

MASS GATHERING ORDINANCE
FOR THE
TOWN OF BALDWIN, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

MASS GATHERING ORDINANCE

CONTENTS

ARTICLE		PAGE
I.	PREAMBLE.....	2
II.	DEFINITIONS	2
III.	PERMIT REQUIRED	3
IV.	APPLICATION PERMIT, FEE, REVIEW STANDARDS.....	4
V.	POST-APPROVAL REQUIREMENTS, PENALTY, SEVERABILITY	8

Prepared on 09/19/2024 by SMPDC

ARTICLE I - PREAMBLE

1.1 Short Title

This Ordinance shall be known and may be cited as the “Mass Gathering Ordinance of the Town of Baldwin, Maine,” and will be referred to herein as the Ordinance.

1.2 Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of 30-A M.R.S.A. §1601-1607 and §3001, all as amended.

1.3 Purposes

This Ordinance is designed to prevent tumultuous conduct, riots, unnecessary noise, nuisances, unsanitary conditions, or uncontrolled gatherings which may constitute a threat to public health, safety, or welfare within Town of Baldwin. This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another and it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.4 Jurisdiction

The Town of Baldwin has the legal authority to adopt land use and control measures to promote public health, safety, and general welfare. The provisions of this Ordinance shall govern all mass gatherings held within the boundaries of the Town of Baldwin.

ARTICLE II - DEFINITIONS

2.1 Meaning of Words

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

2.2 Definitions

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.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer (CEO): A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Minor Mass Gathering: any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other event held outdoors a) with the intent to attract at least one hundred (100) persons during the course of the event, in a single assembly area, for any amount of time, or b) that results in at

least one hundred (100) persons in attendance, and not otherwise operating under the approval of the Town of Baldwin.

Major Mass Gathering: any outdoor gathering, pageant, amusement show, exhibition, festival, theatrical performance, or other event held outdoors a) with the intent to attract at least two hundred (200) persons during the course of the event, in a single assembly area, for any amount of time, or b) that results in at least two hundred (200) persons in attendance, and not otherwise operating under the approval of the Town of Baldwin.

Operator(s): the licensee, the person or persons, or entity responsible for the mass gathering.

Performance Guaranty: an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash, an escrow, or other financial guarantee at a monetary level acceptable to the Town and in a form approved by the Town Attorney or as to form, sufficiency, manner or execution.

Person(s): Any individual, corporation, association, club, firm, or partnership.

Planning Board: The Planning Board for the Town.

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.

Select Board: The executive arm of the government of the Town of Baldwin.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground excluding driveways, walkways, patios, and other paved surfaces, and fences.

ARTICLE III – PERMIT REQUIRED

3.1 Permit Requirements

Except as provided in Section 3.2, no Operator shall hold, conduct, advertise or otherwise promote a mass gathering or allow a mass gathering to be held on real property the Operator owns, leases or possesses unless a permit to hold such mass gathering has been issued by the Select Board. Each mass gathering requires a separate permit. If an applicant seeks a permit for a gathering more than once every three (3) months, then the applicant must obtain a conditional use permit for the use through the standard Land Use Ordinance process. The Planning Board shall apply the same procedures in assessing the application as the Selectmen, which are set forth below.

A permit issued under this ordinance does not entitle the Operator to make any permanent physical alterations to or on the real property which is the site of the outdoor mass gathering.

Minor Mass Gathering Permit: The Select Board shall grant a permit for a Minor Mass Gathering following a complete and satisfactory permit application unless it is found that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws. The Select Board may condition a permit on the review and a positive recommendation from the Cumberland County Police Department.

Major Mass Gathering Permit: The Select Board shall grant a permit for a Major Mass Gathering following a complete and satisfactory permit application unless it is found that issuance of the permit will

be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws. The Select Board may condition a permit on the review and a positive recommendation from the Cumberland County Police Department.

3.2 Exceptions

- 1) Mass gatherings that are sponsored or operated by the Town and authorized by the Select Board are exempt from the licensing requirements of this Ordinance.
- 2) Private weddings and funerals of less than 200 people are exempt from the licensing requirements of this Ordinance.
- 3) Mass gatherings that occur as part of business or commercial activity allowed in a Conditional Use Permit approved prior to the enactment of this ordinance are exempt from the licensing requirements of this Ordinance.

