

## Town of Casco

### An Ordinance to Regulate Mass Gatherings

Adopted: January 13, 2007

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#### **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 Casco recognizes the desirability of certain events, including exhibitions, festivals, music concerts, and fairs, and hereby ordains the following to protect the general welfare and promote public health and safety by addressing issues arising from, 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 sponsored or sanctioned by the Town of Casco or approved by the Board of Selectmen.
- B. Public school functions involving student population and staff and held on school property and approved by the School Board.
- C. Private school functions involving student population and staff and held on school property.
- D. Funerals and memorial services.

#### **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 or stand.
- B. Mass Gathering, Minor -- any gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held with the intent to attract at Two hundred and fifty (250) persons but fewer than five hundred (500) persons at any time in a single assembly area not otherwise operating under the approval of the Town of Casco.
- C. Mass Gathering, Major -- any gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other special event held with the intent to attract more than five hundred (500) or more persons at any time in a

single assembly area not otherwise operating under the approval of the Town of Casco.

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. The final determination of what organization qualifies as a not for profit organization will rest with the Casco Board of Selectmen

E. Operator – the person responsible for the mass gathering.

F. Performance Guaranty – 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 a 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 person, sole proprietor, partnership, corporation or other entity.

H. Private School – schools 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 State or a local government.

K. Town – the Town of Casco.

L. Board of Selectmen – the Board of Selectmen of the Town of Casco.

**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 relating to the requirement for public hearing and approval by the Board of Selectmen. Appeals from a denial of a minor mass gathering application may be made in writing to the Board of Selectmen, 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 Board of Selectmen 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 sixty (60) days before the proposed event.
  3. Applications for mass gathering licenses shall be acted upon by the Town Manager or Board of Selectmen, as appropriate, not less than thirty (30) days before the proposed event.
  4. Licenses will be issued for events to be held on property meeting the requirements of the land use ordinance, if any.
  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.
  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, Fire Chief, Rescue Chief, Public Works Director, and Code Enforcement Officer. For a major mass gathering application, the Town Clerk shall schedule a public hearing before the Board of Selectmen.
  8. Before a license can be issued for a major mass gathering, the Board of Selectmen shall hold a public hearing to review the application and determine the conditions required to safeguard the public health, safety and welfare. The Board of Selectmen may deny or grant the license, or grant the license and impose conditions to safeguard the public interest. Such conditions may include, but are not limited to, requiring the applicant to:
    - a. Post a performance guaranty/bond in a form acceptable to the Town Manager and 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. Promptly following the mass gathering, the Town shall release the performance guaranty if the operator pays all clean-up and public costs within ten (10) working days after the mass gathering.

b. Agree to hire certified police officers (one sworn officer for each 500 people in attendance), other security, and fire/rescue personnel as necessary, at the expense of the licensee. The appropriate law enforcement agency and Fire Chief will be notified before the proposed event whether personnel will be needed.

c. Demonstrate, 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. Fire fighting, rescue and police personnel equipment

iii. Water supplies; and

iv. Communication system.

d. Demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available.

e. Provide a plan showing how crowd security and police protection of private property will be accomplished.

f. Provide a plan 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 for evacuating the site in the event of a natural disaster or other civil emergency.

**VI Enforcement, Penalty, Assignability.**

The Code Enforcement Officer will enforce this Ordinance. Violation of this 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 Board of Selectmen.

**VII Severability.**

In the event that any section or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid for any reason, such decision shall not invalidate any other section or provision of this ordinance.

Date Adopted: \_\_\_\_\_ 2007

Attest: \_\_\_\_\_

Town Clerk

SEAL