



**MASS OUTDOOR GATHERINGS/SPECIAL EVENT
ORDINANCE AND REGULATIONS UPDATED 2010
NORTH BERWICK, MAINE**

1. PURPOSE:

It is recognized that a mass outdoor gathering/special event attended by 75 or more persons , which is to 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. It is further recognized that a mass outdoor gathering attended by 200 or more persons can create additional hazards to public health and safety which requires a more detailed review prior to approval.

2. PERMIT REQUIRED:

Tier 1 Review:

- A. Sponsoring, Promoting: No person or organization shall sponsor or promote a mass outdoor gathering/special event of 75 or more persons for two or more hours until he has obtained a permit from the Chief of the North Berwick Police Department.
- B. Conducting: No person or organization shall conduct, or allow to be conducted on his or her property, a mass outdoor gathering/special event for two or more hours when he is aware that the gathering may be attended by 75 or more persons , unless he has obtained a permit from the Chief of the North Berwick Police Department.

Tier 2 Review:

- A. Sponsoring, Promoting: No person or organization shall sponsor or promote a mass outdoor gathering of 200 or more persons for two or more hours until he has obtained a permit from the Chief of the North Berwick Police Department, with the approval of the North Berwick Board of Selectmen.
- B. Conducting: No person or organization shall conduct, or allow to be conducted on his or her property, a mass outdoor gathering for two or more hours when he is aware that the gathering may be attended by 200 or more persons , unless he has obtained a permit from the Chief of the North Berwick Police Department, with the approval of the North Berwick Board of Selectmen.

3. PERMIT ISSUANCE :

Tier 1 Permit: The Chief of the North Berwick Police Department, shall grant a permit to sponsor, promote or conduct a mass outdoor gathering/special event to be attended by 75 or more persons for two or more hours on written application unless it appears to the Chief ~~Board~~ that such a gathering may present a danger to the public health or to the public safety. The Chief may condition the event to include the use of a Police Officer(s) based on a public safety concerns as determined by the Police Chief.

Tier 2 Permit: The Chief of the North Berwick Police Department, with the approval of the North Berwick Board of Selectmen, shall grant a permit to sponsor, promote or conduct a mass outdoor gathering/special event to be attended by 200 or more persons for two or more hours on written application unless it appears to the Board, after reviewing the impact of the event, that such a gathering may present a danger to the public health or to the public safety. The Board may condition the event to include the use of a Police Officer(s) based on a public safety concerns as determined by the Police Chief.

4. APPEAL :

An applicant who has been denied a permit, either by the Police Chief or the Board of Selectmen, shall be granted a prompt hearing for reconsideration of such denial if the applicant so requests, in writing, submitted to the North Berwick Board of Selectmen, within ~~five~~ fifteen days after notice of such denial. Any reconsideration decision by the Board of Selectmen shall be deemed final without further recourse by the applicant.

5. PERMIT APPLICATION:

The applicant shall furnish to the Chief of Police a written application describing how the applicant ~~he~~ proposes to meet the provisions of these regulations. The application shall include the sources of guarantee for meeting said proposals.

6. PERMIT FEE:

Tier 1: The permit fee shall be \$0.00 plus any Officer costs as conditioned by the Police Chief according to the detail rate established by the Board of Selectmen for that year.

Tier 2: The permit shall be \$75.00 plus any mailing, advertising and Officer costs as conditioned by the Police Chief according to the detail rate established by the Board of Selectmen for that year.

7. PENALTIES :

- A. 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 two hundred dollars nor more than five hundred dollars.
- B. 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 will be responsible to the Town of North Berwick for all expenses incurred by it in stopping, controlling, dispersing, maintaining, caring for, cleaning up after and repairing all damage incurred by said gathering .

8. EXCEPTIONS :

The following organizations and activities shall be exempted from Tier 2 review requirements, regardless of the size of the gathering:

Activities – Private Weddings (where alcohol is not served), Private Graduation gatherings.

Organizations – Town of North Berwick, SAD #60, Boy Scouts, Girl Scouts, D.A. Hurd Library, William Hill Firefighters Association, North Berwick Rescue Inc., North Berwick Police Benevolent Association, North Berwick Athletic Association and North Berwick Historical Society.

All exempted Activities or Organizations in which there will a minimum of 75 person gathered for more than two hours shall at a minimum apply for a Tier 1 permit.

9. PERFORMANCE STANDARDS:

General: Each Mass Gathering/Special Event applied for under this ordinance shall meet the following performance standards to reduce the dangers to the health and safety of the general public. All proposed mass gatherings/special events shall be subject to all other applicable Federal, State and local laws and regulations.

- A. **ACCESS:** The proposed mass gathering/special event shall provide for safe access to and from public and private roads. Safe Access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. The proposed mass gathering/special event shall not have an unreasonable negative impact on the Town road system and shall assure safe interior circulation within its site and provide adequate parking and loading areas. At the Police chief's discretion all public roadways shall be adequately staffed with traffic control personnel to insure safety to all the public. All costs associated with traffic control shall be borne by the applicant.