ARTICLE IV – APPLICATION PERMIT, FEE, REVIEW STANDARDS

4.1 Application Form

The Select Board may adopt, by order or resolution, an application form which must be used by Operators. The form shall require Operators to sign and certify the accuracy and truthfulness of the statements made in the application. Until an application form is adopted, Operators may prepare their own application forms, but the forms shall include a signed certification of the accuracy and truthfulness of the statements made in the application. Application forms shall address the Review Standards in Section 4.4 of this ordinance.

4.2 Fee

A nonrefundable application fee, as established annually by the Selectboard shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application. If they fail to set the fees, those established for the prior year continue in effect. The Selectboard may consider waiving the application fee for non-profit organizations.

4.3 Permit Application and Procedure

Section 1. Permit Application

Applications for all mass gathering permits shall be made in writing to the Selectboard on the application obtained from the Town and shall include the following information:

- The name of the applicant
- The name and address where the mass gathering will occur
- The name, address, and phone number of the property owner
- The name, address, and phone number of the mass gathering operator
- A detailed description of the nature of the mass gathering. The description must include specific information about all aspects of the event including but not limited to: expected attendance, entertainment offered, the location of the mass gathering, the times and dates of the mass gathering, vendors/concession stands to be present, whether camping is part of the event and if so, where the camping will be located, parking areas, and plans for security.
- A descriptive statement about how each of the Review Standards in Section 4.4, below, will be met

- A plan showing the mass gathering area, including parking areas, internal vehicular circulation, EMS/Police/first responder staging areas, camping areas, concession/vendors locations, location of sanitary facilities, and any other pertinent features of the mass gathering.
- Proof of the applicant's liability insurance
- Any additional information to support the request for the permit or that may be needed by the Selectboard in the issuing of the permit.

The applicant shall submit seven (7) copies of the application and all other related and required information to the Town Clerk not less than sixty (60) days before the proposed event.

Section 2. Application Review

Upon receipt of the application, the Town Clerk will forward copies of the application to the Selectboard, as well as the Fire Chief, Sheriff, and Code Enforcement Officer for review and comment. Comments from those people should be given to the Town Clerk within ten (10) days of receipt.

The Selectboard will consider and use the review standards listed in **Section 4.4** below as guidance when reviewing an application for a mass gathering and may waive any specific standards. The Selectboard may impose conditions to approval to safe guard the public interest.

The Selectboard may also require the applicant to post a performance guarantee or bond in an amount reasonably necessary to ensure prompt payment for all damages caused by any attendee or employee 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 ten (10) working days after the mass gathering.

The Selectboard shall notify the applicant of the decision in writing within 30 (thirty) days of receipt of the application.

Section 3. Public Hearing Required for Major Mass Gatherings

Applications for all major mass gathering permits shall comply will follow the following process requirements in addition to those in *Section 1. Permit Application* and *Section 2. Application Review*, above:

- The Board of Selectmen shall hold a Public Hearing a minimum of two weeks (14 days) prior to the date of the mass gathering/special event to solicit comments from the general public and shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area. Cost of the published notice shall be borne by the applicant.

4.4 Review Standards

- A. The applicant shall meet the following performance standards as described in the Town of Baldwin Land Use Ordinance:
 - a. Article 9.2 Access to Property
 - b. Article 9.4 Dust, Fumes, Vapors and Gases

- c. Article 9.5 Glare
- d. Article 9.6 Industrial Odors
- e. Article 9.7 Off-Street Parking Standards
- f. Article 9.8 Sewage Disposal
- g. Article 9.9 Soils and Earth-moving
- h. Article 9.10 Stormwater Drainage

B. The applicant shall meet the following additional performance standards:

a. Premises and Facility Safety:

The premises and facility at which the mass gathering will occur shall be of sufficient size and appropriate layout so as to minimize risk or danger to employees, performers, customers, or the public. The Select Board may require inspections and/or certification as to the safety by the Code Enforcement Officer, Fire Department, Police Department, and other public safety departments as appropriate.

The Select Board should consider requiring at least 20 square feet of useable area per person at the site for daytime gatherings and at least 40 square feet per person for overnight gatherings.

Trees, underbrush, large rocks, and other natural features shall be left intact and undisturbed whenever possible and natural vegetative cover will be retained, protected and maintained so far as possible to maintain the scenic attributes of the property.

Adequate lighting shall be provided to protect the safety of the persons at the gathering. The lighting shall not unreasonably reflect beyond the property boundaries unless the adjacent properties are uninhabited.

