



Town of Pownal
Mass Gathering Ordinance

Permit Required

1.1. Hazard. The town of Pownal finds that mass gatherings frequently create a hazard to the public health, safety and peace. The town finds that mass gatherings endanger the environment, the safety of attendees, significantly and adversely impact neighbors to the mass gathering, and cause an enormous burden on town government and resources. Accordingly, it is appropriate to regulate mass gatherings within the town of Pownal.

1.2. Definition. For the purposes of this ordinance, a mass gathering means any gathering held within the town where more than 500 people attend at any one time during the mass gathering.

1.3. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass gathering until a permit has been obtained from the town in accordance with the provisions of this ordinance.

Application

2.1. Form. Attached to this ordinance is a form which must be used in applying for a permit for a mass gathering. A person applying for a small mass gathering of between 500 and 1000 persons shall use the application form so designated. Anyone else shall use the form for a large mass gathering.

2.2 Notice. The applicant shall place a notice in the newspaper serving Pownal 30 days in advance of the intended date of the mass gathering unless a shorter time is authorized by the town selectmen. This notice informs the public of the applicant's intention to hold a mass gathering, and invites public comments to be addressed at the hearing on the application.

2.3. Compliance with other town of Pownal ordinances. No application for a mass gathering is complete without a certificate from the Pownal codes enforcement officer that the applicant has complied with, or is exempt from, all existing Pownal ordinances, including, but not limited to the site plan review ordinance.

2.4. Approval of Pownal Fire and Rescue and the Cumberland County Sheriff's Office. No application for a mass gathering is complete without a certificate from the chief of Pownal Fire and Rescue that in his or her opinion, town resources for fire and EMS services to the mass gathering are likely to be sufficient. Should the chief of Pownal Fire and Rescue decline to issue this certificate, he or she shall certify as to the additional fire and rescue resources necessary. The applicant shall bear the burden of arranging for the actual presence of such

additional fire and rescue personnel at the mass gathering, and shall provide with the application written certificates from other non-town but public entities with the application that the applicant has complied with this burden.

2.4.1. Because the town does not have its own police force, the applicant shall obtain the certificate of the Cumberland County Sheriff or his or her designee as to the arrangements that have been made for the presence of sheriff's deputies during the mass gathering. The certificate of the sheriff must recite that enough deputies will be present, in his or her judgment. The applicant shall bear the total financial burden hereunder.

2.5. Contract with the landowner. Attached to this ordinance is a form which must be provided with the application and must be signed and notarized all persons owning any land to be used for the mass gathering.

2.6. Bond. The applicant shall provide an irrevocable bond issued by an authorized public surety company qualified to do business in this state guaranteeing the proper performance of the applicant of any permit condition for a mass gathering issued by the town of Pownal, in an amount equal to \$20.00 per person likely to attend. In addition to guaranteeing cleanup by the applicant of the area used for the mass gathering, this bond must guarantee compliance by the applicant with any applicable state or local law or regulation, and payment by the applicant of all proper claims against the applicant for damage to real or personal property in Pownal arising out of facts done or omitted to be done by the applicant, his agents or employees. Any bond hereunder shall provide that the presentation of any claims against the bond may be made without first having presented such claims against the applicant or landowner.

EXCEPTION: (adopted at Special Town Meeting, September 18, 2006): No bond shall be required by the town of Pownal for town-sponsored events. For each town-sponsored event, the Town will provide proof of insurance against damage to property or person in the amount of at least \$400,000.

2.7. Application fee. The applicant shall pay to the town of Pownal as an application fee for a large mass gathering permit the sum of \$1000 and, in the case of a small mass gathering, \$125 for a non-profit event and \$250 when the gathering is for profit. Both fees are irrevocable.

2.8. Consequence of failure to submit complete application. Any application for a mass gathering permit in the town of Pownal but which is not complete and detailed in all its parts hereunder, shall be deemed denied from the date it is received. No part of the application fee shall be returned or refunded to the applicant in this case.

Hearing

3.1. Town clerk's duties. Upon receipt of any application for a mass gathering, the town clerk shall immediately review it for completeness and compliance with the provisions of Article 2 of this ordinance. In the event that the clerk believes the application is incomplete or does not comply in some fashion, he or she shall inform the selectmen for the town of Pownal forthwith of such deficiency in the application. It shall be the affirmative duty of the town clerk to verify with the codes enforcement officer that indeed all Pownal land use codes and other ordinances have been already complied with by the applicant.

