

The following Ordinance for the Town of Eliot, Maine was accepted at a Special Town Meeting Held in Eliot, June 8, 1977 under Article Two.

Harold J. Wood
Town Clerk

1.0 ORDINANCE AND REGULATIONS, MASS OUTDOOR GATHERINGS, as amended

1.2 ADOPTED

1.3 PURPOSE:

It is recognized that a mass outdoor gathering attended by 1,000 or more persons, which is to be continued with such attendance for two or more hours creates a hazard to public health and safety. Accordingly, it is deemed necessary in the interest of public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

1.4 PERMIT REQUIRED

1.4.1 Sponsoring, Promoting: No person shall sponsor or promote a mass outdoor gathering of 1,000 or more persons for two or more hours until he has obtained a permit therefor from the Eliot Board of Selectmen, with the approval of the Code Enforcement Officer, and the Chief of the Eliot Police Department.

1.4.2

Conducting: No person shall conduct, or allow to be conducted on his or her property, a mass outdoor gathering for two (2) or more hours when he is aware that the gathering may be attended by 1,000 or more persons, unless he has obtained a permit therefor from the Eliot Board of Selectmen, with the approval of the Code Enforcement Officer and the Chief of the Eliot Police Department, and the Eliot Health Officer.

1.5

Permit Issuance: The Eliot Board of Selectmen, with the approval of the Eliot Code Enforcement Officer and the Eliot Chief of Police and Eliot Health Officer, shall grant a permit to sponsor, promote, or conduct a mass outdoor gathering to be attended by 1,000 or more persons for two (2) or more hours on written application therefor unless it appears to the Board that such a gathering may present a danger to the public health or to the public safety.

1.5.1. CONSIDERATIONS:

In considering any applications made pursuant to this ordinance the Board shall consider the following factors in regard to the said gatherings impact upon the Town of Eliot and to the health and safety of the citizens and property therein: (a) whether the proposed site is adequate in size to safely accommodate the proposed gathering; (b) whether adequate parking facilities exist at the site to hold the expected turn out while still allowing ready access to emergency vehicles; (c) whether adequate sanitation facilities will be available to avoid risk to the health of those attending and to the citizens of Eliot; (d) whether adequate medical facilities will be available; (e) whether adequate vehicle movement facilities into and away from the site exist, this shall cover the adequacy of existing roadways and traffic control manpower; (f) the availability of adequate water supplies; (g) the possibility of illegal trafficking in controlled drug substances and weaponry and the control thereof; (h) the impact upon the natural environment of the Town regarding air and water quality, natural or artificially planted vegetation or wild life and man made structure, facilities, places of residence and business; (i) the safety of the citizenry attending the gathering and of the Town of Eliot; (j) the possibility of harm by and the control of fire.

This subsection is not meant to limit the factor to be considered but to serve as a guide in consideration.

5.2. It will be deemed prima facie evidence that any gathering will be harmful to the health and safety of the citizens of Eliot if said gathering may attract (one and one-half (1½) the population of the Town of Eliot at the time of application, due to the police, fire, sanitation, water and medical facilities available to the Town.

1.6

APPEAL: An applicant who has been denied a permit shall be granted a prompt hearing for reconsideration of such denial if the applicant so requests, in writing, submitted to the Eliot Board of Selectmen, within five (5) days after notice of such denial. These regulations supercede any inconsistent municipal ordinances and regulations pertaining to mass gatherings.

1.7

PERMIT APPLICATION: The applicant shall furnish to the Board a written application describing how he proposes to meet the provisions of these regulations. The application shall include the sources of guarantee for meeting said proposals. This application shall be filed at least sixty (60) days prior to the date of said mass gathering.

1.8

Permit Bond. The Eliot Board of Selectmen requires, prior to the issuance of a permit, that the applicant furnish to the Board a bond of a surety company qualified to do business in this state in such an amount as the Board shall determine, but in no event less than twenty-five thousand dollars (\$25,000.). Cash or negotiable securities of equivalent value may be required in lieu of the bond. The bond shall guarantee clean-up by the applicant of the area used for the mass gathering, compliance by the applicant to 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 the municipality for which the permit is issued and arising out of said gathering. This bond shall guarantee personal and property damage incurred to all citizens of the Town as a direct or indirect result of said gathering. Any person having such a claim may bring an action upon the applicant in the Superior Court of the County in which the municipality is located within one year of the occurrences of the act complained of. In furnishing such a bond, the applicant shall be deemed to have appointed this surety company as agent for the service of process upon him as if cash or sureties are supplied in lieu of bond the applicant shall in writing appoint an agent for the service of process irrevocably for the term in which action may be brought before any permit is issued.

