

Mass Gatherings

Purpose.

The purpose of this Ordinance is to control the issuance of permits for mass gatherings within the Town of Limington, Maine, and to prevent unruly conduct, riots, unnecessary noise, nuisances, unsanitary conditions, public indecency, or uncontrolled gatherings which may constitute a threat to public health, safety, or welfare within the Town of Limington. All such events shall obtain a Conditional Use Permit from the Limington Planning Board and an Event Permit from the Limington Select Board. Application fees for all events shall be determined by these individual Boards, including Code Enforcement Officer inspection fees.

Applicability.

No person, corporation, association or group of any kind shall sponsor, promote or conduct a mass gathering, as defined, or make one's property available for a mass gathering by lease, contract, or otherwise within the Town of Limington, until a Conditional Use Permit has been obtained from the Planning Board and an Event Permit has been obtained from the Select Board. Mass gatherings may consist of, but not be limited to: festivals, concerts, entertainment performances, exhibitions or similar activities, public and political gatherings.

Definitions.

Major Mass Gatherings.

Any gathering, attracting, or intending to attract, a continued audience or congregation of participants of one thousand (1,000) or more participants for one (1) hour or more.

Minor Mass Gatherings.

Any gathering, attracting or intending to attract a continued audience or congregation of participants of three hundred (300) participants but fewer than one thousand (1,000) participants for one (1) hour or more.

Gatherings of less than three hundred (300) participants do not require a Conditional Use Permit from the Planning Board or a license/permit from the Select Board.

Event Coordinator/Operator.

The person or organization responsible for the event.

Permitee.

The person named in the application.

Non-profit Organization/Churches.

A corporation designated as a not-for-profit corporation by the United States Internal Revenue Service. The fee for a Conditional Use Permit or an Event Permit is waived for this entity.

Charitable Organization.

Any person or entity that holds itself out to be organized for any charitable purpose or that solicits, accepts, or obtains contributions from the public for any charitable purpose.

The provisions in this Ordinance do not apply to events sponsored by the MSAD 6 School Department or any other agency of the Town of Limington.

Performance Guarantee.

A performance bond issued by an entity authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Select Board and in a form approved by the Town Attorney.

Person.

Any natural person, sole proprietorship, partnership, corporation, or other entity.

Event Operator/Owner.

The event operator/owner shall be required to be onsite at the mass gathering at all times. The operator will be the main contact person for the Town before, during and after the mass gathering and will be responsible for facilitating any inspections required or requested by the Code Enforcement Office.

Requirement of a Conditional Use Permit or Event Permit for Mass Gatherings.

No person may sponsor, promote, operate, or hold any mass gathering event that attracts three hundred (300) or more people unless a Conditional Use Permit from the Planning Board and an Event Permit from the Select Board is first obtained.

The permitting procedure shall be administered in the following manner:

1. The applicant shall submit thirteen (13) copies of the application and all other related and required information to the Planning Board not less than ninety (90) days prior to the proposed event. Upon receipt of the application the Planning Board shall immediately forward copies to the Select Board and Town Manager.
2. The required non-refundable application fees to both Boards shall be paid at the time of submission.
3. The applicant shall post a performance guarantee or bond in an amount reasonably necessary to ensure prompt payment for all damages caused by attendees or employees to public and private property resulting from or in connection with the mass gathering. Promptly following the mass gathering the Town shall release the performance guarantee if the operator pays all clean up and public costs within forty-eight (48) hours after the mass gathering.

4. The standards listed below and the relevant conditions detailed in the Town of Limington Zoning Ordinance for a Conditional Use Permit shall be followed.

Conditional Use Permit/Event Permit Standards.

In reviewing the event Conditional Use Permit and Event Permit applications, the Planning Board and the Select Board shall determine whether the application meets all the following standards:

Safety and access.

The applicant shall ensure convenient and safe access for ingress and egress of pedestrian and vehicular traffic and that traffic safety be maintained on streets serving the event.

Site.