3.2. Hearing tribunal. The selectmen for the town of Pownal are herewith designated the hearing tribunal. Any person aggrieved shall have the right to appeal a determination by the hearing tribunal to the Pownal Board of Appeal by filing a notice of appeal with the town clerk within 5 business days of the date of the determination by the selectmen.

3.3. Hearing procedure. The hearing tribunal shall receive relevant and probative documents and other evidence, such as persons would normally use in the conduct of serious affairs. The hearing tribunal shall cause the hearing to be tape-recorded. The clerk shall maintain the official copies of any such tapes made. The applicant shall bear the burden of persuasion on every point raised in the application. The hearing tribunal has full discretion to judge the credibility of any evidence presented.

3.4. Hearing time. The hearing tribunal shall conduct the hearing not sooner than 7 nor later than 15 business days after receipt of a complete and proper application. The hearing tribunal may allow more time to pass before the hearing should the need arise. Under normal circumstances, the hearing will be concluded within 90 days. Under extraordinary circumstances, the hearing tribunal has the authority to continue the hearing beyond the 90 days. The applicant has every incentive to submit the application as early as possible.

3.5. Hearing Decision. The decision of the hearing tribunal shall be given at the conclusion of the hearing. The simple majority rules.

Performance Standards

4.1. Any permit for a mass gathering shall be conditioned upon the following minimum performance standards. The hearing tribunal is empowered and authorized to strengthen these performance standards as is necessary in its judgment given the purposes of this ordinance, or to impose additional reasonable conditions as the circumstances may require upon the mass gathering permit.

4.1.1. Water Supply

4.1.1.2. Where water is distributed under pressure for drinking, washing, flushing toilets, and showers, the water supply system shall deliver water at normal operating pressures (20 lb. per sq. in. minimum) to all fixtures at a rate of at least 30 gallons per person per day.

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

4.1.1.4. In all events, potable water shall be adequate and safe, meeting the requirements of the Maine department of human services, health engineering division. Transported water shall come from a source approved by the health engineering division of Maine DHS.

4.1.2 Refuse Disposal

4.1.2.1. One fifty (50) gallon refuse container or its equivalent shall be provided for each one hundred (100) persons anticipated. which container shall be readily accessible. One 16-cubic yard trash container shall be provided for every 5000 persons anticipated. All trash barrels shall be lined with plastic bags.

4.1.2.2. All refuse shall be collected from the mass gathering area at least twice every twelve hours during the assembly and disposed of in an approved area. Such refuse shall be collected, stored and transported in a manner not causing odor or the infestation of insects or vermin or creating any other nuisance or conditions which are inconsistent with the health, safety and welfare of human beings.

4.1.2.3. The mass gathering area and immediate surrounding properties shall be cleaned of refuse within twenty-four (24) hours following the mass gathering.

4.1.2.4. Area where cars and recreational vehicles are parked shall have adequate rubbish disposal facilities. There shall be at least one disposal facility for each 25 vehicles.

4.1.2.5. The mass gathering grounds shall be cleared of refuse within 24 hours after the conclusion of the mass gathering.

4.1.3. Grounds

4.1.3.1. The assembly area shall be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.

4.1.3.2. Light level intensities shall be at least five-foot candles.

4.1.3.3. There shall be at least 20 square feet per person at the site for daytime assemblage and at least 40 square feet per person for overnight assemblage.

4.1.3.4. Vermin, insects and other animals shall be controlled at all times.

4.1.3.5. Each mass gathering area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles sanitary facilities, and appurtenant equipment.

4.1.3.6. Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

4.1.4. Roads, Traffic and Parking Space

4.1.4.1. Width of service roads shall be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 8 feet for parallel parking lane. Roads, public and on-site, shall be in good condition and able to support the weight of fire apparatus weighing 10 tons. Openings through wooded areas shall be 12 feet high and 12 feet wide and provide access to the main area of function, parking lots and any trailer camping lots.

4.1.4.2. Traffic on public and private property associated with the mass gathering shall be regulated as required by the Cumberland County Sheriff and as required by state law.

4.1.4.3. There shall be at least one parking space for every three persons and the density shall not exceed 100 passenger cars or 30 buses per usable acre. One 50-gallon refuse container shall be provided for every 200 parking spaces.