1.9

Permit Fee: The permit fee shall be Five Hundred Dollars (\$500.) and must accompany the application therefor. Permit fees are refundable only in the event the Board does not issue the permit.

1.10 PENALTIES

1.10.1. The promoter, conductor, operator, landowner, any performing group or any person violating any rule and regulation as set forth in this Ordinance shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) or by imprisonment of not more than eleven months or by both.

1.10.2 Any operator who conducts or attempts to conduct any gathering without duly issued permits; and any property owner who allows his or her property to be used for any gathering without duly issued permits therefore will be responsible to the Town of Eliot for all expenses incurred by it in stopping, controlling, dispersing, maintaining, caring for, cleaning up after and repairing all damage incurred by said gathering; and if said property owner, within 30 days after written notice of the amount of said charges, fails, neglects or refuses to pay said charges, a special tax in the amount of such charges may be assessed by the municipal assessors upon each and every lot or parcel of land of the property owner with buildings thereon, and such assessment shall be included in the next annual warrant to the tax collector for collection, and shall be collected in the same manner as state, county and municipal taxes are collected.

1.11 Exceptions: The fees specified in this ordinance shall be waived in regard to fairs, exhibitions, and similar events held by agricultural societies and associations, Boy Scouts or Girl Scouts of America activities, military activities, or to Public School organizations. They shall not apply to persons, associations, corporations, trusts, or partnerships licensed under Title 8, Chapter 11, Chapter 13, and Chapter 19 of the Maine State Revised Statutes Annotated or who qualify as charitable organizations.

2.0 DEFINITIONS. For the purpose of these ordinances, 2.1 Board means the Eliot Board of Selectmen and its authorized representatives. 2.2 Mass gathering area means any place maintained, operated, or used for a group gathering or assemblage, except an established permanent stadium, athletic field, arena, auditorium, coliseum, fair ground, or other similar permanent place of assembly that have sufficiently existing sanitary facilities to handle the expected gathering. 2.3 Mass gathering means a group of 1,000 or more persons assembled together for a meeting, festival, social gathering or other similar purpose that can be anticipated to exceed 2 hours duration. 2.4 Operator means the person responsible for the managing of the mass gathering area. In the event that no operator exists, the owner or, in the event of his non-availability, the lessee of the ground encompassing the group gathering area, shall be deemed to be the operator under these regulations. 2.5 Person means an individual, group of individuals, association, partnership or corporation, firm or company. 2.6 Refuse means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes. 2.7 Sanitary facilities means toilet, privies, lavatories, urinals, drinking fountains, and service building or room provided for installation and use of these units. 2.8 Nuisance. Following shall be defined as nuisances: (a) Any Public nuisance known at common law or in equity jurisprudence; (b) any attractive nuisance known at common law or in equity jurisprudence; (c) whatever is dangerous to human life or detrimental to health; (d) overcrowding an area or a room with occupants; (e) insufficient ventilation, illumination or heating; (f) inadequate or unsanitary sewerage or plumbing facilities; (g) unsanitary conditions; (h) whatever renders air, food or drink unwholesome or detrimental to the health of human beings; (i) lack of adequate medical facilities.

3.0 ACCESS

3.1 Each mass gathering area shall be provided with convenient and safe access

for the ingress and egress of pedestrians and vehicular traffic.

3.2 Access over public roadways: All public roadways shall be adequately staffed with traffic control personnel to insure safety to all the public.

4.0 GROUNDS

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

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

4.3 Grounds should be maintained free of dust wherever possible, accumulations of refuse and any health and safety hazards constituting a nuisance as defined.

4.4 Illumination shall be provided at night to protect the safety of the persons at the assembly. The assembly area shall be adequately lighted, but shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabitated.

4.5 (a) On site parking space shall be provided for persons arriving at group gathering areas by vehicular means; (b) service road and parking spaces shall be located as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; (c) width of the service road should not be less than the following: 1 traffic lane - 11 feet; 2 traffic lanes - 22 feet; parallel parking lanes - 7 feet; (d) adequate parking space shall be provided; adequate parking is construed to mean at the rate of at least one parking space to every four persons and the density shall not exceed one hundred (100) passenger cars or thirty (30) buses per usable acre.

