harmless the

Town, its agents, officers, and employees for any and all losses, liabilities, or expenses (including attorney's fees) arising as a result of the Mass Gathering.

**C. Security Bond**

Prior to receiving a valid permit from the Board of Selectmen, the applicant shall file with the Board of Selectmen a surety bond issued by a company licensed by the State of Maine in an amount equal to \$50,000. Cash or negotiable securities acceptable to the Town Treasurer may be pledged to satisfy the provisions of this Section. The bond shall be used to satisfy any valid claims for damage to real or personal property caused by the permittee, his/her agents and/or employees or by persons attending the event and to reimburse expenses incurred in cleaning up or otherwise incurred as a direct result of the mass gathering for which the permit was issued. The permittee shall make an irrevocable designation of an agent within the State of Maine to receive notices in connection filing of claims against the security bond or to receive notices of permit issuance or revocation. Any person, including the Town, having such a claim shall file notice of a claim upon the bond with the applicant or his/her agent within ninety (90) days after the claim arose.

**D. 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 Board of Selectmen, but in no event shall be less than two thousand (\$2,000) dollars. A permit shall not be issued until receipt of said deposit.

**E. Liability For Town Costs**

Town costs shall be those incurred by the Town in connection with the Mass Gathering which relates 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 police personnel and equipment to oversee the Town's interests in ensuring the public safety and enforcing the conditions of this Ordinance.

Within thirty (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.

### **17-1.10 Inspection**

The Board of Selectmen or its appointed agent shall have the right to enter upon the Mass Gathering Area, by appointment, at least seventy two (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 Board of Selectmen 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.

### **17-1.11 Revocation Of Permit**

The Board of Selectmen 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 Farmington or any other government agency in order to hold the Mass Gathering on the proposed site. Except in cases of emergency, the Board of Selectmen 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 his agent, personally or by expedited mail service.

### **17-1.12 Limitations Of Frequency Of Events**

No more than one (1) permit shall be issued pursuant to this Ordinance to any single operator or group, within any sixty (60) day period, for an event for which more than three thousand (3,000) persons are reasonably expected to attend.

### **17-1.13 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 Farmington in an amount not to exceed fifty thousand (\$50,000) dollars. 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.

### **17-1.14 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.

**17-1.15 Effective Date**

This Ordinance shall take effect immediately upon adoption of the same by the Town of Farmington.