1. The outdoor event assembly area will be well drained and so arranged to provide sufficient space for attendees, vehicles, sanitary facilities, and appurtenant equipment.
2. Trees, underbrush, large rocks and other natural features will be left intact and undisturbed whenever possible, and that the natural vegetative cover shall be retained, protected and maintained so as to facilitate drainage, prevent erosion, and preserve any scenic attributes.
3. The site shall be maintained free from the accumulation of refuse and from health and safety hazards constituting a nuisance.
4. The assembly area shall be adequately lit, but lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.
5. The permittee shall be responsible for the posting of "No Parking" signs on streets serving the area as dictated by the Planning Board in accordance with direction from the Fire Chief.

Medical.

Emergency medical services shall be provided. The Limington Fire Chief shall receive a copy of the application for the mass gathering, review the applicant's proposed staffing and equipment to be provided for the number of attendees and make any recommended changes felt necessary. The Limington Fire Department will be on call if further assistance is required.

Noise/Hours.

The noise levels at the property line of abutters shall not exceed 70 decibels unless the mass gathering is remotely located and the surrounding properties are uninhabited.

No large outdoor event shall continue beyond 10:00 PM.

Sanitation.

1. The required sanitary facilities will be conveniently accessible and well-marked.
2. Toilets shall be provided at a ratio of one for each one hundred and fifty (150) attendees at the mass gathering.
3. The disposal and/or treatment of any excretion or liquid waste will be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

Refuse Disposal.

1. Refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents and any other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare to the patrons of the event or the public.
2. The grounds and immediate surrounding property shall be cleared of refuse within forty-eight (48) hours following the event.

Alcoholic Beverages.

If alcoholic beverages are sold at the mass gathering, sale of these 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.

Safety.

1. Where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable State standards and regulations and the Town's electrical codes.
2. The grounds, buildings, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.
3. Internal and external traffic and security control shall meet requirements of the applicable State, County and local law enforcement agencies.

State License.

1. Any applicant intending to attract the continued attendance of two thousand (2,000) or more people for twelve (12) or more hours must obtain a State License pursuant to Title 22, MRSA, Sections 1601-1607.
2. Applications that require a State License shall provide a copy of the approved State License to the Planning Board when presenting the application for a Conditional Use Permit.

Event Permit Decision and Conditions – Select Board.

1. The Select Board may deny or grant the permit and, if granting the permit, impose such reasonable conditions on the issuance as would safeguard the public interest including requiring the applicant to:
 - a. Post a performance guarantee in an amount estimated to be equal to the public costs.
 - b. Show security measures to be provided to enable the Select Board to determine if the proposed level of security is sufficient. The cost of any Town services, including overtime and benefits costs are set by the Town and shall be paid by the permittee.
 - c. Agree to pay for any equipment or supplies provided to them by the Town.

Conditional Use Permit – Planning Board.

The Planning Board Conditional Use Permit, if issued, shall require the applicant to demonstrate, by means of a written, descriptive plan, addressing the standards of this article, that adequate facilities shall be provided at the site of the event in order to protect the health and safety of the people who are attending the event, including:

1. Adequate waste disposal facilities.
2. Adequate firefighting, rescue and police personnel, facilities, equipment and first aid.
3. Adequate water supplies.
4. Adequate communication equipment.
5. Demonstrate, by means of a written descriptive plan, that adequate on-site parking spaces will be available.
6. Provide a detailed plan showing how crowd security and police protection of private property will be accomplished.

Inspections.

1. The person in charge of the site which is the subject of an application for an Event Permit, or a site that has received an Event Permit, shall admit any officer, official or employee of the Town authorized to make inspections of the site for compliance with this article or any other Ordinance or Statute any reasonable time that admission is requested.
2. In addition to any other penalty which may be provided, the Select Board may revoke the Event Permit of any permittee in the Town who refuses to permit entry by any such officer, official or employee, or who interferes with such officer, official or employee while in the performance of his or her duty.

Appeals.

Any person who is denied an Event Permit issued by the Select Board or a Conditional Use Permit issued by the Planning Board or who objects to any conditions in a permit granted to that person by the Select Board or Planning Board may appeal the decision to the Board of Appeals within five (5) days.

After a public hearing the Board of Appeals shall apply the provisions of the sections "Requirement of a Conditional Use Permit or Events Permit for Mass Gatherings" above and affirm or reverse the decision of the Select Board or Planning Board.