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

If special displays using pyrotechnics, fireworks, open flames, or similar are planned this shall be clearly stated in the application and shall comply with all applicable Federal, State, and local standards and regulations.

b. Security:

The operator shall make satisfactory provisions to assure the avoidance of any breach of the peace or disorderly conduct. The applicant shall provide a plan for addressing crowd control, particularly at a general admission event, and an evacuation plan of the mass gathering area in the event of a natural disaster or other civil emergency.

The Select Board may require, at their discretion, demonstration of advance arrangements for special police duty and/or private security firms, as well as fire and/or rescue personnel. The Select Board should consider requiring 1 certified police officer present for each 500 people and 1 security officer present for each 500 people, at the expense of the applicant.

Measures shall be taken to follow and abide by all local, state and federal statutes and ordinances and to exclude minors from any entertainment activity from which they are barred by statute.

c. Noise and Hours of Operation:

The sound of the mass gathering shall not carry unreasonably beyond the boundaries of the mass gathering area. The noise levels at the property lines or the boundaries of a mass gathering shall not exceed seventy-five (75) decibels between 7:00 am and 9:00 pm and shall not exceed fifty-five (55) decibels between 9:00 pm and 7:00 am, unless the mass gathering is remotely located and the surrounding adjacent properties are uninhabited.

The hours of operation for a mass gathering will be determined at the Select Board's discretion but should be designed so as to not cause unreasonable disruption to the normal pattern of activities in the neighborhood.

d. Water Supply:

There shall be adequate and satisfactory water supply facilities at the mass gathering area.

e. Sanitary Facilities:

There shall be adequate sanitary waste disposal facilities available. The facilities shall be conveniently accessible and well identified. Toilets shall be provided at a rate of one for each 150 persons present at the mass gathering.

f. Medical Facilities:

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. A telephone or other two-way electronic communication device shall be available.

The Select Board may require, at their discretion, demonstration of advance arrangements for rescue personnel and vehicles to be available onsite throughout the mass gathering as deemed necessary, at the expense of the applicant.

g. Alcoholic Beverages:

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

If alcoholic beverages are not sold onsite at a mass gathering, but are allowed to be consumed on a "B.Y.O.B" basis the operator of the mass gathering shall take precautions to not allow consumption of alcoholic beverages by a minor or a visibly intoxicated person.

h. Other Licenses and Permits:

The applicant must be in possession of all other necessary licenses, permits, and similar, as may be required by any other body, agency, or jurisdiction, including permits required under Title 22 MRSA §1601, as applicable. This includes the licenses and permits required by the State of Maine relating to the service of food.

i. Event Operator:

The operator will 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 Officer, Fire Department, Police Department or other public safety department.

The operator may designate other personnel of the mass gathering event to be additional contacts for the Town, provided the Town is furnished with an organizational flow chart stating each person's contact information and scope of responsibilities.

ARTICLE V – POST-APPROVAL REQUIREMENTS, PENALTY, AND SEVERABILITY

6.1 Performance Guarantee

The operator must post a performance guarantee to ensure the prompt cleanup and repair of the assembly area and payment for any damage to public or private property. The Town will release the performance guarantee if the operator pays all cleanup and public costs within ten business days after the mass gathering.

6.2 Insurance

At least seven (7) days before the scheduled date of any permitted mass gathering, the operator must provide to the Select Board a certificate of insurance issued by an insurer licensed to do business in the State of Maine and demonstrating that the operator carries special event or general liability insurance covering death, bodily injury, and property damage written on an occurrence form and in a sum no less than \$1,000,000 general aggregate and \$1,000,000 each occurrence.

6.3 Inspections

The operator must admit any Town officer, official, employee, or agent to make inspections of the mass gathering site for compliance with this Ordinance and any license conditions.

6.4 Assignment or Transfer

No permit issued pursuant to this Ordinance may be assigned or transferred to another person. Permits are limited to the assembly area for which they are issued and are not transferrable to another location. Permits are limited to the date for which they are issued and are not transferrable to another date.

6.5 Appeals

An appeal from any final decision of the Select Board made pursuant to this Ordinance shall be taken by an aggrieved party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

6.6 Penalty

Any act made unlawful by this Ordinance and any violation of this Ordinance shall be a civil violation subject to a penalty in accordance with 30-A M.R.S. § 4452. Each day that such unlawful act or violation continues shall constitute a separate offense. The Select Board or its designee shall enforce the provisions of this Ordinance.

6.7 Severability

If any provision of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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