

ORDINANCE

Article #60

Mass Gatherings

I. Authority

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A M.R.S.A. Sec. 3001.

II. Purpose

The Town of Winthrop recognizes the desirability of certain outdoor events, including exhibitions, festivals, music concerts, and fairs, and thereby ordains the following to protect the general welfare and promote public health and safety 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. Exemptions

The provisions of this chapter shall not apply to:

- A. Events held or sponsored by the Town of Winthrop.
- B. Public school functions involving student population and staff, and held on school property.

IV. 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, stand, or otherwise congregate.
- B. Mass Gathering, Minor – any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors, either on land or on water, with the intent to attract at least five hundred (500) persons, but fewer than one thousand (1,000) persons at any time in a single assembly area.
- C. Mass Gathering, Major – any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held outdoors, either on land or on water, with the intent to attract at least one thousand (1,000) persons at any time in a single assembly area.

- D. 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.
- E. Operator – the person responsible for the mass gathering.
- F. Performance Guarantee – an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Manager and in the form approved by the Town Attorney as to form, sufficiency, manner of execution and surety in an amount set by the Town Manager.
- G. Person – any natural person, sole proprietor, partnership, corporation or other entity.
- H. Private School – school operated by an agency, organization, or institution other than the Town, any other municipality, the State of Maine, the United States government or any agency or instrumentality thereof.
- I. 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.
- J. Public School – school operated and governed by Winthrop Public Schools and/or the State of Maine.
- K. Town – the Town of Winthrop.
- L. Town Council – The Town Council of the Town of Winthrop.

V. License required; Fee and procedure

- A. No person shall sponsor, promote, operate or hold any mass gathering, without first procuring a license from the Town.
 - 1. Licenses for minor mass gatherings shall require a license issued by the Town Manager according to the procedure contained herein, except those provisions applicable to major mass gatherings only. Appeals from a denial of a minor mass gathering application may be made in writing to the Town Council, and must be filed with the Town Clerk within five (5) working days of the date of the denial.
 - 2. Licenses for major mass gatherings shall require a license issued by the Town Council according to the procedure contained herein.
- B. The licensing procedure will be administered in the following manner:
 - 1. Any person seeking a mass gathering license shall be provided a copy of this ordinance upon request.
 - 2. The person(s) seeking a license must file a completed application form with the Town Clerk not less than seventy-five (75) days before the proposed event.

3. Applications for mass gathering licenses shall be acted upon by the Town Manager or Town Council, as appropriate, not less than thirty (30) days before the proposed event.
4. No licenses shall be issued for events that would violate the Winthrop Land Use Ordinance or any other town ordinance or rule.
5. Application fees shall be due when the application is filed, shall not be refundable and shall be as follows:
 - a. Not-for-profit organizations applying for a minor or major mass gathering license shall pay an application fee of one dollar (\$1)
 - b. Individuals and for-profit organizations applying for a minor mass gathering license shall pay an application fee of one hundred dollars (\$100).
 - c. Individuals and for-profit organizations applying for a major mass gathering license shall pay an application fee of two hundred fifty dollars (\$250).
6. The application must include:
 - a. A letter of authorization or written permission from the property owner allowing use of the property, unless the property is owned by the applicant.
 - b. A contract with a refuse collection company or other reasonable plan for removal of trash; and
 - c. Proof of applicant's liability insurance in the amount of one Million dollars (\$1,000,000).
7. Within five (5) working days of receipt of an application, the Town Clerk shall forward a copy of the application to the Town Manager, Police Chief, Fire Chief, EMS Chief, Public Works Director, and Code Enforcement Officer. For a major mass gathering application, the Town Clerk shall schedule a public hearing before the Town Council.
8. The Town Manager shall issue a license for a minor mass gathering unless the issuance of the license would be detrimental to public health, safety and welfare or would violate state law or town ordinances or regulations.

9. Before a license can be issued for a major mass gathering, the Town Council shall hold a public hearing to review the application and determine whether to approve the license application. The Town Council shall issue a license for a major mass gathering unless the issuance of the license would be detrimental to public health, safety and welfare or would violate state law or town ordinances or regulations.
10. In accordance with the guidelines set forth in Attachment A to this Ordinance, the Town Manager or Town Council where appropriate may impose conditions on a license to safeguard the public interest. Such conditions may include, but are not limited to requiring the applicant to:
 - a. Post a performance guarantee/bond in an amount reasonably necessary to ensure prompt clean-up of the grounds and payment of damages to public or private property in the area of the event. The Town shall promptly release the performance guarantee if the operator pays all clean-up and public costs within ten (10) working days after the mass gathering.
 - b. Hire Winthrop police officers (one certified officer for each 200 people in attendance), other security, and fire/rescue personnel as necessary, at the expense of the licensee. The Police Department and Fire Chief will be notified before the proposed event whether additional personnel will be needed.
 - c. Demonstrate, to the satisfaction of the Chief of Police, by means of a written, descriptive plan that facilities will be provided at the proposed site to protect the health of attendees, including:
 - i. Waste disposal;
 - ii. Sanitary facilities;
 - ii. Fire fighting, rescue and police personnel equipment
 - iii. Water supplies; and
 - iv. Communication system.
 - d. Demonstrate, to the satisfaction of the Chief of Police, by means of a written descriptive plan, that adequate parking spaces will be available.
 - e. Provide a plan to the Chief of Police showing how crowd security and police protection of private property will be accomplished.