4.1.4.4. Off-street parking facilities shall be situated on the site of the mass gathering or on an adjacent site not more than 750 feet from the entrance to the mass gathering.

4.1.4.5. The applicant shall tow at his or her expense any vehicle parked illegally.

4.1.5. Sanitary Facilities

4.1.5.1. Toilets shall be provided at a rate of one (1) for each 75 persons.

4.1.5.2. Urinals and sanistands may substitute 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 urinal or toilet.

4.1.5.3. Sanitary facilities shall be conveniently accessible and well identified.

4.1.5.4. Each toilet shall have a continuous supply of toilet paper.

4.1.5.5. Service buildings or rooms housing necessary plumbing fixtures shall be constructed of easily cleanable, non-absorbent materials. The buildings, service rooms and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition and built to comply with the Pownal plumbing code.

4.1.5.6. Separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex and each toilet room shall be provided with a self-closing door to insure privacy or the entrance should be screened so that the interior is not visible from the outside.

4.1.5.7. Water points or drinking fountains shall be conveniently accessible and well identified.

4.1.5.8. Wastewater shall be discharged only as required by the State and local codes. Excrement or liquid waste shall be treated or disposed of as required by law.

4.1.5.9. Common drinking cups shall not be used.

4.1.6. Medical Facilities

4.1.6.1. Emergency medical services shall be provided under the supervision of a licensed physician. All personnel must be licensed by the state of Maine as a physician, P.A., or R.N., or EMT. The applicant must provide proof of such current licenses with his application.

4.1.6.2. One such licensed medical person shall be provided per 250 persons attending, at the applicant's expense. One person licensed at the paramedic level, or higher, with proper regional credentials, must be provided for each 500 persons in attendance. The applicant must provide 24-hour on site medical coverage for the mass gathering.

4.1.6.3. A first aid building or tent, with adequate medical supplies, shall be available.

4.1.6.4. Emergency first aid vehicles shall be available on site during the complete time of mass gathering.

4.1.6.5. A telephone or other two way electronic communication facilities shall be available to emergency personnel. Emergency personnel must be able to communicate with the communications center of Pownal Fire and Rescue.

4.1.6.6. Operator of mass gathering shall contact area hospitals and advise them that a mass gathering will be held and approximate number of people attending.

4.1.7. Safety

4.1.7.1. The mass gathering electrical system or electrical equipment shall comply with applicable state standards and regulations.

4.1.7.2. Fire prevention equipment shall be present at site of mass gathering.

4.1.8. Noise Control

4.1.8.1. The sound of the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area.

4.1.8.2. Between the hours of 9 a.m. to 10 p.m., the noise level at the perimeters of the area shall not exceed 70 decibels on the A scale of a sound level meter meeting specifications on the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

4.1.8.3. Between the hours of 10 p.m. to 9 a.m. the noise level at the perimeters of the area shall not exceed 45 decibels on the A scale of a sound level meter meeting specifications on the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

4.1.9. Camping

4.1.9.1. All tents and RV's shall be removed from the site with 24 hours after a mass gathering.

4.1.9.2. Camping trailers shall have at least 20 feet separation from the next camping trailer.

4.1.9.3. Any cooking fire pit must be clear of all debris down to dirt to six feet from the center of the pit. The fire pit must be at least 6 feet in diameter. It must be completely enclosed with rocks or other fireproof material 2 feet beyond the pit's perimeter. There must be no overhanging combustible materials.

4.1.9.4. Any gas or charcoal grill must be 10 feet away from any camping trailer, tent or vehicle.

Sanctions

5.1. Anyone violating any provision of this ordinance shall be fined as a civil penalty \$1000 for each violation. Each day of any one violation constitutes a separate violation. By way of example only, should someone hold a mass gathering for three days without a permit, the fine is \$3000. Should that same person hold a mass gathering for three days without providing the correct number of toilets during those three days, the total fine is \$6000. Permits issued under this ordinance are not transferable or assignable. As an additional sanction, the town shall be awarded its attorney's fees incurred in enforcing any provision of this ordinance.

Miscellaneous Provisions

6.1. Interplay with other town ordinances and state laws. This ordinance supersedes no state law or other town ordinance. Any mass gathering within Pownal must comply with every such law or ordinance fully. It is the applicant's burden to show compliance to the hearing tribunal under this ordinance.

