

Town of Richmond

Section 1900

MASS GATHERING ORDINANCE

ATTEST: This ordinance is a true copy of the Mass Gathering Ordinance of the Town of Richmond as certified to me by the Richmond Board of Selectmen on May 16, 1996, for posting with the Town Warrant for the June 4, 1996 Annual Town Budget Meeting.

Sharon Woodward
Sharon Woodward, Town Clerk

May 17, 1996
Date

SECTION 1900
MASS GATHERING ORDINANCE

Enacted June 5, 1996

Section 1901 - PURPOSE AND AUTHORITY

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A MRSA Section 3001.

WHEREAS, the inhabitants of the Town of Richmond are concerned that public health and safety problems may result when crowds assemble for any event.

WHEREAS, matters relating to waste disposal, potable water, first aid, public sanitation, traffic safety, law enforcement, adherence to alcohol and controlled substance laws, obstruction and damage to public and private ways, and destruction of public and private property are a concern to the citizens of Richmond.

Section 1902 - ADMINISTRATION OF ORDINANCE

The Town of Richmond Code Enforcement Officer (CEO) shall be responsible for the administration and enforcement of this ordinance.

Section 1903 - PERMIT ISSUED BY THE MUNICIPAL OFFICERS REQUIRED

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, festival, concert, parade, amusement show, theatrical performance, or other outdoor event where more than 400 people gather for three (3) or more hours in total within a twenty four (24) hour period up to a maximum of twenty four (24) hours continuous hours without first obtaining an assembly permit, hereafter referred to as "permit", from the Richmond Board of Selectmen hereafter referred to as "Board". Activities sponsored by the Town of Richmond or by the Richmond School System, and public assemblies for purposes of Town government are expressly excluded from the permitting requirements of this ordinance.

Section 1904 - APPLICATION

Any person or entity seeking issuance of an assembly permit must make an application to the CEO on a form(s) provided by the CEO or Town Office, that contains plans and documentation relating to all items in applicable Sections below no later than forty (40) days prior to the event. The CEO shall accept the application as complete or reject the application within 21 days of the date of the signed application and forward the application, with recommendations, to the Board for their next scheduled meeting.

Section 1905 - PERMIT FEES

The applicant must pay a \$500 fee when submitting the application for permit, plus all costs for advertising and technical and professional review deemed necessary by the CEO. This fee shall be non-refundable.

Section 1906 - CONTENTS OF THE APPLICATION

- A. The applicant shall furnish a plan accurately drawn to scale showing the actual dimensions and distances from each, of each separate area to be used with designated locations for drinking water, rest room and sanitation facilities, waste containers, dumpsters, first-aid facilities, parking, placement of any stages or entertainments areas, seating areas, food service areas and sleeping and/or camping areas if an overnight event is proposed.
- B. The applicant shall provide a detailed plan for seating the estimated number of attendees. The plan shall include methods to be used to discourage the presence of persons not holding tickets or invited to attend. The applicant shall further provide assurances that all event promotion and publicity will immediately cease when all tickets have been sold.
- C. The applicant shall provide assurances and detail methods to be used to insure that individuals not invited or holding tickets will not be permitted to use parking, toilet, or camping facilities under the control of the applicant and that no food or beverage will be sold to non-ticket holders or non-invited individuals on premises under the control of the applicant except persons employed or authorized to provide support service for the event.
- D. Applicant shall submit to the CEO, in writing, detailed assurances relating to each standard in Section 1907 below.

Section 1907 - STANDARDS FOR PERMIT ISSUANCE

The Board shall issue a permit to the applicant upon finding that the applicants has the ability and financial resources to comply with the following standards, considering the size, duration and nature of the proposed event as these standards shall be met for each separate location at which the event or parts thereof take place as follows:

- A. One (1) gallon of potable water per person per 12 hour period shall be available and reasonably spaced throughout the event area, and;
- B. portable toilets and sanitation facilities, at a rate of 1 toilet for every 30 persons per 24 hour period, shall be available and reasonably spaced throughout the event area, and;
- C. the area to be used is adequately equipped with suitable containers for disposal of solid waste and/or garbage and that provisions are made for the removal and disposal of recycling of such waste and garbage, and;

- D. adequate first aid facilities and qualified medical personnel shall be provided, and;
- E. parking facilities shall allow for no less than one car space (computed at 9' X 19' or 171 square feet per car within any lot designated for parking or 8' X 22' per car for any Town approved on-street parallel parking) for every 3 tickets sold for the event within or in close proximity to the areas or sites in which event is to be held, and;
- F. the event will not impair the safety and orderly flow of traffic on public ways and that adequate provision has been made for the control of traffic before, during and after the event, and;
- G. adequate police protection by state certified officers be provided, and;
- H. adequate fire protection is provided, and;
- I. adequate sleeping and/or camping areas are provided if an overnight or continuous event is held, and;
- J. adequate seating capacity for maximum attendance and/or number of tickets to be sold, and;
- K. impose any condition reasonably necessary to insure that the event complies with the standards set forth above for issuance of the permit as of the date of the event.