- f. Provide a plan, to the satisfaction of the Chief of Police, for controlling traffic, which shall contain as appropriate:
 - i. A description of routes which persons attending are likely to take;
 - ii. Methods to be used to publicize alternative routes;
 - iii. The number of persons who will be present to direct traffic at the site both before and after the event, and their locations; and
 - iv. A description of what means will be available to remove disabled vehicles from locations under the control of the operator, if such vehicles would prevent the free flow of traffic.
- g. Provide a plan, to the satisfaction of the Chief of Police, for evacuating the site in the event of a natural disaster or other civil emergency.

VI. Enforcement, Penalty, Assignability

The Chief of Police (COP) is authorized to enforce this Ordinance. The Operator of the licensed event shall permit the COP reasonable access to the event or event property for inspection as deemed necessary by the COP. Violation of the Ordinance constitutes a civil violation punishable by a civil penalty of five hundred dollars (\$500) for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued under this ordinance are not transferable or assignable, without prior approval of the Town Council.

Date Adopted: 10/9/2013 Attest: Lauri A. Carson
Town Clerk

1st Reading 9/9/2013
2nd Reading Waived

SEAL

APPENDIX A: GUIDELINES

The Town Manager or Town Council, as appropriate, shall use the following Guidelines in making a determination as to whether to issue a mass gathering license. The Town Manager and Town Council may waive any standard or requirement set forth in these Guidelines and may impose additional requirements as deemed necessary in order to protect public health, safety and welfare.

A. Water Supply

1. 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.

B. Refuse Disposal

1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated.
2. All refuse shall be collected from the mass gathering area at least once every twelve (12) hours of the gathering and disposed of in an approved manner.
3. The mass gathering area and immediate surrounding property shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.
4. Areas where vehicles are parked shall have rubbish disposal facilities one (1) for every twenty-five (25) vehicles.

C. Grounds

1. Illumination (adequate lighting) shall be provided for the assembly area at night beginning one-half (1/2) hour before sunset to protect the safety of the persons at the outdoor event. The lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
2. Light level intensities shall be at least five (5) foot candles.
3. There shall be at least twenty (20) square feet of assembly area per person at the site for daytime gatherings and at least forty (40) square feet of assembly area per person for overnight gatherings.

D. Roads and Parking Space

1. 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 shall be added for a parallel parking lane.
2. 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) buses per usable acre.
3. Internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

E. Sanitary Facilities

1. Toilets shall be provided at a rate of one (1) for each one hundred fifty (150) persons.
2. Urinals and sani-stands 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.
3. Sanitary facilities shall be conveniently accessible and well identified.
4. Each toilet shall have a continuous supply of toilet paper.
5. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleaned, non-absorbent materials.
6. Clearly marked separate service buildings or rooms containing sanitary facilities, shall be provided for each sex. Each toilet room shall be provided with a self-closing door to ensure privacy, and the entrance shall be screened so that the interior is not visible from the outside.
7. Water points or drinking fountains shall be well identified and conveniently accessible.
8. Common drinking cups shall not be used.

F. Medical Facilities

1. Emergency medical services shall be provided under the supervision of a licensed physician.
2. A first aid building or tent with adequate medical supplies shall be available.
3. Emergency first aid vehicles shall be available on site during the entire time of the mass gathering.
4. A telephone or other two-way electronic communication device shall be available.
5. 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.

G. Safety

1. The electrical system or electrical equipment servicing the mass gathering shall comply with any and all applicable state standards and regulations (Title 32, Chapter 17 M.R.S.A.)
2. Fire prevention materials such as nonflammable drapes, partitions, etc., shall be used wherever possible.
3. At least one fire fighter with communication equipment to call in fire suppression equipment shall be present at the site of the mass gathering.

H. Noise Control

1. The noise generated by the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area.
2. Noise as the result of the mass gathering shall cease at a designated time established by the Town Manager, or the Winthrop Town Council.