6.2. Savings clause. Should any provision of this ordinance be found unlawful or otherwise legally unenforceable, every other provision of this ordinance remains in full force and effect.

6.3 Selectpersons' authority. The selectpersons shall have the authority to change the application as they in their discretion require.

Name of promoter (if different from applicant): _____

Telephone Number: _____

Date of Event: _____ Times (start & finish): _____

Number of tickets available: _____ Expected Attendance: _____

Description of event: _____

Will any food vendors be serving at the event? _____yes _____no

If yes, how many? _____ and what types? _____

Will any alcohol vendors be serving or selling at the event? _____yes _____no

If yes, list name and attach a copy of the vendor's license to sell alcohol. Please describe alcohol to be served. _____

Describe the three (3) most recent outdoor performances of the group, performer, or event being proposed: include location, date(s), number in attendance, promoter or sponsoring person or organization:

DESCRIPTION OF FACILITY

The applicant shall provide a drawing, to scale, showing all required facilities.

Seating capacity: _____ permanent: _____ temporary: _____

Other seating: _____ festival: _____ standing room only (sq. ft.): _____

Number of toilets available: _____ permanent: _____ portable: _____

Number of parking spaces available: _____ on-site: _____ off-site: _____

Are all parking lots lighted? (*applicable only if event runs into evening hours*): _____ yes _____ no

If no, which lots are not lighted? _____

Source of potable water: _____

Refuse containers available, number and size: _____

Name of refuse disposal company (*attach a copy of the agreement to pick up refuse*): _____

When will refuse be picked up? _____

PUBLIC SAFETY

Describe first aid facilities: _____

Describe emergency facilities: _____

Describe communication facilities: _____

Number of sheriff's deputies (*licensed by the State of Maine*): _____

Other security personnel (include company name and qualifications): _____

Describe fire personnel: _____

INSURANCE

Name of liability insurance carrier: _____

Amount of coverage: _____

Amount of property insurance: _____

Type of Bond issued/described in 2.6 under “Application of the Pownal Mass Gathering Ordinance”: _____

⇒ IF APPLYING FOR A SMALL MASS GATHERING, PLEASE STOP HERE AND SIGN THE RECEIPT OF ACKNOWLEDGEMENT ON THE FOLLOWING PAGE.

⇒ IF APPLYING FOR A LARGE MASS GATHERING, PLEASE FILL OUT THE TRAFFIC PLAN AND CROWD MANAGEMENT SECTIONS OF THIS APPLICATION AND THEN SIGN THE RECEIPT OF ACKNOWLEDGEMENT ON THE FOLLOWING PAGE.

TRAFFIC PLAN

Describe the routes persons attending the event are likely to take; include number of traffic controllers and deployment descriptions: _____

Describe methods used to publicize alternate routes of reaching the scene of the event: _____

Attach statement of availability of private towing firms to remove disabled vehicles.

CROWD MANAGEMENT

Describe plan for discouraging those not holding tickets for the event from coming in to the event site:

Describe plan for preventing trespassing on private property in the area: _____

Will all publicity stop as soon as it is apparent that the event is sold out? _____ yes _____ no

Describe how the event will be publicized; please include how a sell-out will be publicized: _____

A TENTATIVE SCHEDULE OF EVENTS WILL BE PROVIDED TO THE HEARING TRIBUNAL, THE POWNAL FIRE CHIEF, THE CUMBERLAND COUNTY SHERIFF, THE POWNAL CODES ENFORCEMENT OFFICER AND THE POWNAL ROAD COMMISSIONER FOR USE AT THE HEARING ON THE APPLICATION. THE FINAL SCHEDULE OF EVENTS SHALL BE PROVIDED TO THE POWNAL TOWN CLERK **AT LEAST 5 DAYS BEFORE THE EVENT.**

I have received a copy of the Mass Gathering Ordinance of the Town of Pownal; and hereby submit this application which is true and complete to the best of my knowledge and ability.

Signature of Applicant

Reviewed by: (name & date)

_____ Town Clerk on _____
_____ Codes Enforcement Officer on _____
_____ Fire Chief on _____
_____ Cumberland County Sheriff on _____
_____ Road Commissioner on _____

Approved by the Board of Selectmen: (name & date)

_____ First Selectman on _____
_____ Selectman on _____
_____ Selectman on _____