B. SANITARY FACILITIES :

1. 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 requirements of the State of Maine Wastewater Regulations. Where sufficient facilities are not available pursuant to Article 9.B.2, equivalent facilities (i.e. portable toilets) shall be provided and installed in accordance with the requirements of the State of Maine Wastewater Regulations.
2. Required sanitary facilities shall be provided in the following numbers:

Sanitary facilities set at a rate of two for the first 100 persons (one being handicapped accessible) and one for each additional persons or fractional part thereof shall be provided for the mass gathering/special event for the proper disposal or treatment of excreta and liquid waste. Each facility 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, have a continuous supply of toilet paper and be maintained in a clean and sanitary condition. Disposal of the waste shall conform to the State of Maine Wastewater Regulations in effect. During multi-day events which extend longer than two days, the facilities shall be cleaned and waste disposed daily.

C. REFUSE DISPOSAL:

1. Storage, collection and transportation and disposal of refuse shall be so constructed as to prevent odor, insect, rodent and other nuisance conditions.,
2. Refuse containers shall be readily accessible.
3. All refuse shall be collected from the assembly area at least twice each twelve hour period of the assemble, with a minimum of two such collections per gathering exceeding six hours, and disposed of at a lawful disposal site.
4. Grounds and immediate surrounding property shall be cleaned of refuse within 24 hours following the assembly.

Tier 2 Performance Standards - Each Mass Gathering/Special Event applied for under this ordinance that requires a Tier 2 review shall meet the additional performance standards to reduce the dangers to the health and safety of the general public.

- A. The applicant shall meet the following performance standards as described in the Town of North Berwick Zoning Ordinance:

Article 5.1.2	Noise
Article 5.1.3	Air Emissions
Article 5.1.4	Odor
Article 5.1.5	Glare
Article 5.1.7	Erosion Control
Article 5.5.9	Explosive Materials
Article 5.1.13	Off-Street parking and Loading
Article 5.2.6	Signs and Billboards
Article 5.2.13	Aquifer Protection
Article 5.2.15	Handicapped Accessibility
Article 5.2.18	Adult Businesses

10. PUBLIC NOTIFICATION

- A. Tier 1 Permit – No public notification is necessary.

- B. Tier 2 Permit –

1. Public Hearing – The Board of Selectmen shall hold a Public Hearing a minimum of thirty (30) 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 publish notice shall be borne by the applicant.
2. Notification – the Board of Selectmen as a minimum shall notify, by regular mail, the applicant, abutters and owners of all property within 500 feet of the mass gathering/special event, at least seven(7) days in advance of the hearing, of the nature of the application of the time and place of the public hearing. Cost of the notification mailings shall be borne by the applicant.
3. The owners of the property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of Public Hearing shall not necessitate another hearing or invalidate any action by the Board of Selectmen.
4. At any hearing, a party may be represented by an agent. Hearing shall not be continued to other times except for good cause.
5. The applicant's proposal shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair.

11. SEVERABILITY AND EFFECTIVE DATE:

- A. The invalidity of any provision of this ordinance shall not invalidate any other part thereof.
- B. This ordinance shall take effect immediately upon adoption of the same by the Town of North Berwick.



TOWN OF NORTH BERWICK

MASS GATHERING/SPECIAL EVENT

PERMIT APPLICATION



MASS GATHERING/SPECIAL EVENT	
_____ TIER 1 <200 & Exempt Activity/Org.	_____ TIER 2 >200 attending

<u>NAME OF PERSON/ORGANIZATION</u>	<u>PHONE</u>
<u>CONTACT PERSON</u>	

PROPERTY ADDRESS - LOCATION

<u>TYPE OF GATHERING</u>	<u>EXEMPT</u>
	Activity _____
	Organization _____

<u>NUMBER ATTENDING</u> _____	<u>DATE</u>
<u>ALCOHOL SERVED?</u> _____	<u>TIME</u>
<i>The serving of alcohol may require a Police Officer be present as a condition of the permit.</i>	

<u>GENERAL REQUIREMENTS</u>		
<i>(Applicant must provide proof the following can be met)</i>		
	<u>Provided</u>	<u>Staff Review</u>
Access	_____	_____
Sanitary Facilities	_____	_____
Potable Drinking Water	_____	_____
Fire Suppression	_____	_____
Refuse Disposal	_____	_____
Police Officer Required	_____	_____

<u>TIER 2 REVIEW REQUIREMENTS</u>		
<i>(Applicant must provide proof the following can be met)</i>		
	<u>Provided</u>	<u>Staff Review</u>
Noise	_____	_____
Air Emissions	_____	_____
Odor	_____	_____
Glare	_____	_____
Erosion Control	_____	_____
Explosive Materials	_____	_____
Off-Street Parking	_____	_____
Signs	_____	_____
Aquifer Protection	_____	_____
Handicapped Accessibility	_____	_____
Adult Business	_____	_____
	<u>Public Notification</u>	
List of abutters	_____	_____
Notifications Mailed	_____	_____
Public Hearing Date	_____	_____

<u>FOR OFFICE USE ONLY</u>	
PERMIT NO.	_____
ISSUE DATE	_____
<u>FEE AMOUNT</u>	
Tier 1	\$ _____
Tier 2	\$ _____
Advertising	\$ _____
Mailings	\$ _____
Officer	\$ _____
TOTAL FEE	\$ _____
<u>OTHER REQUIRED PERMITS</u>	
<u>Permit</u>	<u>Granted</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<u>STAFF REVIEW</u>	
<u>Department</u>	<u>Reviewer</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<u>APPROVALS</u>
<u>BOARD OF SELECTMEN</u>

<u>CHIEF OF POLICE</u>