Section 1908 - NUMBER OF TICKETS SOLD

No more than the number of tickets specified in the application shall be issued for a single event. A "ticket" includes any receipt or token of eligibility to attend the event whether or not a piece of paper or other physical evidence of payment is issued to the attendee. Persons not holding valid tickets for an event for which tickets have been sold or given away shall not be permitted to attend. Promptly after all the tickets have been sold or the occurrence of the event, which ever occurs first, the applicant shall furnish to the CEO a sworn statement as to the number of tickets sold or otherwise distributed.

Section 1909 - PUBLIC HEARING

No permit shall be granted by the Board unless the applicant satisfies the Board that proper facilities will be available for the proposed event in the areas to be used and that adequate precautions have been taken to ensure the public health, safety and welfare of attendees and the general public.

Upon receipt of the application for permit from the CEO, the application must be scheduled for a public hearing which may be part of a regularly scheduled meeting of the Board. The Board shall issue the permit when satisfied that adequate provisions have been made to protect the health and safety of the residents of the Town and the persons attending the event. All

assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions upon issuance of the permit. In issuing the permit, the Board may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance. The Board may decline to issue the permit if the event is scheduled on a holiday when so many non-residents will be present in Town for reasons having nothing to do with the event that the public and private facilities will be insufficient to meet the needs of the persons attending the event as well as other persons who are present because of the holiday. The Board shall issue or deny the permit no more than seven (7) days after the application is reviewed at public hearing. If permit is denied, the reasons will be given to the applicant in writing.

Section 1910 - WAIVER

In any case in which strict compliance with the terms of this ordinance will cause, in the opinion of the Board, the applicant to suffer unreasonable costs or inconvenience in the interest of protecting the public's health, safety and welfare and the Board has reasonably determined that waiving strict compliance with the terms of this ordinance will not compromise its enforcement or the accomplishment of its purposes in protecting the health, safety and welfare of the community, they may issue a waiver specifying, in writing, the terms of the waiver and why it has been granted.

Section 1911 - LIABILITY INSURANCE

Prior to receiving a valid permit from the Board, the applicant shall furnish to the CEO a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Richmond named as co-insured providing coverage of no less than \$500,000 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 of no less than \$100,000. The insurance policies in question shall contain a provision requiring at least ten (10) days notice be given to the 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 shall be void.

Section 1912 - SECURITY BOND

In the event that the CEO determines that a surety bond is necessary to assure the applicant's compliance with the standards and conditions of the issuance of the permit, the applicant shall be advised by the CEO of the value of the bond required 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 with 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 90 days after the claim arose. Such a bond shall be received by the CEO with the final application.

Section 1913 - PRIVATE LANDOWNER AUTHORITY

In the event that private property is to be used in connection with such event, the applicant shall file the CEO a notarized affidavit signed by the land owner(s) that applicant has authority to use such private property and that police officers are authorized to enter property owned or under the control of the applicant in the vicinity of the event at reasonable times.

Section 1914 - DUTIES OF PERMITTEE

The permittee shall comply with all conditions of any permit issued and with all applicable local, state and federal laws and ordinances as well as Maine Department of Health and Human Services rules and regulations and further insure that attendees and/or vendors comply with applicable laws, ordinances and regulations.

Section 1915 - VIOLATIONS AND PENALTIES

- A. Whoever violates any provision of this ordinance or fails to comply with any stated permit condition or restriction shall be fined not less than \$100 nor more than \$2,500 to be recovered, on complaint, to the use of the Town of Richmond pursuant to 30-A MRSA Subsection 4452. Each days violation shall constitute a separate offense. In addition, the Town may seek an injunction when necessary to prevent the applicant from promoting, publicizing or conducting the event.

- B If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorney's fees, expert witness fees and costs.

Section 1916 - REVOCATION

The CEO shall have the authority to revoke any permit issued hereunder in consequence of a violation of any conditions of the permit or any noncompliance with the standards for issuance of permit.

Section 1917 - SAVINGS CLAUSE

If any section of part thereof of this ordinance shall be held invalid, the remaining provisions thereof shall remain in full force and effect.

Section 1918 - EFFECTIVE DATE

This ordinance shall become effective on adoption by any Richmond Town Meeting.

Certified: The Richmond Board of Selectmen being the Municipal Officers hereby certify to the Municipal Clerk that this is a true copy of the Mass Gathering Ordinance of the Town of Richmond, Maine.

Given under our hand this 16th day of May, 1996

David M Peppard

James A Pearson

H. Kenneth Plante

Richmond Board of Selectmen

Certified:

I hereby certify that this ordinance became effective on

June 5, 1996

at a Town Meeting held at Richmond High School

Sharon Woodward

Sharon Woodward, Town Clerk

June 5, 1996

Date