4.6 At least 20 sq. feet per person shall be provided on the site for daytime assembly and at least 40 sq. ft. per person shall be provided for overnight assembly.

5.0 WATER SUPPLY

5.1 An adequate, safe supply of potable water, meeting requirements of the State Department of Human Services shall be provided.

5.2 Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at normal operating pressure (20 lbs. per sq. in. minimum to all fixtures at the rate of at least 30 gal. per person per day).

5.3 When water is not available under pressure, & nonwater carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

5.4 Transported water shall be obtained from an approved source, stored and dispensed in an approved manner. Such stored water shall meet the State standards for drinking water supplies to the public.

6.0 SANITARY FACILITIES

6.1 Where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services.

6.2 Required sanitary facilities shall be provided in the following numbers:

6.2.1. Separate for males and females, set at the rate of two for the first 100 persons, and one for each additional 100 persons or fractional part thereof.

6.2.2. Urinals - Urinals (Men's) and Sanistands (Women's) may be substituted for up to one-third of the required number of toilets, 24 in. of trough urinals in a men's room shall be considered the equivalent of one urinal or toilet.

6.2.3. Required sanitary facilities shall be conveniently accessible and well identified.

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

6.2.5. Service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials. The buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.

6.2.6. 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 door to insure privacy or the entrance shall be screened so that the interior is not visible from the outside.

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

6.2.8. Wastewater shall be discharged through approved drains to prevent contamination and a nuisance condition. Drinking fountains shall be of approved types and common drinking cups shall be prohibited.

7.0 EXCRETIA AND LIQUID WASTE DISPOSAL

7.1 Facilities shall be provided and properly maintained for the disposal or treatment and disposal of excretia and liquid waste.

7.2 Where a public sewer system is available, all plumbing systems and all building sewers shall be connected thereto. If a public sewer system is not available, a private sewerage disposal facility, approved by the Code Enforcement Officer shall be installed meeting the criteria of Article 6 above.

8.0 REFUSE DISPOSAL

8.1 Storage, collection and transportation and disposal of refuse shall be so constructed as to prevent odor, insect, rodent and other nuisance conditions.

8.2 Refuse containers shall be readily accessible.

8.3 All refuse shall be collected from the assembly area at least twice each twelve (12) hour period of the assembly, with a minimum of two (2) such collections per gatherings exceeding six (6) hours, and disposed of at a lawful

8.4 Grounds and immediate surrounding property shall be cleaned of refuse within 24 hours following the assembly.

9.0 Vector Control

9.1 (a) Insect, rodents, and other vermin shall be controlled by proper sanitary practices, examination, or other safe and effective control methods; (b) where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.

10.0 SAFETY

10.1 Where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the National Electrical Code.

10.2 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.

10.3 Internal and external traffic and security control shall meet requirements of the applicable local law enforcement agencies.

11.0 MEDICAL

11.1 Emergency medical services shall be provided under the supervision of a licensed physician.

11.2 A first aid building or tent with adequate medical supplies for the expected gathering shall be available.

11.3 Adequate vehicles suitable for emergency use shall be available.

11.4 Telephone or radio communications shall be provided and kept available for emergency purposes.

12.0 FOOD SERVICE

12.1 Food service activities not required to have a restaurant license under Chapt. 561, Title 22, MRS 1964, as amended by Chapt. 221, Public Law 1965, shall conduct food service operations in conformance to the physical and operational requirements of the Eliot code and regulations relating to eating places.

13.) MISCELLANEOUS OPERATIONAL

13.1 (a) Reasonable precautions shall be taken to insure that the sound of the assembly will not carry unreasonably beyond the boundaries of the area; (b) the noise level at the perimeter of the site shall not exceed 70 decibels on the A scale of a sound level meter, being specifications on the American National Standards Institute.

13.2 The owner of the property and the operator of the gathering shall be responsible for meeting the provisions of these standards and regulations to serve the maximum number of people to be assembled, for operational maintenance, and for the safe, clean and sanitary conditions of the grounds, sanitary facilities, and other service equipment.

14.0 SEVERABILITY AND EFFECTIVE DATE:

14.1 The invalidity of any provision of this ordinance shall not invalidate any other part thereof.

14.2 This ordinance shall take effect immediately upon adoption of the same by the Town of Eliot.